



CITY COUNCIL AGENDA

MARCH 6, 2012

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 discussion 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**
9:09 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: None.
1:32 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: None.
- **Invocation (District 3)**
Reverend Nancy Palmer Jones of First Unitarian Church San José, provided 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**
No Report

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation recognizing the Week of March 6th as “Science Fair Week” in the City of San José. (Mayor/Campos)
Mayor Reed and former Council Member Forrest Williams recognized the Week of March 6th as “Science Fair Week” in the City of San José.
- 1.2 Presentation of a commendation to Moreland Little League’s 1962 World Championship Team as they celebrate the 50th Anniversary of their perfect season. (Constant)
Mayor Reed and Council Member Constant presented a commendation to Moreland Little League’s 1962 World Championship Team.

2. CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
None.
- 2.2 **Final Adoption of Ordinances.**
None.
- 2.3 **Approval of Council Committee Reports.**

Recommendation: Approval of Council Committee Reports.

- (a) Ad Hoc Committee on Airport Competitiveness Report of November 21, 2011. (Mayor)
- (b) Rules and Open Government Committee Report of February 8, 2012. (Mayor)
- (c) Transportation and Environment Committee Report of February 6, 2012. (Liccardo)
- (d) Neighborhood Services and Education Committee Report of February 9, 2012. (Pyle)
- (e) Public Safety, Finance and Strategic Support Committee Report of February 16, 2012. (Constant)

Approved.

- 2.4 **Mayor and Council Excused Absence Requests.**

Recommendation:

- (a) Request for an excused absence for Council Member Constant from the Regular Meeting of the Rules and Open Government Committee on March 7, 2012 due to Authorized City Business: Special Meeting of the Police and Fire Department Retirement Plan. (Constant)
(Rules Committee referral 02/29/12)

Approved.

2. CONSENT CALENDAR

2.5 City Council Travel Reports.

None.

2.6 Report from the Council Liaison to the Retirement Boards.

None.

2.7 Exercise Option to Renew Open Purchase Order with Security Alert Systems.

Recommendation: Authorize the City Manager to Exercise the fourth of four one-year options to renew an Open Purchase Order with Security Alert Systems of California (Gilroy, CA) to provide security and fire alarm monitoring and as-required repairs citywide, for the period February 1, 2012 through January 31, 2013, with total compensation not to exceed \$475,000. CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Finance)

Approved.

2.8 Encumber Additional Funds to Open Purchase Order OP 46295 with Baker & Taylor.

Recommendation:

- (a) Authorize the City Manager to amend Open Purchase Order 46295 with Baker & Taylor Inc. (Commerce, GA), to increase the total amount by \$200,000 not to exceed \$1,700,000 for the period July 1, 2011 through June 30, 2012, to purchase books and eBooks including trade editions, publishers library binding, single binding editions, quality paperbacks and preprocessing as required.
- (b) Revise the limitation on the authority to exercise the remaining three one-year options to renew the purchase order from a \$1,500,000 per year to a limitation based on the appropriation of funds for the year.

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts for Purchase of Supplies. (Finance)

Approved.

2.9 Santa Clara Valley Water District FY 2013 – Joint Advocacy Federal Projects.

Recommendation: As recommended by the Rules and Open Government Committee on February 29, 2012, accept the Santa Clara Valley Water District's FY 2013 – Joint advocacy Federal projects in the City of San José's jurisdiction and approve the City's mutual request for funds through the appropriation process. (City Manager's Office/ Environmental Services)

[Rules Committee referral 2/29/12 – Item G(3)]

Accepted.

2. CONSENT CALENDAR

2.10 “1,000 Hearts for 1,000 Minds” Initiative.

Recommendation: As recommended by the Rules and Open Government Committee on February 29, 2012:

(a) Approve the “1,000 Hearts for 1,000 Minds” as a City-Sponsored Initiative; and

(b) Authorize expenditure of City funds to support the Initiative.

CEQA: Not a Project. (City Clerk)

[Rules Committee referral 2/29/12 – Item G(5)]

Approved.

3. STRATEGIC SUPPORT SERVICES

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

None provided.

3.2 Labor Negotiations Update

Recommendation: Accept Labor Negotiations Update.

Accepted.

3.3 Ordinance Creating an Additional Administrative Remedy for Compliance Orders.

Recommendation: Approve an ordinance amending Section 1.08.010 of Chapter 1.08 of Title 1 of the San José Municipal Code clarifying the definition of nuisance and amending sections 1.14.030, 1.14.050, 1.14.060, 1.14.070 and 1.14.090 of Chapter 1.14 and adding sections 1.14.045 and 1.14.048 to Chapter 1.14 to create an additional administrative hearing for compliance orders. CEQA: Not a Project, File No. PP10-068(c). (City Attorney's Office)

Ordinance No. 29043 passed for publication.

3.4 Write Off of Uncollectible Debts.

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on February 16, 2012, adopt a resolution authorizing the Director of Finance to write off uncollectible accounts in an amount up to \$983,800.69. (Finance)

[Public Safety, Finance and Strategic Support Committee referral 2/16/12 – Item D(4)(c)]

Resolution No. 76157 adopted.

3. STRATEGIC SUPPORT SERVICES

3.5 Revised Retirement Reform Ballot Measure.

Recommendation:

- (a) Discussion and consideration of repeal of Resolution No. 76087 and consideration of a revised Retirement Reform ballot measure for a June 5, 2012 election;

Approved.

Noes: Campos, Chu, Kalra.

- (b) If Council wishes to proceed, repeal Resolution No. 76087 and adopt a resolution of the Council:
- (1) Calling for a special municipal election to be held on June 5, 2012, and, on its own motion, giving notice of the submission to the electors of the City of San José, of the following measure at that election:

PENSION REFORM

To protect essential services: neighborhood police patrols, fire stations, libraries, community centers, streets and parks, shall the Charter be amended to reform retirement benefits of City employees and retirees by: increasing employees' contributions; establishing a voluntary reduced pension plan for current employees and pension cost and benefit limitations for new employees; reforming disability retirements to prevent abuses; temporarily suspending retiree COLAs during emergencies; and requiring voter approval for increases in future pension benefits?

- (2) Directing the City Clerk to take all other actions previously approved on December 6, 2011, necessary to facilitate the Special Municipal Election.

(City Manager's Office)

Resolution No. 76158 adopted, with changes as indicated below:

PENSION REFORM

To protect essential services **including**: neighborhood police patrols, fire stations, libraries, community centers, streets and parks, shall the Charter be amended to reform retirement benefits of City employees and retirees by: increasing employees' contributions; establishing a voluntary reduced pension plan for current employees, **and establish** pension cost and benefit limitations for new employees; reforming disability retirements to prevent abuses; temporarily suspending **ing** retiree COLAs during emergencies; **and requireing** voter approval for increases in future pension benefits?

Noes: Campos, Chu, Kalra.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Amendment to the Citizen Participation Plan.

Recommendation:

- (a) Hold a public hearing on an Amendment to the Citizen Participation Plan – required for the administration of federal housing and community development grant funds – to allow the Grants Standing Subcommittee of the Housing and Community Development Advisory Commission to hold public hearings required by HUD in lieu of and on behalf of the Commission itself in the event that a quorum of the full Commission is not available

Public hearing held.

- (b) Adopt a resolution approving the Amendment.

CEQA: Not a Project, File No. PP10-068, General Procedure and Policy Making.
(Housing)

Resolution No. 76159 adopted.

4.2 Rezoning Real Property Located on the East Side of South 10th Street.

Recommendation: Consideration of an ordinance rezoning the real property located on the east side of South 10th Street, approximately 115 feet northerly of East San Carlos Street (284 South 10th Street), from R-M-Multiple Residence and CN-Commercial Neighborhood to R-M(PD) Planned Development Zoning District to allow a fraternity/sorority use with up to 8 bedrooms including expansion of approximately 900 square feet above-grade and approximately 460 square feet of basement added to the rear portion of the existing building and allow a reduced parking requirement of an approximately .18 gross-acre site (Cowan Bell Scholastic Foundation Thomas, Owner).

SNI: University. CEQA: Use of Envision San José 2040 Final EIR, Resolution No. 76041. The Planning Commission voted 6-0-1 (Commissioner Cahan absent) to recommend that Council approve the proposed Planned Development Zoning.

PDC11-019 – District 3

Ordinance No. 29044 passed for publication.

4.3 ADMINISTRATIVE HEARING and Consideration of an APPEAL of the Planning Commission's Decision to Deny a Planned Development Permit and a Determination of Public Convenience or Necessity.

Recommendation: Conduct an ADMINISTRATIVE HEARING and consider an APPEAL of the Planning Commission's decision to deny a Planned Development Permit and a Determination of Public Convenience or Necessity to allow off-sale of alcohol for a full-service grocery store at Santana Row in the A(PD) Planned Development Zoning District, located at/on the northwest corner of Santana Row and Olin Avenue (355 Santana Row, Suite 1030) (Frit San José Town & Country Village LLC, Owner). CEQA: Exempt.

PD11-028/ABC11-012 – District 6

Resolution No. 76160 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.4 Rezoning Real Property Located at the Southwest Corner of Monterey Road and Stauffer Boulevard.

Recommendation: Consideration of an ordinance rezoning the real property located at the southwest corner of Monterey Road and Stauffer Boulevard (1901 Monterey Road) from IP Industrial Park Zoning District to the CIC Combined Industrial/Commercial Zoning District to allow commercial and industrial uses on a 2.12 gross acre site (Pepper Lane-Berryessa, LLC, owner). CEQA: Use of Envision San José 2040 Final EIR, Resolution No. 76041.

C12-003 – District 7

Ordinance No. 29045 passed for publication.

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

- **Open Forum**
None provided.
- **Adjournment**
The Council of the City of San José adjourned at 4:43 p.m.