

CITY COUNCIL AGENDA

MARCH 22, 2011

SYNOPSIS

PETE CONSTANT
ASH KALRA
SAM LICCARDO
KANSEN CHU
XAVIER E. CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON NGUYEN, VICE MAYOR
ROSE HERRERA
DONALD ROCHA
NANCY PYLE

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.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any 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 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, Mayor Reed 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 www.sanjoseca.gov/clerk/agenda.asp. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Council Wing, 2nd Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for the final document.

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

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

- **Call to Order and Roll Call**
9:13 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: All Present.

1:32 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: All Present.
- **Invocation (District 3)**
Daniel Guhl, Salvation Army presented the Invocation.
- **Pledge of Allegiance**
Mayor Reed led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with Item 1.1 deferred to 03/29/11.
- **Closed Session Report**
No Report.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation declaring March 25, 2011 as “Greek Independence Day” in the City of San José. (Constant)
Deferred to 03/29/11 per Orders of the Day.

1. CEREMONIAL ITEMS

- 1.2 Presentation of a commendation to the San José Sports Authority in recognition of their 20 Year Anniversary. (Mayor/Constant/Liccardo/Oliverio)
Mayor Reed and Council Members Constant, Liccardo and Oliverio recognized and commended San José Sports Authority.
- 1.3 Presentation of a commendation to the publication *Pezhvak of Persia* for providing Iranian-Americans with a vital link to their language and culture through reviews and discussion of Iranian literature, sports, and film, as well as current events coverage. (Nguyen)
Dropped.

2. CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of minutes.

- (a) Regular Minutes of November 2, 2010.
- (b) Joint City/Santa Clara Valley Water District Minutes of November 8, 2010.
- (c) Regular Minutes of November 9, 2010.
- (d) Regular Minutes of November 16, 2010.
- (e) Joint City/San José Financing Authority Minutes of November 16, 2010.
- (f) 2011-2012 Budget Preparation Minutes of November 18, 2010.
- (g) Regular Minutes of November 30, 2010.

Approved.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 28897 – Amending Section 4.04.040 of Chapter 4.04 and Sections 4.12.055 and 4.12.110 of Chapter 4.12 of Title 4 of the San José Municipal Code to align the process for selection of architectural and engineering consultants to be consistent with that of other consultant procurements.

Ordinance No. 28897 adopted.

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) Rules and Open Government Committee Report of March 2, 2011. (Mayor)
- (b) Transportation and Environment Committee Report of March 7, 2011. (Liccardo)
- (c) Neighborhood Services and Education Committee Report of March 10, 2011. (Pyle)

Approved.

2. CONSENT CALENDAR

2.4 Mayor and Council Excused Absence Requests.

There were none.

2.5 City Council Travel Reports.

Council Member Constant reported on his trip to the National League of Cities Conference in Washington D.C.

Mayor Reed and Council Members Kalra and Constant offered highlights of their participation in the Annual Advocacy Trip to Washington D.C. hosted by the Silicon Valley Leadership Group.

2.6 Report from the Council Liaison to the Retirement Boards.

There was none.

2.7 Actions Related to Mayor Reed's Travel to Washington, D.C.

Recommendation:

- (a) Approve travel by Mayor Reed to Washington, D.C. on March 16, 2011 to participate in the Silicon Valley Leadership Group's Annual Washington, D.C. Advocacy Trip. Source of Funds: Mayor/Council Travel Fund. (Mayor)
- (b) Request for an excused absence for Mayor Reed from the Regular Meeting of the Rules and Open Government Committee on March 16, 2011 due to Authorized City Business: Silicon Valley Leadership Group Annual Washington, D.C. Advocacy Trip. (Mayor)

(Rules Committee referral 3/16/11)

Approved.

2.8 Appointment to Silicon Valley Workforce Investment Network Board of Directors.

Recommendation: As recommended by the Rules and Open Government Committee on March 16, 2011, approve the appointment of Leslie Gilroy, Center Director and Business & Community Liaison of Career Systems Development for the San José Job Corps, to serve as a private-sector representative on the Silicon Valley Workforce Investment Network Board of Directors as required by law. (Mayor)

Approved.

2.9 Appointment to the Deferred Compensation Advisory Committee.

Recommendation: As recommended by the Rules and Open Government Committee on March 16, 2011, approve the appointment of Daniel Earl to the Deferred Compensation Advisory Committee as the representative nominated by the American Federation of State, County and Municipal Employees, AFSCME Local 101 [the Municipal employees Federation (MEF) and the Confidential Employees Organization (CEO)], for the remainder of the four-year term ending March 1, 2014 that will be made vacant by the retirement of the current representative. (Human Resources)

Approved.

3. STRATEGIC SUPPORT SERVICES

**3.1 Report of the City Manager, Debra Figone (Verbal Report)
No Report.**

3.2 Labor Negotiations Update

Recommendation: Accept Labor Negotiations Update.
Heard at 9:00 a.m.
Accepted.

**3.3 Approval of the Terms of an Agreement with the San José Fire Fighters,
International Association of Firefighters, Local 230.**

Recommendation: Adopt a resolution approving the terms of an agreement for the period of July 1, 2009 through June 30, 2013, between the City and the San José Fire Fighters, International Association of Firefighters, Local 230. CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office)

Resolution No. 75762 adopted.

Staff directed to return to Council with a cost out plan on the 2nd tier proposals, per the memorandum from Council Member Pyle, dated March 22, 2011.

Noes: Liccardo, Oliverio.

3.4 Ordinances Relating to Residency Requirements and Removal from Office of Retirement Board Members, Appointment of Nonvoting Member of Retirement Boards and Appointment Process for Members of Board of Administration of the Federated City Employees Retirement System.

Recommendation:

- (a) Approval of or referral of draft ordinance for review and comment to the Board of Administration of the Federated City Employees Retirement System and the Board of Administration of the Police and Fire Department Retirement Plan – draft ordinance amending Parts 1 and 10 of Chapter 2.08 of Title 2 of the San José Municipal Code to amend Sections 2.08.130, 2.08.160, 2.08.1020 and 2.08.1070 and to add a new Section 2.08.170 to correct clerical errors related to the process for removal of members of the Board of Administration of the Federated City Employees Retirement System and filling vacancies on said Board, to require public members who are appointed to said Board on or after April 1, 2011 to reside within a fifty mile radius of San José City Hall and to clarify Council's intent with respect to the nonvoting member position on the Board of Administration of the Federated City Employees Retirement System and the Board of Administration of the Police and Fire Department Retirement Plan.

Ordinance No. 28899 passed for publication.

Discussion about the role of a Council liaison as a nonvoting member referred to the retirement boards and deferred for Council action to May 2011.

3. STRATEGIC SUPPORT SERVICES

3.4 Ordinances Relating to Residency Requirements and Removal from Office of Retirement Board Members, Appointment of Nonvoting Member of Retirement Boards and Appointment Process for Members of Board of Administration of the Federated City Employees Retirement System. (Cont'd.)

- (b) Approval of or referral of draft ordinance for review and comment to the Board of Administration of the Police and Fire Department Retirement Plan – draft ordinance amending Section 2.08.1220 of Part 12 of Chapter 2.08 of Title 2 of the San José Municipal Code to require public members of the Board of Administration for the Police and Fire Department Retirement Plan who are appointed on or after April 1, 2011 to reside within a fifty mile radius of San José City Hall.

CEQA: Not a Project; File No. PP10-068(b), Municipal Code or Policy. (City Attorney's Office)
Ordinance No. 28900 passed for publication.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Public Hearing on the Draft Consolidated Plan - Annual Action Plan FY 2011-2012.

Recommendation: Conduct a Public Hearing on the draft Consolidated Plan - Annual Action Plan FY 2011-2012, as required by the U.S. Department of Housing and Urban Development in order to receive federal housing and community development funding, and announce that as of March 15, 2011, the draft Consolidated Plan is available to the public for review and comment. CEQA: Not a Project, File No. PP10-069 (a). Annual Report. (Housing)

The public hearing was opened and continued to May 3, 2011.

4.2 Approval of Neighborhood Housing Services of Silicon Valley's Plan to Address its Homeventure Fund and Home Investment Partnership Obligations.

Recommendation:

- (a) Adopt a resolution:
- (1) Authorizing the City to forgive Neighborhood Housing Services of Silicon Valley's (NHSSV) \$1,300,000 obligation to the HomeVenture Fund for past operating expenses and in exchange, accepting NHSSV's commitment to utilize \$1,300,000 in CalHOME grant proceeds within City of San José municipal boundaries.
 - (2) Accepting NHSSV's proposal to repay the City \$1,917 per month over five years for its \$115,000 obligation in HOME Investment Partnership ("HOME") funds.
 - (3) Authorizing the Director of Housing to negotiate and execute all documents related to the fulfillment of the conditions of these recommendations as adopted by the City Council.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Approval of Neighborhood Housing Services of Silicon Valley's Plan to Address its Homeventure Fund and Home Investment Partnership Obligations. (Cont'd.)

- (b) Adopt the following Appropriation Ordinance amendments in the Housing Trust Fund:
- (1) Establish a Transfer to the Home Investment Partnership Program Fund by \$115,000.
 - (2) Decrease the Ending Fund Balance by \$115,000.
- (c) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Home Investment Partnership Program Fund:
- (1) Increase the revenue estimate for Transfers by \$115,000.
 - (2) Increase the appropriation to the Housing Department for the Loans and Grants project by \$115,000.

CEQA: Not a Project. (Housing/City Manager's Office)

Deferred to 04/05/11 per Administration.

4.3 Public Hearing on Rezoning Real Property located on the Southwest Corner of South Bascom Avenue and Maywood Avenue.

Recommendation: Conduct a public hearing and consider an ordinance rezoning the real property located on the southwest corner of South Bascom Avenue and Maywood Avenue (APNS: 282-10-073 & 074) (945 South Bascom Avenue) from County to CP Commercial Pedestrian Zoning District to allow commercial uses on a 0.44 gross acre site (Farakesh, Ali, Owner). CEQA: San José 2020 General Plan EIR Resolution No. 65459.

C08-046 - District 6

[Continued from 3/15/11 – Item 11.1(a)]

The public hearing was held.

Ordinance No. 28901 passed for publication.

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 Car Share Program.

Recommendation: As recommended by the Transportation and Environment Committee on March 7, 2011, accept staff's report and approve the following incentives to be included in a Request for Proposals for a car share service provider as a means to facilitate the launch of a carsharing program in the City of San José:

- (a) Possible partnership with San José State University;
- (b) Replace a portion of the City fleet with carshare vehicles;
- (c) Provide free parking to car share vehicles in City garages;

6. TRANSPORTATION & AVIATION SERVICES

6.1 Car Share Program. (Cont'd.)

- (d) Provide designated on-street parking spaces for car share vehicles;
- (e) Assist in marketing the program;
- (f) Opportunity for City to provide maintenance for car share vehicles.

CEQA: Not a Project, File No. PP10-066. (Transportation/Public Works)

Accepted, with Staff directed to:

- (1) **Include as a “add alternate” to the Request for Proposal, a query that elicits information about the extent to which the bidder might increase the size of their San José automotive fleet with additional monetary incentives, such as those that might be provided by participating residential developers, corporations or homeowner associations.**
- (2) **Explore with the development community what contributions developers might make toward a car sharing program where they seek to reduce parking ratios at transit oriented sites, obtain green building credits or other incentives.**

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Green Vision 2010 Annual Report and 2011 Work Plan.

Recommendation: Accept the 2010 Green Vision Annual Report and approve the proposed 2011 Work Plan. CEQA: Not a Project, PP10-069(a), Annual Reports. (City Manager’s Office)

Accepted, with Staff directed to incorporate the Mayor’s set of goals to achieve for 2011:

- (1) **Process and install the identified 13 megawatts of solar at City facilities.**
- (2) **Complete the Fog Waste, Zero Waste and Harvest Waste projects.**
- (3) **Complete the audits and plans for upgrading the facilities; begin and complete the upgrades.**

Staff directed to return to Transportation and Environment Committee in September 2011 with an analysis of the cost and benefits of Community Choice Aggregation and how this might look in San José.

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

The Joint Council/Redevelopment Agency convened at 1:50 p.m. to consider Item 9.1 in a Joint Session.

9.1 Public Hearing and approval of the FY 2011-2012 Mayor's March Budget Message.

Recommendation: Conduct a Public Hearing and approve the FY 2011-2012 Mayor's March Budget Message. (Mayor)

Heard immediately following Consent.

The public hearing was held.

Approved, including the clarification on Page 15, 3(a) Parking Fund Review and Repurpose: that any excess parking funds would be offset parking expenses related to general fund expenses, such as debt service.

Staff directed to include a study session to discuss the pension reform issues on the 1st and 2nd tier designs during the Budget Study Sessions in May 2011.

The Joint Council/Redevelopment Agency adjourned at 3:21 p.m.

- **Open Forum**

David Wall recognized the efforts of a Parks, Recreation and Neighborhood Services maintenance employee who picked up illegally dumped debris in Mr. Wall's neighborhood and also presented comments about the airport debt service.

- **Adjournment**

The Council of the City of San José was adjourned at 5:48 p.m. in memory of Allison Slater Flores, a beloved mother and community activist, whose dedicated services to the residents of East San José will never be forgotten. (Campos)