



# CITY COUNCIL AGENDA

**FEBRUARY 27, 2007**

## **SYNOPSIS**

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  
DAVID D CORTESE, VICE MAYOR  
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 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**
  - 9:35 a.m.** - Closed Session, Call to Order in Council Chambers  
**Absent Council Members: None.**  
**Vacant: District 4 and 6.**
  - 1:30 p.m.** - Regular Session, Council Chambers, City Hall  
**Absent Council Members: None.**  
**Vacant: District 4 and 6.**
  - 7:03 p.m.** - Public Hearings, Council Chambers, City Hall  
**Absent Council Members: None.**  
**Vacant: District 4 and 6.**
- **Invocation (District 2)**  
Oak Grove High School Students honoring “Black History Month.”
- **Pledge of Allegiance**  
Mayor Reed led the Pledge of Allegiance.
- **Orders of the Day**  
The Orders of the Day and the Amended Agenda were approved, with Item 3.8 heard before Item 3.15 and Item 3.2 deferred to 3/6/07.
- **Closed Session Report**  
No Report.

# 1. CEREMONIAL ITEMS

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- 1.1 Presentation of a commendation to the members of the Municipal Water System CIP Team in recognition of their collective efforts in supporting the infrastructure that delivers high-quality water service to residents in Alviso, North San José, Evergreen, Edenvale and Coyote Valley. (Environmental Services)  
(Rules in-Lieu referral 2/21/07)

**Mayor Reed and Director of Environmental Services John Stufflebean recognized and commended the members of the Municipal Water System CIP Team for their collective efforts in supporting the infrastructure that delivers high quality water service to residents of San José.**

# 2. CONSENT CALENDAR

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## 2.1 Approval of Minutes.

**Recommendation:** Approval of minutes.

- (a) Current Minutes
- (1) Regular minutes of January 9, 2007
  - (2) Regular minutes of January 23, 2007
  - (3) Regular minutes of January 30, 2007

**Approved.**

- (b) Past Minutes
- (1) Regular minutes of August 8, 2006
  - (2) San José Finance Authority minutes of August 8, 2006
  - (3) Regular minutes of August 15, 2006
  - (4) Regular minutes of August 22, 2006
  - (5) Regular minutes of August 29, 2006
  - (6) Joint City Council/Redevelopment Agency Board/County Board of Supervisors minutes of August 31, 2006

**Approved.**

## 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 27978 – Amending Chapter 13.28 and Chapter 13.32 of Title 13 of the San José Municipal Code to add new sections to require any person who trims, prunes, cuts, or removes or causes the same to be done to a street tree to show the permit for this activity upon request, and to require any person who removes or causes to be removed a tree from a private parcel to show the permit upon request and to post the permit.

**Ordinance No. 27978 approved.**

## 2. CONSENT CALENDAR

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### 2.3 Acceptance of the Office of the City Auditor's Report of Sales Tax Audit Results.

**Recommendation:** Acceptance of the Office of the City Auditor's *Sales Tax Audit Results for the Quarter Ended September 30, 2006*. (City Auditor)  
(Rules Committee referral 2/14/07)

**Report Accepted.**

### 2.4 Request to Extend Term of Office – Elections Commission Recommendation.

**Recommendation:** That the City Council extend the term of current San José Elections Commission Chair Tom Mertens for a period of up to one year to enable the Commission to complete its work. (City Clerk)  
(Rules Committee referral 2/14/07)

**Approved.**

### 2.5 Acceptance of the 2006 Third and Fourth Quarter Arena Ticket Distribution Program Reports.

**Recommendation:** Acceptance of the 3Q2006 and 4Q2006 Arena Ticket Distribution Program Reports as submitted by the San José Arena Authority. CEQA: Not a Project.  
(City Manager's Office)

**Reports Accepted.**

### 2.6 Approval of the Work Plans for the Urban Runoff Management Plan Fiscal Year 2007-2008.

**Recommendation:** Adoption of a resolution authorizing the City Manager to certify and submit the 2007-2008 City of San José Urban Runoff Management Work Plans to the San Francisco Bay Regional Water Quality Control Board in conformance with the City's Municipal Separate Storm Sewer System National Pollutant Discharge Elimination System (NPDES) permit requirements. CEQA: Exempt, File No. PP06-013.  
(Environmental Services/General Services/Parks, Recreation and Neighborhood Services/  
Planning, Building and Code Enforcement/Public Works/Transportation)

**Resolution No. 73656 adopted.**

## 2. CONSENT CALENDAR

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### 2.7 Approval to purchase a Records Management System for the Fire Department.

**Recommendation:** Adoption of a resolution authorizing the Director of Finance to:

- (a) Execute an agreement with ACS Government Systems for the purchase, installation, implementation, training, and first year of software maintenance and support of an integrated Records Management System for the Fire Department, for a total amount not to exceed \$263,652, including sales tax.
- (b) Execute four one-year options for ongoing maintenance and support subject to appropriation of funds.
- (c) Execute change orders not to exceed a 10% contingency amount of \$26,365 to cover unanticipated changes or requirements related to the design, implementation, maintenance and support of the system over a five-year period.

CEQA: Not a Project. (Finance)

**Resolution No. 73657 adopted.**

### 2.8 Approval to reject proposals for the Traffic Signal Controller Firmware RFP.

**Recommendation:** Reject all proposals that were received in response to RFP # 06-07-07, Traffic Signal Controller Firmware, and authorize the Director of Finance to re-solicit proposals. CEQA: Not a Project. (Finance)

**Approved.**

### 2.9 Approval of actions related to the Workforce Housing Reward Program.

**Recommendation:** Adoption of a resolution authorizing the Director of Housing to:

- (a) Apply for and accept Workforce Housing Reward Program grants in the estimated amount of \$834,750 from the California Department of Housing and Community Development; and
- (b) Negotiate and execute the grant agreements and any amendments or other documents necessary to implement the programs funded by the Workforce Housing Reward Program.

CEQA: Not a Project. (Housing)

**Resolution No. 73658 adopted.**

### 2.10 Approval of Council Member Liccardo's Travel Out of State.

**Recommendation:** Approval of travel by Council Member Liccardo to Seattle, WA on February 23, 2007 to observe a tunnel boring operation. Sound Transit is currently in the midst of a project involving tunnel work in a crowded urban environment, similar to District 3. Source of Funds: Valley Transportation Authority. (Liccardo)

**Approved.**

## 2. CONSENT CALENDAR

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### 2.11 Appointments to the Project Diversity Screening Committee.

**Recommendation:** Approve the appointments of Charles Jones, Alphonse F. Arretz, Francine Davis, Mariel Caballero, Alex Fraser, and Elizabeth Bich-Lien Vo to the Project Diversity Screening Committee. (Mayor)  
(Rules Committee referral 2/14/07)

**Approved.**

### 2.12 Approval of Mayor Reed's Travel to Washington, D.C.

**Recommendation:** Approval of Mayor Reed's travel to Washington, D.C. on February 14, 2007 through February 16, 2007 to meet with several state delegations, committee chairs, and federal agencies for the purpose of discussing the legislative priorities for the City of San José. Source of Funds: Mayor's Office. (Mayor)  
(Rules Committee referral 1/31/07)

**Approved.**

### 2.13 Approval to provide promotion support for Happy Hollow Park and Zoo.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Happy Hollow Corporation to provide promotion and support for Happy Hollow Park and Zoo through events, promotions, and fundraising activities from March 1, 2007 through June 30, 2011 with the option to extend the agreement through June 30, 2013. CEQA: Not a Project. SNI: Tully/Senter. (Parks, Recreation and Neighborhood Services)

**Resolution No. 73659 adopted.**

### 2.14 Approval of a joint-use agreement for the Upper Penitencia Creek Park and Trail System.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a joint use agreement with the Santa Clara Valley Water District and the County of Santa Clara for joint use of lands along Upper Penitencia Creek, from Alum Rock Park to Coyote Creek, for flood management, water conservation, open space, and recreational purposes. CEQA: Not a Project. Council District 4. (Parks, Recreation and Neighborhood Services)

**Resolution No. 73660 adopted.**

## 2. CONSENT CALENDAR

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### 2.15 Approval of actions related to land located at Goble Lane and Monterey Road.

**Recommendation:**

- (a) Approval of a Turnkey Parkland Agreement with ROEM Development Corporation, for Planned Development Permit No. PD06-062, associated with Tentative Map No. PT05-113. CEQA: Resolution No. 72877. Council District 7. (Parks, Recreation and Neighborhood Services)
- (b) As recommended by the Parks and Recreation Commission, name a new park at the intersection of Goble Lane and Monterey Highway as “Montecito Vista Park”. (City Clerk)

**Approved.**

### 2.16 Approval of actions related to the Carousel Contract for the Arena Green Area.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with San Jose Arena Management for the operation and maintenance of the Carousel, Children’s Play Areas and Restrooms in the Arena Green area of the Guadalupe River Park and Gardens for a term of two years from July 1, 2006 to June 30, 2008, and authorizing the City Manager to exercise an option for a one additional year extension, at a cost to the City not to exceed \$136,022 per year. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

**Resolution No. 73661 adopted.**

### 2.17 Approval of actions related to the development of an Emergency Vehicle Access Route at Selma Olinder Park.

**Recommendation:** Approval of an ordinance establishing a 104-foot-long by 27-foot-wide piece of City-owned property on the southern portion of Selma Olinder Park to accommodate the development of an emergency vehicle access route and a pedestrian/bicycle cross connection between the future Five Wounds Trail to the Coyote Creek Trail as a public way. CEQA: Negative Declaration, File No. PP07-013. Council District 3. SNI: Five Wounds/Brookwood Terrace. (Parks, Recreation and Neighborhood Services, Public Works)

**Deferred to 3/13/07, as recommended by Administration.**

### 2.18 Approval of an agreement for consulting services for the Integrated Development Tracking System.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with CSDC System, Incorporated for technical consulting services for the Integrated Development Tracking System programming in the amount of \$159,000 for the term March 1, 2007 to March 31, 2008. CEQA: Not a Project. (Planning, Building and Code Enforcement)

**Deferred to 3/20/07, as recommended by Administration.**

## 2. CONSENT CALENDAR

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### 2.19 Approval to initiate actions and set a public hearing for the annexation of McKee No. 133.

**Recommendation:** Adoption of a resolution initiating proceedings and setting March 13, 2007 at 1:30 p.m. for Council consideration on the reorganization of the territory designated as McKee No. 133 which involves the annexation to the City of San José of 0.81 acres more or less of land located at the southwest corner of McKee Road and Delia Street, and generally bounded by City of San José Annexations McKee Nos. 7,2, and 49, and the detachment of the same from the appropriate special districts including County Lighting County Service, Central Fire Protection, County Sanitation District 2-3 and Area No. 01 (Library Services) County Service. CEQA: Resolution No. 65459, File No. C06-073. Council District 5. (Planning, Building and Code Enforcement)

**Resolution No. 73662 adopted.**

### 2.20 Approval to amend an agreement for legal services for the Police and Fire Department Retirement Plan.

**Recommendation:** Adoption of a resolution authorizing the City Attorney to execute the second amendment to the legal services agreement with Nossaman, Guthner, Knox & Elliott, LLP to increase the compensation by \$500,000 for a total not to exceed \$1,000,000 and a term of thru June 30, 2008. CEQA: Not a Project. (Police and Fire Department Retirement Board)

**Resolution No. 73663 adopted.**

### 2.21 Approval of a lease agreement for the Department of Transportation's Signal Center Traffic Management Center.

**Recommendation:** Approval of a two-year lease with Legacy Partners I SJ North Second, LLC for 3,109 rentable square feet of office space for the Department of Transportation's Signal Central Traffic Management Center, on the 10<sup>th</sup> floor of 4 North Second Street in San José, at a cost of \$5,440.75 per month for the two year term of the lease. CEQA: Not a Project. (Public Works)

**Approved.**

### 2.22 Request for excused absence for Council Member Constant.

**Recommendation:** Request for an excused absence for Council Member Constant from the Executive Session on March 12, 2007 due to authorized City Business: CALAPRS General Assembly in Monterey, California on March 12, 2007. (Constant)  
(Rules in-Lieu referral 2/21/07)

**Approved.**

## 2. CONSENT CALENDAR

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### 2.23 Request for excused absences for Council Member Campos.

**Recommendation:** Request for excused absences for Council Member Campos:

- (a) Excused absence from the Council Priority Setting Planning Retreat on February 20, 2007 due to illness.
- (b) Excused absence from the Regular City Council Meeting of March 13, 2007 and the Council Executive Session due to authorized City Business: National League of Cities Legislative Conference in Washington D.C. from March 9 – March 14, 2007.

(Campos)

(Rules in-Lieu referral 2/21/07)

**Approved.**

## 3. STRATEGIC SUPPORT SERVICES

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### 3.1 Report of the Study Session

**Mayor Reed, Chair**

**No Report.**

### 3.2 Report of the Rules and Open Government Committee – January 31, 2007

**Mayor Reed, Chair**

- (a) City Council
  - (1) Review New Add Items to February 6, 2007 Agenda
  - (2) Review February 13, 2007 Draft Agenda
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
  - (1) State
  - (2) Federal
- (d) Meeting Schedules
  - (1) Cancel the Regular Rules Meeting and approve a Rules in-Lieu on February 21, 2007. (City Manager's Office)
  - (2) Approve (4) Council Orientation Sessions.
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Discussion on Council Expenditure and Reimbursement Policy. (City Attorney/City Clerk)  
**Deferred from January 24, 2007**
  - (2) Discussion of Employee Values Project. (Human Resources)
  - (3) Accept (1) Staff's report on Reed Reforms; (2) Provide clarification to staff on Reed Reforms #1, #5, #8 and #26; (3) Provide direction regarding exceptions outlined in the memo for Reed Reform #5; and (4) Request this report be considered by the City Council on February 6, 2007. (City Manager/City Attorney/City Clerk)

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules and Open Government Committee – January 31, 2007 (Cont'd.)

##### Mayor Reed, Chair

- (g) Rules Committee Reviews, Recommendations and Approvals (Cont'd.)
  - (4) Approve the following proposed Committee Workplans:
    - (a) Transportation and Environment Committee
    - (b) Community and Economic Development Committee
    - (c) Public Safety, Finance and Strategic Support Committee
    - (d) Neighborhood Services & Education Committee
    - (e) Rules & Open Government Committee  
(Mayor/Williams/Pyle/Nguyen/Chirco)
  - (5) Approve Mayor's Travel to Washington, D.C. on February 14-16, 2007.  
(Mayor)
- (h) Public Records Act Requests
  - (1) Review of Significant Public Records Act Requests
  - (2) Receive Public Concerns
- (i) Review of Council Policy Updates per Sunshine Reforms
- (j) Open Forum
- (k) Adjournment

**Deferred to 3/6/07 per Mayor Reed.**

#### Report of the Rules and Open Government Committee – February 7, 2007

##### Mayor Reed, Chair

- (a) City Council
  - (1) Review New Add Items to February 13, 2007 Agenda
  - (2) Review February 20, 2007 Draft Agenda
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
  - (1) State
    - (a) Overview of the City's Legislative Process for Determination of Official City positions on State and Federal Issues. (City Manager's Office)
  - (2) Federal
- (d) Meeting Schedules
  - (1) Set a Hearing for Spring 2007 for General Plan Amendments and Initiating the Re-establishment of a fall Annual Review of the General Plan. (Planning, Building and Code Enforcement)
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
  - (1) Appointment to the Project Diversity Screening Committee. (Vice Mayor Cortese)

**Deferred to 2/14/07.**

- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Recommend acceptance to the Redevelopment Agency's Horizon Report for the first half of 2007. (Redevelopment Agency)
  - (2) Addition to the City Auditor's Work Plan to Review Resources for Families and Communities' Financial information. (City Attorney)

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules and Open Government Committee – February 7, 2007 (Cont'd.) Mayor Reed, Chair

- (h) Public Records Act Requests
  - (1) Review of Significant Public Records Act Requests
  - (2) Receive Public Concerns
- (i) Review of Council Policy Updates per Sunshine Reforms
- (j) Open Forum
- (k) Adjournment

**Deferred to 3/6/07 per Mayor Reed.**

#### 3.3 Report of the Public Safety, Finance and Strategic Support Committee – February 15, 2007

**Council Member Nguyen, Chair**

- (a) Consent Calendar
  - (1) Legislative Update. (City Manager's Office)  
**The Committee accepted the Consent Calendar.**
  - (2) Update of Council Directives (City Manager's Office)  
**Deferred.**
- (b) Review of Performance Measures Specified in the Annual Budget (City Manager's Office)  
**Deferred.**
- (c) Public Safety Quarterly Operating Report (Police and Fire)
  - (1) Police Department  
**The Committee accepted the report.**
  - (2) Fire Department  
**The Committee accepted the report.**
- (d) Update on Implementation of GASB 45 (Government Accounting Standards Board Statement Related to Unfunded Post Employment Health and Dental Benefits) (Finance, Retirement)  
**The Committee accepted the report.**
- (e) FY 2006-2007 Second Quarter Investment Report (Finance)  
**The Committee accepted the report.**
- (f) FY 2006-2007 Second Quarter Debt Report (Finance)  
**The Committee accepted the report.**
- (g) Oral Petitions  
**No Oral Petitions.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.3 Report of the Public Safety, Finance & Strategic Support Committee – February 15, 2007 (Cont'd.)

Council Member Nguyen, Chair

(h) Adjournment

Meeting adjourned at 3:30 p.m.

The Public Safety, Finance and Strategic Support Committee Report and actions of February 15, 2007 were accepted.

#### 3.4 Approval of amendment to Purchasing Ordinance.

**Recommendation:** Approval of an ordinance 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 to \$1,000,000 and services to \$250,000, to enact a protest procedure for purchases, and to amend, reorganize and consolidate various purchasing procedures. CEQA: Not a Project. (City Attorney's Office)

**Ordinance No. 27980 passed for publication.**

**Staff directed to provide Council a copy of all bid rejection notices.**

#### 3.5 Presentation and discussion of the City's Nepotism Policy.

**Recommendation:** Acceptance of the report on the City's Nepotism Policy. CEQA: Not a Project. (City Manager's Office)

**Report accepted, with a request to the City Manager to modify the policy to give the City Manager more discretion/flexibility, and with direction to the City Attorney to provide an information memorandum about how to apply the policy to the Council.**

#### 3.6 Approval of agreements for Financial Advisory Services.

**Recommendation:**

(a) Adoption of a resolution:

(1) Authorizing the Director of Finance to negotiate and execute an agreement with Public Resources Advisory Group ("PRAG") to serve as the City General Financial Advisor for the term of February 27, 2007 to June 30, 2010 in an amount not to exceed \$150,000, with two (2) one-year options for extension through June 30, 2012, subject to annual appropriation of funds for fiscal year 2007-08 through fiscal year 2011-12.

(2) Authorizing the Director of Finance to negotiate and execute an agreement with Fullerton & Friar, Inc. and PRAG to jointly serve as the Airport General Financial Advisor to the Norman Y. Mineta San José International Airport ("Airport") for the term of February 27, 2007 to June 30, 2010 in an amount not to exceed \$500,000, with two (2) one-year options for extension through June 30, 2012, subject to annual appropriation of funds for fiscal year 2007-08 through fiscal year 2011-12.

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.6 Approval of agreements for Financial Advisory Services (Cont'd.)

- (a) Adoption of a resolution (Cont'd.)
  - (3) Authorizing the Director of Finance to negotiate and execute an agreement with Ross Financial to serve as an Affordable Housing Program General Financial Advisor for the term of February 27, 2007 to June 30, 2010 in an amount not to exceed \$165,000, with two (2) one-year options for extension through June 30, 2012, subject to annual appropriation of funds for fiscal year 2007-08 through fiscal year 2011-12.
  - (4) Authorizing the Director of Finance to negotiate and execute an agreement with CSG Advisors to serve as an Affordable Housing Program General Financial Advisor for the term of February 27, 2007 to June 30, 2010 in an amount not to exceed \$165,000, with two (2) one-year options for extension through June 30, 2012, subject to annual appropriation of funds for fiscal year 2007-08 through fiscal year 2011-12.

**Resolution No. 73664 adopted.**

- (b) Acceptance of this report identifying the pools of eligible financial advisors for general obligation and lease revenue financings, affordable housing financings, and land-secured financings to be used for the selection of financial advisors for a variety of bond financing projects for the period from February 27, 2007 to June 30, 2012.

CEQA: Resolution Nos. 67380 and 71451, File No. PP07-022. (Finance)

**Accepted.**

#### 3.7 Approval of actions related to the Reed Reforms.

**Recommendation:** Approve and direct staff to implement the following Reed Reforms:

- (a) Amend the municipal code to require elected officials to disclose all meetings previously held with a project's lobbyist and/or representative when the project is heard before the council.

**Approved.**

- (b) Amend the municipal code to require lobbyists to disclose to any city officials what their success fees are for a project during meetings to discuss the project. Also, require lobbyists to disclose success fees on their quarterly reports.

**Deferred, until the City Attorney reports back from the Rules and Open Government Committee.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.7 Approval of actions related to the Reed Reforms (Cont'd.)

- (c) Direct staff to implement a policy for reviewing industrial conversion amendments once a year. The review will be held in October and November with hearings by the Planning Commission and City Council respectively. There will be a one-time exception this year in May for hearing of general plan amendments for industrial land conversions that were submitted prior to January 1, 2007; and schedule a study session on industrial conversion in March of this year and annually thereafter. At that review it is recommended that topics to be discussed include the history of conversions over the last 25 years, the inventory of industrial land, a staff initiated preliminary review of potential conversions and General Plan Amendments submitted before January 1, 2007. This discussion will enable the City Council to forward appropriate project sites to the May or Fall hearing.

(Mayor)

(Rules Committee referral 1/24/07)

**Heard first in the evening.**

**Approved, as revised at the request of the Mayor: Development projects submitted prior to January 1, 2007 will be at the March Planning Commission meeting and considered by the Council at an April hearing.**

#### 3.8 Approval of actions related to the City Manager executive search.

**Recommendation:**

- (a) Approval of the draft ideal candidate profile.  
(b) Approval of the implementation of the remaining phases of the search.

(Mayor)

**Approval of actions, as amended:**

- (1) **Add to Education and Experience, “or major organizations”.**
- (2) **Change the word “active” (in the community) to “engaged” in the candidate profile, Page 7.**
- (3) **Enhance the description of San José to reflect the City’s leadership in technology, culture and tourism.**
- (4) **Consider including a video link or other visuals on the website about how to apply for the position that demonstrates all that is going on in San José.**
- (5) **Ensure that all web links listed are current/accurate.**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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- 4.1 **Report of the Community & Economic Development Committee**  
**Council Member Pyle, Chair**  
**No Report.**

- 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 a continuation to the funding agreement with Yerba Buena Opco, Inc. to extend the funding agreement from January 1, 2007 through June 30, 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 authorizing the Director of Planning, Building and Code Enforcement to negotiate and execute minor amendments to the funding agreement 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).  
(Deferred from 1/30/07 – Item 4.2 and 2/6/07 – Item 4.4)

**Deferred to 3/6/07, as recommended by Administration.**

- 4.3 **Approval to amend the Consolidated Plan related to the Community Development Block Grant Program.**

**Recommendation:** Approval to amend the Consolidated Plan to allow for adjustments to previously approved projects and the creation of new projects under the Community Development Block Grant (CDBG) program as follows:

- (a) Scott and Clifton: two-year extension to June 30, 2008, to allow for completion of a project to develop a 0.4-acre park at the corner of Scott Street and Clifton Avenue with no cost increase.
- (b) Alma Community Center: 18-month extension from December 31, 2006 to June 30, 2008 to complete parking improvements at the Alma Community Center located at 136 West Alma Avenue with no cost increase.
- (c) Japantown Streetscape: change in scope to allow for installation of 15 History Markers adjacent to seating elements with no cost increase.
- (d) 11<sup>th</sup> and William Street Park Acquisition: de-obligation of \$650,000 project that could not go forward.
- (e) Therapeutic Wellness Study: de-obligation of \$100,030 because final cost of project was under-budget.
- (f) Resources for Families and Communities: de-obligation of \$93,158 as a result of closure of facility.
- (g) Kidango: de-obligation of \$193,287 due to cancellation of project.

**Approved.**

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

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### **4.3 Approval to amend the Consolidated Plan related to the Community Development Block Grant Program (Cont'd.)**

- (h) Boys and Girls Club: acquisition and transfer of title of full service sports field, developed with a \$750,000 CDBG conditional grant.

**Dropped, per Administration.**

- (i) Sarasota House: conversion of single-family home from use as community center back to residential use as a result of the cessation of operations by Resources for Families and Children.

CEQA: Not a Project. (Housing)

**Approved.**

### **4.4 Approval to retain the appointed City Councilmember to the Housing and Community Development Advisory Commission as a Council Liaison.**

**Recommendation:** Request to retain the appointed City Councilmember to the Housing and Community Development Advisory Commission as a Council Liaison rather than as a nonvoting member. CEQA: Not a Project. (Housing)

**Approved.**

### **4.5 Public hearing and approval of actions related to the transfer of the Julian Street Inn Homeless Shelter.**

**Recommendation:** Hold a public hearing and adoption of a resolution:

- (a) Approving a Disposition and Development Agreement between the City of San José and InnVision The Way Home, or an affiliated entity, for the transfer of the City-owned underlying fee title to InnVision for the Julian Street Inn Homeless Shelter, located at the southeast corner of Montgomery and Julian Streets for the amount of \$860,000 in the form of a conditional loan secured by the fee; and
- (b) Converting a \$140,000 City loan that is secured by a leasehold interest on said property to be included in the \$860,000 conditional loan.

CEQA: Exempt, File No. PP07-024. Council District 3. (Housing)

**Resolution No. 73665 adopted.**

### **4.6 Proposal to convert Agnews Development Center to a state prison.**

**Recommendation:** Adoption of a resolution in opposition to the proposal to convert Agnews Development Center to a state prison. (Mayor)

**Resolution No. 73666 adopted.**

**Council requested copies of the fully-executed resolution.**

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

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### **4.7 Acceptance of the Coyote Valley Specific Plan Water Supply Evaluation.**

**Recommendation:**

- (a) Acceptance of the Coyote Valley Specific Plan Water Supply Evaluation as the draft master plan for supplying potable and non-potable water for the future development and build out of the Coyote Valley Specific Plan (CVSP).
- (b) Direction to staff to include the Water Supply Evaluation in the CVSP DEIR for appropriate environmental analysis and review. CEQA: Exempt, File No. PP07-025. Council District 2. (Planning, Building and Code Enforcement).

**Deferred to 3/13/07, as recommended by Administration.**

### **4.8 Approval to reorganize/annex territory designated as Evergreen No. 199.**

**Recommendation:** Adoption of a resolution on the reorganization/ annexation to the City of San José of territory designated as Evergreen No. 199 on an approximately 0.39 gross acre of land located on the East side of Ruby Avenue, across from Rio Bravo Drive, and adjacent to the City of San José annexations Evergreen Nos. 186 and 189, and detachment of the same from the appropriate special districts properties including Central Fire Protection, and Area No. 01 (Library Services) County Service. CEQA: Resolution No. 65459. Council District 8. (Planning, Building and Code Enforcement) (Initiated on 2/13/07 – Item 2.12)

**Resolution No. 73667 adopted.**

### **4.9 Rezoning the real property located on the terminus of Duckett Way.**

**Recommendation:** Consideration of an ordinance rezoning the real property located on the terminus of Duckett Way, approximately 420 feet east of S. De Anza Boulevard from R-1-5 Residence Zoning District to A(PD) Planned Development Zoning District to allow up to 19 new single family attached residential units and one single family residence on an 1.83 gross acre site (1566 Duckett Way) (P. Lenahan and M. Barshow, Owners; Barry Swenson Builders, Developer). CEQA: Mitigated Negative Declaration. The Director of Planning, Building and Code Enforcement and Planning Commission recommends to not adopt the rezoning ordinance (4-1-2).

PDC06-062 - District 1

(Continued from 12/5/06 – Item 11.4, 12/12/06 – Item 11.7, 1/23/07 – Item 11.4 and 2/6/07 – Item 11.2)

**Deferred to 3/6/07, as recommended by Administration.**

## 5. NEIGHBORHOOD SERVICES

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- 5.1 **Report of the Neighborhood Services and Education Committee  
Council Member Chirco, Chair**  
**No Report.**

- 5.2 **Approval of actions related to the Aquatics Study.**

**Recommendation:**

- (a) Approval of the following actions related to the 2007 Summer Aquatics Program:
- (1) Approval to operate four additional school-leased pool sites for the 2007 Summer Aquatics Program.
  - (2) Approval to redirect existing funds in the Parks, Recreation and Neighborhood Services Department to fund the additional school-leased sites.

**Approved.**

- (b) Approval of the following actions related to the City-Wide Aquatics Master Plan:
- (1) Acceptance of the status report on the City-wide Aquatics Master Plan.

**Accepted.**

- (2) Discussion and action on policy options regarding the future development of the City's Aquatics Program including funding strategies to be referred to the FY2007-2008 budget.

**Parks & Recreation Commission recommendation was approved:**

- (1) **Repair 4 closed pools, Alviso, Biebrach, Ryland and Mayfair, and lease school sites to expedite access, including:**

- (a) **Explore partnerships;**
- (b) **Adopt fee increases to a level that is sustainable;**
- (c) **Utilize sliding scales as well as passes.**

- (2) **Expand aquatic system with new facilities – use property under City's control.**

- (3) **Create a system comparable to cities.**

- (3) Approval of the first amendment to the consultant agreement for design services with Counsilman Hunsaker & Associates, Inc., for the City-wide Aquatics Master plan to increase the compensation by \$16,000 from \$225,825 for a total agreement amount not to exceed \$241,825.

CEQA: Exempt, File No. PP07-028. (Parks, Recreation and Neighborhood Services)

**Approved.**

## **6. TRANSPORTATION & AVIATION SERVICES**

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- 6.1 Report of the Transportation and Environment Committee  
Council Member Williams, Chair  
No Report.**

- 6.2 Approval of an agreement for the development of a Transportation Maintenance Master Plan.**

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a consultant agreement with Apex Strategies to develop a Transportation Maintenance Master Plan in an amount not to exceed \$155,000 and for a term through October 31, 2007. CEQA: Not a Project. (Transportation)

**Resolution No. 73668 adopted.**

## **7. ENVIRONMENTAL & UTILITY SERVICES**

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## **8. PUBLIC SAFETY SERVICES**

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- 8.1 Approval of report on bids and purchase of 25 Public Safety Vehicles.**

**Recommendation:** Report on bids and award the purchase of 25 unmarked Public Safety vehicles to the low bidder, Maita Chevrolet, for a total amount not to exceed \$499,547 including taxes and fees and authorize the Director of Finance to:

- (a) Execute the purchase order;
- (b) Amend the initial purchase order to purchase additional quantities of unmarked Public Safety vehicles on an as-required basis at the same unit subject to the appropriation of funding; and
- (c) Execute purchase orders to acquire additional quantities for two additional years subject to the appropriation of funds.

CEQA: Not a Project. (Finance)

**Approved.**

## 8. PUBLIC SAFETY SERVICES

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### 8.2 Approval of fiscal actions for Supplemental Law Enforcement Services.

**Recommendation:**

- (a) Approval of the 2006-08 Spending Plan for the Supplemental Law Enforcement Services (SLES) Fund.
- (b) Approval of the revised 2005-07 Spending Plan for the SLES Grant, reallocating funding from the previously established Project #2 Digital Storage Solution for \$185,617, Project #4 Case Management and Crime Tracking for \$153,000, and \$23,423 interest earned into the following established projects within the same grant:
  - (1) Project #7, Computer Infrastructure - \$253,000
  - (2) Project #6, Electronic Citation Solution Expansion - \$50,000
  - (3) Project #8, BTS Infrastructure Enhancements - \$35,617
  - (4) Project #10 Digital Cameras - \$23,423

**Approved.**

- (c) Adoption of the following 2006-2007 Appropriation Ordinance and Funding Sources Resolution amendments in the Supplemental Law Enforcement Services Fund (Fund 414):
  - (1) Establish a SLES Grant 2006-08 appropriation for the Police Department in the amount of \$ 1,856,211;
  - (2) Increase SLES Grant 2005-2007 appropriation for the Police Department in the amount of \$ 23,423;
  - (3) Increase the Earned Revenue by \$ 1,856,211; and
  - (4) Decrease the Ending Fund Balance in the amount of \$ 23,423.

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

**Ordinance No. 27981 adopted.**

**Resolution No. 73669 adopted.**

### 8.3 Acceptance of the Annual Report on the Impact of Card Room Gambling on Crime.

**Recommendation:** Acceptance of the report related to the impact of card room gambling on crime in the City of San José for the period July 1, 2005 to June 30, 2006. CEQA: Not a Project. (Police)

**Report accepted.**

## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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- Notice of City Engineer’s Pending Decision on Final Maps

In accordance with Sec. 19.16.140d of the San José 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>
9856	Southeast Corner of New Jersey Avenue and Harris Avenue	9	The Cullen Group	5 Lots / 5 Units	SFD	Approve

- Notice of City Engineer’s Award of Construction Projects  
None.

- Open Forum (Heard no earlier than 3:30 p.m.)

- (1) Robert Apgar voiced personal viewpoints.
- (2) Stephen Hazel voiced political viewpoints.

- Adjournment

The Council of the City of San José adjourned the afternoon session at 4:38 p.m.

## 10. GENERAL PLAN PUBLIC HEARINGS

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No General Plan Public Hearing at this time.

## 11. PUBLIC HEARINGS ON CONSENT CALENDAR

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(To be heard by the City Council at 7:00 p.m.)

### 11.1 Public Hearings on Consent Calendar.

#### **Recommendation:**

- (a) Consideration of an ordinance rezoning the real property located on the east side of Boynton Avenue, approximately 350 feet northerly of Williams Road (962 Boynton Ave) from R-M Multiple Residence Zoning District to A(PD) Planned Development Zoning District to allow up to 4 single-family attached residences on a 0.26 gross acre site (Ettfagh Farajollah Et Al, Owner). SNI: Blackford. CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (5-0-1).  
PDC06-087 – District 1  
**Ordinance No. 27982 passed for publication.**
- (b) Consideration of an ordinance rezoning the real property located on the northeast side of Stockton Avenue, approximately 300 feet north of West Santa Clara Street from HI Heavy Industrial Zoning district to CG Commercial General Zoning District to allow commercial uses on an approximately 1.7 gross acre site (Hudson Daniel E Et Al, Owner; Moraga Rheem LLC Mr. Daniel Hudson, Developer). CEQA: Negative Declaration and Addendum thereto. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.  
C05-126 – District 3  
**Ordinance No. 27983 passed for publication.**
- (c) Consideration of an ordinance rezoning the real property located on the southwest corner of The Alameda and Taylor Street from R-1-8 Single-Family Residence and A(PD) Planned Development Zoning Districts to A(PD) Planned Development Zoning District to legalize an existing parking lot for commercial and medical office uses on a 0.893 gross acre site (1691 The Alameda) (Planned Parenthood Mar Monte Inc, Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (6-0-0).  
PDC06-090 – District 6  
**Ordinance No. 27984 passed for publication.**

# 11. PUBLIC HEARINGS ON CONSENT CALENDAR

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## 11.1 Public Hearings on Consent Calendar (Cont'd.)

### **Recommendation:**

- (d) Consideration of an ordinance rezoning the real property located at 1151 Tully road from CP commercial Pedestrian to CN Commercial Neighborhood to allow a gas station and car wash use at an existing service station located on a 0.91 gross acre site (northwest corner of McLaughlin Avenue and Tully Road) (Chevron USA Inc., Owner). SNI: Tully/Senter. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C06-133 – District 7

**Ordinance No. 27985 passed for publication.**

**END OF PUBLIC HEARINGS ON CONSENT CALENDAR**

## 11. PUBLIC HEARINGS

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### 11.2 Rezoning the real property located on the east side of Market Street.

**Recommendation:** Consideration of an ordinance rezoning the real property located on the east side of Market Street approximately 223 feet north of east San Carlos Street from CG(PD) Planned Development Zoning District to the DC Downtown Primary Commercial Zoning District to allow multiple dwelling residential, office and commercial uses on 0.53 gross acre site (Urban West Michael Kriozere, Owner/ Developer). CEQA: Addendum to EIR. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C06-115 – District 3

[Continued from 1/23/07 – Item 11.1 (b)]

**Ordinance No. 27986 passed for publication.**

### 11.3 Public hearing for the following reorganizations/annexations.

**Recommendation:**

(a) Public Hearing and adoption of a resolution on the reorganization/annexation of territory designated as Penitencia No. 74 which involves the annexation to the City of San José of 3.3 gross acres of land consisting of 4 parcels located on the east side of Noble Lane, approximately 200 feet north of Noble Avenue, and the detachment of the same from the appropriate special districts including Central Fire Protection and Area No. 01 (Library Services) County Service. (Chase, Katheryn and Steven; Medeiros, José; Viswanathan, Tenkasis and Vij; Mancias, Paul; Owners). CEQA: Resolution No. 65459. Council District 4. (Planning, Building and Code Enforcement)  
(Initiated on 1/23/07 – Item 4.9(a))

**Resolution No. 73670 adopted.**

(b) Public Hearing and adoption of a resolution on the reorganization/annexation of territory designated as Story No. 60 which involves the annexation to the City of San José of 3.4 gross acres of land consisting of 3 parcels located on the northwest side of Watters Drive, approximately 60 feet northerly of Story Road, and the detachment of the same from the appropriate special districts including Central Fire Protection and Area No. 01 (Library Services) County Service. (Vaughn, Charles; McMullen, Keith and Beverly; Pfeil, Robert; Owners). CEQA: Resolution No. 65459. Council District 5. (Planning, Building and Code Enforcement)

(Initiated on 1/23/07 – Item 4.9(b))

**Resolution No. 73671 adopted.**

## 11. PUBLIC HEARINGS

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### 11.3 Public hearing for the following reorganizations/annexations (Cont'd.)

**Recommendation:**

- (c) Public Hearing and adoption of a resolution on the reorganization/annexation of territory designated as Story No. 63 which involves the annexation to the City of San José of 4.3 gross acres of land consisting of 3 parcels located on the southeast side of Story Lane, approximately 870 feet northeasterly of Clayton Road, and the detachment of the same from the appropriate special districts including Central Fire Protection and Area No. 01 (Library Services) County Service. (Nagashima, Ben and Alice Trustee; Nagashima, Janet; Nguyen, Phuong Mai; Owners). CEQA: Resolution No. 65459. Council District 5. (Planning, Building and Code Enforcement)  
(Initiated on 1/23/07 – Item 4.9(d))

**Resolution No. 73672 adopted.**

### 11.4 Rezoning the real property located on the southwesterly side of Campbell Avenue.

**Recommendation:** Consideration of an ordinance rezoning the real property located on the southwesterly side of Campbell Avenue 950 feet northwesterly of Newhall St (1179 Campbell Ave) from LI-Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 40 single-family detached residences on a 2.67 gross acre site (Cobalt Associates, Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (6-0-0).

PDC06-071 – District 6

**Ordinance No. 27987 passed for publication.**

### 11.5 Rezoning the real property located at the southeast corner of Almaden Expressway and Almaden Road.

**Recommendation:** Consideration of ordinance rezoning the real property located on the southeast corner of Almaden Expressway and Almaden Road (18951 Almaden Road) from A Agriculture Zoning District to A(PD) Planned Development Zoning District to allow removal of the Feed and Fuel building for construction of up to 13 single-family detached residences on a 1.24 gross acre site (Carson Jon D and R Jennifer, Owner). CEQA: Mitigated Negative Declaration Protest. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (6-0-0).

PDC05-109 – District 10

**Continued to 3/6/07, per District 10**

- **Open Forum**  
None presented.

- **Adjournment**

**The Council of the City of San José adjourned at 9:59 p.m. in memory of Rosalinda Rivas who served the City of San José for many years as a Custodian at City Hall. Rosalinda always worked with a smile on her face and exemplified the City's commitment to providing great customer service. She was a binding force here at City Hall and will be remembered for her infectious smile; warm, welcoming heart, and kind, encouraging words for anyone she encountered. The void that she has left will not be easily filled.**