



CITY COUNCIL AGENDA

APRIL 26, 2011

SYNOPSIS

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**
 - 9:02 a.m.** - Closed Session, Call to Order in Council Chambers
Absent Council Members: Liccardo, Oliverio.
 - 9:07 a.m.** Adjourn to Closed Session in Council Chambers Conference Room, W133
Absent Council Members: None
 - 1:31 p.m.** - Regular Session, Council Chambers, City Hall
Absent Council Members: None

- **Invocation (District 4)**
The Morrill Middle School Orchestra performed “Sound Without Words” by Gustav Holst 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**
City Attorney Doyle disclosed the following Closed Session actions of April 26, 2011:
 - A. **Authority to Enter Litigation Case as Amicus Curiae:**

Case Name: Pack, et al. v. Superior Court

(Item Continued on the next page)

- **Closed Session Report (Cont'd.)**

Substance of Litigation: **Challenge to City of Long Beach Medical Marijuana Ordinance**

Council Vote: Ayes: **Campos, Chu, Constant, Herrera, Kalra, Liccardo, Nguyen, Oliverio, Pyle, Rocha; Reed.**

Noes: **None.**
Disqualified: **None.**
Absent: **None.**
Vacant: **None.**

1. CEREMONIAL ITEMS

- 1.1** Presentation of a commendation to the March of Dimes South Bay Division in recognition of their efforts to support premature babies and their families through the March for Babies on April 30. (Mayor/Nguyen/Pyle/Rocha)
Mayor Reed, Vice Mayor Nguyen and Council Members Constant, Pyle and Rocha commended the March of Dimes South Bay Division in recognition of their efforts to support premature babies and their families.
- 1.2** Presentation of a proclamation to the American Cancer Society declaring May 1, 2011 as “Show Us Your Hope Day” in the City of San José. (Oliverio)
Mayor Reed and Council Member Oliverio honored the American Cancer Society declaring May 1, 2011 as “Show Us Your Hope Day” in the City of San José.
- 1.3** Presentation of a proclamation recognizing the week of May 1 - 7, 2011 as “Municipal Clerks Week” in the City of San José. (Mayor/City Clerk)
(Rules Committee referral 04/20/11)
Mayor Reed and City Clerk Dennis Hawkins recognized the week of May 1 – 7, 2011 as “Municipal Clerks Week” in the City of San José.
- 1.4** Presentation of a proclamation declaring April 30, 2011 as “Mormon Helping Hands Day” in the City of San José. (Pyle/Campos)
(Rules Committee referral 04/20/11)
Mayor Reed and Council Members Herrera, Campos and Pyle recognized April 30, 2011 as “Mormon Helping Hands Day” in the City of San José.

2. CONSENT CALENDAR

- 2.1** **Approval of Minutes.**
None.

2. CONSENT CALENDAR

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 28905 – Amending various Sections of Chapter 11.48 of Title 11 of the San José Municipal Code relating to Residential Permit Parking Areas to: (1) establish the Century-Winchester Permit Parking Area; (2) expand the Arena-St. Leo’s, South University Neighborhood, College Park, and Cahill Park Residential Parking Permit Areas; (3) authorize the Director of Transportation to issue more than three Residential Parking Permits to each group residence in the Horace Mann and South University Permit Parking Areas; (4) authorize the Director to charge an administrative fee for Permit Parking Citation Dismissal; and (5) make administrative corrections.

Ordinance No. 28905 adopted.

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) Ad Hoc Committee on Airport Competitiveness Report of February 24, 2011. (Mayor)
- (b) Rules and Open Government Committee Report of April 6, 2011. (Mayor)
- (c) Neighborhood Services and Education Committee Report of April 14, 2011. (Pyle)

Approved.

- (d) Rules and Open Government Committee Report of March 30, 2011. (Mayor)
[Deferred from 4/19/11 – Item 2.3(a)]
- (e) Rules and Open Government Committee Report of March 23, 2011. (Mayor)
[Deferred from 4/12/11 – Item 2.3(a) and 4/19/11 – Item 2.3(c)]
- (f) Rules and Open Government Committee Report of March 16, 2011. (Mayor)
[Deferred from 4/5/11 – Item 2.3(a), 4/12/11 – Item 2.3(c) and 4/19/11 – Item 2.3(d)]
- (g) Rules and Open Government Committee Report of March 9, 2011. (Mayor)
[Deferred from 3/29/11 – Item 2.3(a), et al, and 4/19/11 – Item 2.3(e)]

Deferred to 5/3/11 per City Clerk.

2.4 Mayor and Council Excused Absence Requests.

None.

2.5 City Council Travel Reports.

None.

2.6 Report from the Council Liaison to the Retirement Boards.

None.

2. CONSENT CALENDAR

2.7 Agreement with R3 Consulting Group, Inc. to Provide Solid Waste Consulting and Rate Modeling Services.

Recommendation: Approve the seventh amendment to the Agreement for Consultant Services between the City of San José and R3 Consulting Group, Inc. to provide solid waste consulting and rate modeling services to the Environmental Services Department, extending the term through June 30, 2012. No additional funding is requested for the contract amount not to exceed \$730,000. CEQA: Not a Project, File No. PP10-066. (Environmental Services)

Approved.

2.8 Actions Related to Civil Service Classifications.

Recommendation: Adopt a resolution to:

(a) Amend the Classification Plan, also known as the City of San José Pay Plan effective April 26, 2011 to create the following classifications:

- (1) Principal Engineer/Architect (3816)
- (2) Radio Communications Manager (8523)

(b) Amend the Classification Plan, also known as the City of San José Pay Plan effective April 26, 2011 to delete job classifications no longer in use:

- (1) Assistant City Attorney SII (2197)
- (2) Chief Deputy City Attorney (SII) (2137)
- (3) Communications Services Operator (1176)
- (4) Communications Services Operator PT (1177)
- (5) Emergency Preparedness Director U (2341)
- (6) Horticulturalist (3424)
- (7) Parks Development Officer (3450)
- (8) Public Communications Manager (1675)
- (9) Redevelopment Program Manager (4232)

CEQA: Not a Project, File No. PP10-068(b), Municipal Code, Title 3. (Human Resources)

Deferred to 5/3/11 per Administration.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Debra Figone (Verbal Report) The City Manager reported on pending labor and budget issues.

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.

Heard at 9:00 a.m.

Accepted.

3. STRATEGIC SUPPORT SERVICES

3.3 Airport Commercial Paper Program Letter of Credit Extension.

Recommendation: Adopt a resolution authorizing the City's designated officers to negotiate, execute and deliver an amendment to, or an amendment and restatement of, the Letter of Credit and Reimbursement Agreement by and between the City and Lloyds TSB Bank plc, acting through its New York Branch, related to the City of San José, San José International Airport Subordinated Commercial Paper Notes, Series D-F, to extend the term of this agreement and make certain other modifications thereto, and authorizing the City's designated officers to take other necessary actions in connection therewith.

CEQA: Not a Project, File No. PP10-066, Agreements/Contracts (New or Amended).
(Finance)

Resolution No. 75784 adopted, with Staff to provide an information memo providing the financial analysis in a spreadsheet format.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Public Hearing on rezoning real property located on the southwest corner of Tully Road and S. King Road.

Recommendation: Conduct a Public Hearing and consider an ordinance rezoning the real property located on the southwest corner of Tully Road and S. King Road (1698 Tully Road) from the CP Commercial Pedestrian Zoning District to the CP(PD) Planned Development Zoning District to allow the demolition and reconstruction of an existing gas station including the relocation of the fuel pumps, canopy and the construction of a new convenience store and automatic car wash on a 0.5 gross acre site (Au Energy LLC, Owner/Developer). SNI: West Evergreen. CEQA: Exempt. The Planning Commission voted 4-0-3 (Commissioners Abelite, Bit-Badal and Jensen absent) to recommend City Council approval.

PDC10-020 – District 7

(Continued from 4/19/11 – Item 11.2)

Public Hearing held.

Ordinance No. 28909 passed for publication.

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 Workplan for the Rule 20A and Rule 20B, In-Lieu Fee, Underground Utility Program.

Recommendation: Approval of the proposed Fiscal Year 2010/11- 2015/16 Workplan for the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program. CEQA: Exempt, File No. PP10-069. (Public Works)
Approved.

6.2 Actions Related to the Taxiway W Extension J-L Project at the Norman Y. Mineta San José International Airport.

Recommendation:

- (a) Adopt a resolution authorizing the Director of Public Works to determine the lowest responsive and responsible bidder for the Taxiway W Extension J-L Project at the Norman Y. Mineta San José International Airport and to either:
- (1) Award the contract to the lowest responsive and responsible bidder in an amount not to exceed \$11,500,000, contingent upon award and execution of an Airport Improvement Program (AIP) Grant from the Federal Aviation Administration (FAA); or
 - (2) Reject all bids and re-bid the Project.

Resolution No. 75785 adopted.

- (b) Approve a contingency equal to fifteen percent of the award amount.
CEQA: Resolution Nos. 67380 and 71451, File No. PP11-037. (Public Works/Airport)
Approved.

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Status Report Cooperative Efforts between City of San Jose and Santa Clara Valley Water District.

Recommendation: Accept the Annual Status Report on cooperative efforts in 2010 between the City of San José and the Santa Clara Valley Water District relating to flood protection, water supply, watershed protection, and policy/planning initiatives. CEQA: Not a Project, File No. PP10-069(a), Annual Reports. (City Manager's Office/Santa Clara Valley Water District)
Accepted.

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

- **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>
10078	E/S Almaden Ex. 200 S/O Fleetwood Drive	10	HH Almaden LLC	16 Lots/ 16 Units	SFDR

- **Open Forum**

- (1) **David Wall thanked Tamara Davis of the City Clerk's Office for outstanding note taking of the Airport Commission Meeting, and criticized the City's funding of the Mexican Heritage Plaza art program.**
- (2) **Shirley Vargas expressed concerns over the City's high taxes and it's impact on low-income residents.**

- **Continue RDA Board Meeting**

- **Adjournment**

The Council of the City of San José adjourned at 3:10 p.m.

**JOINT CITY OF SAN JOSÉ CITY COUNCIL/
FINANCING AUTHORITY**

SAN JOSÉ, CALIFORNIA

TUESDAY, APRIL 26, 2011

- 1. Call to Order: 2:00 p.m.**
- 2. Actions Related to the San Jose Financing Authority Lease Revenue Bonds, Series 2008F.**

Recommendation:

- (a) It is recommended that the City Council adopt a resolution to:
- (1) Approve and authorize the negotiation, execution, and delivery of a First Amendment to Letter of Credit and Reimbursement Agreement, the Fee Letter Agreement, and other related actions in connection with the City of San José Financing Authority Lease Revenue Bonds, Series 2008F in order to allow for the extension of the existing credit facility.
Resolution No. 75786 adopted.

- (b) It is recommended that the City of San José Financing Authority Board adopt a resolution to:
- (1) Approve and authorize the negotiation, execution, and delivery of a First Amendment to Letter of Credit and Reimbursement Agreement and other related actions in connection with the City of San José Financing Authority Lease Revenue Bonds, Series 2008F in order to allow for the extension of the existing credit facility.

CEQA: Not a Project, File No. PP10-066, Agreements/Contracts (New or Amended).
(Finance)

San José Financing Authority Resolution No. 111 adopted.

Mayor Reed adjourned the Joint/San José Financing Authority Meeting at 2:02 p.m.