



MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, MARCH 22, 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, Herrera, Kalra (9:08 a.m.), Liccardo, Nguyen, Oliverio (9:09 a.m.), Pyle, Rocha; Reed.

Absent: Council Members - All Present.

STRATEGIC SUPPORT SERVICES

3.2 (a) Accept Labor Negotiations Update.

Documents Filed: (1) Staff presentation dated March 22, 2011 summarizing the Labor Negotiations Update. (2) Last Best and Final Offer from IPTE Local 21, AMSP and CAMP, dated March 17, 2011. (3) AFSCME Counter Proposal on Vacation Leave, dated March 21, 2011.

Director of Employee Relations Alex Gurza offered the Update on Labor Negotiations.

Public Comments: Nancy Ostrowski, IFPTE Local 21, AEA, CAMP, requested that Council accept the Last, Best and Final Offer presented to the negotiators on March 17, 2011 and spoke in opposition to further cuts. LaVerne Washington, AFSME/CEO, pointed out that the City Manager's Office has not currently produced the public documents per the information requests that AFSCME has submitted and noted that to combat the looming budget deficit the City of San José needs to find real budget solutions.

CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:13 a.m. to a Closed Session in Room W133 (A) Public Employment/Public Employee Appointment Pursuant to Government Code Section 54957, Department of Transportation; Title: Director of Transportation. (B) to confer with Legal Counsel pursuant to Government Code subsection (b) of Section 54956.9 with respect to anticipated litigation (Claim Not Filed) of significant exposure in one (1) matter. (C) to confer with Legal Counsel pursuant to Government Code Section 54956.9 subsection (a) with respect to existing litigation: (1) Espinoza v. City; Names of Parties Involved: Ricky Espinoza, City of San José, Does 1-50; Court: Superior Court of California, County of Santa Clara; Case: 1-10-CV163127; Amount of Money or Other Relief Sought: Damages according to proof; (2) Confidential Employees Organization, et al. (11-0.) City; Names of Parties Involved: Confidential Employees Organization, American Federation of State, County and Municipal Employees, Local 101, AFL-CIO, City of San José; Court: Superior Court of California, County of Santa Clara; Case: 1-10-CV-171991; Amount of Money or Other Relief Sought: Arbitration; (3) De La Rosa et al. v. City, et al, Names of Parties Involved: Richard E. De La Rosa, Dennis Fong, Jose Mendoza, City of San José, Avo Makessian, Does 1-100; Court: Superior Court of California, County of Santa Clara, Court of Appeal, 6th Appellate District; Case No: 1-03-CV-817097, H031583; Amount of Money or Other Relief Sought: Damages according to proof. (D) 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 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. (7) 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; (8) 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.

CLOSED SESSION (Cont'd.)

(9) 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. (10) Association of Legal Professionals of San José (ALP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc. Web: <http://www.sanjoseca.gov/employeerelations/moa.asp>; Telephone for Employee Relations: 408-535-8150.

By unanimous consent, Council recessed from the Closed Session at 12:02 p.m. and reconvened to Regular Session at 1:32 p.m. in the Council Chambers.

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

Absent: Council Members - All Present.

INVOCATION

Daniel Guhl, Salvation Army presented the Invocation. (District 3)

PLEDGE OF ALLEGIANCE

Mayor Reed led the Pledge of Allegiance.

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, and Ceremonial Item 1.1 was deferred to March 29, 2011. (11-0.)

CEREMONIAL ITEMS

1.1 Presentation of a proclamation declaring March 25, 2011 as "Greek Independence Day" in the City of San José. (Constant)

Action: Item 1.1 was deferred to March 29, 2011 per Orders of the Day.

1.2 Presentation of a commendation to the San José Sports Authority in recognition of their 20 Year Anniversary. (Mayor/Constant/Liccardo/Oliverio)

Action: Mayor Reed and Council Members Constant, Liccardo and Oliverio recognized and commended San José Sports Authority.

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)

Action: Item 1.3 was dropped.

CONSENT CALENDAR

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

2.1 Approval of minutes.

- (a) **Regular Minutes of November 2, 2010.**
- (b) **Joint City Council/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 Council/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.**

Documents Filed: (1) The Regular Minutes dated November 2, 2010, November 9, 2010, November 16, 2010 and November 30, 2010. (2) The Joint City Council/Santa Clara Valley Water District Minutes dated November 8, 2010. (3) The Joint City Council/San José Financing Authority Minutes dated November 16, 2010. (4) The 2011-2012 Budget Preparation Minutes dated November 18, 2010.

Action: The Council Minutes were approved. (11-0.)

2.2 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.**

Documents Filed: Proof of Publication of the Title of Ordinance No. 28897 executed on March 15, 2011, submitted by the City Clerk.

Action: Ordinance No. 28897 was adopted. (11-0.)

2.3 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)**
- (c) Neighborhood Services and Education Committee Report of March 10, 2011. (Pyle)**

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

Public Comments: David Wall reiterated that the City of San José should go back to its agricultural past and start growing food locally, pointed out that the use of the closed circuit television system for the City should be considered as a revenue source and congratulated the Animal Control Department for its competent management.

Action: Upon motion by Council Member Pyle, seconded by Council Member Herrera and carried unanimously, the Council Committee Reports were approved. (11-0.)

2.4 Mayor and Council Excused Absence Requests.

Action: There were none.

2.5 City Council Travel Reports.

Council Member Constant reported on his trip to the National League of Cities Conference in Washington D.C.

Mayor Reed, Council Member Kalra and Council Member Constant offered highlights of their participation in the Annual Advocacy Trip to Washington D.C. hosted by the Silicon Valley Leadership Group.

2.6 Report from the Council Liaison to the Retirement Boards.

Action: There was none.

- 2.7 (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)**

2.7 (Cont'd.)

Documents Filed: Memorandum from Mayor Reed, dated March 11, 2011, requesting approval of travel and an excused absence.

Action: The travel request for Mayor Reed was approved and the absence was excused. (11-0.)

2.8 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)

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

Action: Leslie Gilroy, Center Director and Business & Community Liaison of Career Systems Development for the San José Job Corps, was appointed to serve as a private-sector representative on the Silicon Valley Workforce Investment Network Board of Directors as required by law. (11-0.)

2.9 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)

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

Action: Daniel Earl was appointed to the Deferred Compensation Advisory Committee for the remainder of the four-year term ending March 1, 2014 that will be made vacant by the retirement of the current representative. (11-0.)

END OF CONSENT CALENDAR

JOINT COUNCIL/REDEVELOPMENT AGENCY

The Joint Council/Redevelopment Agency convened at 1:50 p.m. to consider Item 9.1 in a Joint Session.

9.1 Conduct a Public Hearing and approve the FY 2011-2012 Mayor's March Budget Message. (Mayor)

Documents Filed: (1) Memorandum from Mayor Reed, dated March 11, 2011, recommending conducting a public hearing and approving the FY 2011-2012 Mayor's March Budget Message. (2) Fifty Nine emails and correspondence from members of the public all dated March 22, 2011 regarding the FY 2011-2012 Mayor's March Budget Message.

Mayor Reed presented introductory remarks on the FY 2011-2012 Mayor's March Budget Message. Mayor Reed requested that the following clarification be added to the Mayor's Budget Message and accepted for the Parking Fund Review and Repurpose: that any excess parking funds would be offset parking expenses related to general fund expenses, such as debt service.

Mayor Reed opened the public hearing.

Public Comments: Expressing continued support to the FY 2011-2012 Mayor's March Budget Message were Bob Hennessy, George Martinez, Anthony Balderas, Alex Obeso, Kristina Contreras, Melissa Avalos and Tom Quigley, San José Conservation Corps, Patricia E. Sausedo and Pat Dando, San José Silicon Valley Chamber of Commerce, Anil Babbar and Karl Lee, Santa Clara County Association of Realtors.

Kathleen King, Santa Clara Family Health Foundation, expressed her thanks for the Council's 10th year of support for the Children's Health Initiative. Lori Prudhomme, Cypress Senior Center thanked the Mayor and Council for keeping senior nutrition in the budget.

Steve Klein suggested directing the City Manager to aggressively institute a program to reduce all non-personnel expenses by 10%. Kevin R. Fish remarked that permanent pension reform was unfair and that 10% cuts across the board for each department is inequitable. Perry Mistry provided suggestions about developing a public private partnership between the land developers, the solar power companies and engineering design consultants to fulfill the San José Green Vision.

Ben Field, South Bay Labor Council, noted there is no plan for long term recovery and that the City will continue to be fiscally unstable. David Wall provided his observations about the growing public safety pensions and other personnel-related employee benefit costs.

Mayor Reed closed the public hearing.

9.1 (Cont'd.)

Motion: Vice Mayor Nguyen moved approval of the FY 2011-2012 Mayor's March Budget Message, including the Mayor's clarification on parking issues. Council Member Constant seconded the motion.

Budget Director Jennifer Maguire and City Attorney Richard Doyle responded to Council questions and concerns. Council discussion ensued.

Council Member Rocha requested an amendment to the motion to direct Staff to include a study session to discuss the pension reform issues on the 1st and 2nd tier designs during the Budget Study Sessions in May 2011. The amendment was accepted by Vice Mayor Nguyen and Council Member Constant.

Action: On a call for the question, the motion carried unanimously, the FY 2011-2012 Mayor's March Budget Message was approved, including the clarification on Page 15, 3(a) Parking Fund Review and Repurpose: that any excess parking funds would be offset parking expenses related to general fund expenses, such as debt service. Staff was directed to include a study session to discuss the pension reform issues on the 1st and 2nd tier designs during the Budget Study Sessions in May 2011. (11-0.)

Mayor Reed adjourned the Joint Council/Redevelopment Agency at 3:21 p.m.

STRATEGIC SUPPORT SERVICES

3.3 **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 José Fire Fighters, International Association of Firefighters, Local 230. CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office)**

Documents Filed: (1) Memorandum from Council Member Pyle, dated March 22, 2011, recommending approval of the Staff recommendations, with further direction to the City Manager on the Unfunded Pension Liability. (2) Replacement memorandum from Council Member Liccardo, dated March 21, 2011, recommending deferring acceptance of Local 230 concession, and any other bargaining units' concessions, pending further negotiations. (3) Memorandum from Director of Employee Relations Alex Gurza, dated March 8, 2011, recommending adoption of a resolution. (4) Staff presentation dated March 22, 2011 outlining the Tentative Agreement with the San José Firefighters, Local 230.

Motion: Council Member Pyle moved approval of the Staff recommendations. Council Member Herrera seconded the motion.

Director of Employee Relations Alex Gurza offered a brief presentation.

3.3 (Cont'd.)

Extensive Council discussion ensued.

Council Member Liccardo provided comments about his replacement memorandum dated March 21, 2011, which cited the dramatically changed circumstances since the Council's November 2010 direction to its negotiating team, and recommended deferring acceptance of today's concessions and any other bargaining units' concessions, pending further negotiations that will meet the Mayor's goal for substantial cost reductions in retirement benefits for both future and current employees.

Council Member Liccardo pointed out that he would not be supporting the motion on the floor.

Public Comments: Speaking in support to the motion and the Staff recommendations were Jeff Welch, San José Firefighters, Local 230, Patricia E. Sausedo and Pat Dando, San José Silicon Valley Chamber of Commerce, David Wall, Kara Capaldo, City Association of Management Personnel Agreement (CAMP) and Henry Servin, Association of Engineers & Architects (AEA).

Council Member Oliverio expressed opposition to the motion on the floor.

Council Member Pyle requested a referral to Staff to return to Council with a cost out plan on the 2nd tier proposals, as described per her memorandum dated March 22, 2011.

Action: On a call for the question, the motion carried, Resolution No. 75762, entitled: "A Resolution of the Council of the City of San José Approving an Agreement between the City of San José and the International Association of Firefighters, Local 230, With a Term of July 1, 2009 to June 30, 2013", was adopted. Staff was directed to return to Council with a cost out plan on the 2nd tier proposals, per the memorandum from Council Member Pyle, dated March 22, 2011. (9-2. Noes: Liccardo, Oliverio.)

- 3.4 (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.**

- 3.4 (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)

Documents Filed: Memorandum from City Attorney Richard Doyle, dated March 10, 2011, recommending approval of or referral of the draft ordinances.

City Attorney Richard Doyle presented background and comments.

Motion: Council Member Herrera moved approval of the Staff recommendations in Item 3.4(b). Council Member Pyle seconded the motion.

City Attorney Richard Doyle responded to Council questions.

Substitute Motion: Council Member Constant moved approval of the changes in the City Attorney's memorandum and Item 3.4(a)(b). Council Member Oliverio seconded the motion.

Public Comments: Jeff Welch, Firefighters Local 230, requested a deferral on 3.4(a) in order to have more discussion about how the liaison will be interacting with the retirement boards. J. Wendling, Police and Fire Retirement Boards, and George Beattie, San José Police Officers Association, expressed opposition to changing the role of the Council liaison officer from non-participatory to participatory representation.

On a call for the question on the substitute motion, the motion failed. (5-6. Noes: Campos, Chu, Herrera, Kalra, Pyle, Rocha.)

Council discussion ensued.

Motion: Council Member Herrera moved approval of Item 3.4(a), excluding the role as Council Liaison to a separate motion. Council Member Liccardo seconded the motion.

Council Member Liccardo moved to defer the discussion of the role for a Council Liaison and action to May 2011. Council Member Herrera seconded the motion.

Action: On a call for the question, the motions carried unanimously, Ordinance No. 28899, "An Ordinance of the City of San José Amending Parts 1 and 10 of Chapter 2.08 of Title 2 of the San José Municipal Code to Amend Sections 2.08.130, 2.08.1020 and 2.08.1070, 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

3.4 (Action Cont'd.)

Filling Vacancies on Said Board, and 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 Ordinance No. 28900, entitled: “An Ordinance of the City of San José Amending Section 2.08.1220 of Part 12 Chapter 2.08 of Title 2 of the San José Municipal Code to Require Public Members of the Board of Administration of the Police and Fire Retirement Plan Who Are Appointed on or After April 1, 2011 to Reside Within a Fifty Mile Radius of San José City Hall”, were passed for publication. The discussion about the role of a Council liaison as a nonvoting member was referred to the retirement boards and deferred for Council action to May 2011. (11-0.)

COMMUNITY & ECONOMIC DEVELOPMENT

4.1 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)

Documents Filed: (1) Memorandum from Director of Housing Leslye Corsiglia, dated February 28, 2011, recommending conducting public hearing and announcing as of March 15, 2011, the draft Consolidated Plan will be available to the public for review and comment. (2) Supplemental memorandum from Director of Housing Leslye Corsiglia, dated March 17, 2011, noting that at the time the memorandum on the availability of the draft Consolidated Plan was due, the document was still being drafted. (3) Proof of Publication of the Notice of Public Hearing dated January 27, 2011, submitted by the City Clerk.

Mayor Reed opened the public hearing.

Public Comments: David Wall expressed opposition to the City receiving any more funding for housing from the Federal government.

Mayor Reed continued Item 4.1 to the May 3, 2011 City Council Meeting.

- ### 4.2 (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.**

- 4.2 (a) (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.**
- (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.**
- (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)

Action: Deferred to April 05, 2011 per Administration.

- 4.3 **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.**

C08-046 - District 6

Documents Filed: (1) Staff Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C08-046, dated January 27, 2011. (2) Proof of Publications of the Notices of Public Hearings dated February 25, 2011, and March 11, 2011, submitted by the City Clerk.

Public Comments: Mayor Reed opened the public hearing. There was no testimony from the floor. Mayor Reed closed the public hearing.

Action: Upon motion by Council Member Oliverio, seconded by Council Member Chu and carried unanimously, Ordinance No. 28901, entitled: "An Ordinance of the City of San José Rezoning Certain Real Property Situated on the East Side of South Bascom Avenue, Approximately 450 Feet Northerly of Fruitdale Avenue, to the CN Commercial Neighborhood Zoning District", was passed for publication. (10-0-1. Absent: Constant.)

TRANSPORTATION & AVIATION SERVICES

- 6.1 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 car share service provider as a means to facilitate the launch of a car sharing program in the City of San José:**
- (a) Possible partnership with San José State University.**
 - (b) Replace a portion of the City fleet with car share vehicles.**
 - (c) Provide free parking to car share vehicles in City garages.**
 - (d) Provide designated on-street parking spaces for car share vehicles.**
 - (e) Assist in marketing the program.**
 - (f) Opportunity for City to provide maintenance for car share vehicles.**
- CEQA: Not a Project, File No. PP10-066. (Transportation/Public Works)**

Documents Filed: (1) Memorandum from Council Member Liccardo, dated March 18, 2011, accepting the Staff recommendations with additional direction as described in "Action". (2) Memorandum from City Clerk Dennis D. Hawkins, CMC, dated March 18, 2011, transmitting the recommendations of the Rules and Open Government Committee. (3) Staff presentation dated March 22, 2011 outlining the San José Car Share Program.

Assistant City Manager Edward K. Shikada provided introductory remarks. Acting Director of Transportation Hans Larsen presented the report.

Motion: Council Member Liccardo moved approval of his memorandum dated March 18, 2011, accepting the Staff recommendations with additional direction as described in "Action". Council Member Pyle seconded the motion.

Public Comments: David Wall spoke in opposition to the Car Share Program.

Action: On a call for the question, the motion carried unanimously, the Staff recommendations and incentives were approved, with Staff directed to: (1) Include as a "add alternate" to the Request for Proposal, a query that elicits information about the extent to which the bidder might increase the size of their San José automotive fleet with additional monetary incentives, such as those that might be provided by participating residential developers, corporations or homeowner associations. (2) Explore with the development community what contributions developers might make toward a car sharing program where they seek to reduce parking ratios at transit oriented sites, obtain green building credits or other incentives. (9-0-2. Absent: Constant, Oliverio.)

ENVIRONMENTAL & UTILITY SERVICES

7.1 **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)**

Documents Filed: (1) Memorandum from City Manager Debra Figone, dated March 11, 2011, recommending approval of the report and work plan. (2) Staff presentation dated March 22, 2011 summarizing the Green Vision 2010 Annual Report and 2011 Work Plan.

Assistant to City Manager Ashwini Kantak presented the report.

Mayor Reed requested the following set of goals for Staff to achieve for 2011 be incorporated into a motion: (1) Process and install the identified 13 megawatts of solar at City facilities. (2) Complete the FOG (Fats, Oils and Grease) Waste, Zero Waste and Harvest Waste projects. (3) Complete the audits and plans for upgrading the facilities; begin and complete the upgrades.

Motion: Council Member Liccardo moved to accept the Staff recommendations and incorporate the Mayor's three goals. Council Member Herrera seconded the motion.

Public Comments: David Wall spoke in opposition to the Staff recommendations.

Council Member Herrera requested that Staff return to Transportation and Environment Committee in September 2011 with an analysis of the cost and benefits of Community Choice Aggregation and how this might look in San José.

Action: On a call for the question, the motion carried unanimously, the 2010 Green Vision Annual Report and 2011 Work Plan were accepted, and Staff was directed to incorporate the Mayor's set of goals to achieve for 2011: (1) Process and install the identified 13 megawatts of solar at City facilities. (2) Complete the FOG Waste, Zero Waste and Harvest Waste projects. (3) Complete the audits and plans for upgrading the facilities; begin and complete the upgrades. Staff was directed to return to Transportation and Environment Committee in September 2011 with an analysis of the cost and benefits of Community Choice Aggregation and how this might look in San José. (10-0-1. Absent: Constant.)

OPEN FORUM

David Wall recognized the efforts of a Parks, Recreation and Neighborhood Services maintenance employee who picked up illegally dumped debris in Mr. Wall's neighborhood and also presented comments about the airport debt service.

ADJOURNMENT

The Council of the City of San José was adjourned at 5:48 p.m. 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)

Minutes Recorded, Prepared and Respectfully Submitted by,

Dennis D. Hawkins, CMC
City Clerk

smd/03-22-11 MIN

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.