

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, MARCH 1, 2011

The Council of the City of San José convened in Regular Session at 9:02 a.m. in the Council Chambers at City Hall.

Present: Council Members - Campos, Chu, Constant, Kalra, Liccardo, Nguyen, Pyle, Rocha; Reed.

Absent: Council Members - Herrera, Oliverio.

STRATEGIC SUPPORT SERVICES

3.2 Accept Labor Negotiations Update. (Rules Committee referral 02/16/11)

Mayor Reed provided opening comments, and Director of Employee Relations Alex Gurza offered the Labor Negotiations Update.

Public Comments: The following bargaining unit representatives offered comments: Jeff Welch (Firefighters Union), Nancy Ostrowski, Brian Doyle (ALP) and Laverne Washington (AFSCME).

Action: No action was taken.

CLOSED SESSION

Present: Council Members - Campos, Chu, Constant, Herrera, Kalra, Liccardo, Nguyen, Oliverio, Pyle, Rocha; Reed.

Absent: Council Members - All Present.

Upon motion unanimously adopted, Council recessed at 9:13 a.m. to a Closed Session in Room W133 (A) to confer with Legal Counsel pursuant to Government Code subsection (b) of Section 54956.9 with respect to anticipated litigation of significant exposure

CLOSED SESSION (Cont'd.)

(Claim Not Filed) in one (1) matter. (B) to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Manager Designee Alex Gurza; Employee Organizations: (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and ABMEI; (2) Association of Engineers & Architects (AEA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AEA. (3) Association of Maintenance Supervisory Personnel (AMSP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AMSP; (4) City Association of Management Personnel Agreement (CAMP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CAMP; (5) Confidential Employees' Organization, AFSCME Local 101 (CEO); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CEO; (6) International Association of Firefighters, Local 230 (IAFF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Association of Firefighters; International Brotherhood of Electrical Workers (IBEW); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and IBEW; (8) Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and MEF; (9) International Union of Operating Engineers, Local No. 3 (OE#3); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Union of Operating Engineers, Local No. 3; (10) San José Police Officers' Association (SJPOA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and San José Police Officers' Association; (11) Association of Legal Professionals of San José (ALP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; How to obtain a copy of existing contract or MOA: web: http://www.sanjoseca.gov/employee_relations/moa.asp; Telephone for Employee Relations: 408-535-8150

By unanimous consent, Council recessed from the Closed Session at 11:10 a.m. and reconvened to Regular Session at 1:32 p.m. in the Council Chambers.

Present: Council Members - Campos, Chirco, Chu, Constant, Herrera, Kalra, Liccardo, Nguyen, Oliverio, Pyle; Reed.

Absent: Council Members - All Present.

INVOCATION

Feeza Mohammad, Notre Dame High School Associate Student Body Commissioner of Service and Justine de la Rosa, Notre Dame High School Peer Ministry Leadership Team Member, presented the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Reed led the Pledge of Allegiance accompanied by students from Payne Elementary. (District 1)

ORDERS OF THE DAY

Upon motion by Council Member Pyle, seconded by Council Member Herrera and carried unanimously, the Orders of the Day and the Amended Agenda were approved. (11-0.)

CEREMONIAL ITEMS

1.1 Presentation of a commendation to Target Stores in recognition of their importance as a key employer, as well as support of the Work2Future, economic development and arts and cultural programs in San Jose. (Herrera/Economic Development)

Action: Mayor Reed and Council Member Herrera commended Target Stores in recognition of their importance as a key employer, as well as support of the Work2Future, economic development and arts and cultural programs in San Jose.

1.2 Presentation of a proclamation declaring the Month of March 2011 as “Women’s History Month” in the City of San José. (Herrera/Nguyen/Pyle/Rocha)

Action: Mayor Reed, Vice Mayor Nguyen and Council Members Herrera, Pyle and Rocha recognized the Month of March 2011 as “Women’s History Month” in the City of San José.

1.3 Presentation of a commendation to Jack Bariteau for his many contributions to the commercial and sports life of San José and the Silicon Valley. (Liccardo)

Action: Mayor Reed and Council Member Liccardo commended Jack Bariteau for his many contributions to the commercial and sports life of San José and the Silicon Valley.

CONSENT CALENDAR

Upon motion by Council Member Herrera, seconded by Council Member Pyle and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0.)

- 2.2 (a) **ORD. NO. 28891 – Rezoning and rezoning certain real property situated on the northwest corner of Blossom Hill Road and Southcrest Way from Unincorporated and R-1-8 Single-Family Residence District to A(PD) Planned Development Zoning District. PDC10-007**

Documents Filed: Proof of Publication of the Title of Ordinance No. 28891 executed on February 22, 2011, submitted by the City Clerk.

Action: Ordinance No. 28891 was adopted. (11-0.)

- 2.3 (a) **Rules and Open Government Committee Report of January 26, 2011. (Mayor)**
[Deferred from 2/15/11 – Item 2.3(a)]
- (b) **Rules and Open Government Committee Report of February 2, 2011. (Mayor)**
- (c) **Transportation and Environment Committee Report of February 7, 2011. (Liccardo)**
- (e) **Neighborhood Services and Education Committee Report of February 10, 2011.**

Documents Filed: (1) The Rules and Open Government Committee Reports dated January 26 and February 2, 2011; (2) The Transportation and Environment Committee Report dated February 7, 2011; (3) The Neighborhood Services and Education Committee Report dated February 10, 2011.

Action: The Committee reports were approved. (11-0.)

- (d) **Rules and Open Government Committee Report of February 9, 2011. (Mayor)**

Action: Deferred to March 8, 2011 per City Clerk.

- 2.4 (a) **Request for an excused absence for Councilmember Herrera from the Regular Meeting of the Transportation and Environment Committee on February 7, 2011, the Closed Session and Regular City Council Meeting on February 8, 2011, the City Council Study Session on February 14, 2011 and the Closed Session and Regular City Council Meeting on February 15, 2011 due to illness. (Herrera)**
(Rules Committee referral 02/16/11)

- 2.4 (b) **Request for an excused absence for Vice Mayor Nguyen from the Regular Meeting of the Rules and Open Government Committee on February 16, 2011 due to Authorized City Business: Sacramento Delegation Trip. (Nguyen)**
(Rules Committee referral 02/16/11)
- (c) **Request for an excused absence for Vice Mayor Nguyen from the City Council Study Session on February 22, 2011 due to illness. (Nguyen)**
(Rules Committee referral 02/23/11)
- (d) **Request for an excused absence for Vice Mayor Nguyen from the Regular Meeting of the Rules and Open Government Committee on February 23, 2011 due to illness. (Nguyen)**
(Rules Committee referral 02/23/11)

Documents Filed: (1) Memorandum from Council Member Herrera, dated February 11, 2011, requesting excused absences due to illness. (2) Memoranda from Vice Mayor Nguyen, dated February 14 and 22, 2011, requesting excused absences due to authorized City business and illness.

Action: The absences for Council Member Herrera and Vice Mayor Nguyen were excused. (11-0.)

2.5 **City Council Travel Reports.**

Vice Mayor Nguyen and Council Members Kalra, Pyle and Rocha reported on their trip to Sacramento on February 16 to meet with members of the State Legislature.

- 2.6 **Accept the annual status report on the Branch Library Bond Projects for FY 2009-2010. CEQA: Not a Project, File No. PP10-069(a), Annual Report. (Citizen Oversight Committee for the Library Bond Projects)**
[Deferred from 1/25/11 – Item 2.15]

Action: Deferred to March 8, 2011 per Administration.

- 2.7 **Adopt a resolution authorizing the City Attorney to execute a Second Continuation Agreement with Hanson, Bridgett LLP to provide legal and investigative services as the Evaluator to the San José Elections Commission for services through December 31, 2010, extending the term through March 31, 2011 to allow for payment, and increasing compensation by \$22,620, for a total amount of compensation not to exceed \$202,620. CEQA: Not a Project; File No. PP10-066(e), Services that involve no physical changes to the environment. (City Attorney's Office)**

Documents Filed: City Council Action Request provided by the City Attorney's Office, dated February 17, 2011, recommending adoption of a resolution.

Action: Resolution No. 75735, entitled: "A Resolution of the Council of the City of San José Authorizing the City Attorney to Execute a Second Continuation Agreement with Hanson Bridgett LLP for Evaluator Services to the San José Elections Commission", was adopted. (11-0.)

- 2.8 Adopt a resolution authorizing the City Attorney to negotiate and execute a Fifteenth Amendment to the agreement with Orrick Herrington & Sutcliffe LLP for legal services related to the financing of improvements at the Norman Y. Mineta San José International Airport and the City's outstanding Airport revenue debt, extending the term through June 30, 2012 and increasing compensation by \$60,000 for a total amount not to exceed \$535,000. CEQA: Not a Project; File No. PP10-066(e), Services that involve no physical changes to the environment. (City Attorney's Office)**

Documents Filed: Memorandum from City Attorney Richard Doyle, dated February 14, 2011, recommending adoption of a resolution.

Action: Resolution No. 75736, entitled: "A Resolution of the Council of the City of San José Authorizing the City Attorney to Negotiate and Execute a Fifteenth Amendment to the Airport Legal Services Agreement with Orrick Herrington & Sutcliffe LLP", was adopted. (11-0.)

- 2.9 Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund to receive private sponsorships for the Amgen Tour of California:**

(a) Increase the City-wide San José Cycling Events appropriation in the amount of \$100,000; and

(b) Increase the estimate for Other Revenue by \$100,000.

CEQA: File PP10-067(b), Appropriation Ordinance. (Economic Development/City Manager's Office)

Documents Filed: Joint replacement memorandum from Director of Economic Development/Chief Strategist Kim Walesh and Budget Director Jennifer Maguire, dated February 23, 2011, recommending adoption of appropriation ordinance and funding sources resolution amendments in the General Fund.

Mayor Reed pulled Item 2.9 to extend the City's appreciation to the Silicon Valley Leadership Group companies for sponsoring the Amgen Tour of California.

Public Comments: Carl Guardino, representing the Silicon Valley Leadership Group, thanked the Mayor and Council for their support of the Amgen Tour.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Herrera and carried unanimously, Ordinance No. 28892, entitled: "An Ordinance of the City of San José Amending Ordinance No. 28765 to Appropriate Monies in the General Fund for the San José Cycling Events Project; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption"; and Resolution No. 75737, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 75447 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2010-2011 to Adjust Revenues in the General Fund", were adopted. (11-0.)

- 2.10 Approve an amendment to the Agency Agreement with the County of Santa Clara for Countywide Household Hazardous Waste Collection Program for 2010-2011 for additional appointments for San Jose residential property owners at a cost of \$200,000. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Environmental Services)**

Documents Filed: City Council Action Request provided by Director of Environmental Services John Stufflebean, dated March 1, 2011, recommending approval of an amendment to the Agency agreement.

Action: The amendment to the Agency Agreement with the County of Santa Clara for Countywide Household Hazardous Waste Collection Program for 2010-2011 was approved. (11-0.)

- 2.11 (a) Adopt a resolution authorizing the City Manager to execute an agreement with the County of Santa Clara, acting as the fiscal agent for the Federal Department of Homeland Security, to accept program funds for the 2010 Emergency Management Performance Grant for the Fire Department in the amount of \$153,193, and to negotiate and execute additional amendments to the agreement and all related documents without further City Council action other than appropriation of funds.**
- (b) Adopt the following Appropriation Ordinance and Funding Sources resolution amendments in the General Fund in Fiscal Year 2010-2011:**
- (1) Establish a city-wide appropriation to the Fire Department for the 2010 Emergency Management Performance Grant in an amount of \$153,193; and**
 - (2) Increase the estimate for Revenue from the Federal Government by \$153,193.**

CEQA: Not a Project, File No. PP10-1066(e), 2010 EMPG Agreement. (Fire/City Manager's Office)

Documents Filed: Joint memorandum from Budget Director Jennifer Maguire and Fire Chief William McDonald, dated February 7, 2011, recommending adoption of a resolution and appropriation ordinance and funding sources resolution amendments in the General Fund.

Action: Ordinance No. 28893, entitled: "An Ordinance of the City of San José Amending Ordinance No. 28765 to Appropriate Monies in the General Fund for the 2010 Emergency Management Performance Grant; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption"; Resolution No. 75738, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute an Agreement with the County of Santa Clara to Accept the 2010 Emergency Management Performance Grant for the Fire Department in the Amount of \$153,193, and to Negotiate and Execute Additional Amendments to the Agreement, and All Related Documents Without Further City Council Action Other than Appropriation of Funds, and Resolution No. 75739, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 75447 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2010-2011 to Adjust Revenues in the General Fund", were adopted. (11-0.)

2.12 Accept the annual report on the Park Trust Fund for fiscal year 2009-2010, ended June 30, 2010. CEQA: Not a project, File No. PP10-069 (a), Annual Reports. (Parks, Recreation and Neighborhood Services)

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Albert Balagso, dated February 7, 2011, recommending acceptance of the Park Trust Fund Annual Report for FY 2009-2010.

Parks, Recreation and Neighborhood Services Division Manager Matt Cano responded to questions from Council regarding private sector developers participating in the building, operations and maintenance of certain parks. Council discussion followed.

Action: Upon motion by Council Member Pyle, seconded by Vice Mayor Nguyen and carried unanimously, the Park Trust Fund Annual Report was accepted, with direction to Staff to explore alternatives to collaborate with private sector developers in the building, operation and maintenance of parks and to look into an offer of dedication approach for private developers. (11-0.)

2.13 (a) Adopt a resolution setting forth the refund procedures and policy for parkland fees collected pursuant to Chapters 14.25 (“Park Impact Ordinance”) and 19.38 (“Park Dedication Ordinance”) of the San José Municipal Code.

(b) Adopt the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund (Fund 375):

(1) Establish an appropriation to the Department of Parks, Recreation and Neighborhood Services in the amount of \$100,000 for the Park Fee Reimbursement project; and

(2) Reduce the Reserve: Future PDO/PIO Projects by \$100,000.

CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. (Parks, Recreation and Neighborhood Services/City Manager’s Office)

Documents Filed: Joint memorandum from Director of Parks, Recreation and Neighborhood Services Albert Balagso and Budget Director Jennifer Maguire, dated February 24, 2011, recommending adoption of a resolution and appropriation ordinance amendments.

Action: Ordinance No. 28894 entitled: “An Ordinance of the City of San José Amending Ordinance No. 28765 to Appropriate Monies in the Subdivision Park Trust Fund for the Park Fee Reimbursement Project; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”, and Resolution No. 75740, entitled: “A Resolution of the Council of the City of San José Setting Forth the Policy and Procedures for Refund of Parkland Fees Paid to City Pursuant to Chapters 14.25 (“Park Impact Ordinance”) and 19.38 (“Park Dedication Ordinance”) of the San José Municipal Code”, were adopted. (11-0.)

- 2.14 As recommended by the Rules and Open Government Committee on February 9, 2011, adopt a resolution in support of the California Air Resources Board’s leadership in promoting clean and energy efficient motor vehicles, energy independence, zero emission technologies and improved quality of life in the City of San José and the State of California. (Kalra/Nguyen/Rocha)
[Rules Committee referral 2/9/11 – Item H(4)]**

Documents Filed: Memorandum from City Clerk Dennis Hawkins, dated February 16, 2011, transmitting the recommendations of the Rules and Open Government Committee.

Public Comments: Jenny Bard from the American Lung Association spoke on the critical need to reduce vehicle emissions in California and to thank the City of San José for it’s efforts in this area.

Action: Resolution No. 75741, entitled: “A Resolution of the Council of the City of San José Supporting the California Air Resources Board’s Leadership in Promoting Clean and Energy Efficient Motor Vehicles, Energy Independence, Zero Emission Technologies and Improved Quality of Life in California”, was adopted. (11-0.)

- 2.15 As recommended by the Rules and Open Government Committee on February 23, 2011:**
- (a) Approve the “1,000 Hearts for 1,000 Minds” Event as a City Council sponsored Special Event for purposes of using the City Name and Emblem on promotional materials; and**
 - (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.**
- (Liccardo/Campos/Rocha)
[Rules Committee referral 2/23/11 – Item H(2)]**

Documents Filed: Memorandum from City Clerk Dennis Hawkins, dated February 23, 2011, transmitting the recommendations of the Rules and Open Government Committee.

Action: The “1,000 Hearts for 1,000 Minds” Event as a City Council Sponsored Special Event was approved and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (11-0.)

- 2.16 As recommended by the Rules and Open Government Committee on February 23, 2011:**
- (a) Approve the District 4 Community Education Series as a City Council sponsored Special Event; and**
 - (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.**
- (City Clerk)
[Rules Committee referral 2/23/11 – Item H(3)]**

2.16 (Cont'd.)

Documents Filed: Memorandum from City Clerk Dennis Hawkins, dated February 23, 2011, transmitting the recommendations of the Rules and Open Government Committee.

Action: The District 4 Community Education Series as a City Council Sponsored Special Event was approved and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (11-0.)

2.17 Report from the Council Liaison to the Retirement Boards

[Rules Committee referral 2/23/11 – Item A(1)(a). Note: Item 2.17 will be revised as standing Item 2.6 on the Council Agendas beginning 03/15/11]

Council Member Constant provided a verbal report as Liaison to the Retirement Boards.

Action: Upon motion by Council Member Herrera, seconded by Council Member Pyle and carried unanimously, the Report from the Council Liaison to the Retirement Boards was accepted. (11-0.)

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

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

City Manager Debra Figone provided a budget update.

3.3 Adopt a resolution authorizing the City Manager to execute a Second Amendment to the “Agreement for the Management of the San Jose Convention Center and Cultural Facilities between the City of San José and Team San José.” CEQA: Not a Project, File No.PP10-066(e), Agreements/Contracts. (Economic Development) (Deferred from 2/15/11 – Item 3.3)

Documents Filed: (1) Memorandum from Assistant City Manager Ed Shikada, dated February 4, 2011, recommending adoption of a resolution. (2) Staff presentation “Amendments to Team San José Management Agreement”, dated March 1, 2011.

Downtown Manager, Lee Wilcox offered a presentation outlining the proposed Agreement, and Staff responded to questions from Council.

Action: Upon motion by Council Member Constant, seconded by Council Member Herrera and carried unanimously, Resolution No. 75742, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Execute a Second Amendment to the Agreement with Team San José for the Management of the Convention Center and Cultural Facilities”, was adopted. (11-0.)

- 3.4 (a) **Accept status report on the update for the Team San José Spending Reduction Plan and Convention Center and Cultural Affairs Fund Forecast for the proposed Convention Center expansion and direction to the City Manager to proceed accordingly.**
- (b) **Approve changes to Team San José performance and incentive measures for 2010-2011.**
- (c) **Adopt the following Appropriation Ordinance Amendments in the Convention and Cultural Affairs Fund:**
- (1) **Establish an appropriation for the Center for Performing Arts Improvements in the amount of \$700,000.**
 - (2) **Establish an appropriation for Convention Facilities Industry Advisor in the amount of \$50,000.**
 - (3) **Increase the appropriation for the Team San Jose Executive Management Fee by \$62,500.**
 - (4) **Decrease the appropriation for the Team San Jose Management Fee for Performance by \$62,500.**
 - (5) **Decrease the unrestricted Ending Fund Balance by \$750,000.**

**CEQA: Not a Project, File No.PP10-066(e), Agreements/Contracts. (Economic Development/City Manager's Office)
(Deferred from 2/15/11 – Item 3.4)**

Documents Filed: (1) Joint memorandum from Assistant City Manager Ed Shikada and Budget Director Jennifer Maguire, dated February 4, 2011, recommending the Convention and Cultural Affairs and Fund Forecast and Team San José Spending Reduction Plan. (2) Supplemental memorandum from Assistant City Manager Ed Shikada, dated February 28, 2011, providing revised estimates of TOT revenues. (3) Staff presentation “Convention and Cultural Affairs and Fund Forecast and Team San José Spending Reduction Plan”, dated March 1, 2011.

Downtown Manager, Lee Wilcox offered a presentation outlining the proposed Plan, and Staff responded to questions from Council.

Action: Upon motion by Council Member Constant, seconded by Council Member Herrera and carried unanimously, Ordinance No. 28895, entitled: “An Ordinance of the City of San José Amending Ordinance No. 28765 to Appropriate Monies in the Convention and Cultural Affairs Fund for the Center for Performing Arts Improvements, for the Convention Facilities Industry Advisor, for the Team San José Executive Management Fee, and for the Team San José Management Fee for Performance; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”, was adopted. (11-0.)

COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 Conduct a Public Hearing and consider an APPEAL of the Planning Director’s Environmental Determination, Re-Use of North San José Area Development Policy EIR, Resolution No. 72768, and Addendum thereto, for a Planned Development Permit to demolish existing buildings on site and construct a new approximately 88,000 square-foot building, including an 8-story tower (measuring approximately 62 feet x 62 feet and reaching 160 feet in height) for the purposes of relocating a cardroom to the subject site, and operating a public eating and drinking establishment, all with late night hours of operation past midnight on a 6.08 gross acre site, in the IP(PD) Planned Development Zoning District, located at/on the southeast corner of Airport Parkway and Old Bayshore Highway (44 Airport Parkway). CEQA: NSJEIR, Resolution No. 72768, and Addendum thereto.
PD10-025 – Council District 3**

Action: Continued to March 8, 2011 per Administration.

NEIGHBORHOOD SERVICES

- 5.1 As recommended by the Neighborhood Services and Education Committee on February 10, 2011, adopt a resolution approving revisions to Council Policy 0-3, “Library Materials and Services,” which guides library activities for materials selection, related programming and information services to the public. (Library) [Neighborhood Services and Education Committee referral 2/10/11 – Item D(2)]**

Documents Filed: (1) Memorandum from City Clerk Dennis Hawkins, dated February 16, 2011, transmitting the recommendations of the Neighborhood Services and Education Committee, to adopt a resolution approving revisions to Council Policy 0-3; (2) Supplemental memorandum from Library Director Jane Light, dated February 17, 2011, providing recommended language change to Policy 0-3.

Library Director Jane Light responded to questions from Council.

Action: Upon motion by Council Member Pyle, seconded by Council Member Constant and carried unanimously, Resolution No. 75743, entitled: “A Resolution of the Council of the City of San José Approving Amendments to Council Policy No. 0-3, Library Materials and Services”, was adopted. (10-0-1. Absent: Liccardo.)

PUBLIC SAFETY SERVICES

- 8.1 (a) Adopt the following 2010-2011 Appropriation Ordinance and Funding Sources Resolution Amendments in the Supplemental Law Enforcement Services (SLES) Fund (Fund 414):**
- (1) Increase the Earned Revenue by \$101,332; and**
 - (2) Increase the SLES Grant 2010-2012 appropriation for the Police Department in the amount of \$101,332.**

- 8.1 (b) **Accept the report on the Request for Proposal for the purchase of an Automated Field Reporting and Records Management System (AFR/RMS) for the San José Police Department and adopt a resolution authorizing the Director of Finance to:**
- (1) **Negotiate and execute an agreement with Versaterm Inc. (Ottawa, Ontario, Canada) for the purchase of an AFR/RMS and implementation of Phase 1 (AFR portion only) to include system development, hardware, software (including 3rd party licenses), installation, related professional services, taxes, and first year warranty period, for a not-to-exceed amount of \$3,368,576; and**
 - (2) **Execute an option to expand the scope of services to include Phase 2 (RMS implementation) in an amount not to exceed \$715,803, subject to the appropriation of funds; and**
 - (3) **Negotiate and execute an amendment to the agreement with Versaterm Inc. to expand the scope of services to include Phase 3 (RMS modules interface) in an amount not to exceed \$996,355, subject to the appropriation of funds; and**
 - (4) **Execute change orders to cover any unanticipated changes in the system design and implementation for a not to exceed amount of \$635,514 for Phases 1, 2 and 3, subject to appropriation of funds; and**
 - (5) **Execute one-year options to extend the agreement to provide ongoing maintenance and support after initial implementation of each applicable phase, subject to the annual appropriation of funds.**

CEQA: Not a Project, File No. PP10-066 (a) Agreements and Contracts. (Police/ Finance/ Information Technology/City Manager's Office)

Documents Filed: (1) Joint memorandum from Chief of Police Chris Moore, Budget Director Jennifer Maguire, Chief Information Officer Stephen Ferguson and Director of Finance Scott P. Johnson, dated February 7, 2011, recommending adoption of appropriation ordinance and funding sources resolution amendments. (2) Staff presentation, "Report on RFP for AFR/RMS for the San José Police Department", dated March 1, 2011.

Chief of Police Chris Moore and Melanie Jimenez, UASI Project Planner with the San Jose Police Department, provided a presentation on the Automated Field Reporting and Records Management System and responded to questions from Council.

Public Comments: Richard McCoy discussed the potential for allowing public access to reports.

Action: Upon motion by Council Member Constant, seconded by Council Member Liccardo and carried unanimously, Ordinance No. 28896, entitled: "An Ordinance of the City of San José Amending Ordinance No. 28765 to Appropriate Monies in the Supplemental Law Enforcement Services (SLES) Fund for the SLES Grant 2010-2012; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption";

8.1 (Cont'd.)

Resolution No. 75744, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 75447 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2010-2011 to Adjust Revenues in the Supplemental Law Enforcement Services (SLES) Fund", and Resolution No. 75745, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Finance to Negotiate and Execute an Agreement with Versaterm Inc. for the Automated Field Reporting and Records Management System Project", were adopted. (11-0.)

STRATEGIC SUPPORT SERVICES

- 3.5 (a) **Authorize the Administration to initiate the process to change "Bumping" for Program Manager I and II, Division Manager, Associate and Senior Engineer and Other Classifications subject to any applicable meet and confer obligations.**
- (b) **Direct the Administration to do further research and analysis on including performance as a factor in selecting employees for layoff and whether any changes to the layoff process could be effective for Fiscal Year 2012-2013.**

(City Manager's Office)

[Rules Committee referral 2/9/11 – Item H(2)]

Documents Filed: (1) Memorandum from City Clerk Dennis Hawkins, dated February 16, 2011, transmitting the recommendations of the Rules and Open Government Committee regarding Seniority Rules for Layoffs. (2) Supplemental memorandum from City Manager Debra Figone, dated February 17, 2011, recommending changes to the "bumping" process for specific classifications. (3) Letter from the Federation of Retired Union Members of Santa Clara County (FORUM) President, Robert Lindley, expressing concerns about the City's proposal to modify layoff procedures for City employees.

City Manager Debra Figone provided an overview of the seniority rules for layoffs, and Acting Director of Human Resources Kay Winer further explained Staff's recommendations.

Motion: Council Member Oliverio moved approval of the Staff recommendations. Council Member Constant seconded the motion.

Council discussion ensued. Director of Employee Relations Alex Gurza offered further input and reiterated that the recommendation is to do further research and analysis and not to take immediate action.

Public Comments: Offering criticism of changes to the layoff process as presented were: David Wall, Robert Lindley (FORUM) and John Wolfram.

3.5 (Cont'd.)

Action: On a call for the question, the motion carried unanimously, the Administration was authorized (1) to initiate the process to change “Bumping” for Program Manager I and II, Division Manager, Associate and Senior Engineer and Other Classifications subject to any applicable meet and confer obligations; and (b) to direct the Administration to do further research and analysis on including performance as a factor in selecting employees for layoff and whether any changes to the layoff process could be effective for Fiscal Year 2012-2013. (11-0.)

OPEN FORUM

- (1) David Wall expressed opinions regarding the City Manager’s Employment Agreement.
- (2) Steven Solseth recommended a strategy for enforcement of the vehicle code for handicapped parking infractions to raise revenue for the City and to promote public awareness. The Mayor referred Mr. Solseth to Assistant City Manager Ed Shikada.

ADJOURNMENT

The Council of the City of San José adjourned at 5:24 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

Dennis Hawkins, CMC
City Clerk

rmk/3-1-11MIN

Access the video, the agenda and related reports for this meeting by visiting the City's website at <http://www.sanjoseca.gov/clerk/agenda.asp> or <http://www.sanjoseca.gov/clerk/MeetingArchive.asp>. For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266.