



MINUTES OF THE CITY COUNCIL

SAN JOSÉ, CALIFORNIA

TUESDAY, JUNE 6, 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, Cortese, LeZotte, Nguyen, Pyle, Reed, Williams, Yeager.

Absent: Council Members - Gonzales (Excused).

Upon motion unanimously adopted, Council recessed at 9:31 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) County of Santa Clara, et al., v. City of San José, et al.; (2) Y.K.A. Industries, Inc. v. City of San José, et al.; (3) The San José Charter of the Hells Angels Motorcycle Club, et al. v. City of San José; (4) Proposition 22, et al. v. Gonzales, et al.; (B) to confer with Legal Counsel pursuant to Government Code Section 54956.9, anticipated litigation, Subsection (c) with respect to significant exposure in one (1) matter; and with respect to initiation of litigation in two (2) matters; and (C) to 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 the Closed Session and recessed at 10:55 a.m. and reconvened at 1:30 p.m. in the Council Chambers.

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

Absent: Council Members - Gonzales (Excused).

INVOCATION

The Silicon Valley Gay Men's Chorus, performing in recognition of the month of June as Gay and Lesbian Pride Month. (District 6)

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

PLEDGE OF ALLEGIANCE

Vice Mayor Chavez led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Council Member Campos, seconded by Council Member Williams, and unanimously carried, the Orders of the Day and the Amended Agenda were approved. (10-0-1. Absent: Gonzales.)

CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to City of San José employees for their contributions as outstanding blood donors to the American Red Cross and promotion of the upcoming Employee Services sponsored Blood Drive on Wednesday, June 14, 2006. (City Manager's Office)**

Action: Vice Mayor Chavez and Employee Services Director Mark Danaj presented a commendation to City employees.

- 1.2 Presentation of a commendation to Windmill Springs Elementary School for its achievement as a California Distinguished School from the State of California. (Nguyen)**

Action: Vice Mayor Chavez and Council Member Nguyen presented a commendation to the Windmill Springs Elementary School for its achievement.

- 1.3 Presentation of a proclamation declaring June 6, 2006 as "Stop the Violence Day" in the City of San José. (Chavez)
(Rules Committee referral 5/31/06)**

Action: Vice Mayor Chavez declared June 6, 2006 as "Stop the Violence Day" in the City of San José.

CONSENT CALENDAR

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

2.2 Final adoption of ordinances.

- (a) **ORD. NO. 27761** – Amends Section 13.28.140 of Chapter 13.28 of Title 13 of the San José Municipal Code to increase the posting period for potential street tree removals from seven to fourteen days and if no timely objection has been received by the Director of the Department of Transportation, the proposed street tree removal may be carried out seventeen days from the initial date of posting, and amends Section 13.28.340 of Chapter 13.28 of Title 13 to increase the potential maximum civil penalty for removal or destruction of heritage trees within a three year period from five thousand dollars to thirty thousand dollars.

Documents Filed: Proof of publication of title of Ordinance No. 27761 executed on May 30, 2006, submitted by the City Clerk.

Action: [Ordinance No. 27761](#) was adopted. (10-0-1. Absent: Gonzales.)

- (b) **ORD. NO. 27755** – Rezoning certain real property situated at the northeast corner of East Taylor Street and North Sixth Street to A(PD) Planned Development Zoning District. PDC05-094

Documents Filed: Proof of publication of title of Ordinance No. 27755 executed on May 23, 2006, submitted by the City Clerk.

Action: [Ordinance No. 27755](#) was adopted. (10-0-1. Absent: Gonzales.)

- (c) **ORD. NO. 27756** – Rezoning certain real property situated on the north side of East Gish Road approximately 300 feet westerly of Oakland Road to A(PD) Planned Development Zoning District. PDC03-099

Documents Filed: Proof of publication of title of Ordinance No. 27756 executed on May 23, 2006, submitted by the City Clerk.

Action: [Ordinance No. 27756](#) was adopted. (10-0-1. Absent: Gonzales.)

- (d) **ORD. NO. 27757** – Amending Section 20.40.100 of Chapter 20.40, Section 20.50.100 of Chapter 20.50, Section 20.70.100 of Chapter 20.70, Sections 20.80.2020 and 20.80.2030 of Chapter 20.80 and Section 20.100.500 of Chapter 20.100, all of Title 20 of the San José Municipal Code, to enact further permit streamlining measures pertaining to minor additions to nonresidential buildings and to temporary and standby generators in nonresidential districts and to create a permitting process for wineries and breweries in commercial zoning districts.

2.2 (d) (Cont'd.)

Documents Filed: Proof of publication of title of Ordinance No. 27757 executed on May 23, 2006, submitted by the City Clerk.

Action: [Ordinance No. 27757](#) was adopted. (10-0-1). Absent: Gonzales.

2.3 Approval of the following 2005-2006 appropriation ordinance amendments in the General Fund for a Voter-Owned Campaign:

- (a) **Increase the City-wide Elections Commission appropriation in the amount of \$50,000 for expenses related to the implementation of the Voter-Owned Campaign Ordinance.**
 - (b) **Decrease the Contingency Reserve by \$50,000.**
- CEQA: Not a Project. (City Manager's Office)**
(Referred from 5/16/06 – Item 3.5)

Documents filed: Memorandum from Budget Director Larry Lisenbee, dated May 16, 2006, recommending approval of 2005-2006 Appropriation Ordinance Amendments pertaining to Voter-Owned Campaigns as specified above.

Action: [Ordinance No. 27764](#), entitled: “An Ordinance of the City of San José Amending Ordinance No. 27474 to Appropriate Moneys in the General Fund for the Elections Commission; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”, was adopted. (10-0-1). Absent: Gonzales.

2.4 Approval of fiscal actions for Redevelopment Agency Capital Projects:

- (a) **Adoption of the following 2005-2006 appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund):**
 - (1) **Increase the estimate for Earned Revenue by \$30,423.**
 - (2) **Establish an appropriation to the Department of Transportation for the Santa Clara Street Festoon Lighting Improvement Project (PSM #447) in the amount of \$30,423.**
- (b) **Adoption of a resolution making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with:**
 - (1) **The Santa Clara Street Festoon Lighting Improvement Project as more specifically described in the memorandum from the Redevelopment Agency, dated May 5, 2006.**

CEQA: Not a Project. Council District 3. (City Manager's Office)

2.4 (Cont'd.)

Documents filed: Memorandum from Budget Director Larry Lisenbee, dated May 15, 2006, recommending adoption of 2005-2006 Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund as specified above; and recommending adoption of a resolution making certain determinations regarding the related expenditure of Redevelopment Agency funds for the Santa Clara Street Festoon Lighting Improvement project as noted in Redevelopment Agency Program Manager Bob Ruff's memorandum dated May 5, 2006.

Action: [Ordinance No. 27765](#), entitled: "An Ordinance of the City of San José Amending Ordinance No. 27474 to Appropriate Moneys in the Services for Redevelopment Capital Projects Fund for the Santa Clara Street Festoon Lighting Improvement Project; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption"; [Resolution No. 73186](#), 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 Services for Redevelopment Capital Projects Fund"; and [Resolution No. 73187](#), entitled: "Resolution of the Council of the City of San José Making Certain Determinations Regarding the Expenditure of Redevelopment Agency Funds for Certain Public Improvements in the Century Center, Pueblo Uno, and Almaden Gateway and Civic Plaza Redevelopment Project Areas", were adopted. (10-0-1). Absent: Gonzales.

2.5 Adoption of the following appropriation ordinance amendments to the Convention Center Capital Improvement Needs:

- (a) **Establish an appropriation in the General Fund for the Convention Center Fire Attenuation System for \$247,000.**
- (b) **Establish an appropriation in the General Fund for the Convention Center VFD Drive for \$7,000.**
- (c) **Increase the appropriation in the General Fund for Convention Center Marquee by \$53,000.**
- (d) **Establish an appropriation in the General Fund for Electrical Substation Transformers for \$120,000.**
- (e) **Decrease the California Theater Reserve by \$427,000.**
- (f) **Establish an appropriation in the Convention and Cultural Affairs Fund for Miscellaneous Improvements and Repairs for \$9,368.**
- (g) **Increase Earned Revenue in the Convention and Cultural Affairs Fund by \$9,368.**

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

Documents filed: Memorandum from Deputy City Manager Winer and Budget Director Lisenbee, dated May 25, 2006, recommending adoption of seven Appropriation Ordinance amendments as specified above.

2.5 (Cont'd.)

Action: [Ordinance No. 27766](#), entitled: “An Ordinance of the City of San José Amending Ordinance No. 27474 to Appropriate Moneys in the General Fund for Various Convention Center Capital Improvements; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”, was adopted. (10-0-1). Absent: Gonzales.

2.6 Approval to set Public Hearings on the Business Improvement Districts.

- (a) Preliminary approval of the report as filed by the Japantown Business Improvement District Advisory Board or as modified by Council, and adoption of a resolution of intention to levy the annual assessment for 2006-07, and set June 20, 2006 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments. CEQA: Exempt, PP03-05-165. Council District 3. SNI: 13th Street. (Economic Development)
- (b) Preliminary approval of the report as filed by the Willow Glen Business Improvement District Advisory Board, or as modified by Council; and adoption of a resolution of intention to levy the annual assessment for 2006-2007, and set June 20, 2006 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments. CEQA: Exempt, PP03-05-165. Council District 6. (Economic Development)
- (c) Preliminary approval of the report as filed by the Hotel Business Improvement District Advisory Board or as modified by Council, and adoption of a resolution of intention to levy the annual assessment for 2006-07, and set June 20, 2006 at 1:30p.m. as the date and time for the public hearing on the levy of the proposed assessments. CEQA: Exempt, PP03-05-165. Council District 3. SNI: 13th Street. (Economic Development)
- (d) Preliminary approval of the report as filed by the Downtown Business Improvement District Advisory Board, or as modified by Council; and adoption of a resolution of intention to levy the annual assessment for 2006-2007, and set June 20, 2006 at 1:30 p.m. meeting as the date and time for the public hearing on the levy of the proposed assessments. CEQA: Exempt, PP03-05-165. Council District 3. SNI: St James Square, University, Josefa/Auzerais, Burbank/DelMonte. (Economic Development)

Documents filed: (1) Memoranda from Director of Economic Development Krutko, dated May 15, 2006, recommending preliminary approval of the 2006-2007 Budget Report as filed by the Business Improvement District Advisory Boards for Japantown and Willow Glen, or as modified by Council, and adoption of resolutions of intention to levy the annual assessments and set June 20, 2006 as the date for the public hearings on the proposed assessments. (3) Replacement memorandum from Director of Economic Development Director Krutko, dated May 31, 2006, clarifying language on the process related to BID Law and including copy of the Hotel Business Improvement District Advisory Board budget; and (4) Memorandum from Director of Economic Development Krutko, dated May 15, 2006, recommending preliminary approval of the 2006-2007

2.6 (Cont'd.)

Budget Reports as filed by the Hotel Business Improvement District Advisory Board and as filed by the Downtown Business Improvement District Advisory Board, or as modified by Council, and adoption of resolutions of intention to levy the annual assessments and set June 20, 2006 as the date for the public hearings on the proposed assessments.

Action: [Resolution No. 73188](#), entitled: “A Resolution of the Council of the City of San José Declaring Its Intent to Levy Assessments for Fiscal Year 2006-2007 in the Japantown Business Improvement District Pursuant to the Parking and Business Improvement Area Law of 1989; and Setting the Date and Time for the Public Hearing”; [Resolution No. 73189](#), entitled: “A Resolution of the Council of the City of San José Declaring Its Intent to Levy Assessments for Fiscal Year 2006-2007 in the Willow Glen Business Improvement District Pursuant to the Parking and Business Improvement Area Law of 1989; and Setting a Date and Time for the Public Hearing”; [Resolution No. 73190](#), entitled: “A Resolution of the Council of the City of San José Declaring Its Intent to Levy Assessments for Fiscal Year 2006-2007 in the Downtown Business Improvement District Pursuant to the Parking and Business Improvement Area Law of 1989; and Setting a Date and Time for the Public Hearing”; and [Resolution No. 73191](#), entitled: “A Resolution of the Council of the City of San José Declaring Its Intent to Levy Assessments for Fiscal Year 2006-2007 in the Hotel Business Improvement District Pursuant to the Parking and Business Improvement Area Law of 1989; and Setting a Date and Time for the Public Hearing”, were adopted. (10-0-1). Absent: Gonzales.

2.7 **Report on bids and approval of the award of the purchase of one Sobriety Checkpoint Vehicle from Matthews Specialty Vehicles, the only responsive bidder, in an amount not to exceed \$305,666.61, and authorization to the Director of Finance to execute the purchase order. CEQA: Not a Project. (Finance)**

Documents filed: Memorandum from Finance Director Johnson, dated May 18, 2006, reporting on bids and recommending approval of the award of the purchase of one Sobriety Checkpoint Vehicle from Matthews Specialty Vehicles, the only responsive bidder, and authorization for the Director of Finance to execute the purchase order.

Action: The award of purchase to Matthews Specialty Vehicles was approved and the Director of Finance authorized to execute the purchase order. (10-0-1). Absent: Gonzales.

- 2.8 Approval of an agreement for the exchange of easements in Alum Rock Village.**
- (a) Approval of the agreement between the City of San José and Anthony Caruso for the exchange of easements in Alum Rock Village; and,**
 - (b) Adoption of a resolution delegating authority to the Director of General Services to execute all documents necessary to complete the transfer of each property.**

CEQA: Exempt, H04-046. Council District 3. SNI: Spartan/Keyes. (General Services)

Action: This item was deferred to June 27, 2006.

- 2.9 Approval of actions to transfer property to the Santa Clara Valley Water District.**
- (a) Adoption of a resolution authorizing the Director of General Services to execute all documents necessary to complete the transfer of real property located at 375 McLellan Avenue, comprising approximately 6,210 square feet, to the Santa Clara Valley Water District.**
 - (b) Adoption of the following amendments to the annual appropriation ordinance in the Building and Structure Construction Tax Fund:**
 - (1) Establish a transfer to the General Fund in the Building and Structure Construction Tax Fund in the amount of \$245,000 for the Foxworthy Bridge Mitigation Project.**
 - (2) Reduce the Foxworthy Bridge Mitigation appropriation in the amount of \$245,000.**

CEQA: Exemption, PP06-078. (General Services/Transportation/City Manager's Office)

Documents filed: Memorandum from Director of General Services Jensen, Director of Transportation Helmer, and Budget Director Lisenbee, dated May 15, 2006, recommending adoption of a resolution authorizing actions for the transfer of real property located at 375 McLellan Avenue to the Santa Clara Valley Water District; and adoption of amendments to the annual appropriation ordinance and funding sources resolution in the Building and Structure Construction Tax Fund relating to the Foxworthy Bridge Mitigation Project.

Action: [Resolution No. 73192](#), entitled: "A Resolution of the Council of the City of San José Authorizing the Director of General Services to Execute All Documents Necessary to Transfer Fee Title to 375 McLellan Avenue to the Santa Clara Valley Water District in Compliance with an Agreement Pertaining to Foxworthy Bridge"; and [Ordinance No. 27767](#), entitled: "An Ordinance of the City of San José Amending Ordinance No. 27474 to Appropriate Moneys in the Building and Structure Construction Tax Fund for the Foxworthy Bridge Mitigation Project; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption", were adopted. (10-0-1). Absent: Gonzales.

2.10 Adoption of a resolution authorizing the City Manager to negotiate and execute an ABAG Planning Grant Agreement for an amount not to exceed \$95,000 for the Bay Trail Reach 9B Project. CEQA: Mitigated Negative Declaration, PP02-05-116. Council District 4. (Parks, Recreation and Neighborhood Services)

Documents filed: Memorandum from Acting Director of Parks, Recreation and Neighborhood Services Balagso, dated May 15, 2006, recommending adoption of a resolution authorizing the City Manager to negotiate and execute an ABAG Planning Grant Agreement relating to the TRAIL: Bay Trail Reach 9B Project.

Action: [Resolution No. 73193](#), entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Association of Bay Area Governments (ABAG) Planning Grant Agreement for the Bay Trail Reach 9B Project", was adopted. (10-0-1). Absent: Gonzales.

2.11 Adoption of a resolution initiating proceedings on the reorganization of territory designated as McKee No. 130 which involves the annexation to the City of San José of 10.88 acres of land more or less, located at the southwest corner of Capitol Avenue and Mabury Road and adjacent to the City of San José annexation McKee Nos. 122, 78-A, 80, 115, 84, and 97 and the detachment of the same from Central Fire Protection, and Area No. 01 (Library Service) County Service Districts. CEQA: Mitigated Negative Declaration (File No. PDC05-060). Council District 4. (Planning, Building and Code Enforcement)

Documents filed: Memorandum from Acting Director of Planning, Building and Code Enforcement Horwedel, dated May 16, 2006, recommending adoption of a resolution ordering the reorganization of territory designated McKee No. 130 and detachment of same from the Central Fire Protection and Area No. 01 (Library Service) County Service Districts.

Action: [Resolution No. 73194](#), entitled: "A Resolution of the Council of the City of San José Ordering the Reorganization of Certain Uninhabited Territory Designated as McKee No. 130, Subject to Liability for General Indebtedness of the City", was adopted. (10-0-1). Absent: Gonzales.

2.12 Approval of an ordinance amending Chapter 3.36 of Title 3 of the San José Municipal Code to clarify various provisions of the Police & Fire Retirement Plan with respect to compliance with requirements of the Internal Revenue Code. CEQA: Not a Project. (Retirement Services)

Documents filed: Memorandum from Secretary Overton, Board of Administration, on behalf of the Police & Fire Retirement Board, dated May 15, 2006, recommending approval of an ordinance amending Chapter 3.36 of the San José Municipal Code clarifying various provisions with respect to compliance with requirements of the Internal Revenue Code.

2.12 (Cont'd.)

Action: [Ordinance No. 27768](#), entitled: “An Ordinance of the City of San José Amending Chapter 3.36 of Title 3 of the San José Municipal Code to Make Technical Compliance Clarifications to the Police and Fire Department Retirement Plan”, was passed for publication. (10-0-1). Absent: Gonzales.

2.13 Report on bids and award of contract for the 2005-2006 Curb Ramp Improvements in qualified low-to-moderate income areas project to the low bidder, Vanguard Construction, in the amount of \$284,395, and approval of a contingency in the amount of \$14,220, for a total contract amount not to exceed \$298,615. CEQA: Exempt, File No. G70, FY 2005-2006. Council Districts 1, 3, 5, 6, 7 and 10. (Transportation)

Documents filed: Memorandum from Department of Transportation Director Helmer, dated May 15, 2006, reporting on bids and requesting approval of award of contract for the 2005-2006 Curb Ramp Improvements in qualified low-to-moderate income areas to the low bidder, Vanguard Construction, including specified contingency funds.

Action: The award of contract to the low bidder, Vanguard Construction, with the specified contingency, was approved. (10-0-1). Absent: Gonzales.

2.14 Approval of a cooperative agreement with the City of Campbell to perform street maintenance on sections of Bascom Avenue from East Mozart Avenue to Hamilton Avenue, with a contribution from the City of Campbell in an amount not to exceed \$484,395. CEQA: Exempt, File No. PP04-233. Council Districts 6 and 9. (Transportation)

Documents filed: Memorandum from Department of Transportation Director Jim Helmer, dated May 15, 2006, recommending approval of a Cooperative Agreement with the City of Campbell for the City to perform street maintenance on sections of Bascom Avenue from East Mozart Avenue to Hamilton Avenue, with a contribution from the City of Campbell.

Action: The cooperative agreement with the City of Campbell was approved. (10-0-1). Absent: Gonzales.

**2.15 Appointments to the Airport Noise Advisory Committee:
Approval of the appointment of Mr. Xavier Campos, City of San José Planning Commission, and Mr. Yen Chen, Associate Planner, City of Santa Clara Planning Department, to the Airport Noise Advisory Committee. (Airport)**

Documents filed: Memorandum from Director of Aviation Sherry, dated May 25, 2006, recommending appointment of Xavier Campos and Yen Chen to the Airport Noise Advisory Committee (ANAC).

2.15 (Cont'd.)

Action: Upon motion by Council Member Yeager, seconded by Council Member Reed, the appointments of Mr. Xavier Campos and Mr. Yen Chen to the respective committees were approved. (9-0-1-1). Absent: Gonzales. Disqualified: Campos.

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – May 24, 2006 Vice Mayor Chavez, Chair

Document filed: The Rules Committee Report, dated May 24, 2006.

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review June 6, 2006 Draft Agenda
 - (a) Adds to the June 6, 2006 Draft Agenda

After a lengthy debate over Council Member Cortese's request to place an item on the Council Agenda, the Committee approved the June 6, Draft Agenda with two additions, including direction to:

- (1) The City Attorney to prepare a memorandum to the Council summarizing the actions the Council can take and outlining the pros and cons of any such action taken by the Council to release the information; and
 - (2) Staff to forward to the Sunshine Reform Task Force for their discussion of the issue releasing to the public closed session information and/or materials. Attachment: Memorandum from Council Member Cortese, dated May 23, 2006, requesting discussion and/or action related to request from San José Mercury News to release Council Closed Session discussion and staff direction regarding Silicon Valley Sports & Entertainment, and San José Earthquakes.
- (2) Add New Items to May 30, 2006 Agenda
 - (a) Mayor and Councilmember Requests
 - (b) Council Appointee Requests
 - None - the meeting was canceled.
 - (3) List of Reports Outstanding - There were none.

**3.2 Report of the Rules Committee – May 24, 2006 (Cont'd.)
Vice Mayor Chavez, Chair**

(c) Legislative Update
(1) State

Director Intergovernmental Relations Betsy Shotwell provided oral updates on the State Budget and “may revise”, Proposition 42 (Transportation) and other pending bills relating to housing.

(2) Federal - There were none.

(d) Meeting Schedules

(1) Council Meeting Schedule, August 2006-January 2007. Attachment: Memorandum from Assistant to the City Manager Nadine Nader, dated May 18, 2006, recommending approval of City Council Meeting Schedule for period August 2006 to January 2007.

The Committee approved the meeting schedule.

(2) The Public Record. Attachments: (1) Memorandum from City Clerk Price, dated May 4, 2006, transmitting items for the public record and administration for the period of April 26, 2006 – May 2, 2006; (2) Memorandum from City Clerk Price, dated May 11, 2006, transmitting items for the public record and administration for the period of May 3, 2006 – May 9, 2006; and (3) Memorandum from City Clerk Price, dated May 18, 2006, transmitting items for the public record and administration for the period of May 11, 2006 – May 17, 2006.

The Committee noted and filed the Public Record.

(f) Appointments to Boards, Commissions and Committees - There were none.

(g) Rules Committee Reviews, Recommendations and Approvals

(1) Approval of Travel by Council Member Campos to attend the National League of Cities Board of Directors Meeting in Roanoke, Virginia, July 20-23, 2006. Attachment: Memorandum from Council Member Campos, dated May 2, 2006, requesting approval for travel to attend the National League of Cities Board of Directors Meeting in Roanoke, West Virginia on July 20-23, 2006.

This item was dropped by Council Member Campos.

**3.2 Report of the Rules Committee – May 24, 2006 (Cont'd.)
Vice Mayor Chavez, Chair**

(g) Rules Committee Reviews, Recommendations and Approvals (Cont'd.)

- (2) Approval of Travel by Mayor Gonzales to attend the 74th Annual Meeting of the U.S. Conference of Mayors in Las Vegas, Nevada, June 4-6, 2006. Attachment: Memorandum from Mayor Gonzales requesting approval of travel to attend the 74th Annual Meeting of the U. S. Conference of Mayors in Las Vegas, Nevada on June 4-6, 2006.

The Committee approved the travel request.

(h) Open Forum

Bill Chew discussed his candidacy for Council District 3 and urged people to vote.

(i) Adjournment - The meeting was adjourned at 2:40 p.m.

Action: Upon motion by Council Member Campos, seconded by Council Member Williams, and unanimously carried, the Rules Committee Report and Actions of May 24, 2006, were accepted. (9-0-2). Absent: LeZotte, Gonzales.

**3.3 Report of the Making Government Work Better Committee – May 18, 2006
Council Member Reed, Chair**

Document filed: The Making Government Work Better Committee Report, dated May 18, 2006.

- (a) An Audit of the San José Municipal Water System Fire Hydrant Maintenance and Repair Program.

The Committee accepted the report and forwarded the report to Council.

- (b) FY 2005-2006 Third Quarter Debt Report. Attachments: (1) Memorandum from Finance Director Scott Johnson, dated May 4, 2006, recommending acceptance of the FY 2005-2006 Third Quarter Debt Report; and (2) Hard copy of FY 2005-2006 Third Quarter Debt Report dated May 18, 2006.

The Committee accepted the report and forwarded the report to Council.

3.3 Report of the Making Government Work Better Committee – May 18, 2006 (Cont'd.) Council Member Reed, Chair

- (c) FY 2005-2006 Third Quarterly Summary – City’s Investment Report. Attachment: (1) Memorandum from Finance Director Scott Johnson, dated May 4, 2006, recommending the Committee accept the City’s Investment Report for quarter ended March 31, 2006; and (2) Memorandum from Finance Director Scott Johnson, dated April 27, 2006, transmitting the Investment Report for the Quarter Ended March 31, 2006.

The Committee accepted the report and forwarded the report to Council.

- (d) Report back from the Retirement Boards Regarding Conflict of Interest and “Exparte” Communications between Board Members with Actuaries. Attachment: Informational memorandum from Director of Retirement Services Edward Overton, dated May 11, 2006, regarding intended development of policies with regard to conflicts of interest and exparte communications between board members and their respective actuaries.

The Committee accepted the report and forwarded the report to Council.

- (e) Semi-Annual Audit Recommendations Follow-Up Report on all Outstanding Audit Recommendations for the Six Months Ended December 31, 2005. Attachment: Correspondence from City Auditor Gerald Silva, dated May 8, 2006, transmitting Semi-Annual Follow-Up Report on All Outstanding Audit Recommendations for the Six Months Ended December 31, 2005.

The Committee accepted the report to include comments from Chair Reed and Director Silva and forwarded the report to Council.

- (f) Independent Auditor’s Report and Financial Statements, and Report to City Council Results of the 2005 Financial Audit of the San José Convention Center and Cultural Facilities as Managed by Team San José, Inc. for the Fiscal Year Ended June 30, 2005. Attachment: Memorandum from City Auditor Gerald Silva, dated May 11, 2006, recommending acceptance of the San José Convention Center and Cultural Facilities Independent Auditor’s Report and Financial Statements for the fiscal year ended June 30, 2005 and the San José Convention Center and Cultural Facilities Report to City Council.

The Committee accepted the report and forwarded the report to Council.

- (g) Oral Petitions

Bill Chew reiterated his candidacy.

**3.3 Report of the Making Government Work Better Committee – May 18, 2006
Council Member Reed, Chair (Cont'd.)**

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

Action: Upon motion by Council Member Reed, seconded by Council Member Cortese, and unanimously carried, the Making Government Work Better Committee Report and Actions of May 18, 2006, were accepted. (9-0-2). Absent: LeZotte, Gonzales.

3.4 Discussion and/or action related to the San José Mercury News request for information for release of information associated with the November 29, 2005 Closed Session Council discussion and direction to staff regarding Silicon Valley Sports and Entertainment and the Earthquakes. (Cortese)

Documents filed: (1) Memorandum from Council Member Cortese, dated May 23, 2006, recommending discussion and/or action related to San José Mercury News request for information on the San José Earthquakes be placed on June 6, 2006 Council agenda; and (2) Memorandum from City Attorney Doyle, dated June 2, 2006, providing background on possible disclosure of Closed Session information and an overview of the Brown Act.

Motion: Council Member Cortese moved approval of his memorandum dated May 23, 2006, recommending release of the information associated with the November 29, 2005 Closed Session Council discussion and direction to staff regarding Silicon Valley Sports and Entertainment and the Earthquakes. Council Member Reed seconded the motion.

City Attorney Richard Doyle responded to questions and comments from the Council Members.

Substitute Motion: Council Member Pyle moved that this issue be referred to the Sunshine Reform Task Force as a priority item. Council Member Chirco seconded the motion.

Council Member Chirco mentioned that there are no criteria or guidelines in place and expressed concern that there may be an adverse effect on disclosing the information.

Vice Mayor Chavez and Council Members Reed, Yeager and LeZotte argued against the substitute motion and in favor of releasing the information in this case. Council Member LeZotte proposed that the issue should ultimately be referred to the Sunshine Reform Task Force Committee for some guidelines but added that since this matter has been settled, it is appropriate to now waive the privilege.

On a call for the question, the substitute motion failed. (4-6-1. Noes: Chavez, Cortese, LeZotte, Nguyen, Reed, Yeager. Absent: Gonzales.)

3.4 (Cont'd.)

Public Comment: Ross Signorino stated he would like to see all information disclosed on this particular issue.

Original Motion Amended: Council Member Cortese amended his original motion to add a referral of this issue to the Sunshine Reform task Force as a case study for developing criteria for the future. Council Member Reed accepted the amendment.

Action: On a call for the question, the motion carried, the memorandum from Council Member Cortese was approved, with Staff directed to: (1) Release information as described. (2) Refer the issue to the Sunshine Reform Task Force as a case study for developing criteria and guidelines for future requests for the release of Closed Session information. (6-4-1. Noes: Campos, Chirco, Pyle, Williams. Absent: Gonzales.)

3.5 Approval to issue General Obligation Bonds (Series 2006) by adoption of a resolution:

- (a) **Authorizing the issuance of City of San José General Obligation Bonds, Series 2006 (Libraries and Parks Projects) (the “2006 Bonds”) in the not-to-exceed aggregate principal amount of \$110,100,000 to be sold at a competitive sale.**
- (b) **Approving, in substantially final form, the Fiscal Agent Agreement, the Official Notice Inviting Bids, and the Preliminary Official Statement; authorizing the City Manager or other authorized officers to execute these documents and other related documents as necessary in connection with the issuance of the 2006 bonds.**

CEQA: Not a Project. (Finance)

Documents filed: (1) Memorandum from Deputy Director of Finance Cooper, dated May 15, 2006, recommending adoption of resolution.

Public Comment: William Garbett spoke in opposition.

Action: Upon motion by Council Member Williams, seconded by Council Member LeZotte, and unanimously carried, the Staff recommendation was approved, and [Resolution No. 73195](#), entitled: “A Resolution of the Council of the City of San José Authorizing the Issuance of Its General Obligation Bonds Series 2006 (Libraries and Parks Projects) in the Not-to-Exceed Aggregate Principal Amount of \$110,100,000, to be sold at a Competitive Sale, Approving in Substantially Final Form Various Documents Related Thereto and Authorizing the City Manager or Other Authorized Officers to Execute Such Documents and Other Documents as Necessary in Connection with the Issuance of Such Bonds”, was adopted. (10-0-1). Absent: Gonzales.

**3.6 Adoption of a resolution of support for the Marine Life Protection Act (MLPA) as a means of ensuring a healthy and productive ocean for future generations of San José residents to visit and enjoy. (Campos)
(Rules Committee referral 5/31/06)**

Documents filed: Memorandum from Council Member Campos, dated May 25, 2006, recommending Council pass a resolution in support of implementation of Marine Life Protection Act.

Action: Upon motion by Council Member Campos, seconded by Council Member Williams, and unanimously carried, [Resolution No. 73196](#), entitled “A Resolution of the Council of the City of San José in Support of Implementation of the Marine Life Protection Act”, was adopted. (10-0-1). Absent: Gonzales.

COMMUNITY & ECONOMIC DEVELOPMENT

**4.1 Report of the Building Strong Neighborhoods Committee – May 15, 2006
Council Member Chirco, Chair**

Document filed: The Building Strong Neighborhoods Committee Report, dated May 15, 2006.

(a) Citywide Street Sweeping Update

The Committee accepted the Staff report with the request that Staff provide an information memorandum on the success rate of the areas which have parking prohibitions in place. Attachment: Memorandum from Director of Department of Transportation Helmer and Director of Environmental Services Stufflebean, dated May 8, 2006, recommending acceptance of report on the status of Street Sweeping Program and posting of “No Parking” signs on sweep day.

(b) Vehicle Abatement - Dropped.

(c) Parkland Dedication Ordinance and Park Impact Ordinance – Follow Up Discussion

This item deferred to June 2006.

**4.1 Report of the Building Strong Neighborhoods Committee – May 15, 2006 (Cont'd.)
Council Member Chirco, Chair**

- (d) Strong Neighborhoods Initiative Report on New SNI Areas. Attachments: (1) Memorandum from Assistant City Manager Linder, dated May 15, 2006, recommending the Committee approve the report and give direction to take the Building Strong Neighborhoods beyond redevelopment areas framework to Council for consideration; and (2) Memorandum from Assistant to the City Manager Nadine Nadir, dated April 21, 2006, transmitting a copy of Assistant City Manager Linder's memorandum, dated April 17, 2006, seeking approval of the Building Strong Neighborhoods (BSN) report and direction to take framework to Council for consideration.

The Committee accepted the Staff report with the request that Staff incorporate the following changes:

- (1) Framework: Add a bullet – Neighborhoods feel a sense of ownership and empowerment
 - (2) Implementation and Recommendation: Recommend that Seven Trees Neighborhood and a neighborhood from District 9 be selected for the pilot program.
 - (3) Next Steps: The Committee requested that the timeline be revised and included in the next report. The Committee also requested a monthly status report be added to the Building Strong Neighborhoods Committee Work Plan.
- (e) Oral Petitions
- (1) Bill Chew mentioned his candidacy, and also stated that there are broadcasting and networking options that would allow greater community participation.
 - (2) Randi Kinman, Burbank/Del Monte Neighborhood Association, stated the City and neighborhoods collaborate together as a team, including the Neighborhood Development Center, in order to create a toolbox for developing parks.
- (f) Adjournment - The meeting was adjourned at 2:15 p.m.

Action: Upon motion by Council Member Chirco, seconded by Council Member Campos, and unanimously carried, the Building Strong Neighborhoods Committee Report and the Actions of May 15, 2006, were accepted. (10-0-1). Absent: Gonzales.

NEIGHBORHOOD SERVICES

5.2 Approval of actions related to the Boys and Girls Club:

Adoption of a resolution authorizing the City Manager to negotiate and return to the City Council for approval of an agreement with the Boys and Girls Club (BGC) of Silicon Valley that consists of the following elements:

- (a) Acquire BGC's sports field property adjacent to the Smythe Clubhouse for an amount not to exceed \$1 million, and enter into a joint use agreement with BGC for the use of the sports field;
- (b) Work with BGC and third party non-profit organizations to develop an operations and fund development workplan to assist BGC in establishing a stable financial condition; and
- (c) BGC to assume operation of the afterschool and summer programming at Empire Gardens Elementary School while the City evaluates options for future community serving uses of the City's property at 110 E. Jackson Street.

CEQA: Exempt, File No. PP06-071. (City Manager's Office/Parks, Recreation and Neighborhood Services)

(Deferred from 5/9/06 – Item 5.8 and 5/23/06 – Item 5.2)

Documents filed: (1) Memorandum from Deputy City Manager Ed Shikada and Acting Director, Parks, Recreation & Neighborhood Services Albert Balagso, dated May 23, 2006, recommending City Manager be authorized to negotiate and return to Council for approval of agreement with Boys and Girls Club (BGC) of Silicon Valley per the specified elements; and (2) Memorandum from Council Member Cortese, dated June 6, 2006, recommending Council approve staff report as stated above.

Brief Council discussion followed.

Action: Upon motion by Council Member Cortese, seconded by Council Member Campos and carried unanimously, [Resolution No. 73197](#), entitled "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate an Agreement with the Boys and Girls Club of Silicon Valley Providing for the Purchase by the City of the Smythe Clubhouse Sports Field for an Amount Not to Exceed \$1,000,000 Among Other Things", was adopted, with further direction to: (1) Work closely with the BGC and look for other opportunities in the greater downtown, as well as Empire Gardens Elementary School. (2) Include discussions around strategy with the nonprofits and be sensitive to the community and the existing providers. (9-0-2). Absent: Reed, Gonzales.

5.3 Follow-up to Facility Re-Use Request for Qualifications (RFQ) Process:

- (a) Approval of the following actions:**
 - (1) Conduct additional neighborhood specific outreach meetings, including a Council study session following the community process, and revising the Request for Qualifications (RFQ) for Facility Re-Use given the input obtained through the community process and;**
 - (2) Explore revising the Healthy Neighborhoods Venture Fund (HNVF) and other major grant programs to follow a San José BEST Request for Qualifications model process or other best practices, beginning in July 2008 for the 2008-2009 cycle.**
- (b) Approval of the following amendments to the 2006-2007 Proposed Operating Budget:**
 - (1) Increase the Parks, Recreation and Neighborhood Services Department Personal Services appropriation by \$499,264 to continue operations at the facilities on the Re-Use list for a year at current levels;**
 - (2) Increase the Parks, Recreation and Neighborhood Services Department Non-Personal/Equipment appropriation by \$94,445 to pay building utilities costs for the facilities on the Re-Use list for a year;**
 - (3) Establish a reserve for the Parks, Recreation and Neighborhood Services Department in the amount of \$96,684 to fund in 2007-2008 building maintenance and utilities costs for community based organizations to use if awarded a school re-use facility for operations and maintenance;**
 - (4) Increase the Parks, Recreation and Neighborhood Services Department Personal Services appropriation by \$116,418 and increase the Parks, Recreation and Neighborhood Services Department NonPersonal/Equipment appropriation by \$47,000 to continue operation of the Northside Community Center in the event there is no successful community based organization as a result of the RFP process currently underway;**
 - (5) Establish a reserve for the Parks, Recreation and Neighborhood Services Department in the amount of \$142,000 to fund in 2007-2008 building maintenance and utilities costs for Northside Community Center in the event a community based organization is awarded the facility for operation and management and;**
 - (6) Decrease the Enhanced Parks Maintenance Reserve by \$995,811. This Reserve will be used to fund a portion of the parks maintenance and operation costs for new facilities that are scheduled to come on-line in 2006-2007, thereby freeing up General Fund funding to support the recommendations above.**

CEQA: Exempt, File No. PP06-044. (Parks, Recreation and Neighborhood Services/ City Manager's Office)

(Deferred from 5/16/06 – Item 5.3)

5.3 (Cont'd.)

Documents Filed: Memorandum from Acting Director, Parks, Recreation & Neighborhood Services Balagso and Budget Director Lisenbee, dated May 26, 2006, recommending approval to conduct additional neighborhood specific outreach meetings, a Council study session and revise Request for Qualification (RFQ) for Facility Re-Use after receipt of community input; and explore revising Healthy Neighborhoods Venture fund (HNVF) and other major grant programs to follow San José BEST RFQ model; and recommend Council consider the noted amendments specified above to the 2006-2007 Proposed Operating Budget.

Acting Director, Parks, Recreation & Neighborhood Services Albert Balagso outlined the PRNS Facility Re-Use Follow-Up Report.

Public Comments: Wes Mukoyama (Minority Senior Providers Consortiuim), Sarah Gonzalez (FYC), Lien Cao (Asian American Recovery Services) and Patricia Gardner (SVCN) spoke in support of the proposed actions. William Garbett, spoke in opposition to the proposals.

Council discussion followed.

Action: Upon motion by Council Member Chirco, seconded by Council Member Campos, the Staff recommendations were approved, with the addition of direction to Staff: (1) To explore revising HNVF to include focusing on process and reuse; and further; (2) To take that discussion to the HNVF Committee, who would make a recommendation to Council; and that it would include BEST or any other best practices that Staff deems appropriate, with the recommendation of the HNVF Committee. (10-0-1. Absent: Gonzales.)

NEIGHBORHOOD SERVICES

5.4 Adoption of a resolution approving funding commitments from the Home Investment Partnership Program:

- (a) Approving a funding commitment for a loan of up to \$5,250,700 of HOME Investment Partnership (HOME) program funds to Charities Housing, a Community Housing Development Organization (CHDO), for the future development of a rental housing project affordable to extremely low- and very low-income households.
- (b) Approving a funding commitment of up to \$2,000,000 to Neighborhood Housing Services Silicon Valley (NHSSV) in HOME funds for the expansion of its homebuyer program for low-income households and approving a funding commitment for a total of \$450,000 of HOME administrative funds for the next three years to NHSSV for operating support as a CHDO.

CEQA: Not a Project. (Housing)

5.4 (Cont'd.)

Documents filed: (1) Memorandum from Director of Housing Krutko, dated May 18, 2006, recommending adoption of resolutions approving funding commitments of loans using HOME Investment partnership (HOME) program funds to Charities Housing, a Community Housing Development Organization (CHDO) and to Neighborhood Housing Services Silicon Valley (NHSSV); and (2) Production report dated June 1, 2005 – May 31, 2006 entitled Keeping Families Close to Home.

Public Comment: Edwar Moncrief, Neighborhood Housing Services spoke in favor of the staff recommendation.

Action: Upon motion by Council Member Pyle, seconded by Council Member Cortese, and unanimously carried, the Staff recommendation was approved, and [Resolution No. 73198](#), entitled: “A Resolution of the Council of the City of San José (I) Approving a Funding Commitment for a Loan of Up to \$5,250,700 of Home Investment Partnership Program Funds to Charities Housing, a Community Housing Development Organization, for the Future Development of a Rental Housing Project Affordable to Extremely Low- and Very Low-Income Households; and (II) Approving a Fund Designation of Up to \$2,000,000 to Neighborhood Housing Services Silicon Valley in HOME Funds for the Expansion of Its Homebuyer Program for Low-Income Households and Approving a Funding Reservation for a Total of Up to \$450,000 of HOME Administrative Funds for the Next Three Years to NHSSV for Operating Support Consistent with HOME Regulations”, was adopted. (10-0-1). Absent: Gonzales.

TRANSPORTATION & AVIATION SERVICES

6.2 Report on bids and award of contract for the Remove and Replace Asphalt Concrete Pavement 2006 Project to the low bidder, G. Bortolotto & Co., Inc. in the amount of \$2,061,573 and approval of a ten percent (10%) contingency amount of \$206,157. CEQA: Exempt, PP04-039. (Transportation)

Documents filed: Memorandum from Director of Department of Transportation James Helmer, dated May 15, 2006, reporting on bids and recommending award of contract for the Remove and Replace Asphalt Concrete Pavement 2006 project to low bidder, G. Bortolotto & Co., Inc.

Action: Upon motion by Council Member Williams, seconded by Council Member LeZotte, and unanimously carried, the report on bids and award of said contract to the low bidder, G. Bortolotto Co., Inc., including the specified contingency, were approved. (10-0-1). Absent: Gonzales.

ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval of actions related to the sale of the Las Plumas Avenue Property.

- (a) Approval to discontinue planning for housing use of 4.27 acres of City property located at 1608 Las Plumas Avenue and direction to staff to initiate planning for potential use of the site for enhanced City environmental programs upon transfer of \$4,500,000 in ESD funds to the Multi-Source Housing Fund.
- (b) Adoption of amendments to the annual appropriation ordinance and annual funding sources resolution as follows:
 - (1) In the San José/Santa Clara Treatment Plant Income Fund (514):
 - (a) Increase the revenue estimate by \$1,183,000.
 - (b) Establish a Transfer to the Multi-Source Housing Fund for Las Plumas Land Control in the amount of \$3,040,000.
 - (c) Decrease Ending Fund Balance by \$1,857,000.
 - (2) In the Integrated Waste Management Fund (423):
 - (a) Establish a Transfer to the Multi-Source Housing Fund for Las Plumas Land Control in the amount of \$1,460,000.
 - (b) Decrease the Environmental Services Non-Personal Services Appropriation by \$1,460,000.
 - (3) In Multi-Source Housing Fund (448):
 - (a) Establish a transfer to the Multi-Source Housing Fund of \$4,500,000 for the Las Plumas property.
 - (b) Decrease the Revenue in Multi-Source Housing Fund by \$4,350,000.
 - (c) Increase the Ending Fund Balance by \$150,000.

CEQA: Exempt, PP06-059. Council District 3. (Environmental Services/ Housing/ City Manager's Office)

Documents filed: Memorandum from Director of Housing Leslye Krutko, Director of Environmental Services John Stufflebean, and Budget Director Larry Lisenbee, dated May 15, 2006, recommending approval to transfer control of 4.27 acres of City property located at 1608 Las Plumas Avenue from Housing Department to Environmental Services Department and adoption of amendments to the annual Appropriate Ordinance and Funding Sources Resolution.

Action: Upon motion by Council Member Cortese, seconded by Council Member Pyle, and unanimously carried, the discontinuation of planning for housing use at 1608 Las Plumas Avenue and the direction for Staff to initiate planning for potential use of the site for enhanced City environmental programs as described, were approved, with additional direction for Staff to (1) Consider the funding needs and a work plan for the Center for Training and Careers (CTC), and (2) Return with an information memorandum updating the Council on both the CTC and San José Family Shelter project; and [Ordinance No. 27769](#), entitled: "An Ordinance of the City of San José Amending Ordinance No. 27474

7.1 (Cont'd.)

to Appropriate Moneys in the San José-Santa Clara Treatment Plant Income Fund, the Integrated Waste Management Fund and the Multi-Source Housing Fund for the Las Plumas Land Control; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”, and [Resolution No. 73199](#), 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 San José-Santa Clara Treatment Plant Income Fund and the Multi-Source Housing Fund”, were adopted, with Staff directed to: (1) Consider the funding needs and a work plan for the Center for Training and Careers (CTC). (2) Return with an information memorandum updating the Council on both the CTC and San José Family Shelter project. (10-0-1. Absent: Gonzales.)

PUBLIC SAFETY SERVICES

8.1 Approval of actions related to the relocation of Fire Station No. 25:

- (a) **Adoption of the following appropriation ordinance amendments in the Neighborhood Security Bond Fund (Fund 475):**
 - (1) **Increase the appropriation to the Fire Department for the Fire Station No. 25 – Relocation Project by \$1,147,000.**
 - (2) **Decrease the appropriation for the Fire Training Center Project by \$267,000.**
 - (3) **Decrease the contingency reserve by \$880,000.**
- (b) **Report on bids and award of contract for the Relocation of Fire Station No. 25 Project to the low bidder, D.L. Falk Construction Inc., to include the base bid and Add Alternate Nos. 1 and 2 in the amount of \$3,703,800 and approval of a contingency in the amount of \$185,190.**
- (c) **Approval of the first amendment to the agreement with BFGC Architects Planners, Inc. to increase the agreement compensation in the amount of \$68,800, for a total agreement amount of \$377,800.**

CEQA: FS No. 25: Resolution No. 69636 and addenda thereto, File No. PP04-331. Council District 4. (Public Works/Fire/City Manager’s Office)

Documents filed: (1) Memorandum from Director of Public Works Department Allen, dated May 15, 2006, reporting on bids for Relocation of Fire Station No. 25 and recommending approval of first amendment to agreement with BFGC Architects Planners, Inc. to increase compensation; and (2) Supplemental memorandum from Director of Public Works Department Allen, Fire Chief Jeffrey Clet, and Budget Director Lisenbee, dated June 1, 2006, recommending adoption of appropriation ordinance amendments in the Neighborhood Security Bond Fund (Fund 475) as specified above, report on bids and recommend award of contract to low bidder, D. L. Falk Construction Inc., and approval of first amendment to agreement with BFGC Architects Planners, Inc.

8.1 (Cont'd.)

Action: Upon motion by Council Member Reed, seconded by Council Member Williams, and unanimously carried, the Staff recommendation was approved, and [Ordinance No. 27770](#), entitled: “An Ordinance of the City of San José Amending Ordinance No. 27474 to Appropriate Moneys in the Neighborhood Security Bond Fund for the Fire Station No. 25 Relocation Project; and Providing that this Ordinance Shall become Effective Immediately Upon Adoption”, was adopted.(10-0-1). Absent: Gonzales.

JOINT COUNCIL/REDEVELOPMENT AGENCY

9.1 Approval of actions related to the Strong Neighborhoods Initiative:

- (a) **Approval of actions related to the Strong Neighborhoods Initiative - Renewing the Action Agenda Framework**
- (b) **Direction to take Building Strong Neighborhoods Committee beyond the redevelopment areas framework.**

[Building Stronger Neighborhoods Committee (BSN) 4/17/06 - Item 4.1(c) et al. BSN 6/6/06 – Item 4.1(d)]

Action: This item was deferred to June 13, 2006.

CLOSED SESSION REPORT

City Attorney Doyle disclosed the following Closed Session action(s) of June 6, 2006:

A. Authority to Initiate Litigation:

Authority to initiate litigation was given in one (1) matter. The name of the action and the defendant(s), as well as the substance of the litigation shall be disclosed to any person upon inquiry once the action is formally commenced.

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

Noes:	None.
Disqualified:	None.
Absent:	Gonzales (Excused).

Closed Session (Cont'd.)

B. Authority to Refrain from Seeking Appellate Review in a Litigation Case:

Case Name: Proposition 22 Legal Defense & Education Fund, et.al. v Gonzales, et.al.

Adverse Party or parties: Proposition 22 Legal Defense & Education Fund, et al.
Substance of Litigation: Challenge to City's policy regarding recognition of all marriages.

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

Noes: None.
Disqualified: None.
Absent: Gonzales (Excused).

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:

Tract	Location	Council District	Developer	Lots/ <u>Units</u>	Type	Proposed <u>Decision</u>
9644	South side of E. Williams Street, 400' w/o McLaughlin Avenue	3	KB Home South Bay	105 Units	SFDR	Approve

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:

Tract	Location	Council District	Developer	Lots/Units	Type
9807	NE corner of Autumnvale Dr. and Trade Zone Blvd.	4	Citation Homes	12 Lots/ 104 Units	SFA
9820	E/S of Page St. 460' North of Ceichi Ave.	6	Mohamad Tisani	1 Lot/ 4 Units	MFA

NOTICE OF CITY ENGINEER’S AWARD OF CONSTRUCTION PROJECTS

On October 25, 2005, City Council approved a one year pilot program that delegated authority to the Director of Public Works to award or reject bids on construction projects where the base contract amount is below \$1,000,000. In accordance with this policy, the following is a list of projects that were awarded or rejected by the Director of Public Works in May 2006

AWARD:

Project Name	Council District	Contractor	Contract Award Amount	Award Date
Holly Hill Infrastructure Improvement	7	Joseph J. Albanese, Inc.	\$89,985	5/15/06
Union Avenue/Los Gatos-Alamden Road Improvement	9	O’Grady Paving Inc.	\$411,286	5/19/06

REJECTION:

Project Name	Council District	Engineer’s Estimate
Kebble Ave. Sanitary Sewer Replacement	6	\$780,000

OPEN FORUM

- (1) Bill Chew discussed his candidacy for Council District 3 and urged people to vote.
- (2) Daniel McCall expressed his viewpoints.
- (3) Josh Rogers, April Whitney (Scoot! Magazine) and Bill Brierley, expressed concern about the lack of motorcycle parking in downtown San José.
- (4) Robert Apgar voiced personal observations.
- (5) Ross Signorino voiced opinions on the primary election campaign.
- (6) Brad Imamura and Stephanie Menzies complained about Deferred Compensation plan changes, the noticing process and the actions of the Deferred Compensation Advisory Committee.

ADJOURNMENT

The Council of the City of San José adjourned at 4:18 p.m.

ATTEST:

LEE PRICE, MMC, CITY CLERK

smd/6-6-06MIN

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