

# CITY COUNCIL AGENDA

**JANUARY 31, 2006**

**AMENDED AGENDA**

LINDA J. LE ZOTTE  
FORREST WILLIAMS  
CINDY CHAVEZ, VICE MAYOR  
CHUCK REED  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER  
MADISON P. NGUYEN  
DAVID D. CORTESE  
JUDY CHIRCO  
NANCY PYLE

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 Gonzales 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)

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, City Hall Tower, 18<sup>th</sup> Floor, City Hall  
[See Separate Agenda](#)  
1:30 p.m. - Regular Session, Council Chambers, City Hall
- **Invocation (District 1)**  
Anderson Elementary School Choir
- **Pledge of Allegiance**
- **Orders of the Day**

Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

- \* **COYOTE VALLEY STUDY SESSION TO BE HEARD FOLLOWING THE  
AFTERNOON COUNCIL/REDVELOPMENT AGENCY BOARD MEETINGS**

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

## **1. CEREMONIAL ITEMS**

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- 1.1** Presentation of a proclamation to the American Heart Association recognizing Friday, February 3, 2006 as “Go Red for Women” Day in San José. (Campos)  
(Rules Committee referral 1/18/06)

# 1. CEREMONIAL ITEMS

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- 1.2 Presentation of a commendation to the New Tang Dynasty TV for its Chinese New Year Gala, celebrating the Chinese heritage and fostering cross cultural understanding between the East and West. (Williams)  
(Rules Committee referral 1/18/06)
- 1.3 Presentation of a proclamation declaring January 2006 as “Volunteer Blood Donor Month” in San José. (Mayor)  
(Rules Committee referral 1/18/06)
- 1.4 Presentation of a commendation to the Diocese of San José in recognition of “Catholic Schools Week”. (Chavez/Yeager)  
(Rules Committee referral 1/25/06)
- \* **DROPPED**
- 1.5 Presentation of a proclamation to the Jewish Community Relations Council declaring “January 31 Holocaust Remembrance Day”. (Williams)  
\* (Rules Committee referral 1/25/06)

# 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 of an agreement for public artwork at Fire Station No. 35.](#)**

- \* **Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Laura Haddad and Tom Drugan to fabricate and install a public artwork at Fire Station No.35, in an amount not to exceed \$115,390. CEQA: Not a Project. (Economic Development)

## 2. CONSENT CALENDAR

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### 2.4 Approval of actions for the Fire Station No. 12 Project.

**Recommendation:**

- (a) Approval of an agreement with Don Dommer Associates, Architects, for consultant services including design services for the new Fire Station No. 12 Project, from the date of execution to January 31, 2008, in a total amount not to exceed \$296,259.
- (b) Adoption of a resolution approving the Fire Station No. 12 Project and incorporating environmental mitigation measures as set forth in the Mitigation Monitoring and Reporting Program for the project.

CEQA: Mitigated Negative Declaration, PP#05-071. Council District 10. (Public Works/Fire)

\* **RECOMMEND DEFERRAL TO 2/7/06**

### 2.5 Approval of Council Appointee salary recommendations.

**Recommendation:** Approval of Council Appointee salary recommendations.  
(Mayor/Chavez)

(Rules Committee referral 1/25/06)

\* **RECOMMEND DROP**

### 2.6 Acceptance of the Office of the City Auditor's Report.

**Recommendation:** Acceptance of the Office of the City Auditor's *Report of Activities and Findings for the Period November 16, 2005 through December 15, 2005.* (City Auditor)

\* (Rules Committee referral 1/25/06)

## 3. STRATEGIC SUPPORT SERVICES

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### 3.1 Report of the Study Session Mayor Gonzales, Chair

### 3.2 Report of the Rules Committee – January 18, 2005 Vice Mayor Chavez, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
  - (1) Review January 31, 2006 Draft Council Agenda
  - (2) Add New Items to January 24, 2006 Agenda
  - (3) List of Reports Outstanding

*Item continued on the next page*

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

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#### **3.2 Report of the Rules Committee – January 18, 2005 (Cont'd.)**

##### **Vice Mayor Chavez, Chair**

- (c) Legislative Update
  - (1) State
  - (2) Federal
    - (a) 2006 Legislative Priorities
- (d) Meeting Schedules
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Approve Council Committee Work Plan
    - (a) All Children Achieve
  - (2) Discussion of Number of Presentation/Commendation Items Placed on Each City Council Agenda
- (h) Open Forum
- (i) Adjournment

#### **3.3 Report of the Making Government Work Better Committee – [January 19, 2006](#) Council Member Reed, Chair**

- (a) [Annual Report on Fire Department Vacancy and Absence Rates](#) and Their Impact on Overtime
- (b) Call Center Customer Service Standards and Vision
- (c) Workers' Compensation Program Claims Liability Audit
- (d) Oral Petitions
- (e) Adjournment

#### **3.4 Acceptance of the Annual Financial Reports on the various Bond Programs.**

##### **Recommendation:**

- (a) [Acceptance of the report on the Neighborhood Security Bond Program](#) for fiscal year 2004-2005.
- (b) [Acceptance of the report on the Safe Neighborhood Parks and Recreation Bond Program](#) for fiscal year 2004.2005.
- (c) [Acceptance of the annual status report on the Branch Library Bond Program](#) for fiscal year 2004-2005.

CEQA: Not a Project. (Citizen Oversight Committees)

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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4.1 **Report of the Building Strong Neighborhoods Committee**  
Council Member Chirco, Chair

4.2 **Report of the Driving a Strong Economy Committee**  
Council Member Williams, Chair

4.3 **[Approval of an agreement with American Airlines and American Aviation Supply Company.](#)**

[Councilmember's Memo](#)

[City Auditor's Memo](#)

- \* **Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate, enter into, and execute an Economic Development Agreement between the City and American Airlines and American Aviation Supply LLC, which will provide for an economic incentive payment to American Airlines equal to a 65 percent of the sales taxes generated by its single source purchasing and resale company to be located in the City of San Jose over and above a base taxable sales for previous years. (Office of Economic Development)  
(Deferred from 1/10/06 – Item 4.5)

4.4 **[City Council Study Session on the Coyote Valley Specific Plan.](#)**

[Attachment](#)

- \* **Recommendation:** Conduct a study session and accept the Fourth Progress Report on the Coyote Valley Specific Plan regarding the Plan Refinements and Agricultural Mitigation. CEQA: Exempt, PP 03-06-211. Council District: 2. (Planning, Building, and Code Enforcement)

**TO BE HEARD IMMEDIATELY FOLLOWING ALL ITEMS ON THE COUNCIL AND REDEVELOPMENT AGENCY BOARD AGENDAS`**

## 5. NEIGHBORHOOD SERVICES

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5.1 **Report of the All Children Achieve Committee**  
Council Member Yeager, Chair

## 6. TRANSPORTATION & AVIATION SERVICES

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6.1 **Report of the Building Better Transportation Committee**  
Council Member Campos, Chair



## 7. ENVIRONMENTAL & UTILITY SERVICES

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## 8. PUBLIC SAFETY SERVICES

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## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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- Closed Session Report
  - 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>
9579	Northwest corner of North First Street and Gish Road	3	Bellagio Garden Inc.	26 Units	SFA	Approve
9753	Northeast corner of Oakland Road and Old Berryessa Road	3	Taylor Woodrow	200 Units	SFAR	Approve

- 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 December 2005:

### REJECTION

<u>Project Name</u>	<u>Council District</u>	<u>Engineer's Estimate</u>
Norman Y Mineta San José International Airport USO/PARC Facilities Power Supply	Citywide	\$272,000

- Open Forum—To be heard jointly with Redevelopment Agency Public Discussion.
- Adjournment