



# **CITY COUNCIL AGENDA**

**FEBRUARY 5, 2013**

## **SYNOPSIS**

PETE CONSTANT  
ASH KALRA  
SAM LICCARDO  
KANSEN CHU  
XAVIER E. CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO  
MADISON NGUYEN, VICE MAYOR  
ROSE HERRERA  
DONALD ROCHA  
JOHNNY KHAMIS

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

*The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.*

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Community & Economic Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Neighborhood Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation & Aviation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 7 p.m. as needed, unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at [www.sanjoseca.gov/clerk/agenda.asp](http://www.sanjoseca.gov/clerk/agenda.asp). Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Council Wing, 2<sup>nd</sup> Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov) for the final document.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 as soon as possible, but at least three business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**  
9:04 a.m. - Closed Session, Call to Order in Council Chambers  
Absent Council Members: Herrera (Excused)  
  
1:33 p.m. - Regular Session, Council Chambers, City Hall  
Absent Council Members: Herrera (Excused)
- **Invocation (District 1)**  
Father Ion Coman, Saint Nicholas Greek Orthodox Church, presented the Invocation.
- **Pledge of Allegiance**  
Mayor Reed led the Pledge of Allegiance accompanied by students from Rosemary Elementary School.
- **Orders of the Day**  
The Orders of the Day and the Amended Agenda were approved, with Items 2.3 (a) through (e) and Item 3.4 deferred to 2/12/13.
- **Closed Session Report**  
None provided.

# 1. CEREMONIAL ITEMS

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## 1.1 Presentation of a proclamation celebrating Lunar New Year in the City of San José. (Chu)

Mayor Reed and Council Member Chu presented a proclamation to the Piedmont Hills High School Chinese Club recognizing the celebration of Lunar New Year in the City of San José.

# 2. CONSENT CALENDAR

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## 2.1 Approval of Minutes. None provided.

## 2.2 Final adoption of ordinances. None provided.

## 2.3 Approval of Council Committee Reports.

**Recommendation:** Approval of Council Committee Reports.

- (a) Rules and Open Government Committee Report of May 2, 2012. (Mayor)
- (b) Rules and Open Government Committee Report of May 9, 2012. (Mayor)
- (c) Rules and Open Government Committee Report of May 16, 2012. (Mayor)
- (d) Rules and Open Government Committee Report of May 23, 2012. (Mayor)
- (e) Rules and Open Government Committee Report of May 30, 2012. (Mayor)
- (f) Ad Hoc Committee on Economic Competitiveness Committee Report of January 7, 2013. (Mayor)
- (g) Public Safety, Finance and Strategic Support Committee Report of January 24, 2013. (Constant)

**Items (f) - (g) approved, and Items (a) - (e) deferred per Orders of the Day.**

## 2.4 Mayor and Council Excused Absence Requests.

**Recommendation:**

- (a) Request for excused absences for Councilmember Constant from the Regular Meetings of the Rules and Open Government Committee on February 6, 2013, April 3, 2013, June 5, 2013, August 7, 2013, October 2, 2013, and December 4, 2013 due to Authorized City Business: Santa Clara County LAFCO Meetings at the Santa Clara County Office. (Constant)  
(Rules Committee referral 1/23/13)

**Excused.**

## **2. CONSENT CALENDAR**

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### **2.5 City Council Travel Reports.**

Council Member Campos provided a report on his attendance at the League of California Cities – Latino Caucus Board Retreat.

### **2.6 Report from the Council Liaison to the Retirement Boards. None provided.**

## **3. STRATEGIC SUPPORT SERVICES**

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

City Manager Debra Figone thanked those who worked to bring Virgin America Airlines to the San José International Airport, and welcomed Sophie Kijas who is visiting San José from Australia as part of an international professional development exchange program.

### **3.2 Labor Negotiations Update**

**Recommendation:** Accept Labor Negotiations Update.  
**Approved.**

### **3.3 Update on Litigation and Administrative Complaint Matters related to Measure B.**

**Recommendation:** Accept City Attorney report on the status of the litigation and administrative complaint matters related to Measure B (The Sustainable Retirement Benefits and Compensation Act). CEQA: Not a Project; File No. PP10-069(a), Staff Reports/Assessments/Annual Reports. (City Attorney's Office)  
(Deferred from 1/29/13 – Item 3.7)  
**Accepted.**

### **3.4 2011-12 Annual Performance Audit of Team San José's Management of the City's Convention and Cultural Facilities.**

**Recommendation:** As recommended by the Public Safety, Finance and Strategic Support Committee on January 24, 2013, accept the 2011-12 Annual Performance Audit of Team San José's Management of the City's Convention and Cultural Facilities. (City Auditor)  
[Public Safety, Finance and Strategic Support Committee referral 1/24/13 – Item D(5)]  
**Deferred to 2/12/13 per Orders of the Day.**

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

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### **4.1 Report on Bids and Award of Contract for the Commodore Park Project.**

**Recommendation:** Approve the report on bids and award of a construction contract for 4628 - Commodore Park to the low bidder, Suarez & Munoz Construction, Inc., in the amount of \$2,057,000, and approve a seven and one-half percent contingency in the amount of \$154,275. CEQA: Mitigated Negative Declaration, File No. PP03-04-134. Council District 4. (Public Works)

**Approved.**

## **5. NEIGHBORHOOD SERVICES**

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## **6. TRANSPORTATION & AVIATION SERVICES**

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## **7. ENVIRONMENTAL & UTILITY SERVICES**

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### **7.1 Actions Related to Commercial Solid Waste and Recyclables Collection Franchise Agreements.**

**Recommendation:** Conduct a public hearing on the applications of the following companies for Commercial Solid Waste and Recyclables Collection Franchises for the non-exclusive collection and transport of residential clean-out material and construction and demolition debris; approve the ordinances granting the franchises; and approve the Commercial Solid Waste and Recyclables Collection Franchise Agreements for the non-exclusive collection and transport of Residential Clean-Out Material and Construction and Demolition Debris for a term from April 1, 2013 to June 30, 2014 with the option of three one-year extensions:

- (a) Think Truong dba AWR Dumpsters; and
- (b) Bernardini Enterprises, Inc. dba Chip It Recycling.

CEQA: Exempt; File No. PP08-228. (Environmental Services)

**Public hearing held.**

**Ordinance No. 29206 passed for publication.**

**Ordinance No. 29207 passed for publication.**

## 8. PUBLIC SAFETY SERVICES

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### 8.1 Annual Review of the Impact of Cardroom Gambling on Crime in the City of San José.

**Recommendation:** As recommended by the Public Safety, Finance and Strategic Support Committee on January 24, 2013, accept the report related to the impact of cardroom gambling on crime in the City of San José for the period July 1, 2011 to June 30, 2012. (Police)

[Public Safety, Finance and Strategic Support Committee referral 1/24/13 – Item D(3)]  
**Accepted, with Staff directed to narrow the focus to allow for greater relevance on next year’s report.**

## 9. REDEVELOPMENT – SUCCESSOR AGENCY

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- **Open Forum**  
Forrest Williams urged the City leaders to work towards the elimination of graffiti from the City of San José.
- **Adjournment**  
The Council of the City of San José adjourned at 2:53 p.m.