

# CITY COUNCIL AGENDA

**JANUARY 31, 2006**

## **SYNOPSIS**

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

DISTRICT 1  
DISTRICT 2  
DISTRICT 3     RON GONZALES   MAYOR  
DISTRICT 4  
DISTRICT 5

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) 998-5299 (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**  
9:32 a.m. - Closed Session, City Hall Tower, 18<sup>th</sup> Floor, City Hall  
**Absent – Council Members: Nguyen, LeZotte (Excused).**  
  
1:33 p.m. - Regular Session, Council Chambers, City Hall  
**Absent – Council Members: Nguyen, LeZotte (Excused).**
- **Invocation (District 1)**  
Anderson Village Elementary School Choir performed a song titled, “My America”.
- **Pledge of Allegiance**  
Mayor Gonzales led the Pledge of Allegiance.
- **Orders of the Day**  
The Orders of the Day and the Amended Agenda.  
  
Mayor Gonzales introduced Les White as the Interim City Manager for the City of San José and Assistant City Manager Mark Linder introduced Randy Murphy, Interim Chief Information Officer for the City of San José.

## **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)  
**Mayor Gonzales and Council Member Campos presented a proclamation to representatives from the American Heart Association recognizing Friday, February 3, 2006 as “Go Red for Women” Day in San José.**

# 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)  
**Mayor Gonzales and Council Member Williams presented 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.**
- 1.3 Presentation of a proclamation declaring January 2006 as “Volunteer Blood Donor Month” in San José. (Mayor)  
(Rules Committee referral 1/18/06)  
**Mayor Gonzales presented a proclamation to Red Cross Donation Director Mona Helmhold declaring January 2006 as “Volunteer Blood Donor Month”, in San José.**
- 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)  
**Mayor Gonzales and Council Member Williams presented a proclamation to Jack Tremell of the Jewish Community Relations Council declaring January 31<sup>st</sup> as ‘Holocaust Remembrance Day’.**

# 2. CONSENT CALENDAR

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- 2.1 **Approval of Minutes.**  
None.
- 2.2 **Final adoption of ordinances.**  
None.
- 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)

**Resolution No. 73050 adopted.**

## 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)

**Deferred 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)

**Dropped.**

### 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)

**The report was accepted.**

## 3. STRATEGIC SUPPORT SERVICES

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### 3.1 Report of the Study Session

Mayor Gonzales, Chair

None.

### 3. STRATEGIC SUPPORT SERVICES

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#### 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  
**The Committee recommended approval of the January 31, 2006 City Council Agenda with three additions.**
  - (2) Add New Items to January 24, 2006 Agenda  
**The Committee recommended five additions to the January 24, 2006 City Council Agenda.**
  - (3) List of Reports Outstanding  
**The Committee noted and filed the City Manager’s Report.**
- (c) Legislative Update
  - (1) State – **There was no report.**
  - (2) Federal – **There was no report.**
  - (3) State and Federal
    - (a) 2006 Legislative Priorities  
**Director of Intergovernmental Relations Betsy Shotwell presented an oral report. The Committee accepted the report and requested that the Administration provide reports to the Rules Committee following League of California Cities policy committee meeting when discussions include issues of interest to the City.**
- (d) Meeting Schedules
  - (1) General Plan Schedule: January – July 2006  
**The Committee recommended scheduling the following dates for General Plan Hearings:**
    - Date: April 18, 2006**
    - Time: 7:00 p.m.**
    - Location: Council Chambers**
  
    - Date: June 6, 2006**
    - Time: 7:00 p.m.**
    - Location: Council Chambers**
  
    - Date: June 20, 2006**
    - Time: 7:00 p.m.**
    - Location: Council Chambers**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – January 18, 2005 (Cont'd.) Vice Mayor Chavez, Chair

- (d) Meeting Schedules
  - (2) Rules Meeting Location Change for Regular Meeting on February 8, 2006.  
**The Committee recommended changing the location for the regular meeting of the Rules Committee on February 8, 2006, to the Council Chambers.**
  
- (e) The Public Record  
**Socorro Reyes, former Member of the Human Rights Commission, expressed concerns regarding tasers and the possible dangers to the general public's health and safety. Darlene Wallach spoke in opposition to the use of tasers upon the general public and expressed concerns about the lack of information about the effects of tasers on human beings. Chair Chavez requested Police Chief Robert L. Davis to forward his report on taser use to the Human Rights Commission. 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) Approve Council Committee Work Plan
    - (a) All Children Achieve  
**The Committee deferred this item to the January 25, 2006 Rules Committee Meeting.**
  
  - (2) Discussion of Number of Presentation/Commendation Items Placed on Each City Council Agenda  
**The Committee recommended including the full City Council Agenda, for the following week, in the Rules Committee packets for review when considering the number of requests to add items to the agenda.**
  
- (h) Open Forum
  - (1) **Bill Chew requested the Committee look into making City Hall Meeting Rooms available for candidate forums.**
  - (2) **Darlene Wallach expressed opposition to the Council-approved subsidy for the San José Grand Prix.**
  
- (i) Adjournment  
**The meeting adjourned at 2:31 p.m.**

**The Rules Committee report and actions of January 18, 2006 were accepted.**

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

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#### **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  
**The Committee accepted the report.**
- (b) Call Center Customer Service Standards and Vision  
**The Committee accepted the report to include Member LeZotte’s comments and Chair Reed’s recommendations.**
- (c) Workers’ Compensation Program Claims Liability Audit  
**The Committee accepted the report.**
- (d) Oral Petitions
  - (1) **Bill Chew talked about aerobic exercise.**
  - (2) **John expressed concern about his bike being stolen.**
- (e) Adjournment  
**The meeting was adjourned at 2:20 p.m.**

**The Making Government Work Better Committee report and the actions of January 19, 2006 were accepted.**

#### **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)

**Reports accepted with direction to staff to provide an information memo about funds remaining for land acquisition for Public Safety, Library and Parks projects.**

### **4. COMMUNITY & ECONOMIC DEVELOPMENT**

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

**None.**

## **4. COMMUNITY & ECONOMIC DEVELOPMENT**

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

None.

### **4.3 Approval of an agreement with American Airlines and American Aviation Supply Company.**

**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)

**Staff recommendation denied, with direction to staff to continue working with American Airlines and consider other options/opportunities and to make this issue a top priority over the next few weeks.**

### **4.4 City Council Study Session on the Coyote Valley Specific Plan.**

**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)

**Heard immediately following all items on the Council and Redevelopment Agency Board agendas.**

**Study Session held. No formal Council action taken. Council requested follow-up information for the next Coyote Valley Specific Plan Study Session, as follows:**

- (1) Options to ensure pedestrian safety within railroad over-crossings to include looking at either blocking crossing points or creating walkways over them.**
- (2) City Attorney update on case law relating to agriculture mitigation.**

## 5. NEIGHBORHOOD SERVICES

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- 5.1 Report of the All Children Achieve Committee  
Council Member Yeager, Chair  
None.

## 6. TRANSPORTATION & AVIATION SERVICES

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- 6.1 Report of the Building Better Transportation Committee  
Council Member Campos, Chair  
None.

## 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  
None.
- 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

**Approved.**

- **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—**
  - (1) **Mark Trout expressed personal viewpoints.**
  - (2) **Robert Apgar shared personal commentary.**
  - (3) **Ross Signorino delivered information regarding the City of San José in the Media.**
- **Adjournment**  
The Council of the City of San José adjourned at 6:37 P.M.

## **JOINT REDEVELOPMENT AGENCY/COUNCIL**

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The City Council convened at 3:43 P.M. to consider Item 8.1 in a Joint Session.

- 8.1 **Approval of an Exclusive Negotiations Agreement for a planned mixed-use residential development at the Japantown Corporation Yard.**

**Recommendation:** Approval of an Exclusive Negotiations Agreement for a 240-day period with Olson Urban Housing, LLC, and First Community Housing, for a planned mixed-use residential development of City-owned properties located at the Japantown Corporation Yard and parking lot site, generally bounded by 6<sup>th</sup> and 7<sup>th</sup> Streets and Jackson and Taylor Streets. CEQA: Exempt, File No. PP 06-005 [JAPANTOWN] **The agreement was approved with direction to staff to return to Council if negotiations are not successful with the Boys and Girls Club and to ensure efforts are made in due haste to continue working with the Boys and Girls Club on issues relating to land use.**

The City Council portion of the meeting adjourned at 4:04 p.m.