

# CITY COUNCIL AGENDA

**MAY 31, 2011**

**SPECIAL MEETING**

## **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](http://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, 2<sup>nd</sup> 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](mailto: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**  
10:03 a.m. - Closed Session, Call to Order in Council Chambers  
**Absent Council Members: All Present.**  
  
11:00 a.m.- Regular Session, Council Chambers, City Hall  
**Absent Council Members: All Present.**
- **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**  
No Report.

## **2. CONSENT CALENDAR**

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### **2.1 ACA 4 (Blumenfield) – Local Government Financing: Voter Approval.**

**Recommendation:** As recommended by the Rules and Open Government Committee on May 25, 2011, approve a support position for ACA 4 (Blumenfield) – Local Government Financing: Voter Approval. (Transportation)

[Rules Committee referral 5/25/11 – Item D(1)(b)]

**Support Position Accepted.**

**Noes: Constant.**

## 2. CONSENT CALENDAR

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### 2.2 AB 506 (Wieckowski) – Local Government: Bankruptcy: Mediation.

**Recommendation:** As recommended by the Rules and Open Government Committee on May 25, 2011, approve an oppose position for AB 506 (Wieckowski) – Local Government: Bankruptcy: Mediation. (Finance/City Manager’s Office)  
[Rules Committee referral 5/25/11 – Item D(1)(c)]

**Oppose position Accepted.**

**Noes: Campos, Kalra.**

## 3. STRATEGIC SUPPORT SERVICES

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

**No Report.**

### 3.2 Terms of an Agreement with the Association of Building, Mechanical, and Electrical Inspectors (ABMEI).

**Recommendation:** Adopt a resolution approving the terms of a collective bargaining agreement for the period of July 1, 2011, through June 30, 2013, between the City and the Association of Building, Mechanical, and Electrical Inspectors (ABMEI). CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager’s Office)

**Resolution No. 75810 adopted.**

**Noes: Liccardo.**

### 3.3 Terms of an Agreement with, or Implementation of Terms Contained in the City’s Last, Best and Final Offer to the International Brotherhood of Electrical Workers, Local No. 332 (IBEW).

**Recommendation:** Adopt a resolution approving the terms of an agreement with, or approving the implementation of terms contained in the City’s Last, Best and Final Offer to the International Brotherhood of Electrical Workers, Local No. 332 (IBEW). CEQA: Not a Project, File No. PP10-069(b), personnel-related decisions. (City Manager’s Office)

**Resolution No. 75811 adopted.**

**Noes: Campos, Chu, Kalra.**

### 3.4 Terms of an Agreement with, or Implementation of Terms Contained in the City’s Last, Best and Final Offer to the International Union of Operating Engineers, Local No. 3 (OE3).

**Recommendation:** Adopt a resolution approving the terms of an agreement with, or approving the implementation of terms contained in the City’s Last, Best and Final Offer to the International Union of Operating Engineers, Local No. 3 (OE3). CEQA: Not a Project, File No. PP10-069(b), personnel-related decisions. (City Manager’s Office)

**Resolution No. 75812 adopted.**

**Noes: Campos, Chu, Kalra.**

### 3. STRATEGIC SUPPORT SERVICES

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**3.5 Terms of an Agreement with, or Implementation of Terms Contained in the City’s Last, Best and Final Offer to the Association of Legal Professionals of San Jose (ALP).**

**Recommendation:** Adopt a resolution approving the terms of an agreement with, or approving the implementation of terms contained in the City’s Last, Best and Final Offer to the Association of Legal Professionals of San Jose (ALP). CEQA: Not a Project, File No. PP10-069(b), personnel-related decisions. (City Manager’s Office)

**Resolution No. 75813 adopted.**

**Noes: Liccardo.**

**3.6 Terms of an Agreement with, or Implementation of Terms Contained in the City’s Last, Best and Final Offer to the Municipal Employees’ Federation, AFSCME, Local No. 101 (MEF).**

**Recommendation:** Adopt a resolution approving the terms of an agreement with, or approving the implementation of terms contained in the City’s Last, Best and Final Offer to the Municipal Employees’ Federation, AFSCME, Local No. 101 (MEF). CEQA: Not a Project, File No. PP10-069(b), personnel-related decisions. (City Manager’s Office)

**Resolution No. 75814 adopted.**

**Noes: Campos, Chu, Kalra.**

**3.7 Terms of an Agreement with, or Implementation of Terms Contained in the City’s Last, Best and Final Offer to the Confidential Employees’ Organization, AFSCME, Local No. 101 (CEO).**

**Recommendation:** Adopt a resolution approving the terms of an agreement with, or approving the implementation of terms contained in the City’s Last, Best and Final Offer to the Confidential Employees’ Organization, AFSCME, Local No. 101 (CEO). CEQA: Not a Project, File No. PP10-069(b), personnel-related decisions. (City Manager’s Office)

**Resolution No. 75815 adopted.**

**Noes: Campos, Chu, Kalra.**

### 7. ENVIRONMENTAL & UTILITY SERVICES

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**7.1 Actions Related to the San José Environmental Innovation Center Project.**

**Recommendation:**

- (a) Accept the report on bids and, subject to staff’s evaluation of any protests and further report to City Council, award of contract for the San José Environmental Innovation Center (Project) ReBid to the lowest bidder, Applegate Johnston, Inc., to include the base bid of \$10,624,000 and Add Alternates #1 and 2 in the amount of \$470,935.

**Accepted, including the requirement that the substitution be in writing (not waived).**

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.1 Actions Related to the San José Environmental Innovation Center Project. (Cont'd.)

#### **Recommendation:**

- (b) Adopt a resolution authorizing the Director of Public Works to approve a contingency amount of \$1,330,000 for the Project, conditioned upon the necessary appropriation actions by City Council.

**Resolution No. 75816 adopted.**

- (c) Approve the third amendment to the master agreement for consultant services with Group 4 Architecture Research + Planning, Inc. (Group 4) for the Project, to modify the scope of services and increase the amount of compensation by \$187,000 for a total agreement amount not to exceed \$2,980,000.

**Approved.**

- (d) Adopt the following 2010-2011 Appropriation Ordinance and Funding Source Resolution amendments in the Integrated Waste Management Fund:

- (1) Increase the Estimate for Earned Revenue by \$2,209,000.
- (2) Establish a Transfer from the Sewer Service and Use Charge Fund in the amount of \$1,539,454.
- (3) Establish a Transfer from the Storm Sewer Operating Fund in the amount of \$200,000.
- (4) Increase the appropriation for Household Hazardous Waste Las Plumas Facility by \$10,708,454.
- (5) Decrease the appropriation to the Environmental Services Department for Non-Personal/Equipment by \$125,000.
- (6) Decrease the Reserve for the Environmental Innovation Center by \$6,635,000.

**Ordinance No. 28920 adopted.**

**Resolution No. 75817 adopted.**

- (e) Adopt the following 2010-2011 Appropriation Ordinance amendments in the Sewer Service and Use Charge Fund:

- (1) Establish a transfer to the Integrated Waste Management Fund in the amount of \$1,539,454.
- (2) Decrease the Ending Fund Balance by \$1,539,454.

**Ordinance No. 28921 adopted.**

## **7. ENVIRONMENTAL & UTILITY SERVICES**

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### **7.1 Actions Related to the San José Environmental Innovation Center Project. (Cont'd.)**

#### **Recommendation:**

- (f) Adopt the following 2010-2011 Appropriation Ordinance amendments in the Storm Sewer Operating Fund:
- (1) Establish a transfer to the Integrated Waste Management Fund in the amount of \$200,000.
  - (2) Decrease the Ending Fund Balance by \$100,000.
  - (3) Decrease the Non-Personal/Equipment appropriation to the Environmental Services Department by \$100,000.

CEQA: Negative Declaration for the renovation for the EIC was adopted on December 1, 2009, File No. PP09-138. Council District 3. (Environmental Services/Public Works/City Manager's Office)

**Ordinance No. 28922 adopted.**

- **Open Forum**  
There was none.

- **Adjournment**  
The Council of the City of San José was adjourned at 2:00 p.m.