

## MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, APRIL 21, 2015

The Council of the City of San José convened in Regular Session at 9:11 a.m. in the Council Chambers at City Hall.

Present: Councilmembers - Carrasco, Herrera, Jones, Kalra, Khamis, Matthews, Nguyen, Oliverio, Peralez, Rocha; Liccardo.

Absent: Councilmembers - All Present.

### STRATEGIC SUPPORT SERVICES

#### 3.2 Accept Labor Negotiations Update.

There was no report.

### CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:15 a.m. to a Closed Session in Room W133 (A) Public Employment/Public Employee Appointment Pursuant to Government Code Section 54957; Office of the City Manager; Title: City Manager; (B) to confer with Legal Counsel pursuant to Government Code Section 54956.9 with respect to anticipated litigation in one (1) matter (Claim Filed): In re: Claim of PG&E; City Department: DOT; (C) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to existing litigation; (1) Hawthorne v. Baldasano, et al.; Names of Partie(s) Involved: Tammie Hawthorne, Lawrence J. Baldasano, Sheryl A. Small, City of San José and Does 1-30; Court: Superior Court of California, County of Santa Clara; Case No: 1-15-CV-276076; Amount of Money or Other Relief Sought: Damages According to Proof; (2) IAFF Local 230 v. City of San José; Names of Partie(s) Involved: International Association of Firefighters Local 230, City of San José; Court: State of California Public Employees Relations Board; Case No.: SF-CE-969-M; Amount of Money or Other Relief Sought: Damages According to Proof; (3) IFPTE Local 21 v. City of San José; Names of Partie(s) Involved: International Federation of

## CLOSED SESSION (Cont'd.)

Professional and Technical Engineers Local 21, City of San José; Court: State of California Public Employees Relations Board; Case No.: SF-CE-996-M; Amount of Money or Other Relief Sought: Damages According to Proof; (4) American Federation of State, County & Municipal Employees, et al. v. City; Names of Partie(s) Involved: American Federation of State, County & Municipal Employees, City of San José; Court: State of California Public Employees Relations Board; Case No.: SF-CE-924-M; Amount of Money or Other Relief Sought: Damages According to Proof; (5) American Federation of State, County & Municipal Employees, et al. v. City; Names of Partie(s) Involved: American Federation of State, County & Municipal Employees, City of San José; Court: State of California Public Employees Relations Board; Case No.: SF-CE-972-M; Amount of Money or Other Relief Sought: Damages According to Proof; (6) OE#3 v. City of San José; Names of Partie(s) Involved: Operating Engineers Local Union No. 3, City of San José; Court: State of California Public Employees Relations Board; Case No.: SF-CE-900-M; (7) San José Police Officers' Association v. City, et al; Names of Parties Involved: San José Police Officers' Association, City of San José, Board of Administration for Police and Fire Department Retirement Plan of City of San José and Does 1-100; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-225926; Amount of Money or Other Relief Sought: Declaratory and injunctive relief. (8) San José Retired Employees Association, et al. v. City, et al; Names of Parties Involved: San José Retired Employees Association, Howard E. Fleming, Donald S. Macrae, Frances J. Olson, Gary J. Richert and Rosalinda Navarro, City of San José Does 1 – 50, Board of Administration for the Federated City Employees Retirement System; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-233660; Amount of Money or Other Relief Sought: Declaratory Relief and Verified Petition for Writ of Mandate. (9) Sapien, et al. v. City of San José, et al; Names of Parties Involved: Robert Sapien, Marty Kathleen McCarthy, Thanh Ho, Randy Sekany, Ken Heredia, City of San José, Debra Figone in her official as City Manager of the City of San José, Does 1-15, The Board of Administration for the 1961 San José Police and Fire Department Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-225928; Amount of Money or Other Relief Sought: Challenge to Measure B. (10) Harris, et al. v. City of San José, et al; Names of Parties Involved: Teresa Harris, Jon Reger, Moses Serrano, Suzann Stauffer, City of San José, Debra Figone in her official as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-226570; Amount of Money or Other Relief Sought: Challenge to Measure B. (11) Mukhar, et al. v. City of San José, et al; Names of Parties Involved: John Mukhar, Dale Dapp, James Atkins, William Buffington, Kirk Pennington, City of San José, Debra Figone in her official as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-226574; Amount of Money or Other Relief Sought: Challenge to Measure B. (12) AFSCME, et al. v. City of San José, et al; Names of Parties Involved: American Federation of State, County and Municipal Employees, Local 101 on behalf of its members, City of San José, The Board of Administration for the Federated City

## **CLOSED SESSION (Cont'd.)**

Employees' Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-225928; Amount of Money or Other Relief Sought: Challenge to Measure B; (D) to Confer with Labor Negotiator Pursuant to Government Code Section 54957.6: City Negotiator: Jennifer Schembri, Interim Director of Employee Relations; Employee Organizations: (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and ABMEI. (2) Association of Engineers & Architects (AEA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AEA. (3) Association of Maintenance Supervisory Personnel (AMSP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AMSP. (4) City Association of Management Personnel Agreement (CAMP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CAMP. (5) Confidential Employees' Organization, AFSCME Local 101 (CEO); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CEO; (6) International Association of Firefighters, Local 230 (IAFF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Association of Firefighters. (7) International Brotherhood of Electrical Workers (IBEW); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and IBEW; (8) Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and MEF; (9) International Union of Operating Engineers, Local No. 3 (OE#3); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Union of Operating Engineers, Local No. 3. (10) San José Police Officers' Association (SJPOA); Nature of Negotiations: Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and San José Police Officers' Association. (11) Association of Legal Professionals of San José (ALP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc. Web: <http://www.sanjoseca.gov/?nid=186>; Telephone for Employee Relations: 408-535-8150.

By unanimous consent, Council recessed from the Closed Session at 11:15 p.m. and reconvened to Regular Session at 1:30 p.m. in the Council Chambers.

Present: Councilmembers - Carrasco, Herrera, Jones, Kalra (1:48 p.m.), Khamis (1:41 p.m.), Matthews, Nguyen, Oliverio, Peralez, Rocha; Liccardo.

Absent: Councilmembers - All Present.

## INVOCATION

Brad Boardman, Executive Director of the Morgan Autism Center provided the Invocation.

## PLEDGE OF ALLEGIANCE

Mayor Liccardo led the Pledge of Allegiance.

## ORDERS OF THE DAY

Upon motion by Councilmember Rocha, seconded by Councilmember Nguyen and carried unanimously, the Orders of the Day and the Amended Agenda were approved with Item 4.3 deferred to May 5, 2015. (9-0-2. Absent: Kalra, Khamis.)

## CEREMONIAL ITEMS

### **1.1 Presentation of a commendation to Esther Mota for her hard work in the design and success of the Mayor's Gang Prevention Task Force. (Carrasco)**

Mayor Liccardo and Councilmember Carrasco commended Esther Mota for her dedication in the design and success of the Mayor's Gang Prevention Task Force.

### **1.2 Presentation of a proclamation declaring April 22, 2015 as Earth Day in the City of San José and honoring the Friends of Los Gatos Creek/Guadalupe River and Restore Coyote Creek. (Mayor)**

Mayor Liccardo and Councilmember Oliverio proclaimed April 22, 2015 as Earth Day in the City of San José and honoring the Friends of Los Gatos Creek/Guadalupe River and Restore Coyote Creek for living out the vision of Earth Day throughout the year.

## CONSENT CALENDAR

### **2.1 Approval of Minutes.**

None provided.

### **2.2 Recommendation: Final adoption of ordinances.**

- (a) **ORD. NO. 29547 – Amending Section 11.08.101 of Title 11 of the San José Municipal Code to update the Title of the Director of Transportation and amending Section 11.16.100 of Chapter 11.16 of Title 11 and repealing Section 11.72.180 of Title 11 relating to the creation of bicycle lanes. CEQA: Not a Project, File No. PP10-068(c), Code or policy change that involve no changes in the physical environment. (Transportation)**

**2.2 (a) (Cont'd.)**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29547 executed on April 10, 2015, submitted by the City Clerk.

Action: Ordinance No. 29547 was adopted. (11-0.)

**2.3 Approval of Council Committee Reports.**

**(a) Community and Economic Development Committee Report of March 23, 2015. (Khamis)**

Action: Dropped per Administration.

**(b) Rules and Open Government Committee Report of April 1, 2015. (Mayor)  
CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.**

Documents Filed: Rules and Open Government Committee Report dated April 1, 2015.

Action: The Council Committee Report was accepted. (11-0.)

**2.4 Mayor and Council Excused Absence Requests.**

None provided.

**2.5 City Council Travel Reports.**

None provided.

**2.6 Report from the Council Liaison to the Retirement Boards.**

None provided.

**2.7 (a) As recommended by the Library and Early Education Commission, name the new library at 4001 Evergreen Village Square as John J. Montgomery Village Square Library.**

**(b) Alternatively, name the new library at 4001 Evergreen Village Square as the Village Square Library.**

**CEQA: Not a Project, File No. PP10-069(c), Organizational Activities. (City Clerk)  
(Deferred from 12/16/14 – Item 2.16, 1/13/15 – Item 5.1 and 3/24/15 – Item 2.7)**

Documents Filed: (1) Memorandum from Vice Mayor Herrera, dated April 17, 2015, recommending staff recommendation part (b) “Village Square Branch Library”. (2) Memorandum from City Clerk Toni J. Taber, dated December 22, 2014, transmitting the recommendations of the Library and Early Education Commission. (3) Email correspondence from John Giddings, received April 20, 2015, thanking the Vice Mayor for her support and guidance.

**2.7 (Cont'd.)**

Vice Mayor Herrera pulled Item 2.7 to offer her appreciation to Library Director Jill Bourne, staff, community members and the Montgomery Group.

Public Comment: John Giddings and Ana Chen spoke in support of the new library.

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Jones and carried unanimously, the new library located at 4001 Evergreen Village Square was named the Village Square Library. (11-0.)

**2.8 Approve a Second Amendment to Lease of Airport Premises Agreement with Menzies Aviation (USA), Inc. to extend the term to June 30, 2018, with total annual revenue to the City of approximately \$60,000. CEQA: Not a Project, File No. PP10-066(f), Lease of equipment or existing space for the same use. (Airport)**

Documents Filed: Memorandum from Director of Aviation Kimberly J. Becker, dated March 30, 2015, recommending approval of a second amendment.

Action: A Second Amendment to Lease of Airport Premises Agreement with Menzies Aviation (USA), Inc. to extend the term to June 30, 2018, with total annual revenue to the City of approximately \$60,000, was approved. (11-0.)

**2.9 Appoint Drew Lanza as a Public Member on the Board of Administration for the Police and Fire Department Retirement Plan to a term ending April 30, 2019. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Clerk)**

Documents Filed: (1) Memorandum from Successor Agency General Counsel Richard Doyle, dated March 25, 2015, summarizing the review of the application submitted. (2) Memorandum from Diane Buchanan, Deputy Director, Planning, Building and Code Enforcement, dated March 19, 2015, summarizing the review of the application submitted. (3) Memorandum from City Clerk Toni J. Taber, dated April 7, 2015, recommending an appointment to the Board of Administration for the Police and Fire Department Retirement Plan.

Action: The appointment of Drew Lanza as a Public Member on the Board of Administration for the Police and Fire Department Retirement Plan to a term ending April 30, 2019, was approved. (11-0.)

**2.10 As recommended by the Rules and Open Government Committee on April 8, 2015, approve a grant of \$500 to the Andres Castellero Middle School Education Foundation, to be paid from the budgeted District 10 SAP Center at San José allocation, which is funded by the Arena Community Fund City-wide appropriation. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Khamis)**

## 2.10 (Cont'd.)

Documents Filed: (1) Memorandum from City Clerk Toni J. Taber, dated April 9, 2015, transmitting the recommendations of the Rules and Open Government Committee. (2) Statement and Declaration of Conflict of Interest Form from Council Member Khamis, dated April 21, 2015, disclosing his son is a student at Andres Castellero Middle School.

Councilmember Khamis recused himself from participating in the Council discussion and action, disclosing that his son is a student at Andres Castellero Middle School.

Action: A grant of \$500 to the Andres Castellero Middle School Education Foundation, to be paid from the budgeted District 10 SAP Center at San José allocation, which is funded by the Arena Community Fund City-wide appropriation, was approved. (10-0-0-1. Abstain: Khamis.)

## 2.11 **As recommended by the Rules and Open Government Committee on April 8, 2015, direct the City Manager to bring forward recommendations for pay and classification changes for building inspectors that will bolster the ability of the Department of Planning, Building and Code Enforcement to retain and attract high-caliber members of our Building Inspection Division team. CEQA: Not a Project, File No. PP10-069(b) Personnel Related Decisions. (Mayor)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated April 9, 2015, transmitting the recommendations of the Rules and Open Government Committee.

Mayor Liccardo pulled Item 2.11 to address his memorandum of April 2, 2015 to the Rules and Open Government Committee regarding pay and classification changes.

Director of Planning, Building and Code Enforcement, Harry Freitas offered background regarding this issue, and Director of Human Resources, Joe Angelo offered that staff is contracting out to review specifications for classification changes.

Action: Upon motion by Council Member Nguyen, seconded by Vice Mayor Herrera and carried unanimously, the City Manager was directed to bring forward recommendations for pay and classification changes for building inspectors that will bolster the ability of the Department of Planning, Building and Code Enforcement to retain and attract high-caliber members of our Building Inspection Division team. (11-0.)

## 2.12 **Approve an Agreement with Cupertino Sanitary District of Santa Clara County for construction, operation and maintenance of joint use sanitary sewers, for the term retroactive from July 1, 2010 through June 30, 2034. CEQA: Not a Project, File No. PP10-066(a), Cooperative Purchase of Supplies, Equipment and Professional Services with no changes to in the physical environment. CEQA: The Envision San José 2040 Final Program Environmental Impact Report (adopted by City Council Resolution No. 76041 on November 1, 2011) as addended by the Sanitary Sewer Master Plan Phase II and Phase I Update, File No. PP12-076. (Public Works)**

## 2.12 (Cont'd.)

Documents Filed: (1) Memorandum from Interim Director of Public Works Barry Ng, dated March 30, 2015, recommending approval of an agreement. (2) Supplemental memorandum from Interim Director of Public Works Barry Ng, dated April 20, 2015, providing additional information regarding the CEQA Exemption.

Action: An Agreement with Cupertino Sanitary District of Santa Clara County for construction, operation and maintenance of joint use sanitary sewers, for the term retroactive from July 1, 2010 through June 30, 2034, was approved. (11-0.)

## 2.13 **As recommended by the Rules and Open Government Committee on April 8, 2015, consideration of a support position for SB 11 and SB 29 (Beall), pertaining to behavioral health training for California peace officers. CEQA: Not a Project, File No. PP10-069(d), Legislative Positions. (Rocha)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated April 9, 2015, transmitting the recommendations of the Rules and Open Government Committee.

Action: A support position for SB 11 and SB 29 (Beall), pertaining to behavioral health training for California peace officers was adopted. (11-0.)

## 2.14 **As recommended by the Rules and Open Government Committee on April 15, 2015, approve a support position for AB 1335 (Atkins) – Building Homes and Jobs Act. CEQA: Not a Project, File No. PP10-069(d), Legislative Positions. (Housing)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated April 17, 2015, transmitting the recommendations of the Rules and Open Government Committee.

Action: A support position for AB 1335 (Atkins) – Building Homes and Jobs Act was adopted. (11-0.)

## **END OF CONSENT CALENDAR**

## **PUBLIC SAFETY SERVICES**

### **8.1 Accept the 2014 Independent Police Auditor Year End Report. CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments and Annual Reports. (Independent Police Auditor)**

*(Note: Heard jointly with Item 8.2 )*

Documents Filed: 2014 Independent Police Auditor Year End Report issued April 2015 by Judge LaDoris H. Cordell (Ret.) Independent Police Auditor and Staff.

Action: See Item 8.2 for action taken.

**8.2 Accept the San José Police Department's Internal Affairs Unit report on Department Initiated Investigations for CY 2014. CEQA: Not a Project, File No. PP10-069(a), Annual Report. (Police)**

*(Note: Heard jointly with Item 8.1 )*

Documents Filed: Memorandum from Chief of Police Larry Esquivel, dated April 20, 2015, providing the report of the San José Police Department's Internal Affairs Unit.

Independent Police Auditor Judge LaDoris H. Cordell offered a presentation providing highlights of the Independent Police Auditor's report. Assistant IPA Shivaun Nurre continued with 2014 audit determinations and a report on applications of force. Chief of Police Larry Esquivel offered information regarding Internal Affairs.

Councilmember Rocha requested that Staff return to the Public Safety, Finance and Strategic Support Committee meeting in August 2015, identifying high-priority items with emphasis on Items as indicated below in "Action".

Motion: Vice Mayor Herrera moved approval of the 2014 Independent Police Auditor Year End Report and the San José Police Department's Internal Affairs Unit report on Department Initiated Investigations for CY 2014, with recommendations as offered by Councilmember Rocha; and with Staff to return with follow-up on issues of diversity in the Police Department, specifically recruiting more women, and to include ways the Police Department could change the manner in which it investigates Bias-Based Policing allegations. The motion was seconded by Councilmember Peralez.

Action: On a call for the question, the reports were accepted, with the Staff to return to the Public Safety, Finance and Strategic Support Committee meeting in August 2015, identifying high-priority items with emphasis on Items 1, 2, 3, 5 and 6: (1) Expand the Department's definition of use of force to include the circumstances leading up to the use of force and proportionality; (2) Require independent civilian oversight of all Department-Initiated Investigations (DII) and require written reports describing the DII investigations to be submitted annually; (3) Include in the annual DII Report descriptions of the misconduct that gave rise to each of the sustained findings; (5) Establish both a Duty Manual rule and an Internal Affairs rule that state what the representatives of subject officers at IA interviews can and cannot say to subject officers in preparation for the interviews; and (6) Require SJPD to adopt a "no choke hold" rule. Staff was additionally asked to return with follow-up on issues of diversity in the Police Department, specifically recruiting more women, and to include ways the Police Department could change the manner in which it investigates Bias-Based Policing allegations, as outlined on pages 64-65 of the Independent Police Auditor Year End Report. (11-0.)

## STRATEGIC SUPPORT SERVICES

- 3.3 (a) **Accept the report on the Request for Proposal for a Crime and Mobile Predictive Analytics Software System**
- (b) **Adopt a resolution authorizing the City Manager to:**
- (1) **Negotiate and execute an Agreement with Advanced Public Safety, Inc., doing business as The Omega Group (Deerfield Beach, FL) for the purchase of a Crime and Mobile Predictive Analytics Software System, including software cloud subscription services, training and related professional services, for an initial five-year term ending February 2020, with a maximum compensation not-to-exceed \$121,954 for the initial twelve months of the Agreement, and an estimated \$443,554 for the five-year term, subject to the annual appropriation of funds;**
  - (2) **Execute change orders to cover any unanticipated changes or requirements, for a not-to-exceed contingency amount of \$20,000, subject to the appropriation of funds; and**
  - (3) **Execute ten one-year options to extend the term of the Agreement to provide ongoing cloud subscription and content services after the initial five-year term at an estimated annual cost of \$80,400 that may be adjusted each year up to 3% upon justification by vendor and acceptance by the City, subject to the annual appropriation of funds.**
- Resolution No. 77324 adopted.**
- (c) **Approve a Second Amendment to the Agreement with Corona Solutions for “Ops Force: Discover” to extend the term for nine months, retroactive from April 1, 2015 through December 31, 2015, and to increase the maximum compensation in an amount not to exceed \$38,168 for the extended term, for a total contract amount not to exceed \$524,657, in order to allow time for the implementation and transition to the new predictive analysis system as recommended above.**

**CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Finance)**

Documents Filed: Memorandum from Director of Finance Julia H. Cooper, dated March 30, 2015, recommending acceptance of the Request for Proposal and adoption of a resolution.

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Khamis and carried unanimously, the report on the Request for Proposal for a Crime and Mobile Predictive Analytics Software System was accepted; and Resolution No. 77324, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with Advanced Public Safety, Inc. DBA the Omega Group for the Purchase of a Crime and Mobile Predictive Analytics Software System for an Initial Five-Year Term Ending February 2020 and a Maximum Compensation Not-to-Exceed \$121,954 for the Initial Twelve Months of the Agreement”, was adopted. (11-0.)

**3.4 As recommended by the Rules and Open Government Committee on April 1, 2015, direct the City Manager to:**

- (a) **Suspend enforcement of the "Peddler Permit Ordinance" (outdoor vending from public property) in Title 6 and various sections of Title 20 related to outdoor vending from private property until such time as ordinances revising the Peddler Permit Ordinance and Title 20, brought forward by staff following community engagement, go into effect; and**
- (b) **Develop and set a permit education and compliance multi-agency (County Health Department) workshop to bring vendors into compliance.**

**CEQA: Statutorily Exempt, File No. PP10-066(d), CEQA Guidelines Section 15262, Feasibility and Planning Studies. (Mayor/Carrasco/Nguyen)**

Documents Filed: (1) Memorandum from City Clerk Toni J. Taber, dated April 9, 2015, transmitting the recommendations of the Rules and Open Government Committee. (2) Supplemental memorandum from Assistant to the City Manager, Angelique Gaeta, dated April 16, 2015, adding context for issues to be discussed during the Council Meeting. (3) Eight letters from community members urging suspension of the ordinance.

Public Comment: Urging the City to work with vendors, asking for suspension of the ordinance and stressing the importance of offering healthier food choices, were: Angela Tirado, Erin Healy (The Health Trust), Reyna Huerta, Silvia Rodriguez (Latinos Unidas), Alicia, Idania Peralta (Our Lady of Guadalupe), Salvador Bustamante (Latinos United for a New America); Jaimie Chen and Julian Posadas (Sacred Heart Community Service); and Berenice.

Assistant to the City Manager, Angelique Gaeta provided clarification to the Council that they may consider suspending enforcement of the need for vendors to have a permit but not suspend enforcement of regulations. Council discussion followed.

Motion: Councilmember Carrasco moved approval of suspension of enforcement of the ordinance to allow an opportunity for business owners to come into compliance. Councilmember Jones seconded the motion.

Councilmember Rocha requested an amendment to the motion, recommending that suggestions as offered by the Health Trust and Sacred Heart Community Services, as outlined below in "Action", be incorporated into the motion. Councilmember Carrasco and Councilmember Jones accepted the amendment.

Action: On a call for the question, the motion carried unanimously, with direction to staff to (a) Suspend enforcement of the provisions of the "Peddler Permit Ordinance" (outdoor vending from public property) in Title 6 and various sections of Title 20 related to outdoor vending from private property that require outdoor vendors to obtain a permit and/or license and to pay fees associated with those permits and/or licenses until such time as ordinances revising the Peddler Permit Ordinance and Title 20,

### 3.4 (Cont'd.)

brought forward by staff following community engagement, go into effect; (b) Consider the requests made by Sacred Heart and the Health Trust regarding outdoor vending of fresh fruits and vegetables, as outlined on page 3 of staff's supplemental memo dated April 16, 2015; and (c) Develop and set a permit education and compliance multi-agency (County Health Department) workshop to bring outdoor vendors into compliance. (11-0.)

## COMMUNITY & ECONOMIC DEVELOPMENT

### 4.1 **Conduct a Public Hearing on the draft Five Year (2015-20) Consolidated Plan and the FY 2015-16 Annual Action Plan, as required by the U.S. Department of Housing and Urban Development in order to receive federal housing and community development funding. CEQA: Not a Project, File No. PP10-069(a), Annual Report. (Housing)**

Documents Filed: (1) Memorandum from Interim Director of Housing Jacky Morales-Ferrand, dated April 3, 2015, recommending conducting a Public Hearing on the draft Five Year Consolidated Plan and the 2015-16 Annual Action Plan. (2) Supplemental memorandum from Interim Director of Housing Jacky Morales-Ferrand, dated April, 20, 2015, providing a summary of the public input received.

David Bopf, Department of Housing, provided a presentation and responded to questions from Council.

Councilmember Rocha requested that Staff provide an information memorandum with detailed information on the funding obligations and options regarding moving obligations to the General Fund.

Mayor Liccardo opened the public hearing.

Public Comment: Bill Black, Phil Olmstead, Patrick Traim and Robert Aguirre advocated low-cost housing accommodations and assistance for the homeless population in San José.

Mayor Liccardo closed the public hearing.

Action: Upon motion by Council Member Matthews, seconded by Councilmember Kalra and carried unanimously, the draft Five Year (2015-20) Consolidated Plan and the FY 2015-16 Annual Action Plan, as required by the U.S. Department of Housing and Urban Development in order to receive federal housing and community development funding, was approved, with staff directed to provide an information memorandum with detailed information on the funding obligations and options regarding moving obligations to the General Fund. (9-0-2. Absent: Jones, Peralez.)

- 4.2 (a) **Adopt a resolution adopting the Negative Declaration for Rezoning Project C15-002;**
- (b) **Consider an ordinance rezoning the real property located north of Charter Park Drive, approximately 650 feet south of Hillsdale Avenue (3591 Charter Park Drive) from IP(PD) Planned Development Zoning District to IP Industrial Park Zoning District to allow industrial uses on an approximately 1.50 gross acre site.**

**CEQA: Negative Declaration to be adopted, File No. C15-002. (Planning, Building and Code Enforcement)**

**C15-002 – District 10**

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C15-002, dated April 3, 2015. (2) Proof of Publication of Notice of Public Hearing executed on April 3, 2015, submitted by the City Clerk.

Action: Upon motion by Councilmember Khamis, seconded by Vice Mayor Herrera and carried unanimously, Resolution No. 77325, entitled: “A Resolution of the Council of the City of San José, adopting the Charter Park Drive Conforming Rezoning and Site Development Permit Project Negative Declaration, for which an Initial Study was Prepared, all in Accordance with the California Environmental Quality Act, as Amended”, was adopted; and Ordinance No. 29554, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.92 Acre Situated North of Charter Park Drive, Approximately 650 Feet South of Hillsdale Avenue (3591 Charter Park Drive) from the IP(PD) Planned Development Zoning District to the IP Industrial Park Zoning District”, was passed for publication. (9-0-2. Absent: Jones, Peralez.)

- 4.3 **Denial of General Plan Amendment and Communications Hill Specific Plan Amendment to change the Land Use/Transportation Diagram designation from Heavy Industrial to Urban Residential and increase the amount of allowable residential units in the Communications Hill Specific Plan, on a 7.50 gross acre located at 2829 Monterey Road (The Wolff Company, Owner). In the alternative, refer to staff to complete CEQA review and include the proposed amendments for consideration as part of the annual General Plan Amendment cycle for 2015. CEQA: Statutory Exemption, Section 15270. Planning Commission recommends denial (6-0-0). (Planning, Building and Code Enforcement)**
- GP14-011 - District 7**

Action: Deferred to May 5, 2015 per Orders of the Day.

**4.4 Approve the proposed ordinance amending Title 23 (the Sign Code) of the San José Municipal Code:**

- (a) To amend Chapter 23.02, Part 1, Definitions, to revise Section 23.02.010 Definitions Govern to add clarifying language; to add new Sections 23.02.232 Freeway Frontage, 23.02.465 Riparian Corridor, and 23.02.517 Special Sign Zone;**
- (b) To amend Chapter 23.02, Part 2, General Provisions, to revise Section 23.02.860 Special Sign Zones to add a description of the North San José Signage Area;**
- (c) To amend Chapter 23.04, Part 1, Commercial and Industrial Zoning Districts and Neighborhood Business Districts, to amend Section 23.04.010 Application to add North San José Signage Area to the zones governed by this Part; to amend Section 23.04.035 Freeway Signs to allow sites developed as Office/Research & Development in the North San José Signage Area to have Freeway Signs; and**
- (d) To amend Chapter 23.04, Part 4, Residential, Agricultural and Open Space Zoning Districts, to amend Section 23.04.300 Application to revise the list of zones governed by this Part, to amend Section 23.04.320 Signs on Residential Parcels to increase the maximum allowable height of Free-standing Signs on multi-family residential Parcels in the North San José Signage Area; and**
- (e) To make other nonsubstantive, ministerial, technical, or typographical changes to various Sections of said Chapters 23.02 and 23.04 of the Sign Code.**

**CEQA: Final Program Environmental Impact Report entitled, “North San José Area Development Policies Update Final Environmental Impact Report (SCH# 2004102067)” and Addendum thereto, File No. PP15-007. (Planning, Building and Code Enforcement)**

Director of Planning, Building and Code Enforcement, Harry Freitas offered a presentation regarding an amendment to the Sign Code Ordinance and responded to questions.

Motion: Council Member Matthews moved approval to continue this item for one week, citing the need for more time for review. Councilmember Khamis seconded the motion.

Action: On a call for the question, the motion carried unanimously, Item 4.4 was continued to April 28, 2015. (11-0.)

## ENVIRONMENTAL & UTILITY SERVICES

- 7.1 Accept the staff report on the San José-Santa Clara Regional Wastewater Facility Ten-Year Funding Strategy. CEQA: Not a Project, File PP10-069(a), Staff Reports. (Environmental Services)**

Action: Deferred to May 19, 2015 per Administration.

- 7.2 Adopt a resolution to standardize the discount rate at \$105 per acre foot for the wholesale recycled water service rates for the South Bay Water Recycling Program effective July 1, 2015, superseding Resolution No. 76964. CEQA: Statutorily Exempt, File No. PP10-067(a), CEQA Guidelines Section 15273 - Rates, Tolls, Fares, and Charges. (Environmental Services)**

Documents Filed: (1) Memorandum from Environmental Services Director, Kerrie Romanow, dated March 18, 2015, recommending adoption of a resolution. (2) Letter from Secretary to the Treatment Plant Advisory Committee, Kerrie Romanow, dated April 9, 2015, stating concurrence with the Staff recommendation.

Environmental Services Director Kerrie Romanow provided a presentation on the water service rates and responded to questions from Council.

Action: Upon motion by Councilmember Oliverio, seconded by Councilmember Khamis and carried unanimously, Resolution No. 77326, entitled: “A Resolution of the Council of the City of San José Adopting Wholesale Recycled Water Rates for the South Bay Water Recycling Program Effective July 1, 2015 and Superseding Resolution No. 76964”, was adopted. (10-0-1. Absent: Kalra.)

- 7.3 As recommended by the Transportation and Environment Committee on April 6, 2015:**

- (a) Accept the South Bay Water Recycling Strategic and Master Plan report for near term reliability projects for the South Bay Water Recycling Program;**
- (b) Direct staff to evaluate opportunities to collaborate with the Santa Clara Valley Water District on the long term strategies identified in the Strategic and Master Plan report for portable reuse of recycled water.**

**CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (Environmental Services)**

Documents Filed: (1) Memorandum from City Clerk Toni Taber, dated April 9, 2015, transmitting the recommendations of the Transportation and Environment Committee. (2) Letter from Secretary to the Treatment Plant Advisory Committee, Kerrie Romanow, dated April 9, 2015, stating concurrence with the Staff recommendation.

Environmental Services Director Kerrie Romanow provided a presentation on the South Bay Water Recycling Strategic and Master Plan report.

Action: The report was accepted.

- 7.4 (a) **Adopt an urgency ordinance amending Chapter 15.10 of Title 15 of the San José Municipal Code by amending Sections 15.10.310, 15.10.330 and 15.10.360 and repealing Section 15.10.370 of Part 3 of Chapter 15.10 of Title 15 to replace the time of day landscape irrigation restrictions and prohibition on use of potable water for all outdoor landscape irrigation, with limited exceptions, that are triggered by a Council declaration of water shortage with a landscape and turf irrigation restriction of zero (0) to four (4) days per week, with the specific number of days, days per week and exceptions to the prohibition to be as set forth in a resolution adopted by City Council; to provide that the restriction related to swimming pool filling is triggered by a Council adoption of a resolution declaring thirty (30) percent or greater water shortage and to provide that after Council adoption of a resolution declaring a thirty (30) percent or greater water shortage, it shall be unlawful for any person to install new outdoor landscaping or turf during the months of May through October in an area with an overhead irrigation system, unless the overhead irrigation system is disconnected, removed or converted to drip irrigation, except for (a) installation of drought-tolerant or native plants, or plants or trees grown for consumption, or (b) installation that has been commenced prior to the date of the Council Resolution declaring the 30 percent water shortage pursuant to a development permit or building permit for which a landscape documentation package has been submitted to the City; to repeal Section 15.10.370 limiting outdoor irrigation after council declaration of a forty (40) percent water shortage; and setting forth the facts constituting such urgency.**
- (b) **Approve a regular ordinance amending Chapter 15.10 of Title 15 of the San José Municipal Code by amending Sections 15.10.310, 15.10.330 and 15.10.360 and repealing Section 15.10.370 of Part 3 of Chapter 15.10 of Title 15 to replace the time of day landscape irrigation restrictions and prohibition on use of potable water for all outdoor landscape irrigation, with limited exceptions, that are triggered by a Council declaration of water shortage with a landscape and turf irrigation restriction of zero (0) to four (4) days per week, with the specific number of days, days per week and exceptions to the prohibition to be as set forth in a resolution adopted by City Council; to provide that the restriction related to swimming pool filling is triggered by a Council adoption of a resolution declaring thirty (30) percent or greater water shortage and to provide that after Council adoption of a resolution declaring a thirty (30) percent or greater water shortage, it shall be unlawful for any person to install new outdoor landscaping or turf during the months of May through October in an area with an overhead irrigation system, unless the overhead irrigation system is disconnected, removed or converted to drip irrigation, except for (a) installation of drought-tolerant or native plants, or plants or trees grown for consumption, or (b) installation that has been commenced prior to the date of the Council Resolution declaring the 30 percent water shortage pursuant to a development permit or building permit for which a landscape documentation package has been submitted to the City; and to repeal Section 15.10.370 limiting outdoor irrigation after council declaration of a forty (40) percent water shortage.**

#### 7.4 (Cont'd.)

##### **CEQA: Exempt, File Nos. PP15-032 and File No. PP15-041. (Environmental Services)**

Documents Filed: (1) Replacement memorandum from Environmental Services Director Kerrie Romanow, dated April 13, 2015, replacing memorandum dated March 30, 2015 regarding amendment of Title 15 of the San José Municipal Code. (2) Email correspondence from Willow Glen resident Brian McCormick dated April 19, 2015, regarding restrictions on refilling swimming pools.

Environmental Services Director Kerrie Romanow provided a presentation and responded to questions from Council.

Motion: Vice Mayor Herrera moved approval of the ordinance changes, and the motion was seconded by Council Member Matthews.

Councilmember Khamis requested an amendment to the motion, that an exemption be included for refilling pools as indicated below in "Action". Vice Mayor Herrera and Council Member Matthews accepted the amendment to the motion.

Public Comment: Rachel Gibson, representing the Santa Clara Valley Water District, and John Tang, representing the San José Water Company, offered support to Items 7.4 and 7.5 and asked that a 30 percent water reduction be considered. Ron Zraick, Cinnabar Hills Golf Club and CGCOA, spoke on behalf of the golf course industry, asking that flexibility be allowed for courses as long as water conservation targets are met.

Action: On a call for the question, the motion carried unanimously, Urgency Ordinance No. 29555, entitled: "An Urgency Ordinance of the City of San José Amending Sections 15.10.310, 15.10.330 and 15.10.360 and Repealing Section 15.10.370 of Part 3 of Chapter 15.10 of Title 15 of the San Jose Municipal Code to Replace the Time of Day Landscape Irrigation Restrictions and Prohibition on Use of Potable Water For All Outdoor Landscape Irrigation, With Limited Exceptions, that are Triggered by A Council Declaration of Water Shortage With a Landscape and Turf Irrigation Restriction of Zero (0) to Four (4) Days Per Week, with the Specific Number of Days, Days Per Week and Exceptions to the Prohibition to Be As Set Forth in A Resolution Adopted By City Council; to Modify the Restriction Related to Swimming Pool Filling So that it is Triggered by a Council Adoption of a Resolution Declaring a Thirty Percent (30%) Or Greater Water Shortage and Includes an Exception for Refilling After Repair for Leaks; To Provide that after Council Adoption of a Resolution Declaring a Thirty Percent (30%) Or Greater Water Shortage, It Shall Be Unlawful for Any Person to Install New Outdoor Landscaping or Turf During the Months of May through October in an Area With an Overhead Irrigation System, Unless the Overhead Irrigation System is Disconnected, Removed Or Converted To Drip Irrigation, Except For Drought-Tolerant Native Plants, Plants or Trees Grown For Consumption, Installation that has been Commenced Prior to the Date of the Council Resolution Declaring the Thirty Percent (30%) Water Shortage Pursuant to a Development Permit or Building Permit for which a Landscape

#### 7.4 (Cont'd.)

Documentation Package has been Submitted to the City or Installation a Project for which a Development Permit Application has Been Filed Prior to the Date of the Council Resolution Declaring the Thirty Percent (30%) Water Shortage, and Which is Located in an Employment Lands Area, as Designated in the City of San José Envision 2040 General Plan; and to Repeal Section 15.10.370 Limiting Outdoor Irrigation After Council Declaration of a Forty Percent (40%) Water Shortage; and Setting Forth the Facts Constituting Such Urgency”, was adopted; and Ordinance No. 29556, entitled: “An Ordinance of the City of San José Amending Sections 15.10.310, 15.10.330 and 15.10.360 and Repealing Section 15.10.370 of Part 3 of Chapter 15.10 of Title 15 of the San Jose Municipal Code to Replace the Time of Day Landscape Irrigation Restrictions and Prohibition on Use of Potable Water For all Outdoor Landscape Irrigation, with Limited Exceptions, that are Triggered by a Council Declaration of Water Shortage with a Landscape and Turf Irrigation Restriction of Zero (0) to Four (4) Days Per Week, with the Specific Number of Days, Days Per Week and Exceptions to the Prohibition to Be as Set Forth in a Resolution Adopted By City Council; to Modify the Restriction Related to Swimming Pool Filling So that it is Triggered by a Council Adoption of a Resolution Declaring a Thirty Percent (30%) or Greater Water Shortage and Includes an Exception For Refilling After Repair For Leaks; to Provide that After Council Adoption of a Resolution Declaring a Thirty Percent (30%) or Greater Water Shortage, It Shall Be Unlawful For Any Person to Install New Outdoor Landscaping or Turf During the Months of May Through October in an Area With an Overhead Irrigation System, Unless the Overhead Irrigation System is Disconnected, Removed or Converted to Drip Irrigation, Except for Drought-Tolerant Native Plants, Plants or Trees Grown For Consumption, Installation that has been Commenced Prior to the Date of the Council Resolution Declaring the Thirty Percent (30%) Water Shortage Pursuant to a Development Permit or Building Permit for Which a Landscape Documentation Package has been Submitted to the City or Installation on a Project for Which a Development Permit Application has been Filed Prior to the Date of the Council Resolution Declaring the Thirty Percent (30%) Water Shortage, and Which is Located in an Employment Lands Area, as Designated in the City of San Jose Envision 2040 General Plan; and to Repeal Section 15.10.370 Limiting Outdoor Irrigation After Council Declaration of a Forty Percent (40%) Water Shortage”, was passed for publication, with an exemption included for refilling swimming pools when repairing leaks, but keep existing prohibitions when filling new pools. (11-0.)

- 7.5 Declaration of a Citywide 25 Percent Water Shortage Adopt a resolution, to be in effect through March 31, 2016, declaring a water shortage of 25 percent citywide and limiting use of potable water for landscape and turf irrigation to two (2) scheduled days per week, except when watering by hand or by drip irrigation, or for maintenance of public parks, playing fields, day care centers, golf course greens, and school grounds, provided such irrigation is done in a water efficient manner, or for fire protection, soil erosion control, plants/trees grown for consumption, nursery/garden center plants for sale, and environmental mitigation projects. CEQA: Exempt, File No. PP15-032. (Environmental Services)**

## 7.5 (Cont'd.)

Documents Filed: (1) Joint memorandum from Mayor Liccardo and Council Member Matthews, dated April 21, 2015, regarding Declaration of a 30 Percent Water Shortage. (2) Joint memorandum from Vice Mayor Herrera and Council Members Matthews, Jones and Nguyen, dated April 16, 2015, regarding a 25 Percent Water Shortage with direction to staff. (3) Memorandum from Environmental Services Director Kerrie Romanow, dated April 13, 2015 regarding declaration of a water shortage. (4) Supplemental memorandum from Environmental Services Director Kerrie Romanow, dated April 20, 2015, providing additional information on drought related developments.

Environmental Services Director Kerrie Romanow continued with a presentation regarding drought related issues. Mayor Liccardo spoke in support of a 30 percent reduction rather than the 25 percent reduction suggested.

Motion: Vice Mayor Herrera moved approval of the memorandum she cosigned with Council Members Matthews, Jones and Nguyen, dated April 16, 2015, and the joint memorandum from Mayor Liccardo and Council Member Matthews, dated April 21, 2015, regarding recommending a water shortage of 30 percent. Council Member Matthews seconded the motion.

Councilmember Oliverio requested an amendment to the motion, recommending staff provide a memorandum prior to the May 5, 2015 Council Meeting offering strategies for creating equitability between the Muni Water and those ratepayers paying significantly less than the rest of the City including a breakdown on how those funds could be used. Vice Mayor Herrera and Council Member Matthews accepted the amendment.

Action: On a call for the question, the motion carried unanimously, and Resolution No. 77327, entitled: "A Resolution of the Council of the City of San José Declaring a Thirty Percent (30%) Water Shortage Citywide and Establishing a Watering Schedule and Exceptions Thereto Pursuant to San José Municipal Code Section 15.10.360 and Superseding Resolution No. 77141, was adopted, with direction to staff as included in the joint memorandum from Mayor Liccardo and Council Member Matthews dated April 21, 2015, to: (1) Amend the City Manager's proposed resolution to declare a water shortage of 30 percent citywide, per Policy Alternative #2 outlined in the staff memorandum, consistent with the recommendation of the Santa Clara Valley Water District; (2) Adopt the recommendation outlined in staff memorandum 7.4 to amend Chapter 15.10 of Title 15 of the San José Municipal Code to include significant economic development projects that are already in the "pipeline", approved or under construction, into the exception category; to (3) Direct the City Manager to: (a) encourage the use of native plants and drip irrigation development into the Development Services "pipeline"; (b) include the following topics for discussion on the Agenda for the Joint Study Session with the Santa Clara Valley Water District: (i) A joint resolution of intent to support state legislation to accelerate the environmental clearance and construction of infrastructure to enable indirect potable reuse of highly purified recycled water; (ii) A robust, joint approach to enforcement of the new water regulations which incorporates water retailers and

## 7.5 (Cont'd.)

surrounding cities; (iii) Development of a “model ordinance” by the Santa Clara Valley Water District as a basis for engagement with surrounding cities to develop and implement regionally-consistent water conservation measure; (iv) Development of a monthly water conservation report by water retailers; and (4) Direct the City Manager to report quarterly to the Transportation and Environment Committee on water conservation status; and including the joint memorandum from Vice Mayor Herrera, Council Members Matthews, Jones and Nguyen dated April 16, 2015, directing staff to (1) Utilize the Santa Clara Valley Water District and San José Municipal Water rebate program to create residential lawn conversion assistance programs in conjunction with private and private non-profit partners; (2) As part of the strategy to address the shortage, develop a communications strategy and workplan to notify San José residents of the Santa Clara Valley Water District’s water rebate program for lawn conversions to drought-tolerant alternatives; (3) Research and analyze gray water system conversions for potentially making changes to the permitting process allowing for gray water conversion in the most timely and inexpensive manner currently available; and (4) Pursue and/or support State legislation on water conservation incentives that could assist residents in their water conservation goals. Additionally, Staff was directed to provide a memorandum prior to the May 5, 2015 Council Meeting offering strategies for creating equitability between the Muni Water and those ratepayers paying significantly less than the rest of the City including a breakdown on how those funds could be used. (11-0.)

## 7.6 **Approve the 2014 Green Vision Annual Report and 2015 Work Plan priorities and implementation framework. CEQA: Not a Project, File No. PP10-069(a), Staff Reports/Assessments/Annual Reports. (Environmental Services)**

Documents Filed: (1) Joint memorandum from Mayor Liccardo, Vice Mayor Herrera and Councilmembers Kalra, Matthews and Oliverio, dated April 17, 2014, recommending approval of the report with additional direction to staff. (2) Memorandum from Environmental Services Director Kerrie Romanow, dated March 30, 2015, recommending approval of the Green Vision Annual Report and 2015 Work Plan priorities.

Mayor Liccardo provided introductory remarks.

Public Comment: Ruth Merino, San José Community Energy, highlighted the program’s resources.

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Jones and carried unanimously, the 2014 Green Vision Annual Report and 2015 Work Plan priorities and implementation framework were accepted. (10-0-1. Absent: Oliverio.)

**7.7 As recommended by the Rules and Open Government Committee on April 1, 2015:**

- (a) Consider adoption of a resolution highlighting:**
  - (1) The problems caused by greenhouse gases and global climate change;**
  - (2) The significance of the Clean Air Act;**
  - (3) The City’s desire to curb greenhouse gases; and**
  - (4) City’s support to utilizing the Clean Air Act to reduce greenhouse gases.**
- (b) Direct the City Clerk to send the resolution to the President and Environmental Protection Agency.**

**CEQA: Not a Project, File No. PP10-069 City Organizational and Administrative Activities. (Peralez/Jones/Kalra/ Matthews/Rocha)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated April 9, 2015, transmitting the recommendations of the Rules and Open Government Committee.

Motion: Councilmember Peralez moved approval of the memorandum to the Rules and Open Government Committee he cosigned with Councilmember Jones, Kalra, Matthews and Rocha, dated March 25, 2015, regarding adoption of a resolution, as outlined below in “Action”. The motion was seconded by Councilmember Jones.

Councilmember Khamis countered that the subject of global climate change is not within the purview of the City and would not be supporting the motion.

Action: On a call for the question, the motion carried, and Resolution No. 77328, entitled: “A Resolution of the Council of the City of San José Supporting the Clean Air Act and the Reduction of Carbon in our Atmosphere to No More than 350 Parts per Million”, was adopted. (9-1-1. Noes: Khamis. Absent: Oliverio.)

**NOTICE OF CITY ENGINEER’S PENDING DECISION ON FINAL MAPS**

In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
10303	Almaden Road, 500’ south of Almaden Expressway	10	KCS Properties LLC	11 Lots/ 10 Units	SFD

The Council of the City of San José adjourned at 7:29 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC  
City Clerk