



CITY COUNCIL AGENDA

APRIL 10, 2012

AMENDED AGENDA

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 the City Council acting as the Successor Agency to the Redevelopment Agency.

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. 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**
9:30 a.m. - Closed Session, Call to Order in Council Chambers
Open Session, Labor Negotiations Update (See Item 3.2)
Adjourn to Closed Session in Council Chambers Conference Room, W133
[See Separate Agenda](#)
1:30 p.m. - Regular Session, Council Chambers, City Hall

- **Invocation (District 4)**
Pastor Kevin Pasion, Berryessa Community Church

- **Pledge of Allegiance**
- **Orders of the Day**

* Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

ADJOURNMENT: This meeting will be adjourned in memory of Former San José City Council Member David J. Goglio who passed away on March 24, 2012.

- **Closed Session Report**

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation recognizing the Week of April 8 – 14, 2012 as “National Library Week” in the City of San José. (Chu)
- 1.2 Presentation of a proclamation recognizing the Week of April 8 – 14, 2012 as “Dispatcher Week” in the City of San José in honor of the San José Police and Fire Public Safety Dispatchers who serve 24 hours a day, 365 days a year, helping those in need of emergency assistance. (Mayor)

2. CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

- 2.1 **Approval of Minutes.**
- 2.2 **Final Adoption of Ordinances.**
- 2.3 **Approval of Council Committee Reports.**

Recommendation: Approval of Council Committee Reports:

- * (a) [Community and Economic Development Report of February 27, 2012.](#) (Herrera)
- * (b) [Transportation and Environment Committee Report of March 5, 2012.](#) (Liccardo)
- * (c) [Neighborhood Services and Education Committee Report of March 8, 2012.](#) (Pyle)
- * (d) [Public Safety, Finance and Strategic Support Committee Report of March 15, 2012.](#) (Constant)

- 2.4 **Mayor and Council Excused Absence Requests.**
- 2.5 **City Council Travel Reports.**
- 2.6 **Report from the Council Liaison to the Retirement Boards.**
- 2.7 **[Vacation of a Portion of South Monroe Street.](#)**

Recommendation: Adopt a [resolution](#) of intention to vacate a portion of S. Monroe Street, 300’ north of Tisch Way and setting a public hearing on [May 1, 2012 at 1:30 p.m.](#) CEQA: Mitigated Negative Declaration, File No. PDC10-018. Council District 6. (Public Works)

2. CONSENT CALENDAR

2.8 [Mayor Reed's Travel to Washington, D.C.](#)

Recommendation: Approve travel by Mayor Reed to Washington, D.C. on April 1 – 2, 2012 to attend the National Forum on Youth Violence Prevention. Source of Funds: United States Department of Justice. (Mayor)

* (Rules Committee referral 4/4/12)

2.9 [7th Annual West Valley Senior Walk.](#)

Recommendation: As recommended by the Rules and Open Government Committee on April 4, 2012:

- (a) Approve the 7th Annual West Valley Senior Walk as a City Council sponsored Special Event; and
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project. (Mayor)

* [Rules Committee referral 4/4/12 – Item G(2)]

3. STRATEGIC SUPPORT SERVICES

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

3.2 Labor Negotiations Update

Recommendation: Accept Labor Negotiations Update.

TO BE HEARD AT 9:30 A.M.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [Actions Related to the Building Equity and Growth in Neighborhoods Funds.](#)

Recommendation: Adopt a [resolution](#) authorizing the Director of Housing to accept Building Equity and Growth in Neighborhoods (BEGIN) funds from the California Department of Housing and Community Development and to negotiate and execute the grant agreements and any amendments or other documents necessary to implement the programs funded by the following BEGIN grants:

- (a) A \$4,000,000 grant to fund down payment assistance loans to first-time homebuyers purchasing in the Pepper Lane (Phase 1) townhome development.
- (b) A \$1,500,000 grant to fund down payment assistance loans to first-time homebuyers purchasing in the proposed Westmount Square single family/townhome development.

CEQA: Not a Project, File No. PP10-068(a), Grant Application. Council Districts 3 and 4. SNI: 13th Street. (Housing)

5. NEIGHBORHOOD SERVICES

5.1 [Ordinance Amending Chapter 9.44 of the San José Municipal Code to Regulate Outdoor Smoking.](#)

[Memo from Councilmember Kalra](#)

Recommendation: Approve an [ordinance](#) amending Chapter 9.44 of Title 9 of the San José Municipal Code to regulate outdoor smoking. CEQA: Exempt; File No. PP12-010. (City Attorney's Office)
(Deferred from 4/3/12 – Item 5.2)

6. TRANSPORTATION & AVIATION SERVICES

6.1 [Actions Related to the Downtown Bike Lanes Project.](#)

[Memorandum from Councilmember Liccardo](#)

Recommendation: Approve the following actions to install eight miles of new bike lanes and associated pavement maintenance treatments in the Downtown San José area in support of implementing a Downtown Bike Share system in 2012 using various grant funding sources:

- (a) Authorize the removal of vehicle travel lanes on specified segments of Almaden Boulevard, Third Street, Fourth Street, Tenth Street and Eleventh Street and installation of bicycle lanes consistent with Envision 2040 goals for developing “complete streets” as described in this memorandum.
- (b) Adopt a [resolution](#) to repeal Resolution No. 74835 and authorize the installation of bicycle lanes on the following streets in accordance with California Vehicle Code section 21207:
 - (1) Almaden Boulevard between Grant Street and Santa Clara Street;
 - (2) Notre Dame Street between Santa Clara Street and St. John Street;
 - (3) Third Street between Julian Street and Reed Street;
 - (4) Fourth Street between Julian Street and Reed Street;
 - (5) Tenth Street between Hedding Street and Keyes Street; and
 - (6) Eleventh Street between Hedding Street and Keyes Street.
- (c) Adopt a [resolution](#) for implementation of new Downtown area bike lane projects and associated pavement maintenance treatments that:
 - (1) Authorizes the City Manager to determine the lowest responsive and responsible bidder, to award a construction contract in an amount not to exceed \$1,897,500, and/or to reject all bids and re-bid the project; and
 - (2) Authorizes the Director of Public Works to decide any timely bid protests, including issues of bidder responsiveness or responsibility.

CEQA: Negative Declaration, File No. PP02-115. Downtown Strategy 2000 EIR, File No. GP05-03-01, Resolution No. 72767. Council District 3. (Transportation)

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

8.1 Audit of Police Department Secondary Employment.

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on March 15, 2012, accept the Audit of Police Department Secondary Employment. (City Auditor)
[Public Safety, Finance and Strategic Support referral 3/15/12 – Item D(5)]
(Deferred from 4/3/12 – Item 8.1)

* **RECOMMEND DEFERRAL TO 4/17/12 PER ADMINISTRATION**

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 **2011-2012 Budget Actions Related to the Successor Agency to the Redevelopment Agency.**

Recommendation: It is recommended that the City Council, the City Council acting as the Successor Agency to the Redevelopment Agency take the following actions:

- (a) Adopt 2011-2012 Appropriation Ordinance and Funding Sources Resolution amendments of the City Council, in its capacity as the Successor Agency, in the Redevelopment Obligation Retirement Fund as outlined in Attachment A, subject to the pending Successor Agency Oversight Board approval of the 2011-2012 Successor Agency to the Redevelopment Agency budget to be reviewed April 12th.
- (b) Adopt 2011-2012 Appropriation Ordinance and Funding Sources Resolution amendments of the City Council in the Low and Moderate Income Housing Fund as outlined in Attachment B.

(Successor Agency to the Redevelopment Agency)

* **RECOMMEND DEFERRAL TO 4/17/12 PER ADMINISTRATION**

9.2 Actions Related to the Proposed February-June 2012 Administrative Budget of the Successor Agency.

Recommendation: Adopt a [resolution](#) of the City Council, acting as the Successor Agency to the Redevelopment Agency of the City of San Jose, approving the proposed February-June 2012 Administrative Budget of the Successor Agency and directing staff to present such Administrative Budget to the Oversight Board for approval. (Successor Agency to the Redevelopment Agency)

* (Rules Committee referral 4/4/12)

- **Open Forum**
Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.
- **Adjournment**
This meeting will be adjourned in memory of Former San José City Council Member David J. Goglio who passed away on March 24, 2012.

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
 - b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
 - c) Speakers should discuss topics related to City business on the agenda.
 - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
 - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
 - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
 - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.