

# CITY COUNCIL AGENDA

**JANUARY 30, 2007**

PETE CONSTANT  
FORREST WILLIAMS  
SAM LICCARDO  
VACANT  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

CHUCK REED, MAYOR

VACANT  
MADISON P. NGUYEN  
JUDY CHIRCO  
NANCY PYLE

DAVID D CORTESE, VICE MAYOR  
DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

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

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

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

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

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

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

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

Agendas and Staff Reports for City Council items may be viewed on the Internet at [www.sanjoseca.gov/clerk/agenda.asp](http://www.sanjoseca.gov/clerk/agenda.asp). Council Meetings are televised live and rebroadcast on Channel 26.

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 294-9337 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
  - 9:30 a.m. - Closed Session, Call to Order in Council Chambers  
Adjourn to Closed Session in Council Chambers Conference Room, W133  
See Separate Agenda
  - 3:30 p.m. - Hear Open Forum and convene the RDA Board no earlier than 3:30 p.m.
  - 1:30 p.m. - Regular Session, Council Chambers, City Hall

- **Invocation (District 1)**  
Jin Kim, Korean Baptist Church

- **Pledge of Allegiance**
- **Orders of the Day**

**Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.**

- **Closed Session Report**

## **1. CEREMONIAL ITEMS**

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- 1.1 Presentation of update and next steps for the Citywide Employee Recognition Program and employee Values Project. (City Manager's Office/Human Resources)
- 1.2 Presentation of a commendation recognizing the "stars" of the Combined Giving Campaign for their outstanding contribution to the program. (City Manager's Office/General Services)
- 1.3 Presentation of a commendation recognizing the achievements of the Traffic Signal Maintenance and Projects Staff for completing the Traffic Signal LED retrofit project. (Transportation)

# 1. CEREMONIAL ITEMS

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- 1.4 Presentation of a proclamation recognizing February as “American Heart Month” and February 2, 2007 as “National Wear Red Day” to create awareness of the signs and treatments of heart disease and stroke in the City of San José. (Campos)  
(Rules Committee referral 01/17/07)
- 1.5 Presentation of a commendation from Breathe California to the City Council for investing in tobacco control issues and being one of the top 10 healthiest cities in America.  
(Cortese)  
(Rules Committee referral 01/17/07)
- 1.6 Presentation of a commendation to Captain Richard L. Fairhurst, San José Police Department Western Division, for his 30 years of service to the residents of San José.  
(Constant/Liccardo/Nguyen)  
(Rules Committee referral 01/17/07)
- 1.7 Presentation of a business appreciation commendation to Endwave Corporation in recognition of its headquarters corporate presence and operations in San José, the Capital of Silicon Valley. (Mayor)  
(Rules Committee referral 01/17/07)

# 2. CONSENT CALENDAR

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**Notice to the public:** There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

- 2.1 **Approval of Minutes.**
- 2.2 **Final adoption of ordinances.**
- 2.3 **[Approval to amend an agreement for Air Cargo Services at the Airport.](#)**

**Recommendation:** Approval of:

- (a) A second amendment to the Commercial Air Cargo Operating Agreement with Air Transport International, LLC, to extend the term of the agreement through June 30, 2007, with continuing estimated annual revenue to the City in the amount of \$151,000.
- (b) A second amendment to the Lease Agreement with Air Transport International, LLC, to extend the term of the agreement through February 28, 2012, with continuing estimated annual revenue to the City in the amount of \$4,900.00.

CEQA: Resolution No. 67380 and 71451, PP06-211. (Airport)

## 2. CONSENT CALENDAR

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### 2.4 [Approval to amend an agreement for legal services related to airline lease negotiations.](#)

**Recommendation:** Adoption of a resolution authorizing the City Attorney to negotiate and execute a First Amendment to the Agreement with Anderson & Kreiger LLP for legal services related to airline lease negotiations at the Norman Y. Mineta San José International Airport, increasing compensation by \$80,000 for a total amount not to exceed \$180,000. CEQA: Not a Project. (City Attorney's Office)

### 2.5 [Approval of the City Auditor travel calendar.](#)

**Recommendation:** Approval of the City Auditor's travel calendar through June 30, 2007 at no cost to the City. (City Auditor)  
(Rules Committee referral 01/17/07)

### 2.6 **Adoption of a resolution increasing Delinquent Charges for Delinquent Lobbyist Reports.**

**Recommendation:** As recommended by the Elections Commission, adoption of a resolution increasing the fee for delinquent lobbyist reports from \$10.00/day to \$25.00/day. (City Clerk/City Attorney's Office)  
(Rules Committee referral 01/17/07)

### 2.7 [Approval of an appointment to the Police and Fire Retirement Board.](#)

**Recommendation:** Appoint Scott P. Johnson, Director of Finance, as the Administration Representative to the Police and Fire Retirement Board for a four year term. CEQA: Not a Project. (City Manager's Office)

### 2.8 [Approval of actions related to the Calabazas BMX Park Project.](#)

**Recommendation:** Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Gift Trust Fund:

(a) Establish an appropriation to the Department of Parks, Recreation and Neighborhood Services for the Calabazas BMX Park Project in the amount of \$9,500.

(b) Increase the estimate for Earned Revenue by \$9,500.

CEQA: Exempt, File No. PP06-152. Council District 1. (City Manager's Office)

## 2. CONSENT CALENDAR

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### 2.9 Approval of fiscal actions for Redevelopment Agency Capital Projects.

**Recommendation:** Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund):

- (a) Increase the estimate for Earned Revenue by \$638,727.
- (b) Establish an appropriation to the Department of Transportation for the Winchester Neighborhood ADA Ramp Installation Project (PSM #455, Amendment 1) in the amount of \$125,000.
- (c) Establish an appropriation to the Public Works for the Greater Gardner Street Reconstruction Project (PSM #346, Amendment 7) in the amount of \$513,727.

CEQA: Exempt, File Nos. PP05-212 and PP04-07-215. Council Districts 1, 3 and 6.  
SNI: Greater Gardner and Winchester. (City Manager's Office)

### 2.10 Approval of actions related to Reuse and Recycling Agreements.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute the Reuse and Recycling Agreements with the following non-profit organizations, for a one-year period beginning July 1, 2006 and ending June 30, 2007:

- (a) Goodwill Industries of Santa Clara County in an amount not to exceed \$362,848.
- (b) The Salvation Army in an amount not to exceed \$128,244.
- (c) Hope Services in an amount not to exceed \$6,312.

CEQA: Not a Project. (Environmental Services)

### 2.11 Approval to award open purchase order #15 for FY 2006-2007.

**Recommendation:** Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2006-2007 #15 and authorization for the Director of Finance to execute the purchase orders. CEQA: See Administration's Memorandum to Council for specific CEQA clearance determinations on each recommended action. (Finance)

### 2.12 Approval to continue an agreement for the Fire Department's pre-employment background investigation services.

**Recommendation:** Approval of a continuation agreement with DR Associates International for consultant services for pre-employment background investigation services, continuing and extending the term of agreement from January 1, 2007 to June 30, 2007, and increasing the maximum compensation to an amount not to exceed \$247,000. CEQA: Not a Project. (Fire)

## 2. CONSENT CALENDAR

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2.13 [Approval of an agreement for Relocation Benefit Payments to former tenants of Casa Feliz.](#)

**Recommendation:** Adoption of a resolution authorizing the Director of Housing to execute an agreement with John Stewart Company for the period of January 1, 2007 through December 31, 2011 at an amount not to exceed \$300,000 for relocation benefit payments to former tenants of Casa Feliz and \$28,500 for administration of the relocation benefit payments. CEQA: Not a Project. Council District 3. SNI: University. (Housing)

2.14 [Approval of the Master Plan for the new Cinnabar Commons Park.](#)

**Recommendation:** Approval of the master plan for the new Cinnabar Commons Park. CEQA: Resolution No. 71174 and Addenda Thereto, File No. PP06-203. Council District 6. (Parks, Recreation and Neighborhood Services)

2.15 [Approval to accept a donation and purchase Canine Vests for the Police Departments Canine Unit.](#)

**Recommendation:**

- (a) Adoption of a resolution accepting an \$18,883 donation from the Happy Hollow Park & Zoo Vest-a-Dog Program to purchase ballistic canine vests for the San José Police Department Canine Unit; and
- (b) Adoption of the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Gift Trust Fund:
  - (1) Increase the appropriation to the Police Department for the Canine Unit by \$18,883.
  - (2) Increase the estimate for Earned Revenue by \$18,883.

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

2.16 [Approval of actions to accommodate the Taylor Street Improvement Project.](#)

**Recommendation:** Approval of an ordinance designating the additional right-of-way of a 28-foot wide strip on the south side and a 18-foot wide strip on the north side of Taylor Street between Anita Street and Walnut Street, which are City-owned properties, to accommodate the Taylor Street Improvement Project. CEQA: Exempt, PP06-038. Council District 3. (Public Works)

## 2. CONSENT CALENDAR

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### 2.17 [Approval of donation agreements for the conveyance of public sidewalk easements.](#)

**Recommendation:** Adoption of a resolution approving donation agreements with Micrel, Incorporated, Rose Ventures II, Inc., Northern California Universal Enterprise Co and Fortune-Lundy Associates LLC for conveyance of public sidewalk easements and authorizing the Director of Public Works to execute any additional documents necessary to complete the transactions. CEQA: Exempt, File No. PP05-200. Council District 4. (Public Works)

### 2.18 [Approval of a lease agreement for the Police Domestic Violence Unit.](#)

**Recommendation:** Approval of a five-year lease with Westlake Development Company, Inc. for 4,913 rentable square feet of office space for the Police Domestic Violence Unit, at 125 Gish Road in San José, at a cost of \$5,404.30 per month the first year, \$5,649.95 per month the second year, \$5,895.60 per month the third year, \$6,141.25 per month the fourth year and \$6,386.90 per month during the final year. CEQA: Not a Project. (Public Works)

### 2.19 [Approval of an agreement for consultant services for the Almaden Community Center & Branch Library Project.](#)

**Recommendation:** Approval of a continuation agreement with Field Paoli Architects for architectural consultant services for the Almaden Community Center & Branch Library Project continuing the term retroactive for the period of July 1, 2006 through June 30, 2007, modifying the scope of services, and increasing the total compensation to be paid to the consultant by \$49,255 from \$1,955,900 to an amount not to exceed \$2,005,155. CEQA: Mitigated Negative Declaration, PP02-10-309. Council District 10. (Public Works/Library/Parks, Recreation and Neighborhood Services)

## 3. STRATEGIC SUPPORT SERVICES

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### 3.1 **Report of the Study Session** **Mayor Reed, Chair**

### 3.2 **Report of the Rules and Open Government Committee – January 17, 2007** **Mayor Reed, Chair**

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
  - (1) Review January 30, 2007 Draft City Council Agenda
    - (a) Add New Items to Draft Agenda
    - (b) Set Time/s Certain for Key Agenda Items, as necessary
  - (2) Add New Items to January 23, 2007 Agenda
  - (3) List of Reports Outstanding

### **3. STRATEGIC SUPPORT SERVICES**

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#### **3.2 Report of the Rules and Open Government Committee – January 17, 2007 (Cont'd.)**

##### **Mayor Reed, Chair**

- (c) Legislative Update
  - (1) State
    - (a) Approval of City-Sponsored Legislation-Customer Facility Charges (Rental Car)
  - (2) Federal
- (d) Meeting Schedules
  - (1) Approve (3) three Council Orientation Sessions:
    - (a) January 16, 2007, 1:00 p.m. – 3:00 p.m.
    - (b) January 19, 2007, 9:00 a.m. – 12:00 p.m.
    - (c) January 26, 2007, 9:00 a.m. – 4:00 p.m.
  - (2) Approve a Study Session on the Evergreen \*East Hills Vision Strategy on February 1, 2007. (Planning, Building and Code Enforcement)
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Oral Presentation and Discussion of the Council Agenda Preparation and Distribution Process. (City Clerk)
  - (2) Review of Council Policy No. 9-5 (Mayor and Council Travel). (City Clerk)
  - (3) Approve travel by Council Member Nora Campos to attend the League of CA Cities – Transportation, Communication & Public Works Policy Committee on January 12, 2007. (Campos)
  - (4) Approve travel by Council Member Campos to attend the League of CA Cities – Board of Directors Meeting on February 9-10, 2007. (Campos)
  - (5) Approve travel by Council Member Campos to attend the National League of Cities Congressional City Conference on March 10-14, 2007. (Campos)
  - (6) Approve travel by Council Member Campos to attend League of CA Cities Infrastructure Task Force on January 25, 2007. (Campos)
- (h) Review of Significant Public Records Act Requests
- (i) Review of Council Policy Updates per Sunshine Reforms
- (j) Open Forum
- (k) Adjournment

#### **3.3 Report of the Public Safety, Finance and Strategic Support Committee Council Member Nguyen, Chair**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.4 [Acceptance of report related to Bond Programs.](#)

**Recommendation:** Accept report on cost projections and policy options related to the completion of the Safe Neighborhood Parks and Recreation, the Neighborhood Libraries, and Public Safety bond programs, and provide direction to staff regarding the policy options for addressing unanticipated escalating construction costs. CEQA: Not a Project. (City Manager's Office)  
(Deferred from 12/05/06 – Item 3.10 and 1/23/06 – Item 3.4)

#### 3.5 Approval of actions related to the Procurement Reforms.

**Recommendation:**

- (a) Acceptance of the report on the implementation of approved Procurement Reforms.
- (b) Adoption of a resolution approving Council Policy titled “Procurement and Contract Process Integrity and Conflicts of Interest”.
- (c) Approval of an ordinance of the City of San José amending Chapters 4.04,4.12, and repealing Chapters 4.06 and 4.13 of Title 4 of the San José Municipal Code to increase administrative contract authority for purchase of supplies, materials, equipment and services to \$1,000,000, to enact a protest procedure for purchases, and to amend, reorganize and consolidate various purchasing procedures.

CEQA: Not a Project. (Finance/City Attorney's Office)  
(Deferred from 11/21/06 – Item 3.4 and 12/5/06 – Item 11.7)

**RECOMMEND DEFERRAL TO 2/6/07**

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

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#### 4.1 Report of the Community & Economic Development Committee Council Member Pyle, Chair

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.2 [Approval of actions related to the Evergreen East Hills Vision Strategy.](#)

**Recommendation:** Approval of the following actions to continue funding for the completion of the Evergreen\*East Hills Vision Strategy, Evergreen Area Development Policy update, and related documents:

- (a) Approval of an amendment to the funding agreement with Yerba Buena Opco, Inc. to extend the funding agreement from January 1, 2007 through March 31, 2007 for the work associated with completing the Evergreen\*East Hills Vision Strategy which encompasses an update to the Evergreen Area Development Policy and related documents; and
- (b) Adoption of a resolution delegating approval of minor amendments to the funding agreement to the Director of Planning, Building and Code Enforcement to account for increases in funding received from Yerba Buena Opco, Inc. and minor schedule or task changes that remain consistent with the information contained in and the goals identified in the memorandum.

CEQA: Exempt, PP03-10-349. Council Districts 5, 7, and 8. SNI: West Evergreen, K.O.N.A and East Valley/680. (Planning, Building and Code Enforcement).

## 5. NEIGHBORHOOD SERVICES

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### 5.1 Report of the Neighborhood Services and Education Committee Council Member Chirco, Chair

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 Report of the Transportation and Environment Committee Council Member Williams, Chair

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.1 [Approval of an agreement for Neighborhood Clean Up Services.](#)

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with GreenWaste Recovery, Inc. for Neighborhood Clean Up services in Districts A and C for an eighteen month term from July 1, 2007, through December 31, 2008, at a cost not to exceed \$550,000, subject to annual appropriation of funds. CEQA: Negative Declaration, File No. PP06-119. (Environmental Services)

## **8. PUBLIC SAFETY SERVICES**

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## **9. JOINT COUNCIL/REDEVELOPMENT AGENCY**

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- Notice of City Engineer's Pending Decision on Final Maps
- Notice of City Engineer's Award of Construction Projects
- Open Forum (To be heard no earlier than 3:30 p.m.)
- Adjournment