

CITY COUNCIL AGENDA

FEBRUARY 28, 2006

SYNOPSIS

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

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**

9:32 a.m. - Closed Session, City Hall Tower, 18th Floor, City Hall
Absent Council Members: None.

1:35 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: None.

- **Invocation (District 2)**

Alex Mordwinow and Tiffani Sturges, Santa Teresa High School students, performed “Dangerous Game” from the play “Jekyll and Hyde”.

- **Pledge of Allegiance**

Mayor Gonzales led the Pledge of Allegiance.

- **Orders of the Day**

The Orders of the Day and the Amended Agenda were approved.

Council Member Reed spoke in memory of the victims of the landslide tragedy in the Philippines. Vice Mayor Chavez spoke in memory of Lorenzo Dillon II and presented a plaque to his father, Mr. Dillon.

Council Member Pyle mentioned that 3rd graders from Holy Spirit School were in the audience.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to Nha Magazine for their recent recognition by New California Media. (Cortese)
(Rules Committee referral 2/15/06)
Deferred.**

1. CEREMONIAL ITEMS

- 1.2 Presentation of a commendation to California Alliance of African American Educators for their commitment to expanding the opportunities for San José youth in the field of science. (Williams)

(Rules Committee referral 2/15/06)

Mayor Gonzales and Council Member Williams recognized and commended the California Alliance of African American Educators for their commitment to the youth in the community of San José.

- 1.3 Presentation of a commendation to Clinimetrics for its important contributions to the San José economy. (Mayor/Williams)

(Rules Committee referral 2/15/06)

Mayor Gonzales and Council Member Williams recognized and commended Clinimetrics for its invaluable contributions to the economy of the City of San José.

- 1.4 Presentation of a commendation to Orchard Supply Hardware on the occasion of their 75th anniversary and in recognition of their many contributions to the City of San José. (Chavez/LeZotte/Yeager)

(Rules Committee referral 2/22/06)

Mayor Gonzales, Vice Mayor Chavez and Council Members LeZotte and Yeager recognized Orchard Supply Hardware on their 75th anniversary and in recognition of their contribution to the community.

2. CONSENT CALENDAR

- 2.1 Approval of Minutes.

There were none.

- 2.2 Final adoption of ordinances.

Recommendation:

- (a) ORD. NO. 27658 – Rezoning certain real property situated north side of State Street, on both the east and west sides of Archer Street and south of Dearborne and Clark Streets of the historic “New Chicago” Subdivision, from CN Commercial Neighborhood Zoning District to LI Light Industrial Zoning District. CC05-040

Ordinance No. 27658 adopted.

- (b) ORD. NO. 27659 – Rezoning certain real property situated on the north side of Alum Rock Avenue, approximately 260 feet westerly of King Road to CP Commercial Pedestrian Zoning District. C05-110

Ordinance No. 27659 adopted.

2. CONSENT CALENDAR

2.2 Final adoption of ordinances (Cont'd.)

- (c) ORD. NO. 27660 – Rezoning certain real property, bounded by the Southern Pacific Rail Corridor to the north, east and west and by Dearborne and Clark Streets of the Historic “New Chicago” Subdivision and Grand Boulevard to the south, from LI Light Industrial Zoning District and CN Commercial Neighborhood to OS Open Space Zoning District. CC05-041
Ordinance No. 27660 adopted.
- (d) ORD. NO. 27661 – Rezoning certain real property, bounded by the Steamboat Slough and Elizabeth Street to the north, the Guadalupe River Corridor to the south, Liberty and North First Street to the east, and El Dorado Street/Southern Pacific Railroad Right-of-Way to the west, to CP(PD) Planned Development Zoning District with regard to certain portions of said area and to OS Open Space Zoning District. PDC05-039
Ordinance No. 27661 adopted.
- (e) ORD. NO. 27662 – Prezoning certain real property situated on the west side of South Willard Avenue approximately 180 feet southerly of Douglas Street from unincorporated County to A(PD) Planned Development Zoning District on 0.42 acres. PDC04-095
Ordinance No. 27662 adopted.

2.3 Approval to amend an agreement related to solid waste and rate modeling services.

Recommendation: Approval of a first amendment to the agreement between the City and R3 Consulting to provide solid waste consulting and rate modeling services to the Environmental Services Department, extending the term through June 30, 2007, and increasing the compensation by \$200,000, from \$100,000 for a total not to exceed amount of \$300,000. CEQA: Not a Project. (Environmental Services)
Approved.

2.4 Approval of the Annual Clean Bay Strategy Report.

Recommendation: Approval of the Annual Report on San Jose/Santa Clara Water Pollution Control Plant (Plant) watershed protection activities, including update of the South Bay Action Plan, Contingency Plan, and Annual Pollution Prevention Report, as required by the Plant’s National Pollutant Discharge Elimination System (NPDES) Permit. CEQA: Not a Project. (Environmental Services)
Approved.

2. CONSENT CALENDAR

2.5 Approval of actions related to the Santa Clara Valley Urban Runoff Pollution Prevention Program and City Stormwater Permit.

Recommendation:

- (a) Adoption of a resolution:
 - (1) Authorizing the City Manager to execute a Second Amendment to the Memorandum of Agreement for the Santa Clara Valley Urban Runoff Pollution Prevention Program (Countywide Program) which will extend the term of the Memorandum of Agreement for one fiscal year beyond the termination date of the next National Pollutant Discharge Elimination System (NPDES) stormwater permit, including any administrative extensions of the next NPDES Permit's term, with no charge in the cost allocation formula for participation in the Countywide Program; and,
 - (2) Continuing the authority of the Director of Environmental Services to designate a City representative to serve on the Program Management Committee. CEQA: Not a Project. (Environmental Services)

Resolution No. 73072 adopted.

- (b) Authorize the City Manager to certify and submit the fiscal year 2006-2007 City of San Jose Work Plans for Urban Runoff Management to the San Francisco Bay Regional Water Quality Control Board (Water Board). CEQA: Exempt. (Environmental Services/General Services/ Parks, Recreation and Neighborhood Services/Planning, Building and Code Enforcement/Public Works/Transportation)
Approved.

2.6 Approval to award open purchase orders for FY 2005-2006 #9 and #10.

Recommendation:

- (a) Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2005-2006 #9, and authorization for the Director of Finance to execute the purchase orders.
- (b) Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2005-2006 #10, and authorization for the Director of Finance to execute the purchase orders.

CEQA: Not a Project. (Finance)

Approved.

2. CONSENT CALENDAR

2.7 Approval of two funding commitments for units serving extremely low-income households.

Recommendation:

(a) Adoption of a resolution approving a funding commitment for a loan of up to \$425,000 to InnVision the Way Home, or its designated affiliate entity, for the permanent financing of 8 units of the Hester Apartments, an 18-unit apartment building, located at 1759 Hester Avenue, to be made affordable to extremely low-income households with special needs. CEQA: Not a Project. Council District: 6.

Resolution No. 73073 adopted.

(b) Adoption of a resolution approving a funding commitment for a loan of up to \$1,520,000 to the Unity Care Group, or its designated affiliate entity, for the acquisition and rehabilitation of a property located at 917 & 923 Northrup Street, which consists of 8 transitional and 26 permanent beds to be made affordable to youth aging out of foster care with extremely low-incomes. CEQA: Exempt. Council District: 6.

(Housing)

Resolution No. 73074 adopted.

2.8 Approval to accept a grant application for the 21st Century Community Learning Centers.

Recommendation: Adoption of a resolution authorizing the City Manager to:

(a) Accept grant award increases from the California Department of Education (CDE) for a total increase of \$596,732 and to execute related amendments to the grant agreements; and

(b) Negotiate and execute agreement amendments to sub grants to community based organizations to reflect the CDE grant award increases for Level 3 programs at specified school sites.

CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

Resolution No. 73075 adopted.

2.9 Adoption of a resolution ordering the reorganization of territory designated as McKee No. 128.

Recommendation: Adoption of a resolution ordering the reorganization of territory designated as McKee No. 128, comprised of 1.19 gross acres of land more or less, located on the east side of Kirk Avenue, approximately 110 feet southerly of Summit Avenue and adjacent to the City of San Jose annexations McKee Nos. 117 and 40 and the detachment of the same from Central Fire Protection, Area No. 01 (Library Service) County Service Districts, and Sanitation District 2-3, to include the detachment of the same from County Lighting County Service District. Council District: 5. CEQA:

Resolution No. 65459, File No. C04-090. (Planning, Building and Code Enforcement)

Resolution No. 73076 adopted.

2. CONSENT CALENDAR

2.10 Adoption of a resolution ordering the reorganization of territory designated as Sunol No. 71.

Recommendation: Adoption of a resolution ordering the reorganization of territory designated as Sunol No. 71 which involves the annexation to the City of San José of 0.15 acres of land more or less, located at the east side of Grand Avenue approximately 350 feet southerly of Park Avenue and adjacent to the City of San José annexation Sunol No. 60 and the detachment of the same from Sunol Sanitary, County Lighting County Service, Central Fire Protection and Area No.01 (Library Service) County Service Districts. Council District: 6. CEQA: Resolution No. 65459, File No. C05-092. (Planning, Building and Code Enforcement)

Resolution No. 73077 adopted.

2.11 Adoption of a resolution ordering the reorganization of territory designated as Sunol No. 65.

Recommendation: Adoption of a resolution ordering the reorganization of territory designated as Sunol No. 65 which involves the annexation to the City of San José of 0.15 acres of land more or less, located at the east side of Grand Avenue approximately 350 feet southerly of Park Avenue and adjacent to the City of San José annexation Sunol No. 60 and the detachment of the same from Sunol Sanitary, County Lighting County Service, Central Fire Protection and Area No.01 (Library Service) County Service Districts. Council District: 6. CEQA: Resolution No. 65459, File No. C02-012. (Planning, Building and Code Enforcement)

Resolution No. 73078 adopted.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Gonzales, Chair

No Report.

3.2 Report of the Rules Committee – February 8, 2006

Vice Mayor Chavez, Chair

(a) Redevelopment Agency items reported out at Redevelopment Agency meeting

(b) City Council

(1) Review February 21, 2006 Draft Council Agenda
Meeting was canceled.

(2) Add New Items to February 14, 2005 Agenda

The Committee recommended approval of the February 14, 2006 City Council Agenda with three additions.

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – February 8, 2006

Vice Mayor Chavez, Chair

(b) City Council (Cont'd.)

(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

Director Intergovernmental Relations Betsy Shotwell presented an update on the President's release of the Federal Budget. She indicated that she and the City's Federal lobbying firm, Patton Boggs, LLP, will provide a report which highlights the impact of the Federal budget on the City.

(d) Meeting Schedules

(1) Ball Park Update – Redevelopment Agency Study Session

The Committee recommended scheduling a Ballpark Update Study Session for the Redevelopment Board on Thursday, March 2, from 9:00 a.m. to 12:00 noon. Chair Chavez advised that there is a scheduling conflict for a couple of the City Council/Redevelopment Agency Board that also serve on the Police and Fire Retirement Board and that this needs to be resolved prior to this study session.

(e) The Public Record

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

There were none.

(h) Open Forum

Bill Chew pointed out that he was left out of the Mercury News article on the City Council Candidates for District 3.

(i) Adjournment

The meeting was adjourned at 2:23 p.m.

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – February 15, 2006

Vice Mayor Chavez, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review February 28, 2006 Draft Council Agenda
The Committee recommended approval of the February 29, 2006 Draft City Council Agenda with six additions.
 - (2) Add New Items to February 21, 2006 Council Agenda
There were none. The meeting was canceled.
 - (3) List of Reports Outstanding
There were none.
- (c) Legislative Update
 - (1) State
There was no report.
 - (2) Federal
There was no report.
- (d) Meeting Schedules
 - (1) Study Session to Discuss and Prioritize the City Council’s Key Objectives for the City of San José
The Committee recommended approval to discuss and prioritize the City Council’s key objectives for the City of San José during the Mayor’s Budget Message Study Session scheduled on March 16, 2006.
 - (2) Coyote Valley Specific Plan Study Sessions
The Committee recommended approval to schedule the following Coyote Specific Plan Study Sessions from 9:00 a.m. to Noon in the Committee Rooms W118-120.
 - (a) **March 3, 2006 - South Coyote Valley Greenbelt Strategy**
 - (b) **April 7, 2006 - Transportation Policy Approach(es)**
 - (c) **April 28, 2006 - Fiscal and Financial Considerations**
 - (d) **May 26, 2006 - Draft Coyote Valley Specific Plan Overview**
 - (e) **June 23, 2006 - Draft Coyote Valley Zoning Code Overview**
- (e) The Public Record
The Committee noted and filed the Public Record.
- (f) Appointments to Boards, Commissions and Committees
There were none.

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – February 15, 2006 (Cont'd.)

Vice Mayor Chavez, Chair

- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Approval of travel by Council Member Campos to Washington D.C., March 11-14, 2006, to attend the National League of Cities Congressional City Conference
The Committee recommended approval to travel and use of the Mayor & Council Travel Fund.
 - (2) Discussion on an Amendment to the City of San José's Municipal Lobbying Ordinance
The Committee accepted the reports presented and recommended that Council Member Yeager's original request be added to the March 7, 2006 City Council Agenda.
 - (3) Report on Cellular Communication Coverage at City Hall
The Committee recommended deferral of this item to the February 22, 2006 Rule Committee Meeting.
- (h) Open Forum
Bill Chew thanked the City of San José for providing the open forum for the members of the public to speak.
- (i) Adjournment
The meeting was adjourned at 2:48 p.m.

Rules/Partial Rules Committee – February 22, 2006

Vice Mayor Chavez, Chair

- (c) Legislative Update
 - (1) State
 - (a) Statewide Infrastructure Bonds: Transportation and Proposition 42
The Committee recommended adoption of the following principles to be used as a guideline by the City Staff in the development of a State Infrastructure Bond Program and the policy to ensure the protection of Proposition 42: Support ongoing full funding of Proposition 42 while maintaining existing allocation formula and provide for the constitutional protection of Proposition 42 funding for transportation purposes.
 - **Substantially reduce the State's transportation funding shortfalls.**
 - **Support a project selection process that includes a substantial role for local and regional agencies in the development of criteria for selection of projects on both State and local systems.**

3. STRATEGIC SUPPORT SERVICES

3.2 Rules/Partial Rules Committee – February 22, 2006 (Cont'd.)

Vice Mayor Chavez, Chair

(c) Legislative Update (Cont'd.)

(1) State

(a) Statewide Infrastructure Bonds: Transportation and Proposition 42

- **Be a categorical program not a program of earmarked projects.**
- **Provide for investment in a multi-modal transportation system.**
- **Promote policies that include such facets as supporting livable communities encouraging mixed use and infill development, bicycle and pedestrian improvements, and the development of more affordable housing.**
- **Provide incentives to reward cities and counties that have made significant investments in transportation systems and ensure that State and local investments compliment efforts to reduce congestion and improve mobility.**
- **Provide funding for High Speed Rail.**
- **Recognized alternative measures to expand local authority to increase or generate new revenue sources including the addition of new user fees to augment the funding amounts authorized in the bond measure.**

(b) Statewide Infrastructure Bonds: Affordable Housing
The Committee recommended support for the inclusion of affordable housing funds in any Statewide Infrastructure Bond Measure.

The Rules/Partial Rules Committee Reports and the Actions of February 8, February 15, and February 22, 2006, were accepted.

3.3 Report of the Making Government Work Better Committee – February 16, 2006 Council Member Reed, Chair

(a) Environmental Preferable Procurement Policy Annual Report

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

(b) FY 2005-06 Second Quarter Debt Report

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

(c) FY 2005-06 Second Quarter Investment Report

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

3. STRATEGIC SUPPORT SERVICES

3.3 Report of the Making Government Work Better Committee – February 16, 2006 Council Member Reed, Chair (Cont'd.)

- (d) External Auditor's Report on Single Audit and Management Letter on Internal Controls for Fiscal Year Ended June 30, 2005

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

- (e) Citywide Grant Administration Audit

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

- (f) Oral Petitions

Bill Chew commented on the FY2005-06 Second Quarter Investment Report. Vic Nakamoto commented on the Citywide Grant Administration Audit.

- (g) Adjournment

The meeting was adjourned at 2:50 p.m.

The Making Government Work Better Report and the Actions of February 16, 2006, were accepted.

3.4 Acceptance of status report on discussions with AT&T (SBC) regarding Project Lightspeed.

Recommendation: Acceptance of status report on discussions with AT&T (SBC) regarding Project Lightspeed. CEQA: Not a Project. (City Manager's Office/Public Works)

Deferred to 3/7/06.

4. COMMUNITY & ECONOMIC DEVELOPMENT

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

No Report.

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

No Report.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Appointment of individuals to the San José Medical Center Stakeholder Advisory Committee.

Recommendation: Appointment of members to the Stakeholder Advisory Committee for the San José Medical Center Land Use-Healthcare Study using recommended guidelines in order to maintain manageability and ensure diverse representation. (Planning, Building and Code Enforcement)

(Deferred from 2/7/06 – Item 4.3 and 2/14/06 – Item 4.3)

Deferred to 3/7/06. To be heard in the Evening.

4.4 Approval to set a Public Hearing on the Calpak District Manager's Office as a landmark of special interest.

Recommendation: Adoption of a resolution to:

- (a) Initiate proceedings to consider the Calpak District Manager's Office as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of a historic nature.
- (b) Set a public hearing on March 28, 2006 at 1:30 p.m.
- (c) Refer the matter back to the Historic Landmarks Commission for its consideration at a public hearing, report and recommendation.

CEQA: Exempt. Council District: 6. (Planning, Building and Code Enforcement)

Resolution No. 73079 adopted.

4.5 Resolution of Support to open a Children's Hospital in San José.

Recommendation: Adoption of a resolution of support to open a Children's Hospital in San José. (Chirco/Chavez)

(Rules Committee referral 2/22/06)

Resolution No. 73080 adopted.

5. NEIGHBORHOOD SERVICES

5.1 Report of the All Children Achieve Committee – February 9, 2006 Council Member Yeager, Chair

- (a) Early Care and Education Update
The Committee accepted the report with Staff directed to return to the Committee in March 2006 to continue the report, and to focus the discussion solely on the staffing situation in the Early Care and Education Unit.
- (b) Report on Child Care Needs Research
The Committee accepted the report.

5. NEIGHBORHOOD SERVICES

5.1 Report of the All Children Achieve Committee – February 9, 2006 (Cont'd.) Council Member Yeager, Chair

- (c) Children's Health Initiatives Report
(Deferred from December 2005)
The Committee accepted the report.

- (d) Oral Petitions
Bill Chew expressed personal views.

- (e) Adjournment
The meeting was adjourned at 3:00 p.m.

The All Children Achieve Committee Report and the Actions of February 9, 2006, were accepted.

5.2 Discussion of City Indemnification requirement for Neighborhood groups meeting in City Facilities.

Recommendation:

- (a) Direct City Staff to review current practices regarding indemnification requirements for Neighborhood groups meeting in City owned facilities and report to Council.
- (b) Direct City Staff to review and contrast indemnification requirements for special events on City property and report back to Council.
- (c) Report out on other Cities' best practices.
(Chavez)

(Rules Committee referral 2/15/06)

Staff was directed to:

- (1) **Review current practices regarding indemnification requirements for Neighborhood groups meeting in City owned facilities and report to Council.**
- (2) **Review and clarify the Parks, Recreation and Neighborhood Services facility use guidelines including facilities run by other City departments.**
- (3) **As part of that review, direct administration and the City Attorney's Office to provide Council with proposed definitions, requirements, fees and charges related to City use and non-City use.**
- (4) **Report back to Council on best practices from other Agencies.**
- (5) **Return to Council with proposed alternatives that will allow neighborhood organizations conducting City related business to be released from City indemnification clauses.**
- (6) **Ensure there is a way to handle the neighborhood groups in the interim before the final staff report is released.**

5. NEIGHBORHOOD SERVICES

5.3 Approval of actions related to the Boys and Girls Club of Silicon Valley.

Recommendation: Approval to not proceed with a real estate exchange between the City of San Jose and the Boys & Girls Clubs of Silicon Valley (B&GC), and adoption of a resolution authorizing the City Manager to negotiate and execute a revised lease for the City's Japantown property, with a term through February 1, 2007, and direction to staff regarding further actions. CEQA: Not a Project. (City Manager's Office/Parks Recreation and Neighborhood Services)

(Deferred from 2/14/06 – Item 5.2)

Deferred to 3/7/06.

5.4 Adoption of a resolution in support of the City Platform of the National League of Cities' Council on Youth, Education and Families.

Recommendation: Adoption of a resolution in support of the City Platform of the National League of Cities' Council on Youth, Education and Families for strengthening families and improving outcomes for children and youth. Mayor)

(Rules Committee referral 2/15/06)

Resolution No. 73081 adopted, with the City to continue to work closely with Project Cornerstone and the Santa Clara County Children's Agenda.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Building Better Transportation Committee – February 6, 2006 Council Member Campos, Chair

(a) Expansion and Improvement of Transit and Transportation Systems
No items.

(b) Traffic Relief/Safe Streets
No items.

(c) Supporting Smart Growth
No items.

(d) Regional Relationships/Funding/Policy

(1) Report on Regional and Local Litter Reduction Programs

The Committee accepted the report with Staff directed to return to the April 2006 Committee meeting for an update on the progress of concerns mentioned today.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Building Better Transportation Committee – February 6, 2006 Council Member Campos, Chair (Cont'd.)

- (2) Status Report on Proposed Relinquishment of Capitol Expressway from Santa Clara County to the City of San José

The Committee accepted the report with Staff directed to continue to try to minimize the City expense on segment three of the report, Quimby to 87, and to bring back a final agreement to Council.

- (e) Oral Petitions
There were none.

- (f) Adjournment
The meeting was adjourned at 2:53 p.m.

The Building Better Transportation Committee Report and the Actions of February 6, 2006, were accepted.

6.2 Approval of an agreement for the purchase of Technical Systems for the Airport IT Masterplan.

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

- (a) Execute an agreement with Air-Transport IT Services, Inc. for the purchase of technology and Integrated Systems for the Norman Y. Mineta San José International Airport, in an amount not to exceed \$6,492,877 including all hardware, software, the first year of support and professional services required to implement the system, and all applicable sales taxes.
- (b) Execute four, one-year options for ongoing maintenance and support without further Council action other than the appropriation of funding, as follows: Year 2: \$576,371.00; Year 3: \$604,903.00; Year 4: \$634,920.00; Year 5: \$666,507.00, and;
- (c) Execute change orders in an amount not to exceed \$850,000.00 as contingency to cover unanticipated changes in the system design and/or installation.
(Airport/Finance)

(Deferred from 2/14/06 – Item 6.2)

Resolution No. 73082 adopted.

6.3 Approval of actions for the Lucretia Avenue Widening Project.

Recommendation: Report on bids and award of contract for the Lucretia Avenue Widening (Story Road to Phelan Avenue) Project to the lowest responsive bidder, Wattis Construction Company, Inc., in the amount of \$1,101,051, and approval of five percent contingency in the amount of \$55,000. CEQA: Mitigated Negative Declaration, PP05-003. Council District: 7. (Public Works)

Approved.

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval of actions related to the Recycle Plus Rates.

Recommendation:

- (a) Conclude the Public Hearing on proposed Recycle Plus rate increases to be effective April 1, 2006, and on potential increases for Fiscal Years 2006-07 and 2007-08.
- (b) Adoption of a resolution revising Recycle Plus rates for integrated waste management services beginning April 1, 2006, increasing single-family rates by 5% and multi-family rates by 2%.

(Environmental Services/City Manager's Office)

(Deferred from 2/14/06 – Item 7.1)

Resolution No. 73083 adopted, with Staff directed to return with:

- (1) **A menu of options (fines, fees, incentives), including best practices from other Cities.**
- (2) **Full analysis of the pricing scheme the City of San José currently uses.**
- (3) **A mechanism to charge a fee or fine for contaminated recycling bins.**

Noes: Campos, Cortese, LeZotte, Yeager.

7.2 Approval to amend agreements related to transferring one million gallons of waste water capacity.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute amendments to agreements among cities of San Jose, Santa Clara, Milpitas and West Valley Sanitation District to reflect the transfer of one million gallons of wastewater capacity in the San Jose/Santa Clara Water Pollution Plant from West Valley Sanitation District to the City Of Milpitas. CEQA: Not a Project. (Environmental Services)

Deferred to 3/7/06.

8. PUBLIC SAFETY SERVICES

8.1 Acceptance of the 2005 Annex A update on the roles of elected officials during declared disaster.

Recommendation: Acceptance of the 2005 Annex A update on the roles of elected officials during declared disasters as part of the City's Emergency Operations Plan. CEQA: Not a Project. (Emergency Services)

(Deferred from 1/10/06 – Item 8.1 and 2/14/06 – Item 8.1)

Deferred to 3/21/06.

8. PUBLIC SAFETY SERVICES

8.2 Approval to submit the Fire Station Construction at Silver Creek Linear Park Ballot Measure.

Recommendation: Adoption of a resolution ordering, on the Council's own motion, the submission to the electors of the City, at the Municipal Election to be held on June 6, 2006, a measure entitled "Fire Station Construction – Silver Creek Linear Park". CEQA: Exempt PP06-009. Council District: 8. (Fire/Public Works/Parks, Recreation and Neighborhood Services)

Resolution No. 73084 adopted.

8.3 Acceptance of the Independent Police Auditor's Mid-Year Report Policy recommendations.

Recommendation: Acceptance of the Independent Police Auditor's (IPA) 2005 Mid-Year Report Policy recommendations and the San José Police Department's (SJPD) Response.

(a) Acceptance of the San José Police Department Taser Usage Guidelines presented to City Council on November 29, 2005, and;

Report Accepted, with Staff directed to:

- (1) **Route an information memorandum of the glossary of terms used in the Duty Manual Guidelines.**
- (2) **Return in one year with an update.**

(b) Acceptance of the IPA's recommendation that the IPA receive copies of the homicide reports for the SJPD's officer-involved shootings and in-custody deaths. (IPA/City Manager's Office)

Report Accepted.

Noes: LeZotte.

8.4 Acceptance of the Independent Police Auditor Outreach Plan.

Recommendation: Acceptance of the Independent Police Auditor (IPA) Outreach Plan. (IPA)

Report Accepted.

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

9.1 Approval of the Quarterly Status Report on the CIP and SNI Projects.

Recommendation: Acceptance of the Quarterly Report on the Citywide Capital Improvement Program (CIP) including Parks, Library, and Public Safety Bond Projects, Strong Neighborhoods Initiative (SNI) Projects, and Redevelopment Agency funded projects. CEQA: Not a Project. (City Manager's Office/Redevelopment Agency)

Deferred to 3/7/06.

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

9.2 Approval of actions related to the acquisition of real properties for the expansion of the Alma Community Center.

Recommendation:

- (a) Adoption of a resolution by the City Council determining that the public interest and necessity require the acquisition of the 25% undivided real property interest owned by Sal Petronio in the real property located at 114 Alma Avenue, in San Jose, California (APN 434-23-143) in the Strong Neighborhoods Initiative - Washington Area, and authorizing the City Attorney to file suit in eminent domain to acquire his undivided real property interest, to apply for an order of possession before judgment and to prosecute the action to final judgment, and authorizing the deposit of \$53,475 in court for possession of his real property from the funds lawfully available.
- (b) Approval by the City Council of a Purchase and Sales Agreement with the Pusateri family, in the amount of \$168,150 plus related closing costs, for the acquisition of 102-104 W. Alma Avenue (APN 434-23-139) for the future expansion of the Alma Community Center.
- (c) Approval by the City Council of a Purchase and Sales Agreement with the Petronio sisters, in the amount of \$160,425 plus related closing costs, for the acquisition of their 75% undivided real property interest in 114 W. Alma Avenue (APN 434-23-143) for the future expansion of the Alma Community Center.
- (d) Adoption of a resolution by the Redevelopment Agency Board authorizing the Executive Director to deposit \$328,575, plus related closing costs not to exceed \$20,000 into escrow for the acquisition of 114 and 102-104 W. Alma Avenue, to execute any additional documents necessary to close escrow, and to deposit \$53,475 with the Superior Court in connection with the eminent domain action.
- (e) Adoption by the City Council of the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Services for Redevelopment Capital Fund (Fund 450):
 - (1) Establish an appropriation to Public Works for the Department of Public Works Real Estate Services - Alma Avenue Acquisition project in the amount of \$15,000.
 - (2) Increase the estimate for Earned Revenue for the amount by \$15,000.

Council District: 7. CEQA: Exempt; File No. PP06-006. (City Manager's Office/ Redevelopment Agency)

Deferred to 3/14/06.

- **Closed Session Report**
No Report.
- **Notice of City Engineer's Pending Decision on Final Maps**
None.
- **Notice of City Engineer's Award of Construction Projects**
None.
- **Open Forum**
 - (1) **Bill Chew, candidate for District 3, pointed out that he was the first candidate to qualify per the City Clerk.**
 - (2) **Robert Apgar voiced his own personal observations.**
 - (3) **Mark Trout voiced his own personal religious views.**
- **Adjournment**
The Council of the City of San José was adjourned in memory of the victims of the landslide tragedy in the Philippines and in honor of Irwin Lorenzo Dillon II at 5:20 p.m.