

MINUTES OF THE CITY COUNCIL

SAN JOSÉ, CALIFORNIA

TUESDAY, MAY 9, 2006

The Council of the City of San José convened in regular session at 9:00 a.m. in the Mayor's Conference Room T1841, at City Hall.

Present: Council Members - Campos, Chavez, Chirco, Cortese, LeZotte, Nguyen, Pyle, Reed, Williams, Yeager; Gonzales.

Absent: Council Members - None.

Upon motion unanimously adopted, Council recessed at 9:01 a.m. to a Closed Session in Room T1841, (A) to confer with Legal Counsel pursuant to Government Code Section 54956.9 subsection (a) with respect to existing litigation to consider the case of, (1) Sepehr v. City of San José, et al.; (2) Equal Employment Opportunity Commission v. City of San José; (B) to confer with Legal Counsel pursuant to Government Code Section 54956.9: (1) Subsection (b) with respect to litigation with significant exposure in one (1) matter; (2) Subsection (c) with respect to initiation of litigation in one (1) matter. (C) Public Employee Performance Evaluation pursuant to Government Code Section 54957, Title: (1) Independent Police Auditor; (2) City Clerk; (D) to confer with Labor Negotiator pursuant to Government Code Section 54957.6, City Negotiator: City Manager designee Alex Gurza, and the following Employee Organizations: (1) San José Police Officers' Association; (2) International Association of Firefighters.

By unanimous consent, Council reconvened from the Closed Session and recessed at 11:10 a.m. and reconvened at 1:36 p.m. in the Council Chambers.

Present: Council Members - Campos, Chavez, Chirco, Cortese, LeZotte, Nguyen, Pyle, Reed, Williams, Yeager; Gonzales.

Absent: Council Members - None.

INVOCATION

Pastor Isaac Neal, Logos Christian Fellowship conducted a prayer. (District 5)

PLEDGE OF ALLEGIANCE

Mayor Gonzales led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Council Member Williams, seconded by Vice Mayor Chavez and carried unanimously, the Orders of the Day and the Amended Agenda were approved, with Item 3.8 deferred to May 16, 2006. (11-0.)

Interim City Manager White introduced Interim Deputy City Manager Dan McFadden.

CEREMONIAL ITEMS

1.1 Presentation of a proclamation declaring the week of May 7-13, 2006 as Wildfire Awareness Week. (Fire)

Action: Mayor Gonzales presented a proclamation to Fire Chief Jeff Clet and Jose Guerrero declaring the week of May 7-13, 2006, as Wildlife Awareness Week.

1.2 Presentation of a proclamation declaring the week of May 13-20, 2006 as Silicon Valley Affordable Housing Week. (Housing)

Action: Mayor Gonzales and Council Member Campos, and Director of Housing Leslye Krutko presented a proclamation declaring the week of May 13-20, 2006 as Silicon Valley Affordable Housing Week.

1.3 Presentation of a proclamation declaring the Week of May 7-13, 2006 as Building Safety Week in San José. (Planning, Building and Code Enforcement)

Action: Mayor Gonzales and Interim Director of Planning, Building and Code Enforcement Joe Horwedel presented a proclamation declaring the Week of May 7-13, 2006 as Building Safety Week in San José.

1.4 Presentation of a commendation to Santa Clara Valley Science and Engineering Fair Association for their commitment to providing a forum for our children to compete in the field of science. (Williams)

Action: Council Member Williams joined Mayor Gonzales to present a commendation to the Santa Clara Valley Science and Engineering Fair Association for their commitment to providing a forum for our children to compete in the field of science.

1.5 Presentation of a proclamation to representatives of local mental health service agencies declaring the month of May as Mental Health Awareness Month. (Yeager)

1.5 (Cont'd)

Action: Mayor Gonzales and Council Member Yeager presented a proclamation to representatives of local mental health service agencies declaring the month of May as Mental Health Awareness Month.

1.6 Presentation of a commendation to Dominic F. “Doc” Danna for his years of work and service in San José on the occasion of his 95th birthday. (Yeager)

Action: Mayor Gonzales and Council Member Yeager presented a commendation to Dominic F. “Doc” Danna for his years of work and services in San José on the occasion of his 95th birthday.

**1.7 Presentation of commendations to the United Way and the 2-1-1 Santa Clara County Steering Committee for their dedicated effort to implement 2-1-1, a toll-free hotline that will connect callers with health and human services in Santa Clara County. (LeZotte)
(Rules Committee referral 5/2/06)**

Action: Council Member LeZotte and Mayor Gonzales presented commendations to the United Way and the 2-1-1 Santa Clara County Steering Committee for their dedicated effort to implement 2-1-1, a toll-free hotline that will connect callers with health and human services in Santa Clara County.

1.8 Presentation of a proclamation declaring the week of May 7-13, 2006 as Composting Awareness Week. (LeZotte)

Action: Council Member LeZotte and Mayor Gonzales presented a proclamation to Michael Gross declaring the week of May 7-13, 2006 as Composting Awareness Week.

**1.9 Presentation of a commendation to Young Shim, outgoing Executive Director of Korean American Community Services, for her many years of exemplary dedication and tireless service to the San José community. (Yeager)
(Rules Committee referral 5/2/06)**

Action: Council Member Yeager and Mayor Gonzales presented a commendation to Young Shim, outgoing Executive Director of Korean American Community Services, for her many years of exemplary dedication and tireless service to the San José community.

**1.10 Presentation of a proclamation declaring the month of May as Recycle for Sight Month. (Cortese)
(Rules Committee referral 5/2/06)**

Action: Mayor Gonzales and Council Member Cortese presented a proclamation to District representatives of Lions Club International declaring the month of May as Recycle for Sight Month.

- 1.11 Presentation of a commendation to VANG USA for its vision and commitment to recognizing the success of Vietnamese Americans in the United States. (Nguyen/Cortese/Chavez)
(Rules Committee referral 5/2/06)**

Action: Mayor Gonzales, Council Member Nguyen, Council Member Cortese, and Vice Mayor Chavez presented a commendation to VANG USA for its vision and commitment to recognizing the success of Vietnamese Americans in the United States.

- 1.12 Presentation of a proclamation declaring May as Foster Care Month in the City of San José. (LeZotte/Mayor)
(Orders of the Day)**

Action: Mayor Gonzales and Council Member LeZotte presented a proclamation Dawn Haddaway, and Juanita Ramo declaring May as Foster Care Month in the City of San José.

- 1.13 Presentation of a commendation to Building peaceful families for their innovative and collaborative approach to ending violence through communication, education, and prevention. (Chavez)
(Orders of the Day)**

Action: Vice Mayor Chavez and Mayor Gonzales presented a commendation to Building peaceful families for their innovative and collaborative approach to ending violence through communication, education, and prevention.

CONSENT CALENDAR

Upon motion by Vice Mayor Chavez, seconded by Council Member Yeager, and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0.)

- 2.1 Approval of minutes:**
- (a) Regular minutes of October 4, 2005.**
 - (b) Regular minutes of October 18, 2005.**
 - (c) Regular minutes of October 25, 2005.**

Documents Filed: The regular minutes dated October 4, 2006, October 18, 2006 and October 25, 2006.

Action: The minutes were approved on May 2, 2006. (11-0.)

2.3 Adoption of a resolution authorizing the City Attorney to negotiate and execute a Second Amendment to Continuation Agreement with Miller & Van Eaton, L.L.P. for consultant services related to cable television franchise renewal matters, extending the term through June 1, 2007, at no additional cost to the City. (City Attorney's Office)

Documents Filed: Memorandum from City Attorney Doyle, dated April 27, 2006, recommending Council adoption of resolution authorizing the City Attorney to negotiate and execute a Second Amendment to said agreement with Miller & Van Eaton, L.L.P.

Public Comment: George Fokos spoke in support of the Staff recommendation. William Garbett spoke in opposition to the Staff recommendation.

Action: Upon motion by Council Member Pyle, seconded by Vice Mayor Chavez, and carried unanimously, [Resolution No. 73158](#), "A Resolution of the Council of the City of San José Authorizing the City Attorney to Negotiate and Execute a Second Amendment to Continuation Agreement with Miller & Van Eaton, L.L.P.", was adopted (11-0).

2.4 Adoption of the following amendments to the annual appropriation ordinance and the annual funding sources resolution in the General Fund:

- (a) Establish an appropriation in the City-wide Expenses to the Police Department for the OTS 2005-06 California Seat Belt Compliance Campaign "Click it or Ticket" Mini-Grant in the amount of \$89,953; and,**
 - (b) Increase Earned Revenue Estimate from the State by \$89,953.**
- CEQA: Not a Project. (City Manager's Office/Police)**

Documents Filed: Memorandum from Budget Director Lisenbee, and Chief of Police Davis, dated April 19, 2006, recommending adoption of the annual appropriation ordinance and the annual funding sources resolution.

Action: [Ordinance No. 27718](#), entitled: "An Ordinance of the City of San José Amending Ordinance No. 27474 to Appropriate Moneys in the General Fund for the Office of Traffic Safety 2005-2006 California Seat Belt Compliance Campaign; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption"; and [Resolution No. 73159](#), entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 72762 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2005-2006 to Adjust Revenues in the General Fund", were adopted. (11-0).

2.5 Adoption of a resolution authorizing the City Manager to negotiate and execute an amendment to the agreement with San José Unified School District for Smart Start Centers at Washington Elementary School, increasing the agreement amount by \$52,500, from \$480,000 to a total agreement amount not to exceed \$532,500 for a term ending June 30, 2015. CEQA: Exempt, File No. PP06-065. Council District 3. SNI: Washington. (Library)

Documents Filed: Memorandum from Director of Library Department Jane Light, dated April 19, 2006, recommending adoption of a resolution and execute an amendment to the agreement.

2.5 (Cont'd)

Action: [Resolution No. 73160](#), entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Amendment to Grant Agreement with San José Unified School District for Smart Start Centers at Washington Elementary Schools to Increase the Amount of the Grant by \$52,500 for an Amount Not To Exceed \$532,500”, was adopted. (11-0).

2.6 Authorize the Director of Finance to issue a purchase order to Jam Services for an additional 2,800 “Countdown” pedestrian signal countdown modules, replacing “Walk/Don’t Walk” pedestrian signal modules at an additional cost of \$300,000. CEQA: Not a Project. (Finance)

Documents Filed: Memorandum from Director of Finance Johnson, dated April 14, 2006, recommending issuing a purchase order to Jam Services.

Action: The authorization for the Director of Finance to issue the purchase order was approved. (11-0.)

2.7 Acceptance of the Report of Activities and Findings for the period March 16 through April 15, 2006. (City Auditor)

Documents Filed: Correspondence from City Auditor Gerald Silva, dated April 25, 2006, transmitting the Report of Activities and Findings for the period March 16 through April 15, 2006.

Action: The City Auditor’s Activity and Findings Report was accepted (11-0).

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

**3.2 Report of the Rules Committee – April 26, 2006
Vice Mayor Chavez, Chair**

Documents Filed: The Rules Committee Report dated April 26, 2006.

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review May 9, 2006 Draft Agenda
 - (a) Adds to the May 9, 2006 Draft Agenda

The Committee approved the May 9, 2006 Council agenda with four additions.

3.2 Report of the Rules Committee – April 26, 2006 (Cont'd)
Vice Mayor Chavez, Chair

- (b) City Council
 - (2) Add New Items to May 2, 2006 Agenda
 - (a) Mayor and Councilmember Requests
 - (b) Council Appointee Requests

The Committee approved four additions to the May 2, 2006 Council agenda.

- (3) List of Reports Outstanding

The Committee accepted the City Manager's listing for four reports outstanding.

- (c) Legislative Update

- (1) State – None.
- (2) Federal – None.

- (d) Meeting Schedules.

- (1) Cancel June 6th Evening Council Meeting due to the Statewide Election and Schedule an evening session for June 13th. (City Clerk). Attachment: Memorandum from Assistant to the City Manager Nader, dated April 26, 2006, recommending cancellation of an evening Council meeting and scheduling a study session.

The Committee approved the recommendation to cancel the evening session on June 6th, schedule an evening session on June 13th and set a study session on May 11, 2006 from 1:00 – 3:00 p.m. to review policy options and provide input to staff regarding positions related to AT&T Project Lightspeed, as well as recently introduced telecommunications legislation.

- (e) The Public Record. Attachment: Memorandum from City Clerk Lee Price, dated April 20, 2006, transmitting items for Public Record for the period of April 12-18, 2006.

The Committee noted and filed the Public Record for the week of April 12-18, 2006.

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

- (g) Rules Committee Reviews, Recommendations and Approvals – None.

3.2 Report of the Rules Committee – April 26, 2006 (Cont'd)
Vice Mayor Chavez, Chair

(h) Open Forum

Bill Chew suggested the City construct a fiber optic cable network and connect all households in San José.

(i) Adjournment - The meeting was adjourned at 2:15 p.m.

3.2 Partial Rules Committee Report – May 3, 2006
Vice Mayor Chavez, Chair

Documents Filed: Partial Rules Committee Report dated May 3, 2006.

(c) Legislative Update.

(1) State

- (a) State Legislative Update – Redevelopment Bills. Attachment: Memorandum from Executive Director Harry S. Mavrogenes, dated April 28, 2006, transmitting City positions on State Bills.

AB2922 (Jones) – Amended: Low and Moderate Income

The Committee approved the Staff recommendation to take a position of Oppose.

Housing Fund: 35% set aside

SB1206 (Kehoe) – Redevelopment Reform

The Committee approved the Staff recommendation to take a position of Oppose.

AB2197 (Devore) – Bill withdrawn

The Committee approved the Staff's recommendation to take a position of Oppose/Continue to watch.

- (b) State Housing Legislation. Attachment: Memorandum from Director of Housing Krutko, dated April 26, 2006 recommending support of the four bills.

AB2638 (Laird) – Housing Trust Fund

AB2800 (Laird) – Housing Anti-Discrimination

SB1289 (Cedilo) – Emancipating Foster Youth

AB2961 (Nunez) – Homeless Assistance Payments

The Committee approved the Staff recommendation to take a position of Support on all four of the bills.

3.2 Partial Rules Committee Report – May 3, 2006 (Cont'd)

Vice Mayor Chavez, Chair

(c) Legislative Update (Cont'd)

(1) State

(c) Proposition 81: California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2006.

Proposition 82: Preschool Education, Tax on Incomes Over \$400,000 for Individuals; \$800,000 for Couples. Attachment: Memorandum from Director of Intergovernmental Relations Shotwell and Library Director Light, dated April 27, 2006, recommending support of Proposition 81 and Proposition 82.

The Committee approved the Staff recommendation to take a position of Support on both propositions.

(d) AB2435 (Coto) – Santa Clara Valley Water District

The Committee approved the Staff recommendation to take a position of Support.

(e) SB1611 (Simitian) – Congestion Management Fees

The Committee approved the Staff recommendation to take a position of Support.

Action: Upon motion by Vice Mayor Chavez, seconded Council Member Campos, and carried, the Rules/Partial Rules Committee Reports and actions of April 26, 2006 and May 3, 2006 were accepted. (10-1. Noes: Reed.)

3.4 Approval of option for reducing the appropriations to the Mayor and Council Districts in a total amount of \$119,095, either

(a) Including amounts representing prior year savings as proposed during the Mid-Year Budget, or

(b) Utilizing the base budget amounts and excluding prior year savings, and adoption of an ordinance amending the annual Appropriation Ordinance to implement the selection option.

CEQA: Not a Project. (City Manager's Office)

Documents Filed: Memorandum from Budget Director Larry Lisenbee, dated April 19, 2006, recommending adoption of one of the allocations options noted above and adoption of an amendment to the annual appropriation ordinance.

Action: Upon motion by Council Member LeZotte, seconded by Council Member Nguyen, and carried unanimously, Option 1 as stated in the Staff memorandum, as “2005-2006 Mid Year Reduction Based on the original Base Budget” [Item No. 3.4(a)]

3.4 (Cont'd)

on the Agenda] was approved, and [Ordinance No. 27719](#), entitled: “An Ordinance of the City of San José Amending Ordinance No. 27474 to appropriate Moneys in the General Fund for the Mayor and City Council Cost/Position Management Plan Implementation; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”, was adopted. (11-0).

3.5 Adoption of the following appropriation ordinance amendments in the Convention and Cultural Affairs fund:

- (a) **Increase Non-personal appropriations by \$950,000;**
- (b) **Decrease the Personal Services appropriation by \$450,000;**
- (c) **Decrease the Operating Contingency by \$187,229 for Insurance Expenses (Fire Insurance);**
- (d) **Establish an appropriation for Insurance Expenses in the amount of \$187,229;**
- (e) **Decrease the Unrestricted Find Balance by \$500,000.**

CEQA: Not a Project. (City Manager’s Office)

Documents Filed: Memorandum from Deputy City Manager Kay Winer and Budget Director Lisenbee, dated April 26, 2006, recommending adoption of appropriation ordinance amendments in the Convention and Cultural Affairs fund.

Extensive Council discussion ensued with questions addressed by Staff.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member LeZotte, and carried unanimously, Council approved Item 3.5 (a) and (b); Items 3.5(c) through (e) were deferred to May 16, 2006; Team San José was directed to report back on May 16, 2006 with: (1) A breakdown of the \$950,000 shortfall for non-personal appropriations; (2) A list of the 15 events held in the tent area of the Convention Center, as well as how these events have contributed to the success of the new tent facility; (3) Clarification as to when the California Theatre can be used to show films and a schedule of when the Theatre is booked, and when it is available; and (4) An update on contract services. The City Manager was directed to return with a work plan on deferred maintenance of City facilities; and [Ordinance No. 27720](#), entitled: “An Ordinance of the City of San José Amending Ordinance No. 27474 to Appropriate Moneys in the Convention and Cultural Affairs Fund for Non-Personal/Equipment – Convention Facilities; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”, was adopted. (11-0.)

3.6 Approval of an ordinance amending Chapter 3.36 of Title 3 of the San José Municipal Code to provide increased retirement benefits for members of the Police and Fire Department Retirement Plan who are employed in the Police Department and retire on or after July 1, 2006. (Employee Relations)

3.6 (Cont'd)

Documents Filed: Memorandum from Director of Employee Relations Alex Gurza, dated May 3, 2006, recommending approval of said ordinance.

Director of Employee Relations Gurza delivered an overview of the benefit enhancements.

Considerable Council discussion followed, with Staff responding to questions.

Public Comment: George Fokos spoke in support of the proposed actions.

Action: Upon motion by Vice Mayor Chavez and seconded by Council Member Chirco, and carried unanimously, [Ordinance No. 27721](#), entitled: "An Ordinance of the City of San José amending Chapter 3.36 of Title 3 of the San José Municipal Code to Provide Increased Retirement Benefits for Members of the Police and Fire Department Retirement Plan Who are Employed in the Police Department", was passed for publication. (11-0).

3.7 **Adoption of an urgency ordinance extending Ordinance No. 27602 originally adopted by Council on November 15, 2006, and extended by Ordinance No. 27657, by further extending the effectiveness of the amended Sections 6.02.130 and 6.02.250 of Chapter 6.02 of Title 6 of the San José Municipal Code to authorize denial, suspension, revocation or summary suspension of permits or licenses as result of public nuisance, criminal activity or imminent threat to public safety, until June 13, 2006. (Chavez)**

Documents Filed: Memorandum from Vice Mayor Chavez, Urgency Ordinance Task Force, dated May 2, 2006, recommending extension of urgency Ordinance No. 27602.

Public Comments: William Garbett spoke in opposition to the ordinance.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Campos, and unanimously carried, [Ordinance No. 27722](#), entitled: "An Urgency Ordinance of the City of San José Amending Ordinance No. 27602, Originally Adopted by the City Council on February 7, 2006, and Extended by Ordinance No. 27657, in Order to Further Extend the Effectiveness of the Amended Sections 6.02.130 and 6.02.250 of Chapter 6.02 of Title 6 of the San José Municipal Code Until June 13, 2006 Unless by or Prior to this Date Action is Taken by the City Council to Extend or Amend the Provisions of this Urgency Ordinance and Setting Forth the Facts Constituting Such Urgency", was adopted, and Staff directed to return to Council with final amendments to the ordinance in June (10-0-1). Absent: Chirco.

3.8 Report by City Liaisons, Council Members Linda J. LeZotte and Ken Yeager, on their meeting and discussions with Supervisors Jim Beall and Don Gage, and a discussion by Council and the administration regarding mutual areas of interests to be discussed with the County. (LeZotte/Yeager)

Action: This item was deferred to May 16, 2006.

3.9 Discussion and/or action related to whether the influence of Council Member David Cortese substantially directed and tainted the Evergreen Visioning Project Task Force, and thus the Evergreen East Hills Vision Strategy Task Force (EEHVS) process. (Campos/Pyle)

Documents Filed: (1) Memorandum from Council Member Cortese, dated May 9, 2006, responding to recent concerns by Council Members Campos and Pyle regarding his involvement with the Evergreen Visioning Project. (2) Memorandum from Council Members Campos and Pyle, dated May 9, 2006, calling for an investigation to determine if material facts were withheld from the City Council and the public by Council Member Cortese in regard to the Evergreen East Hills Vision Strategy (EEHVS). (3) Two letters received from the public, dated May 9, 2006, commenting on the Evergreen Visioning Project.

Motion: Council Member Campos moved, seconded by Council Member Pyle, to request the City Manager and City Attorney to look at and report on their findings in the next evening Council meeting as to whether the City Charter was violated and the truthfulness of Council Member Cortese's public comments at the May 17, 2005 City Council Meeting. Council Members Campos and Pyle spoke in support of the motion.

Council debate ensued.

Public Comment:

The following individuals spoke in defense of Council Member Cortese: Dr. Robert Delaney, Sylvia Alvarez (EFVP & Evergreen School Board), Paul Robichaux, Dennis Kyne, Owen DeLong, Surjit Bains, Gordon Lund, Cameron Colson, Bob Weeks, Ken Aranda, Carlos DeSilva, Ly Lee, Nick Leon, Alan Covington, Aaron Resendez (East Valley/680 NAC), David Zenker (Falls Creek NA), Debra Murphy, Brian Boxall, Stephen Hazel and Steve Bennette.

Substitute Motion: Council Member Yeager moved that any allegation of violation of law or policy should be made via a form in-writing allegation to the Rules Committee, which has policy in place for a process to make a determination on the accusation. Council Member Reed seconded the motion.

City Attorney Richard Doyle responded to Council questions.

3.9 (Cont'd)

Amendment Council Member LeZotte amended the motion to request the City Attorney to provide a list of alternative terminology Council can use to request services from Staff. The amendment was accepted by the motion's maker and second. Individual comments followed.

Action: Upon motion by Council Member Campos, seconded by Council Member Pyle, and unanimously carried, Council approved the substitute motion to reaffirm the Council Conduct Policy which provides a process for a Council Member to submit to Rules Committee a formal, written allegation/s of violation/s, and which also provides proper 24-hour notice to a Council Member of the accusation/s. City Attorney's Office directed to provide a list of alternative terminology "to direct staff to..." for Council Members to use to request services or information from Staff. (11-0).

3.10 **Adoption of a resolution to oppose the proposed Federal Communications Promotion and Enhancement Act of 2006 ("COPE"). CEQA: Exempt.: Not a Project. (City Manager's Office). (Referred from 5/2/06 - Item 3.4)**

Documents Filed: Memorandum from Director of Intergovernmental Relations Betsy Shotwell, and Deputy City Manager Shikada, dated May 5, 2006, recommending adoption of a resolution to oppose the proposed Federal Communications Promotion and Enhancement Act of 2006 ("COPE").

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Reed, and unanimously carried, [Resolution No. 73161](#), entitled: "A Resolution of the Council of the City of San José Opposing the Proposed Federal Communications Promotion and Enhancement Act of 2006", was adopted. (10-0-1). Absent: Cortese.

3.11 **Approval of an audit of the Santa Clara County Cities' Association (SCCCA) financial statements to the City Auditor's workplan to occur early in the fiscal year for the period January 1, 2005 through July 1, 2006. (City Clerk)**

Documents Filed: Memorandum from City Clerk Lee Price, dated May 4, 2006, recommending adding an audit of the Santa Clara County Cities' Association (SCCCA) financial statements to the City Auditor's work plan, as recommended by Council Member Cortese's May 2, 2006 memorandum to the Rules Committee.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Reed, and unanimously carried, the addition to the City Auditor's workplan was approved. (10-0-1). Absent: Cortese.

COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Report of the Driving a Strong Economy Committee – April 24, 2006 Council Member Williams, Chair

Documents Filed: The Driving a Strong Economy Committee Report, dated April 24, 2006.

- (a) Development Process Status Report. Attachment: Memorandum from Action Director of Planning, Building and Code Enforcement Horwedel, Director of Public Works Allen, and Fire Chief Clet, dated April 7, 2006, providing the update.

The Committee accepted the Staff report. See Item 4.3 for Council action taken.

- (b) Fair Housing, Predatory Lending, Education Update. Attachment: Memorandum from Director of Housing Leslye Krutko, dated April 7, 2006, providing the update and recommending acceptance of the report.

The Committee accepted the Staff report.

- (c) Update on Silicon Valley Investment Network. Attachment: Memorandum from Director of Economic Development Paul Krutko, dated April 24, 2006, providing the Update from July 2005 – March 2006, and recommending acceptance of the report.

The Committee accepted the Staff report.

- (d) Economic Indicators. Attachment: Memorandum from Director of Economic Development Paul Krutko, dated April 7, 2006, stating a briefing on the key indicators for the San José/Silicon Valley economy will be given at the April 24, 2006 Committee meeting.

The Committee accepted the Staff report.

- (e) Oral Petitions

Bill Chew, Candidate for District 3, spoke on public campaigning at no cost.

- (f) Adjournment

The meeting adjourned at 3:38 p.m.

Action: Upon motion by Council Member Williams, seconded by Vice Mayor Chavez, and unanimously carried, the Driving a Strong Economy Committee report and actions of April 24, 2006 were accepted. (10-0-1). Absent: Cortese.

4.3 Acceptance of an update on Counter-to-Council efforts. (Planning, Building and Code Enforcement) [Driving A Strong Economy Committee 4/24/06-Item 4.2(a)]

Documents Filed: Memorandum from Director of Public Works Katy Allen, Fire Chief Jeffrey L. Clet and Acting Director of Planning, building and Code Enforcement Joseph Horwedel, dated, May 3, 2006, recommending the update to the Counter to Council Matrix.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Williams, and unanimously carried, the update report was accepted. (10-0-1). Absent: Cortese.

NEIGHBORHOOD SERVICES

- 5.2 (a) Approval of the 2006-2007 Annual Action Plan, including the FY 2006-2007 proposed recommendations for the Community Development Block Grant (CDBG) Program, the HOME Investment Partnership Program (HOME), the Housing Opportunities for People with HIV/AIDS (HOPWA) Program, and the Emergency Shelter Grant (ESG) Program.**
- (b) Adoption of a resolution authorizing the Department Director overseeing the Community Development Block Grant Program to negotiate and execute all non-capital agreements and contracts not requiring CEQA/NEPA review and to negotiate all capital project agreements and contracts, including any amendment or modifications, for the expenditure of CDBG funds on behalf of the City.**
- (c) Approval of the ESG Program funding recommendations.**
- (d) Approval of the CDBG Program funding recommendations.**
- (e) Adoption of a resolution authorizing the Director of Housing to negotiate and execute all non-capital agreements and contracts not requiring CEQA/NEPA review and to negotiate all capital project agreements and contracts, including any amendments or modifications, for the expenditure of ESG, HOME and HOPWA funds on behalf of the City.**
- (f) Adoption of a resolution authorizing the Housing Department to submit the FY 2006-2007 Annual Action Plan to HUD.**

CEQA: Not a Project. (Housing/Parks, Recreation and Neighborhood Services)

Documents Filed: (1) Memorandum from Director of Housing Leslye Krutko and Acting Director of Parks, Recreation and Neighborhood Services Albert Balagso, dated April 19, 2006, recommending Council approve Items (a)-(f), as listed above. (2) Supplemental memorandum from Director of Housing Leslye Krutko, dated May 5, 2006, reporting comments received during the 30-day public comment period related to the Draft Consolidated Plan 2005-2020 and Annual Action Plan 2005-2006 and to put forward Staff funding recommendation for the Emergency Shelter Grant (ESG) Program. (3) Letter from Saul Wachter, dated May 9, 2006, commenting on the proposed actions.

5.2 (Cont'd)

Public Comments: Sal Wachter submitted a statement for the record. George Fokos spoke in support.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Yeager, and unanimously carried, Item 5.2(a) – (f) were approved, and [Resolution No. 73162](#), entitled: “A Resolution of the Council of the City of San José Authorizing the Department Director Overseeing the Community Development Block Grant Program to Negotiate and Execute all Non-Capital Agreements and Contracts Not Requiring CEQA/NEPA Review and to Negotiate all Capital Project Agreements and Contracts, Including any Amendments or Modifications, for the Expenditure of CDBG Funds on Behalf of the City”; [Resolution No. 73163](#), entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Housing to Negotiate and Execute all Non-Capital Agreements and Contracts Not requiring CEQA/NEPA Review and to Negotiate all Capital Project Agreements and Contracts, Including any Amendments or Modifications, for the Expenditure of ESG, HOME and HOPWA Funds on Behalf of the City”; and [Resolution No. 73164](#), entitled: “A Resolution of the Council of the City of San José Authorizing the Housing Department to Submit the FY 2006-2007 Consolidated Annual Action Plan to the Department of Housing and Urban Development on Behalf of the City”, were adopted. (9-0-2). Absent: Campos, Williams.

5.3 **Approval of an ordinance amending Section 4.46.039.5 of Chapter 4.46, Section 4.47.092 of Chapter 4.47, Section 4.54.038 of Chapter 4.54, and Section 4.64.035 of Chapter 4.64 of Title 4 of the San José Municipal Code to extend, through June 30, 2011, the suspension granted to newly-constructed housing restricted to occupancy by very low-income households from the following taxes:**

- (a) **Building and Structure Construction Tax;**
- (b) **Construction Portion of the Construction and Conveyance Tax;**
- (c) **Commercial-Residential Mobilehome Park Building Tax (CRMP); and**
- (d) **Residential Construction Tax.**

CEQA: Not a Project. (Housing/Transportation)

Documents Filed: Memorandum from Director of Housing Leslye Krutko and Director of Transportation James R. Helmer, dated April 19, 2006, recommending approval of the ordinance amending the San José Municipal Code.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Yeager, and unanimously carried, [Ordinance No. 27723](#), entitled: “An Ordinance of the City of San José Amending Section 4.46.039.5 of Chapter 4.46, Section 4.47.092 of Chapter 4.47, Section 4.54.038 of Chapter 4.54, and Section 4.64.035 of Chapter 4.64 of Title 4 of the San José Municipal Code, to extend the Suspension of Collection of Taxes Imposed Under Such Chapters for New Construction of Housing for Very Low Income Households to June 30, 2011”, was passed for publication. (10-0-1). Absent: Campos.

- 5.4 (a) **Approval of continuations and extensions of funding terms for various CDBG projects as follows:**
- (1) **G33 Capitol Park Project (Previously known as Goss Community Facility) – Department of Parks, Recreation & Neighborhood Services for one year from December 31, 2005 to December 31, 2006,**
 - (2) **G65 Mayfair Strong Neighborhood Traffic Calming - Redevelopment Agency for eighteen months from December 31, 2005 to June 30, 2007,**
 - (3) **F95 Cultivating Community Power - Resources for Families & Communities in Santa Clara County for one year from June 30, 2006 to June 30, 2007,**
 - (4) **F99 Linda Vista Children's Center Renovation - Kidango for one year from June 30, 2006 to June 30, 2007, and**
 - (5) **K16 Therapeutic Recreation & Wellness Facility Pre-Development Study - Department of Parks, Recreation & Neighborhood Services for one year from June 30, 2006 to June 30, 2007.**
- CEQA: See Memo for CEQA designations. Council Districts 5 and 7. SNI: East Valley/680 Communities, K.O.N.A, Mayfair.**
- (b) **Adoption of the following Appropriation Ordinance amendments in the Community Development Block Grant Fund:**
- (1) **Increase the appropriation to the Parks, Recreation and Neighborhood Services Department for the CDBG Administration appropriation (#2246) in the amount of \$150,000;**
 - (2) **Decrease the Ending Fund Balance in the amount of \$150,000.**
- CEQA: Not a Project. (Parks, Recreation and Neighborhood Services).**

Documents Filed: Memorandum from Acting Director of Parks, Recreation and Neighborhood Services Balagso and Budget Director Lisenbee, dated April 19, 2006, recommending approval of funding terms and adoption of appropriation ordinance amendments for specified CDBG projects.

Action: Upon motion by Council Member Pyle, seconded by Council Member Williams, and unanimously carried, [Ordinance No. 27724](#), entitled: “An Ordinance of the City of San José Amending Ordinance No. 27474 to Appropriate Moneys in the Community Development Block Grant Fund for the Community Development Block Grant Administration; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”, was adopted. (10-0-1). Absent: Campos.

- 5.5 **Acceptance of the status report on the Bond-funded Happy Hollow Park and Zoo project. CEQA: Not a Project. Council District 7. SNI: Tully/Senter. (Public Works/Parks, Recreation and Neighborhood Services**

Documents Filed: Memorandum from Acting Director of Parks, Recreation and Neighborhood Services Albert Balagso and Director of Public Works Katy Allen, dated April 28, 2006, recommending acceptance of the status report.

5.5 (Cont'd)

Public Comments: Bill Bost, President of Happy Hollow Corporation, spoke in support of the proposed project.

Action: Upon motion by Council Member Pyle, seconded by Council Member Chirco, and unanimously carried, the Status Report was accepted. (11-0).

5.6 Approval of the report on bids for the Roosevelt Community Center:

(a) **Report on bids and adoption of a resolution authorizing the Director of Public Works to award a construction contract for the Roosevelt Community Center - Package I Project to the low bidder, DBS Construction Inc., in the amount of \$1,179,997 and approval of a contingency in the amount of \$117,999, in a total amount not to exceed \$1,297,996, such authority to award being conditioned on the City's acquisition of the property interests necessary to construct the project.**

(b) **Adoption of a resolution approving the Roosevelt Community Center - Package I project and incorporating environmental mitigation measures set forth in the Mitigation Monitoring and Reporting Program for the project.**

CEQA: Mitigated Negative Declaration PP03-12-397. Council District 3. SNI: Five Wounds/Brookwood Terrace. (Public Works/Parks, Recreation and Neighborhood Services)

Documents Filed: (1) Memorandum from Director of Public Works Katy Allen, dated April 19, 2006, and Supplemental Memorandum from Director of Public Works Katy Allen and Acting Director of Parks, Recreation and Neighborhood Services Albert Balagso, dated May 3, 2006, recommending Council adopt resolutions authorizing the Director of Public Works to award a construction contract for the Roosevelt Community Center – Package I Project to the low bidder, DBS Construction Inc., and the specified contingency, and approving the Package I project and incorporating environmental mitigation measures as indicated therein.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Campos, and unanimously carried, the award of said contract to the low bidder, DBS Construction Inc., with specified contingency, was approved, and [Resolution No. 73165](#), entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Public Works to Award a Contract for the Roosevelt Community Center – Package I Project to the Low Bidder, DBS Construction, Inc., in the Amount of \$1,179,997, if and when the City Acquires the Property Interests Necessary to Construct the Project, and Approval of a Contingency in the Amount of \$117,999”; and [Resolution No. 73166](#), entitled: “Resolution of the City Council of the City of San José Approving the Roosevelt Community Center – Package I Project, for which an Initial Study/Mitigated Negative Declaration was Prepared in Accordance with the California Environmental Quality Act, and Adopting a Mitigation Monitoring and Reporting Program”, were adopted. (11-0).

- 5.7 (a) **Report on bids and award of contract for the Edenvale Branch Library Project to the low bidder, John Plane Construction Co., Inc., to include the base bid and add Alternate No. 1, in the amount of \$7,336,000 and approval of a contingency in the amount of \$733,600; and,**
- (b) **Adoption of a resolution approving the Edenvale Branch Library Project and incorporating environmental mitigation measures as set forth in the Mitigation Monitoring and Reporting Program for the project.**
- CEQA: Mitigated Negative Declaration, PP05-011. Council District 2. (Public Works/Library)**

Documents Filed: Memorandum from Director of Public Works Katy Allen and Director of Library Department Jane Light, dated April 19, 2006, recommending award of contract for the Edenvale Branch Library Project to the low bidder, John Plane Construction Co., Inc., and approval of the specified contingency, and adopt a resolution approving the Project and incorporating environmental mitigation measures as indicated therein.

Public Comments: George Fokos expressed concern about costs.

Action: Upon motion by Council Member Williams, seconded by Council Member Pyle, and unanimously carried, the award of said project to the low bidder, John Plane Construction Col, Inc., with specified contingency, was approved, and [Resolution No. 73167](#), entitled: "Resolution of the City Council of the City of San José Approving the Edenvale Branch Library Project, for which an Initial Study/Mitigated Negative Declaration was Prepared in Accordance with the California Environmental Quality Act, and Adopting a Mitigation Monitoring and Reporting Program", was adopted. (11-0)

- 5.8 **Adoption of a resolution authorizing the City Manager to negotiate an agreement with the Boys and Girls Club Silicon Valley to purchase an interest in the Boys and Girls Club's property located at 2293 Cunningham Avenue and direction to return to Council with appropriation actions. (City Manager's Office/Parks, Recreation and Neighborhood Services)**

Action: This item was deferred to May 23, 2006.

TRANSPORTATION & AVIATION SERVICES

- 6.2 (a) **Acceptance of the progress report on the Obstruction Study for the Norman Y. Mineta San José International Airport; and,**
- (b) **Approval of a fourth amendment to the Consultant Agreement with David J. Powers & Associates, Inc. for Airport environmental analysis services, increasing the maximum cost of the agreement by \$120,000, from \$250,000 to \$370,000, for additional work on the Airport Obstruction Study, with no change to the term of the agreement.**
- CEQA: Resolution Nos. 67380 and 71451, PP 06-053. (Airport)**

6.2 (Cont'd)

Documents Filed: Memorandum from Director of Aviation William F. Sherry, dated May 1, 2006, recommending acceptance of the report and approval of the fourth amendment to the Consultant Agreement with David J. Powers & Associates, Inc. for Airport environmental analysis services.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Campos, and unanimously carried, the progress report was accepted, and the fourth amendment to the Consultant Agreement with David J. Powers & Associates, Inc. for Airport environmental analysis services, was approved, and Staff was directed to provide strategic documentation on progress with the FAA. (11-0).

ENVIRONMENTAL & UTILITY SERVICES

- 7.1 Approval of an ordinance amending Chapter 9.10 of Title 9 of the San Jose Municipal Code to implement changes to the Commercial Solid Waste Program including adding requirements that collection vehicles have numerical identification and meet emission standards, setting charges for delinquent monthly reports, adding provisions relating to wheeled disposal carts, and adding provisions relating to recycling reporting by large venues and large events. CEQA: Negative Declaration, PP92-11-308. (Environmental Services)**

Documents Filed: Memorandum from Director of Environmental Services John Stufflebean, dated April 19, 2006, recommending approval of an ordinance amending Chapter 9.10 of Title 9 of the San José Municipal Code.

Extensive Council discussion ensued about Items 7.1 and 7.2 concurrently.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Pyle, and unanimously carried, [Ordinance No. 27725](#), entitled: “An Ordinance of the City of San José Amending Chapter 9.10 of Title 9 of the San José Municipal Code by Amending Sections 9.10.455, 9.10.550, 9.10.1390, 9.10.1430, 9.10.1630, 9.10.1710, and 9.10.1720 and by Adding Section 9.10.1445 to Revise the Provisions Relating to Commercial Solid Waste Management Regulations”, was passed for publication. (11-0).

- 7.2 Hold a public hearing on the applications of the following companies for Commercial Solid Waste and Recyclables Collection Franchises, approval of ordinances granting the franchises, and approval of Commercial Solid Waste and Recyclables Collection Franchise Agreements for the following terms:**
- (a) A & A Recycling - July 1, 2006, to June 30, 2009.
 - (b) All Points Rolloff, Inc. - July 1, 2006, to June 30, 2009.

(Item continued next page)

7.2 (Cont'd)

- (c) **Allied Waste Services of North America, LLC dba Allied Waste of Santa Clara County - July 1, 2006, to June 30, 2007, with two one-year renewal options**
 - (d) **EMS, LLC - July 1, 2006, to June 30, 2009.**
 - (e) **Environmental Resources Recovery Inc. dba Valley Recycling - July 1, 2006, to June 30, 2009.**
 - (f) **GreenWaste Recovery Inc. - July 1, 2006, to June 30, 2009.**
 - (g) **GreenWaste Recovery Inc. dba \$99 Debris Box Service - July 1, 2006, to June 30, 2009.**
 - (h) **Grifall Trucking Inc. - July 1, 2006, to June 30, 2009.**
 - (i) **JHM Services Inc. - July 1, 2006, to June 30, 2009.**
 - (j) **Jonna Corp dba Premier Recycle - July 1, 2006, to June 30, 2009.**
 - (k) **LMH Enterprises Inc. dba Number "1" Disposal - July 1, 2006, to June 30, 2007, with two one-year renewal options.**
 - (l) **Los Altos Garbage Co. dba Stevens Creek Disposal and Recycling - July 1, 2006, to June 30, 2007, with two one-year renewal options.**
 - (m) **Mission Trail Waste Systems Inc. dba Recycle West - July 1, 2006, to June 30, 2009.**
 - (n) **Pacific Coast Recycling - July 1, 2006, to June 30, 2009.**
 - (o) **Panther Industries - July 1, 2006, to June 30, 2009.**
 - (p) **Phillip Alan Ingram dba Coast Dumpster Service - July 1, 2006, to June 30, 2009.**
 - (q) **Recycling & Waste Services - July 1, 2006, to June 30, 2009.**
 - (r) **Redwood Services Inc. dba Redwood Debris Box Service - July 1, 2006, to June 30, 2009.**
 - (s) **San José Conservation Corps & Charter School - July 1, 2006, to June 30, 2009.**
 - (t) **Smurfit-Stone Container Enterprises Inc. dba Smurfit-Stone Recycling - July 1, 2006, to June 30, 2009.**
 - (u) **Sonrise Consolidated Inc. - July 1, 2006, to June 30, 2009.**
 - (v) **The Flea Market, Inc. - July 1, 2006, to June 30, 2009.**
 - (w) **The Residential Bin Co. Inc. - July 1, 2006, to June 30, 2007, with two one-year renewal options.**
 - (x) **USA Waste of California Inc. dba Green Valley Disposal Company, Inc. - July 1, 2006, to June 30, 2009.**
 - (y) **Waste Connections of California Inc. dba GT Waste - July 1, 2006, to June 30, 2009.**
 - (z) **Waste Management of California Inc. dba Waste Management of Santa Clara County - July 1, 2006, to June 30, 2009.**
- CEQA: Negative Declaration, PP92-11-308. (Environmental Services)**

7.2 (Cont'd)

Documents Filed: (1) Memorandum from Director of Environmental Services John Stufflebean, dated April 19, 2006, recommending Council hold a public hearing on the applications of companies for Commercial Solid Waste and Recyclables Collection Franchises, approval of ordinances granting the franchises, and approval of Commercial Solid Waste and Recyclables Collection Franchise Agreements for Items (a)-(z), as listed above. (2) Memorandum from City Manager Les White, dated May 5, 2006, transmitting correspondences forwarded to schools regarding the commercial solid waste and recyclables collection franchise agreements.

This item was heard with Item 7.1.

Public Comments: Mayor Gonzales opened the public hearing. Ann Jones, Chief Business Officer, San José Unified School District, and Paul Hay, Metropolitan Education District, urged the Council to exempt schools. George Fokos asked that garbage pickup be done in the early morning and spoke in favor of good wages for the workers. The public hearing was closed.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Pyle, and unanimously carried, the Commercial Solid Waste and Recycles Collection Franchise Agreements were approved, and [Ordinance No. 27726](#), entitled: “An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to A & A Recycling”; [Ordinance No. 27727](#), entitled: “An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to All Points Roll Off Inc.”; [Ordinance No. 27728](#), entitled: “An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Allied Waste Services of North America, LLC dba Allied Waste of Santa Clara County”; [Ordinance No. 27729](#), entitled: “An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to EMS, LLC”; [Ordinance No. 27730](#), entitled: “An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Environmental Resource Recovery Inc. dba Valley Recycling”; [Ordinance No. 27731](#), entitled: “An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to GreenWaste Recovery, Inc.”; [Ordinance No. 27732](#), entitled: “An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to GreenWaste Recovery, Inc. dba \$99 Debris Box Service”; [Ordinance No. 27733](#), entitled: “An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Grifall Trucking Inc.”; [Ordinance No. 27734](#), entitled “An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to JHM Services”; [Ordinance No. 27735](#), entitled: “An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Jonna Corp dba Premier Recycle”; [Ordinance No. 27736](#), entitled: “An Ordinance of the City of San José

7.2 (Cont'd.)

Granting a Commercial Solid Waste and Recyclables Collection Franchise to LMH Enterprises Inc. dba Number "1" Disposal"; [Ordinance No. 27737](#), entitled: "An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Los Altos Garbage Co. dba Stevens Creek Disposal & Recycling"; [Ordinance No. 27738](#), entitled: "An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Mission Trail Waste Systems, Inc. dba Recycle West"; [Ordinance No. 27739](#), entitled: "An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Pacific Coast Recycling, Inc."; [Ordinance No. 27740](#), entitled: "An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Panther Industries"; [Ordinance No. 27741](#), entitled: "An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Phillip Alan Ingram dba Coast Dumpster Service"; [Ordinance No. 27742](#), entitled: "An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Recycling & Waste Services, Inc."; [Ordinance No. 27743](#), entitled: "An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Redwood Services, Inc. dba Redwood Debris Box Service"; [Ordinance No. 27744](#), entitled: "An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to San José Conservation Corps & Charter School"; [Ordinance No. 27745](#), entitled: "An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Smurfit-Stone Container Enterprises, Inc. dba Smurfit Recycling Co."; [Ordinance No. 27746](#), entitled: "An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Sonrise Consolidated, Inc."; [Ordinance No. 27747](#), entitled: "An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to The Flea Market, Inc."; [Ordinance No. 27748](#), entitled "An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to The Residential Bin Co., Inc."; [Ordinance No. 27749](#), entitled: "An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to USA Waste of California, Inc. dba Green Valley Disposal Company, Inc."; [Ordinance No. 27750](#), entitled: "An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Waste Connections of California, Inc. dba G.T. Waste"; and [Ordinance No. 27751](#), entitled: "An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Waste Management of California, Inc. dba Waste Management of Santa Clara County", were passed for publication. (11-0).

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>	<u>Proposed Decision</u>
9202	Southeast Corner of Branham Lane and Cherry Avenue	6	LCAR MJM Homes, LLC	6 Lots/ 5 Units	SFD	Approve
9776	Neal Avenue 200' east of Winchester Blvd.	6	Neal 3030, LLC	8 Lots/ 7 Units	SFD	Approve
9798	20 S. Second St.	3	CIM Group Inc.	1 Lot/ 77 Units	Condo	Approve

OPEN FORUM

- (1) Bill Chew discussed his campaign and candidacy for District 3.
- (2) George Fokos spoke on running for Mayor of the City of San Jose.
- (3) Robert Apgar discussed the Garden City cardroom.
- (4) Mark Trout expressed personal commentary.
- (5) Stephen Hazel shared personal viewpoints.

ADJOURNMENT

The Council of the City of San José adjourned at 6:11 p.m. in memory of Kristi A. Porter and her son, Robert S. Porter. Kristi was an Oak Grove School District trustee and she and her son were killed in a two-car accident on a highway in Hungary.

ATTEST:

LEE PRICE, MMC, CITY CLERK

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