

## MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, OCTOBER 08, 2013

The Council of the City of San José convened in Regular Session at 9:30 a.m. in the Council Chambers at City Hall.

Present: Council Members - Campos, Chu, Constant, Herrera, Khamis, Nguyen, Rocha; Reed.

Absent: Council Members - Kalra, Liccardo, Oliverio. (Excused)

### STRATEGIC SUPPORT SERVICES

#### 3.2 Accept Labor Negotiations Update.

There was no report.

### CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:31 a.m. to a Closed Session in Room W133 (A) to confer with Legal Counsel with respect to Public Employment/Public Employee Appointment pursuant to Government Code Section 54957: (1) Department: Office of the City Manager; Title: City Manager. (B) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to existing litigation: (1) City v. RossDrulisCusenbery Architecture, Inc., et al. Names of Parties Involved: City of San José, RossDrulisCusenbery Architecture, Inc. aka Michael Ross Charles Drulis Architects and Planners, a purported California Corporation and Does 1-100; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-237767; Amount of Money or Other Relief Sought: Damages according to proof. (2) City, et al. v. Office of the Commissioner of Baseball, et al. Names of Parties Involved: City of San José, City of San José as Successor Agency to the Redevelopment Agency of the City of San José and the San José Diridon Authority, Office of the Commissioner of Baseball, an unincorporated association doing business as Major League Baseball and Allan Huber “Bud” Selig; Court: United States District Court, Northern District of California; San José Division; Case No: CV-13-02787-HRL; Amount of Money or Other Relief Sought: Damages according to proof. (C) to confer with Legal Counsel pursuant to Government

## CLOSED SESSION (Cont'd.)

Code Section 54956.9 subsection (b) with respect to anticipated litigation (Claim Not Filed) with significant exposure in one (1) matter. (D) to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Manager Designee Alex Gurza; 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 11:42 a.m. and reconvened to Regular Session at 1:31 p.m. in the Council Chambers.

Present: Council Members - Campos, Chu (1:38 p.m.), Constant, Herrera, Kalra (1:34 p.m.), Khamis, Liccardo, Nguyen, Oliverio (1:41 p.m.), Rocha, Reed.

Absent: Council Members - All Present.

## INVOCATION

Jane Light, Former President of the San José Public Library Foundation, read an excerpt from the poem “*Ode to the Book*” by Pablo Neruda. (District 9)

## PLEDGE OF ALLEGIANCE

Mayor Reed, accompanied by Third Graders from Lynnhaven Elementary School, led the Pledge of Allegiance.

## ORDERS OF THE DAY

Upon motion by Vice Mayor Nguyen, seconded by Council Member Herrera and carried unanimously, the Orders of the Day and the Amended Agenda were approved. (9-0-2. Absent: Chu, Oliverio.)

Mayor Reed announced the appointment of Toni J. Taber as City Clerk.

## CEREMONIAL ITEMS

**1.1 Presentation of a commendation to Rick Holden for 15 years of exceptional service to the Community Leadership Program. (Constant)  
(Deferred from 9/10/13 – Item 1.1)**

Mayor Reed and Council Members Constant and Liccardo recognized and commended Rick Holden for 15 years of outstanding service.

**1.2 Presentation of a proclamation recognizing the week of October 20-26, 2013 as “National Save for Retirement Week” in the City of San José. (Constant)**

Mayor Reed and Council Member Constant recognized the week of October 20 through October 26, 2013 as “National Save for Retirement Week” in San José.

**1.3 Presentation of a proclamation recognizing October 9, 2013 as “International Walk to School Day” in the City of San José in an effort to celebrate the many benefits of walking and bicycling to school. (City Council)  
(Rules Committee referral 10/2/13)**

Mayor Reed, Vice Mayor Nguyen and Council Members Constant, Herrera, Liccardo and Khamis recognized October 9, 2013 as “International Walk to School Day” in San José.

## CONSENT CALENDAR

Upon motion by Vice Mayor Nguyen, seconded by Council Member Herrera and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0)

### 2.1 Approval of Minutes.

There were none.

### 2.2 Final adoption of ordinances.

- (a) **ORD. NO. 29314 – Amending Sections 9.10.2010 and 9.10.2020 of Chapter 9.10 of Title 9 of the San José Municipal Code relating to single-use carry-out bags.**

Documents Filed: (1) Supplemental memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated October 7, 2013, responding to comments on the addendum to the single-use carry-out bag EIR provided by Stephen Joseph, Attorney for Save the Plastic Bag Coalition. (2) Proof of Publication of the Title of Ordinance No. 29314 executed on September 27, 2013, submitted by the City Clerk.

Director of Planning, Building and Code Enforcement Joseph Horwedel pointed out that the proposed ordinance maintains the ten cent charge in lieu of escalating the fee to twenty five cents in 2014.

Council Member Khamis affirmed that he does not support increasing the cost of bags.

Council Member Constant expressed his opposition and pointed out that it is not appropriate for a fee to go to a private entity.

Public Comments: Don Williams, Stop the Bag Ban, expressed opposition to the bag ban and urged the Council to repeal it.

Action: Upon motion by Council Member Liccardo, seconded by Vice Mayor Nguyen and carried, Ordinance No. 29314 was adopted. (10-1. Noes: Constant.)

### 2.3 Approval of Council Committee Reports.

- (a) **Rules and Open Government Committee Report of September 18, 2013. (Mayor)**
- (b) **Public Safety, Finance, and Strategic Support Committee Report of September 19, 2013. (Constant)**
- (c) **Community and Economic Development Committee Report of September 23, 2013. (Herrera)**

### 2.3 (Cont'd.)

Documents Filed: (1) The Rules and Open Government Committee Report dated September 18, 2013. (2) The Public Safety, Finance and Strategic Support Committee Report dated September 19, 2013. (3) The Community and Economic Development Committee Report dated September 23, 2013.

Public Comments: David Wall offered his own point of view regarding Habitat for Humanity.

Action: The Council Committee Reports were approved. (11-0.)

### 2.4 Mayor and Council Excused Absence Requests.

There was no report.

### 2.5 City Council Travel Reports.

Mayor Reed and Council Member Khamis presented highlights of their Silicon Valley Leadership Group Trip to Washington D.C. which focused mainly on Immigration and Business Tax Reform, and included discussions on Patent and Trademark District Offices, one to be located in Silicon Valley.

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

There was no report.

### 2.7 Approve an ordinance designating a 30-foot wide strip of City-owned property (Assessor's Parcel No. 259-46-076) located on the south side of Park Avenue east of Gifford Street, as public right-of-way for the purpose of implementing the construction of the Delmas/Park Rule 20B Underground Utility District Project and to accommodate the undergrounding of overhead utility facilities. CEQA: Exempt, File No. PP13-081. Council District 3. (Public Works)

Documents Filed: City Council Action Request from Director of Public Works David Sykes, dated September 26, 2013, recommending approval of an ordinance.

Action: Ordinance No. 29319, entitled: "An Ordinance of the City of San José Expanding a Public Right-Of-Way to Accommodate the Delmas/Park Underground Utility District Project", was passed for publication. (11-0.)

### 2.8 Approve travel by Council Member Campos to Dublin, Ireland on October 12 – 17, 2013, to attend the Dublin Sister City Delegation. Source of Funds: District 5 Council Funds. (Campos) (Rules Committee referral 10/2/13)

**2.8 (Cont'd.)**

Documents Filed: Memorandum from Council Member Campos, dated September 26, 2013, requesting approval of travel.

Action: The travel for Council Member Campos was approved. (11-0.)

- 2.9 (a) Approve travel by Mayor Reed to Washington, D.C. on October 1-3, 2013, to join the Silicon Valley Leadership Group to advocate for federal policies to support Silicon Valley job creation and global competitiveness. Source of Funds: Mayor's Office Budget. (Mayor)**
- (b) Request for an excused absence for Mayor Reed from the City Council Meeting on October 1, 2013 and the Rules and Open Government Committee on October 2, 2013 due to Authorized City Business: Silicon Valley Leadership Group Fall CEO/Senior Officer Trip. (Mayor)**  
**(Rules Committee referral 10/2/13)**

Documents Filed: Memorandum from Mayor Reed, dated September 27, 2013, requesting approval of travel and excused absences due to authorized City business.

Action: The travel for Mayor Reed was approved and the absence was excused. (11-0.)

- 2.10 Approve travel by Council Member Rocha to Los Angeles, CA on October 16-17, 2013, for the San José Silicon Valley Chamber Study Mission to Los Angeles. Source of Funds: Mayor/Council Funds. (Rocha)**  
**(Rules Committee referral 10/2/13)**

Documents Filed: Memorandum from Council Member Rocha, dated September 30, 2013, requesting approval of travel.

Action: The travel for Council Member Rocha was approved. (11-0.)

- 2.11 Adopt a resolution ratifying the extension to the Reimbursable Space Act Agreement with the National Aeronautics and Space Administration Ames Research Center for utilization of Moffett Federal Airfield for Law Enforcement and Emergency Response Capabilities, for an extension period not to exceed three months, for support services related to the use of office and hangar space and estimated fuel costs. CEQA: Not a Project, File No. PP10-066(f), Lease of equipment of existing space for the same use. (Economic Development)**  
**(Rules Committee referral 10/2/13)**

Documents Filed: Memorandum from Director of Economic Development/Chief Strategist Kim Walesh, dated September 26, 2013, recommending adoption of a resolution.

**2.11 (Cont'd.)**

Action: Resolution No. 76814, entitled: "A Resolution of the Council of the City of San José Ratifying the Extension of the Reimbursable Space Act Agreement with NASA Ames Research Center for Utilization of Moffett Federal Airfield by the Police Helicopter Unit for an Extension Period Not To Exceed Three Months", was adopted. (11-0.)

**2.12 As recommended by the Rules and Open Government Committee on October 2, 2013:**

- (a) Approve the Hindu Awareness and Appreciation Month Reception as a City Council sponsored Special Event.**
- (b) Approve expending funds and accepting donations from various individuals, businesses and community groups to support this event.**

**CEQA: Not a Project. (Kalra)**

**[Rules Committee referral 10/2/13 – Item G(2)]**

Documents Filed: Memorandum from Acting City Clerk Toni Taber, CMC, dated October 2, 2013, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Hindu Awareness and Appreciation Month Reception as a City Council sponsored Special Event was approved and acceptance of funds and donations from various individuals, businesses and community groups to support this event were authorized. (11-0.)

**2.13 As recommended by the Rules and Open Government Committee on October 2, 2013:**

- (a) Approve the showing of a community gardens documentary as City Council sponsored Special Event.**
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.**

**CEQA: Not a Project. (Oliverio)**

**[Rules Committee referral 10/2/13 – Item G(3)]**

Documents Filed: Memorandum from Acting City Clerk Toni Taber, CMC, dated October 2, 2013, transmitting the recommendations of the Rules and Open Government Committee.

Public Comments: David Wall voiced favorable comments pertaining to the community gardens documentary.

Action: The showing of a community gardens documentary as a City Council sponsored Special Event was approved and acceptance of funds and donations from various individuals, businesses and community groups to support this event were authorized. (11-0.)

**2.14 As recommended by the Rules and Open Government Committee on October 2, 2013:**

- (a) Approve the San José Gun Buy Back as a City Council sponsored Special Event.**
- (b) Approve expending funds and accepting donations from various individuals, businesses, or community groups to support the event.**

**(Campos)**

Documents Filed: Memorandum from Acting City Clerk Toni Taber, CMC, dated October 2, 2013, transmitting the recommendations of the Rules and Open Government Committee.

Action: The San José Gun Buy Back as a City Council sponsored Special Event was approved and acceptance of funds and donations from various individuals, businesses and community groups to support the event were authorized. (11-0.)

**END OF CONSENT CALENDAR**

**STRATEGIC SUPPORT SERVICES**

- 3.3**
- (a) Accept the 2012-2013 City Manager’s Annual Report of the Finances of the City of San José in compliance with City Charter Section 701 (F).**
  - (b) Adopt Appropriation Ordinance and Funding Sources Resolution amendments in various operating and capital funds to implement the 2012-2013 Annual Report recommendations, including appropriate technical adjustments, as detailed in Section IV (Recommended Budget Adjustments and Clean-Up Actions).**
  - (c) Approve the release of the Successor Agency to the Redevelopment Agency PERS Levy/Water District Levy General Fund Contingency Plan that was included in the 2013-2014 Adopted Budget.**

**CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments and Annual Reports. (City Manager’s Office)**

Documents Filed: (1) Supplemental memorandum from City Manager Debra Figone, dated October 3, 2013, amending the 2012-2013 Annual Report Section IV Recommended Budget Adjustment and Clean-Up Actions to include increasing the contingency reserve in the amount of \$1,691,000 and decrease the 2014-2015 future deficit reserve in the amount of \$1,691,000. (2) The 2012-2013 Annual Report from the Office of the City Manager dated September 2013. (3) Staff presentation dated October 8, 2013 summarizing the 2012-2013 Annual Report.

Council Member Constant left the meeting at approximately 3:00 p.m.

City Manager Debra Figone offered introductory remarks.

Budget Director Jennifer Maguire presented a brief overview of the 2012-2013 Annual Report.

### 3.3 (Cont'd.)

City Attorney Richard Doyle, Budget Director Jennifer A. Maguire and Director of Economic Development/Chief Strategist Kim Welsh and Director of Transportation responded to Council questions and concerns.

Public Comments: David Wall presented his point of view about the Mexican Heritage Plaza.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Herrera and carried unanimously, the 2012-2013 City Manager's Annual Report of the Finances of the City of San José in compliance with City Charter Section 701 (F) was accepted, Ordinance No. 29320, entitled: "An Ordinance of the City of San José Amending Ordinance No. 29271 to Appropriate Monies in the Various Funds to Implement 2012-2013 Annual Report Recommendations and Make Appropriate Technical Adjustments; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption" and Resolution No. 76815, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 76677 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2013-2014 To Adjust Revenues in the Various Operating Funds", were adopted and the release of the Successor Agency to the Redevelopment Agency PERS Levy/Water District Levy General Fund Contingency Plan that was included in the 2013-2014 Adopted Budget, was approved. (9-0-2. Absent: Constant, Kalra.)

### 3.4 **Approve an ordinance amending Section 3.28.630 of Chapter 3.28 of Title 3 of the San José Municipal Code (the 1975 Federated Employees Retirement Plan) to require members to pay the employee's share of contributions when receiving supplemental military pay from the City during military service and to make changes in compliance with federal laws. CEQA: Not a Project, File No. PP10-068(b), Municipal Code or Policy change to Title 3 (Personnel). (City Attorney's Office)**

Documents Filed: (1) Memorandum from City Attorney Richard Doyle, dated September 23, 2013, recommending approval of an ordinance. (2) Supplemental memorandum from City Attorney Richard Doyle, dated October 4, 2013, transmitting the Federated City Employees' Retirement Board's request for changes.

Motion: Council Member Herrera moved approval of the Staff recommendations. Vice Mayor Nguyen seconded the motion.

Public Comments: David Wall expressed opposition to the Staff recommendations.

Council Member Chu requested that Staff circulate an information memorandum to Council regarding how much money will be expended and how many employees are currently serving in the Military.

### 3.4 (Cont'd.)

Action: On a call for the question, the motion carried, Ordinance No. 29321, entitled: “An Ordinance of the City of San José Amending Section 3.28.630 of Chapter 3.28, The 1975 Federated Employees Retirement Plan, of Title 3 of the San José Municipal Code to Require Members to Pay the Member’s Share of Contributions When Receiving Supplemental Military Pay from the City”, was passed for publication. (9-2. Noes: Campos, Chu.)

### 3.5 Adopt a resolution:

- (a) **Approving the terms of a collective bargaining agreement between the City and the Association of Engineers and Architects, International Federation of Professional and Technical Engineers, Local 21 (AEA), Units 41/42, and authorizing the City Manager to execute an agreement with a term of July 1, 2013, through June 30, 2014.**
- (b) **Approving the terms of a collective bargaining agreement between the City and the Association of Engineers and Architects, International Federation of Professional and Technical Engineers, Local 21 (AEA), Unit 043, and authorizing the City Manager to execute an agreement with a term of July 1, 2013, through June 30, 2014.**

**CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager’s Office)**

Documents Filed: Memorandum from Deputy City Manager Alex Gurza, dated September 26, 2013, recommending adoption of a resolution.

City Manager Debra Figone presented introductory comments.

Motion: Vice Mayor Nguyen moved approval of the Staff recommendations. Council Member Herrera seconded the motion.

Deputy City Manager Alex Gurza responded to Council questions.

Public Comments: David Wall voiced opposition to the Staff recommendations.

Action: On a call for the question, the motion carried unanimously, Resolution No. 76816, entitled: “A Resolution of the Council of the City of San José Approving Agreements with the Association of Engineers and Architects, International Federal of Professional and Technical Engineers, Local 21, Units 041/042 and Unit 043, With Terms of July 1, 2013 – June 30, 2014”, was adopted. (9-0-2. Absent: Constant, Kalra.)

- 3.6 As recommended by the Public Safety, Finance, and Strategic Support Committee on September 19, 2013, accept the Semi-Annual Recommendation Follow-Up Report on all Outstanding Audit Recommendations for the Six Months Ended June 30, 2013. CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments and Annual Reports. (City Auditor)**

Documents Filed: Memorandum from Acting City Clerk Toni Taber, CMC, dated September 26, 2013, transmitting the recommendations of the Public Safety, Finance and Strategic Support Committee.

City Auditor Sharon W. Erickson offered the report.

Motion: Vice Mayor Nguyen moved approval of the Auditor's Report. Council Member Chu seconded the motion.

Brief Council discussion ensued.

Public Comments: David Wall expressed support to the Staff recommendations.

Action: On a call for the question, the motion carried unanimously, the Semi-Annual Recommendation Follow-Up Report on all Outstanding Audit Recommendations for the Six Months Ended June 30, 2013 was accepted. (9-0-2. Absent: Constant, Kalra.)

## **COMMUNITY & ECONOMIC DEVELOPMENT**

- 4.1 Adopt a resolution making the following findings for permit fees for Residential and Commercial Roof Mounted Solar Energy Permits which produce direct current electricity ("Photovoltaic System"):**
- (a) The City has adopted appropriate ordinance, permit fees, and processes to streamline the submittal and approval of permits for solar energy systems pursuant to the practices and policies in state guidelines and model ordinances.**
  - (b) The City's cost for issuing Photovoltaic System permits is reasonable, and achieves cost recovery for the Building and Fire Departments administrative costs.**
  - (c) The City's fee structure results in a quick and streamlined process for Photovoltaic System permits.**

**CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities. (Planning, Building and Code Enforcement)**

Documents Filed: (1) Memorandum from Council Member Chu, dated October 4, 2013, recommending direction to Staff with regard to the permit fees for residential and commercial roof mounted solar energy. (2) Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated September 16, 2013, recommending adoption of a resolution.

#### 4.1 (Cont'd.)

Motion: Council Member Chu moved approval of the Staff recommendations and his amended memorandum dated October 4, 2013, with direction to the City Manager to identify resources so the City can subsidize the additional expenses exceeding SB 1222. Council Member Campos seconded the motion.

City Manager Debra Figone, Director of Planning, Building and Code Enforcement Joseph Horwedel and Building Official Chu Chang responded to Council questions and concerns.

Council Member Khamis affirmed that he does not believe in subsidies and would not be supporting the motion on the floor.

Substitute Motion: Council Member Oliverio moved approval of the Staff recommendations. Vice Mayor Nguyen seconded the motion.

Council Member Campos requested to amend the substitute motion to request Staff to look at potential funding sources that may allow solar energy systems to be available to lower income residents. The amendment was accepted by Council Member Oliverio and Vice Mayor Nguyen.

Council Member Chu expressed support to the substitute motion.

Action: On a call for the question, the substitute motion carried, Resolution No. 76817, entitled: "A Resolution of the Council of the City of San José Making Findings Relating to Permit Fees for Residential and Commercial Roof Mounted Solar Energy Systems", was adopted. Staff was requested to look at potential funding sources that may allow solar energy systems to be available to lower income residents. (8-1-2. Noes: Khamis. Absent: Constant, Kalra.)

#### 4.2 **Accept the Envision San José 2040 General Plan Annual Review report. CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments and Annual Reports. (Planning, Building and Code Enforcement)**

Action: Deferred to October 22, 2013 per Administration.

**4.3 As recommended by the Public Safety, Finance, and Strategic Support Committee on September 19, 2013, approve an ordinance amending Title 24 of the San José Municipal Code to:**

**(a) Adopt the 2013 editions of the California Building Code (CBC), California Residential Code (CRC), California Electrical Code (CEC), California Mechanical Code (CMC), California Plumbing Code (CPC), California Historical Building Code (CHBC), California Existing Building Code (CEBC), California Green Building Standards Code (CALGreen) and the 2012 edition of the International Existing Building Code Appendix Chapters A2, A3 and A4.**

**(b) Adopt local amendments regarding certain structural design requirements, fire sprinkler regulations, and other building and fire safety requirements.**

**CEQA: Exempt, File No. PP13-082. (Planning, Building and Code Enforcement/ Fire)**

**[Public Safety, Finance and Strategic Support Committee Referral 09/19/13 – Item D(4)(1)]**

Action: Deferred to November 5, 2013 per Administration.

## **ENVIRONMENTAL & UTILITY SERVICES**

**7.1 Approve a Consultant Agreement with Brown and Caldwell to provide engineering services for the Digester and Thickener Facilities Upgrade Project at the San José-Santa Clara Regional Wastewater Facility (formerly known as the San José/ Santa Clara Water Pollution Control Plant). This agreement will be effective from the date of execution to December 31, 2019, for a total amount not to exceed \$12,017,526. CEQA: Statutorily Exempt, File No. PP10-066(d), Consultant Services for Design. (Environmental Services)**

Documents Filed: (1) Memorandum from Director of Environmental Services Kerrie Romanow, dated August 26, 2013, recommending approval of a consultant agreement. (2) Letter from Chuck Reed, Chair, the Treatment Plant Advisory Committee, dated September 12, 2013, stating concurrence with the Staff recommendations.

Assistant Director of Environmental Services Ashwini Kantak provided introductory remarks.

Motion: Council Member Chu moved approval of the Staff recommendations. Vice Mayor Nguyen seconded the motion.

Assistant Director of Environmental Services Ashwini Kantak, Division Manager Julia Nguyen, City Attorney Richard Doyle and Assistant City Manager Edward K. Shikada responded to Council questions and concerns.

## 7.1 (Cont'd.)

Public Comments: Grace Chow, Brown and Caldwell, expressed support to the Staff recommendations. David Wall objected to the Staff recommendations.

Action: On a call for the question, the motion carried unanimously, a Consultant Agreement with Brown and Caldwell to provide engineering services for the Digester and Thickener Facilities Upgrade Project at the San José-Santa Clara Regional Wastewater Facility (formerly known as the San José/ Santa Clara Water Pollution Control Plant) effective from the date of execution to December 31, 2019, for a total amount not to exceed \$12,017,526, was approved. (9-0-2. Absent: Constant, Kalra.)

## OPEN FORUM

- (1) David Wall advised the Council to plan for the day when the water pollution control plant may fail.
- (2) Ross Signorino suggested walking to school in pairs and that bicyclists should wear safety vests.
- (3) Jim Piazzo warned about the effects of Trichloroethylene (TCE) on the human body.

## ADJOURNMENT

The Council of the City of San José was adjourned at 5:26 p.m. in memory of Maria De La Luz (Callison) Henderson, a dedicated public servant and school liaison for the Evergreen School District for more than 25 years, and a loving mother of nine children, four of which she adopted. Maria was an energetic community volunteer and member of the Evergreen Senior Advisory Council and St. Francis of Assisi Prayer Shawl Ministry. Maria passed away peacefully on Thursday, October 3, 2013. (Herrera)

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC  
Acting City Clerk

smd/10-08-13 MIN

Access the video, the agenda and related reports for this meeting by visiting the City's website at <http://www.sanjoseca.gov/city> or <http://www.sanjoseca.gov/civiccenter.ty>. For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266.