



Memorandum

TO: CITY COUNCIL

FROM: Mayor Sam Liccardo
Councilmember Manh Nguyen
Councilmember Raul Peralez

**SUBJECT: NORTH SAN JOSE AREA
DEVELOPMENT POLICY**

DATE: April 8, 2016

Approved

Date

4-8-16

Manh Nguyen FB

RECOMMENDATION

Accept the staff report related to the North San Jose Area Development Policy update and preparation of the Environmental Impact Report, with direction that the Administration return to Council in August 2016 with:

- A. A framework outlining specific criteria and a determination of the required environmental clearance by which 1,500 residential units from Phase II can move forward in the near term-prior to the full build-out of the 10 million industrial capacity triggering the threshold of Phase II.
 1. The framework should allow for residential development in either of the following two circumstances:
 - a. **Densification of existing sites for mixed-use TOD:** Where housing is integrated into a high density (>120 DU/AC), mixed-use, transit-oriented development that provides large ground-floor retail space, or build-out of office, retail, hotel, or other employment-serving uses with some minimum requirements (e.g., exceeding 150,000 SF, or the FAR of the site's current use). Eligible sites must lie within a ½ mile of a light rail station.
 - b. **On-campus worker housing:** Allowing large employers - with at least 2,000 employees--to build housing on-site exclusively for employees.
 2. Requirements:
 - a. **Affordable Housing:** All developments will be subject to inclusionary and impact fee requirements, regardless of their date of entitlement.
 - b. **Transportation Infrastructure:** Projects must be accompanied by a Development Agreement that ensures payment of fees--in an amount that substantially exceeds what would be paid under the current Area Development Policy for residential development - to ensure progress toward needed road and transit improvements in North San Jose.
- B. Identify a comprehensive strategy for build-out of retail, restaurants, and other basic amenities that make North San Jose a more compelling place to work and live.

- C. Present options for a reduced Traffic Impact Fee for office/R&D development, as directed by Council in November 2014.
- D. Complete an assessment of utilities and other infrastructure needed to support the proposed 2030 jobs and housing capacity, as directed by Council in November 2014.
- E. Provide an evaluation of the transportation implications of the proposed changes and the impacts to current residential neighborhoods in the short-term (3-5 years), and what impact the opening of BART in 2017 at the Berryessa Station will have on traffic conditions, if any.
- F. Present an Outreach Program that ensures that residents within the North San Jose Policy Area are provided an opportunity to meaningfully weigh-in on the proposed policy changes.

BACKGROUND

The North San Jose Plan has fallen short of expectations and objectives in several important respects. The traffic impact fees have discouraged employers and developers from locating there, in the view of many, in part because they substantially exceed that of the surrounding market. We've only seen substantive development through fee waivers and reductions, and fee collections remain inadequate for the build-out of needed transportation improvements. We routinely hear from CEO's and HR directors of tech employers in North San Jose that the area lacks the retail, restaurants, and other amenities that would make it more attractive for their workforce. Industrial development has happened slowly, and although we now see considerable progress in office/R&D development, the aggregate pace has lagged expectations. Most importantly, the Plan's phasing appears to have perpetuated the segregation of uses --- precisely the condition that exacerbates traffic, GFG emissions, and auto dependence. Creating a "there-there" in North San Jose requires the creation of walkable, mixed-use communities that integrate employment, housing, retail, entertainment, and other uses, and we hope that we can spur progress toward that ambition.

CITY COUNCIL AGENDA

APRIL 12, 2016

SYNOPSIS

CHAPPIE JONES
ASH KALRA
RAUL PERALEZ
MANH NGUYEN
MAGDALENA CARRASCO

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

SAM LICCARDO MAYOR

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

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

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

Welcome to the San José City Council meeting!

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

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

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

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

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

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

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

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

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**
9:33 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: All Present.

1:33 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: All Present.
- **Invocation (District 4)**
Thich Vien Thong and Thich Bao Tri, the Tu Lam Buddhist Temple offered the Invocation.
- **Pledge of Allegiance**
Mayor Sam Liccardo led the Pledge of Allegiance.
- **Orders of the Day**
Heard after Ceremonial Items.
The Orders of the Day and the Amended Agenda were approved.
- **Closed Session Report**
Heard after Ceremonial Items.
No Report.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation recognizing the Week of April 10 – 16, 2016 as “National Library Week” in the City of San José. (Library/Herrera)
Mayor Sam Liccardo, Vice Mayor Rose Herrera and Library Director Jill Bourne recognized the week of April 10 through April 16, 2016 as “National Library Week” in San José.
- 1.2 Presentation of a proclamation recognizing the Week of April 10 – 16, 2016 as “National Public Safety Telecommunications Week” in the City of San José honoring the San José Police and Fire Public Safety Dispatchers who help those in need of emergency services. (Fire/Police/Peralez)
Mayor Sam Liccardo, Council Member Raul Peralez, Chief of Police Edgardo Garcia, Fire Chief Curtis Jacobson and Staff recognized the week of April 10 through April 16, 2016 as “National Public Safety Telecommunications Week” in San José and honored the San José Police and Fire Public Safety Dispatchers.

2. CONSENT CALENDAR

2.1 Approval of Minutes.

2.2 Final Adoption of Ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 29715 – An ordinance of the City of San José amending Section 6.88.600 of Chapter 6.88 of Title 6 of The San José Municipal Code to change the date by which Medical Marijuana Collectives shall file an Annual Audit. CEQA: CEQA: Not a Project, File No. PP10-068(c), Municipal Code or Policy change that involves no changes in the physical environment.

Ordinance No. 29715 adopted.

2.3 Approval of Council Committee Minutes.

Recommendation: Approval of Council Committee Minutes.

- (a) Rules and Open Government Committee Minutes of March 16, 2016. (Mayor)
(b) Public Safety, Finance and Strategic Support Committee Minutes of March 17, 2016. (Oliverio)

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

Approved.

2.4 Mayor and Council Excused Absence Requests.

No Report.

2.5 City Council Travel Reports.

No Report.

2. CONSENT CALENDAR

2.6 Report from the Council Liaison to the Retirement Boards. No Report.

2.7 Amendment to the Agreement with Jacobs Engineering Group, Inc. for Airport Capital Improvement Projects.

Recommendation: Approve a Fourth Amendment to Master Agreement with the Jacobs Engineering Group, Inc. (formerly Carter & Burgess, Inc.) for continuing program support services on Airport capital improvement projects, extending the term one year from July 1, 2016 through June 30, 2017, with no increase in total compensation. CEQA: Not a Project, File No. PP10-066(a), Agreements/Contracts for Professional Services that involve no changes to the physical environment. (Airport)
(Deferred from 3/29/16 – Item 2.9)
Approved.

2.8 Vinci Park North Dumpster Day.

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

- (a) Retroactively approve the Vinci Park North Dumpster Day scheduled on April 9, 2016 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve the two additional Dumpster Days in District 4 on April 30, 2016 and May 14, 2016, as City Council sponsored Special Events and approve the expenditure of funds.
- (c) Approve and accept donations from various individuals, businesses or community groups to support the event.

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

Approved.

2.9 2015 Regional Active Transportation Program Grant for Coyote Creek Trail, Mabury Road to Empire Street.

Recommendation:

- (a) Adopt a resolution to identify the City Manager or his designee as the authorized representative to negotiate and execute a Grant Agreement and associated documents with Caltrans for the Coyote Creek Trail segment from Mabury Road to Empire Street; and

Resolution No. 77712 adopted.

- (b) Commit to provide a local match of \$927,600 in support of the grant funded project.

CEQA: Coyote Creek Trail Master Plan Mitigated Negative Declaration, File No. PP09-218. (Parks, Recreation and Neighborhood Services/Transportation)

Approved.

2. CONSENT CALENDAR

2.10 Agreement with Community Crime Prevention Associates for the San José Bringing Everyone's Strengths Together and Mayor's Gang Prevention Task Force Programs.

Recommendation: Approve a Consultant Agreement with Community Crime Prevention Associates to evaluate the San José Bringing Everyone's Strengths Together and Mayor's Gang Prevention Task Force programs, for a period retroactive to December 1, 2015 through November 30, 2016, for an amount not to exceed \$176,845. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Parks, Recreation and Neighborhood Services)
Approved.

2.11 Request for Travel for Council Member Carrasco.

Recommendation:

(a) Approve travel for Council Member Magdalena Carrasco and Sabrina Parra-Garcia.

(b) Authorize an excused absence for Council Member Carrasco from Rules and Open Government on April 20, 2016 and April 27, 2016 as well as the Public Safety, Finance & Strategic Support Committee Meeting on April 21, 2016 and the City Council Meeting on April 26, 2016 due to Authorized City Business.

Source of Funds: Mayor/Council Travel Budget and D5 Council Budget.

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

2.12 AB 2176 (Campos): Shelter Crisis: Declaration: Facilities.

Recommendation: As recommended by the Rules and Open Government Committee meeting on April 6, 2016, adopt a position of Support if Amended for AB 2176 (Campos). In addition, direct staff to take necessary action to meet the stated objective as needed. CEQA: Not a Project, File No. PP10-069(d), Legislative Positions. (Housing) [Rules Committee referral 4/6/16 – Item G(1)]

Support position for adopted for Amended AB 2176.

Staff was directed to include as a condition: to specify that the emergency declaration applies to a “transitional community within its jurisdiction”.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Norberto Dueñas (Verbal Report).

City Manager Norberto Dueñas announced the City of San José was recognized for the 26th year for receiving the 2016 Distinguished Budget Presentation Award and thanked Senior Deputy City Manager/Budget Director Jennifer A. Maguire, Assistant Budget Director Margaret McCahan, Deputy Director Jim Shannon and Staff for their excellent work.

3. STRATEGIC SUPPORT SERVICES

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.

Heard at 9:33 a.m.

No Report.

3.3 Actions Related to the Liquidated Damages for Late Payroll Records Policy for Housing Contracts.

Recommendation:

- (a) Adopt a resolution:
 - (1) Amending the current prevailing wage enforcement mechanism for late submission of certified payroll records on City's Housing projects to assess liquidated damages in the amount of \$250.00 per day provided that the liquidated damages assessed do not exceed the total contract amount of the developer's, general contractor's or subcontractor's contract who failed to submit timely certified payroll records, and provided further there was no actual wage violation discovered in the late records and the late records were submitted to the City within one year from when they were due.
 - (2) Applying the amended prevailing wage enforcement mechanism for late submission of certified payroll records to all City's Housing project contracts entered into on or after January 1, 2013.
 - (3) Authorizing City staff to refund, subject to the appropriation of funds, the difference in the amount of liquidated damages between the prior enforcement mechanism without a cap and the amended enforcement mechanism with a cap for all City's Housing project contracts entered into on or after January 1, 2013 where full payment of liquidated damages was made to the City within one year from when they were due.
- (b) Adopt the following 2015-2016 Appropriation Ordinance amendments in the Low and Moderate Income Housing Asset Fund:
 - (1) Increase the Loan Management appropriation to the Housing Department for Loan Management in the amount of \$100,680.
 - (2) Decrease the Unrestricted Ending Fund Balance appropriation in the amount of \$100,680.

CEQA: Not a Project, File No. PP10-068(b), Municipal Code or Policy Change that involve no changes in the physical environment. (Public Works/City Manager)

Deferred to April 19, 2016 per Administration.

3. STRATEGIC SUPPORT SERVICES

3.4 Audit of the Use and Coordination of Volunteers.

Recommendation: As recommended by the Neighborhood Services and Education Committee on March 10, 2016, accept the audit report on the use and coordination of volunteers. CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments, and Annual Reports that involve no approvals of City Actions. (City Auditor)
[Neighborhood Services & Education Committee referral 3/10/16 – Item (d)(1)]

The memorandum from Mayor Sam Liccardo, dated April 11, 2016, was approved, including the following:

- (1) **Accept the Audit on the City’s Use and Coordination of Volunteers.**
- (2) **In addition to the recommendations of the City Auditor, direct the City Manager to place particular emphasis on actions to:**
 - (a) **Align volunteer agreements and policies to make volunteer enrollment and management easier.**
 - (b) **Align and consolidate current volunteer web pages, databases and software to:**
 1. **Create a simplified, streamlined point of access for residents**
 2. **Ensure consistent reporting across departments**
 3. **Link with the web pages of the Mayor and the Council Offices, including www.wearesanjose.org**
 4. **Integrate with the next generation CRM enterprise software Citywide**
 - (c) **Develop a program for collaborating with neighborhood based social media platforms such as NextDoor and the (under construction) Neighborhood Dashboard Project, so that program level staff can post volunteer opportunities and events in a geographically targeted manner.**
 - (d) **Incorporate suggestions for engagement through volunteer opportunities conveyed in multiple languages from community partners.**
 - (e) **Return to the Neighborhood Services and Education Committee in early 2017 with an update on progress, using objective service metrics across all programs and departments.**

3.5 Actions Related to the Report on Request for Proposal for a Radio Frequency Identification System.

Recommendation:

- (a) **Accept the report on the Request for Proposal for the purchase of a Radio Frequency Identification (RFID) System and adopt a resolution authorizing the City Manager to:**

(Item Continued on the Next Page)

3. STRATEGIC SUPPORT SERVICES

3.5 Actions Related to the Report on Request for Proposal for a Radio Frequency Identification System. (Cont'd.)

Recommendation:

- (a) (1) Execute an Agreement with Bibliotheca, LLC (Norcross, GA) for the purchase of a Library RFID System solution, including hardware, software licenses, related professional services, taxes, maintenance and support, for an initial five-year term, with a maximum compensation not-to-exceed \$2,899,391 for the initial five year term, subject to the annual appropriation of funds.
- (2) Execute change orders to cover any unanticipated changes or requirements in the system design and implementation, not-to-exceed \$251,612, subject to the appropriation of funds.
- (3) Exercise one-year options to extend the term of the Agreement to provide on-going maintenance and support, after the initial five-year term, at the rate of \$86,986 per year with annual cost adjustments capped at 3%, subject to the annual appropriation of funds.
- (4) Purchase RFID tags as required after the initial five-year term, subject to the annual appropriation of funds.

Report Accepted.

Resolution No. 77713 adopted.

- (b) Adopt the following 2015-2016 Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Library Purposes:

- (1) Increase the Materials Handling Technology appropriation by \$812,000.
- (2) Decrease the Ending Fund Balance by \$812,000.

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts for Professional Services that involve no changes to the physical environment. (Finance/City Manager)

Ordinance No. 29718 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 North San José Area Development Policy.

Recommendation: As recommended by the Community and Economic Development Committee on February 22, 2016, accept the status report related to updating the North San José Area Development Policy and Environmental Impact Report. CEQA: Not a Project, File No. PP10-069(a), Staff Reports that involve no approvals of any City Actions. (Economic Development/Planning, Building and Code Enforcement / Transportation)

(Action Continued on the Next Page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 North San José Area Development Policy. (Action Cont'd.)

The memorandum from Mayor Sam Liccardo, Council Member Manh Nguyen and Council Member Raul Peralez, dated April 8, 2016, was approved, accepting the Staff Report related to the North San José Area Development Policy Update and preparation of the Environmental Impact Report, with direction that the Administration return to Council in August 2016 with:

- (A) A framework outlining specific criteria and a determination of the required environmental clearance by which 1,500 residential units from Phase II can move forward in the near term prior to the full build out of the 10 million industrial capacity triggering the threshold of Phase II.
 - (1) The framework should allow for residential development in either of the two circumstances:
 - (a) **Densification of existing site for mixed use TOD:** Where housing is integrated into a high density (>120 DU/AC) mixed use, transit oriented development that provides large ground floor retail space or build out of office, retail, hotel or other employment serving uses with some minimum requirements (e.g. exceeding 150,000 SF, or the FAR of the site's current use). Eligible sites must lie within a ½ mile of a light rail station.
 - (b) **On campus worker housing:** Allowing large employers – with at least 2,000 employees – to build housing on-site exclusively for employees.
 - (2) **Requirements:**
 - (a) **Affordable Housing:** All developments will be subject to inclusionary and impact fee requirements, regardless of their date of entitlement.
 - (b) **Transportation Infrastructure:** Projects must be accompanied by a Development Agreement that ensures payment of fees -- in an amount that substantially exceeds what would be paid under the current Area Development Policy for residential development -- to ensure progress toward needed road and transit improvements in North San José.
- (B) Identify a comprehensive strategy for build out of retail, restaurants and other basic amenities that make North San José a more compelling place to work and live.
- (C) Present options for a reduced Traffic Impact Fee for Office/R&D development, as directed by Council in November 2014.
- (D) Complete an assessment of utilities and other infrastructure needed to support the proposed 2030 jobs and housing capacity, as directed by Council in November 2014.
- (E) Provide an evaluation of the transportation implications of the proposed changes and the impacts to current residential neighborhoods in the short term (3-5 years) and what impact the opening of BART in 2017 at the Berryessa Station will have on traffic conditions, if any.

(Action Continued on the Next Page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 North San José Area Development Policy. (Action Cont'd.)

- (F) Present an Outreach Program that ensures that residents within the North San José Policy Area are provided an opportunity to meaningfully weigh in on the proposed policy changes.

Staff was further directed to incorporate standards for higher than minimum density for affordable housing.

Noes: Oliverio.

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

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

(Deferred from 2/2/16 - Item 4.1, 3/1/16 - Item 4.1, et al, and 4/5/16 – Item 4.1)

Deferred to April 19, 2016 per Administration.

4.3 Maintaining “Best-Face Forward” Activities Post Super Bowl.

Recommendation: As recommended by the Community and Economic Development Committee on March 28, 2016, accept staff report on how the City will maintain ongoing “Best Face Forward” activities regarding human trafficking, graffiti abatement, tree trimming, and gateway clean-ups Downtown after the Super Bowl. CEQA: Not a Project, File No. PP10-069(a), Staff Reports that involve no approvals of any City Actions.

(Economic Development)

[Community and Economic Development Committee referral from 3/28/16 – Item (d)(4)]

The memorandum from Mayor Sam Liccardo, Council Member Raul Peralez, Council Member Ash Kalra and Council Member Donald Rocha, dated April 8, 2016, was approved:

- (1) Accept the Staff Report on how the City will maintain ongoing “Best Face Forward” activities following Super Bowl 50.
- (2) Direct Staff to report back to Council by November 2016 on all updates related to the sign code in the Downtown Sign Zone including but not limited to electronic billboards and supergraphics.

5. NEIGHBORHOOD SERVICES

5.1 Neighborhoods Commission 2016 Caucus Process.

Recommendation:

- (a) Approve the 2016 Caucus Process recommended by the Neighborhoods Commission to select Neighborhood Commissioners in Districts 2, 4, 6, 8, and 10.
- (b) Reaffirm as adopted on June 18, 2013 (Item 5.1) by City Council that Commissioners who had been serving on the pilot were appointed to serve terms ending with the district caucuses in 2014 and 2016.

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities that involve no physical changes to the environment. Council Districts 2, 4, 6, 8, and 10. (City Manager)

Approved.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Actions Related to the 2016 Remove and Replace Asphalt Concrete Pavement Project.

Recommendation:

- (a) Approve award of a construction contract for the 8099-2016 Remove and Replace Asphalt Concrete Pavement Project, to the lowest responsive bidder, G. Bortolotto & Company, Inc. in the amount of \$2,428,425.
- (b) Approve a ten percent contingency in the amount of \$242,843.

CEQA: Exempt, Section 15301(c) Existing Facilities, File No. PP14-069. Council Districts 1, 3, 4, 5, 6, 7, 8, 9, and 10. (Transportation)

Approved.

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

8.1 Actions Related to the Fireworks Enforcement Ordinance.

Per the discretion of the Mayor and Council Item 8.1 was heard after Item 4.1.

Recommendation:

- (a) Approve an ordinance amending the City of San José 1.08.040 of Chapter 1.08 of Title 1 related to enforcement of the San José Municipal Code or other City Ordinance, adding a new Chapter 10.17 to Title 10, and repealing Section 17.12.940 of Chapter 17.12 of Title 17 of the San José Municipal Code to prohibit the sale, use, possession and storage of fireworks and to provide for civil liability under certain circumstances for persons responsible for minors who violate the prohibition in Chapter 10.17 related to fireworks.

Ordinance No. 29719 passed for publication.

- (b) Adopt a resolution amending the Administrative Citation Schedule of Fines to establish administrative fines for violations related to Fireworks, and repealing Resolution No. 77702.

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

The memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera, Council Member Raul Peralez, Council Member Donald Rocha and Council Member Johnny Khamis, dated April 8, 2016, was approved, accepting the City Manager's recommendations, with direction to the City Manager to return to Council in 30 days with a more detailed program utilizing the full scope of the ordinance changes to enable administrative enforcement of illegal firework usage and include:

- (1) **A clear description of which City employees will now be authorized, trained and managed to issue citations – such as Code Enforcement Officers, Park Rangers, Parking Control Officers, Community Service Officers or any other appropriate Staff authorized by the City Manager.**
- (2) **An implementation plan to ensure that:**
 - (a) **Dispatchers, Council Offices and other City Staff are coordinated, particularly to ensure clear direction about to whom they can refer complaints and reports of illegal fireworks activity.**
 - (b) **Authorized enforcement Staff are fully trained on the administration citation processes.**
 - (c) **A clear description processes for challenges of citations.**
 - (d) **Adequate Staffing of non-sworn personnel to enforce the ordinance administratively.**
- (3) **Any marketing or outreach plan – through media, social media or other digital means, neighborhood meetings, nonprofits, schools or through relevant City Staff such as San José Police Department Crime Prevention and Parks, Recreation and Neighborhood Services Gang Preventions – to inform residents of the ability to report online or by phone and to notify youth and other residents of enhanced enforcement.**

(Action Continued on the Next Page)

8. PUBLIC SAFETY SERVICES

8.1 Actions Related to the Fireworks Enforcement Ordinance. (Cont'd.)

(Action Cont'd.)

- (4) The proposed ordinance must allow anonymity of reporting parties and permit those complainants to voluntarily wave anonymity where citations are challenged.
- (5) Any other elements essential for effective implementation of administrative enforcement.
- (6) Annual post 4th of July Report to the Public Safety, Finance and Strategic Support Committee.

Staff was further directed to return with an update at the Budget Process in May 2016 as to the status of the following items:

- (1) First offense fine \$500 in lieu of \$350.
- (2) Length of time for the second fine elevated to an 18-month window.
- (3) Report back specifically with data of the results of outreach to the community and what the total amount of fines were received.

Resolution No. 77714 adopted, as amended.

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 pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
10348	2485 Almaden Expressway	6	Pulte Home Corporation	1/24	MFA	Approve

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>
10355	201 W. Julian Street	3	San Pedro Life I	1/315	MFA

- **Open Forum**

There was no public testimony from the floor.

- **Adjournment**

The Council of the City of San José adjourned the meeting at 6:32 p.m. in memory of Julie Loeffler. Julie Adriane Loeffler passed away on February 20, 2016. A loving mother to Sydney and Kyle, a loving wife to Larry, and a devoted sister and daughter, she will be sorely missed. The Cambrian District and the San José community lost a bright star who has left a caring legacy in her absence.