



CITY COUNCIL AGENDA

APRIL 5, 2016

SYNOPSIS

CHAPPIE JONES
ASH KALRA
RAUL PERALEZ
MANH NGUYEN
MAGDALENA CARRASCO

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

SAM LICCARDO MAYOR

PIERLUIGI OLIVERIO
TAM NGUYEN
ROSE HERRERA VICE MAYOR
DONALD ROCHA
JOHNNY KHAMIS

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Community & Economic Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Neighborhood Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation & Aviation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 7 p.m. as needed, unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.sanjoseca.gov/index.aspx?NID=3549>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for the final document.

- **Call to Order and Roll Call**

1:31 p.m. - Regular Session, Council Chambers, City Hall
Absent Councilmembers: Oliverio.

1:56 p.m. - Closed Session, Call to Order in Council Chambers
Absent Councilmembers: All Present.

2:22 p.m. - Regular Session, Council Chambers, City Hall
Absent Councilmembers: All Present.

- **Invocation (District 4)**

Arlene Biala – Poet Laureate of Santa Clara County recited a poem, “It will be more beautiful than you can ever imagine,” which she dedicated to the late Bay Area artist Susan O’Malley.

- **Pledge of Allegiance**

Mayor Liccardo led the Pledge of Allegiance.

- **Orders of the Day – *Heard after Ceremonial Items***

The Orders of the Day and the Amended Agenda were approved, with notice that Council would briefly adjourn to Closed Session and reconvene immediately thereafter. Item 9.1 was deferred to April 26, 2016.

- **Closed Session Report**

None provided.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation for National Donate Life Month to honor those who have given the extraordinary gift of life through organ, eye, and tissue donations. (Kalra)
Mayor Liccardo and Councilmember Ash Kalra presented a proclamation for National Donate Life Month to honor those who have given the extraordinary gift of life through organ, eye, and tissue donations.
- 1.2 Presentation of a commendation to Stephanie Black and Erin Vokey for their dedication in running the after school program at Starbird Youth Center for at-risk youth. (Jones)
Mayor Liccardo and Councilmember Chappie Jones Commended Stephanie Black and Erin Vokey for their dedication in running the after school program at Starbird Youth Center for at-risk youth.
- 1.3 Presentation of a commendation to Sangam Arts for their artistic contributions to our East San José community. (Carrasco)
Mayor Sam Liccardo and Councilmember Magdalena Carrasco commended Sangam Arts for their artistic contributions to our East San José Community.

2. CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of minutes:

- (a) Regular Minutes of January 26, 2016.

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.

Approved.

2.2 Final Adoption of Ordinances.

Recommendation:

- (a) ORD. NO. 29711 – An ordinance of the City of San José rezoning certain real property of approximately 43.0 gross acres situated on the east side of Almaden Expressway, 1320 feet south of Winfield Boulevard (6082 Almaden Expressway), from the A Agricultural Zoning District to the A(PD) Planned Development Zoning District. CEQA: Mazzone Property Planned Development Rezoning Revised Initial Study/Mitigated Negative Declaration, File No. PDC13-025.
Ordinance No. 29711 was adopted.

- (b) ORD. NO. 29712 – An ordinance of the City of San José rezoning certain real property east of the northerly terminus of America Center Court, from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District. CEQA: Addendum to the Legacy Terrace Development Planned Development Rezoning and Prezoning Final EIR (Resolution No. 69392), File No. PDC15-016.
Ordinance No. 29712 was adopted.

2. CONSENT CALENDAR

2.2 Final Adoption of Ordinances. (Cont'd.)

Recommendation:

- (c) ORD. NO. 29713 – An ordinance of the City of San José rezoning certain real property of approximately 8.33 gross acre site situated on the south side of Silver Creek Valley Road, approximately 320 feet southeast of Beaumont Canyon Drive (5601-5667 Silver Creek Valley Road), from the A(PD) Planned Development Zoning District to the CG(PD) Planned Development Zoning District. CEQA: Canyon Creek Plaza Retail/Commercial Building Initial Study/Mitigated Negative Declaration, File No. PDC15-022.

Ordinance No. 29713 was adopted.

2.3 Approval of Council Committee Minutes.

Recommendation: Approval of Council Committee Minutes.

- (a) Rules and Open Government Committee Minutes of March 9, 2016. (Mayor)
(b) Neighborhood Services and Education Committee Minutes of March 10, 2016. (Rocha)

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.

Approved.

2.4 Mayor and Council Excused Absence Requests.

Recommendation:

- (a) Retroactively excuse Councilmember Carrasco's absence from the Regular City Council Meeting on March 22, 2016 due to illness. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Carrasco)

Excused.

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 Mexican Flag Raising and Reception.

Recommendation: As recommended by the Rules and Open Government on March 23, 2016:

- (a) Approve the Mexican Flag Raising and Reception scheduled on September 16, 2016 as a City Council Sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses or community groups to support the event.

(Carrasco/Peralez)

Approved.

2. CONSENT CALENDAR

2.8 City Attorney's Travel to Dublin, Ireland.

Recommendation: Authorize City Attorney Richard Doyle's travel to Dublin, Ireland on April 22-28, 2016, to attend the City of San José Sister City Delegation. Source of Funds: City Attorney's Office Non Personal Services Appropriation. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Attorney)
Authorized.

2.9 Agreement with Rosies and Posies Downtown Florist for Lease of Property at 98 Paseo de Antonio.

Recommendation: Adopt a resolution authorizing the City Manager to execute an Agreement with Leyla Naderjah, an individual dba Rosies and Posies Downtown Florist, for the lease of real property located at 98 Paseo de Antonio for the purpose of operating a retail/floral store with the following rent: December 1, 2015 to December 31, 2015 is \$0. Year 1 - \$25,110; Year 2 - \$25,110; Year 3 - \$25,675; Year 4- \$26,253; Year 5 - \$26,844; for a total compensation to City of approximately \$128,992. CEQA: Not a Project, File No. PP10-066(f), Agreements and Contracts for lease of existing space for the same use. Council District 3. (Economic Development)
Resolution No. 77707 adopted.

2.10 Amendment to Open Purchase Order 52068 with Red Wave Communications, Inc. for the City Hall Audiovisual System.

Recommendation: Adopt a resolution authorizing the City Manager to Amend Open Purchase Order 52068 with Red Wave Communications, Inc. (Fresno, CA) to increase compensation by \$226,820 for a revised total amount not to exceed \$500,000, to continue upgrading the City Hall Audiovisual System. CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts for services that involve no physical changes to the environment. (Finance)
Resolution No. 77708 adopted.

2.11 Actions Related to Vice Mayor Herrera's Travel to London, England.

Recommendation:

- (a) Approve travel by Vice Mayor Herrera to London, England on May 4 to May 8, 2016 as part of the Inaugural Flight from San José to London with British Airways to promote the San José International Airport. Source of Funds: Mayor/Council Travel Fund.
- (b) Request for an excused absence for Vice Mayor Herrera from all City Meetings from May 4 to May 8, 2016, due to Authorized City Business: Inaugural Flight from San José to London with British Airways.

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Herrera)
Approved.

2. CONSENT CALENDAR

2.12 Maintenance Agreement with Caltrans for 6324 Coyote Creek Trail.

Recommendation: Approve an Agreement with Caltrans for trail development, operation and maintenance beneath Highway 280 from Story Road to Selma Olinder Park. CEQA: Coyote Creek Trail Master Plan (Story Road to US 101) Mitigated Negative Declaration, File No. PP08-014. Council District 7. (Parks, Recreation and Neighborhood Services)

Approved.

2.13 Contract Change Order with JMB Construction, Inc. for the 6896 – Sanitary Structures Cover Plate Repair Project.

Recommendation: Approve the Contract Change Order No. 2 for the 6896 – Sanitary Structures Cover Plate Repair project with JMB Construction, Inc. in the amount of \$138,411 for a total contract amount of \$1,185,157. CEQA: Exempt, Section 15301(d) Existing Facilities, File No. PP15-004. Council District 4. (Public Works)

Approved.

2.14 Master Agreements for Architectural Design Services for Various City Facility Projects.

Recommendation: Approve Master Agreements with Callander Associates Landscape Architecture, Inc., PGAdesign, Inc., PlaceWorks, and MIG for landscape architectural design services from the date of execution through December 31, 2019 in an amount not to exceed \$1,000,000 for each agreement. CEQA: Not a Project, File No. PP10-066(d), Consultant Services for design services to determine the feasibility of a project with no commitment to future action. (Public Works)

Approved.

2.15 Actions Related to the Construction Contract for 7530 – Shady Oaks Park Enhancements Project.

Recommendation:

- (a) Report on bids and award of a construction contract for 7530 - Shady Oaks Park Enhancements to the low bidder, Suarez & Munoz Construction, Inc., for the base bid and Add Alternate Nos. 1, 2, and 3 in the total amount of \$780,500 and approval of a five percent contingency in the amount of \$39,025.

Accepted.

(Item Continued on the next page)

2. CONSENT CALENDAR

2.15 Actions Related to the Construction Contract for 7530 – Shady Oaks Park Enhancements Project (Cont'd.)

(b) Adopt the following 2015-2016 Appropriation Ordinance Amendments in the Subdivision Park Trust Fund:

(1) Increase the Shady Oaks Park Improvements Appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$90,000, and

(2) Decrease the Shady Oaks Park Reserve by \$90,000.

CEQA: Exempt, Section 15304 Minor Alterations to Land and 15303 New Construction or Conversion of Small Structures, File No. PP15-125. Council District 2. (Public Works/Parks, Recreation and Neighborhood Services/City Manager)

Ordinance No. 29717 adopted.

2.16 Agreement with Caltrans for the US 101/Blossom Hill Road Interchange Improvement Project.

Recommendation: Approve the Cooperative Agreement with the California Department of Transportation (Caltrans) for the development of the project initiation document, project approval and environmental documentation for the US 101/Blossom Hill Road Interchange Improvement project in the amount of \$414,000. The term of the Cooperative Agreement is from the date of execution to October 31, 2017. CEQA: Exempt, Section 15262 Feasibility and Planning Studies, File No. PP16-012. Council District 2. (Transportation)

Approved.

2.17 First Amendment to Agreement with Hanson Bridgett LLP for Ethics Commission Evaluator and Investigative Services.

Recommendation: Adopt a resolution authorizing the City Attorney to negotiate and execute a First Amendment to Agreement for Services between the City of San José and Hanson Bridgett LLP to provide legal and investigative services as the Evaluator to the San José Ethics Commission, increasing compensation by \$50,000 for a total amount of compensation not to exceed a total amount for FY 2015-2016 to \$110,000 without increasing the total compensation under the agreement. CEQA: Not a Project; File No. PP10-066(e), Services that involve no physical changes to the environment. (City Attorney)

(Deferred from 3/22/16 – Item 2.7 and 3/29/16 – Item 2.7)

Resolution No. 77709 adopted.

2. CONSENT CALENDAR

2.18 Request to Travel for Mayor's Staff.

Recommendation: Approve travel payments and authorize travel for Mayor's staff, Khanh Russo, Director of Strategic Support Partnership, to New York from April 18, 2016 to April 20, 2016 for the What Works Cities Summit on Transforming Data Into Action. Source of Funds: Bloomberg Philanthropies. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Mayor)

Approved.

2.19 Asian American Heritage Future Roots Festival.

Recommendation: As recommended by the Rules and Open Government Committee on March 30, 2016:

- (a) Approve the Asian American Heritage Future Roots Festival scheduled on May 28, 2016 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Kalra)
[Rules Committee referral 3/30/16 – Item G.1.b.]

Approved.

2.20 Community Events Sponsored by Council District 7.

Recommendation: As recommended by the Rules and Open Government Committee on March 30, 2016:

- (a) Retroactively approve the Seven Trees Neighborhood Clean Up on Saturday, March 26, 2016 and the Bellevue Park Clean Up on April 2, 2016 as City Council sponsored Special Events and approve the expenditure of funds;
- (b) Approve the Spring Fling Youth Mixer on April 16, 2016; Seven Trees Neighborhood Clean Up on April 30, 2016; District 7 Community Budget Townhall on May 2, 2016; International Ai Music Festival on May 5, 2016; Seven Trees Dumpster Day on June 18, 2016; West Evergreen Dumpster Day on August 27, 2016; Mid-Autumn Festival and Job Fair on September 17, 2016; International Festival Faire on October 22, 2016; Halloween Family Night at Alma on October 31, 2016; and Halloween Family Night at Santee on October 31, 2016 as City Council sponsored Special Events and approve the expenditure of funds; and
- (c) Approve and accept donations from various individuals, businesses or community groups to support the events.

CEQA: Exempt, File No. PP13-056, Activities associated with citywide litter clean-up activities; and Not a Project, File No. PP15-077, Temporary Special Events. (T. Nguyen)
[Rules Committee referral 3/30/16 – Item G.1.a.]

Approved.

3. STRATEGIC SUPPORT SERVICES

3.1 **Report of the City Manager, Norberto Dueñas (Verbal Report).**
None provided.

3.2 **Labor Negotiations Update.**

Recommendation: Accept Labor Negotiations Update.
None provided.

3.3 **Open Data Policy.**

Recommendation: As recommended by the Rules and Open Government Committee on February 10, 2016, adopt a resolution establishing City Council Policy 0-43, “Open Data Policy.” CEQA: Not a Project, File No. PP10-068, General Procedure & Policy Making that involves no changes to the physical environment. (Information Technology)
(Deferred from 3/15/16 – Item 3.3)

[Rules Committee referral from 2/10/16 – Item G(4)]

Resolution No. 77710 adopted, with staff directed to provide a report to Council on an annual basis.

3.4 **Technology Deployments Audit.**

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on March 17, 2016, accept the audit report on Technology Deployments: Additional Resources Needed to Shorten Deployment Timelines. CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments, and Annual Reports that involve no approvals of any City Actions. (City Auditor)

[Public Safety, Finance and Strategic Support referral from 3/17/16 – Item (d)(8)]

Accepted, including direction as outlined in the joint memorandum from Mayor Sam Liccardo and Councilmembers Jones, Carrasco and Khamis, dated April 1, 2016, to (a) Develop a Master Information Communications Technology (ICT) plan and digital strategy for the City to be presented to the Council by the end of the year, including: (i) Estimated base-level funding requirements for replacing systems and hardware for staff as well as forecasted project costs for future system upgrades over the next five years. (ii) Assessment and proposed approach to IT department’s organizational structure, as well as IT staffing in other departments, to minimize duplication while preserving departmental business-line expertise and bringing project management skills back into the IT department. (iii) Form an Information Technology Planning Board for strategic planning, in compliance with City Policy 5.19, that includes both cross-departmental staff as well as select external advisors (e.g., academics or enterprise systems experts) to prioritize large-scale projects, and provide guidance and oversight to the Master ICT plan. (b) Update and streamline IT procurement for purchasing of software and basic IT equipment including PCs, mobile devices and monitors, as well as including an update to the RFP manual in

(Item Continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.4 Technology Deployments Audit (Cont'd.)

the work plan for the Smart City Vision and report progress through the newly-formed City Council Committee on Smart City and Continuous Improvement. (c) In the Statement of Policy for the hiring of the new IT Director, questions should address experience in development a Master ICT plan and development a digital strategy for an organization, experience with large enterprise software upgrades, user-centric design, and organizational design for IT resources and oversight. Staff was directed to provide a report in Fall of 2016 to review status and set a timeline, rather than “by the end of the year” as indicated in the above noted memorandum.

3.5 Review of the Retirement Plan’s Pension and Post-Employment Healthcare Plan Actuarial Valuations as of June 30, 2015.

Recommendation: Review the following actuarial valuation reports:

- (a) Police and Fire Department Retirement Plan Actuarial Valuation (Pension) as of June 30, 2015; and
- (b) Police and Fire Department Postemployment Healthcare Plan Actuarial Valuation (Pension) as of June 30, 2015; and
- (c) Federated City Employees’ Retirement System Actuarial Valuation (Pension) as of June 30, 2015; and
- (d) Federated City Employees’ Retirement System Postemployment Healthcare Plan Actuarial Valuation as of June 30, 2015.

CEQA: Not a project, File No. PP10-069(a) Annual Reports the involve no approvals of any City Actions. (Retirement Services)

Accepted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Amendment to the City Council Policy for Surplus Property Related to Affordable Housing. DEFERRED

Recommendation: Adopt a resolution approving a City Council Policy for disposing of surplus property that includes provisions relating to affordable housing. CEQA: Not a Project, File No. PP10-068(c), Code or Policy change that involve no changes in the physical environment. (Economic Development/Housing)

(Deferred from 2/2/16 - Item 4.1, 3/1/16 - Item 4.1, 3/8/16 - Item 4.1, 3/22/16 – Item 4.1)
Deferred to 4/12/16 per Administration

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Assignments of Loans from the Neighborhood Housing Services Silicon Valley.

Recommendation: Adopt a resolution authorizing the Director of Housing to negotiate and execute the necessary documents for assignment to the City of the homebuyer loans made by Neighborhood Housing Services Silicon Valley with City grant funds. CEQA: Not a Project, File No. PP10-069, PP10-066, Agreements and Contracts. Procedures for dissolution of an agreement. (Housing)

Resolution No. 77711 Adopted.

4.3 Public Hearing on the 2016-2017 Annual Action Plan.

Recommendation:

- (a) Conduct a Public Hearing on the Draft FY 2016-2017 Annual Action Plan, as required by the U.S. Department of Housing and Urban Development; and
- (b) Provide Housing Department staff with input on the FY 2016-2017 Annual Action Plan and funding priorities.

CEQA: Not a Project, File No. PP10-069(a), Annual Reports that involve no approvals of any City Actions. Specific development projects that are funded as a result of the Consolidated Annual Action Plan are subject to project-specific CEQA clearance.

(Housing)

Public hearing held.

Accepted.

5. NEIGHBORHOOD SERVICES

5.1 San José Bringing Everyone's Strengths Together (BEST) and Mayor's Gang Prevention Task Force (MGPTF) Programs Annual Report.

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on March 17, 2016, accept the 2014-2015 Annual Report on the San José Bringing Everyone's Strengths Together and the Mayor's Gang Prevention Task Force Programs. CEQA: Not a Project, File No. PP10-069(a), Annual Reports that involve no approvals of any City Actions.

[Public Safety, Finance and Strategic Support referral from 3/17/16 – Item (d)(6)]

Accepted, including the joint memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera and Councilmembers Jones and Peralez memorandum dated April 1, 2016, directing the City Manager to: (A) Evaluate and incorporate additional methods for collecting and sharing objective data, such that the City can better understand the direct impact that the BEST and MGPTF services are providing; (B) Incorporate the additional direct impact metrics with objective data into the annual reports as presented to the Public Safety, Finance and Strategic Support Committee and Council as soon as that data becomes available; (C) Consider data-sharing requirements as part of future BEST Services contract and funding awards

(Item Continued on the next page)

5. NEIGHBORHOOD SERVICES

5.1 San José Bringing Everyone's Strengths Together (BEST) and Mayor's Gang Prevention Task Force (MGPTF) Programs Annual Report (Cont'd.)

beginning in FY 2018-19 and consider utilizing performance based awards in future years; and (D) Incorporate an overview of lessons learned in the Key Findings Summary section of the annual report, so that Council and the public understand which aspects of the BEST service model succeed, and which require improvements.

5.2 Anti-Graffiti and Anti-Litter Programs Annual Report. DEFERRED

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on March 17, 2016, accept the 2014-2015 Annual Report on the Anti-Graffiti and Anti-Litter Programs. CEQA: Not a Project, File No. PP10-069(a), Annual Reports that involve no approvals of any City Actions. (Parks, Recreation and Neighborhood Services)

[Public Safety, Finance and Strategic Support referral from 3/17/16 – Item (d)(7)]

Deferred to 4/26/16 per Rules Committee

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Illegal Dumping Initiative Update. DEFERRED

Recommendation: As recommended by the Transportation and Environment Committee on March 7, 2016, accept the status report on the City's Illegal Dumping Mitigation Effort. CEQA: Not a Project, File No. PP10-069(a), Staff Reports that involve no approvals of any City Actions. (Planning, Building and Code Enforcement / Environmental Services)

[Transportation and Environment Committee referral from 3/7/16 - Item (d)(6)]

(Deferred from 3/15/16 – Item 7.1)

Deferred to 4/26/16 per Administration

8. PUBLIC SAFETY SERVICES

8.1 Fire Department Organizational Review. *DEFERRED*

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on March 17, 2016, accept the report on the Fire Department Organizational Review conducted by Citygate Associates, LLC., including an evaluation of Fire Department service delivery, response time performance, technological improvements, and operational efficiencies. CEQA: Not a Project, File No. PP10-069(a), Staff Reports that involve no approval of any City Actions. (Fire)
[Public Safety, Finance and Strategic Support referral from 3/17/16 – Item (d)(1)]
Deferred to 4/26/16 per Rules Committee

8.2 Actions Related to the Fireworks Enforcement Ordinance. *DEFERRED*

Recommendation:

- (a) Approve an ordinance amending the City of San José 1.08.040 of Chapter 1.08 of Title 1 related to enforcement of the San José Municipal Code or other City Ordinance, adding a new Chapter 10.17 to Title 10, and repealing Section 17.12.940 of Chapter 17.12 of title 17 of the San José Municipal Code to prohibit the sale, use, possession and storage of fireworks and to provide for civil liability under certain circumstances for persons responsible for minors who violate the prohibition in Chapter 10.17 related to fireworks.
- (b) Adopt a resolution amending the Administrative Citation Schedule of Fines to establish administrative fines for violations related to Fireworks, and repealing Resolution No. 77570.

CEQA: Not a Project, File No. PP10-068(c), Municipal Code or Policy Change that involves no changes to the physical environment. (Fire)

Deferred to 4/12/16 per Administration

8.3 Massage Parlors Over-Concentration in Neighborhoods Evaluation.

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on March 17, 2016, accept the report on the results of an evaluation of the possible over-concentration of massage parlors in neighborhoods and whether the City can prohibit the opening of a massage parlor in the same location as one that has been closed due to human trafficking/prostitution activity, including the merits of additional amendments to Chapter 6.44 (Massage Ordinance) of the San José Municipal Code. CEQA: Not a Project, File No. PP10-069(a), Staff Reports that involve no approval of any City Actions. (Police)
[Public Safety, Finance and Strategic Support referral from 3/17/16 – Item (d)(3)]
Accepted.

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 Potential Acquisition of 5647 Gallup and 1171 Mesa for a Future Affordable Housing Development.

Recommendation:

- (a) City Council adopt a resolution:
 - (1) Authorizing the Director of Housing, on behalf of the City, to negotiate and execute: (i) a Purchase and Sale Agreement to acquire that certain real property located at 5647 Gallup and 1171 Mesa in San José from the Successor Agency to the Redevelopment Agency (SARA) of the City of San José for \$1,170,000 from the Community Development Block Grant (CDBG) Fund for a future affordable housing development; and (ii) such other documents as necessary to close escrow to acquire the properties; and
 - (2) Authorizing the Director of Housing to issue a Request for Proposal (RFP) for development of a future affordable housing community located at 5647 Gallup and 1171 Mesa, if the City is successful in acquiring the properties.
- (b) Successor Agency adopt a resolution authorizing the Managing Director to negotiate and execute (i) a Purchase and Sale Agreement to sell that certain real property located at 5647 Gallup and 1171 Mesa in San José to the City of San José for a purchase price of \$1,170,000; and (ii) such other documents as necessary to close escrow to acquire the properties.
- (c) City Council adopt the following Appropriation Ordinance amendments in the Community Development Block Grant Fund:
 - (1) Increase the appropriation to the Housing Department for Property Acquisition in the amount of \$510,000; and
 - (2) Decrease the Land Acquisition Reserve appropriation in the amount of \$510,000.

CEQA: Exempt, File No. PP16-007. Council District 10. (City Manager)

Deferred to 4/26/16 per Orders of the Day.

- **Open Forum**
 - (1) **Naveed cited First Amendment rights in regard to police patrolling private properties, such as shopping plazas, asserting that basic liberties are violated.**
 - (2) **Brian Darby offered that those with disabilities should be accommodated by bringing electronic devices to the podium in chambers.**
 - (3) **Randy Rodriguez offered personal observations.**

- **Adjournment**

The Council of the City of San José adjourned at 6:23 p.m.