



CITY COUNCIL AGENDA

FEBRUARY 2, 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

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.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**
9:30 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: None.

1:30 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: None.
- **Invocation (District 2)**
Pastor Bill Buchholz, Family Community Church, provided the Invocation.
- **Pledge of Allegiance**
Mayor Reed led the Pledge of Allegiance accompanied by Primary Plus students from District 1.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with Items 2.3a, 2.3d and 3.4 deferred to 02/09/10.
- **Closed Session Report**
No Report.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation to the American Heart Association declaring February 5, 2010 as “National Wear Red Day” in the City of San José. (Campos/Kalra)
Mayor Reed, Vice Mayor Chirco and Council Members Campos, Herrera, Kalra, Pyle and Nguyen recognized February 5, 2010 as “National Wear Red Day” in the City of San José.
- 1.2 Presentation of a proclamation recognizing India’s Republic Day in the City of San José. (Kalra) (Rules Committee referral 1/27/10)
Mayor Reed and Council Member Kalra commended Rajesh Verma for his work with the Federated Indian Association and presented a proclamation recognizing India’s Republic Day in the City of San José.

2. CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
None.
- 2.2 **Final adoption of ordinances.**
None.
- 2.3 **Approval of Council Committee Reports.**

Recommendation:

- (a) Rules and Open Government Committee Report of January 13, 2010. (Mayor)
- (b) Public Safety, Finance and Strategic Support Committee Report of January 21, 2010. (Nguyen)
- (c) Rules and Open Government Committee Report of January 6, 2010. (Mayor)
(Deferred from 1/26/10 – Item 3.3)
- (d) Transportation and Environment Committee Report of January 11, 2010. (Liccardo)
(Deferred from 1/26/10 – Item 6.1)

Items 2.3a and 2.3d were deferred to 2/9/10 per Orders of the Day. Items 2.3b and 2.3c were approved.

- 2.4 **Mayor and Council Excused Absence Requests.**

Recommendation:

- (a) Request for an excused absence for Councilmember Constant from the Regular Meeting of the Rules and Open Government Committee on February 3, 2010 due to Authorized City Business: Local Agency Formation Commission of Santa Clara County (LAFCO) Meeting. (Constant)
(Rules Committee referral 1/20/10)

Excused.

2. CONSENT CALENDAR

2.5 Agreement with Team San José for the Management of the Convention Center and Cultural Facilities.

Recommendation: Adopt a resolution authorizing the City Manager to execute an Amendment to the Agreement with Team San José for the Management of the Convention Center and Cultural Facilities to provide for the ability of the City Auditor to continue to conduct annual performance audits. CEQA: Not a Project. (City Attorney's Office)

Resolution No. 75267 adopted.

2.6 Amendments to Pacific Gas and Electric Company (PG&E) Franchise Fee Ordinances.

Recommendation:

- (a) Approve an ordinance amending the franchise with PG&E for the sale of gas within the City (Ordinance No. 15879 as amended by Ordinance Nos. 21676 and 26913) to add a franchise fee surcharge of 0.3% resulting in a total franchise fee paid to the City of 2.3% of gross receipts and to provide for the waiver of certain negotiation and arbitration rights under the franchise.
- (b) Approve an ordinance amending the franchise with PG&E for the sale of electricity within the City (Ordinance No. 15880 as amended by Ordinance Nos. 21677 and 26914) to add a franchise fee surcharge of 0.3% resulting in a total franchise fee paid to the City of 2.3% of gross receipts and to provide for the waiver of certain negotiation and arbitration rights under the franchise.

CEQA: Not a Project. (City Attorney's Office)

Deferred to 2/9/10 per City Attorney.

2.7 Park Management System for Happy Hollow Park and Zoo.

Recommendation: Adopt a resolution authorizing the Director of Finance to:

- (a) Negotiate and execute a First Amendment to the Agreement for a Park Management System with VGS Systems Engineering Inc., doing business as Omni Ticket Network to add a Point of Sale and Inventory Control system for the food and beverage concessions at Happy Hollow Park & Zoo and increase compensation up to \$30,000 for a revised not to exceed contract amount of \$219,634.
- (b) Increase the contingency amount by \$5,000 from \$25,000 to \$30,000 to cover unanticipated changes in the system design and/or installation.

CEQA: Not a Project. (Finance)

Resolution No. 75268 adopted.

2. CONSENT CALENDAR

2.8 Proposed 2009-2011 Spending Plan for the Supplemental Law Enforcement Services Fund.

Recommendation:

- (a) Approve the proposed 2009-2011 Spending Plan for the Supplemental Law Enforcement Services (SLES) Fund for \$1,559,841.

Approved.

- (b) Adopt the following 2009-2010 Appropriation Ordinance and Funding Sources Resolution Amendments in the Supplemental Law Enforcement Services Fund (Fund 414):

(1) Increase the Earned Revenue by \$225,229; and

(2) Establish a SLES Grant 2009-2011 appropriation for the Police Department in the amount of \$225,229.

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

Resolution No. 75269 adopted.

Ordinance No. 28699 adopted.

2.9 Summary Vacation of a Public Service Easement and Wire Clearance Easement at 1730 Peregrino Way.

Recommendation: Adopt a resolution summarily vacating a Public Service Easement and Wire Clearance Easement at 1730 Peregrino Way. CEQA: Not a Project. Council District 6. (Public Works)

Resolution No. 75270 adopted.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Debra Figone (Verbal Report)

City Manager Debra Figone highlighted a report just released by the County Assessor's Office which reported a drop in property tax receipts resulting from a decline in California's consumer price index.

3.2 2009 Community Satisfaction Survey.

Recommendation: Accept the 2009 Community Satisfaction Survey. (City Manager's Office)

Accepted.

3. STRATEGIC SUPPORT SERVICES

3.3 Candidate Screening Criteria and Community Interview Panel Composition for Independent Police Auditor Executive Recruitment.

Recommendation: Approve candidate screening criteria to be used by consultant in evaluating applicants, and provide direction as to the composition of the community panel that will participate in interviewing and providing input on the top tier candidates for the Independent Police Auditor position. CEQA: Not a Project. (Human Resources)
Approved with the following amendments: (1) Conduct one more community meeting at the end of February with an information memo on the meeting provided by Avery and Associates or Staff. (2) Require that all interview panelists live in San José. (3) Allow panelists to develop questions to ask the candidates, which are in addition to the questions the consultant might pose beforehand. (4) Interview panel to consist of 19 members rather than three panels with seven members each. (5) The four panelists from the Independent Police Auditor Advisory Committee (IPAAC) should be selected by the IPAAC. Additionally, a structured outreach methodology for future outreach efforts is to be created. Council Members are to submit their designees for the interview panel by February 16, 2010.

3.4 FY 2009-10 First Quarter Revenue Collection Strategic Plan Report.

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on December 17, 2009:

- (a) Accept the FY 2009-10 First Quarter Revenue Collection Strategic Plan Report; and
- (b) Adopt a resolution authorizing the Director of Finance to write off 126 uncollectible accounts in an amount totaling \$1,702,757.42.

(Finance)

[Public Safety, Finance and Strategic Support Committee referral 12/17/09 – Item D(3)]
(Deferred from 1/12/10 – Item 3.7 and 1/26/10 – Item 3.5)

Deferred to 2/9/10 per Orders of the Day.

3.5 2008-2009 Annual Performance Audit of Team San José, Inc.

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on January 21, 2010, accept the 2008-2009 Annual Performance Audit of Team San José, Inc. (City Auditor)

[Public Safety, Finance and Strategic Support Committee referral 01/21/10 – Item D(3)]

Accepted, with direction for the Public Safety, Finance & Strategic Support Committee to provide a report on a quarterly basis.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Sign Code Ordinance Update.

Recommendation: Accept the report and direct staff to prepare an ordinance to revise Title 23 of the San José Municipal Code (the Sign Ordinance) consistent with the proposed draft signage strategy and conduct additional related community outreach.

CEQA: Not a Project. (Planning, Building and Code Enforcement)

(Continued from 1/12/10 – Item 4.3)

Heard last in the afternoon. (Continued from Council Meeting of 1/12/10)

Due to time constraints, Council provided direction on 3 out of 8 policy questions, as outlined in the supplemental memorandum, as follows:

(1) Electronic and Digital Signs for Large Downtown Ground-floor Spaces – Council approved Option 1: Allow one attached PDS for each ground-floor occupancy frontage of 100+ linear feet or one attached PDS for any ground floor occupancy with a total occupancy frontage of 150+ linear feet on one or more public streets. Discretionary process is to be defined.

(2) Electronic/Digital Signs for Assembly Uses – Council approved Option 1 for “Large Assembly Uses”, with Staff directed to return with a full analyses on “Very Large Assembly Areas”. (3) Electronic/Digital Signs for Commercial Areas – Council approved a combination of Options 3 and 4 with Staff directed to initiate a three-year pilot program in the Steven Creek signage area including extending the border to include Kiely Blvd. for freestanding digital signs and assess ways to accommodate dealerships with narrow frontages. Staff was directed to continue exploration of the Capitol Auto Row, Blossom Hill Road, Capitol Corridor near Eastridge and any other appropriate areas once the Stevens Creek Blvd. signage area has been fully addressed.

Item continued to 02/23/10 for further discussion.

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

8.1 Audit of Civilianization Opportunities in the San José Police Department.

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on January 21, 2010:

- (a) Accept the audit of Civilianization Opportunities in the San Jose Police Department; and
- (b) Accept the Administration's response on the audit of Civilianization Opportunities in the San José Police Department.

(City Auditor/City Manager)

[Public Safety, Finance and Strategic Support Committee referral 01/21/10 – Item D(1)]
Accepted.

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

- **Open Forum**
Ross Signorino offered bicycle safety tips for children. David Wall offered criticism of the Regional Stormwater Permit Implementation Plan submitted to the Transportation and Environment Committee by the Environmental Services staff.
- **Adjournment**
The Council of the City of San José adjourned at 5:58 p.m.