



# CITY COUNCIL AGENDA

**JUNE 12, 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.

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](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**  
9:33 a.m. - Closed Session, Call to Order in Council Chambers  
**Absent Council Members: All Present.**  
1:31 p.m. - Regular Session, Council Chambers, City Hall  
**Absent Council Members: All Present.**
- **Invocation (District 6)**  
Rabbi Menachem Levine, Congregation Am Echad, provided the Invocation.
- **Pledge of Allegiance**  
Mayor Reed led the Pledge of Allegiance accompanied by students from Easterbrook Discovery School.
- **Orders of the Day**  
The Orders of the Day and the Amended Agenda were approved, with Item 4.4 deferred to 8/7/12, and Items 3.3 – 3.6 to be heard preceding the Consent Calendar.
- **Closed Session Report**  
No report.

# 1. CEREMONIAL ITEMS

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- 1.1 Presentation of a commendation to San José resident Elder Faiese for his courageous actions in rescuing a man from drowning at Lake Cunningham Regional Park. (Herrera)  
**Mayor Reed and Council Member Herrera recognized Elder Faiese for his courageous actions in rescuing a man from drowning at Lake Cunningham Regional Park.**
- 1.2 Presentation of commendations to Saira Lalani of Noble Elementary School who place 3rd place in Essay and Yennie L. Shyu of Piedmont Hills High School who placed 1st place in Art at the Asian Pacific Fund’s Growing Up Asian in America Annual Art and Essay Contest. (Chu) (Rules Committee Referral 05/30/12)  
**Mayor Reed and Council Member Chu recognized Saira Lalani of Noble Elementary School and Yennie L. Shyu of Piedmont Hills High School for their winning entries in the Asian Pacific Fund’s Growing Up Asian in America Annual Art and Essay Contest.**
- 1.3 Presentation of a commendation to Lloyd LaCuesta in recognition of 43 years of quality journalism and service to the community. (Rules Committee Referral 05/30/12)  
**Mayor Reed and Council Member Nguyen honored Lloyd LaCuesta for his 43 years of quality journalism and service to the community.**
- 1.4 Presentation of a commendation recognizing the 50<sup>th</sup> Anniversary of Presentation High School. (Oliverio) (Rules Committee Referral 06/06/12)  
**Mayor Reed and Council Member Oliverio presented a commendation to Presentation High School recognizing their 50<sup>th</sup> anniversary.**
- 1.5 Presentation of a proclamation declaring Tuesday, June 12<sup>th</sup> as “Suwon City Day” in the City of San José. (Constant) (Rules Committee Referral 06/06/12)  
**Mayor Reed and Council Member Constant recognized Tuesday, June 12<sup>th</sup> as “Suwon City Day” in the City of San José.**

# 2. CONSENT CALENDAR

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- 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 Committee Report of May 21, 2012.  
(Herrera)

**Approved.**

## 2. CONSENT CALENDAR

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2.4 **Mayor and Council Excused Absence Requests.**  
None provided.

2.5 **City Council Travel Reports.**  
None provided.

2.6 **Report from the Council Liaison to the Retirement Boards.**  
**Council Liaison Council Member Constant reported on recent activity of the Retirement Board.**

2.7 **Settlement in Cicala, et al. v. City of San Jose and Heiman v. City of San Jose.**

**Recommendation:** Approve settlement in the cases of *Paul Cicala, et al. v. City of San José*, and *Ronald Heiman v. City of San Jose*, and authorize the City Attorney to execute a Settlement Agreement and Release with Paul Cicala, Erick Sanchez, Enrico Sagullo, Ronald Heiman, and their attorney, in the total amount of \$225,000. CEQA: Not a Project; File No. PP10-066h, Settlement Agreements. (City Attorney's Office)  
**Approved.**

2.8 **Sale of City-Owned Property at 510 Park Avenue.**

**Recommendation:** Adopt a resolution:

- (a) Authorizing an alternative competitive process for the sale of the property at 510 Park Avenue (also known as 525 Lorraine Avenue), APN 259-47-081;
- (b) Approving an agreement between the City and D'Arpino Revocable Trust Dated August 23, 1988, for the sale of the property in the amount of \$415,000; and
- (c) Authorizing the City Manager or her designee to execute the sale agreement, the deed and all other documents necessary to complete the transaction, and ratifying any disclosures or certifications made by the City Manager or her designee regarding the property as required by law.

CEQA: Exempt, File No. PP10-044. (Economic Development)

**Resolution No. 76271 adopted.**

2.9 **Agreement with the Rotary Club of San José for the Restoration and Occupancy of the Gordon House.**

**Recommendation:** Adopt a resolution to authorize the City Manager to execute a Second Amendment to the Agreement with the Rotary Club of San José, Inc. to modify the amount of rent paid by the Rotary Club and to assign rent payments to History San José. CEQA: Not a Project, File No. PP10-066(f), Agreements/Contracts, including lease of office space with no tenant improvements or change of use. (Economic Development)

**Resolution No. 76272 adopted.**

## 2. CONSENT CALENDAR

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### 2.10 Report on Bids and Award of Construction Contract for the Bon Bon Drive Main Replacement Project.

**Recommendation:** Report on bids and award the construction contract for the Bon Bon Drive Main Replacement Project to the low bidder, Stoloski & Gonzalez, Inc., in the amount of \$447,375 and approve a 15% contingency in the amount of \$67,000. CEQA: Exempt, PP12-030. (Environmental Services)  
**Accepted.**

### 2.11 Actions Related to Large Item Collection Service Rates.

**Recommendation:** Adopt a resolution revising Recycle Plus Rates to increase the single-family and multi-family Large Item Collection service rates effective July 1, 2012, as follows:

- (a) Increase rates for single-family large item collection services by 3.46%; and
- (b) Increase rates for multi-family large item collection services by 3.44%.

CEQA: Statutorily Exempt, File No. PP10-067(a), CEQA Guidelines Section 15273 - Rates, Tolls, Fares, and Charges. (Environmental Services)

**Resolution No. 76273 adopted.**

### 2.12 Agreement with Union Pacific Railroad for the Blossom Hill Caltrain Station Pedestrian Bridge.

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute an agreement between the City of San José and Union Pacific Railroad (UPRR) for the construction, maintenance and use of a new pedestrian bridge over UPRR's rail corridor, providing a connection to the Blossom Hill Caltrain Station. CEQA: Resolution No. 72772. Council District 2. (Transportation)

**Resolution No. 76274 adopted.**

### 2.13 Actions Related to the BART Construction Agreement.

**Recommendation:** Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute a ~~Three-Party~~ Construction Agreement/Encroachment Permit with the Santa Clara Valley Transportation Authority (VTA) ~~and Skanska, Shimmick, and Herzog Joint Venture (Contractor)~~ for the construction of City improvements as part of the BART extension to Berryessa, at no cost to the City.
- (b) Negotiate and execute with VTA grants of easement to City for street, utility and other public purposes, together with agreements related thereto, as determined necessary for City's acceptance, operation and maintenance of City improvements constructed as part of the BART extension to Berryessa, which grants of easement shall be at no cost to the City.

CEQA: Silicon Valley Rapid Transit Corridor EIR, Resolution No. 76126. Council District 4. (Transportation)

**Resolution No. 76275 adopted, with corrections as indicated.**

## 2. CONSENT CALENDAR

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### 2.14 Council Member Campos' Travel to New Orleans, Louisiana.

**Recommendation:** Approval of Council Member Campos' travel to New Orleans, Louisiana on July 20 – 22, 2012 to attend the NALEO's National Policy Institute on Emergency Planning and Preparedness. Source of Funds: Sponsored by National Association of Latino Elected and Appointed Officials (NALEO) and any remaining fund will be paid out of the District 5 Council fund. (Campos)  
(Rules Committee Referral 06/06/12)

**Approved.**

### 2.15 Youth Commission Reappointment.

**Recommendation:** As recommended by the Rules and Open Government Committee on June 6, 2012, reappoint Max Chen to the Youth Commission. (Chu)  
[Rules Committee Referral 06/06/12 – Item F(1)(a)]

**Approved.**

### 2.16 Silicon Valley Workforce Investment Board Nomination.

**Recommendation:** As recommended by the Rules and Open Government Committee on June 6, 2012, appoint Harry Robert (Bob) Harper, Director of Campbell Adult and Community Education in Campbell, California to serve as a federally mandated public-sector representative on the Silicon Valley Workforce Investment Network Board of Directors as required by law. (Mayor)  
[Rules Committee Referral 06/06/12 – Item F(1)(b)]

**Approved.**

### 2.17 Olympic Flag Raising Ceremony.

**Recommendation:** As recommended by the Rules and Open Government Committee on June 6, 2012, approve an Olympic Flag Raising Ceremony in recognition of the 2012 US Olympic Trials – Gymnastics. (Mayor)

[Rules Committee Referral 06/06/12 – Item G(2)]

**Approved.**

### 2.18 "Courageous" Film Screening.

**Recommendation:** As recommended by the Rules and Open Government Committee on June 6, 2012:

- (a) Approve the showing of the film "Courageous" 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. (City Clerk)

[Rules Committee Referral 06/06/12 – Item G(4)]

**Approved.**

## 2. CONSENT CALENDAR

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### 2.19 Report on the Effects of the Proposed Cardroom Initiative.

**Recommendation:** As recommended by the Rules and Open Government Committee on June 6, 2012:

- (a) Refer to staff further analysis and the development of a report on the possible effects of the proposed Cardroom Initiative Ordinance consistent with California Elections Code Section 9212; and
- (b) Direct staff to return with the 9212 Report on August 7, 2012, if a Certificate of Sufficiency on the initiative is issued by the Santa Clara County Registrar of Voters.

CEQA: Not a Project. (City Clerk)

[Rules Committee Referral 06/06/12 – Item G(5)]

**Approved.**

## 3. STRATEGIC SUPPORT SERVICES

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### 3.1 Report of the City Manager, Debra Figone None provided.

### 3.2 Labor Negotiations Update

**Recommendation:** Accept Labor Negotiations Update.  
**None provided.**

### 3.3 Library Parcel Tax Rates for 2012-2013.

**Recommendation:** Adopt a resolution increasing the Library Parcel Tax rates for Fiscal Year 2012-2013 by 3% over the Fiscal Year 2011-2012 rates and approving the placement of the Library Parcel Tax on the Fiscal Year 2012-2013 Santa Clara County Property Tax Roll. CEQA: Not a Project. (Finance)

**Resolution No. 76276 adopted.**

### 3.4 Municipal Water System Water Rate Increases for 2012-2013.

**Recommendation:** Adopt a resolution increasing the San José Municipal Water System potable water rates and charges by 9.5% effective July 1, 2012. CEQA: Not a Project. Council Districts 2, 4, 7 and 8. (Environmental Services)

**Resolution No. 76277 was adopted, with direction to staff as outlined in the memorandum dated June 8, 2012, co-signed by Mayor Reed, Vice Mayor Nguyen and Council Members Chu, Herrera and Kalra as follows:**

- (1) Return to the City Council with a report on the City's due diligence regarding escalating wholesale water costs that are increasing rates for Municipal Water customers, and

*(Item Continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.4 Municipal Water System Water Rate Increases for 2012-2013 (Cont'd.)

- (2) Coordinate with the City Auditor to determine whether or not an audit of the wholesale water cost increases is necessary.

City Clerk Dennis Hawkins reported that subsequent to the Environmental Services supplemental memorandum dated June 5, 2012, the Office of the City Clerk has received valid written protests representing five additional customers. The total number of valid written protests is 28 for the proposed municipal water system rate increase. The total of all written protests received during the public protest period represents less than one half of 1% of all customers impacted by the change in water retail rates.

#### 3.5 Mayor's 2012 June Budget Message.

**Recommendation:**

- (a) Review, discussion and approval of the Mayor's 2012 June Budget Message.  
**Approved.**
- (b) Adopt a resolution by the City Council authorizing the City Manager to negotiate and execute grant agreements addressed in the Mayor's Budget Message which are for amounts that exceed the City Manager's contract authority. (Mayor) **Resolution No. 76278 was adopted, with the Mayor amending his June budget message, dated June 1, 2012, pages 5 and 6, adding the following direction to staff: "Direct the City Manager to bring back to the Council on August 7, 2012 a recommended priority list of services to be restored as funding allows over the next few years for the Council to consider and approve prior to the deliberations on the potential sales tax measure, which is likely to be on that agenda. Service restorations that were previously approved by the Council in the fiscal reform plan last year, shown in the message on page 6, should be the starting place for the staff recommendations. In addition, the budget message should be amended to include Managers Budget Addendum #47, recommending net zero revisions to a few General Fund revenue estimates and with technical funding corrections to the Martha Gardens Alleyways storm sewer improvements, and on the use of funds, revise the decrease of the ending fund balance from \$500,000 to \$200,000 (the storm sewer capital fund). In the storm sewer operating fund for use of funds, revise the transfer to the storm capital fund from \$300,000 to \$600,000 and revise the decrease of the ending fund balance from \$312,712 to \$612,712. The motion was further amended relating to page 10 of the Mayor's Budget Message relating to Spartan Keyes/McKinley Centers, to reflect that the nonprofit providers may in fact provide the services that are contemplated within the funding as indicated.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.6 Approve the 2012-2013 Operating and Capital Budgets for the City of San José and Schedule of Fees and Charges.

**Recommendation:**

(a) Adopt resolutions approving the Operating Budget for 2012-2013 for the City of San José, the Capital Budget for 2012-2013 for the City of San José, and the Five Year Capital Improvement Program for 2013-2017 for the City of San José as revised by the Mayor's Budget Message and directing the City Manager to prepare final documents for adoption.

**Resolution No. 76279 adopted.**

**Resolution No. 76280 adopted.**

**Resolution No. 76281 adopted.**

(b) Adopt a resolution establishing the Schedule of Fees and Charges for 2012-2013. (City Manager's Office)

**Resolution No. 76282 adopted.**

#### 3.7 Terms of an Agreement with, or Implementation of Terms Contained in the City's Last, Best and Final Offer to the Association of Building, Mechanical, and Electrical Inspectors (ABMEI).

**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 Building, Mechanical, and Electrical Inspectors (ABMEI). CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office) (Referred from 5/1/12 – Item 3.3)

**Resolution No. 76283 adopted.**

**Noes: Chu.**

**Abstain: Constant**

### 3. STRATEGIC SUPPORT SERVICES

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**3.8 Terms of an Agreement with, or Implementation of Terms Contained in the City's Last, Best and Final Offer to the Association of Engineers and Architects, International Federation of Professional and Technical Engineers, Local 21, Units 41/42 And Unit 43 (AEA).**

**Recommendation:** Adopt a resolution:

- (a) To approve the terms of an agreement with, or approve the implementation of terms contained in the City's Last, Best and Final Offer to the Association of Engineers and Architects, International Federation of Professional and Technical Engineers, Local 21, Units 041 and 042.
- (b) To approve the terms of an agreement with, or approve the implementation of terms contained in the City's Last, Best and Final Offer to the Association of Engineers and Architects, International Federation of Professional and Technical Engineers, Local 21, Unit 043.

CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office)

(Referred from 5/1/12 – Item 3.4)

**Resolution No. 76284 adopted.**

**Noes: Chu.**

**Abstain: Constant**

**3.9 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)

(Referred from 5/1/12 – Item 3.5)

**Resolution No. 76285 adopted.**

**Noes: Chu.**

**Abstain: Constant**

**3.10 Terms of an Agreement with, or Implementation of Terms Contained in the City's Last, Best and Final Offer to the Association of Maintenance Supervisory Personnel, International Federation of Professional and Technical Engineers, Local 21 (AMSP).**

**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 Maintenance Supervisory Personnel, International Federation of Professional and Technical Engineers, Local 21 (AMSP). CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office)  
(Referred from 5/1/12 – Item 3.6)

**Resolution No. 76286 adopted.**

**Noes: Chu.**

**Abstain: Constant**

**3.11 Terms of an Agreement with, or Implementation of Terms Contained in the City's Last, Best and Final Offer to the City Association of Management Personnel, International Federation of Professional and Technical Engineers, Local 21 (CAMP).**

**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 City Association of Management Personnel, International Federation of Professional and Technical Engineers, Local 21 (CAMP). CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office)  
(Referred from 5/1/12 – Item 3.7)

**Resolution No. 76287 adopted.**

**Noes: Chu.**

**Abstain: Constant**

**3.12 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)  
(Referred from 5/1/12 – Item 3.8)

**Resolution No. 76288 adopted.**

**Noes: Chu.**

**Abstain: Constant**

### 3. STRATEGIC SUPPORT SERVICES

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**3.13 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) (Referred from 5/1/12 – Item 3.9)

**Resolution No. 76289 adopted.**

**Noes: Chu.**

**Abstain: Constant**

**3.14 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) (Referred from 5/1/12 – Item 3.10)

**Resolution No. 76290 adopted.**

**Noes: Chu.**

**Abstain: Constant**

**3.15 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)

(Referred from 5/1/12 – Item 3.11)

**Resolution No. 76291 adopted.**

**Noes: Chu.**

**Abstain: Constant**

**3.16 Benefit Changes for Executive Management and Professional Employees in Unit 99 and Other Unrepresented Employees (Units 81/82)**

**Recommendation:** Adopt a resolution approving benefit changes for executive management and professional employees in Unit 99 and other unrepresented employees (Units 81/82). (City Manager's Office)  
(Referred from 5/1/12 – Item 3.12)

**Resolution No. 76292 adopted.**

**Noes: Chu.**

**Abstain: Constant**

**3.17 Compensated Time Off in City Living Wage Contracts.**

**Recommendation:** Accept staff report and provide staff direction on next steps regarding compensated time off in City living wage contracts. CEQA: Not a Project, File No. PP10-069(a), Staff Reports/Assessments/Annual Reports/Informational Memos that involve no approvals of any city actions. (Public Works)  
(Deferred from 6/5/12 – Item 3.3)

**Accepted.**

**Noes: Constant, Herrera, Oliverio.**

## **4. COMMUNITY & ECONOMIC DEVELOPMENT**

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**4.1 Actions Related to the Expansion and Renovation of Parque de los Pobladores by 1st ACT Silicon Valley.**

**Recommendation:** Adopt a resolution:

- (a) Authorizing the City Manager to negotiate and execute an agreement with 1stACT Silicon Valley to design and construct recreational improvements to Parque De Los Pobladores and First Street between Williams Street and Reed Street, at no cost to City.
- (b) Approving the elimination of one of two vehicular traffic lanes on First Street between Williams Street and Reed Street for the construction of recreational improvements as part of the renovation of Parque De Los Pobladores.

CEQA: Exempt, File No. PP12-037. (Economic Development)

**Resolution No. 76293 adopted.**

## 4.2 Ordinance Amending the Sign Code.

**Recommendation:** Approve an ordinance amending Title 23 (Sign Ordinance) of the San José Municipal Code to:

- (a) Amend Chapter 23.02 to:
  - (1) Add a New Section 23.02.053 to Define Assembly Spaces and Section 23.02.238 to Define Public Garage,
  - (2) Amend Section 23.02.905 to Modify Operational Regulations Pertaining to Programmable Electronic Signs,
  - (3) Amend Section 23.02.1090 to Expand the Ability to Relocate Historic Signs,
  - (4) Amend Section 23.04.020 to Add Regulations Applicable to Signage at Assembly Spaces, Modify Regulations Pertaining to Programmable Electronic Signs, Add Regulations Pertaining to Vertical Projecting Signs and Public Parking Garage Signs, and Remove Provisions Related to the Julian-Stockton Redevelopment Area;
- (b) Amend Chapter 23.04 to:
  - (1) Add Regulations for Signage at Assembly Spaces and Programmable Electronic Signs,
  - (2) Amend Section 23.04.100 to Modify the Definition of the “Downtown Sign Zone,”
  - (3) Amend Sections 23.04.110 and 23.04.120 to Provide for Regulations Applicable to Signage at Assembly Spaces and Modify Regulations Applicable to Signs near Freeways and Programmable Electronic Signs,
  - (4) Amend Section 23.04.156 to Provide for Regulations Applicable to Signage at Assembly Spaces and Arcade Signs,
  - (5) Amend Section 23.04.320 to Provide For Skyline Signs on Residential Parcels,
  - (6) Amend Section 23.04.330 to Provide Regulations for Programmable Electronic Signs and Some Additional Signage on Large Parcels with Nonresidential Uses in Residential Zones,
  - (7) And to Make Other Nonsubstantive, Ministerial, Technical, or Typographical Changes to said Chapters 23.02 and 23.04 of Title 23 of the San José Municipal Code.

CEQA: Negative Declaration, File No. PP10-111 and Addendum thereof, File No. PP12-041. (Planning, Building and Code Enforcement)

**Ordinance No. 29097 passed for publication.**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.3 Ordinance Amending Historic Property Contracts.

**Recommendation:** Approve an ordinance to amend Part 4 of Chapter 13.48 of Title 13 of the Municipal Code pertaining to Historic Property Contracts. CEQA: Envision San José 2040 General Plan Program Environmental Impact Report, Resolution No. 76041. (Planning, Building and Code Enforcement)

**Ordinance No. 29098 passed for publication.**

### 4.4 Rezoning Real Property Located at the Westerly Terminus of Dixon Landing Road.

**Recommendation:** Consideration of an ordinance rezoning the real property located at the westerly terminus of Dixon Landing Road, approximately 3,000 feet west of I-880 and Dixon Landing Road (1601 Dixon Landing Road) from R-M Multiple Residence and A(PD) Planned Development Zoning Districts to A(PD) Planned Development Zoning District to allow a landfill, recyclables processing, composting, and other related uses at an existing landfill and materials recovery facility (Newby Island Sanitary Landfill and Recyclery), to increase the maximum height of the landfill from 150 feet to 245 feet, and to increase the landfill capacity by 15.12 million cubic yards on a 352 gross acre site (International Disposal Corporation of California, Owner). CEQA: EIR Resolution to be considered for adoption. Planning Commission recommends approval (4-0-2-1 commissioners Bit-Badal and Abelite absent, Commissioner Yob recused).

PDC07-071 – District 4

**Deferred to 8/7/12 per Orders of the Day.**

## 5. NEIGHBORHOOD SERVICES

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### 5.1 Mise Park Sports Field Renovation Project.

**Recommendation:** Adopt a resolution:

- (a) Authorizing the Director of Public Works to do the following regarding bids for the project:
  - (1) To decide any timely bid protests, including issues of bidder responsiveness or responsibility;
  - (2) To determine the lowest responsive and responsible bidder;
  - (3) To decide whether to award any bid alternate; and

*(Item continued on the next page)*

## 5. NEIGHBORHOOD SERVICES

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### 5.1 Mise Park Sports Field Renovation Project. (Cont'd.)

**Recommendation:** Adopt a resolution:

- (a) (4) To award a construction contract for the project to the lowest responsive and responsible bidder in an amount not to exceed \$2,915,000, contingent upon approval and execution of the Agreement with Archbishop Mitty High School for the Renovation, Operation, Maintenance, and Joint Use of John Mise Park, and financial contribution of up to \$375,000.
- (b) Authorizing the Director of Public Works to reject all bids for any reason and, in the Director's discretion, rebid the project; and
- (c) Approving a contingency equal to five percent of the amount of the construction contract for the project if one is awarded by the Director of Public Works.

CEQA: Categorically Exempt, File No, PP12-021. District 1. (Public Works)

**Resolution No. 76294 adopted.**

**Noes: Kalra.**

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 Public Hearing on Recording Liens on Property for the Reimbursement of Cost for Sidewalk Repairs.

**Recommendation:**

- (a) Hold a Public Hearing on Recording Liens on Property for the Reimbursement of Cost for Sidewalk Repairs.  
**Public hearing held.**
- (b) Adopt a resolution to approve the report from the Director of Finance on the reimbursement of cost for sidewalk repairs, confirming the assessments contained in the Report and directing the recording of liens on the property tax roll for the cost of sidewalk repairs.

CEQA: Not a Project, File No. PP10-067(a), Specific Funding mechanism for Increase or Adjustment to Fees, Rates and Fares. (Finance)

**Resolution No. 76295 adopted.**

## 7. ENVIRONMENTAL & UTILITY SERVICES

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## 8. PUBLIC SAFETY SERVICES

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## 9. REDEVELOPMENT – SUCCESSOR AGENCY

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### 9.1 Actions Related to the Successor Agency to the Redevelopment Agency.

#### **Recommendation:**

- (a) Adopt City Appropriation Ordinance and Funding Sources Resolution amendments to repeal Ordinance No. 29029 and Resolution No. 76133 in the Redevelopment Obligation Retirement Fund.

**Ordinance No. 29099 adopted.**

**Resolution No. 76296 adopted.**

- (b) Adopt City Appropriation Ordinance and Funding Sources Resolution amendments for 2011-2012 in the Low and Moderate Income Housing Fund to amend Ordinance No. 29027 and Resolution 76131, to be effective from July 1, 2011 through January 31, 2012, as outlined in Attachment A of the staff memorandum.

**Ordinance No. 29100 adopted.**

**Resolution No. 76297 adopted.**

- (c) Approval by the City Council and City Council in its capacity as the Successor Agency Board of a Cooperation Agreement between the City of San José and the Successor Agency to the Redevelopment Agency of the City of San José for Operating Expenses February 2012 through June 2012.

CEQA: Not a Project, File No. PP10-067(b), Appropriations.

**Approved.**

- **Open Forum**

**David Wall questioned the fate of the City's investments should the euro zone collapse.**

- **Adjournment**

**The Council of the City of San José adjourned at 6:04 p.m. in memory of Ismael Vic Zavala, a local entrepreneur, philanthropist and community leader, who passed away on May 6, 2012 at the age of 79. (Campos)**