



CITY COUNCIL AGENDA

AUGUST 7, 2012

SYNOPSIS

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

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON NGUYEN, VICE MAYOR
ROSE HERRERA
DONALD ROCHA
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

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

Welcome to the San José City Council meeting!

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

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

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

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

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

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

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.asp. 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**
9:03 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: Constant (Excused)
1:34 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: Constant (Excused)
- **Invocation (District 7)**
Pastor Danny Sanchez of Calvary Chapel provided 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 Item 2.19 deferred to 9/18/12, and Item 1.4 deferred to a later date.
- **Closed Session Report**
No report provided.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to HACE Scholarship recipient Tiffany Maldonado. (Campos)
Mayor Reed and Council Member Campos presented a commendation to HACE Scholarship recipient Tiffany Maldonado.
- 1.2 Presentation of a commendation recognizing the Spirit of '45's efforts to honor the legacy of the World War II generation by restoring a spirit of community, can-do attitude, willingness to sacrifice for others, and a sense of national unity in the City of San José. (Chu/Nguyen/Kalra/Herrera)
Mayor Reed, Vice Mayor Nguyen and Council Members Kalra and Herrera recognized the Spirit of '45's efforts to honor the legacy of the World War II generation.
- 1.3 Presentation of a commendation to 1590 KLIV commemorating its 20th anniversary and to 95.3 KRTY celebrating its 45th anniversary. (Constant)
Item dropped.
- 1.4 Presentation of commendations to Steven Beitashour, Chris Wondolowski, Ramiro Corrales, and Justin Morrow of the San José Earthquakes for being named to the 2012 Major League Soccer All-Star squad, and for their contributions and continued commitment to serving our community through excellence both on and off the soccer pitch. (Pyle)
Item deferred per Orders of the Day.

2. CONSENT CALENDAR

2.1 **Approval of Minutes.**
None.

2.2 **Final Adoption of Ordinances.**

Recommendation: Final adoption of ordinances.

(a) ORD. NO. 29115 – Rezoning certain real property situated at the northwest corner of Curtner and Union Avenues, from the CP Commercial Pedestrian Zoning District to the CN(PD) Planned Development Zoning District. PDC12-001

Ordinance No. 29115 adopted.

(b) ORD. NO. 29116 – Rezoning certain real property situated on the south side of Barnes Lane, approximately 650 feet west of Almaden Road (1126 Barnes Lane; APN: 583-11-126), to the R-1-2(PD) Planned Development Zoning District. PDC11-020

Ordinance No. 29116 adopted.

2. CONSENT CALENDAR

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) Airport Competitiveness Committee Report of April 13, 2012. (Mayor)
- (b) Airport Competitiveness Committee Report of May 18, 2012. (Mayor)
- (c) Neighborhood Services and Education Committee Report of June 14, 2012. (Pyle)
- (d) Public Safety, Finance and Strategic Support Committee Report of June 21, 2012. (Constant)
- (e) Community and Economic Development Committee Report of June 25, 2012. (Herrera)

Approved.

2.4 Mayor and Council Excused Absence Requests.

Recommendation:

- (a) Request for excused absences for Council Member Constant from City Council Meetings, Closed and Regular Sessions, and Council Committee Meetings from August 2 – September 30, 2012 due to Medical/Illness. (Constant)
- (b) Request for excused absences for Council Member Constant from the Rules and Open Government Committee Meeting on October 3, 2012, the Police and Fire Department Retirement Board Meeting on October 4, 2012, and the Joint City-County Meeting on October 5, 2012 due to Authorized City Business: 2012 CALAFCO Conference in Monterey, CA. (Constant)
- (c) Request for an excused absence for Council Member Constant from the Regular Meeting of Rules and Open Government Committee on October 24, 2012 due to Authorized City Business: 2012 Chamber of Commerce Annual Study Mission (City-to-City Trip) in San Diego, CA. (Constant)

Approved.

2.5 City Council Travel Reports.

None.

2.6 Report from the Council Liaison to the Retirement Boards.

None.

2. CONSENT CALENDAR

2.7 Certification of Election Results – June 5, 2012.

Recommendation: Adopt a resolution declaring the results of the June 5, 2012 Municipal Election pursuant to Elections Code Section 15400. (City Clerk)

Resolution No. 76370 adopted.

2.8 Agreement with the State of California for the Purchase of a Storm Drain Easement to Serve the City-owned Ford and Monterey Family Affordable Housing Project Site.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an agreement for the purchase of a storm drain easement to serve the City-owned Ford and Monterey Family affordable housing project site from the State of California, to accept the easement on behalf of the City, and to negotiate and execute any other documents related to the needed storm drain easement. CEQA: Mitigated Negative Declaration, File No. PDC09-022. District 2. (Housing)

Resolution No. 76371 adopted.

2.9 Independent Police Auditor Business Travel.

Recommendation: Approve travel by Independent Police Auditor, Judge LaDoris Cordell, for a business-related trip to Washington, D.C. from July 19 – 20, 2012 to meet with Tony West, Acting Associate Attorney General to seek federal funding to equip all law enforcement officers in Santa Clara County with on-officer cameras. Source of Funds: San José Police Department. (Independent Police Auditor)

Approved.

2.10 Agreement with San José State University for Cost Sharing Associated with Joint Operations of the Dr. Martin Luther King, Jr. Library.

Recommendation: Approve an agreement with San José State University for cost sharing associated with joint operations of the Dr. Martin Luther King, Jr. Library for fiscal year 2012-2013, and adopt a resolution authorizing the City Manager to exercise four renewable option terms through fiscal year 2016-2017 at an amount not to exceed \$200,000 per fiscal year pursuant to adopted operating budgets. CEQA: Not a Project, File No. PP10-066(a), Agreements and contracts for purchase of supplies, equipment and professional services with no changes in the physical environment. (Library)

Resolution No. 76372 adopted.

2. CONSENT CALENDAR

2.11 Proposed Annexation to Maintenance District 15 - Silver Creek Valley.

Recommendation: Adopt a resolution:

- (a) Preliminarily approving the Engineer's Report for Annexation Area No. 1 and formation of Zone I (Cadwallader) to Maintenance District 15 (Silver Creek Valley).
- (b) Setting the Public Meeting to be held on September 18, 2012 at 1:30 p.m.
- (c) Setting the Public Hearing and tabulation of property owner ballots for October 30, 2012 at 1:30 p.m.
- (d) Directing the notice of said meeting, hearing and ballots be mailed to the property owners in district.

CEQA: Mitigated Negative Declaration, File No. PDC09-010. Council District 8.
(Public Works)

Resolution No. 76373 adopted.

2.12 Proposed Annexation to Maintenance District 19 - River Oaks Area Landscaping.

Recommendation:

Adopt a resolution:

- (a) Preliminarily approving the Engineer's Report for Annexation Area 1 to Maintenance District 19 (River Oaks Area Landscaping).
- (b) Setting the Public Meeting to be held on September 18, 2012 at 1:30 p.m.
- (c) Setting the Public Hearing and tabulation of property owner ballots for October 30, 2012 at 1:30 p.m.
- (d) Directing the notice of said meeting, hearing and ballots be mailed to the property owners in district.

CEQA: North San José Development Policy Update EIR, Resolution No. 72768.
Council District 4. (Public Works)

Resolution No. 76374 adopted.

2.13 Willow Glen Community Benefit and Improvement District Annual Report for Fiscal Year 2012-2013.

Recommendation: Adopt a resolution:

- (a) Approving the Willow Glen Community Benefit and Improvement District Annual Report for Fiscal Year 2012-2013 as filed or modified by Council.
- (b) Confirming the individual assessments as proposed or modified by Council.
- (c) Directing the City to pay the assessment on City-owned property within the district in the amount of approximately \$9,069.
- (d) Directing the Acting Director of Finance to deliver the assessment roll to the County for collection with the property taxes.

CEQA: Not a Project, File No. PP10-069(a), Annual Reports. Council District 6.
(Public Works)

Resolution No. 76375 adopted.

2. CONSENT CALENDAR

2.14 Increase in the Project Contingency for the Monterey Road Resurfacing and Rehabilitation Project.

Recommendation: Approve an increase in the project contingency for the Monterey Road Resurfacing and Rehabilitation Project from five percent to ten percent for an increase from \$134,167 to \$268,334. CEQA: Exempt, File No. PP11-035. Council District 2. (Transportation)

Approved.

2.15 Council Member Constant's Travel to San Diego, CA.

Recommendation: Approve travel by Council Member Constant to San Diego, CA on October 24 – 26, 2012 to participate in the San José/Silicon Valley Chamber of Commerce Study Mission (City-to-City Trip). Source of Funds: Mayor & Council Travel Fund. (Constant)

Approved.

2.16 Council Member Chu's Travel to Boston, Massachusetts.

Recommendation: Approve travel by Council Member Chu to Boston, Massachusetts on November 27 – December 1, 2012 to attend the National League of Cities Congress of Cities and Exposition 2012. Source of Funds: Mayor and Council Travel Fund. (Chu) (Rules Committee Referral 08/01/12)

Approved.

2.17 District 4 River Oaks Park Ribbon Cutting and Resource Fair.

Recommendation:

- (a) Approve the District 4 River Oaks Ribbon Cutting and Resource Fair as a City-sponsored Special Event; and
- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project. (City Clerk)
(Rules Committee Referral 08/01/12)

Approved.

2.18 Report on Bids and Award of Contract for the 2012 Slurry Seal Project.

Recommendation: Report on bids and award of contract for the 2012 Slurry Seal Project to the low bidder, Graham Contractors, Inc. in the amount of \$1,139,413.50 and approval of a five percent contingency in the amount of \$56,970.68. CEQA: Exempt, File No. PP11-035. (Transportation)

Note: Renumbered from Item 6.1

Approved.

2. CONSENT CALENDAR

2.19 Master Consultant Agreement with RMC Water and Environment to Develop a Master Plan for the South Bay Water Recycling Program.

Recommendation: Approve a master agreement with RMC Water and Environment to develop a Master Plan for the South Bay Water Recycling Program for a total compensation not-to exceed amount of \$2,400,000, and for a term upon execution of the agreement through June 30, 2014. CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts for purchase of professional services. (Environmental Services)

Note: Renumbered from Item 7.1

Deferred to 9/18/12 per Orders of the Day.

2.20 Acceptance of the 2011 Staffing for Adequate Fire and Emergency Response Grant Award.

Recommendation:

(a) Adopt a resolution to ratify the City's on-line acceptance on July 23, 2012 of the 2011 SAFER Grant in the amount of \$8,623,206.

Resolution No. 76376 adopted.

(b) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund in fiscal year 2012-2013:

- (1) Increase the Personal Services appropriation to the Fire Department in the amount of \$2,796,585;
- (2) Increase the Non-Personal/Equipment appropriation to the Fire Department in the amount of \$139,802;
- (3) Increase the Earmarked Reserve: Staffing for Adequate Fire and Emergency Response Grant by \$300,000; and
- (4) Increase the estimate for Revenue from the Federal Government by \$3,236,387.

Ordinance No. 29117 adopted.

Resolution No. 76377 adopted.

(c) Approve the following position additions to the Fire Department effective August 19, 2012:

- (1) 6.0 Fire Captains to the Fire Department,
- (2) 7.0 Fire Engineers to the Fire Department, and
- (3) 14.0 Firefighters to the Fire Department.

CEQA: Not a Project, PP10-066, Agreement/Contracts. (Fire/City Manager's Office)

Note: Renumbered from Item 8.1

Approved.

2. CONSENT CALENDAR

2.21 Appointments to Boards, Commissions, and Committees.

Recommendation: As recommended by the Rules and Open Government Committee on August 1, 2012:

- (a) Appoint Doug Feece as the At-Large Representative and Kelly Hattley as the Private Off-Street Parking Facility Representative to the Downtown Parking Board. (Liccardo)
- (b) Appoint Darren Wallace as the Fire Representative and Dave Woolsey as the Police Representative to the Deferred Compensation Advisory Committee for the remainder of the four-year terms ending on March 1, 2013. (City Manager's Office)

[Rules Committee referral 8/1/12 – Items F(1)(a) and F(1)(b)]

Approved.

2.22 Joint Park Agreement with Santa Clara Unified School District in North San José.

Recommendation: As recommended by the Rules and Open Government Committee on August 1, 2012, direct the City Manager or designee to negotiate and execute a Joint Use Park Agreement with the Santa Clara Unified School District on the Agnews East site in North San José. (Mayor/Chu)

[Rules Committee referral 8/1/12 – Item G(6)]

Item pulled to reflect the following change: “Adopt a resolution authorizing the City Manager to negotiate and execute a memorandum of understanding with the Santa Clara Unified School District setting forth the framework for a future partnership between the City and District for the possible acquisition and use of the Agnews site in North San José and to return to the City Council for approval of a Joint Use Agreement at a later date once the final terms of joint use agreement have been negotiated”.

Resolution No. 76378 adopted.

2.23 2012 League of California Cities Alternate Voting Delegate at the Annual Business Meeting.

Recommendation: As recommended by the Rules and Open Government Committee on August 1, 2012, approve the proposed designation of Council Member Pete Constant as the alternate voting delegate at the September 7, 2012 Annual Business Meeting for the League of California Cities. (City Manager's Office)

[Rules Committee referral 8/1/12 – Item G(7)]

Approved.

2. CONSENT CALENDAR

2.24 San José Jazz Festival Flag Raising.

Recommendation: As recommended by the Rules and Open Government Committee on August 1, 2012:

- (a) Approve the San José Jazz Festival Flag Raising as a City Council sponsored Special Event; and
- (b) Approve expending funds and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project. (City Clerk)

[Rules Committee referral 8/1/12 – Item G(9)]

Approved.

2.25 National Night Out.

Recommendation: As recommended by the Rules and Open Government Committee on August 1, 2012:

- (a) Approve the National Night Out as a City Council sponsored Special Event; and
- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project. (City Clerk)

[Rules Committee referral 8/1/12 – Item G(10)]

Approved.

2.26 District 8 Day in the Park Festival.

Recommendation: As recommended by the Rules and Open Government Committee on August 1, 2012:

- (a) Approve the District 8 Day in the Park Festival as a City Council sponsored Special Event; and
- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project. (City Clerk)

[Rules Committee referral 8/1/12 – Item G(11)]

Approved.

3. STRATEGIC SUPPORT SERVICES

- ### 3.1 Report of the City Manager, Debra Figone (Verbal Report)
- The City Manager provided an overview of the City Manager's Office accomplishments throughout July.**

3. STRATEGIC SUPPORT SERVICES

3.1 Labor Negotiations Update

Recommendation: Accept Labor Negotiations Update.

Staff provided an update on the proposed agreement between the City of San José and the Association of Legal Professionals (ALP).

3.3 Actions Related to the Minimum Wage Initiative.

Recommendation:

- (a) Adopt a resolution of the City Council calling and giving notice of the submission to the electors of the City of San Jose, a Special Municipal Election to be held on November 6, 2012, to submit to the electors of the City of San José the following measure:

MEASURE ____

Minimum Wage

| | | |
|--|-----|--|
| Shall an ordinance be adopted that (1) requires (a) under certain circumstances, payment of minimum wages in San José at \$10 per hour with an annual increase, if any, based on the Consumer Price Index beginning January 1, 2014; (b) City enforcement through fines, penalties, civil actions, or revocation or suspension of permits or licenses; and (c) voter approval of substantive changes to the ordinance; and (2) allows private enforcement through civil actions? | YES | |
| | NO | |

Resolution No. 76379 adopted, with modifications as follows:

| | | |
|--|-----|--|
| Shall an ordinance be adopted that (1) requires (a) under certain circumstances , payment of minimum wages in San José at \$10 per hour with an annual increase, if any, based on the Consumer Price Index beginning January 1, 2014; (b) City enforcement through fines, penalties, civil actions, or revocation or suspension of permits or licenses; and (c) voter approval of substantive changes to the ordinance; and (2) allows private enforcement through civil actions? | YES | |
|--|-----|--|

- (b) Council discussion and consideration of whether the full text of the proposed ordinance should be printed in the Sample Ballot pursuant to Elections Code Section 12111.

No full text printed in Voter’s Sample Ballot.

(Item Continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.3 Actions Related to the Minimum Wage Initiative (Cont'd.)

(c) Council discussion and consideration of permitting any member or members of the Council to file a written argument pursuant to Elections Code Section 9282.

Approved.

(d) Council discussion and consideration of permitting rebuttal arguments pursuant to Elections Code Section 9285. If rebuttal arguments are permitted, Council discussion and consideration of permitting any member or members of the City Council to submit a rebuttal argument.(City Clerk/City Attorney)

Approved. Rebuttal arguments may be printed.

3.4 Actions Related to the Cardroom Gambling Initiative.

Recommendation:

(a) Accept the Certificate of Sufficiency issued by the County of Santa Clara Registrar of Voters qualifying the Cardroom Initiative;

Accepted.

(b) Accept the report on effects of the proposed ordinance as prepared by staff consistent with California Elections Code Section 9212;

Accepted.

(c) Adopt a resolution of the City Council calling and giving notice of the submission to the electors of the City of San Jose, a Special Municipal Election to be held on November 6, 2012, to submit to the electors of the City of San José the following measure:

MEASURE ____
Cardroom Gambling

| | | |
|--|-----|--|
| Shall gambling be expanded by amending the Municipal Code to (1) allow the maximum number of Card Tables in San José to increase from 98 to 128 on January 1, 2013 and from 128 to 158 on January 1, 2014; (2) allow Cardrooms to offer any form of gambling lawful in California after July 1, 2012, without additional voter approval; and (3) require San José to review rules for additional permissible gambling? | YES | |
| | NO | |

(Item Continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.4 Actions Related to the Cardroom Gambling Initiative (Cont'd.)

Resolution No. 76381 adopted, with modifications as follows:

MEASURE ____
Cardroom *Gaming*

| | | |
|--|-----|--|
| Shall gambling be expanded by amending the Municipal Code to (1) allow the maximum number of Card Tables <i>at San José's two cardrooms to increase by 30</i> on January 1, 2013 and <i>by an additional 30 on</i> January 1, 2014; (2) allow Cardrooms to offer any form of <i>gaming</i> lawful in California after July 1, 2012, without additional voter approval; and (3) require San José to review rules for additional permissible <i>gaming</i> ? | YES | |
|--|-----|--|

(d) Council discussion and consideration of whether the full text of the proposed ordinance should be printed in the Sample Ballot pursuant to Elections Code Section 12111.

No full text printed in Voter's Sample Ballot.

(e) Council discussion and consideration of permitting any member or members of the Council to file a written argument pursuant to Elections Code Section 9282.

Approved.

(f) Council discussion and consideration of permitting rebuttal arguments pursuant to Elections Code Section 9285. If rebuttal arguments are permitted, Council discussion and consideration of permitting any member or members of the City Council to submit a rebuttal argument.

(City Manager/City Clerk/City Attorney)

[Referred from 6/12/12 – Item 2.19(b)]

No rebuttal arguments are to be printed.

3. STRATEGIC SUPPORT SERVICES

3.5 Service Level Restoration Priorities.

Recommendation: Accept this report on the Administration’s initial prioritization of selected General Fund service restorations by department to baseline January 1, 2011 service levels. (City Manager)

Deferred to 9/14/2012 per Council direction.

3.6 Retail Sales and Use Tax Measure.

Recommendation:

- (a) Council discussion of survey results for potential November ballot revenue measures including consideration of a one-half percent retail sales and use tax measure (recommended), and a general obligation bond measure for street infrastructure (not recommended); and
- (b) If the Council wishes to proceed with the Retail Sales and Use Tax Measure, adoption of a resolution of the City Council calling and giving notice, on its own motion, a Special Municipal Election to be held on November 6, 2012, to submit to the electors of the City of San José the following measure:

MEASURE ____
San José Sales Tax

| | | |
|---|-----|--|
| In order to provide funding for City services such as police, fire, emergency response, street maintenance, pothole repair, parks, libraries, and youth and senior programs, shall an ordinance be adopted to enact a ½% retail sales and use tax in San José, for a period of 15 years, subject to existing independent financial audits, with all revenue controlled by the City? | YES | |
| | NO | |

- (c) Council discussion and consideration of whether the full text of the proposed ordinance should be printed in the sample ballot pursuant to Elections Code Section 12111.
- (d) Council discussion and consideration of adopting provisions to permit any member or members of the City Council to submit arguments, pursuant to Elections Code Section 9282.
- (e) Council discussion and consideration of adopting provisions to permit rebuttal arguments, pursuant to Elections Code Section 9285, and if rebuttal arguments are permitted, then permitting any member or members of the City Council to submit a rebuttal argument.

Failed. (5-5-1. Noes: Herrera, Liccardo, Nguyen, Oliverio; Reed. Absent: Constant.)

3. STRATEGIC SUPPORT SERVICES

3.7 Sewer Service and Use Charge and Storm Sewer Service Charges for 2012-2013.

Recommendation:

- (a) Adopt a resolution:
- (1) Setting the following Sewer Service and Use Charge rates for 2012-2013, effective July 1, 2012. The recommendation for 2012-2013 is to maintain the same rates adopted for 2011-2012.

| <u>Category</u> | <u>2012-2013 Monthly Rates</u> |
|---|--------------------------------|
| Single Family Residential | \$33.83 |
| Multi-Family Residential | \$19.35 per unit |
| Mobile Home | \$19.39 per unit |
| Non-Monitored Commercial and Industrial | See Attachment A |
| Monitored Industrial | See Attachment A |

- (2) Setting the following for Storm Sewer Service Charge rates for 2012-2013, effective July 1, 2012. The recommendation for 2012-2013 is to maintain the same rates adopted for 2011-2012.

| <u>Category</u> | <u>2012-2013 Monthly Rates</u> |
|---|--------------------------------|
| Single Family Residential and Duplex | \$7.87 per unit |
| Mobile Home | \$3.94 per unit |
| Residential Condominium | \$4.30 per unit |
| Large Multi-Family Residential (5 or more Units) | \$4.30 per unit |
| Small Multi-Family Residential (3-4 Units) | \$14.95 per unit |
| Commercial, Institutional, and Industrial | See Attachment B |

Resolution No. 76382 adopted.

- (b) Hold a public hearing on the Sewer Service and Use Charges and Storm Sewer Service Charges report filed by the Director of Finance with the City Clerk's Office and adopt a resolution to approve the placement of recommended charges on the 2012-2013 Santa Clara County assessment roll, with such modifications as the City Council may make based on public hearing testimony.

CEQA: Not a Project, File No. PP10-069(a) City Organizational & Administrative Activities. (Finance/Environmental Services)

Public Hearing held.

Resolution No. 76383 adopted.

3. STRATEGIC SUPPORT SERVICES

3.8 Fiscal Year 2012-13 Property Tax Levy for General Obligation Bonds.

Recommendation: Adopt a resolution establishing the FY 2012-13 property tax levy on all taxable property within the City of San José for the purpose of funding the City's general obligation bonded indebtedness and pay the related administration fee to the County. CEQA: Not a Project, File No. PP10-067, Non-Project Specific Funding Mechanism. (Finance)

Resolution No. 76384 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

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

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

PDC07-071 – District 4

(Deferred from 6/12/12 – Item 4.4)

Deferred to 08/14/12 per Administration.

4.2 Rezoning Real Property Located at the Southeast Corner of Winchester and Stevens Creek Boulevard.

Recommendation: Consideration of an ordinance rezoning the real property located at the southeast corner of Winchester and Stevens Creek Boulevard (3090 Olsen Drive) to the A(PD) Planned Development Zoning District to allow for the full build out of the entire development site, commonly known as Santana Row, to include an additional 228,200 square feet of office space, 46,458 square feet of restaurant space, 35,139 of retail space, and 456 residential units over the current built condition, on a 40.78 gross acre site (FRIT/San Jose Town & Country Village LLC, Owner). CEQA: Mitigated Negative Declaration to be considered for adoption.

PDC12-009 – District 6

Ordinance No. 29118 passed for publication.

Resolution No. 76385 adopted.

5. NEIGHBORHOOD SERVICES

5.1 Acceptance of a Donation for the Construction of Soccer Fields in Almaden Valley.

Recommendation:

(a) Adopt a resolution that authorizes the City Manager to negotiate and execute any necessary agreements required to accept a donation of cash and/or stock valued at up to \$4,000,000 for the Allen at Steinbeck soccer fields project;

Resolution No. 76386 adopted.

(b) Direct the City Manager to return to Council at a future date to establish appropriation actions for this purpose.

CEQA: Not a Project, File No. PP10-066(g), Memorandum of Understanding. (Parks, Recreation and Neighborhood Services)

(Rules Committee Referral 08/01/12)

Approved.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report on Bids and Award of Contract for the 2012 Slurry Seal Project.

Recommendation: Report on bids and award of contract for the 2012 Slurry Seal Project to the low bidder, Graham Contractors, Inc. in the amount of \$1,139,413.50 and approval of a five percent contingency in the amount of \$56,970.68. CEQA: Exempt, File No. PP11-035. (Transportation)

RENUMBERED TO ITEM 2.18

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Master Consultant Agreement with RMC Water and Environment to Develop a Master Plan for the South Bay Water Recycling Program.

Recommendation: Approve a master agreement with RMC Water and Environment to develop a Master Plan for the South Bay Water Recycling Program for a total compensation not-to exceed amount of \$2,400,000, and for a term upon execution of the agreement through June 30, 2014. CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts for purchase of professional services. (Environmental Services)

RENUMBERED TO ITEM 2.19

8. PUBLIC SAFETY SERVICES

8.1 Acceptance of the 2011 Staffing for Adequate Fire and Emergency Response Grant Award.

Recommendation:

- (a) Adopt a resolution to ratify the City's on-line acceptance on July 23, 2012 of the 2011 SAFER Grant in the amount of \$8,623,206.
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund in fiscal year 2012-2013:
 - (1) Increase the Personal Services appropriation to the Fire Department in the amount of \$2,796,585;
 - (2) Increase the Non-Personal/Equipment appropriation to the Fire Department in the amount of \$139,802;
 - (3) Increase the Earmarked Reserve: Staffing for Adequate Fire and Emergency Response Grant by \$300,000; and
 - (4) Increase the estimate for Revenue from the Federal Government by \$3,236,387.
- (c) Approve the following position additions to the Fire Department effective August 19, 2012:
 - (1) 6.0 Fire Captains to the Fire Department,
 - (2) 7.0 Fire Engineers to the Fire Department, and
 - (3) 14.0 Firefighters to the Fire Department.

CEQA: Not a Project, PP10-066, Agreement/Contracts. (Fire/City Manager's Office)
RENUMBERED TO ITEM 2.20

8.2 Application for the 2012 Staffing for Adequate Fire and Emergency Response Grant.

Recommendation: Adopt a resolution authorizing the City Manager to apply for a grant from the Federal Emergency Management Agency/Department of Homeland Security for funding to hire 27 Firefighters positions that were eliminated in prior years. CEQA: Not a Project, File No. PP10-068(a), Grant Application. (Fire)
Resolution No. 76387 adopted.

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 Approval of the January-June 2013 Administrative Budget.

Recommendation: Adopt resolutions:

- (a) By the City Council, acting in its capacity as the Successor Agency of the Redevelopment Agency of the City of San José, approving the Administrative Budget for January-June 2013 and directing staff to present it to the Oversight Board for approval.
- (b) By the City Council approving the January-June 2013 Administrative Budget.
Deferred to 8/21/12 per Administration.

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> |
|--------------|--|-------------------------|----------------------|---------------------|-------------|
| 10057 | W/S Cadwallader 500' S/O Prunetree Lane | 6 | Rockwell Homes, Inc. | 8 Lots / 8 Units | SFDR |

Open Forum

- (1) Chuck Johnson suggested banning disposable lighters.**
- (2) Mark Trout offered religious viewpoints.**
- (3) David Wall offered ideas for reducing noise complaints, expressed safety concerns for the City and offered criticism of the South Bay Water Recycling Program.**

Adjournment

The Council of the City of San José adjourned at 6:24 p.m. in memory of the victims of the tragic mass shooting inside the Sikh Temple of Wisconsin, on the morning of Sunday, August 5, 2012 in Oak Creek, Wisconsin. (Herrera)

**JOINT CITY OF SAN JOSÉ CITY COUNCIL/
FINANCING AUTHORITY AGENDA**

1:30 P.M.

TUESDAY, AUGUST 7, 2012

CHAMBERS

- 1. Call to Order and Roll Call**
- 2. Approval of the Recording of a Subordinate Leasehold Deed of Trust against the Ground Lease between the San José Financing Authority and Orvieto Family Apartments, L.P. for the Orvieto Family Apartments.**

Recommendation: It is recommended that the San José Financing Authority Board adopt a resolution authorizing:

- (a) Approval of the recording of a subordinate leasehold deed of trust in the amount of \$910,000 against the Ground Lease between the San José Financing Authority and Orvieto Family Apartments, L.P. for the Orvieto Family Apartments.
- (b) The Executive Director of the Authority Board to execute all documents pertaining to this approval.

CEQA: EIR Resolution, File No. PP09-086. District 7. (Finance/Housing)
Financing Authority Board Resolution No. 116 adopted.

- 3. Open Forum**
None.
- 4. The San José Financing Authority Board was adjourned.**