

Ed



CITY COUNCIL AGENDA

APRIL 10, 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 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
Absent Council Members: All Present.

1:30 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: All Present.
- **Invocation (District 4)**
Pastor Kevin Pasion of Berryessa Community Church provided the Invocation.
- **Pledge of Allegiance**
Mayor Reed led the Pledge of Allegiance accompanied by students from De Vargas Elementary School.
- **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 April 8 – 14, 2012 as “National Library Week” in the City of San José. (Chu)
Mayor Reed and Council Members Campos, Chu and Kalra recognized the Week of April 8 – 14, 2012 as “National Library Week” in the City of San José.
- 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)
Mayor Reed recognized the Week of April 8 – 14, 2012 as “Dispatcher Week” in the City of San José to honor the San José Police and Fire Public Safety Dispatchers.

2. CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
None provided.
- 2.2 **Final Adoption of Ordinances.**
None provided.
- 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)
Approved.
- 2.4 **Mayor and Council Excused Absence Requests.**
None provided.
- 2.5 **City Council Travel Reports.**
Council Member Pyle provided an overview of the March 28, 2012 meeting she attended before legislators in Sacramento with Council Member Kalra and outlined their contributions before the group.
- 2.6 **Report from the Council Liaison to the Retirement Boards.**
None provided.

2. CONSENT CALENDAR

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)

Resolution No. 76190 adopted.

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)

Approved.

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)]

Approved.

3. STRATEGIC SUPPORT SERVICES

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

City Manager Debra Figone congratulated Vice Mayor Nguyen, Council Member Herrera and Budget Director Jennifer Maguire for being honored by the Silicon Valley /San Jose Business Journal as “2012 Women of Influence”, and announced that tonight would begin the first of a series of ten budget meetings to be held in at each district throughout the City to invite community feedback.

3.2 Labor Negotiations Update

None provided.

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)

Resolution No. 76191 adopted.

5. NEIGHBORHOOD SERVICES

5.1 Ordinance Amending Chapter 9.44 of the San José Municipal Code to Regulate Outdoor Smoking.

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)

Ordinance No. 29053 passed for publication.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Actions Related to the Downtown Bike Lanes Project.

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.

Authorized.

(Item Continued on the next page)

6. TRANSPORTATION & AVIATION SERVICES

6.1 Actions Related to the Downtown Bike Lanes Project (Cont'd.)

(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.

Resolution No. 76192 adopted.

(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)

Resolution No. 76193 adopted.

Approval of Staff's recommendations, with modifications as follows:

- 1. Continue analysis of the feasibility of a segregated lane or other opportunities in any other roadway that would not require the construction of any physical on-street barriers, but merely "swap" bike lands with the space typically allocated for parked cars; and**
- 2. Report to the Transportation & Environment Committee in approximately one year with the results of any bike-auto traffic accident data before and after the implementation of the 10th and 11th Street modifications.**

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)
Deferred 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)

Deferred 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)

Successor Agency Resolution No. 7005 adopted.

- **Open Forum**
 1. **David Wall referenced the Santa Clara Valley Water District's dispute over paying money into the South Bay Water Recycling Program and the potential for reassessment of the sewer and use charge, and further provided suggestions regarding community gardens.**
 2. **Ross Signorino commented on the difficulties of acquiring business licenses in San José.**

- **Adjournment**

The Council of the City of San José adjourned at 3:40 p.m. in memory of former San José City Council Member David J. Goglio who passed away on March 24, 2012.