



CITY COUNCIL AGENDA

APRIL 21, 2015

SYNOPSIS

CHAPPIE JONES
ASH KALRA
RAUL PERALEZ
MARJORIE MATTHEWS
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, Council Wing, 2nd 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.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 as soon as possible, but at least three business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:10 a.m. - Closed Session, Call to Order in Council Chambers
Absent Councilmembers: All Present.

1:30 p.m. - Regular Session, Council Chambers, City Hall
Absent Councilmembers: All Present.
- **Invocation (District 4)**
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**
The Orders of the Day and the Amended Agenda were approved, with Item 4.3 deferred to 5/5/15.
- **Closed Session Report**
None provided.

1. 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)
(Rules Committee referral 4/15/15)
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)
(Rules Committee referral 4/15/15)
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.

2. CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
None.

- 2.2 **Final Adoption of Ordinances.**

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)

Ordinance No. 29547 was adopted.

- 2.3 **Approval of Council Committee Reports.**

Recommendation: Approval of Council Committee Reports.

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

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.
Approved.

2. CONSENT CALENDAR

2.4 Mayor and Council Excused Absence Requests.
None.

2.5 City Council Travel Reports.
None.

2.6 Report from the Council Liaison to the Retirement Boards.
None.

3.3 Naming of the New Library Located at 4001 Evergreen Village Square.

Recommendation:

- (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)

Approved.

2.7 Amendment to the Lease of Airport Premises Agreement with Menzies Aviation USA, Inc.

Recommendation: 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)
Approved.

2.8 Police and Fire Department Retirement Plan Board Public Member Appointment.

Recommendation: 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)
Approved.

2. CONSENT CALENDAR

2.9 District 10 SAP Grant to Andres Castellero Middle School Education Foundation.

Recommendation: 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)
[Rules Committee referral 4/8/15 – Item G(3)]

Approved.

Recused: Khamis.

2.10 Building Inspection Staffing.

Recommendation: 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)
[Rules Committee referral 4/8/15 – Item G(4)]

Approved.

2.11 Agreement with Cupertino Sanitary District of Santa Clara County for Joint Use Sanitary Sewers.

Recommendation: 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)

Approved.

2.12 SB 11 and SB 29 (Beall) – Behavioral Health Training for California Peace Officers.

Recommendation: 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)
[Rules Committee referral 4/8/15 – Item G(6)]

Approved.

2. CONSENT CALENDAR

2.13 AB 1335 (Atkins; Principle Co- Authors: Chau, Chiu, and Gordon) – Building Homes and Jobs Act.

Recommendation: 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) [Rules Committee referral 4/15/15 – G(3)]

Approved.

3. STRATEGIC SUPPORT SERVICES

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

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.
None provided.

3.3 Report on Request for Proposal for Crime and Mobile Predictive Analytics Software System.

Recommendation:

(a) Accept the report on the Request for Proposal for a Crime and Mobile Predictive Analytics Software System.

Accepted.

(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

(Item Continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.3 Report on Request for Proposal for Crime and Mobile Predictive Analytics Software System (Cont'd.)

- (b) (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)
Approved.

3.4 Peddler Permit Fee and Business License Tax Certificate Fee for Fixed and Mobile Street Vendors.

Recommendation: 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)
[Rules Committee referral 4/1/15 – Item G(5)]

Approved, 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, 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.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Five Year 2015-20 Consolidated Plan and the FY 2015-16 Annual Action Plan.

Recommendation: 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)

Hearing held.

Report accepted, with staff to provide an information memorandum with detailed information on the funding obligations and options regarding moving obligations to the General Fund.

4.2 Rezoning the Real Property Located North of Charter Park Drive, Approximately 650 Feet South of Hillsdale Avenue.

Recommendation:

(a) Adopt a resolution adopting the Negative Declaration for Rezoning Project C15-002;

Resolution No. 77325 adopted.

(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

Ordinance No.29554 passed for publication.

4.3 General Plan Text Amendment and Communications Hill Specific Plan Amendment Related to the Real Property at 2829 Monterey Road.

Recommendation: 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

Deferred to 5/5/15 per Orders of the Day.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.4 Amendment to Title 23 Sign Code Ordinance.

Recommendation: 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)
Deferred to 4/28/15 per Council to allow additional time for review.

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

3.4 Report on the San José-Santa Clara Regional Wastewater Facility Ten-Year Funding Strategy. - *DEFERRED*

Recommendation: 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)

(Deferred from 3/24/15 – Item 7.1)

Deferred to 5/19/15 per Administration.

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Wholesale Recycled Water Rates for FY 2015-2016.

Recommendation: 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)

Resolution No. 77326 adopted.

7.2 South Bay Water Recycling Strategic Master Plan Report.

Recommendation: 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; and
- (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) [Transportation and Environment Committee referral 4/6/15 – Item D(3)]

Approved.

7.3 Amendment to Title 15 Public Utilities Code Related to Water Conservation.

Recommendation:

- (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

(Item Continued on the next page)

7. ENVIRONMENTAL & UTILITY SERVICES

7.4 Amendment to Title 15 Public Utilities Code Related to Water Conservation. (Cont'd.)

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.

Emergency Ordinance No. 29555 adopted.

- (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.

CEQA: Exempt, File Nos. PP15-032 and File No. PP15-041. (Environmental Services)
Ordinance No. 29556 passed for publication, with an exemption included for refilling swimming pools when repairing leaks, but keep existing prohibitions when filling new pools.

7. ENVIRONMENTAL & UTILITY SERVICES

7.4 Declaration of a Citywide 25 Percent Water Shortage.

Recommendation: 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)

Resolution No. 77327 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 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.

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.

(Item Continued on the next page)

7. ENVIRONMENTAL & UTILITY SERVICES

7.5 Declaration of a Citywide 25 Percent Water Shortage (Cont'd.)

At Councilmember Oliverio's request, Staff 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.

7.6 Green Vision 2014 Green Vision Annual Report and 2015 Workplan.

Recommendation: 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)
Approved.

7.7 Clean Air Act Resolution.

Recommendation: 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) The 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)
[Rules Committee referral 4/1/15 – Item G(6)]

Resolution No. 77328 adopted.

Noes: Khamis.

8. PUBLIC SAFETY SERVICES

8.1 2014 Independent Police Auditor Year End Report.

Recommendation: 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)

Heard jointly with Item 8.2 immediately following Consent Calendar.

8.2 San José Police Department Internal Affairs Department Initiated Investigation Report.

Recommendation: 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)

Heard jointly with Item 8.1 immediately following Consent Calendar.

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.

9. REDEVELOPMENT – SUCCESSOR AGENCY

- **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

- **Open Forum**

None.

- **Adjournment**

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