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by City Manager's Office
Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Nadine Nader

SUBJECT: 2008 THIRD AND FOURTH
QUARTER COUNCIL REFERRAL
REPORT

DATE: March 9, 2009

Approved

Date

3/9/09

INFORMATION

Attached, please find the Third and Fourth Quarter Reports on Open Council Referrals (July 1-December 31, 2008). In addition, attached is a report on Closed Council Referrals, through February 27, 2009.

Open Referrals	35
Closed Referrals	38

If you have any questions about these reports, please contact me at 535-8104.

Nadine Nader
Assistant to the City Manager

Attachments



**Open Council Referrals-Third & Fourth Quarter
July 1-December 31, 2008**

- 1 **Subject:** Discussion of City indemnification requirement for neighborhood group meetings in City facilities.
 CSA: Neighborhood Services **Council Refer #:** 2-26-06-5.2 **Due Date:** 04/30/2009 **Status:** Open **System ID:** 1,081
Referral Type: Follow-Up Action **Sr Lead:** Balagso, Albert; Doyle, Rick **CMO Contact:** Duenas, Norberto
Status: A draft joint memo from the City Manager's Office and the City Attorney's Office has been prepared and is in the review process.
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- 2 **Subject:** Proposed amended timeline for ordinance for Improved Fire Safety in older buildings.
 CSA: Public Safety **Council Refer #:** 03-22-06-Rules-G(2) **Due Date:** 01/31/2010 **Status:** Open **System ID:** 832
Referral Type: Follow-Up Action **Sr Lead:** Von Raesfeld, Darryl; Schoonover, David; **CMO Contact:** Santana, Deanna
Status: Although staff has been working with the California Apartment Association for several months, they have not been able to schedule public outreach assistance meetings. At this time the Fire Department is transitioning all fire inspection databases into a new software system, and by next year staff expects to be able to better extract data out of that system to finalize this recommendation.
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- 3 **Subject:** Integrated Billing System - Staff was directed to include information compared to original assumptions in a cost/benefit analysis.
 CSA: Strategic Suppt/MCC & Appt **Council Refer #:** 08-14-07-3.10 **Due Date:** 06/30/2009 **Status:** Open **System ID:** 991
Referral Type: Request for Information **Sr Lead:** Johnson, Scott P (Finance) **CMO Contact:** Shippey, Christine
Status: The cost/benefit analysis has been completed and staff will report to Council via an Information Memo.
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- 4 **Subject:** Neighborhoods Commission Proposal - Staff was directed to return with an analysis of all existing boards, commissions and other public bodies; costs to staff, redundancies and opportunities for consolidation, efficiency and elimination.
 CSA: Neighborhood Services **Council Refer #:** 09-25-07-5.2 **Due Date:** 06/30/2009 **Status:** Open **System ID:** 1,021
Referral Type: Follow-Up Action **Sr Lead:** Krutko, Leslye; Duenas, Norberto **CMO Contact:** Duenas, Norberto
Status: A framework for implementing this effort went to Rules Committee on October 22, 2008. Staff anticipates reporting to Council in April, 2009 (at which time Council will have the opportunity to review staff's proposal to start up the Neighborhoods Commission) and the Neighborhood Services and Education Committee. Staff will continue to provide updates on the rest of the boards and commissions analysis, which is expected to be completed by the end of this fiscal year.
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- 5 **Subject:** Naming of City-Owned Land Facilities - Staff was directed to return to the Rules and Open Government Committee with a status report.
 CSA: Neighborhood Services **Council Refer #:** 09-26-07-RULES(E) **Due Date:** 06/30/2009 **Status:** Open **System ID:** 1,051
Referral Type: Follow-Up Action **Sr Lead:** Balagso, Albert; **CMO Contact:** Duenas, Norberto
Status: This item went to the Parks & Recreation Commission on August 6, 2008, Library Commission on September 10, 2008 and Rules Committee on October 29, 2008. Staff will return to the Rules and Open Government Committee in June 2009.
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- 6 **Subject:** Consideration of approval of an ordinance approving a Development Agreement with Novellus - Staff was directed to explore opportunities to fund the construction of the 5-acre community park at North First Street and Vista Montana in a manner consistent with the timeline of the Development Agreement.
- CSA:** Comm & Economic Dev **Council Refer #:** 10-16-07-11.4 **Due Date:** 04/28/2009 **Status:** Open **System ID:** 1,038
- Referral Type:** Follow-Up Action **Sr Lead:** Balagso, Albert; **CMO Contact:** Krutko, Paul
- Status:** Staff is working with Novellus on the turnkey contract for park development and was scheduled to bring this item for Council approval on February 24, 2009. However, staff asked for deferral on this item until April, 2009.
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- 7 **Subject:** Rigoletto Initiative - Staff was directed to conduct a workload assessment and a community meeting and return to the Rules Committee.
- CSA:** Neighborhood Services **Council Refer #:** 11-28-07-RULES(A)(1)(a) **Due Date:** 06/30/2009 **Status:** Open **System ID:** 1,059
- Referral Type:** Follow-Up Action **Sr Lead:** Duenas, Norberto; **CMO Contact:** Duenas, Norberto
- Status:** Staff is working on this Council referral and anticipates going to the Rules Committee in May 2009.
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- 8 **Subject:** Internet Filtering Proposal and Computer Use at San Jose Public Libraries - Staff was directed to return to the Rules Committee in April, conduct outreach to parents of youth, answer the Mayor's questions on whether SJSU students will be able to bypass the software, will it affect branch libraries only and whether or not there should be a pilot at one or more branch libraries, and answer the questions raised by the Committee in November.
- CSA:** Neighborhood Services **Council Refer #:** 01-23-08-RULES G(2) **Due Date:** 06/30/2009 **Status:** Open **System ID:** 1,078
- Referral Type:** Follow-Up Action **Sr Lead:** Light, Jane; **CMO Contact:** Duenas, Norberto
- Status:** Council considered this issue on June 17, 2008. This item is tentatively scheduled to be heard again before June 2009.
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- 9 **Subject:** Police Department In-Custody Death Training Review Panel and Revised Citizen Complaint Process - Staff was directed to return in one year with a progress report on implementation.
- CSA:** Public Safety **Council Refer #:** 01-29-08-8.2 **Due Date:** 08/30/2009 **Status:** Open **System ID:** 1,083
- Referral Type:** Follow-Up Action **Sr Lead:** Davis, Robert; **CMO Contact:** Santana, Deanna
- Status:** In June 2008, the Department released General Order 08-015, which outlined the revised Citizen Complaint Process to coincide with PD shift change. The Internal Affairs guidelines have been rewritten to conform to the new Citizen Complaint Process. An information packet was developed, in coordination with the offices of the Independent Police Auditor and City Attorney, and is available online on the Police Department's website. Staff will print the Information Packet in April 2009, after the Department has transitioned into the new phone system (with new phone numbers assigned).
- Staff will provide a one year status report on the new complaint process to Council in fall 2009.
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- 10 **Subject:** Annual Progress Report on the implementation of the San Jose 2020 General Plan Housing Element - Council referred this issue to the Task Force for reopening and consideration of certain plans.
- CSA:** Comm & Economic Dev **Council Refer #:** 03-11-08-2.7 **Due Date:** 06/30/2008 **Status:** Open **System ID:** 1,106
- Referral Type:** Follow-Up Action **Sr Lead:** Horwedel, Joseph; Krutko, Leslye; **CMO Contact:** Krutko, Paul

Status: The Housing Element will be submitted to HCD later in January/February 2009. HCD has 60 days to review and return its comments. Staff will then respond to these comments, discuss the Element at Committees in March, leading toward final Council approval in June, the deadline for final Housing Element submittal.

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- 11** **Subject:** Coyote Valley Task Force - Direction to the General Plan Update 2040 Task Force to ensure that Coyote Valley is included in its Citywide consideration of the jobs-housing holding capacity, with no change to the prerequisite conditions and to assume that North Coyote will be built out under the existing entitlement.
- CSA:** Comm & Economic Dev **Council Refer #:** 04-22-08-4.3 **Due Date:** 05/30/2010 **Status:** Open **System ID:** 1,124
- Referral Type:** Follow-Up Action **Sr Lead:** Horwedel, Joseph; **CMO Contact:** Krutko, Paul
- Status:** The Envision San Jose 2040 Task Force is currently developing the guidelines that will be used to guide the creation of alternate scenarios for the future growth of the City, and to form the basis of the Envision San Jose 2040 General Plan. The Task Force has been informed of Council direction from the April 22, 2008 meeting and the memo from the Mayor and Councilmembers Pyle, Williams and Liccardo. The Coyote Valley will be included in the area subject to the analysis of growth alternatives and will be fully considered in the fiscal, transportation and other analyses conducted on the alternatives. In terms of a target date for completion of this referral, it is now incorporated into the Envision San Jose 2040 General Plan Update Work Program. The update process is scheduled to conclude in early 2010.
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- 12** **Subject:** North San Jose Neighborhoods Planning Task Force - Staff was directed to return to Council in four months with a Draft North San Jose Implementation Strategy.
- CSA:** Comm & Economic Dev **Council Refer #:** 04-22-08-9.1 **Due Date:** 03/30/2009 **Status:** Open **System ID:** 1,125
- Referral Type:** Follow-Up Action **Sr Lead:** Horwedel, Joseph; **CMO Contact:** Krutko, Paul
- Status:** Based on action taken by the City Council related to the North San Jose ADP at the December 16, 2008 meeting, staff will be preparing an Amendment to the ADP anticipated to be brought to the Council in March 2009 along with the Implementation Strategy and the Urban Design Guidelines. These documents incorporate the direction provided in this referral and also through separate action taken to date by the City Council.
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- 13** **Subject:** Rezoning real property located at/on the northeast corner of Baypointe Parkway and Tasman Drive - (1) The City and Agency were directed to begin negotiations with the property owners of 191 Baypointe Parkway to acquire the 3 acre site for parkland. (2) The developer was directed to implement green building techniques to achieve credits sufficient for LEED Silver or equivalent standard certification (3) The developer was directed to work with the City and its HeartSafe City Initiative to assess the feasibility of the installation of external defibrillators as a special feature of the residential development.
- CSA:** Comm & Economic Dev **Council Refer #:** 04-22-08-11.5 **Due Date:** 04/30/2009 **Status:** Open **System ID:** 1,126
- Referral Type:** Follow-Up Action **Sr Lead:** Horwedel, Joseph; cano, matt; Balagso, Albert; **CMO Contact:** Krutko, Paul
- Status:** Staff is focusing on putting together a \$6 to \$7 Million funding plan for the Vista Montana Parksites in North San Jose. It is anticipated that this will come to Council for approval in the March/April time frame. As a result of the focus on finding funding for Vista Montana, staff is not able to concurrently come up with a plan for the estimated \$6 to \$9M for the Baypointe since these funds are coming from the same sources. However, it is still a priority for staff to purchase the Baypointe site and they will continue to look for opportunities moving forward as park trust fund development fees begin to come in in North San Jose. Items 2 and 3 are complete.
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- 14** **Subject:** Vehicle Maintenance and Operations Fund - Staff was directed to report back in one year on the efforts to reduce fuel costs.

CSA: Strategic Suppt/MCC & Appt **Council Refer #:** 05-20-08-2.7 **Due Date:** 05/29/2009 **Status:** Open **System ID:** 1,129
Referral Type: Follow-Up Action **Sr Lead:** Jensen, Peter; **CMO Contact:** Shippey, Christine
Status: Work is underway to complete this referral.

15 Subject: 2007 Independence Police Auditor Year End Report - Direction to the City Manager to direct the SJPD to: (1) Review and potentially revise policies to ensure that written notice is given of the property return/auction/disposal process to the owner at the time that property is booked, and (2) Standardize the processes by San Jose City departments to provide notice to owners of the intention to tow a vehicle for violation of the San Jose Municipal Code Section 11.56.020.

CSA: Public Safety **Council Refer #:** 06-03-08-8.1 **Due Date:** 08/30/2009 **Status:** Open **System ID:** 1,132
Referral Type: Follow-Up Action **Sr Lead:** Davis, Robert; **CMO Contact:** Santana, Deanna
Status: Staff has revised the Department's Incident Card (also known as Orange Receipt Card). The Orange card is given to individuals and is often used as a receipt for property seized. Staff will go to print in April 2009, after the Department has transitioned into the new phone system and new phone numbers have been assigned. In the interim, the new card will be posted on the Department's website. In addition, staff will be provided with training.

16 Subject: Special Tenant Improvement and Industrial Tool Installation Program - Staff was requested to report back to the Community and Economic Development Committee in 6-9 months.

CSA: Comm & Economic Dev **Council Refer #:** 06-17-08-4.3 **Due Date:** 03/30/2009 **Status:** Open **System ID:** 1,144
Referral Type: Follow-Up Action **Sr Lead:** Horwedel, Joseph; Krutko, Paul; **CMO Contact:** Krutko, Paul
Status: This item will report out to the CED Committee on March 23, 2009.

17 Subject: Proposed Revisions to Council Policy 5-6, Traffic Calming for Residential Neighborhoods - (1) Report back to the Transportation and Environmental Committee in October or November 2008 on the status of implementation. (2) Revise the Traffic Calming Toolkit to include options, costs and ancillary benefits by December and share with the public. (3) Issue an information memorandum describing the City's traffic calming efforts and share it with Council Offices, the public, neighborhood associations, schools, the County, Caltrans, special districts and agencies.

CSA: Transp & Aviation Services **Council Refer #:** 06-17-08-6.2 **Due Date:** 04/30/2009 **Status:** Open **System ID:** 1,145
Referral Type: Follow-Up Action **Sr Lead:** Helmer, Jim; Wells, Laura **CMO Contact:**
Status: On October 9, 2008, staff presented a status report on implementation of the updated Traffic Calming Policy to NSEC.

Based upon previous input from various resident groups, including input received at ten community meetings held in the Fall of 2007, DOT selected 18 residential areas for focused studies. The specific area(s) in each Council District were shared with each respective Council Office. As part of the FY08-09 Budget, Council provided DOT with \$650,000 for the completion of complex neighborhood studies and implementation of projects. As part of the FY08-09 Mid-Year Budget Balancing actions, \$507,000 of these funds was eliminated. With the remaining funds, DOT has initiated studies in five residential areas, completed improvements in one of these neighborhoods, and acquired solar-powered flashing beacons to enhance crosswalks.

The Traffic Calming Toolkit, a guidebook for the community on how to access traffic calming services, is being revised to incorporate the new policy elements and to include options, costs and ancillary benefits of various traffic calming measures. An information memo is forthcoming in March 2009 that will provide a status update on the Traffic Calming Program and online toolkit.

- 18 Subject:** Rezoning real property located on the south side of Murphy Avenue - Staff was directed to work with the applicant to minimize warehouse space in order to increase industrial usage and to resolve parking requirement issues by identifying compatible uses; decrease the maximum seating for any restaurant tenant to 50 seats; limit retail, restaurant and entertainment uses to the hours of 6:00 a.m. to 10:00 p.m.; retain the existing rear patio and restrict its use for non-restaurant and non-entertainment uses.
- CSA:** Comm & Economic Dev **Council Refer #:** 06-17-08-11.7 **Due Date:** 08/29/2008 **Status:** Open **System ID:** 1,149
- Referral Type:** Follow-Up Action **Sr Lead:** Horwedel, Joseph; **CMO Contact:** Krutko, Paul
- Status:** The PD Zoning was approved on June 2008 with several strict limitations on the type/amount of uses to address existing parking limitations. Staff is now waiting for the applicant to modify the PD Permit plans (floor plan) to indicate a combination of uses that is consistent with the zoning per City Council direction. Staff's last written correspondence on this was on August 10, 2008 which noted that the permit could be noticed for hearing as soon as this information is provided. This project is simple and it involves minor changes in uses. There are no new building exterior, site or landscape modifications to review. One of the uses being proposed is a day care. Staff has been working on acquiring the necessary information to move forward with this proposal. Staff anticipates that this project will go to a Planning Director's hearing in mid-February.
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- 19 Subject:** Staff outreach to the Alviso community regarding Tesla Motors
- CSA:** Comm & Economic Dev **Council Refer #:** 08-19-08-4.4 **Due Date:** 06/30/2009 **Status:** Open **System ID:** 1,152
- Referral Type:** Follow-Up Action **Sr Lead:** Krutko, Paul; **CMO Contact:** Krutko, Paul
- Status:** Due to international financial market conditions, efforts related to the location of a Tesla manufacturing plant in the Alviso community are not currently progressing, therefore community outreach efforts have also been halted.
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- 20 Subject:** Development of Conditional Zoning Prohibiting the Establishment of New Fast Food Restaurants in Close Proximity to Schools - The Committee referred the issue of what can be done about childhood obesity to the Healthy Neighborhoods Venture Funding Committee and to the Schools-City Collaborative for further discussion, with direction to staff to bring back a formal report with results to be presented at a future Rules Committee meeting for further consideration.
- CSA:** Neighborhood Services **Council Refer #:** 8-20-08-(G)(2) **Due Date:** 05/30/2009 **Status:** Open **System ID:** 1,168
- Referral Type:** Follow-Up Action **Sr Lead:** Balagso, Albert; **CMO Contact:** Duenas, Norberto
- Status:** PRNS and Planning staff is coordinating on this issue and anticipates going to Rules Committee in May with a joint memo on status/approach.
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- 21 Subject:** Letter from Marcus T. Brown, Law Offices of Plastiras & Terrizzi requesting a proposed resolution to consent to an eminent domain proceeding by Ryland Mews Home Owners Association - The Rules Committee referred this item to staff for further investigation and recommendation.
- CSA:** Strategic Suppt/MCC & Appt **Council Refer #:** 9-3-08-E **Due Date:** 03/30/2009 **Status:** Open **System ID:** 1,170
- Referral Type:** Follow-Up Action **Sr Lead:** Rodriguez, Vilcia (CMO); Murtha, Tom; **CMO Contact:** Santana, Deanna
- Status:** On September 9, 2008, the City received additional information from the Law Offices of Plastiras & Terrizzi on how Ryland Mews HOA satisfies the statutory criteria for designation as a quasi-public entity pursuant to Civil Code Section 1002, as well as detail regarding Ryland Mews efforts to negotiate an access license with its neighbor. On September 30, 2008, staff from the City Attorney's Office and Planning, Building and Code Enforcement met with Ryland Mews HOA representatives onsite to confirm the facts presented in the September 9, 2008 letter. CAO staff requested additional information that shows that painting the building was a necessity. The report the HOA originally sent did not mention the painting or that the walls were an issue. Staff is waiting to receive this information.

22 Subject: Actions related to Security Guard Services for the Plant - Council directed staff to have discussions within the next 12 months with TPAC partners to collect input/seek approval for living wage and return to Council with proposed modifications to the ordinance. If applicable, rebid the security guard contract.

CSA: Envr & Util Services **Council Refer #:** 9-16-08-7.1 **Due Date:** 09/30/2009 **Status:** Open **System ID:** 1,159

Referral Type: Policy Referral **Sr Lead:** Ihrke, Dale; **CMO Contact:** Shikada, Ed

Status: At the February 2009 TPAC, the Committee voted to defer this item by one month to allow staff to research Committee questions. This item is scheduled to return before TPAC on March 12, 2009.

23 Subject: City Water Conservation Plan - Direct the City Attorney's Office to analyze the issue of tiered rates to promote water conservation.

CSA: Envr & Util Services **Council Refer #:** 9-23-08-7.2 **Due Date:** 06/30/2009 **Status:** Open **System ID:** 1,161

Referral Type: Follow-Up Action **Sr Lead:** Doyle, Rick **CMO Contact:** Shikada, Ed

Status: The City Attorney's Office has completed the analysis. An information memo is forthcoming.

24 Subject: Audit of Retirement Services' Travel Expenses - Council directed the City Manager to incorporate into the boards and commissions analysis recommendation on restructuring the Federated and Police Retirement Boards to add independent Board members with financial and investment expertise for Council consideration. This process should include outreach to affected stakeholders.

CSA: Strategic Suppt/MCC & Appt **Council Refer #:** 9-30-08-3.8 **Due Date:** 12/30/2009 **Status:** Open **System ID:** 1,163

Referral Type: Follow-Up Action **Sr Lead:** Gurza, Alex; Crosby, Russel; **CMO Contact:** Shippey, Christine

Status: At the January 13, 2009 Council meeting, the Mayor acknowledged that the review would be handled outside of the boards and commissions analysis. The City Manager also shared on that date that staff anticipates using an external consultant experienced with governance structures of many different public pension plans to complete the review by June 2009. At that time, a report to City Council will be prepared so staff can receive Council direction on a preferred alternative, with final approval for any changes targeted for the end of calendar year 2009.

An RFQ was issued on January 23, 2009 for a consultant experienced in governance issues to review the current construct of the Federated and Police & Fire Boards and to make recommendations for improvement. The RFQ noted that respondents should be prepared to seek input from key stakeholders. Proposals have been submitted and a selection is anticipated by the end of the month. A final report to Council is targeted for June.

25 Subject: Approve recommendation to direct staff analysis of the current practices associated with defining pipeline projects - The Rules and Open Government Committee directed staff to return to the committee in 30 days with an analysis of the current practices associated with defining pipeline projects, as well as a menu of options for developing standard definitions for pipeline projects and a matrix of the types of pipeline issues that need to be addressed/might apply.

CSA: Comm & Economic Dev **Council Refer #:** 10-15-08-(G)(4) **Due Date:** 08/30/2009 **Status:** Open **System ID:** 1,171

Referral Type: Follow-Up Action **Sr Lead:** Horwedel, Joseph; Prevetti, Laurel; **CMO Contact:** Krutko, Paul

Status: Staff has drafted pipeline provisions for the implementation of the Green Building Policy and Ordinance. Since procedural requirements from the California Energy Commission required a delay in returning with the Green Building Ordinance until later this spring, staff slowed work on the pipeline provisions. Staff is restarting that work as they begin a new round of outreach to the development community regarding implementation of the Green Building Policy. Staff anticipates presenting a draft Pipeline framework to the Council when staff returns with the draft Green Building Ordinance in April. Final adoption of that ordinance will occur in August following CEC review of the draft ordinance analysis.

CSA: Public Safety **Council Refer #:** 11-18-08-8.2 **Due Date:** 05/30/2009 **Status:** Open **System ID:** 1,181
Referral Type: Follow-Up Action **Sr Lead:** Davis, Robert; **CMO Contact:** Duenas, Norberto
Status: On December 11, 2008, the City Manager issued a memo on the above direction that summarizes staff efforts to implement this direction, including the process design. The Taskforce is scheduled to go to Council in April 2009 with recommendations.

30 **Subject:** Ordinance amending Chapter 20.70 to amend the Downtown Zoning District standards to broaden allowed ground floor uses in certain circumstances, modify parking and residential occupancy requirements for Live/Work units, allow animal grooming and other related clarifying changes and amendments - City Manager was directed to return to Council with a report on all non-retail use granted development permits within the Downtown Ground Floor Zoning Overlay Area during the 12 month period following enactment of the proposed ordinance changes.
CSA: (unassigned) **Council Refer #:** 11-18-08-11.2 **Due Date:** 12/31/2009 **Status:** Open **System ID:** 1,183
Referral Type: Follow-Up Action **Sr Lead:** Horwedel, Joseph; **CMO Contact:** Krutko, Paul
Status: Staff will provide Council a report in December 2009 on the number of non-retail uses permitted in the Downtown Core Area since adoption of the modified zoning ordinance

31 **Subject:** City Hall Retail RFP- Council requested that staff provide a cost benefit and in-house need analysis.
CSA: Comm & Economic Dev **Council Refer #:** 12-02-08-3.6 **Due Date:** 05/30/2009 **Status:** Open **System ID:** 1,185
Referral Type: Follow-Up Action **Sr Lead:** Krutko, Paul; **CMO Contact:** Krutko, Paul
Status: Staff will present the cost benefit analysis report at the March 23 Community and Economic Development Committee meeting.

32 **Subject:** Citywide Inclusionary Housing Ordinance - Staff was directed to (1) Report back to the Rules and Open Government Committee (ROGC) meeting on January 14, 2009 with a recommended date for release of a draft ordinance consistent with the staff recommendations, as amended, and a recommended date for Council consideration of the ordinance; and further, to develop an implementation work plan and schedule for additional work items requested by the City Council for review by the ROGC on January 14, 2009. (2) Complete administrative guidelines by the end of 2009. (3) Return to Council with recommended in lieu fee. (4) Return to Council with a review of the impact of tax exemptions. (5) With the work plan of additional items, staff should prioritize items 3(a) and 3 (b) as outlined in the Joint Memorandum from Vice Mayor Cortese and Council Members Chu and Pyle, dated December 5, 2008.
CSA: (unassigned) **Council Refer #:** 12-09-08-5.2 **Due Date:** 06/30/2009 **Status:** Open **System ID:** 1,196
Referral Type: Follow-Up Action **Sr Lead:** Krutko, Leslye; **CMO Contact:** Duenas, Norberto
Status: Work continues to complete this Council referral. Staff presented a status report to the Rules Committee on January 14, 2009, per direction above. The first hearing date for the Citywide Inclusionary Housing Ordinance is scheduled for March 24, 2009.

33 **Subject:** North San Jose Area Development Policy - Council directed staff to return in Spring 2009 with a strategy for establishing priorities for redistribution of Phase I units of expired permits.
CSA: Comm & Economic Dev **Council Refer #:** 12-16-08-9.2 **Due Date:** 04/30/2009 **Status:** Open **System ID:** 1,197
Referral Type: Follow-Up Action **Sr Lead:** Horwedel, Joseph; Crabtree, Andrew; **CMO Contact:** Krutko, Paul
Status: Work is underway to complete this Council referral. This item is scheduled to report to the Community and Economic Development Committee in April 2009.

**Closed Council Referrals
July 1, 2008-February 27, 2009**

- 1 Subject:** Airport Living Wage Policy - Staff was directed to include actions contained in the memo from Councilmember Williams, dated August 15, 2008, as revised by Council. Staff was also directed to draft an ordinance for consideration by the T&E Committee on October 6, 2008; and asked to include the break down of employees and cost per company (11 in total) in the next staff report to T&E. Council requested that staff calculate the cost to airlines under the San Jose, San Francisco and Oakland ordinances. Staff was directed to provide the cost of turnover and provide information on other airlines, nationwide, that offer living wage.
- CSA:** Transp & Aviation Services **Council Refer #:** 09-09-08 6.2 **Due Date:** 10/01/2008 **Status:** Closed **System ID:** 1,157
- Referral Type:** Follow-Up Action **Sr Lead:** Sherry, Bill; **CMO Contact:** Shikada, Ed
- Status:** This issue reported to the T&E Committee on October 6, 2008.

On November 18, 2008, Council approved the final adoption of Ordinance No 24832 amending Title 25 of the SJ Municipal Code to add a new Chapter 25.11 to extend Living Wage, Worker Retention, Labor Peace and Employee Work Env. reporting requirements to the Mineta San Jose International Airport. Three positions were added to the Public Works Department to assist with the work anticipated with the program. A status report on the program is expected to go to the Transportation and Environment Committee in Spring 2009.

- 2 Subject:** Special Council Meeting Regarding Citywide Inclusionary Housing Policy
(Due to database limitations, staff is unable to list the multiple directions given by Council to staff. To review them, see the November 10, 2008 Council Meeting Synopsis.)
- CSA:** Neighborhood Services **Council Refer #:** 11-10-08 **Due Date:** 12/09/2008 **Status:** Closed **System ID:** 1,180
- Referral Type:** Follow-Up Action **Sr Lead:** Krutko, Leslye; **CMO Contact:** Duenas, Norberto
- Status:** This Council Referral has been addressed with the exception of Item 2 (Staff was directed to work with RDA staff to prepare a report to review potential revenue sources for affordable housing use, including rental subsidies, first-time homebuyer assistance, and developer offsets.) Staff addressed this portion of the Council Referral at the January 14, 2009 Rules Committee Meeting, where staff presented the timeline for response (currently estimated at 6-12 months). March 24, 2009 was set as the first hearing date for the Citywide Inclusionary Housing Ordinance.
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- 3 Subject:** Special Rules Meeting Regarding Sunshine Reform Task Force Phase II Recommendations - The Committee requested that staff return with ordinance language that outlines the Rules and Open Government Committee process for considering complaints about the release of public records and/or meetings violations including: (a) clarifying what happens when a member of the public comes to the Rules and Open Government Committee with a records request and Rules denies the request (e.g. does the issue move to a citizens review panel like the Elections Commission or to the City Council. If the matter moves directly to the City Council, should there be an exemption to the Sunshine requirement on a case-by-case basis for the purpose of expediency, taking into consideration calendar management and the public's interest? (b) considering the options for Rules to refer matters to the Elections Commission or permitting the public to go directly to the Elections Commission; (c) considering the option of alternative dispute resolution; and (d) designating someone with the responsibilities outlined for the "Open Government Officer" and (2) Consider what avenues are available to the public if they have complaints about the conduct of a meeting by the City Council or about City quasi judicial bodies and the release of records and/or meetings violations.
- CSA:** Strategic Suppt/MCC & Appt **Council Refer #:** 8/29/08 **Due Date:** 03/30/2009 **Status:** Closed **System ID:** 1,169
- Referral Type:** Follow-Up Action **Sr Lead:** Lee, Price; Herrick, Lisa; **CMO Contact:** Manheim, Tom

Status: The Rules Committee reviewed the existing process, the Task Force proposed process, and made recommendations regarding a new appeal process for the City Council to consider when it considers Phase II proposals.

- 4** **Subject:** Conditional Use Permit for asphalt/concrete crushing & recycling facility - Conduct compliance hearing in one year. (CP 00-009)
 CSA: Comm & Economic Dev **Council Refer #:** 01-13-04-11.3 **Due Date:** 07/19/2008 **Status:** Closed **System ID:** 592
Referral Type: Follow-Up Action **Sr Lead:** Horwedel, Joseph **CMO Contact:** Krutko, Paul
Status: This item was delayed for its one-year compliance review due to extra time needed for on-site environmental mitigations to be made, and to allow full operation of the facility to "ramp up".

The item for a Compliance Hearing for the Granite Rock concrete crushing facility was heard by the Planning Commission on July 16, 2006. The Planning Commission, in its compliance hearing, accepted staff's report that the Granite Rock facility has been operating in both winter and summer configurations under the conditions of their permit and that environmental mitigation plantings had been implemented. The item was not scheduled for a further hearing by the City Council, and no further action is required by staff or the Planning Commission at this time.

- 5** **Subject:** City's Inclusionary Housing Requirements - Return to Council in 12 months to assess the fees outside the Downtown core area.
 CSA: Joint Council/SJRA **Council Refer #:** 06-19-07-9.4 **Due Date:** Unassigned **Status:** Closed **System ID:** 977
Referral Type: Policy Referral **Sr Lead:** Krutko, Leslye; **CMO Contact:** Duenas, Norberto
Status: Council Member Liccardo requested this item be deferred to a date to be determined later. Periodic updates have been provided to the Rules Committee. This referral has been closed. See Council Referral 1143 for most recent referral/information regarding Inclusionary Housing.
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- 6** **Subject:** Fingerprinting and background checks for all volunteers, employees and vendors who do business with the City (Senior Citizens Commission) - Provide a response back to the Rules and Open Government Committee.
 CSA: Neighborhood Services **Council Refer #:** 08-08-07-RULES(E)(a) **Due Date:** 06/30/2008 **Status:** Closed **System ID:** 1,001
Referral Type: Follow-Up Action **Sr Lead:** Balagso, Albert; **CMO Contact:** Duenas, Norberto
Status: At the March 28, 2008, Rules and Open Government Committee meeting, the Committee approved staff's recommendation that the City continue requiring fingerprinting and background checks for employees and volunteers [Item G(3)].
-

- 7** **Subject:** KaBOOM! installation of playground equipment in City parks - work out alternative to address recordkeeping issues and return to Council with information about other similar projects and evaluation of this pilot project.
 CSA: Neighborhood Services **Council Refer #:** 08-21-07-5.3 **Due Date:** 06/24/2008 **Status:** Closed **System ID:** 1,008
Referral Type: Follow-Up Action **Sr Lead:** Balagso, Albert; **CMO Contact:** Duenas, Norberto
Status: On May 3, 2008, nearly 300 volunteers worked at Welch Park to help reconstruct a playground structure. This effort was an intense four month collaboration between KaBOOM!, the City, Redevelopment Agency and community partners. An Information Memo was issued in January 2009 outlining lessons learned from this project.
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- 8** **Subject:** City Hall and Employee Garage Retail Spaces - Staff was directed to conduct a series of interviews on how the RFP should be fashioned: 1) bidders can be involved in the interviews 2) interview questions should be public 3) include City employees in stakeholder discussions 4) return to Council.

CSA: Strategic Suppt/MCC & Appt **Council Refer #:** 10-30-07-3.3 **Due Date:** 12/19/2008 **Status:** Closed **System ID:** 1,052
Referral Type: Follow-Up Action **Sr Lead:** Jensen, Peter; **CMO Contact:** Krutko, Paul
Status: Interviews and focus groups have been conducted; the last interviews were conducted in August 2008. Per Council direction on December 2, 2008, staff will issue a 3rd RFP in April 2009 for the City Hall retail Space. Staff will simultaneously provide additional analysis on the costs savings of utilizing the City of San Jose Hall Retail space for employee/office use.

9 **Subject:** Police Activities League Stadium and Complex - Staff was directed to return to the Rules Committee with a general update on this project in six months (June 2008).
CSA: Neighborhood Services **Council Refer #:** 12-04-07-5.2 **Due Date:** 06/30/2008 **Status:** Closed **System ID:** 1,060
Referral Type: Follow-Up Action **Sr Lead:** Balagso, Albert; **CMO Contact:** Shikada, Ed
Status: On October 15, 2008, staff provided the Rules Committee with a status report on fiscal, operations and maintenance, and capital improvements achieved from 12/4/07 to 6/30/08.

10 **Subject:** Administrative Hearing on appeal of the Planning Commission's decision to conditionally approve a Conditional Use Permit (CP06-060) to allow expansion of the previously approved permit to authorize an off-site parking arrangement where patrons would utilize the Santa Clara Valley Transportation Agency parking lot at 3390 Monterey Highway in order to allow additional patrons within the establishment. Staff was directed to conduct a one year evaluation of the Conditional Use Permit.
CSA: Comm & Economic Dev **Council Refer #:** 12-18-07-11.7 **Due Date:** 01/31/2009 **Status:** Closed **System ID:** 1,071
Referral Type: Follow-Up Action **Sr Lead:** Horwedel, Joseph; **CMO Contact:** Krutko, Paul
Status: Through the land use review process, this issue will report back to Council in Winter 2009 and therefore this item is closed.

11 **Subject:** Former San Jose Medical Center Site - Staff was directed to forward a General Plan amendment or application for rezoning of the former site only after the completion of an implementation plan for the expansion of health care services in Downtown has been completed; continue discussions with community partners; evaluate and report options for providing any RDA assistance in acquisition of any additional sites for provision of health care; etc.
CSA: Comm & Economic Dev **Council Refer #:** 03-18-08-9.1 **Due Date:** 09/30/2008 **Status:** Closed **System ID:** 1,111
Referral Type: Follow-Up Action **Sr Lead:** Horwedel, Joseph; Harkness, Kip; **CMO Contact:** Krutko, Paul
Status: This referral has been completed. A memo was distributed to Council on January 13, 2009.

12 **Subject:** GlobalFluency for national and international media relations - Staff was directed to return to the Community and Economic Development Committee with a status report in 6 months.
CSA: Comm & Economic Dev **Council Refer #:** 04-15-08-4.2 **Due Date:** 10/31/2008 **Status:** Closed **System ID:** 1,120
Referral Type: Follow-Up Action **Sr Lead:** Krutko, Paul; **CMO Contact:** Krutko, Paul
Status: This item is reported out to the CED Committee on October 27, 2008 and to Council on November 18, 2008.

13 **Subject:** Security Guard Services at the Water Pollution Control Plant - Staff was directed to provide an information memo stating the normal salary rates for security services.

CSA: Strategic Suppt/MCC & Appt **Council Refer #:** 04-22-08-2.6 **Due Date:** 05/31/2008 **Status:** Closed **System ID:** 1,122
Referral Type: Request for Information **Sr Lead:** Johnson, Scott P (Finance); **CMO Contact:** Shippey, Christine
Status: An information memo was forwarded to Mayor and Council on May 12, 2008.

14 **Subject:** Downtown-related issues (Sidewalk Dining) - Staff was directed to update the Community Economic Development Committee in 6 months.
CSA: Comm & Economic Dev **Council Refer #:** 04-29-08-9.1 **Due Date:** 01/31/2009 **Status:** Closed **System ID:** 1,127
Referral Type: Follow-Up Action **Sr Lead:** Krutko, Paul; Horwedel, Joseph; **CMO Contact:** Krutko, Paul
Status: At the February 23, 2009, the Community & Economic Development Committee approved this item.

15 **Subject:** Implementation of a benefit for Fire Department members of the Police & Fire Department Retirement Plan - Staff was directed to return to Council in June with a modified retirement formula for service-connected disability retirements for members of the Police and Fire Department Retirement Plan with 20 or more years of service who are employed in the Fire Department and retire on or after July 1, 2008.
CSA: Strategic Suppt/MCC & Appt **Council Refer #:** 05-06-08-3.5 **Due Date:** 06/30/2008 **Status:** Closed **System ID:** 1,119
Referral Type: Follow-Up Action **Sr Lead:** Gurza, Alex; Danaj, Mark; **CMO Contact:** Figone, Debra
Status: Council considered this issue on June 17, 2008 (Item 3.5).

16 **Subject:** Write-off uncollectible accounts listed in the Bad Debt Write-off Report - Staff was directed to: (1) Explore possibility of recovering credit card fees. (2) Return annually with updated report, including a column for status of the collection actions taken to date. (3) Explore opportunities to recover unpaid debts through future contract negotiations.
CSA: Strategic Suppt/MCC & Appt **Council Refer #:** 05-13-08-3.6 **Due Date:** 06/30/2008 **Status:** Closed **System ID:** 1,128
Referral Type: Follow-Up Action **Sr Lead:** Johnson, Scott P (Finance) **CMO Contact:** Shippey, Christine
Status: Finance staff is currently working with the new proposed banking vendor, subject to Council's approval of award of the City's banking services contract to implement a conveyance fee to recover the cost of credit card fees. In addition, staff has incorporated in their quarterly Revenue Collection Strategic Plan Report updates on the collection efforts along with a write-off collection report subject to council approval. Staff continues to explore processes to ensure the recovery of unpaid debts through contracts negotiations.

17 **Subject:** Surplus of City-owned property at 410 Park Avenue - (1) The City Manager was directed to negotiate with the buyer to amend the sales agreement to allow the existing tenants to remain through December 31, 2008. (2) Staff was directed to return to Council with a policy relating to the sale of City-owned parcels, including guidelines for engaging in exclusive negotiations.
CSA: Comm & Economic Dev **Council Refer #:** 05-20-08-3.4 **Due Date:** 04/30/2009 **Status:** Closed **System ID:** 1,130
Referral Type: Follow-Up Action **Sr Lead:** Allen, Katy; **CMO Contact:** Shikada, Ed
Status: Part 1 is complete; the agreement was revised and the tenants vacated the premises before 12/31/08.

Part 2, Asset management policies including policy guidelines for engaging in exclusive negotiations, will be addressed in the Asset Management Report anticipated to go to Council in April 2009.

- 18** **Subject:** Amendment and Text Amendment on 5.78 Acres on the Block Bounded by East Jackson Street, North 6th Street, East Taylor Street, and North 7th Street - The Redevelopment Agency Executive Director and City Manager were directed to, prior to: (a) Continue to evaluate lower density options while maximizing retail square footage and space for a prominent community amenity. (b) Continue negotiations with Williams and Dame concerning alternate density configurations. (c) Engage the Japantown neighborhood in a public workshop on transportation impact mitigation strategies and obtain input regarding mitigation preferences.
- CSA:** Comm & Economic Dev **Council Refer #:** 05-20-08-10.3 **Due Date:** 09/30/2008 **Status:** Closed **System ID:** 1,131
- Referral Type:** Follow-Up Action **Sr Lead:** Shikada, Ed; **CMO Contact:** Krutko, Paul
- Status:** The PD Zoning is pending. The Redevelopment Agency is working with the applicant on lower density alternatives. To date, no re-submittal has been received by Planning.
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- 19** **Subject:** Permitting Promoters - The City Attorney was directed to work with the City Manager in providing promoters and club owners with some form of exemplary boilerplate language for creating contracts.
- CSA:** Joint Council/SJRA **Council Refer #:** 06-03-08-9.1 **Due Date:** 09/30/2008 **Status:** Closed **System ID:** 1,133
- Referral Type:** Follow-Up Action **Sr Lead:** Davis, Robert; Doyle, Richard **CMO Contact:**
- Status:** These exemplary contracts were finalized and distributed to stakeholders (club owners and promoters) in September 2008.
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- 20** **Subject:** Rezoning real property located at/on the southwest corner of Berryessa and Jackson Avenue -Staff was directed to work with the applicant during the Planned Development permit stage to balance full conformance to the Residential Design Guidelines with other staff considerations, review traffic circulation issues, including adding a new driveway on Jackson, look for more opportunities to make open space more usable, construction of retail prior to 50 percent of the housing, and encourage the developer to engage in communications with the School District on student generation and addressing project school impacts.
- CSA:** Comm & Economic Dev **Council Refer #:** 06-03-08-11.2 **Due Date:** 07/31/2008 **Status:** Closed **System ID:** 1,134
- Referral Type:** Follow-Up Action **Sr Lead:** Horwedel, Joseph; **CMO Contact:** Krutko, Paul
- Status:** A Director's Hearing was held on October 8, 2008. The site plan has been revised to include a better circulation plan and more open space. An info memo was issued in February 2009.
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- 21** **Subject:** Cinnabar Commons Apartments Project - The City Council requested an update in 6 months via an information memo.
- CSA:** Neighborhood Services **Council Refer #:** 6-10-08-4.5 **Due Date:** 12/10/2008 **Status:** Closed **System ID:** 1,184
- Referral Type:** Request for Information **Sr Lead:** Krutko, Leslye; **CMO Contact:** Duenas, Norberto
- Status:** A status update was provided to Council on August 1, 2008 via the City Manager's Weekly Report.
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- 22** **Subject:** City's Inclusionary Housing Study - (1) Direction to staff to actively pursue outreach to and communication with the development community as described on Page 2 in the May 6, 2008 staff memorandum. (2) Return in Fall 2008 with an inclusionary housing proposal for Council approval that contains a range of alternatives.
- CSA:** Comm & Economic Dev **Council Refer #:** 06-17-08-4.2 **Due Date:** 09/30/2008 **Status:** Closed **System ID:** 1,143
- Referral Type:** Follow-Up Action **Sr Lead:** Krutko, Leslye; Duenas, Norberto **CMO Contact:** Duenas, Norberto

Status: Staff has kept the City Council informed via information memos and by reporting at Rules Committee meetings.

Staff provided the Rules Committee with a status report on Citywide Inclusionary Policy Outreach on October 15, 2008. A special meeting of the NSE Committee on Inclusionary Housing was held on November 25, and the CED Committee heard this item on November 24.

The ordinance will come forward in April/May 2009, but the policy proposal was presented to Council in December. The requested outreach has also been completed.

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- 23** **Subject:** Report on bids and award of contract for the Street Resurfacing 2008 Backlog Reduction Project - Staff was directed to provide an Information Memorandum regarding the equity of funds being spent in District 8.
 CSA: Transp & Aviation Services **Council Refer #:** 06-17-08-6.4 **Due Date:** 08/31/2008 **Status:** Closed **System ID:** 1,146
Referral Type: Request for Information **Sr Lead:** Helmer, Jim; **CMO Contact:** Shikada, Ed
Status: Department of Transportation staff reported back their findings, via an email, to Council District 8. The information noted that although District 8 is receiving a lesser amount of maintenance through this specific resurfacing project and from other projects at various times, the Council District area is receiving an equitable share of maintenance based on the miles of streets within the district and the condition or need of the pavement infrastructure.
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- 24** **Subject:** Council directed staff to conduct a study on banning the purchase of cans and/or other bottled drinks as part of the Single-Serving Bottled Water Policy and present results at a T&E Committee meeting.
 CSA: Envr & Util Services **Council Refer #:** 06-17-08-7.4 **Due Date:** 09/30/2008 **Status:** Closed **System ID:** 1,147
Referral Type: Follow-Up Action **Sr Lead:** Dick, Mary Ellen **CMO Contact:** Shikada, Ed
Status: Staff issued an information memo on November 19, 2008 on the feasibility of prohibiting the purchase of canned and bottled soft drinks with public funds. The Council did not incorporate this ban into the Single-Serving Bottled Water Policy. No further action was requested.
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- 25** **Subject:** STP Street Resurfacing/Rehab Project - Council requested to receive copies of the bike master plan.
 CSA: Strategic Suppt/MCC & Appt **Council Refer #:** 06-24-08-2.48 **Due Date:** 08/31/2008 **Status:** Closed **System ID:** 1,137
Referral Type: Request for Information **Sr Lead:** Allen, Katy; Helmer, Jim; **CMO Contact:** Shikada, Ed
Status: This referral was addressed via a report to the T&E Committee in August 2008, where instructions were provided on how to access the requested report online. Staff is currently working on updating the new bike master plan. It will be presented to Committee in early 2009.
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- 26** **Subject:** Taxicab Rates, Fares and Tarrifs Resolution, Request for an Ordinance - Staff was directed to develop an ordinance that eliminates the requirements for taxicab rates to be set by City Council resolution after a public hearing.
 CSA: Transp & Aviation Services **Council Refer #:** 8-5-08-6.3 **Due Date:** Unassigned **Status:** Closed **System ID:** 1,151
Referral Type: Policy Referral **Sr Lead:** Helmer, Jim; **CMO Contact:** Shikada, Ed
Status: On October 28, 2008, the City Council approved the implementation of a minimum fare and an ordinance regarding setting of rates.
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- 27** **Subject:** City's Traffic Signal Communications and Synchronization Project - Staff was directed to provide information about the project, including project schedule and updates, to Council Offices for distribution to constituents.

CSA: Transp & Aviation Services **Council Refer #:** 08-12-08-6.2 **Due Date:** 10/31/2008 **Status:** Closed **System ID:** 1,156
Referral Type: Follow-Up Action **Sr Lead:** Helmer, Jim; **CMO Contact:** Shikada, Ed
Status: On October 22, 2008, an information memo was distributed to Council with information on the project scope and schedule. Also, due to the fast-pace nature of the project, staff is developing a project website, scheduled to go live in January/February 2009, that will provide project information. The State's budget crisis has slowed the progress of the project a bit.

28 Subject: Mexican Heritage Plaza Donor Wall - Staff was asked to research and report back on the Plaza's "Donor Wall."
CSA: Comm & Economic Dev **Council Refer #:** 08-26-08-4.3 **Due Date:** 12/31/2008 **Status:** Closed **System ID:** 1,153
Referral Type: Request for Information **Sr Lead:** Jensen, Peter; **CMO Contact:** Krutko, Paul
Status: Staff researched Councilmember Cortese's reference to a donor wall on the Plaza, and discovered that he was referring to two large sign boards that had been on the wall of the theater lobby at the Plaza. The boards named a number of people who had donated to the Mexican Heritage Corporation some years ago (the boards do not list dates). Because MHC has now transitioned to Resident Arts partner status, and because we are now embarking on a business planning process for the Plaza, staff feels it is more appropriate to keep the boards in storage until the business planning process is complete.

After that time, the new operator/programmer selected based on the process should decide how best to honor past supporters of the Plaza, and staff will be sure to make them aware of the existence of the sign boards. It should be noted that the City is now working with a number of the founders of the Plaza to design and display a plaque that honors those who served in the original planning and operations stages of the Plaza. This effort focuses on a particular time period, and on those who were responsible for getting the Plaza built. The donor wall doesn't allow such a focus on a particular time period and purpose, so by its nature excludes some supporters of the Plaza before and since. As a result, the new operator/programmer should be allowed to decide either to use the boards, or to incorporate the information they contain into different forms of recognition.

29 Subject: Rezoning real property located on the west side of O'Brian Court - Council requested that staff work with the applicant to ensure that the new residence blends with others in the neighborhood in terms of square footage and height.
CSA: (unassigned) **Council Refer #:** 09-09-08-11.5 **Due Date:** 12/31/2008 **Status:** Closed **System ID:** 1,158
Referral Type: Follow-Up Action **Sr Lead:** Horwedel, Joseph; **CMO Contact:** Krutko, Paul
Status: The City currently does not have the PD permit on file from the developer but staff will work with the applicant to ensure Council direction is followed when the PD Permit is filed.

30 Subject: Public Hearing to Establish a Rule 20A Underground Utility District Along Aborn Rd - Council directed staff to work with Council District 8 regarding future mitigation options for trees located along Aborn Rd.
CSA: Comm & Economic Dev **Council Refer #:** 9-16-08-7.2 **Due Date:** 03/30/2009 **Status:** Closed **System ID:** 1,160
Referral Type: Follow-Up Action **Sr Lead:** Shikada, Ed; **CMO Contact:** Shikada, Ed

Status: Staff followed up with Council District 8 via email on 9/24/08 and communicated the following:

A 48 inch box oak tree was planted adjacent to (east of) the Evergreen Library in May and is being maintained by PRNS. This followed an effort to site a tree planting location closer to where the majestic oak was, at Aborn Court, but staff determined the tree couldn't go there due to proximity to the Water District's underground tank and their concerns about potential root intrusion.

The location adjacent to the library was the closest available. Staff worked identified their best recommendations for a new tree.

31 Subject: Formation of a Convention Center Facilities District - Council directed staff to (1) analyze the projected operating subsidy during construction; (2) project operating subsidy in the years immediately after opening; (3) analyze economic impact to the General Fund; and (4) create a sinking fund or maintenance plan.

CSA: Comm & Economic Dev **Council Refer #:** 9-30-08-3.10 **Due Date:** 03/31/2009 **Status:** Closed **System ID:** 1,164

Referral Type: Follow-Up Action **Sr Lead:** Krutko, Paul; **CMO Contact:** Krutko, Paul

Status: This item went to Council on February 3, 2009 (Item 4.2). Subsequent to the public hearing to be held on March 10, 2009, property-owners will vote on District formation, but no earlier than 90 days after the public hearing. If the District is formed, the City will bring a validation action to have a court confirm the City's legal authority to impose a special tax and issue bonds under the Act.

32 Subject: Audit of Commercial Solid Waste Franchise and AB 939 Fee Collection - Council directed the CAO and Administration to explore options to exempt school districts from payment of AB 939 fees.

CSA: Envr & Util Services **Council Refer #:** 9-30-08-3.7 **Due Date:** 12/30/2008 **Status:** Closed **System ID:** 1,162

Referral Type: Follow-Up Action **Sr Lead:** Zientek, Jo; Doyle, Richard; **CMO Contact:** Shikada, Ed

Status: Council approved a resolution on October 28, 2008, setting franchise and AB939 fees at zero for any school district that signs a recycling cooperation agreement with the City.

33 Subject: Parkland Dedication and Park Impact Ordinance in-lieu fees adjustments - Council requested that staff provide Council with copies of the consultant's land value study and issue an information memo on discrepancies noted about land values.

CSA: Neighborhood Services **Council Refer #:** 9-30-08-5.2 **Due Date:** 12/30/2008 **Status:** Closed **System ID:** 1,165

Referral Type: Request for Information **Sr Lead:** Balagso, Albert; **CMO Contact:** Shikada, Ed

Status: An Information Memo was distributed on October 22, 2008.

34 Subject: Approval of actions related to the 07/08 Annual Report - Council directed staff to return with a level of reserve for all funds.

CSA: Strategic Suppt/MCC & Appt **Council Refer #:** 10-21-08-3.4 **Due Date:** 03/30/2009 **Status:** Closed **System ID:** 1,166

Referral Type: Request for Information **Sr Lead:** Maguire, Jennifer; **CMO Contact:** Maguire, Jennifer

Status: An information memo was distributed on November 24, 2008.

35 Subject: Amend schedule of fees and charges at the Airport for Taxis and authorizing biennial setting of all taxi rates - Council directed staff to re-circulate the April 2008 joint information memo regarding elements of a Taxi Commission.

CSA: Transp & Aviation Services **Council Refer #:** 10-28-08-6.4 **Due Date:** 11/30/2008 **Status:** Closed **System ID:** 1,173

Referral Type: Request for Information

Sr Lead: Helmer, Jim; Sherry, Bill;

CMO Contact: Shikada, Ed

Status: The joint memo was re-distributed on Oct. 31, 2008.

- 36 Subject:** Commercial Solid Waste Franchise Fees - Council directed staff to return settlement funds to school districts that paid them as outlined in Option #1 of staff's supplemental memo dated October 16, 2008.
- CSA:** Envr & Util Services **Council Refer #:** 10-28-08-7.3 **Due Date:** 01/30/2009 **Status:** Closed **System ID:** 1,174
- Referral Type:** Follow-Up Action **Sr Lead:** Zientek, Jo; **CMO Contact:** Shikada, Ed
- Status:** This Council referral has been completed. On October 28, 2008, Council approved a resolution setting franchise and AB939 fees at zero for any school district that signs a recycling cooperation agreement with the City.
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- 37 Subject:** North San Jose Area Development Policy - The City Manager was directed to: (1) Devise a procedure that allows projects to move forward on an as ready basis through a temporary increase in the 8,000 Phase I cap, with a retroactive reduction in Phase I as projects reserved development capacity expires at the termination of their 2 year PD or SD Permits or other through any other feasible alternative. (2) Return before the end of the 2008 calendar year with a recommendation for Council action.
- CSA:** Joint Council/SJRA **Council Refer #:** 11-18-08-9.1 **Due Date:** 03/30/2009 **Status:** Closed **System ID:** 1,182
- Referral Type:** Follow-Up Action **Sr Lead:** Horwedel, Joseph; **CMO Contact:** Krutko, Paul
- Status:** Staff completed work related to the actions above. Based on action taken by the City Council related to the North San Jose ADP at the December 16, 2008 meeting, staff will be preparing an Amendment to the ADP anticipated to be brought to the Council in April 2009 along with the Implementation Strategy and the Urban Design Guidelines. Please refer to Open Referral 1,197 for current status.
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- 38 Subject:** Convention Center and Cultural Facilities Management Agreement - The City Manager was directed to negotiate a contract (as outlined in the Joint Memo dated November 25, 2008) and return to Council on January 27, 2009.
- CSA:** Comm & Economic Dev **Council Refer #:** 12-02-08-4.6 **Due Date:** 01/27/2009 **Status:** Closed **System ID:** 1,195
- Referral Type:** Follow-Up Action **Sr Lead:** Krutko, Paul; **CMO Contact:** Krutko, Paul
- Status:** This item was approved at the January 27, 2009 Council Meeting.
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