

CITY COUNCIL AGENDA

MAY 10, 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**
9:10 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: All Present.

1:34 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: All Present.
- **Invocation (District 5)**
Pastor York Hayes from St. Paul Missionary Baptist Church presented a prayer for the Invocation.
- **Pledge of Allegiance**
Mayor Reed, accompanied by the 3rd graders from John Muir Elementary School, led the Pledge of Allegiance
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved.
- **Closed Session Report**
No Report.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to the recipients of the City of San Jose's *Champions of Arts Education Awards*. (Economic Development)
Mayor Reed and Council Members Liccardo, Herrera and Campos recognized and commended the recipients of the City of San Jose's *Champions of Arts Education Awards*.

1. CEREMONIAL ITEMS

- 1.2 Presentation of a commendation to Baseball Buddies Foundation for their dedication with providing children with proper baseball gear. (Chu)
Mayor Reed and Council Member Chu recognized the Baseball Buddies Foundation.
- 1.3 Presentation of a proclamation declaring May 7, 2011 through May 15, 2011 as “National Travel and Tourism Week” in the City of San José. (Constant)
Mayor Reed and Council Member Constant recognized May 7, 2011 through May 15, 2011 as “National Travel and Tourism Week” in the City of San José.
- 1.4 Presentation of a proclamation declaring May 15, 2011 through May 21, 2011 as “National Police Week” in the City of San José. (Mayor)
Mayor Reed recognized May 15, 2011 through May 21, 2011 as “National Police Week” in the City of San José.

2. CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
There were none.

- 2.2 **Final adoption of ordinances.**

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 28909 – Rezoning certain real property situated at the southwest corner of Tully Road and South King Road from CP Commercial Pedestrian to CP(PD) Planned Development Zoning District. PDC10-020
Ordinance No. 28909 adopted.

- 2.3 **Approval of Council Committee Reports.**

Recommendation: Approval of Council Committee Reports.

- (a) Rules and Open Government Committee Report of April 20, 2011. (Mayor)
(c) Rules and Open Government Committee Report of April 13, 2011. (Mayor)
(e) Rules and Open Government Committee Report of March 23, 2011. (Mayor)
(f) Rules and Open Government Committee Report of March 16, 2011. (Mayor)
(g) Rules and Open Government Committee Report of March 9, 2011. (Mayor)
Deferred to 05/17/11 per City Clerk.

- (b) Community and Economic Development Committee Report of April 25, 2011. (Herrera)
(d) Public Safety, Finance and Strategic Support Committee Report of April 21, 2011. (Constant)

Approved.

2. CONSENT CALENDAR

2.4 Mayor and Council Excused Absence Requests.

There were none.

2.5 City Council Travel Reports.

There were none.

2.6 Report from the Council Liaison to the Retirement Boards.

There were none.

2.7 Report on Bids and Award of Contract for the Castleton Drive Main Replacement.

Recommendation: Report on bids and award of contract for the Castleton Drive Main Replacement to the low bidder, Platinum Pipeline, Inc., in the amount of \$432,350 and approval of a fifteen percent (15%) budget contingency in the amount of \$64,853.

CEQA: Exempt, File No. PP11-008. (Environmental Services)

Approved.

2.8 Agreement with MRF Geosystems Corporation for GIS consultant services for the Storm GIS Data Improvement Project.

Recommendation:

(a) Approve the first amendment to the agreement with MRF Geosystems Corporation of Calgary, Alberta, Canada, for GIS consultant services for the Storm GIS Data Improvement Project at no cost to the City, and

Approved.

(b) Adopt a resolution authorizing the Director of Public Works to negotiate and execute up to four future amendments to this agreement in an aggregate amount not to exceed \$63,000.

CEQA: Not a Project. File No. PP10-066(d), Consultant Services for Design, Study, Research, Inspection or other professional consulting services. (Public Works)

Resolution No. 75795 adopted.

2.9 Setting a Public Hearing for the Cost of Sidewalk Repairs.

Recommendation: Adopt a resolution setting a public hearing on Tuesday, June 7, 2011, at 1:30 p.m. for the approval of the report from the Director of Finance for the cost of sidewalk repairs. CEQA: Not a Project, File No. PP10 -066(e), services that involve no physical changes to the environment. (Finance)

Resolution No. 75796 adopted.

2. CONSENT CALENDAR

2.10 Bicycle and Pedestrian Project Grant Funding.

Recommendation: Adopt a resolution authorizing the City Manager, or designee, to:

- (a) Submit a request to the Metropolitan Transportation Commission (MTC) for the allocation of Fiscal Year 2011-2012 Transportation Development Act, Article 3 (TDA3) State grant funding in the amount of \$489,546.
- (b) Accept any grant funding from MTC and negotiate and execute any grant documents to effectuate the grant.

CEQA: Exempt, File Nos. PP08-186 and PP10-078. (Transportation)

Resolution No. 75797 adopted.

2.11 Celebrate Cambrian Festival.

Recommendation: As recommended by the Rules and Open Government Committee on May 10, 2011:

- (a) Approve the Celebrate Cambrian Festival as a City Council sponsored Special Event.
- (b) Approve expending funds and accepting donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project. (City Clerk)

Approved.

2.12 Council Member Chu's Travel to Ontario, CA.

Recommendation: Approve travel by Council Member Chu to Ontario, CA on April 8, 2011 to attend the regularly scheduled League of California Cities Transportation, Communication and Public Works Policy Committee as San José's designated representative. Source of Funds: Mayor & Council Travel Fund. (Chu)

Approved.

2.13 Council Member Chu's Travel to Sacramento, CA.

Recommendation: Approve travel by Council Member Chu to Sacramento, CA on May 19-20, 2011 to attend the regularly scheduled League of California Cities Board of Director's meeting as San José's designated representative. Source of Funds: Mayor & Council Travel Fund. The League of California Cities pays for lodging in advance and reimburses the City for other related travel expenses. (Chu)

(Rules Committee referral 05/04/11)

Approved.

2. CONSENT CALENDAR

2.14 Agreement Extension for the Transportation Incident Management Center Project.

Recommendation: Approval of the first amendment to extend the term of the original agreement from June 30, 2011 to June 30, 2013 with IBI Group for architectural design and construction administration services for the Transportation Incident Management Center Project. CEQA: Not a Project, File No. PP10-066(d) Consultant Services. Council District 3. (Public Works)
(Deferred from 5/3/11 – Item 2.12)

Approved.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Debra Figone (Verbal Report) City Manager Debra Figone offered highlights about the FY2011-2012 Council Budget Study Sessions beginning on Wednesday, May 11, 2011.

3.2 Labor Negotiations Update

Recommendation: Accept Labor Negotiations Update.

Heard at 9:00 a.m.

Accepted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Mitigated Negative Declaration for the Coleman Soccer Fields Project.

Recommendation: Adopt a resolution adopting the Mitigated Negative Declaration prepared for the Coleman Soccer Fields project, File No. PP10-155, as having been completed in compliance with CEQA reflecting the City's independent judgment and analysis, and the adoption of a mitigation monitoring and reporting program. **Council District 3.** CEQA: The environmental impacts of the project were addressed by a Mitigated Negative Declaration circulated on **November 17, 2010**, and recommended for adoption by City Council. (Planning, Building and Code Enforcement)

Recommendation amended as indicated above.

Resolution No. 75798 adopted, as amended, with Staff directed to provide outreach to District 3 regarding the Coleman Soccer Fields Project.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Review of North San José Residential Activity and Consideration of Potential Changes to Reservation and Allocation Process.

Recommendation: Accept the staff report to continue current practices of reservation and allocation of residential units in the North San José Area Development Policy area. CEQA: Resolution No. 72768 and Addenda thereto. Council Districts 3 and 4. (Planning, Building and Code Enforcement/Housing)

Deferred to 5/17/11 per Administration.

5. NEIGHBORHOOD SERVICES

5.1 Schedule of Parkland Fees.

Recommendation: Conduct a public hearing and consider the adoption of a resolution setting forth the new Schedule of Parkland Fees to reflect the 2010 Residential Land Value Study to be effective on August 1, 2011. CEQA: Not a Project, File No. PP10-067(a), Adjustments to Fees. (Parks, Recreation and Neighborhood Services)

The public hearing was held.

Resolution No. 75799 adopted.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report on Bids and Award of Contract for the 2011 Hillsdale Avenue Resurfacing Project.

Recommendation: Report on bids and award of contract for the 2011 Hillsdale Avenue Resurfacing Project to the low bidder Granite Construction Company in the amount of \$829,453 and approval of a five percent (5%) contingency in the amount of \$41,473.

CEQA: Exempt, File No. PP11-035. Council District 9. (Transportation)

Approved.

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Report on bids and award of contract for the Morrill Avenue and Sierra Road Sanitary Sewer Improvement (RE-BID) Project.

Recommendation: Report on bids and award of contract for the Morrill Avenue and Sierra Road Sanitary Sewer Improvement (RE-BID) Project to the low bidder, Pacific Underground Construction, Inc., in the amount of \$1,056,230, and approval of a contingency in the amount of \$106,000. CEQA: File No. PP11-015, dated February 4, 2011. Council District 4. (Public Works)

Approved.

8. PUBLIC SAFETY SERVICES

8.1 2010 IPA Year End Report.

Recommendation: Accept the 2010 Independent Police Auditor's Year End Report. (Independent Police Auditor)

Accepted.

8.2 San Jose Police Department's Internal Affairs Unit Report on Department Initiated Investigations.

Recommendation: Accept the San Jose Police Department's (Department) Internal Affairs Unit (IA) report on Department Initiated Investigations (DII) for CY 2010. CEQA: Not a Project, File No. PP10-069(a), annual reports. (Police)

Accepted.

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

- **Open Forum**
There were none.

- **Adjournment**
The Council of the City of San José was adjourned at 3:56 p.m. in memory of Anne Mack, a life long dedicated community activist, whose impact on the City of San José will always be remembered. (Campos/Chu/Kalra/Pyle)