



MINUTES OF THE CITY COUNCIL

SAN JOSÉ, CALIFORNIA

TUESDAY, APRIL 11, 2006

The Council of the City of San José convened in Regular Session at 9:30 a.m. in the Mayor's Conference Room, T1841, at City Hall.

Present: Council Members: Campos, Chavez, Chirco, LeZotte, Pyle, Reed, Williams, Yeager.

Absent: Council Members: Cortese; Gonzales (Excused).

Upon motion unanimously adopted, the City Council recessed to Closed Session at 9:35 a.m. in Room T1841 to (A) confer with Legal Counsel regarding existing litigation pursuant to Government Code Section 54956.9 Subsection (a) to consider cases of (1) City of San José, et al. v. County of Santa Clara, et al.; (2) County of Santa Clara, et al. v. City of San José, et al.; and (3) The San José Charter of the Hells Angels Motorcycle Club et al. v. City of San José; (B) to confer with Legal Counsel regarding anticipated litigation in two matters where there is significant exposure to litigation pursuant to subsection (c) of Section 54956.9 of the Government Code; (C) confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Manager designee Alex Gurza; Employee Organizations: (1) Operating Engineers, Local 3.

By unanimous consent, Council reconvened from Closed Session and recessed at 10:47 a.m. and reconvened at 1:30 p.m. in Council Chambers, City Hall.

Present: Council Members: Campos, Chavez, Chirco, Cortese, LeZotte, Pyle, Reed, Williams, Yeager.

Absent: Council Members: Gonzales (Excused).

INVOCATION (DISTRICT 4)

The Filipino Youth coalition delivered a presentation on the Bataan death march in remembrance of Bataan Day.

ORDERS OF THE DAY

Action: Upon motion by Council Member Chirco, seconded by Council Member Reed, the Orders of the Day and the Amended Agenda were approved and Interim City Manager Les White requested Item 4.3 not be dropped from the agenda and instead, for it to be heard by Council.

Interim City Manager Les White introduced the new Director of Emergency Services Kim Shunk to the City of San José.

CEREMONIAL ITEMS

1.1 **Presentation of a commendation to the Tower Lane team for their exemplary dedication and invaluable contributions to the City organization. (City Manager/Mayor)**

Action: Vice Mayor Chavez and City Manager Les White presented a commendation to Assistant Director of Public Works Dave Sykes of the Tower Lane Team for their invaluable contributions and dedication to the City organization.

CONSENT CALENDAR

Upon motion by Council Member Williams, seconded by Council Member Pyle, and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (10-0-1.) Absent: Gonzales.

2.2 **Final adoption of ordinance.**

- (a) **ORD. NO. 27687 – Establishes a Rule 20A Underground Utility District along Park Avenue from Bascom Avenue to Naglee Avenue; Naglee Avenue from Park Avenue to Shasta Avenue.**

Documents Filed: Proof of Publication of the title of Ordinance No. 27687 executed on April 4, 2006, submitted by the City Clerk.

Action: [Ordinance No. 27687](#) was adopted. (10-10-1). Absent: Gonzales.

- (b) **ORD. NO. 27688 – Grants a Commercial Solid Waste and Recyclables Collection Franchise to the Residential Bin Co., Inc.**

Documents Filed: Proof of Publication of the title of Ordinance No. 27688 executed on April 4, 2006, submitted by the City Clerk

Action: [Ordinance No. 27688](#) was adopted. (10-10-1). Absent: Gonzales.

- 2.3 Adoption of a resolution authorizing the City Manager to negotiate and execute assistance modification number seven to the cooperative agreement with the Transportation Security Administration (TSA) to partially reimburse Airport funded Police Department costs for four explosive detection canine teams in an amount of \$160,500 from October 1, 2004 to September 30, 2005 and for a total of \$200,000 per year from October 1, 2005 to April 16, 2007, at the Norman Y. Mineta San José International Airport. CEQA: Resolution Nos. 67380 and 71451, PP 06-033. (Airport)**

Documents Filed: Memorandum from Director of Aviation Sherry, dated March 20, 2006, recommending adoption of the resolution.

Action: [Resolution No. 73127](#), entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Assistance Modification Number Seven to the Cooperative Agreement with the Transportation Security Administration to Partially Reimburse Airport Funded Police Department Costs for Four Explosive Detection Canine Teams", was adopted. (10-10-1). Absent: Gonzales.

- 2.4 Adoption of a resolution declaring certain property located at the southeast corner of Ninth and Keyes Streets, comprising approximately 2,199 square feet, surplus to the needs of the City, and authorizing the Director of General Services to negotiate and execute a sales agreement and all documents necessary to complete the transfer of the property to the adjacent property owner(s) in an amount not to exceed \$31,000. CEQA: Exempt, File No. PP06-037. Council District: 3. SNI Area: Spartan/Keyes. (General Services)**

Action: This item was dropped from the agenda.

- 2.5 Appointment of Ray Tovar, the City's Homeless Coordinator, to represent the City of San José at the State of California's Policy Academy on Individuals and Families Experiencing Chronic Homelessness. CEQA: Not a project. (Housing)**

Documents Filed: Memorandum from Director of Housing Krutko, dated April 6, 2006, recommending the appointment.

Action: The appointment of Ray Tovar to represent the City of San José at the State of California's was approved. (10-10-1). Absent: Gonzales.

- 2.6 Approval of an amendment to the Saratoga Creek Park Master Plan to include a dog park. CEQA: Exempt, PP05-185. Council District: 1. (Parks, Recreation and Neighborhood Services)**

Documents Filed: Memorandum from Acting Director of Parks, Recreation and Neighborhood Services Balagso, dated March 20, 2006, recommending approval of the amendment to the Saratoga Creek Park Master Plan.

2.6 (Cont'd)

Action: Upon motion by Council Member LeZotte, seconded by Council Member Reed, and unanimously carried, the amendment was approved, and Staff was directed to keep Council District office #1 and the community informed of the proposed design, including the types of materials to be used in the construction. (10-10-1). Absent: Gonzales.

2.7 Adoption of a resolution of intention to conditionally vacate a portion of North Twentieth Street north of Santa Clara Street, and setting a public hearing on May 2, 2006 at 1:30 p.m. CEQA: Mitigated Negative Declaration (PP03-397). Council District: 3. SNI Area: Five Wounds/Brookwood Terrace. (Public Works)

Documents Filed: Memorandum from Director of Public Works Allen, dated March 20, 2006, recommending adoption of the resolution.

Action: [Resolution No. 73128](#), entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Assistance Modification Number Seven to the Cooperative Agreement with the Transportation Security Administration to Partially Reimburse Airport Funded Police Department Costs for Four Explosive Detection Canine Teams", was adopted. (10-10-1). Absent: Gonzales.

**2.8 Approval of Sales Tax Audit Results for the Quarter ended December 31, 2005 report. (City Auditor)
(Rules Committee referral from 4/5/06)**

Documents Filed: Memorandum from City Auditor Silva, dated March 24, 2006, transmitting the report.

Action: The *Sales Tax Audit Results* report was approved. (10-10-1). Absent: Gonzales..

STRATEGIC SUPPORT SERVICES

**3.2 Report of the Rules Committee – March 29, 2006
Vice Mayor Chavez, Chair**

Documents Filed: The Rules Committee Report dated March 29, 2006.

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review April 11, 2006 Council Agenda
 - (a) Adds to the April 11, 2006 Draft Agenda

The Committee recommended approval of an addition to the April 11, 2006 City Council Agenda.

3.2 Report of the Rules Committee – March 29, 2006 (Cont'd)
Vice Mayor Chavez, Chair

(b) City Council

- (2) Add New Items to April 4, 2006 Agenda. Attachment: Memorandum from Mayor Gonzales and Council Member Campos, dated March 29, 2006, regarding parking vehicles for-sale on public right-of-way.

The Committee recommended approval of six additions to the April 4, 2006 City Council Agenda.

(a) Mayor and Council Member Requests

- (2) Reconsideration of the Mayor's participation on boards or committees on which he serves as the City's representative. (Yeager). Attachments: (1) Memorandum from Council Member Yeager, dated March 23, 2006, recommending approval to place two recommendations regarding the reconsideration of the Mayor's participation on boards or committees on which he serves as the City's representative on the April 4, 2006 City Council agenda. (2) Memorandum from Mayor Gonzales, dated March 28, 2006 recommending that the Rules Committee not accept the request of Council Member Yeager to place an item on the agenda for the April 4 Council meeting regarding removal of the Mayor from the Silicon Valley Rapid Transit Polity Advisory Board and the San José Sports Authority; and that Vice Mayor Chavez, sitting as Chair of the VTA Board of Directors, nominate Council member Madison Nguyen to the VTA Board to be the City of San José representative on the BART-PAB.

THIS ITEM WAS HEARD ON APRIL 4, 2006

The Rules Committee considered jointly the memorandums put forward by Council Member Yeager and the Mayor relative to the Mayor's appointments to boards and committees as the City's representative; and Council Member Cortese's request to place on the agenda a clarification and/or reconsideration of the appointments of the Mayor to Boards and Commissions. Mayor's Chief of Staff Rebecca Dishotsky noted for the record that there may have been a potential and unintentional violation of the Brown Act as a result of Staff contact on this item individually to a quorum of the Rules Committee. City Attorney Rick Doyle advised that a serial meeting may have occurred but that the Brown Act provides that disclosure is the cure. He recommended that the Committee confirm the disclosure, hear the item and make a decision in public.

3.2 Report of the Rules Committee – March 29, 2006 (Cont'd)
Vice Mayor Chavez, Chair

(b) City Council

(2) Add New Items to April 4, 2006 Agenda

(a) Mayor and Council Member Requests

- (2) Reconsideration of the Mayor's participation on boards or committees on which he serves as the City's representative. (Yeager). (Cont'd)

Mayor's Chief of Staff Rebecca Dishotsky summarized the Mayor's Memorandum dated March 28, 2006 and responded to questions. City Attorney Rick Doyle noted that all positions held by the Mayor listed on Attachment C are ex-officio and clarified that none of them are appointed by the City Council. The Committee accepted the Mayor's recommendation to not place on the agenda for the April 4 Council meeting the removal of the Mayor from the Silicon Valley Rapid Transit Policy Advisory Board (BART-PAB), and further, accepted the Mayor's recommendation that Council Member Nguyen be nominated to the Valley Transportation Authority (VTA) Board to be the City of San Jose representative on the BART-PAB. The Committee further recommended that the nomination of Council Member Nguyen be forwarded to the City Council on April 4, 2006, along with copies of the Mayor's Memorandum and the VTA Bylaws.

(3) Voter-Owned Campaigns

The Committee deferred the item to the meeting of April 5, 2006 and requested that a member of the Mayor's Office be present to answer questions from the Committee members.

(3) List of Reports Outstanding

The Committee noted and filed the City Manager's Report.

(c) Legislative Update

(1) State – No report

(2) Federal – No report

(d) Meeting Schedules – No report

(e) The Public Record. Attachment: Memorandum from City Clerk Price, dated March 23, 2006, transmitting items for the public record and administration for the period of March 15-21, 2006.

3.2 Report of the Rules Committee – March 29, 2006 (Cont'd)
Vice Mayor Chavez, Chair

- (e) The Public Record (Cont'd)

The Committee noted and filed the Public Record.

- (f) Appointments to Boards, Commissions and Committees - None.

- (g) Rules Committee Reviews, Recommendations and Approvals

- (1) Request to Use Community Resource Funds for the Community Resource Fair Scheduled on June 11, 2006. Attachment: Memorandum from Council Member Reed, dated March 14, 2006, requesting release of funds to facilitate the 2006 Community Resource Fair.

The Committee approved the request.

- (2) Request to Add *An Audit of the City's Investment and Debt Administration* to the City Auditor's 2005-06 Audit Workplan. Attachment: Memorandum from City Auditor Silva, dated March 21, 2006, requesting the addition to the Workplan.

The Committee approved the recommendation.

- (h) Open Forum

Bill Chew spoke about his candidacy for District 3 and urged the Mayor to host a candidate's forum in the Council Chambers for all candidates for City office. (10-0-1). Absent: Gonzales.

- (i) Adjournment - The meeting was adjourned at 3:02 p.m.

Action: The Rules Committee report and actions of March 29, 2006 were accepted.

Report of the Rules Committee – March 22, 2006
Vice Mayor Chavez, Chair

(Deferred from 4/4/06 – Item 3.2)

Documents Filed: The Rules Committee Report, dated March 22, 2006.

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting

- (b) City Council

- (1) Review April 4, 2006 Draft City Council Agenda. Attachment: Agenda for Joint Meeting of Santa Clara Valley Water District and City of San José, scheduled for April 4, 2006.

The Committee recommended approval of the April 4, 2006 City Council Agenda with five additions.

3.2 Report of the Rules Committee – March 22, 2006
Vice Mayor Chavez, Chair
(Deferred from 4/4/06 – Item 3.2)

- (b) City Council
 - (2) Add New Items to March 28, 2006 City Council Agenda

The Committee recommended approval of the March 28, 2006 City Council Agenda with five additions.

- (3) List of Reports Outstanding

The Committee noted and filed the City Manager's report.

- (c) Legislative Update
 - (1) State – No report
 - (2) Federal
 - (a) National League of Cities Congressional Conference Summary Report

The Committee accepted the oral report.

- (d) Meeting Schedules

The Committee set the meeting date of the April 4, 2006 Joint session with the Santa Clara Valley Water District.

- (e) The Public Record. Attachment: Memorandum from City Clerk Lee Price, dated March 16, 2006, transmitting items for the public record and administration for the period March 8-14, 2006.

The Committee noted and filed the Public Record.

- (f) Appointments to Boards, Commissions and Committees
 - (1) Appointments to the Deferred Compensation Advisory Committee. Attachment: Memorandum from Director of Employee Services, dated March 16, 2006, recommending two appointments to the Deferred Compensation Advisory Committee.

The Committee recommended the appointments of Jeff Ricketts to the DCAC to serve the remaining three years of retiree Don DeMer's term as the employee representative recommended by the San José Police Officers

3.2 Report of the Rules Committee – March 22, 2006 (Cont'd)
Vice Mayor Chavez, Chair
(Deferred from 4/4/06 – Item 3.2)

- (f) Appointments to Boards, Commissions and Committees (Cont'd)
(1) Appointments to the Deferred Compensation Advisory Committee (Cont'd)

Association (POA) for a term ending March 1, 2009; and the appointment of Trish Glassey to the DCAC as the employee representative recommended by the American Federation of State, County and Municipal Employees (AFSCME) of Municipal Employees' Federation (MEF) and Confidential Employees' Organization (CEO), for a four-year term ending March 1, 2010.

- (2) Advisory Commission on Rents Term Extensions. Attachment: Memorandum from Council Member Campos, dated March 20, 2006 recommending a one-time only, one-year extension to the term ending dates for Commissioners Holtzman-Peters and Wincor to facilitate greater balance in term ending dates on the Advisory Commission on Rents.

The Committee approved the recommendation.

- (g) Rules Committee Reviews, Recommendations and Approvals
(1) Request to add reviews of high profile, complex RFP's/procurements as an ongoing assignment to the City Auditor's work plan. Attachment: Memorandum from City Auditor Silva, dated March 13, 2006 recommending addition of the reviews.

The Committee approved the recommendation and requested that a definition of "high profile and/or complex" be provided when staff returns with the Procurement Reforms.

- (2) Approval of an amended timeline for the Fire Department to research and develop an ordinance for Improved Fire Safety in Older Buildings. Attachment: Memorandum from Fire Chief Clet, dated March 15, 2006 recommending approval of the amended timeline.

The Committee approved the amended timeline and directed staff to look at what other cities have done, involve the Tri-Counties Apartment Association and to return to Rules with a progress update between September and November 2006.

3.2 Report of the Rules Committee – March 22, 2006 (Cont'd)
Vice Mayor Chavez, Chair
(Deferred from 4/4/06 – Item 3.2)

- (g) Rules Committee Reviews, Recommendations and Approvals (Cont'd)
(3) Adoption of an opposition position on HR4437

THIS ITEM HEARD ON APRIL 4, 2006

Erik Larsen, President, Municipal Employees' Federation (MEF), AFSCME, Local No. 101 and Laressa, Policy Director for Services, Immigrant Rights and Education Network (SIREN), spoke in support of the City's recommendation for a resolution in opposition to the immigration reform bill. The Committee directed the City Manager, or his designee, to monitor the activities of the National League of Cities "Immigration Task Force" which has been meeting since December of 2005 to focus on key issues affecting cities and towns related to immigration reform, review pending legislation in Congress, and identify policy gaps/policy amendments to guide NLC's lobbying as immigration reform unfolds.

- (4) Approval of travel by Council Member Campos to attend the League of California Cities Transportation, Communication and Public Works Policy Committee Meeting in Los Angeles on March 30, 2006. Attachment: (1) Memorandum from Council Member Campos, dated March 17, 2006, recommending approval of travel. (2) Memorandum from City Clerk Price, dated March 21, 2006, summarizing the Mayor and Council Travel Fund to date.

The Committee approved the travel request.

- (h) Open Forum

Bill Chew spoke about his candidacy for District 3 and observed that the public has the opportunity to gain greater access to City government by watching the Rules Committee meetings on television or via the internet.

- (i) Adjournment - The meeting adjourned at 2:48 p.m.
(Deferred from 4/4/06 – Item 3.2)

Action: Upon motion by Council Member Campos, seconded by Council Member Pyle, and unanimously carried, the Rules Committee report and actions of March 22, 2006 were accepted. (10-0-1). Absent: Gonzales.

COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Report of the Driving a Strong Economy Committee – March 27, 2006 Council Member Williams, Chair

Documents Filed: The Driving a Strong Economy Committee Report, dated March 27, 2006.

(a) Development Process Status Report

The Committee accepted Staff's request to defer this item until the next Committee meeting on April 24, 2006.

(b) Counter-to-Council Update. Attachment: Memorandum from Acting Director of Planning, Building and Code Enforcement Horwedel, dated March 20, 2006, summarizing the update.

The Committee accepted the Staff report.

(c) Update on President's Advisory Panel on Federal Tax Reform Recommendations. Attachment: Memorandum from Director of Housing Krutko, dated March 15, 2006, recommending acceptance of the report.

The Committee accepted the Staff report.

(d) Oral Petitions -

Bill Chew, Candidate for District 3, spoke on public campaign funds.

(e) Adjournment - The meeting was adjourned at 2:17 p.m.

Action: Upon motion by Council Member Williams, seconded by Council Member Campos, and carried, the Driving a Strong Economy Committee report and actions of March 27, 2006 were accepted. (9-1-1). Noes: LeZotte. Absent: Gonzales.

4.3 Approval to designate the City of San Jose as the local redevelopment authority for the purpose of reuse of the Richey U.S. Army Reserve Center at 155 W. Hedding. CEQA: Not a Project. (Public Works/Planning, Building and Code Enforcement)

Documents Filed: Information Memorandum from City Manager White, dated April 7, 2006, regarding the Richey Army Reserve Center.

Public Comment: George Fokos expressed the importance of teaming up with the County of Santa Clara on this issue.

This item was heard by the Council on the request of City Manager White that the item not be dropped.

4.3 (Cont'd)

City Manager White verbally reported that the U. S. Department of Defense has advised that the property will be vacated and disposed of by 2011, and recommended that the City allow the site to default to the U. S. Department of Defense to serve as the local redevelopment authority,. Further, he proposed that the City explore with the County and other regional entities any mutually beneficial usages for the site.

Action: Upon motion by Council Member Pyle, seconded by Council Member Williams, and unanimously carried, the recommendation of the City Manager to allow the site to default to the U.S. Department of Defense was approved, and Staff was directed to work with the County to identify possible uses of mutual benefit to both the City and the County. (10-0-1). Absent: Gonzales.

4.4 **Provide direction to staff to proceed with the county island annexation process, beginning with a Pilot Program of sixteen such islands, and specifically:**

- (a) **Direction to staff to prepare initiation of island annexations under the provision of Government Code Section 56375.3 for those parcels identified islands; and**
- (b) **Request that the County provide the necessary mapping, legal descriptions, Surveyor's and Assessor's Reports for the islands recommended in the staff report; and,**
- (c) **Direction to staff to initiate the necessary pre-zonings and complete appropriate environmental review.**

**CEQA: Resolution No. 65459. (Planning, Building and Code Enforcement)
(Deferred from 3/21/06 – Item 4.4, et al and 4/4/06 – Item 4.4)**

Documents Filed: None.

Action: This item was deferred to April 18, 2006.

NEIGHBORHOOD SERVICES

5.2 **Open Public Hearing on the draft Annual Action Plan for Fiscal Year 2006-2007, and announce that on April 5, 2006, the draft Action Plan will be made available to the public, officially beginning the thirty-day public comment period, which will end on May 5, 2006. CEQA: Not a Project. (Housing/Parks, Recreation and Neighborhood Services)**

Documents Filed: (1) Memorandum from Director of Housing Krutko and Acting Director of Parks, Recreation and Neighborhood Services Balagso, dated March 21, 2006, recommending that the public hearing on the draft Annual Action Plan for Fiscal Year 2006-2007 be opened, and that the draft Action Plan was made available to the public on April 5, 2006, officially beginning the thirty-day public comment period. (2) Memorandum from Director of Housing Krutko, dated April 5, 2006, transmitting the

5.2 (Cont'd)

Draft Consolidated Plan – Annual Action Plan 2006-2007. (3) Letter from the Student Homeless Alliance of San José State University listing recommendations to end homelessness in San José. (4) Letter from Saul Wachter, Affordable Housing Network, dated April 11, 2006, commenting on the Draft Plan and other housing issues.

Public Comment: Vice Mayor Chavez opened the Public Hearing on the subject and the following individuals addressed the Council:

Saul Wachter, Affordable Housing Network, submitted a letter expressed concerns regarding the Affordable Housing crisis and the effects on the community. He urged the Council to prepare a comprehensive analysis and “close the gap.”

Rochelle Small, Student Homes Alliance, submitted a letter and expressed concerns regarding the amount of homeless individuals in San José

Sandy Perry, Community Homeless Alliance Ministry, concurred with the previous speaker and argued there is the need to expand the Section 8 Housing Program.

Action: No action was taken by the City Council.

TRANSPORTATION & AVIATION SERVICES

- 6.2 (a) **Report on bids and award of contract for the Norman Y. Mineta San José International Airport North Concourse Building Foundation and Utility Tunnel Concrete (Package 2A) Project to the lowest responsive bidder, Gonsalves & Santucci, Inc. dba Conco, in the amount of \$15,512,812, and approval of a contingency in the amount of \$1,552,000. CEQA: Resolution Nos. 67380 and 71451, PP 06-025. (Public Works/Airport)**
- (b) **Approval to reject the sole bid for the Norman Y. Mineta San José International Airport North Concourse Building Curtain Wall and Glazed Roofing (Package 4A) Project. CEQA: Resolution Nos. 67380 and 71451, PP 06-028. (Public Works/Airport)**

Documents Filed: (1) Memoranda from Director of Public Works Allen, dated March 8, 2006, regarding bids for the award of contract for the Package 2A and Package 4A airport projects. (2) Supplemental memorandum from Director of Public Works Allen and Director of Aviation Sherry, dated April 4, 2006, providing additional information after bids for Package 2A were opened and recommending the award of said contract for the Package 2A project to the lowest responsive bidder, Gonsalves & Santucci, Inc. dba Conco, with approval of the specified contingency; (3) Supplemental memorandum from Director of Public Works Allen and Director of Aviation Sherry, dated April 4, 2006, providing additional information after bids were opened and recommending that the sole bid for the Package 4A Project be rejected, with Package 4A not to be rebid as a separate project, but to be included in the future general trades construction package.

6.2 (Cont'd)

Action: Upon motion by Council Member Pyle, seconded by Council Member Reed, and unanimously carried, the award of contract for the Package 2A project to the lowest responsive bidder, Gonsalves & Santucci, Inc. dba Conco, with the specified contingency, was approved, and the sole bid for Package 4A was rejected. (10-0-1). Absent: Gonzales.

6.3 Approval of a continuation agreement and first amendment to the Scheduled Airline Operating Agreement and License between the City of San José and Skywest Airlines, Inc., to extend the agreement from May 31, 2003 through November 30, 2007, and to amend the agreement to include provisions regarding compliance with the City's Airport Curfew Ordinance, with continuing annual revenue to the City of approximately \$360,000. CEQA: Resolution No. 67380, PP 03-02-065. (Airport)

Documents Filed: None.

Action: This item was deferred to April 18, 2006.

6.4 Adoption of a resolution authorizing the City Manager to execute a second amendment to the agreement with AMPCO System Parking for parking management and operation services, increasing compensation in an amount not to exceed \$1,600,000 and extending the term of the agreement from July 1, 2006 to December 31, 2006, subject to the appropriation of funds in FY 2006-2007 budget. CEQA: Not a Project. (Transportation)

Documents Filed: Memorandum from Director of Transportation Helmer, dated March 20, 2006, recommending adoption of the resolution.

Staff responded to Council Member Reed's questions about weekend parking.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Reed, and unanimously carried, Resolution No. 73129, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute a Second Amendment to an Agreement with the Ampco System Parking for Parking Management and Operation Services", was adopted, and Staff requested to provide more information about the validation program and fees relating to evening and weekend use. (10-0-1) Absent: Gonzales.

NOTICE OF CITY ENGINEER'S PENDING DECISION ON FINAL MAPS

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9755	S/E Terminus of Duckett Way	1	Richard Shwe	5 Units	SFA/SFD

In accordance with Sec. 19.16.140d of the San Jose 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>
9796	88 E. San Fernando Street	3	CIM Group, Inc.	1 Lot	Condo
9801	360 S. Market Street	3	MESA SOFA Partners, LLC.	1 Lot	Condo

OPEN FORUM

- (1) Dee Sutton, Silicon Valley United Way, announced a new free telephone service which links the community vital emergency/crisis resources. She noted more information will be forthcoming regarding "211", a 24-hour multi-lingual telephone service.
- (2) George Fokos urged the Council to repair and prepare community swimming pools for this summer.
- (3) Bill Chew discussed his candidacy for Council District 3 and encouraged voters to register and to vote.
- (4) Robert Apgar shared commentary regarding Major League Baseball homerun records by San Francisco Giants baseball player Barry Bonds.
- (5) Ross Signorino concerned with previous speakers about the need for affordable housing units and commented about recent City-County settlement agreement.
- (6) Mark Trout shared religious viewpoints.

CLOSED SESSION REPORT

City Attorney Doyle disclosed the following Closed Session action(s) of April 11, 2006:

A. Authority to Initiate Litigation:

Authority to initiate litigation was given in one (1) matter.

The names of the actions and the defendant(s), as well as the substance of the litigation shall be disclosed to any person upon inquiry once the actions are formally commenced.

Council Vote: Ayes: Campos, Chavez, Chirco, Cortese, LeZotte, Nguyen, Pyle, Reed, Williams, Yeager.

Noes: None.

Disqualified: None.

Absent: Cortese, Gonzales (Excused).

ADJOURNMENT

The Council of the City of San José was adjourned at 2:34 p.m.

ATTEST:

LEE PRICE, M.M.C, CITY CLERK

EW/4-11-06 Min.

Access the video, the agenda and related reports for this meeting by visiting the City's website at www.sanjoseca.gov/clerk/MeetingArchive.asp