



CITY COUNCIL AGENDA

AUGUST 9, 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 Councilmembers: Jones. (Excused)

1:32 p.m. - Regular Session, Council Chambers, City Hall
Absent Councilmembers: All Present.
Councilmember Jones arrived 2:30 p.m.
- **Invocation (District 7)**
The Cambodian Cultural Dance Troupe provided a classical Cambodian folk dance for the Invocation.
- **Pledge of Allegiance**
Mayor Liccardo led the Pledge of Allegiance.
- **Orders of the Day** — *Heard after Ceremonial Items.*
The Orders of the Day and the Amended Agenda were approved, with Items 3.13 and 3.14 heard immediately following Orders of the Day.
- **Closed Session Report** — *Heard after Ceremonial Items.*
None provided.

5. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to Tim Quigley, outgoing board member and past president of the San José Police Foundation for his many accomplishments over his 10 years of service on the San José Police Foundation Board of Directors. (Rocha)
Mayor Sam Liccardo and Councilmember Donald Rocha commended Tim Quigley, outgoing board member and past president of the San José Police Foundation for his strong commitment to public safety and his many accomplishments over his 10 years of service on the San José Police Foundation Board of Directors
- 1.2 Presentation of a commendation to Venture Christian Church, for positively impacting the City of San José mobilizing volunteers to improve the community. (Khamis)
Mayor Sam Liccardo and Councilmember Johnny Khamis commended Venture Christian Church, for positively impacting the City of San José through their “Beautiful Day” projects that have mobilized volunteers to improve schools and neighborhoods.

2. CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
None provided
- 2.2 **Final Adoption of Ordinances.**
None provided
- 2.3 **Approval of Council Committee Minutes.**
None provided

Recommendation: Approval of Council Committee Minutes.

- (a) Rules and Open Government Committee Minutes of June 15, 2016. (Mayor)
(b) Public Safety, Finance and Strategic Support Committee Minutes of June 16, 2016. (Oliverio)

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

- 2.4 **Mayor and Council Excused Absence Requests.**
None provided
- 2.5 **City Council Travel Reports.**
None provided
- 2.6 **Report from the Council Liaison to the Retirement Boards.**
None provided

2. CONSENT CALENDAR

2.7 Board and Commission Appointments.

Recommendation:

- (a) Approve the following Board and Commission appointments:
 - (1) Council Appointment Advisory Commission:
 - i. District 6 Seat: Appoint Linda Stone to a term expiring 12/31/19;
 - (2) Historic Landmarks Commission:
 - i. One Seat: Appoint Melissa Daniels to a term expiring 6/30/19;
 - (3) Housing and Community Development Commission:
 - i. District 6 Seat: Appoint Andrea Wheeler to a term expiring 6/30/19;
 - (4) Neighborhoods Commission:
 - i. District 7 Seat: Appoint Jonathan Fleming to a term expiring 6/30/18;
 - (5) Senior Citizens Commission:
 - i. District 3 Seat: Appoint Sherl Chambliss to a term expiring 6/30/17;
 - (6) Youth Commission:
 - i. District 3 Seat: Appoint Angelique Avila to a term expiring 5/31/17.

Approved.

- (b) Continue the following Board and Commission appointments to Fall 2016:
 - (1) Council Appointment Advisory Commission:
 - i. District 4 Seat with a term expiring 12/31/16;
 - (2) Housing and Community Development Commission:
 - i. District 5 Seat with a term expiring 12/31/19;
 - ii. Citywide Seat with a term expiring 12/31/19;
 - (3) Human Services Commission:
 - i. District 3 Seat with a term expiring 12/31/16;
 - (4) Library and Early Education Commission:
 - i. Early Education/Childcare Seat with a term expiring 6/30/18;
 - ii. Early Education/Childcare Seat with a term expiring 6/30/20;
 - iii. Early Education/Childcare Seat with a term expiring 6/30/20;
 - (5) Youth Commission:
 - i. District 7 Seat with a term expiring 5/31/17.

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

The Board and Commission appointment were continued to Fall 2016.

2. CONSENT CALENDAR

2.8 Neighborhoods Commission 2016 Caucus Appointments.

Recommendation: Appointment of the following persons to fill Council District vacancies on the Neighborhoods Commission to a term ending June 30, 2020:

- (a) Council District 2: David Wilkins and Perry Henry
- (b) Council District 4: John Semanik and Mark Espinoza

Approved.

- (c) Council District 6: Olivia Navarro and Jim Carter

Deferred to 8/24/16 to allow outreach to the neighborhood caucus and proposed delegates for District 6 to address concerns regarding selecting an appointee from a different geographical area. (10-0-1. Noes: Herrera.)

- (d) Council District 8: Nichole Edraos and Harbinder Sikka

- (e) Council District 10: Nick Labosky and Richard Giammona

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

Approved.

2.9 Amendment to the Sublease Agreement for Spartan Keyes Neighborhood Action Center.

Recommendation: Adopt a resolution authorizing the City Manager or his designee to execute a Third Amendment to the Sublease for the use of real property for the Spartan Keyes Neighborhood Action Center, between the City of San José and Roem Development Corporation, allowing for continued use of 2,256 square feet of commercial space for community gatherings as well as office space for staff. CEQA: Mitigated Negative Declaration and Addenda thereto, File No. PDC03-018 and PD04-065. Council District 3. (Economic Development)

Resolution No. 77884 adopted.

2.10 Ad-Hoc Committee on Development Services and Meeting Schedule.

Recommendation: As recommended by the Rules and Open Government Committee on July 27, 2016, approve the creation of an Ad-Hoc Committee on Development Services and setting the dates for the meetings to be held in the City Manager's Conference Room. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities that involve no physical changes to the environment. (Mayor)

[Rules Committee referral 7/27/16 – Item G.3]

Approved.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Norberto Dueñas (Verbal Report).
City Manager Norberto Dueñas highlighted the National Night Out events throughout the City of San José, and congratulated Director of Finance Julia H. Cooper for her recent appointment to the Board of Directors of the Municipal Securities Rulemaking Board.

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.
None provided.

3.3 Approve Policy and Municipal Code Updates for Boards and Commissions.

Recommendation:

(a) Adopt a resolution to approve Council Policy 0-4, “Consolidated Policy Governing Boards and Commissions,” updating and combining Council Policy 0-4 (Consolidated Board and Commission Policies) and Council Policy 0-36 (City Council/Commission Code of Conduct).

Resolution No. 77891 adopted.

(b) Approve an ordinance amending various sections of Chapter 2.08 of Title 2 of the San José Municipal Code to update and clarify provisions such as voting and appointment processes for various boards and commissions, Retirement Board and Youth Commission term limits, and deleting sections relating to eliminated commissions.

Ordinance No. 29771 passed for publication.

(c) Approve an ordinance amending Sections 2.08.1600, 12.02.010, 12.04.025, 12.04.080, 12.04.100, 12.05.080, 12.06.920, and 12.21.430 of the San José Municipal Code renaming the Ethics Commission to Title 12 Commission to reflect the commission’s duties and responsibilities regarding Title 12 as set forth in Section 12.04.070 of the Municipal Code.

CEQA: Not a Project, File No. PP10-068, General Procedure & Policy Making. (City Clerk)

(Deferred from 6/21/16 – Item 3.7)

Ordinance No. 29772 passed for publication, with the Ethics Commission renamed to the “Board of Fair Campaign and Political Practices.” (10-0-1. Noes: M. Nguyen.)

3. STRATEGIC SUPPORT SERVICES

3.4 Report on Request for Proposal for a Service Request Management/Customer Relationship Management Software System. *DEFERRED*

Recommendation: Accept the report on the Request for Proposal for the purchase and implementation of a Service Request Management (SRM) / Customer Relationship Management (CRM) Software System, and adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute Agreements with AST Corporation (Naperville, IL) and Oracle America, Inc. (Redwood City, CA) for the purchase and implementation of a SRM/CRM Software System, including software, implementation, configuration, hosting, testing, training, and related professional services, for an initial five-year term commencing on or about July 1, 2016 and ending on or about July 31, 2021, with maximum compensation amounts of not-to-exceed \$173,600 and \$380,706, respectively, subject to the appropriation of funds;
- (b) Execute change orders to cover any additional requirements during the initial five-year term including but not limited to additional mobile application development, and enhanced integration/automation, not-to-exceed \$200,000, subject to the appropriation of funds; and
- (c) Execute up to five one-year options to extend the term of the Agreements after the initial five-year term through July 31, 2026 to provide ongoing software subscription, hosting, and technical support services, estimated at \$76,141 per year, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (Finance)
(Deferred from 6/28/16 – Item 3.4)

Deferred to 8/23/16 per Administration

3.5 Office of the City Clerk Audit.

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on June 16, 2016, accept the Audit of the Office of the City Clerk: Streamlining Processes and Clarifying Roles Can Better Ensure Compliance with Statutory Responsibilities. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff Reports that involve no approval of any City Actions. (City Auditor)

[Public Safety, Finance, and Strategic Support referral 6/16/16 – Item (d)(1)]

Accepted, including the joint memorandum from Mayor Sam Liccardo, Vice Mayor Herrera, and Councilmembers Jones and Rocha, dated August 5, 2016, directing the City Clerk, in coordination with the Mayor’s Office, to develop a detailed workplan to aggressively implement recommendations in the Audit and report to Council in September for discussion and approval; and directing the City Clerk, in coordination with the Mayor’s Office and City Attorney’s Office, to refine Council Office trainings and the “New Council Office” transition plan to ensure a smooth transition for outgoing and incoming Council Offices this year.

3. STRATEGIC SUPPORT SERVICES

3.6 Police Response to Animal Calls for Service Audit.

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on June 16, 2016, accept the Audit of the Police Response to Animal Calls for Service. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff Reports that involve no approval of any City Actions. (City Auditor)

[Public Safety, Finance, and Strategic Support referral 6/16/16 – Item (d)(2)]

Accepted.

3.7 Planning Commission Interviews.

Recommendation:

- (a) Interview applicants for appointment to the Planning Commission;
- (b) Appoint up to two (2) applicants to the Planning Commission to an unexpired term ending June 30, 2020; and
- (c) If any vacancy remains, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration within 90 days.

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

Namrata Vora and Peter Allen were appointed to the Planning Commission to an unexpired term ending June 30, 2020.

(10-0-0-1. Recused: M. Nguyen.)

3.8 Human Services Commission.

Recommendation: Consider re-appointment of Saeed Chaudury to the Human Services Commission for the remainder of his unexpired term ending December 31, 2018 upon finding that there was good excuse for his absence from Commission meetings or upon finding that the re-appointment will be in the City's best interests. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Clerk)

Council determined that the re-appointment will be in the City's best interests.

3.9 Actions Related to the Fiscal Year 2016-2017 Property Tax Levy for General Obligation Bonds.

Recommendation: Adopt a resolution establishing the Fiscal Year 2016-2017 property tax levy on all taxable property within the City of San José for the purpose of funding the City's general obligation bonded indebtedness and pay the related administration fee to the County. CEQA: Not a Project, File No. PP10-067, Non-Project Specific Funding Mechanism. (Finance)

Resolution No. 77892 adopted.

3. STRATEGIC SUPPORT SERVICES

3.10 Actions Related to the Fiscal Year 2016-2017 Residential Solid Waste Collection Service Charges Report.

Recommendation: Conduct a Public Hearing on the Fiscal Year 2016-2017 annual report prepared by the Director of Finance detailing the Residential Solid Waste Collection Service Charges filed with the City Clerk's Office; and adopt a resolution to confirm the approval of the report and the placement of charges as set forth therein on the 2016-2017 Santa Clara County Secured Property Tax Roll, with such modifications the City Council may make based on public hearing testimony. CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. (Finance)

Public hearing held.

Resolution No. 77893 adopted.

3.11 Actions Related to the Fiscal Year 2016-2017 Sanitary Sewer Service and Use Charges and Storm Sewer Service Charges Report.

Recommendation: Conduct a Public Hearing on the Fiscal Year 2016-2017 annual report prepared by the Director of Finance detailing the Sanitary Sewer Service and Use Charges and Storm Sewer Service Charges filed with the City Clerk's Office; and adopt a resolution to confirm the approval of the report and the placement of the charges as set forth therein on the 2016-2017 Santa Clara County Secured Property Tax Roll, with such modifications the City Council may make based on public hearing testimony. CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities.

Public hearing held.

Resolution No. 77894 adopted.

3.12 Amendment to the City Pay Plan for Various Classifications.

Recommendation: Adopt a resolution to:

- (a) Amend the City of San José Pay Plan effective August 14, 2016, to create the Water Systems Assistant Operator II (3637) classification; and
- (b) Amend the City of San José Pay Plan effective August 14, 2016, to change the salary range and title for the Water Systems Assistant Operator I (3631) (formerly Water Meter Reader) classification.

CEQA: Not a Project, File No. PP10-068(b), Municipal Code, Title 3. (Human Resources)

Resolution No. 77895 adopted.

3. STRATEGIC SUPPORT SERVICES

3.13 Potential Business Tax Modernization Measure.

Recommendation:

- (a) Council discussion and consideration of City options for updating and modernizing the current Business Tax for the November 8, 2016, general election.
- (b) If Council wishes to proceed, adopt a resolution of the City Council calling and giving notice, on its own motion, for a Special Municipal Election to be held on November 8, 2016, to submit to the electors of the City of San José the following measure:

Note: Continued from Council Meeting of 8/2/16, Item 3.3.

San José Business Tax Modernization

Shall an ordinance be adopted to modernize the 1986 San José business tax to fund essential city services such as police patrols, 911 emergency response, street repair, and parks maintenance by increasing tax rates, including base tax from \$150 to \$195, adding an inflation adjustment, raising caps, exempting certain small businesses, and expanding financial hardship exemption, providing approximately \$13 million added annual revenue, subject to existing independent financial audits?	YES	
	NO	

Resolution No. 77896 adopted, with recommendations as outlined in Mayor Sam Liccardo’s memorandum dated August 5, 2016, to submit to the electors of the City of San José the following measure:

San José Business Tax Modernization

Shall an ordinance be adopted modernizing San José’s 1986 business tax to fund essential services - such as police, emergency response, and pothole repair – with approximately \$12 million in additional annual revenue by: raising the base tax from \$150 to \$195; increasing rates incrementally for larger businesses, as provided in the ordinance at http://sanjoseca.gov/businesstax2016 ; adjusting for inflation; expanding exemptions for small businesses and financial hardship; and allowing online registration and payment?	YES	
	NO	

- (c) Council discussion and consideration of whether the full text of the proposed ordinance should be printed in the November 8, 2016, Voter’s Sample Ballot, pursuant to Elections Code 12111, to be incorporated in the resolution calling the election;

Decline to include the full text, as recommended in Mayor Sam Liccardo’s memorandum dated August 5, 2016.

3. STRATEGIC SUPPORT SERVICES

3.13 Potential Business Tax Modernization Measure. (Cont'd.)

- (d) Council discussion and consideration of whether to permit rebuttal arguments and authorize the City Council or any member or members of the City Council to submit a rebuttal argument in favor of the City measure in the November 8, 2016, Voter's Sample Ballot, pursuant to Elections Code Section 9285, to be incorporated in the resolution calling the election;

Decline allowing rebuttal arguments, as recommended in Mayor Sam Liccardo's memorandum dated August 5, 2016.

- (e) Council discussion and consideration of whether to authorize the City Council or any member or members of the City Council to submit an argument in favor of the City measure on the November 8, 2016, Voter's Sample Ballot, pursuant to Elections Code Section 9282, to be incorporated in the resolution calling the election; and

Adopt a resolution authorizing Mayor Sam Liccardo to submit an argument in favor of the City measure, as recommended in the Mayor's memorandum dated August 5, 2016.

- (f) Direct the City Clerk to take all actions necessary to place this measure for a November 8, 2016, Special Municipal Election, if needed.

CEQA: Not a Project, File No. PP10-068, General Procedure & Policy Making.

(Finance/Economic Development)

(Continued from 8/2/16 – Item 3.3)

Approved during the Council Meeting of August 2, 2016, which included Mayor Sam Liccardo's memorandum dated August 1, 2016, Items (A), (E), (F) and (G), to (A) Approve staff recommendations for updating and modernizing the Business Tax, including the Policy Alternative outlining the Residential Unit Tax Rate and Employee Rate modifications, as suggested by Councilmember Rocha, with the following addition: mandate that the City authorize on-line registration and payment of the business tax license tax; (E) Direct the City Clerk to take all actions necessary to place this measure for the November 8, 2016, Special Municipal Election, if needed; (F) Direct the City Manager to develop an educational campaign for those affected by this measure; (G) If the voters approve the measure on November 8, 2016, direct the City Manager to report to the Community and Economic Development Committee in December 2016 with implementation beginning in January 2017. Additional direction includes returning in one year to review the possibility of raising the exemption level, and to further engage with the business community to discuss ideas for shared spending proposals.

3. STRATEGIC SUPPORT SERVICES

3.14 Proposed Ballot Measure – Alternative Pension Reform Act.

Recommendation:

- (a) Council discussion and consideration of the Alternative Pension Reform Act ballot measure agreed to by the City and its bargaining units for the November 8, 2016, general election;
- (b) If the Council wishes to proceed, adopt a resolution of the City Council calling and giving notice, on its own motion, for a Special Municipal Election to be held on November 8, 2016, to submit to the electors of the City of San José, the following measure:

Resolution No. 77897 adopted, staff recommendations approved, and direction as outlined in Mayor Sam Liccardo’s memorandum dated August 8, 2016, including the proposed ballot measure as follows:

Alternative Pension Reform Act

Shall the Charter be amended to minimize financial risk to taxpayers for pensions and retiree healthcare of employees newly hired after dates specified in this measure; reduce costs of supplemental pension payments; safeguard disability retirement protections for injured firefighters and police; ensure pension plans are actuarially sound; require voter approval for benefit increases; among other changes in this measure agreed upon by the Mayor, City Council, police officers, firefighters, and employees?	YES	
	NO	

(10-1. Noes: Oliverio.)

- (d) Council discussion and consideration of whether the full text of the proposed ordinance should be printed in the November 8, 2016, Voter’s Sample Ballot, pursuant to Elections Code 12111, to be incorporated in the resolution calling the election;
Include the full text, as recommended in Mayor Sam Liccardo’s memorandum dated August 8, 2016.
- (d) Council discussion and consideration of whether to permit rebuttal arguments and authorize the City Council or any member or members of the City Council to submit a rebuttal argument in favor of the City measure in the November 8, 2016, Voter’s Sample Ballot, pursuant to Elections Code Section 9285, to be incorporated in the resolution calling the election;
Include rebuttal arguments, as recommended in Mayor Sam Liccardo’s memorandum dated August 8, 2016.

(Item Continued on the Next Page)

3. STRATEGIC SUPPORT SERVICES

3.14 Proposed Ballot Measure – Alternative Pension Reform Act.

- (e) Council discussion and consideration of whether to authorize the City Council or any member or members of the City Council to submit an argument in favor of the City measure on the November 8, 2016, Voter's Sample Ballot, pursuant to Elections Code Section 9282, to be incorporated in the resolution calling the election; and

Mayor Sam Liccardo to submit an argument in favor of the City measure, as recommended in his memorandum dated August 8, 2016.

- (f) Direct the City Clerk to take all actions necessary to place this measure for a November 8, 2016, Special Municipal Election, if needed.

CEQA: Not a Project, File No. PP10-068, General Procedure & Policy Making. (City Manager)

(Deferred from 8/2/16 – Item 3.4)

Approved.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Actions Related to the End of Watch Police Memorial.

Recommendation:

- (a) Approve the recommendation that the End of Watch police memorial be located at the City's Police Administration Building;
- (b) Direct staff to proceed with the procurement of a design for the memorial in a process consistent with City's public art process; and
- (c) Continue to approve and accept donations from various individuals, businesses, or community groups to support the project.

CEQA: Exempt, Section 15301 Existing Facilities, File No. PP16-006. (Economic Development)

(Deferred from 6/7/16 – Item 4.2)

Approved, including memoranda from Mayor Sam Liccardo, dated August 5, 2016 and from Councilmember Raul Peralez, dated August 8, 2016, with additional direction to the City Manager and City Clerk to appropriate an additional \$10,000 from the Mayor's Office Budget; \$3,000 from Vice Mayor Rose Herrera's budget (D8); \$3,000 from Councilmember Donald Rocha's budget (D9); \$3,000 from Councilmember Raul Peralez' budget (D3); \$5,000 from Councilmember Manh Nguyen's budget (D4); \$3,000 from Councilmember Magdalena Carrasco's budget (D5); and \$3,000 from Councilmember Ash Kalra's budget (D2); to the Police "End of Watch" Memorial Fund (2701).

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Amendments to Title 20 (Zoning Code) and Title 23 (Sign Code) of the San José Municipal Code and approval of new Council Policy Related to Riparian Corridors and Bird-Safe Design. *DEFERRED*

Recommendation:

- (a) Approve an ordinance amending Sections 20.100.500, 20.100.630, 20.100.720, 20.100.820, 20.100.940, 20.100.1010, 20.100.1020, 20.100.1030, 20.100.1040, 20.100.1050, 20.100.1080, and 20.100.1090 of Chapter 20.100 and adding Sections 20.200.1052 and 20.200.1054 of Chapter 20.200 of Title 20 of the San José Municipal Code (Zoning Code) and repealing Section 23.02.465 of Chapter 23.02 of Title 23 of the San José Municipal Code (Sign Code) to:
 - (1) Add provisions requiring findings of consistency with General Plan goals and policies, and other City Council-adopted policies including the new City Council Policy described under subsection (b) below.
 - (2) Add provisions requiring proposed single-family house development in conventional zoning districts that involves ground-disturbing activity within one hundred (100) feet of a riparian corridor to obtain approval of a Single-Family House Permit.
 - (3) Add a definition of “riparian”, and “riparian corridor” in the Zoning Code and delete the Sign Code Definition of “riparian corridor”.
 - (4) Correct inadvertent deletion of previously approved code amendments.
 - (5) Make other technical, formatting or non-substantive changes with the Zoning Code.
- (b) Adopt a resolution approving a new City Council Policy, entitled “Riparian Corridor Protection and Bird-Safe Design Policy”, to provide guidance for riparian corridor protection in furtherance of the goals, policies, and actions of the General Plan for: 1) protecting, preserving, or restoring riparian habitat; 2) minimizing urban runoff to creeks, rivers, and streams; 3) controlling erosion; and 4) encouraging bird-safe design within the area north of State Route 237, by:
 - (1) Clarifying standards for development and activities located up to three hundred (300) feet of the edge of a riparian corridor, including but not limited to limitations on activities, new structures, and impervious surfaces within riparian setbacks; and
 - (2) Providing bird-safe design standards for development located within the north of State Route 237 to reduce the potential for bird strikes for species associated with baylands or riparian habitats of lower Coyote Creek.

Planning Commission recommends approval (5-0-2, Ballard and Pham absent). CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final EIR and Supplemental EIR, File No. PP15-118. (Planning, Building and Code Enforcement)

PP15-118 – Citywide

(Deferred from 6/28/16 – Item 4.6)

Deferred to 8/23/16 per Rules & Open Government Committee

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Report on Bids and Award of Contract for the 7631 - Traffic Signal Unit 2014B San José Pedestrian Oriented Traffic Signals Federal Project No. CML-5005(127) - Phase 1 – REBID.

Recommendation: Report on bids and award of contract for the 7631 - Traffic Signal Unit 2014B San José Pedestrian Oriented Traffic Signals Federal Project No. CML-5005(127) - Phase 1 - REBID to the low bidder, Redgwick Construction Company, in the amount of \$1,142,545 and approval of a contingency in the amount of \$114,255. CEQA: Exempt, File No. PP12-066, Section 15301 (c) dated July 24, 2012. NEPA: 23 USC 326; 23 CFR 771.117(c)(8). Council District 5. (Public Works)

Approved.

5. NEIGHBORHOOD SERVICES

5.1 Report on Bids and Award of Contract for the 7855 – Bramhall Restroom-Concession-Storage Building Project. DEFERRED

Recommendation:

- (a) Report on bids and award of a construction contract for 7855 – Bramhall Restroom-Concession-Storage Building Project to the sole bidder, Tucker Construction, Inc., for the base bid in the amount of \$1,116,524 and approval of a contingency in the amount of \$111,652.
- (b) Adopt a resolution authorizing the Director of Public Works to negotiate and execute any single and/or multiple change orders up to the amount of the contingency.
- (c) Adopt the following 2016-2017 Appropriation Ordinance Amendments in the Subdivision Park Trust Fund:
 - (1) Decrease the Bramhall Park Lawn Bowling Green Renovation project to the Parks, Recreation and Neighborhood Services Department Project by \$144,000; and
 - (2) Increase the Bramhall Park Restroom and Concession Building project to the Parks, Recreation and Neighborhood Services Department by \$144,000.

CEQA: Exempt, File No. PP15-065. Council District 6. (Public Works / Parks, Recreation and Neighborhood Services / City Manager)

Deferred to 8/16/16 per Administration

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

- **Open Forum**
 - (1) **Blair Beekman addressed the San José Pedestrian Oriented Traffic Signals Federal Project, recommending a more effective bicycle safety improvement plan.**
 - (2) **Mark Trout expressed personal and political views.**

- **Adjournment**

The Council of the City of San José adjourned at 5:52 p.m. in memory of Colin O’Kane, a San José homegrown athlete and scholar, graduate of Archbishop Mitty High School and Sonoma State University, and son of Sean and Ann O’Kane. Colin passed away at the age of 25 on June 3, 2016. (Rocha)