



CITY COUNCIL AGENDA

MARCH 22, 2011

AMENDED AGENDA

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

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

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

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Community & Economic Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Neighborhood Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation & Aviation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

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

You may speak to the City Council about any item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 7 p.m. as needed, unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.asp. Council Meetings are televised live and rebroadcast on Channel 26.

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

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

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

- **Call to Order and Roll Call**

9:00 a.m. - Closed Session, Call to Order in Council Chambers
Open Session, Labor Negotiations Update (See Item 3.2)
Adjourn to Closed Session in Council Chambers Conference Room, W133
[See Separate Agenda](#) [See RDA Agenda](#)
1:30 p.m. - Regular Session, Council Chambers, City Hall

- **Invocation (District 3)**

* Daniel Guhl with the Salvation Army

- **Pledge of Allegiance**

- **Orders of the Day**

* Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

**ITEM 9.1 IS TO BE CONSIDERED IN A JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY BOARD SESSION TO BE HEARD
IMMEDIATELY FOLLOWING THE CONSENT CALENDAR**

* ADJOURNMENT: This meeting will be adjourned in memory of Allison Slater Flores, a beloved mother and community activist, whose dedicated services to the residents of East San José will never be forgotten. (Campos)

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

- **Closed Session Report**

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation declaring March 25, 2011 as “Greek Independence Day” in the City of San José. (Constant)
- 1.2 Presentation of a commendation to the San José Sports Authority in recognition of their 20-year Anniversary. (Constant/Liccardo/Oliverio/Mayor)
- 1.3 Presentation of a commendation to the publication *Pezhvak of Persia* for providing Iranian-Americans with a vital link to their language and culture through reviews and discussion of Iranian literature, sports, and film, as well as current events coverage. (Nguyen)
 - * (Rules Committee referral 3/16/11)
 - * **DROP**

2. CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

2.1 Approval of Minutes.

Recommendation: Approval of minutes.

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

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

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

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) [Rules and Open Government Committee Report of March 2, 2011.](#) (Mayor)
- (b) [Transportation and Environment Committee Report of March 7, 2011.](#) (Liccardo)

2. CONSENT CALENDAR

2.3 Approval of Council Committee Reports. (Cont'd.)

Recommendation: Approval of Council Committee Reports.

- (c) [Neighborhood Services and Education Committee Report of March 10, 2011.](#)
(Pyle)

2.4 Mayor and Council Excused Absence Requests.

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 [Actions Related to Mayor Reed's Travel to Washington, D.C.](#)

Recommendation:

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

* (Rules Committee referral 3/16/11)

2.8 [Appointment to Silicon Valley Workforce Investment Network Board of Directors.](#)

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

* [Rules Committee referral 3/16/11 – Item G(1)(a)]

2.9 [Appointment to the Deferred Compensation Advisory Committee.](#)

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

* [Rules Committee referral 3/16/11 – Item G(1)(b)]

3. STRATEGIC SUPPORT SERVICES

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

3.2 Labor Negotiations Update

[Presentation](#)

Recommendation: Accept Labor Negotiations Update.

TO BE HEARD AT 9:00 A.M.

3.3 [Approval of the Terms of an Agreement with the San Jose Fire Fighters, International Association of Firefighters, Local 230 \(IAFF, Local 230\).](#)

[Attached – Memo from Councilmember Liccardo](#)

[Attached – Memo from Councilmember Pyle](#)

[Presentation](#)

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

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

* **Recommendation:**

- (a) Approval of or referral of draft [ordinance](#) for review and comment to the Board of Administration of the Federated City Employees Retirement System and the Board of Administration of the Police and Fire Department Retirement Plan – draft ordinance amending Parts 1 and 10 of Chapter 2.08 of Title 2 of the San José Municipal Code to amend Sections 2.08.130, 2.08.160, 2.08.1020 and 2.08.1070 and to add a new Section 2.08.170 to correct clerical errors related to the process for removal of members of the Board of Administration of the Federated City Employees Retirement System and filling vacancies on said Board, to require public members who are appointed to said Board on or after April 1, 2011 to reside within a fifty mile radius of San José City Hall and to clarify Council’s intent with respect to the nonvoting member position on the Board of Administration of the Federated City Employees Retirement System and the Board of Administration of the Police and Fire Department Retirement Plan.
- (b) Approval of or referral of draft [ordinance](#) for review and comment to the Board of Administration of the Police and Fire Department Retirement Plan – draft ordinance amending Section 2.08.1220 of Part 12 of Chapter 2.08 of Title 2 of the San José Municipal Code to require public members of the Board of Administration for the Police and Fire Department Retirement Plan who are appointed on or after April 1, 2011 to reside within a fifty mile radius of San José City Hall.

CEQA: Not a Project; File No. PP10-068(b), Municipal Code or Policy. (City Attorney’s Office)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [Public Hearing on the Draft Consolidated Plan - Annual Action Plan FY 2011-2012. Supplemental – Memo from the Director of Housing](#)

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

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

Recommendation:

- (a) Adopt a resolution:
 - (1) Authorizing the City to forgive Neighborhood Housing Services of Silicon Valley’s (NHSSV) \$1,300,000 obligation to the HomeVenture Fund for past operating expenses and in exchange, accepting NHSSV’s commitment to utilize \$1,300,000 in CalHOME grant proceeds within City of San José municipal boundaries;
 - (2) Accepting NHSSV’s proposal to repay the City \$1,917 per month over five years for its \$115,000 obligation in HOME Investment Partnership (“HOME”) funds; and
 - (3) Authorizing the Director of Housing to negotiate and execute all documents related to the fulfillment of the conditions of these recommendations as adopted by the City Council.
- (b) Adopt the following Appropriation Ordinance amendments in the Housing Trust Fund:
 - (1) Establish a Transfer to the Home Investment Partnership Program Fund by \$115,000; and
 - (2) Decrease the Ending Fund Balance by \$115,000.
- (c) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Home Investment Partnership Program Fund:
 - (1) Increase the revenue estimate for Transfers by \$115,000; and
 - (2) Increase the appropriation to the Housing Department for the Loans and Grants project by \$115,000.

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

* **RECOMMEND DEFERRAL TO 4/5/11 PER ADMINISTRATION**

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 [Public Hearing on Rezoning Real Property located on the Southwest Corner of South Bascom Avenue and Maywood Avenue.](#)

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

C08-046 - District 6

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

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 [Carshare Program.](#) [Attachment – Memo from Councilmember Liccardo](#) [Presentation](#)

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

- (a) Possible partnership with San José State University;
- (b) Replace a portion of the City fleet with carshare vehicles;
- (c) Provide free parking to carshare vehicles in City garages;
- (d) Provide designated on-street parking spaces for carshare vehicles;
- (e) Assist in marketing the program; and
- (f) Opportunity for City to provide maintenance for carshare vehicles.

CEQA: Not a Project, File No. PP10-066. (Transportation/Public Works)
[Transportation and Environment Committee referral 3/7/11 – Item D(3)]

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [Green Vision 2010 Annual Report and 2011 Work Plan.](#) [Attachment – Green Vision Annual Report](#) [Presentation](#)

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

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEM 9.1 IN A JOINT SESSION

9.1 [Public Hearing and approval of the FY 2010-2011 Mayor's March Budget Message.](#)

Recommendation: Conduct a Public Hearing and approve the FY 2010-2011 Mayor's March Budget Message. (Mayor)

* **TO BE HEARD IMMEDIATELY FOLLOWING THE CONSENT CALENDAR**

- **Open Forum**

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council or Redevelopment Agency Board.

- **Continue RDA Board Meeting**

- **Adjournment**

* This meeting will be adjourned in memory of Allison Slater Flores, a beloved mother and community activist, whose dedicated services to the residents of East San José will never be forgotten. (Campos)

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
 - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
 - c) Speakers should discuss topics related to City business on the agenda.
 - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
 - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
 - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
 - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.