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SENT TO COUNCIL:

MAY 13 2009

by City Manager's Office
Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Nadine Nader

SUBJECT: 2009 FIRST
QUARTER COUNCIL REFERRAL
REPORT

DATE: May 13, 2009

Approved

Delma Schue

Date

5/13/09

INFORMATION

Attached, please find the First Quarter Report on Open Council Referrals (January 1-March 31, 2009). In addition, attached is a report on Closed Council Referrals, through May 7, 2009.

Open Referrals	42
Closed Referrals	19

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

Nadine Nader
Nadine Nader
Assistant to the City Manager

Attachments



**First Quarter OPEN Council Referrals
January 1-March 31, 2009**

- 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:** 06/30/2009 **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, a schedule for public outreach assistance has not been set. 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.
-
- 3** **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; **CMO Contact:** Duenas, Norberto
Status: A framework for implementing this effort went to Rules Committee on October 22, 2008. On May 14, staff will present to the Neighborhood Services and Education Committee a recommendation, which if affirmed by Council, will enable the Neighborhoods Commission to begin its work. The Neighborhoods Commission workplan will then come back to the NSE Committee at a later date. While a great deal of work has been done to implement efficiencies for boards and commissions, the work related to evaluating redundancies, opportunities for consolidation, efficiency, and elimination, will not be completed for several months.
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- 4** **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.
-
- 5** **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:** 08/24/2009 **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 August, 2009.

6 **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 July 2009, after the Department has transitioned into the new phone system.

Staff will provide a one year status report on the new complaint process to Council in fall 2009.

7 **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:** 06/30/2009 **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 was submitted to HCD on March 10, 2009. HCD has 60 days to review and return its comments. Staff will then respond to these comments. Final Council approval will take place in June, the deadline for final Housing Element submittal to the State.

8 **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. 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.

9 **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 Area Development Policy (ADP) at the December 16, 2008 meeting, staff will be preparing an Amendment to the ADP. Staff is currently working with Agency staff to coordinate a date to bring together the following items to the Task Force, Planning Commission, and City Council Meetings:
a) North San Jose ADP Amendment, b) North San Jose Urban Design Guidelines, c) North San Jose Neighborhoods Plan and d) updated North San Jose Traffic Impact Fee.

10 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:** 08/25/2009 **Status:** Open **System ID:** 1,126

Referral Type: Follow-Up Action **Sr Lead:** 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 August 2009. 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.

11 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.

12 Subject: 2007 Independent 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 July 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.

13 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:** 05/29/2009 **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 on 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 were 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 May 2009 that will provide a status update on the Traffic Calming Program and online toolkit.

14 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 are coordinating on this issue and anticipate going to Rules Committee in May with a joint memo on status/approach.

15 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:** 08/31/2009 **Status:** Open **System ID:** 1,170

Referral Type: Follow-Up Action **Sr Lead:** Rodriguez, Vilcia (CMO); Murtha, Tom; **CMO Contact:** Santana, Deanna

Status: Staff from the City Attorney's Office, Public Works and Planning, Building, Code Enforcement continue to work with Ryland Mews to assess their request and develop recommendations.

16 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.

17 Subject: Audit of Retirement Services' Travel Expenses - Council directed the City Manager to incorporate into the Boards and Commissions analysis recommendation 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:** 06/30/2009 **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 this review would be handled outside of the boards and commissions analysis. On February 20, 2009, the City Manager contracted with Cortex Applied Research, a consultant experienced in governance issues to review the current construct of the Federated and Police & Fire Boards and to make recommendations for improvement. To date, the following stakeholder outreach has been conducted:

- March 18: stakeholder questionnaires and interview guides were approved.
- March 23-27: twenty on-site interviews with stakeholders were conducted.
- April 6: Final telephone interviews with stakeholders.

A report to Council is anticipated in late-June.

18 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 (CEC) required a delay in returning with the Green Building Ordinance until later this spring, staff slowed work on the pipeline provisions. Staff is restarting work as we begin outreach to the development community regarding implementation of the Green Building Policy. Staff anticipates presenting a draft Pipeline framework to Council when staff returns with the draft Green Building Ordinance in June. Final adoption of that ordinance will occur in August following CEC review of the draft ordinance analysis.

19 Subject: Exploring Transportation Innovations to Support High-Density, Transit-Oriented Development - The Committee directed staff to ensure a long term policy, conduct eco pass usage survey and return with a status report in December.

CSA: Comm & Economic Dev **Council Refer #:** 10-15-08-(G)(6) **Due Date:** 04/29/2009 **Status:** Open **System ID:** 1,172

Referral Type: Follow-Up Action **Sr Lead:** Horwedel, Joseph; Boyd, Darryl; Hamilton, Carol ; Helmer, Jim; **CMO Contact:** Krutko, Paul

Status: Work related to this referral is on indefinite hold due to lack of resources. An information memo was prepared with all the outstanding ordinance and policy concepts that the department staff has prioritized through the end of 2010.

20 Subject: Ordinance rezoning the real property located at/on the east side of Campbell Avenue, approximately 400 feet southeasterly of El Camino Real - Ordinance No. 28437 passed for publication, with three conditions: (1) Require the City Manager to negotiate immediately with the City of Santa Clara to obtain a formal staff agreement, in writing, whether memorialized in Memorandum of Understanding or other similar public document. The agreement should identify those steps that will mitigate traffic accident risk at the intersection of El Camino Real and Campbell Avenue, such as the closure or re-routing of the driveway to the office complex facing that intersection. (2) Require City Manager, in consultation with CalTrans and the City of Santa Clara, to obtain traffic accident data relating to the intersection of Campbell Avenue and El Camino Real for a period of 12 to 18 months before and after the issuance of the certificate of occupancy on the majority of approved units, and report to the appropriate Council committee with the findings upon their collection. (3) Require notification of the Newhall Neighborhood Association board members of the results of the City Manager's efforts as to conditions #1 and #2.

CSA: Comm & Economic Dev **Council Refer #:** 10-28-08-11.3 **Due Date:** 05/30/2009 **Status:** Open **System ID:** 1,175

Referral Type: Follow-Up Action **Sr Lead:** Helmer, Jim; Ortbal, Jim; Pineda, Manuel; **CMO Contact:** Krutko, Paul

Status: Although staff is not pursuing an MOU, staff is working with the City of Santa Clara on two public documents to memorialize this understanding:

1.) As part of the Santa Clara BART Station Area Plan, staff will memorialize the intent of the City of Santa Clara to close or re-route the driveway to the office complex with any proposed redevelopment of the site. The Area Plan will go through both City of San Jose and City of Santa Clara Council approval.

2.) Staff is in the process of pursuing an encroachment permit with Caltrans for the reconfiguration of the El Camino/Campbell intersection. This permit will require agreement between the City, Santa Clara, and Caltrans as to the best possible design for the intersection. Staff has completed coordination with the City of Santa Clara and preliminary coordination with Caltrans.

21 Subject: Public Intoxication Task Force and Referrals
(Due to database limitations, staff is unable to list the multiple directions given by Council to staff. To review them, see the November 18, 2008 Council Meeting Synopsis.)

CSA: Public Safety **Council Refer #:** 11-18-08-8.2 **Due Date:** 06/02/2009 **Status:** Open **System ID:** 1,181

Referral Type: Follow-Up Action **Sr Lead:** Davis, Robert; Santana, Deanna; Duenas, Norberto **CMO Contact:** Figone, Debra

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. Due to changes in the Task Force meeting schedule, staff anticipates going to Council with recommendations on June 2, 2009.

22 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: Comm & Economic Dev **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 a report to Council in December 2009 on the number of non-retail uses permitted in the Downtown Core Area since adoption of the modified zoning ordinance

23 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:** Jensen, Peter; **CMO Contact:** Krutko, Paul

Status: Staff presented a cost benefit analysis report at the March 23 Community and Economic Development Committee meeting. Staff is proceeding with the issuance of an RFP anticipated for release by the end of May, 2009.

24 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: Comm & Economic Dev **Council Refer #:** 12-09-08-5.2 **Due Date:** 08/25/2009 **Status:** Open **System ID:** 1,196

Referral Type: Follow-Up Action

Sr Lead: Krutko, Leslye;

CMO Contact: Duenas, Norberto

Status: Staff presented a status report to the Rules Committee on January 14, 2009, per direction above. The Rules Committee has approved the Citywide Inclusionary Housing Ordinance hearing schedule. The first hearing was held on March 24. An ordinance for Council's consideration is anticipated to be completed in August, 2009. Other actions related to this referral are all scheduled to be completed at different times over the course of the next 12 months. Staff continues to make progress on all.

25 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: 05/26/2009

Status: Open

System ID: 1,197

Referral Type: Follow-Up Action

Sr Lead: Horwedel, Joseph; Crabtree, Andrew;

CMO Contact: Krutko, Paul

Status: At the February 23 CED Committee, staff presented a status report on amendments related to the North San Jose Development Policy. Staff anticipates reporting to Council on this item in May, 2009.

26 Subject: Update of the Evergreen-East Hills Development Policy and Proposed Evergreen-East Hills Traffic Impact Fee - Council directed the Administration to return to Council in one year with an implementation update.

CSA: Comm & Economic Dev

Council Refer #: 12-16-08-11.2

Due Date: 12/15/2009

Status: Open

System ID: 1,198

Referral Type: Follow-Up Action

Sr Lead: Horwedel, Joseph;

CMO Contact: Krutko, Paul

Status: Work is underway to complete this Council referral.

27 Subject: Rezoning real property located at the northeast corner of N. First Street and E. Hedding Street - Council directed to submit a workload assessment to the Rules & Open Government Committee to determine whether zoning changes might better regulate bail bond businesses in the future.

CSA: Comm & Economic Dev

Council Refer #: 12-16-08-11.3

Due Date: 05/19/2009

Status: Open

System ID: 1,199

Referral Type: Follow-Up Action

Sr Lead: Horwedel, Joseph; Crabtree, Andrew; Hamilton, Carol

CMO Contact: Krutko, Paul

Status: Staff presented a workload assessment at the March 4 and March 25 Rules Committee. A discussion regarding a potential moratorium and code change to the City Council is scheduled for May 19, 2009.

28 Subject: Weed and Seed Grant Authorization- City Manager and Executive Director were directed to provide status reports to Council about community outreach efforts in Districts 5 and 8.

CSA: Neighborhood Services

Council Refer #: 01-13-09-2.8

Due Date: 05/29/2009

Status: Open

System ID: 1,210

Referral Type: Request for Information

Sr Lead: Davis, Robert; Duenas, Norberto;

CMO Contact: Duenas, Norberto

Status: Work is underway to complete this referral.

29 Subject: City's Outsourcing Policies- 1) Direct Staff to conduct outreach to stakeholders, including non-profit organizations that contract with the City, labor groups, the Chambers of Commerce, Team San Jose, and others interested; 2) Direct Staff to facilitate the scheduling of a Special Community & Economic Development Committee meeting to be held within 30 days for the purpose of conducting a roundtable discussion, which shall include an overview by the Administration and City Attorney of current policies and work in-progress as a result of Sunshine Reforms already approved by the City Council; and 3) Direction to return to the City Council within 45 days.

CSA: Comm & Economic Dev **Council Refer #:** 01-27-09-3.5(b) **Due Date:** Unassigned **Status:** Open **System ID:** 1,211
Referral Type: Follow-Up Action **Sr Lead:** Shikada, Ed; **CMO Contact:** Shikada, Ed
Status: On March 12, 2009, the Community and Economic Development (CED) Committee held a special roundtable meeting to discuss the City's policies related to contracting for services and to review and consider revisions to the City's Public-Private Competition Policy. The Committee approved retaining in committee the issue of revising the public private competition policy and directed staff to return to the Committee on April 27, 2009 for further discussion. On April 27, the Committee approved the staff recommendations to evaluate service delivery changes in the proposed FY 2009-10 Budget, in context of the City's core values, and to return to the CED Committee in August 2009 for further discussion related to policy revisions. Staff will hold a follow-up meeting with roundtable participants on May 8, 2009.

30 **Subject:** Review of SRTF recommendations regarding Public Records on Police Statistical Reports- Rules Committee directed the Police Chief to return to Rules Committee in late March/Early April with a verbal report on what other cities are doing related to reporting.
CSA: Public Safety **Council Refer #:** 02-18-09-12.2 **Due Date:** 04/22/2009 **Status:** Open **System ID:** 1,214
Referral Type: Request for Information **Sr Lead:** Davis, Robert; **CMO Contact:** Santana, Deanna
Status: The Rules Committee heard a presentation on this item on April 22, 2009.

31 **Subject:** ADMINISTRATIVE HEARING regarding an appeal of the Planning Commission's decision to deny a Determination of Public Convenience or Necessity (ABC08-012)- Staff directed to inspect the business in 12 months and provide a status report to Council via an Information Memorandum.
CSA: Comm & Economic Dev **Council Refer #:** 03-10-09-4.4 **Due Date:** 03/10/2010 **Status:** Open **System ID:** 1,222
Referral Type: Request for Information **Sr Lead:** Horwedel, Joseph; **CMO Contact:** Krutko, Paul
Status: Work is underway to complete this referral. Staff will report via an information memo in March 2010.

32 **Subject:** Settlement of Cardroom Litigation- Staff directed to develop and bring to the HNVF leadership Committee a framework for administering the Charitable and Non-Profit Contributions to address the social problems associated with gambling from the Settlement of the Cardroom Litigation that includes: 1) An outreach process to the nonprofit community that ensures awareness of the availability of these resources. 2) An allocation and distribution plan that is consistent with both the settlement and HNVF strategic work plan. 3) Scenarios for reimbursing costs associated with administration of the funds, exploring both City and non-City options.
CSA: Neighborhood Services **Council Refer #:** 03-24-09-3.4 **Due Date:** 10/27/2009 **Status:** Open **System ID:** 1,218
Referral Type: Follow-Up Action **Sr Lead:** Balagso, Albert; **CMO Contact:** Shippey, Christine
Status: Staff will present a workplan to the Healthy Neighborhoods Leadership Committee in April/May, outlining the proposed process to complete work directed in this referral. A report to City Council is anticipated for October, 2009.

33 **Subject:** South San Jose Police Substation Actions- City Manager directed to bring forward a policy discussion to the full Council prior to the budget process on the utilization of community policing centers and a comprehensive citywide strategy for future utilization of those centers.
CSA: Public Safety **Council Refer #:** 03-24-09-8.1 **Due Date:** 08/25/2009 **Status:** Open **System ID:** 1,219
Referral Type: Follow-Up Action **Sr Lead:** Davis, Robert; **CMO Contact:** Santana, Deanna
Status: This policy discussion will be held in August when discussion regarding Substation funding is taken to Council.

**First Quarter CLOSED Council Referrals
March 1-May 7,2009**

- 1 **Subject:** Revenue generating City Policies -Council would like a list of all policies which generate revenue.
 CSA: Strategic Suppt/MCC & Appt **Council Refer #:** 02-17-09 **Due Date:** 04/28/2009 **Status:** Closed **System ID:** 1,213
Referral Type: Request for Information **Sr Lead:** Shikada, Ed; **CMO Contact:** Shikada, Ed
 Status: An information memo listing all revenue generating City policies was released on April 27, 2009.
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- 2 **Subject:** List of contractors that receive over \$1 Million from the City through any single fund or collectively from disparate funds.
 CSA: Comm & Economic Dev **Council Refer #:** 02-17-09 **Due Date:** 03/13/2009 **Status:** Closed **System ID:** 1,212
Referral Type: Request for Information **Sr Lead:** Shikada, Ed; **CMO Contact:** Shikada, Ed
 Status: The City Manager issued an information memo in response to this referral on March 10, 2009.
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- 3 **Subject:** Integrated Billing System - Staff was directed to include information comparing 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:** Closed **System ID:** 991
Referral Type: Request for Information **Sr Lead:** Johnson, Scott P (Finance) **CMO Contact:** Shippey, Christine
 Status: On April 28, 2009, staff issued an information memo in response to this referral.
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- 4 **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) **Due Date:** 06/30/2009 **Status:** Closed **System ID:** 1,059
Referral Type: Follow-Up Action **Sr Lead:** Lam, Laura **CMO Contact:** Duenas, Norberto
 Status: Staff developed a Rigoletto Initiative workplan that was based on four core areas of focus: (1) Safety; (2) Programs Services, Outreach, & Recreation; (3) Infrastructure; and (4) Enforcement. The key groups involved in implementation include: (a) Mayor's Gang Prevention Task Force (MGPTF); (b) Strong Neighborhoods Initiative; and (c) Meadowfair Neighborhood Association. Below is a summary of each core areas of focus and actions taken.
1. Safety - Immediately after a homicide took place on October 29, 2007 at Rigoletto Drive at Othello Avenue, staff from the MGPTF, SJPD and SNI activated crisis response protocols that included increased SJPD and Safe Schools presence, while providing crime prevention trainings through Neighborhood Watch and Anti Graffiti.
 2. Programs Services, Outreach, & Recreation - Strong Neighborhoods Initiative, the West Evergreen SNI and Meadowfair Neighborhood Association worked with the MGPTF to utilize resources of the city and other entities to improve Rigoletto Drive in a more targeted. Some of those improvements include home visits, counseling services, assessment and prevention of retaliation.
 3. Infrastructure - This core area is designed to complement the Strong Neighborhoods efforts, through the West Evergreen Neighborhood Improvement Plan Amendment with special emphasis on reducing blight
 4. Enforcement - SJPD increased its police patrols and presence in the Meadowfair neighborhood. Through ongoing work in Strong Neighborhoods, SNI works in collaboration with City Attorney's Office, Code Enforcement and SJPD to address public nuisance properties. All ongoing tasks under this focus area will also be covered in the West Evergreen Neighborhood Improvement Plan Amendment under Priority 4 - Implement crime and public safety programs and Priority 5 - Beautify the neighborhood and strengthen code enforcement.

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- 5 **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:** Closed **System ID:** 1,078
- Referral Type:** Follow-Up Action **Sr Lead:** Light, Jane; **CMO Contact:** Duenas, Norberto
- Status:** Work addressing this referral has been completed. A report and Council discussion on this item was held on April 21, 2009. Please refer to Open Referrals #1230, #1231 and #1232 for additional direction provided to staff at the April 21 Council Meeting.
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- 6 **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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- 7 **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:** Closed **System ID:** 1,144
- Referral Type:** Follow-Up Action **Sr Lead:** Horwedel, Joseph; Krutko, Paul; **CMO Contact:** Krutko, Paul
- Status:** This item reported to the Community and Economic Development Committee on March 23, 2009.
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- 8 **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:** Closed **System ID:** 1,149
- Referral Type:** Follow-Up Action **Sr Lead:** Horwedel, Joseph; **CMO Contact:** Krutko, Paul
- Status:** The PD Permit (File PD08-044) was approved on March 12 at a Planning Director's Hearing, thereby completing work related to this referral.
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- 9 **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:** Closed **System ID:** 1,152
- Referral Type:** Follow-Up Action **Sr Lead:** Krutko, Paul; **CMO Contact:** Krutko, Paul

Status: Due to financial market conditions, efforts related to the location of a Tesla manufacturing plant in the Alviso community are not currently progressing. Community outreach efforts have been halted.

10 **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:** 05/26/2009 **Status:** Closed **System ID:** 1,159

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

Status: A presentation addressing the direction of this referral was given at the March 12 TPAC meeting. Council consideration to apply Living Wage to the Plant and changes in the Ordinance are anticipated in May 2009.

11 **Subject:** Actions related to the Hayes Mansion Conference Center - The City Manager agreed to bring back, as part of the asset management discussion, options for the conference center.

CSA: Strategic Suppt/MCC & Appt **Council Refer #:** 10-21-08-3.6 **Due Date:** 04/30/2009 **Status:** Closed **System ID:** 1,167

Referral Type: Follow-Up Action **Sr Lead:** Shikada, Ed; Johnson, Scott P (Finance); **CMO Contact:** Shikada, Ed

Status: A memorandum to Council with asset management recommendations, including next steps on specific properties such as Hayes Mansion was approved at the April 7, 2009 Council Meeting.

12 **Subject:** Public Hearing for Cost of Sidewalk Repairs - Staff was directed to return in 60 days with a proposed ordinance providing the Finance Director with the flexibility to handle hardship cases and negotiate repayment plans.

CSA: Strategic Suppt/MCC & Appt **Council Refer #:** 01-13-09-2.6 **Due Date:** 03/13/2009 **Status:** Closed **System ID:** 1,208

Referral Type: Follow-Up Action **Sr Lead:** Johnson, Scott P (Finance); Doyle, Rick; **CMO Contact:** Shippey, Christine

Status: An ordinance was not required to meet this request. Staff addressed this referral through the Council Memorandum prepared for the February 10, 2009 Public Hearing regarding the Cost of Sidewalk Repairs.

13 **Subject:** Appeal of the San Jose Medical Center FEIR Certification- The City Manager, through the Director of Planning, will submit an application to the relevant State of California regulatory agencies to determine the appropriateness of state oversight of additional soil or groundwater testing.

CSA: Comm & Economic Dev **Council Refer #:** 01-13-09-4.2 **Due Date:** 06/30/2009 **Status:** Closed **System ID:** 1,216

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

Status: Staff has implemented the above direction with the conditions of approval required of the property owner as part of the Planning Permit that was issued in March for demolition of the medical center buildings. As required by the permit, the property owner is responsible for submitting the application to the regulatory agencies.

14 **Subject:** Mid Year Budget Actions and related actions - Continuation of council referral originated at th June 10, 2008 Council Meeting as part of the approval of the Mayor's 2008 Budget Message. Council directed staff to study a proposal by Councilmembers Campos and Williams to analyze shutting off ten percent of street lights in arterial and industrial areas and to bring this information back in the 2008-2009 Mid-Year Budget Review.

CSA: Transp & Aviation Services **Council Refer #:** 2-10-09-3.4 **Due Date:** 04/06/2009 **Status:** Closed **System ID:** 1,209

Referral Type: Follow-Up Action

Sr Lead: Maguire, Jennifer; Helmer, Jim; Davis, Robert; Krutko, Paul;
CMO Contact: Krutko, Paul

Status: Staff presented a report addressing work in this referral at the April 6 Transportation and Environment Committee meeting.

15 Subject: 2008-2009 Mid-Year Budget Actions related to the Downtown Entertainment Zone.
(Due to database limitations, staff is not able to list the multiple directions given by Council to staff. To review approved actions, please refer to the February 24, 2009 Council Meeting Synopsis)

CSA: Public Safety **Council Refer #:** 2-24-09-3.5 **Due Date:** 04/28/2009 **Status:** Closed **System ID:** 1,207

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

Status: Staff provided a status report on sections 5(a)(b)(c) of the referral at the April 28 Council Meeting, thereby closing work in this referral. See Open Referral #1229 for additional direction resulting from the April 28 staff presentation at Council.

16 Subject: San Carlos Bowl Seniors Project- At the March 4 Council meeting, staff was directed to respond to various questions raised by Council District 6 via supplemental memo.

CSA: Comm & Economic Dev **Council Refer #:** 03-04-09-2.3 **Due Date:** 03/17/2009 **Status:** Closed **System ID:** 1,215

Referral Type: Follow-Up Action **Sr Lead:** Krutko, Leslye; **CMO Contact:** Duenas, Norberto

Status: Staff issued a supplemental memo addressing questions posed in this referral. This item was discussed and approved by Council at the March 17 Meeting (Item 4.4).

17 Subject: FY 2009-2010 Mayor's March Budget Message- This referral is part 2 of 3. Staff was directed to provide an information memo regarding: Business incubator statistics. See referrals #1217 and 1221 for related actions.

CSA: Comm & Economic Dev **Council Refer #:** 03-17-09-9.1 **Due Date:** 05/01/2009 **Status:** Closed **System ID:** 1,220

Referral Type: Request for Information **Sr Lead:** Walesh, Kim; Maguire, Jennifer; **CMO Contact:** Krutko, Paul

Status: The Redevelopment Agency issued an Information Memo regarding Status of City Incubators on April 28, 2009.

18 Subject: FY 2009-2010 Mayor's March Budget Message- This referral is part 1 of 3. City Manager to provide information memorandums regarding: Fleet fuel efficiencies, as compared to other cities. See referral #1220 and #1221 for related directions.

CSA: Strategic Suppt/MCC & Appt **Council Refer #:** 03-17-09-9.1 **Due Date:** 06/30/2009 **Status:** Closed **System ID:** 1,217

Referral Type: Request for Information **Sr Lead:** Maguire, Jennifer; Jensen, Peter; **CMO Contact:** Shippey, Christine

Status: Staff issued an Information Memo regarding "City Fuel Economy" on April 17, 2009.

19 Subject: FY 2009-2010 Mayor's March Budget Message- This referral is part 3 of 3. City Manager was directed to provide an Information Memo regarding: 3) Efforts and programs to address issues related to home foreclosures. See referral #1217 and #1220 for related direction.

CSA: Neighborhood Services **Council Refer #:** 03-17-09-9.1 **Due Date:** 04/13/2009 **Status:** Closed **System ID:** 1,221

Referral Type: Request for Information **Sr Lead:** Krutko, Leslye; **CMO Contact:** Duenas, Norberto

Status: On February 23, Housing Department issued an Information Memo regarding the status and response efforts to foreclosures in San Jose. In addition, Housing held a study session on this topic on April 13, 2009.
