



CITY COUNCIL AGENDA

OCTOBER 29, 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. Council Meetings are televised live and rebroadcast on Channel 26.

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

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

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

- **Call to Order and Roll Call**
9:33 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: All Present.
1:33 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: All Present.
- **Invocation (District 9)**
Nori Herras, representing Billy DeFrank LGBT Center of Silicon Valley, presented the Invocation.
- **Pledge of Allegiance**
Mayor Reed led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with the adjournment honoring Edna Odette Morrow postponed to a future date.

- **Closed Session Report**
None provided.

1. CEREMONIAL ITEMS

- 1.1** Presentation of a proclamation declaring the Month of October as “Filipino American History Month” in the City of San José. (Chu)
Mayor Reed, Council Members Campos Chu and Kalra recognized the Month of October as “Filipino American History Month” in the City of San José.
- 1.2** Presentation of proclamation declaring the month of November 2013 as “Pancreatic Cancer Awareness Month” in the City of San José. (Oliverio)
(Rules Committee referral 10/23/13)
Mayor Reed and Council Members Constant and Oliverio recognized the month of November 2013 as “Pancreatic Cancer Awareness Month” in the City of San José.

2. CONSENT CALENDAR

- 2.1 Approval of Minutes.**
None provided.
- 2.2 Final Adoption of Ordinances.**
None provided.
- 2.3 Approval of Council Committee Reports.**

Recommendation: Approval of Council Committee Reports.

- (a) Rules and Open Government Committee Report of October 9, 2013. (Mayor)
- (b) Neighborhood Services and Education Committee Report of October 10, 2013. (Nguyen)
- (c) Transportation and Environment Committee Report of October 7, 2013, (Liccardo)
[Deferred from 10/22/13 – Item 2.3(d)]

Approved.

2. CONSENT CALENDAR

2.4 Mayor and Council Excused Absence Requests.

Recommendation:

- (a) Request for an excuse absence for Councilmember Constant from the Executive Session and the Regular and Evening City Council Meeting on October 22, 2013, due to a Family Emergency. (Constant)
- (b) Request for an excuse absence for Councilmember Constant from the Rules and Open Government Committee Meeting on October 23, 2013, due to a Family Emergency. (Constant)

(Rules Committee referral 10/23/13)

Approved.

2.5 City Council Travel Reports.

Mayor Reed reported on his trip to Washington D.C. to discuss pension reform.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 Amendments to the Retail Concession Agreements with Host International, Inc. and WDFG North America, LLC.

Recommendation:

- (a) Consent to Assignment of the Airport Retail Concession Agreement (the “Concession Agreement”) between the City and Host International, Inc. to WDFG North America, LLC. (“WDFG”); and
- (b) Approve the Third Amendment to the Concession Agreement providing for WDFG’s assumption of the Agreement and removing two undeveloped concession locations.

CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Airport)

Approved.

2.8 Councilmember Campos’ Travel to Orlando, FL.

Recommendation: Approve travel by Councilmember Campos to Orlando, FL on November 22 – 24, 2013, to attend the NALEO’s National Policy Institute on Emergency Response and Management. Source of Funds: National Association of Latino Elected and Appointed Officials and any remaining funds will be paid by District 5 Council Funds. (Campos)

(Rules Committee referral 10/23/13)

Approved.

2. CONSENT CALENDAR

2.9 2013 National League of Cities Voting Delegate at the Annual Business Meeting.

Recommendation: Approve the proposed designation of Councilmember Rose Herrera, as the voting delegate at the November 16, 2013 Annual Business Meeting for the National League of Cities. CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. (City Manager's Office)
(Rules Committee referral 10/23/13)

Approved.

2.10 "Pink Ribbons, Inc." Movie Screening.

Recommendation: As recommended by the Rules and Open Government Committee on October 23, 2013 and outlined in the attached memo previously submitted to the Rules and Open Government Committee:

- (a) Approve the "Pink Ribbons, Inc." movie screening as a City Council sponsored Special Event; and
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project. (Chu)
[Rules Committee referral 10/23/13 – Item G(2)]

Approved.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Debra Figone (Verbal Report) City Manager Debra Figone reported on the City of San José's co-sponsorship of the 20th Annual Santa Clara County Domestic Violence Conference.

3.2 Labor Negotiations Update

Recommendation: Accept Labor Negotiations Update.
None provided.

3. STRATEGIC SUPPORT SERVICES

3.3 Amendment to Meyers Nave Agreement for Legal Services Related to the Fiscal Reform Plan.

Recommendation:

- (a) Adopt a resolution authorizing the City Attorney to negotiate and execute a fifth amendment to the agreement with Meyers, Nave, Riback, Silver & Wilson (Meyers, Nave) for legal services in connection with employment, labor, and pension reform, increasing the contract amount by \$650,000 for a total amount not to exceed \$2,750,000, subject to appropriation of funds as recommended below, and extending the term through June 30, 2014.

Resolution No. 76834 adopted.

Noes: Campos, Chu, Kalra.

- (b) Adopt the following Appropriation Ordinance amendments in the General Fund:
- (1) Increase the city-wide appropriation to the City Attorney's Office for Fiscal Reform Plan Outside Legal Counsel by the amount of \$650,000; and
 - (2) Decrease the Fiscal Reform Plan Implementation Earmarked Reserve by the amount of \$650,000.

CEQA: Not a Project; File No. PP10-066(c), Services that involve no physical changes to the environment. (City Attorney's Office/City Manager's Office)

Ordinance No. 29330 adopted.

Noes: Campos, Chu, Kalra.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Rezoning of the Property Located on the Southeast Corner of South Bascom Avenue and Woodard Road.

Recommendation: Consideration of an ordinance rezoning the property located on the southeast corner of South Bascom Avenue and Woodard Road (3702 South Bascom Avenue) from the CP Commercial Pedestrian Zoning District to the CN Commercial Neighborhood Zoning District (Andarys Enterprise Inc, Owner). (Planning, Building and Code Enforcement)

C13-031 – District 9

Ordinance No. 29331 passed for publication.

4.2 Citywide Capital Improvement Program Annual Status Report and Streamlining Measures.

Recommendation: Accept the Annual Status Report on the Citywide Capital Improvement Program. CEQA: Not a Project, File No. PP10-069(a), Annual Reports. (Public Works)

Accepted.

Heard Jointly With Item 7.1

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Semiannual Regional Wastewater Facility Capital Improvement Program Report.

Recommendation: As recommended by the Transportation and Environment Committee on October 7, 2013, accept the Semiannual Status Report on the San José-Santa Clara Regional Wastewater Facility Capital Improvement Program for the period January through June 2013. CEQA: Not a Project, File No. PP10-069(a), Staff Reports/Annual Reports. (Environmental Services)

[Transportation and Environment referral 10/7/13 – Item d(3)]

Accepted.

Heard Jointly With Item 4.2

8. PUBLIC SAFETY SERVICES

8.1 Response to Santa Clara County Civil Grand Jury Report Entitled “Law Enforcement Public Complaint Procedures.”

Recommendation: Approve the response to the Santa Clara County Civil Grand Jury Reports entitled “Law Enforcement Public Complaint Procedures.” CEQA: Not a Project, File No. PP10-069(a), Staff Reports/Assessments/Annual Reports/Information Memos. (Police)

Approved.

9. REDEVELOPMENT – SUCCESSOR AGENCY

- Notice of City Engineer’s Pending Decision on Final Maps

In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
10207	Southwest corner of Montecito Vista Drive & Montecito Vista Way	7	Lennar Homes of California Inc.	106 Lots/ 100 Units	MFA

- **Open Forum**

None provided.

- **Adjournment**

The Council of the City of San José adjourned at 2:46 p.m.