

# **CITY COUNCIL AGENDA**

**NOVEMBER 30, 2010**

## **SYNOPSIS**

PETE CONSTANT  
ASH KALRA  
SAM LICCARDO  
KANSEN CHU  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO  
MADISON P. NGUYEN  
ROSE HERRERA  
JUDY CHIRCO, VICE MAYOR  
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 every first and third Tuesday at 7 p.m., 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.sanjoec.ca.gov/clerk/agenda.asp](http://www.sanjoec.ca.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, 2<sup>nd</sup> 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@sanjoec.ca.gov](mailto:CityClerk@sanjoec.ca.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**  
9:00 a.m. - Closed Session, Call to Order in Council Chambers  
Absent Council Members: Constant, Nguyen; Reed. (Excused)  
  
1:32 p.m. - Regular Session, Council Chambers, City Hall  
Absent Council Members: Constant, Nguyen; Reed. (Excused)
- **Invocation (District 10)**  
Almaden Valley branch librarian Ed Koetitz and his sheepdog puppet, Shaggy, offered story time entertainment for 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.
- **Closed Session Report**  
No Report.

# 1. CEREMONIAL ITEMS

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- 1.1 Presentation of commendations to Joyce and Pat Milligan for their 23 years of dedication and contribution to the San José Library Foundation. (Liccardo)  
**Mayor Reed and Council Member Liccardo recognized and commended Joyce and Pat Milligan for their 23 years of dedication and contribution to the San José Library Foundation.**

**Vice Mayor Chirco and members of the City Council honored Council Member Campos on her last day on the San José City Council as she takes on her new position with the State Assembly and thanked her for her dedication and service to the City of San José.**

# 2. CONSENT CALENDAR

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## 2.1 Approval of Minutes.

**Recommendation:** Approval of minutes.

- (a) Joint Redevelopment Agency/City Council Budget Preparation Study Session Minutes of September 7, 2010.
- (b) Special Meeting Minutes of September 7, 2010.
- (c) Regular Meeting Minutes of September 14, 2010.
- (d) Regular Meeting Minutes of September 21, 2010.
- (e) Regular Meeting Minutes of September 28, 2010.
- (f) Joint Redevelopment Agency/City Council Budget Study Session Minutes of September 30, 2010.

**Approved.**

## 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 28849 – Rezoning certain real property situated at the southeast corner of West San Carlos Street and Sunol Street (860 West San Carlos Street) from HI-Heavy Industrial and Combined Industrial/Commercial to A(PD) Planned Development Zoning District. PDC08-061

**Ordinance No. 28849 adopted.**

- (b) ORD. NO. 28850 – Rezoning certain real property situated on the east side of Almaden Expressway, approximately 250 feet north of Redmond Avenue (16440 Almaden Expressway), from R-1-1 Single-Family Residence Zoning District to A(PD) Planned Development Zoning District. PDC07-064

**Ordinance No. 28850 adopted.**

## 2. CONSENT CALENDAR

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### 2.2 Final adoption of ordinances (Cont'd.)

- (c) ORD. NO. 28852 – Amending Chapter 3.48 of Title 3 of the San José Municipal Code to allow the City of San José Deferred Compensation Plan to accept rollovers of eligible distributions from the City of San José's pension plans and credit such distributions to terminated employees' City of San José Deferred Compensation Plan accounts.

**Ordinance No. 28852 adopted.**

- (d) ORD. NO. 28854 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Revolution Resource Recovery, LLC.

**Ordinance No. 28854 adopted.**

### 2.3 Approval of Council Committee Reports.

**Recommendation:** Approval of Council Committee Reports.

- (a) Rules and Open Government Committee Report of November 3, 2010. (Mayor)  
(b) Rules and Open Government Committee Report of November 10, 2010. (Mayor)  
**Approved.**

### 2.4 Mayor and Council Excused Absence Requests. None.

### 2.5 City Council Travel Reports. None.

### 2.6 Master Agreement for Signage and Wayfinding Consultant Services with Jacobs Engineering Group, Inc.

**Recommendation:** Approve a Second Amendment to the Airport Master Agreement for Signage and Wayfinding Consultant Services with Jacobs Engineering Group, Inc., extending the term of the agreement to September 30, 2011, with no increase in total compensation. CEQA: Not a Project, File No. PP10-066(d), Consultant Services for Design/Study/Research/Inspection. (Airport)

**Approved.**

### 2.7 Master Consultant Agreement with Airport & Aviation Professionals, Inc. dba AvAirpros.

**Recommendation:** Approve a first amendment to the master consultant agreement with Airport & Aviation Professionals, Inc. dba AvAirpros, to expand the scope of services to include other services as necessary to facilitate ongoing coordination, discussion, and management of issues with the Airlines serving the Norman Y. Mineta San Jose International Airport with no increase in total compensation. CEQA: Not a Project, File No. PP10-066(d), Consultant Services for Design/Study/Research/Inspection. (Airport)

**Approved**

## 2. CONSENT CALENDAR

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### 2.8 Repeal of Bicycle Licensing Requirements.

**Recommendation:**

- (a) Approve an ordinance repealing Sections 11.72.020, 11.72.030, 11.72.040, 11.72.050, 11.72.060 and 11.72.070 of Chapter 11.72 of Title 11 of the San José Municipal Code and amending Section 11.72.150 of Chapter 11.72 of Title 11 to eliminate bicycle licensing requirements.

**Ordinance No. 28855 passed for publication.**

- (b) Adopt a Resolution amending the 2010-2011 Schedule of Fees and Charges (Resolution No. 72737, as amended) to eliminate the bicycle licensing fees.

CEQA: Not a Project; PP10-068(c), Municipal Code or Policy. (City Attorney's Office)

**Resolution No. 75639 adopted.**

### 2.9 Revisions to the Regulations and Procedures of the San José Elections Commission.

**Recommendation:** Adopt a resolution revising the regulations and procedures of the San José Elections Commission, and repealing Resolution No. 75260, which sets forth the current regulations and procedures for the San José Elections Commission's investigations and hearings. (City Attorney/City Clerk)

**Resolution No. 75640 adopted.**

### 2.10 Master Agreement with HF&H Consultants, LLC for Environmental Consultant Services on the Commercial Solid Waste Redesign and Franchise Procurement.

**Recommendation:** Approve the Third Amendment to the Master Agreement between the City of San José and HF&H Consultants, LLC for environmental consultant services on the commercial solid waste redesign and franchise procurement, increasing the amount of the agreement by \$50,000 from \$800,000 to an amount not to exceed \$850,000. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Environmental Services)

**Approved.**

### 2.11 Waste Diversion Compliance Initial Review Fee.

**Recommendation:** Adopt a Resolution to amend the 2010-2011 Schedule of Fees and Charges (Resolution No. 72737, as amended), to:

- (a) Establish a new Waste Diversion Compliance Initial Review Fee in the amount of \$100, and
- (b) Establish a new Waste Diversion Compliance Additional Review Fee in the amount of \$100 per hour.

CEQA: Statutorily Exempt, File No. PP10-067(a), CEQA Guidelines Section 15273, Rates Tolls, Fares and Charges. (Environmental Services/City Manager's Office)

**Resolution No. 75641 adopted.**

## **2. CONSENT CALENDAR**

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### **2.12 Encumber Additional Funds to Open Purchase Order with Harris Blade.**

**Recommendation:** Exercise the first of three one year options to renew purchase order. Exercising this option will result in encumbering an additional \$160,000 to the existing Open Purchase Order #44308 with Harris Blade Rentals for a total amount not to exceed \$400,000 for the rental of heavy construction earth moving equipment. This service was competitively solicited, Harris Blade Rental was the only responsive bidder, and was awarded a purchase order for a one year term in March, 2010, with three additional one year options to renew. CEQA: Not a Project, File No. PP10-066(a). (Finance)

**Approved.**

### **2.13 Funding for Destination: Home Project.**

**Recommendation:** Adopt the following Appropriation Ordinance amendments in the Housing Trust Fund:

- (a) Increase the appropriation to the Housing Department for the Destination: Home project by \$161,176.
- (b) Decrease the Ending Fund Balance by \$161,176.

CEQA: Not a Project, File No. PP10-066(e), Agreements/Contracts. (Housing/City Manager's Office)

**Ordinance No. 28856 adopted.**

### **2.14 Master Agreement with Group 4 Architecture Research + Planning, Inc., for the San José Environmental Innovation Center Phase II Project.**

**Recommendation:** Approval of the second amendment to the Master Agreement for consultant services with Group 4 Architecture Research + Planning, Inc., for the San José Environmental Innovation Center Phase II Project, increasing compensation by \$793,000 for a total agreement amount not to exceed \$2,793,000, expanding the scope of services, and extending the term of the agreement from May 31, 2011 to December 22, 2012.

CEQA: A CEQA Negative Declaration for the renovation for the EIC, including the HHW facility, was adopted on December 1, 2009, File No. PP09-138. Council District 3. (Public Works)

**Approved.**

### **2.15 Grant Award from the U.S. Department of Justice for a Pilot Job Training and Employment Preparation Program.**

**Recommendation:**

- (a) Adopt a resolution to:
  - (1) Authorize the Director of Housing to accept an earmark grant award from the U.S. Department of Justice (DOJ) in the amount of \$400,000 for a pilot job training and employment preparation program for at-risk women incarcerated and/or recently released from jail.

*(Item Continued on the next page)*

**2.15 Grant Award from the U.S. Department of Justice for a Pilot Job Training and Employment Preparation Program (Cont'd.)**

- (a) (2) Authorize the Director of Housing to negotiate and execute a Memorandum of Understanding with the County of Santa Clara for its Office of Women's Policy to implement the "Skills to Succeed" program for 50 at-risk women with the proceeds from the DOJ grant.

**Resolution No. 75642 adopted.**

- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Multi-Source Housing Fund:

- (1) Establish an appropriation to the Housing Department for the Skills to Succeed project in the amount of \$200,000.  
(2) Increase the estimate for Earned Revenue by \$200,000.

CEQA: Not a Project, File No. PP10-066(e), Agreements/Contracts. (Housing/City Manager's Office)

**Ordinance No. 28857 adopted.**

**Resolution No. 75643 adopted.**

**2.16 Setting a Public Hearing to Establish the Kirk Park/Community Center Rule 20A Underground Utility District located along Foxworthy Avenue, between Yucca Avenue and Briarwood Avenue.**

Recommendation: Adopt a resolution to consider the establishment of the Kirk Park/Community Center Rule 20A Underground Utility District located along Foxworthy Avenue, between Yucca Avenue and Briarwood Avenue, and setting a Public Hearing on January 25, 2011, at 1:30 p.m. CEQA: Addendum to a Mitigated Negative Declaration, File No. PP10-164. Council District 9. (Public Works)

**Resolution No. 75644 adopted.**

**2.17 Agreement with County of Santa Clara for Landscaping and Streetlight Operation and Maintenance on Capitol Expressway.**

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute an operations and maintenance agreement between the City of San José and the County of Santa Clara for landscaping and streetlight improvements along Capitol Expressway between Capitol Avenue and Quimby Road at an annual cost to the City of approximately \$15,500 per year beginning in FY 2012-13 and increasing to approximately \$29,500 in FY 2015-16 with the completion of the plant establishment period. CEQA: Not a Project, File No. PP10-066(e), New contract for maintenance services. Council Districts 5 and 8. (Transportation)

**Resolution No. 75645 adopted.**



## 2. CONSENT CALENDAR

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### 2.18 Downtown San Jose Property-Based Business Improvement District Financial Report.

**Recommendation:** Accept the Downtown San Jose Property-Based Business Improvement District Financial Report for FY 2009-2010, which provides information to the public and the property owners in the District regarding the use of the assessments and the management and operations of the District. CEQA: Exempt, File No. PP08-095. (Transportation)

**Accepted.**

### 2.19 Appointments and Re-appointments to Boards, Commissions and Committees.

**Recommendation:** As recommended by the Rules and Open Government Committee on November 17, 2010:

- (a) Appoint Patrick Lydon to the Arts Commission for an unexpired term ending June 30, 2011. (Liccardo)
- (b) Appoint Diane Elizabeth Thompson to the Disability Advisory Commission for an unexpired term ending June 30, 2012. (Pyle)
- (c) Appoint Devora Davis, Theresa Marie Sabatino, and Rebecca Campbell Swanson to the Early Care and Education Commission for terms ending June 30, 2013. (Chirco)
- (d) Appoint Dalton Victor to the Human Rights Commission for a term ending December 31, 2013. (Chu)
- (e) Re-appoint Brian Ho and Molly Uzoh for terms ending December 31, 2013 and appoint Harmeet S. Bhugra to an unexpired term ending December 31, 2010, and David William Clancy and Leo Cortez to unexpired terms ending December 31, 2011 on the Small Business Development Commission. (Chu)
- (f) Appoint James Prunty to the Traffic Appeals Commission for an unexpired term ending June 30, 2012. (Nguyen)

[Rules Committee referral 11/17/10 – Items G(1)(a) – G(1)(f)]

**Approved.**

### 2.20 Re-appointment of Public Member of the Federated City Employee Retirement System Board.

**Recommendation:** Re-appoint Jeffrey Perkins as the Public Member of the Board of Administration of the Federated City Employee Retirement System to a term commencing December 1, 2010 expiring on a date to be determined upon the appointment of a successor. (Constant)

**Approved.**

### 3. STRATEGIC SUPPORT SERVICES

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- 3.1 **Report of the City Manager, Debra Figone (Verbal Report)**  
None.

- 3.2 **Comprehensive Annual Financial Report (CAFR).**

**Recommendation:** Accept the Comprehensive Annual Financial Report containing audited financial statements for the fiscal year. (Finance)

**Deferred to 12/7/10 per Administration.**

- 3.3 **Comprehensive Annual Debt Report (CADR).**

**Recommendation:** Accept the Report on Fourth Quarter Debt Issuance and Debt Management activities. (Finance)

**Deferred to 12/7/10 per Administration.**

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

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- 4.1 **Amendments to Title 20 of the San José Municipal Code to add a new Chapter 20.75 Entitled Pedestrian Oriented Zoning Districts and Establishing the Main Street Districts.**

**Recommendation:** Conduct a public hearing and consider an ordinance amending Title 20 of the San José Municipal Code to add a new Chapter 20.75 entitled Pedestrian Oriented Zoning Districts and establishing the Main Street Districts within that Chapter; to modify Chapter 20.90 to provide parking and loading requirements for the Main Street Districts; and to make other related modifications to Chapters 20.10, 20.40, 20.80, 20.175 and 20.200. CEQA: Negative Declaration and Addenda, File No. PP09-012. (Planning, Building and Code Enforcement)

**Public Hearing Held.**

**Ordinance No. 28858 passed for publication.**

### 5. NEIGHBORHOOD SERVICES

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## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 Grant Applications to the Metropolitan Transportation Commission for Federal Congestion Mitigation and Air Quality Funds.

**Recommendation:** Adopt three separate resolutions that:

- (a) Authorize the City Manager, or designee, to submit the following grant applications to the Metropolitan Transportation Commission (MTC) for Federal Congestion Mitigation and Air Quality (CMAQ) funds:
  - (1) In the amount of \$835,619 for the “*Walk n’ Roll San Jose!*” non-infrastructure program, with a local match commitment of \$108,263;  
**Resolution No. 75646 adopted.**
  - (2) In the amount of \$567,762 for the “*Walk n’ Roll San Jose! – Safe Access*” infrastructure project, with a local match commitment of \$84,838;  
**Resolution No. 75647 adopted.**
  - (3) In the amount of \$1,500,000 for the “Innovative Bicycle Detection System” project, with a local match commitment of \$210,000.  
**Resolution No. 75648 adopted.**
- (b) Commit the City to provide the required local match stated above and to pay for any additional cost to complete each of the projects;
- (c) Assure each of the projects will be completed in compliance with the submitted applications, MTC Regional Funding Delivery Policy, and the grant program requirements; and
- (d) Authorize the City Manager, or designee, to accept grant funding from the MTC for each of the submitted applications and negotiate and execute any documents to accept the grant funds.

CEQA: *Walk n’ Roll San Jose!* Non-Infrastructure Project, and *Walk n’ Roll San Jose! – Safe Access* Infrastructure Project: Exempt, File No. PP10-113, Section 15301(c); Innovative Bicycle Detection System Project: Exempt, File No. PP06-210, Section 15301(c). (Transportation)

**Approved.**

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.1 Amendments to Chapter 9.10 to Limit the Ability to Establish Residential Solid Waste Service Accounts.

#### **Recommendation:**

- (a) Approve an ordinance of the City of San José amending Sections 9.10.1100, 9.10.1200, and 9.10.1210 of Chapter 9.10 of Title 9 of the San José Municipal Code to limit the ability to establish residential solid waste service accounts to the owner and their agents.

**Ordinance No. 288592: passed for publication.**

- (b) Accept a status report on the Healthy Neighborhood Venture Fund contribution option for City utility billing customers.

CEQA: Not a Project, File No. PP10-068, General Procedure & Policy Making.  
(Finance/Environmental Services/Information Technology)

**Accepted.**

## 8. PUBLIC SAFETY SERVICES

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## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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### • Notice of City Engineer's Pending Decision on Final Maps

In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
10064	Between W. Campbell Ave & Via Cristobal, 750 feet west of Via D'Este	1	Castle Structures, LLC	6 Lots / 6 Units	SFDR

### • Open Forum

(1) Gabrielle Antolovich urged participation in a Voices United and Youthphoria Coalition public forum supporting the adoption of a "Social Host" ordinance to address underage drinking. (2) Susan Ko suggested the City maintain recycling bins at public transportation points in keeping with the Green Vision Plan.

- **Adjournment**

**This meeting was adjourned at 2:55 p.m. in memory of Ellen “Muffie” Meier. Muffie’s life will forever be define by her fierce loyalty to the ones that she loved, her incredible professional wisdom and the pivotal role she played as an advisor to politicians and political efforts at every level of government. In addition, Muffie was known for her relentless and selfless commitment to the Zen Hospice Project where she served as Co-President of the Board of Directors. (Herrera)**