



CITY COUNCIL AGENDA

MARCH 25, 2014

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 Successor Agency to the Redevelopment Agency. 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 <http://www.sanjoseca.gov/index.aspx?NID=3549>. 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**
9:43 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, Kalra, Khamis; Reed. (Excused)
- **Invocation (District 3)**
George Psarras performed a monologue from his role as Mozart in the play *Amadeus*, currently being performed by City Lights Theater Company.
- **Pledge of Allegiance**
Vice Mayor Nguyen led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved.
- **Closed Session Report**
None.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation to Jack Aiello, SF Bay Area Myeloma Support Group Leader, recognizing March as “Myeloma Awareness Month.” (Oliverio)
Vice Mayor Nguyen and Council Member Oliverio acknowledged Jack Aiello, SF Bay Area Myeloma Support Group Leader, and recognized March as “Myeloma Awareness Month.”

2. CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
None.

- 2.2 **Final Adoption of Ordinances.**
None.

- 2.3 **Approval of Council Committee Reports.**

Recommendation: Approval of Council Committee Reports.

- (a) Transportation and Environment Committee Report of March 3, 2014. (Liccardo)
- (b) Rules and Open Government Committee Report of March 5, 2014. (Mayor)
- (c) Rules and Open Government Committee Report of February 26, 2014. (Mayor)
[Deferred from 3/18/14 – 2.3(a)]

Approved.

- 2.4 **Mayor and Council Excused Absence Requests.**
None.

- 2.5 **City Council Travel Reports.**
None.

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

- 2.7 **Agreements for Aquatic Operating Services.**

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute the aquatic operating agreements with Maki Swim School, Sparkle Swim School, Los Gatos and Saratoga Recreation, West Coast Aquatics and California Sports Center to extend for one additional year through April 2015. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Parks, Recreation and Neighborhoods Services)

Resolution No. 76946 adopted.

2. CONSENT CALENDAR

2.8 *Cesar Chavez Red Carpet Film Premier.*

Recommendation: As recommended by the Rules and Open Government Committee on March 12, 2014:

- (a) Approve the Cesar Chavez Red Carpet Film Premier event as a City Council sponsored Special Event and approve the expenditure of City funds; and
- (b) Approve the allowance of donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project. (Campos)

[Rules Committee referral 3/12/14 – Item G(2)]

Approved.

2.9 **Mayor Reed’s Travel to Washington, D.C.**

Recommendation: Approve travel by Mayor Reed to Washington, D.C. on March 25 – 27, 2014 to attend the Silicon Valley Leadership Group’s Annual Washington, D.C. trip and to meet members of Congress and the Obama Administration. (Mayor)

(Rules Committee referral 3/19/14)

Approved.

2.10 **Cesar E. Chavez Commemorative March.**

Recommendation: As recommended by the Rules and Open Government Committee on March 19, 2014:

- (a) Approve the Cesar E. Chavez Red Commemorative March scheduled for March 29, 2014 as a City Council sponsored Special Event and approve the expenditure of City funds; and
- (b) Approve the allowance of donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project. (Campos)

[Rules Committee referral 3/19/14 – Item G(2)]

Approved.

3. STRATEGIC SUPPORT SERVICES

3.1 **Report of the City Manager, Edward Shikada (Verbal Report).**

City Manager Ed Shikada announced that San José has been honored with the GFOA Distinguished Budget Presentation Award, the highest form of recognition for excellence in governmental budgeting from the Government Finance Officers Association. He also announced that he will be presenting the Pride of San José Award to City employees that have distinguished themselves and their teams.

3. STRATEGIC SUPPORT SERVICES

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.
None.

3.3 Terms of Side Letter Agreements Between the City of San José and the Municipal Employees' Federation, AFSCME, Local 101 (MEF).

Recommendation: Adopt a resolution to:

- (a) Approve an agreement between the City of San José and the Municipal Employees' Federation, AFSCME Local 101 to implement a Pilot Program regarding the calculation of overtime for classifications in the Public Safety Dispatcher class series effective the beginning of the pay period after City Council approval;
- (b) Approve an agreement between the City of San José and the Municipal Employees' Federation, AFSCME Local 101 to roll the Holiday-In-Lieu premium pay into base pay and provide employees in the classifications in the Public Safety Dispatcher class series with an approximately three percent (3%) special base pay increase effective the beginning of the pay period after City Council approval; and
- (c) Amend the City of San José Pay Plan effective the beginning of the pay period after City Council approval, to roll the Holiday-In-Lieu premium pay into base pay and provide employees in the classifications in the Public Safety Dispatcher class series with an approximately three percent 3% special base pay increase, which collectively results in increasing by approximately nine and one-half percent (9.5%) the top and bottom of the salary range for classifications in the Public Safety Dispatcher class series.

CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager)

Resolution No. 76947 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Update on the Implementation of the North San José Area Development Policy.

Recommendation: As recommended by Community and Economic Development Committee on February 24, 2014, accept the update on the implementation of North San José Area Development Policy. CEQA: North San José Development Policies Update EIR, Resolution No. 72768 and Addenda thereto. Council Districts 3 and 4. (Planning, Building and Code Enforcement/Economic Development/Transportation)

[Community and Economic Development Committee referral 2/24/14 – D(2)]
(Deferred from 3/11/14 – Item 4.5)

Deferred to 4/8/14 per Administration.

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

8.1 Actions Related to the 2013-15 Supplemental Law Enforcement Services Spending Plan and 2012-2014 Supplemental Law Enforcement Services Revised Spending Plan.

Recommendation: Approve the following actions:

- (a) Approve the proposed 2013-2015 Spending Plan for the Supplemental Law Enforcement Services (SLES) Grant for \$1,570,447, and authorize the Chief of Police to amend the Spending Plan in conformity to the budget priorities set out in this Memorandum in the event State SLES Grant payments are less or more than expected;
- (b) Approve the revised 2012-2014 SLES Grant reallocating from Project #1 and Project #3 to Project #2 to purchase Taser devices, portable radios, flashlights, training and furniture;

Approved.

- (c) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the SLES Fund:
 - (1) Increase the Earned Revenue estimate by \$751,682;
 - (2) Establish an appropriation to the Police Department for the SLES Grant 2013-2015 for \$468,354; and
 - (3) Increase the existing SLES Grant 2012-2014 appropriation to the Police Department in the amount of \$283,328.

CEQA: Not a Project, File No. PP10-066(a), Cooperative Purchase of Supplies, Equipment and Professional Services with no changes to the physical environment.
(Police/City Manager)

Ordinance No. 29395 adopted.

Resolution No. 76948 adopted.

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 Merged Area Redevelopment Project Revenue Bonds, Series 1996 A/B and Series 2003 A/B – JP Morgan Letters of Credit Extension.

Recommendation: Adopt a resolution:

- (a) Authorizing, subject to the approval of the Oversight Board of the Successor Agency (the "Oversight Board") and State Department of Finance ("DOF"), the execution and delivery, in substantially final form, of a First Amendment to the Amended and Restated Reimbursement Agreement (the "First Amendment") with JPMorgan Chase Bank, NA ("JPMorgan") to extend the terms of the letters of credit (the "Letters of Credit") relating to the (1) Redevelopment Agency of the City of San José Merged Area Redevelopment Project Revenue Bonds, 1996 Series A and 1996 Series B (collectively, "1996 Bonds") and (2) Redevelopment Agency of the City of San José Merged Area Redevelopment Project Taxable Revenue Bonds, Series 2003 A (Subordinate Tax Allocation) and Redevelopment Agency of the City of San José Merged Area Redevelopment Project Revenue Bonds, 2003 Series B (Subordinate Tax Allocation (collectively, "2003 Bonds"), and making other changes relating to the assets held by JPMorgan to secure payment of the Letters of Credit;
- (b) Authorizing, subject to the approval of the Oversight Board and DOF, the execution and delivery, in substantially final form, of an Amended and Restated Letter Agreement regarding fees and charges for the Letters of Credit provided by JPMorgan under the Reimbursement Agreement in the amount of 2.55% of the aggregate outstanding face amounts of the Letters of Credit, assuming that two of the three ratings assigned by Fitch, Moody's or Standard & Poor's on the senior lien Redevelopment Agency of the City of San José Merged Area Redevelopment Project Tax Allocation Bonds are not withdrawn, suspended or otherwise become unavailable;
- (c) Authorizing the Executive Officer, Chief Financial Officer of the Successor Agency, or their designee, to take any actions and execute any and all documents necessary to complete this transaction; and
- (d) Authorizing the Executive Officer, Chief Financial Officer of the Successor Agency, or their designee, to take any actions and execute any and all documents necessary to extend and amend this agreement at expiration, provided the fees and charges for the Letters of Credit provided by JPMorgan are equivalent to the existing agreement (2.55%) or better.

CEQA: Not a Project, File No. PP10-066(e), Agreements/Contracts (Finance/Successor Agency)

Successor Agency Resolution No. 7027 adopted.

- **Open Forum**
S.K. Kohli spoke to the many merits of the City of San José and offered accolades to its Civic leaders.
- **Adjournment**
The Council of the City of San José adjourned 2:02 p.m.