

CITY COUNCIL AGENDA

JUNE 17, 2010

**SPECIAL JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING**

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.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**
1:05 p.m. - Special Joint City Council/Redevelopment Agency Meeting,
Council Chambers, City Hall
Absent Council Members: None.

The City Council/Redevelopment Agency unanimously waived the four-day special meeting requirement per Rule 6.5(a)(2)(b) of Resolution No. 75246 (Rules for the Conduct of Meetings) for all items on this special meeting agenda.

JOINT CITY COUNCIL/RDA SPECIAL MEETING

1. **Approval of the Terms of an Agreement or Implementation of Terms Contained in the City's Last, Best and Final Offer to the City Association of Management Personnel, International Federation of Professional and Technical Engineers, Local 21, (CAMP).**

Recommendation: Adopt a resolution approving the implementation of the terms of the City's Last, Best and Final Offer for employees represented by the City Association of Management Personnel, International Federation of Professional and Technical Engineers, Local 21, (CAMP), effective June 27, 2010. CEQA: Not a Project, File No. PP10-069(b), personnel-related decisions. (City Manager's Office)
(Continued from 6/15/10 – Item 3.2)

Continued to 06/22/10.

JOINT CITY COUNCIL/RDA SPECIAL MEETING

2. **Approval of the Terms of an Agreement or Implementation of Terms Contained in the City's Last, Best and Final Offer to the International Brotherhood of Electrical Workers, Local No. 332 (IBEW).**

Recommendation: Adopt a resolution approving the implementation of the terms of the City's Last, Best and Final Offer for employees represented by the International Brotherhood of Electrical Workers, Local No. 332 (IBEW), effective June 27, 2010. CEQA: Not a Project, File No. PP10-069(b), personnel-related decisions. (City Manager's Office)

(Continued from 6/15/10 – Item 3.3)

Continued to 06/22/10.

3. **Approval of the Terms of an Agreement or Implementation of Terms Contained in the City's Last, Best and Final Offer to the Association of Engineers and Architects, International Federation of Professional and Technical Engineers, Local 21, Units 41/42 And Unit 43 (AEA).**

Recommendation: Adopt a resolution approving the implementation of the terms of the City's Last, Best and Final Offer for employees represented by the Association of Engineers and Architects, International Federation of Professional and Technical Engineers, Local 21, Units 041 and 042, and 043, effective June 27, 2010. CEQA: Not a Project, File No. PP10-069(b), personnel-related decisions. (City Manager's Office)

(Continued from 6/15/10 – Item 3.4)

Continued to 06/22/10.

4. **Approval of the Terms of an Agreement or Implementation of Terms Contained in the City's Last, Best and Final Offer to the Association of Maintenance Supervisory Personnel (AMSP).**

Recommendation: Adopt a resolution approving the implementation of the terms of the City's Last, Best and Final Offer for employees represented by the Association of Maintenance Supervisory Personnel (AMSP), effective June 27, 2010. CEQA: Not a Project, File No. PP10-069(b), personnel-related decisions. (City Manager's Office)

(Continued from 6/15/10 – Item 3.5)

Continued to 06/22/10.

5. **Approval of the Terms of an Agreement or Implementation of Terms Contained in the City's Last, Best and Final Offer to the Operating Engineers, Local No. 3.**

Recommendation: Adopt a resolution approving the implementation of the terms of the City's Last, Best and Final Offer for employees represented by the Operating Engineers, Local No. 3 (OE#3), effective June 27, 2010. CEQA: Not a Project, File No. PP10-069(b), personnel-related decisions. (City Manager's Office)

(Continued from 6/15/10 – Item 3.6)

Continued to 06/22/10.

JOINT CITY COUNCIL/RDA SPECIAL MEETING

6. Compensation and Benefits for Executive Management and Professional Employees in Unit 99 and Unrepresented Employees.

Recommendation: Adopt a resolution approving additional compensation and benefit changes for executive management and professional employees in Unit 99 and other unrepresented employees effective June 27, 2010. CEQA: Not a Project, File No. PP10-069(b), personnel-related decisions. (City Manager's Office)
(Continued from 6/15/10 – Item 3.8)

Resolution No. 75436 adopted.

7. Mayor, Council Member and Council Appointee Compensation.

Recommendation:

(a) Approve an ordinance implementing a 10% reduction in total compensation for the Mayor and Council Members.

Ordinance No. 28759 passed for publication, as amended, implementing the Mayor and City Council ongoing 5% reductions in compensation; Approving Council proposals implementing 10% reductions in total compensation subject to verification in calculation, which will be done in coordination with the Mayor's Office. Any variances shall be taken out of base pay via irrevocable waivers for Fiscal Year 2010-2011.

(b) Adopt a resolution implementing a 10% reduction in total compensation for the Council Appointees.

Resolution No. 75437 adopted, as amended, approving a 10% reduction in total compensation for the Council Appointees as proposed by the Council Appointees subject to confirmation which will be done in coordination with the Mayor's Office. Any shortages shall be taken out of base pay to achieve the total 10% reduction.

(c) Approve other amendments to documents providing for compensation, as appropriate.

CEQA: Not a Project, File No. PP10-069(b), personnel-related decisions. (Mayor)
(Continued from 6/15/10 – Item 9.2)

Approved, as amended, the Independent Police Auditor excluded from these actions.

JOINT CITY COUNCIL/RDA SPECIAL MEETING

8. Mayor's 2010 June Budget Message.

Recommendation:

- (a) Review, discussion and approval of the Mayor's 2010 June Budget Message.

Mayor's Revised Budget Message approved, as amended:

- (1) **Attachment 1, Page 2, restore library hours, community centers, Martin Luther King Library, anti-graffiti program and staffing, technology business Applications Management and Legal Representation/Transactions (Deputy City Attorneys).**
- (2) **Attachment 2, "Funds to Minimize Police Layoffs", \$257,649; fund an additional Deputy City Attorney; Eliminate a Senior Deputy Attorney; add a Legal Services Manager; Add an Administrative Legal Assistant.**

Noes: Campos, Kalra, Pyle.

- (b) Adopt a resolution by the City Council authorizing the City Manager to negotiate and execute grant agreements addressed in the Mayor's Budget Message which are for amounts that exceed the City Manager's contract authority.

CEQA: Not a Project, File No. PP10-067, approval of non-project specific funding mechanisms. (Mayor)

(Continued from 6/15/10 – Item 9.3)

Resolution No. 75438 adopted.

Noes: Campos, Kalra, Pyle.

9. Approve the 2010-2011 Operating and Capital Budgets for the City of San José and Schedule of Fees and Charges.

Recommendation:

- (a) Adopt resolutions approving the Operating Budget for 2010-2011 for the City of San José, the Capital Budget for 2010-2011 for the City of San José, and the Five Year Capital Improvement Program for 2011-2015 for the City of San José as revised by the Mayor's Budget Message and directing the City Manager to prepare final documents for adoption.

Resolution Nos. 75439, 75440 and 75441 adopted.

- (b) Adopt a resolution establishing the Schedule of Fees and Charges for 2010-2011.
- Resolution No. 75442 adopted.**

- (c) Adopt a resolution amending Resolution No. 66629 to revise the term of the loan from the Sewage Treatment Plant Connection Fee Fund to the General Fund for construction of the fiber optic conduit installation project to extend the repayment date from June 30, 2011 to June 30, 2013.

Resolution No. 75443 adopted.

JOINT CITY COUNCIL/RDA SPECIAL MEETING

9. Approve the 2010-2011 Operating and Capital Budgets for the City of San José and Schedule of Fees and Charges (Cont'd.)

- (d) Approve an ordinance amending Section 9.10.2470 of Chapter 9.10 of Title 9 of the San José Municipal Code to allow the Construction Demolition Debris Diversion Program deposits that are no longer eligible for refund to be transferred to the General Fund.

Ordinance No. 28760 passed for publication.

- (e) Approve an ordinance repealing Part 33 of Chapter 4.80 of the San José Municipal Code in order to eliminate the Anti-Tobacco Master Settlement Agreement Revenue Fund, to remove the expenditure restrictions, and to provide for the transfer of moneys in the Anti-Tobacco Master Settlement Agreement Revenue Fund to the General Fund.

Ordinance No. 28761 passed for publication.

- (f) Adopt a resolution amending Council Policy 1-18 to delete Section 20 relating to the Healthy Neighborhoods Venture Fund Spending Plan.

Resolution No. 75444 adopted.

- (g) Approve an ordinance deferring expenditures and/or appropriations for public art projects at the San José International Airport during 2010-2011 and for the fiscal years thereafter until the first annual budget adopted by City Council after total passenger activity at the Airport reaches 12.2 million passengers per year, except as follows:

- (1) The 2010-2011 budget shall include a one-time allocation of \$70,000 to enable public art staff to provide supervision of a contracted art technician and to seek sponsorships for public art operations and potential future commissions;
- (2) This deferral shall not apply to any public art projects at the Airport where the City has already executed an agreement with an artist.

Ordinance No. 28762 passed for publication.

- (h) Adopt a resolution to repeal Resolution No. 75331 and set forth the Master Parking Rate Schedule to:

- (1) Add a special event rate (\$5-7) for the Market/San Pedro Square Garage for evening and weekend day events.
- (2) Add a new rate option (\$1 per hour) for Parking Meter District 5 – Arena/Diridon Area.
- (3) Increase the meter rate in Parking Meter District 2 – East Santa Clara Street Neighborhood; Parking Meter District 3 – Japantown Neighborhood; and Parking Meter District 4 – First and Younger Neighborhood from \$0.50 per hour to up to \$1 per hour.
- (4) Extend the hours of operation in Parking Meter District 3 – Japantown Neighborhood by one hour from the current 9 am - 5 pm, to 9 am - 6 pm.

Item (h)(4) dropped.

JOINT CITY COUNCIL/RDA SPECIAL MEETING

9. Approve the 2010-2011 Operating and Capital Budgets for the City of San José and Schedule of Fees and Charges (Cont'd.)

- (h) (5) Remove the Second/San Fernando Lot (Block 2) and Market/San Carlos Lot (Block 8) and eliminate the Casa del Pueblo Validation Program from the Master Parking Rate Schedule resolution.

Resolution No. 75445 adopted, as amended:

- (1) **Delay the lengthening of the evening duration of the metered parking, Page 17 of the Mayor's Budget Message, until July 2011.**
- (2) **Direct Staff to move forward to develop paid parking at the vacant Corp Yard site on 6th and Jackson, to add parking inventory and generate revenue as soon as practical.**
- (3) **Direct Staff to examine, and if appropriate, implement an extension of the hours of metered parking in the civic Center and 1st/Younger areas to compensate for any lost revenue from the delay occasioned by Item (1).**
- (4) **Direct Staff to examine other business districts and locations citywide where metered parking could be implemented in a way that could effectively provide needed turnover in patron activity and generate revenues to pay for any capital costs of implementation and any business district streetscape improvements.**

- (i) Approve an ordinance amending Chapter 11.40 of Title 11 of the San José Municipal Code to modify the boundaries of the Arena/Diridon Area Parking Meter District and the Downtown Business Parking Meter District.

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

(Continued from 6/15/10 – Item 3.13)

Ordinance No. 28763 passed for publication.

- **Public Comments**

There were none presented.

- **Adjournment**

The Council of the City of San José was adjourned at 7:06 p.m.