



MINUTES OF THE CITY COUNCIL

SAN JOSÉ, CALIFORNIA

TUESDAY, MARCH 4, 2008

The Council of the City of San José convened in regular session at 9:30 a.m. in the Council Chambers at City Hall.

Present: Council Members - Campos, Chirco, Chu, Constant, Cortese, Liccardo, Nguyen, Oliverio, Pyle, Williams; Reed.

Absent: Council Members - None.

Upon motion unanimously adopted, Council recessed at 9:30 a.m. to a Closed Session in Room W133, (A)) to confer with Legal Counsel pursuant to Government Code Section 54956.9, subsection (a) with respect to existing litigation in the cases of (1) Velez v. Luu, et al.; Names of Parties Involved: Sarah Lee Velez, Sherill Braga, Lin Luu, City of San José and Does 1 through 50; Court: Superior Court of California, County of Santa Clara; Case No: 1-07-CV-081590; Amount of Money or other Relief Sought: In excess of \$25,000, according to proof; (2) Vietnamese American Community of Northern California v. City of San José, et al.; Names of Parties Involved: Vietnamese American Community of Northern California, City of San José and City Council of San José; Court: Superior Court of California, County of Santa Clara; Case No: 1-08-CV-107082; Amount of Money or other Relief Sought: For declaratory and injunctive relief according to proof. (B) Threat to Public Services or Facilities: to confer with Legal Counsel with the San José Police Department Police Chief. (C) to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Manager Designee Alex Gurza; Employee Organizations: to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Manager Designee Alex Gurza; Employee Organizations: (1) Organization or Name and Title of Unrepresented Employees: San José Police Officers' Association; Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement, City of San José and San José Police Association; (2) Organization or Name and Title of Unrepresented Employees: International Brotherhood of Electrical Workers, Local 332; Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Brotherhood of Electrical Workers, Local 332; (3) Organization or Name and Title of Unrepresented Employees:

Access the video, the agenda and related reports for this meeting by visiting the City's website at <http://www.sanjoseca.gov/clerk/agenda.asp> or <http://www.sanjoseca.gov/clerk/MeetingArchive.asp>. For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266.

(Cont'd.)

International Association of Firefighters, Local 230; Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Association of Firefighters, Local 230. How to obtain a copy of existing contract or MOA: web: <http://www.sanjoseca.gov/employeerelations/moa.asp>; Telephone for Employee Relations: 408-535-8150.

By unanimous consent, Council recessed from the Closed Session at 11:56 a.m. and reconvened at 1:31 p.m. in the Council Chambers.

Present: Council Members - Campos, Chirco, Chu, Constant, Cortese, Liccardo, Nguyen, Oliverio, Pyle, Williams; Reed.

Absent: Council Members - None.

INVOCATION

Pastor Jim Crawford, San José First Church, presented an inspirational prayer for the Invocation. (District 3)

PLEDGE OF ALLEGIANCE

Mayor Reed led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Council Member Pyle, seconded by Council Member Liccardo and carried unanimously, the Orders of the Day and the Amended Agenda were approved, and Items 3.2, 3.9 and 3.10 were deferred to March 11, 2008. (9-0-2. Absent: Cortese, Oliverio.)

CEREMONIAL ITEMS

1.1 Presentation of an award to the City of San José from Kids in Common for taking bold steps to improve children's lives by partnering to create the Children's Health Initiative. (Chirco)

Action: The City of San José was recognized by Kids in Common for taking bold steps to improve children's lives by partnering to create the Children's Health Initiative. Council Member Chirco presented the award to Mayor Reed who accepted on behalf of the City.

- 1.2 Presentation of a commendation to Jesse Carabajal, a City of San José Parks employee, for his heroic efforts to save a high school student's life from alcohol poisoning. (Constant)**

Action: Mayor Reed and Council Member Constant recognized and commended Jesse Carabajal, a City of San José Parks employee, for his heroic efforts.

- 1.3 Presentation of a commendation to Luis Valdez for his accomplishments as a writer, director and playwright and his commitment to community and efforts to inspire students. (Liccardo/Campos)**

Action: Mayor Reed and Council Members Liccardo and Campos recognized and commended Luis Valdez for his accomplishments as a writer, director and playwright and his commitment to community.

- 1.4 Presentation of a proclamation declaring March as National Nutrition Month and March 10, 2008 as Registered Dietician Day in the City of San José. (Mayor)**

Action: Mayor Reed recognized March as "National Nutrition Month" and March 10, 2008 as "Registered Dietician Day" in the City of San José.

CONSENT CALENDAR

Upon motion by Council Member Pyle, seconded by Council Member Campos and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0.)

- 2.3 As recommended by the Parks and Recreation Commission of January 16, 2008, name a new park located at Falls Creek Drive and Batten Way as "Falls Creek Park". (City Clerk)**

Documents Filed: Memorandum from City Clerk Lee Price, dated January 30, 2008, transmitting the recommendations of the Rules and Open Government Committee.

Action: The name "Falls Creek Park" for the new park located at Falls Creek Drive and Batten Way was approved. (11-0.)

- 2.4 (a) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for 2007-2008:**
- (1) Increase the estimate for Earned Revenue by \$879,591.**
 - (2) Increase the appropriation to the Public Works Department for the San Antonio Avenue Traffic Signal Modification project (PSM #475, Amendment 1) in the amount of \$349,528.**

- 2.4 (a) (3) **Increase the appropriation to the Department of Public Works for the Eden Avenue Streetscape Improvement project (PSM #487, Amendment 1) in the amount of \$353,036.**
- (4) **Establish an appropriation to the Department of Parks, Recreation & Neighborhood Services for the Alma Community Center Improvement project (PSM #524) in the amount of \$177,027.**
- (b) **Adoption of a resolution making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with the Alma Community Center Improvement project as more specifically described in the memorandum from the Redevelopment Agency, dated January 17, 2008.**

CEQA: Exempt, File Nos. PP06-210, PP07-240 and PP04-049. Council Districts: 1, 5, and 7. SNI: Mayfair/Washington/Winchester. (Public Works/Parks, Recreation and Neighborhood Services/City Manager's Office)

Documents Filed: Memorandum from Director of Public Works Katy Allen, Director of Parks, Recreation and Neighborhood Services Albert Balagso and Budget Director Larry Lisenbee, dated February 11, 2008, recommending adoption of appropriation ordinance and funding sources resolution amendments and a resolution.

Action: [Ordinance No. 28257](#), entitled: "An Ordinance of the City of San José Amending Ordinance No. 28071 to Appropriate Monies in the Services for Redevelopment Capital Projects Fund for the San Antonio Avenue Traffic Signal Modification Project, for the Eden Avenue Streetscape Improvement Project and for the Alma Community Center Improvement Project; and Providing that This Ordinance Shall Become Effective Immediately Upon Adoption"; [Resolution No. 74258](#), entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 73862 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2007-2008 to Adjust Revenues in the Services for Redevelopment Capital Projects Fund" and [Resolution No. 74259](#), entitled: "A Resolution of the Council of the City of San José Making Certain Determinations Regarding the Expenditure of Redevelopment Agency Funds for Certain Public Improvements in the Strong Neighborhoods Initiative Development Project Area", were adopted. (11-0.)

2.5 Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

- (a) **Increase the 2006 Super Urban Area Security Initiative appropriation by \$4,848.**
- (b) **Increase the 2006 Metropolitan Medical Response System appropriation by \$6,969.**
- (c) **Increase the estimate for Revenue from the federal government by \$11,817.**

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

Documents Filed: Memorandum from Director of Office of Emergency Services Kimberly Shunk and Budget Director Larry Lisenbee, dated February 11, 2008, recommending appropriation ordinance and funding sources resolution amendments.

2.5 (Cont'd.)

Action: [Ordinance No. 28258](#), entitled: "An Ordinance of the City of San José Amending Ordinance No. 28071 to Appropriate Monies in the General Fund for the 2006 Super Urban Area Security Initiative and for the Metropolitan Medical Task Force Grant; and Providing that This Ordinance Shall Become Effective Immediately Upon Adoption" and [Resolution No. 74260](#), entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 73862 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2007-2008 to Adjust Revenues in the General Fund", were adopted. (11-0.)

2.6 **Adoption of a resolution approving an increase from 50% to 100% of land price that can be funded under the City's property acquisition loan program for affordable housing projects that receive a funding commitment from the City Council. CEQA: Not a Project. (Housing)**

Documents Filed: Memorandum from Director of Housing Leslye Krutko, dated February 11, 2008, recommending adoption of a resolution.

Action: [Resolution No. 74261](#), entitled: "A Resolution of the Council of the City of San José Approving an Increase from 50% to 100% of Land Price that Can Be Funded under the City's Property Acquisition Loan Program for Affordable Housing Projects that Receive a Funding Commitment from the City Council", was adopted. (11-0.)

2.7 (a) **Adoption of a resolution:**

- (1) **Approving a grant for \$300,000 to the Office of Economic Development, through its Work2future Program from the Housing Trust Fund, out of the Housing and Homeless Projects Appropriation, for the implementation of Project Hope - homeless, a job training and employment preparation program for forty-two homeless and at-risk individuals.**
- (2) **Approving a grant of \$300,000 to the Office of Economic Development, through its Work2future Program from the Housing Trust Fund, out of the Housing and Homeless Projects Appropriation, for the implementation of Project Hope - ex-offenders, a job training and employment preparation program for twenty eight non-violent, ex-offenders recently released back into the community.**
- (3) **Authorizing the Director of Housing to execute all necessary documents to implement the two programs.**
- (4) **Authorizing the Director of Housing to accept up to \$320,000 in a Federal Appropriation grant from the Department of Labor to fund a new job training and employment preparation program and to execute any necessary documents to effectuate the grant.**

(b) **Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Housing Trust Fund for 2007-2008:**

- (1) **Increase the estimate for Earned Revenue by \$320,000.**
- (2) **Establish an appropriation for the Job Training Grant Program in the amount of \$320,000.**

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

2.7 (Cont'd.)

Documents Filed: Memorandum from Director of Housing Leslye Krutko and Budget Director Larry Lisenbee, dated February 11, 2008, recommending adoption of a resolution and appropriation ordinance and funding sources resolution amendments.

Action: [Resolution No. 74262](#), entitled: "A Resolution of the Council of the City of San José Approving Grants to the Office of Economic Development for its Work2Future Program from the Housing Trust Fund for Project Hope Programs, Authorizing the Director of Housing to Execute All Necessary Documents to Implement the Programs and Authorizing the Director of Housing to Accept a Grant from the Department of Labor for a Job Training Pilot Program"; [Ordinance No. 28259](#), entitled: "An Ordinance of the City of San José Amending Ordinance No. 28071 to Appropriate Monies in the Housing Trust Fund for the Job Training Grant Program; and Providing that This Ordinance Shall Become Effective Immediately Upon Adoption" and [Resolution No. 74263](#), entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 73862 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2007-2008 to Adjust Revenues in the Housing Trust Fund", were adopted. (11-0.)

**2.8 Request for an excused absence for Council Member Williams from the Regular Meeting of the Public Safety, Finance and Strategic Support Committee on February 21, 2008 due to Authorized City Business: attendance at the Capital Corridor Joint Powers Authority follow-up meeting of the intercity corridor agencies in Sacramento, CA. (Williams)
(Rules Committee referral 2/20/08)**

Documents Filed: Memorandum from Council Member Williams, dated February 21, 2008, requesting an excused absence due to authorized City business.

Action: The absence was excused. (11-0.)

2.9 Adoption of a resolution authorizing the City Manager to submit an application to the Federal Office of Juvenile Justice and Delinquency grant in the amount of \$493,500 to support the efforts of the Mayor's Gang Prevention Task Force and to execute a grant agreement accepting the grant and any collateral documents, and to execute amendments to the grant agreement to extend or modify the grant period or to accept additional grant funds under this grant. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Balagso, dated February 25, 2008, recommending adoption of a resolution.

Action: [Resolution No. 74264](#), entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Parks, Recreation and Neighborhood Services to Negotiate and Execute Agreements and Amendments to Agreements Related to the 2007-2008 After School Programs", was adopted. (11-0.)

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Debra Figone (Verbal Report)

Action: City Manager Debra Figone reported that the General Fund forecast was released on March 3, 2008.

3.2 Report of the Rules and Open Government Committee – February 20, 2008 Mayor Reed, Chair

Action: Deferred to March 11, 2008 per Orders of the Day.

3.3 Report of the Public Safety, Finance and Strategic Support Committee Council Member Nguyen, Chair - February 21, 2008

Documents Filed: The Public Safety, Finance and Strategic Support Committee Report dated February 21, 2008.

Action: Upon motion by Council Member Nguyen, seconded by Council Member Constant and carried unanimously, the Public Safety, Finance and Strategic Support Committee Report and the actions of February 21, 2008 were accepted. (11-0.)

- 3.4 (a) **Direction to the City Attorney to prepare an amendment to the City Charter to allow the City Council by majority vote to place Council Appointees on administrative leave for placement on a future ballot.**
- (b) **Discussion of the California Elections Code recall process which allows voters to recall an official and elect his or her successor by a plurality vote in the same election, and direction to the City Attorney to prepare amendments to the Charter if the Council approves changes to the City of San José recall process consistent with the California Elections Code.**
- (c) **Discussion and direction on when to require a Member of the Council to abstain from participating in and voting on a matter before the City Council if to participate in the particular matter would create an appearance of bias.**
- (d) **Discussion of alternate City Council salary setting methods and direction to the City Attorney to prepare a Charter amendment if a change to the current method is approved.**
- (City Attorney's Office)

Documents Filed: (1) Memorandum from City Attorney Richard Doyle, dated January 3, 2008, regarding proposed Amendments to City Charter and Municipal Code. (2) Memorandum from City Attorney Richard Doyle, dated January 6, 2008, regarding Charter Change – Council Appointee Administrative Leave. (3) Memorandum from City Attorney Richard Doyle, dated January 3, 2008, regarding proposed Charter Amendment on Recall Elections. (4) Memorandum from City Attorney Richard Doyle, dated January 4, 2008, regarding Abstention Ordinance. (5) Memorandum from City Attorney Richard Doyle, dated January 6, 2008, regarding Council Setting Methods and Options.

Action: Dropped. Referred to Rules and Open Government Committee per Mayor Reed.

- 3.5 Approval of an ordinance amending Section 2.08.4830 of Chapter 2.08 of Title 2 of the San José Municipal Code to shorten the term for members of the Youth Commission to two-year terms from three-year terms, and to allow the Council to modify the term dates for Youth Commissioners in order to achieve continuity of membership on the Youth Commission. CEQA: Not a Project. (City Attorney's Office)**

Documents Filed: Memorandum from City Attorney Richard Doyle, dated February 21, 2008, recommending approval of an ordinance.

Action: Upon motion by Council Member Chirco, seconded by Council Member Pyle and carried unanimously, [Ordinance No. 28260](#), entitled: "An Ordinance of the City of San José Amending Section 2.08.4830 of Chapter 2.08 of Title 2 of the San José Municipal Code to Amend the Term for Members of the Youth Commission to Two Year Terms and to Allow the Council to Modify the Term Dates for Youth Commissioners in Order to Achieve Continuity of Membership on the Youth Commission", was passed for publication. (11-0.)

- 3.6 Adoption of a resolution approving a City Council Policy on Labor Negotiation Guidelines. CEQA: Not a Project. (City Attorney's Office) (Rules Committee referral 01/30/08)**

Documents Filed: (1) Memorandum from City Attorney Richard Doyle, dated February 21, 2008, recommending adoption of a resolution. (2) Letter from Robert Lopez, President, San José Police Officers' Association, dated March 3, 2008, expressing opposition to the current draft of the Council Labor Negotiations Guidelines.

City Attorney Richard Doyle outlined the revised Council Labor Negotiation Guidelines and responded to Council questions and comments.

A short discussion followed with additional clarifications as noted in "Action".

Action: Upon motion by Council Member Nguyen, seconded by Council Member Pyle and carried unanimously, [Resolution No. 74265](#), entitled: "A Resolution of the Council of the City of San José Approving a City Council Policy on Labor Negotiation Guidelines", was adopted approving Council Policy 0-39, as amended: (1) Modify Line 2 of Provision to read: Members of the City Council shall not knowingly respond to or discuss any proposals not presented to the negotiating team or any confidential closed session discussion. (2) City Manager to consult with the City Attorney and the Office of Employee Relations on a recommended process for Council Members to communicate material information to the City Manager. (11-0.)

- 3.8 Adoption of a resolution authorizing the Director of Finance to execute any necessary documentation to make purchases from PC Mall Gov Microsoft software licensing, under the pricing, terms, and conditions obtained under the Microsoft Select License Agreement for State and Local Governments not to exceed \$500,000 for the first year, and for two additional years, as may be required, subject to annual appropriations. CEQA: Not a Project. (Finance)**

3.8 (Cont'd.)

Motion: Council Member Pyle moved approval of the Staff recommendations. Council Member Nguyen seconded the motion.

Deputy Director of Finance Walter Rossman and City Manager Debra Figone responded to Council questions and comments.

Substitute Motion: Council Member Oliverio moved to defer Item 3.8, with Staff directed to pursue better pricing with Microsoft. Council Member Liccardo seconded the motion.

Discussion followed.

Public Comments: Ross Signorino spoke in support of the substitute.

Action: On a call for the question, the substitute motion carried unanimously and Item 3.8 was deferred thirty (30) days with direction to Staff to pursue better pricing from Microsoft. (11-0.)

**3.9 Report of the Rules and Open Government Committee – February 6, 2008
Mayor Reed, Chair**

Action: Deferred to March 11, 2008 per Orders of the Day.

**3.10 Report of the Rules and Open Government Committee – February 13, 2008
Mayor Reed, Chair**

Action: Deferred to March 11, 2008 per Orders of the Day.

- 3.11 (a) Approval of Amendment No. 3 to the Naming Rights and Trademark License Agreement among the City, San José Arena Management, San José Sharks and Hewlett Packard Corporation removing certain restrictions on the use of a portion of the funds received by the City in exchange for the Arena naming rights.**
- (b) Adoption of a resolution specifying the City Council's intent to use the additional funds from the Naming Rights Agreement for any use allowed under the Council Expenditure and Reimbursement Policy, except personnel.**
- (City Attorney)**
(Rules Committee referral 1/30/08)
(Deferred from 2/12/08 – Item 3.5 and 2/26/08 – Item 3.5)

Action: Deferred to March 11, 2008, per City Attorney's Office.

**3.12 Adoption of a resolution calling for a Regular Municipal Election on June 3, 2008 and a Run-Off Municipal Election on November 4, 2008, If need be, for the purpose of electing Council Members for Districts 2, 4, 6, 8 and 10 and requesting consolidation with the County of Santa Clara. (City Clerk)
(Rules Committee referral 02/27/08)**

Documents Filed: Memorandum from City Clerk Lee Price, dated February 22, 2008, recommending adoption of a resolution.

Action: Upon motion by Council Member Williams, seconded by Council Member Nguyen and carried unanimously, [Resolution No. 74266](#), entitled: “A Resolution of the Council of the City of San José Calling and Giving Notice of a Regular Municipal Election to be Held in the City of San José on June 3, 2008 for the Purpose of Electing One Person Each from Council Districts Two, Four, Six, Eight and Ten to the Council of the City of San José for Full Four Year Terms; Requesting the Consolidation of Said Election with the State Primary Election to be Held in Santa Clara County on June 3, 2008 Requesting the Board of Supervisors of the County of Santa Clara to Canvass the Returns of Said Election and to Permit the County Registrar of Voters to Render Services to the City of San José Relating to the Conduct of Said Election and a Runoff Municipal Election if Necessary and Directing that Certain Other Actions be Taken with Regard to the Election”, was adopted. (11-0.)

**3.13 Adoption of support for Federal Housing Legislation JR840 (Carson) Homeless Emergency Assistance and Rapid Transition to Housing Act of 2007 and S1518 (Reed) – Community Partnership to End Homelessness Act of 2007, if amended. (Housing)
(Rules Committee referral 02/27/08)**

Documents Filed: Memorandum from Director of Housing Leslye Krutko, dated February 13, 2008, recommending support positions.

Council Member Campos noted that both bills would require the establishment of a community board and asked Staff to clarify why they are supporting one and not the other.

Action: Upon motion by Council Member Nguyen, seconded by Council Member Liccardo and carried unanimously, the support positions adopted, with Director of Housing requested to report back clarifying why Staff is recommending amending one of the bills but not the other as it relates to establishment of a community board. (11-0.)

COMMUNITY & ECONOMIC DEVELOPMENT

- 4.2 (a) Adoption of a resolution approving the creation of a \$10 million second-mortgage loan commitment program to be used to assist homebuyers purchase homes in new construction developments, under which the Director of Housing is authorized to: establish project selection criteria; publish a Notice of Funding Availability (NOFA); review and rank applications; reserve funding for homebuyers in individual developments; and fund second mortgages to income-qualified buyers.
- (b) Adoption of a resolution approving a City policy to set the housing-cost cap at 35% of household income for City-assisted homebuyers whose incomes are between 110% and 120% of Area Median Income.
- (c) Adoption of the following Appropriation Ordinance amendments in the Low- and Moderate-Income Housing Fund in 2007-2008:
- (1) Decrease the appropriation for Loans, Grants and Site Acquisition by \$10,000,000.
 - (2) Establish an appropriation for the Second-Mortgage Commitment Program in the amount of \$10,000,000.

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

Documents Filed: Memorandum from Director of Housing Leslye Krutko and Budget Director Larry Lisenbee, dated February, 11, 2008, recommending adoption of resolutions and appropriation ordinance amendments.

Action: Upon motion by Council Member Pyle, seconded by Council Member Liccardo and carried unanimously, [Resolution No. 74267](#), entitled: "A Resolution of the Council of the City of San José Approving the Creation of a \$10 Million Second Mortgage Loan Commitment Program to be Used to Assist Homebuyers to Purchase Homes in New Construction Developments, Under Which the Director of Housing is Authorized to Establish Projection Selection Criteria; Publish a Notice of Funding Availability; Review and Rank Applications; Reserve Funding for Homebuyers in Individual Developments; and Fund Second Mortgages to Income Qualified Buyers"; [Resolution No. 74268](#), entitled: "A Resolution of the Council of the City of San José Approving a City Policy to Set the Housing Cost Gap at 35% of Household Income for City Assisted Homebuyers Whose Incomes are Between 110% and 120% of Area Median Income" and [Ordinance No. 28261](#), entitled: "An Ordinance of the City of San José Amending Ordinance No. 28071 to Appropriate Monies in the Low and Moderate Income Housing Fund for the Second Mortgage Commitment Program; and Providing that This Ordinance Shall Become Effective Immediately Upon Adoption", were adopted. (11-0.)

TRANSPORTATION & AVIATION SERVICES

- 6.2 **Report on Request for Proposal (RFP) for a Closed Circuit Television system for the Norman Y. Mineta International Airport and adoption of a resolution authorizing the Director of Finance to:**

- 6.2 (a) Execute an agreement with 180 Connect for the purchase and installation of a Closed Circuit Television System for the Norman Y. Mineta San José International Airport, in an amount not to exceed \$1,708,368 including all hardware, software, sales tax, and the first year of maintenance and support and professional services.
- (b) Exercise four one-year options for ongoing maintenance subject to the appropriation of funds.
- (c) Execute change orders in an amount not to exceed \$342,000 as contingency to cover unanticipated changes in the system design and/or installation.
- CEQA: Resolution Nos. 67380 and 71451, File No. PP06-004. (Finance)**

Action: Deferred to March 11, 2008 per Administration.

- 6.3 **Report on Request for Proposal (RFP) for a Public Address System at the Norman Y. Mineta San José International Airport and adoption of a resolution authorizing the Director of Finance to:**
- (a) Execute an agreement with Signatures Technology Inc., DBA Com-Net Software for the purchase and installation of a Public Address System for the Norman Y. Mineta San José International Airport, in an amount not to exceed \$1,652,805 including all hardware, software, sales tax and the first year of support and professional services.
- (b) Exercise four one-year options for ongoing maintenance subject to the appropriation of funds.
- (c) Execute change orders in an amount not to exceed \$330,560 as contingency to cover unanticipated changes in the system design and/or installation.
- CEQA: Resolution Nos. 67380 and 71451, File No. PP06-004. (Finance)**

Documents Filed: Memorandum from Director of Finance Scott Johnson, dated February 11, 2008, recommending adoption of a resolution.

Assistant Director of Aviation Frank Kirkbride and Deputy Director of Finance Walter Rossman responded to Council questions.

Public Comments: Ross Signorino spoke in support of the Staff recommendations.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Nguyen and carried unanimously, [Resolution No. 74269](#), entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Finance to Execute an Agreement with Signatures Technology, Inc. DBA Com-Net Solutions Software for the Purchase and Installation of a Public Address System for the Norman Y. Mineta San José International Airport”, was adopted. (11-0.)

ADJOURNMENT

The Council of the City of San José adjourned the afternoon session at 2:57 p.m.

RECESS/RECONVENE

The City Council recessed at 2:57 p.m. from the afternoon Council Session and reconvened at 7:02 p.m. in the Council Chambers, City Hall.

Present: Council Members - Campos, Chirco, Chu, Constant, Cortese, Liccardo, Oliverio, Nguyen, Pyle, Williams; Reed.

Absent: Council Members - None.

City Clerk Lee Price read the requests for continuance of the applications. Upon motion by Council Member Campos, seconded by Council Member Nguyen, and carried unanimously, the below noted continuances and actions were taken as indicated. (11-0.)

PUBLIC HEARINGS

- 11.2 Consideration of an ordinance rezoning the real property bounded between San Felipe Road and Rachaella Lane and located north of Rachaella Lane land at the terminus of Gayley Place from the A-Agriculture District to the A(PD) Planned Development Zoning District to allow up to three single-family detached residences on a 2.69 gross acres site (consisting of approximately 0.63 acres of which are bounded between San Felipe Road and Rachaella Lane and approximately 2.06 acres of which are located north of Rachaella Lane land at the terminus of Gayley Place) (Superior Real Estate Development & Investment, Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).
PDC06-104 – District 8**

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. PDC06-104, dated October 4, 2006, recommending approval. (2) Memorandum from Planning Commission Secretary Joseph Horwedel, dated February 15, 2008, transmitting the Planning Commission recommendation of approval. (3) Proof of Publication of Notice of Public Hearing, executed on February 1, 2008, submitted by the City Clerk.

Motion: Vice Mayor Cortese moved approval of the Staff recommendations. Council Member Oliverio seconded the motion.

Mayor Reed opened the public hearing.

Public Comment: Maxine Lyn spoke in opposition to the project stating the pad elevation is too high and will invade her privacy.

Mayor Reed closed the public hearing.

11.2 (Cont'd.)

Director of Planning, Building and Code Enforcement Joseph Horwedel stated that because of the size of the lots there will be dense landscaping to provide screening.

Vice Mayor Cortese requested that Staff work out the logistics to help maintain privacy and suggested that the speaker participate in the Planned Development process where those details will be decided.

Action: On a call for the question, the motion carried unanimously, the recommendation of the Planning Commission and the Planning Director was approved, and [Ordinance No. 28262](#), entitled: "An Ordinance of the City of San José Rezoning Certain Real Property Approximately 0.63 Acres Bounded Between San Felipe Road and Rachaella Lane and Approximately 2.06 Acres Located North of Rachaella Lane at the Terminus of Gayley Place to A(PD) Planned Development Zoning District", was passed for publication. (11-0.)

11.3 **Consideration of an ordinance rezoning the real property located on the south side of Tully road 500 feet westerly of Capitol Expressway from A-Agriculture and IP-Industrial Park Zoning District to A(PD) Planned Development Zoning District to allow a parking lot and open space uses on a 5.5 gross acre site (General Growth Properties, Owner). CEQA: Mitigated Negative Declaration and addendum thereto. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.** **PDC07-070 – District 8**

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. PDC07-070, dated February 13, 2008, recommending approval. (2) Proofs of Publications of Notices of Public Hearings, executed on February 22, 2008 and February 25, 2008, submitted by the City Clerk. (3) Letter from Berliner Cohen Attorneys at Law, dated February 28, 2008, regarding the Tully Road Rezoning.

Mayor Reed opened the public hearing.

Public Comment: Andrew Faber, representing the Applicant, stated that he was available for questions. There was no further testimony from the floor. Mayor Reed closed the public hearing.

Council disclosures were made by Mayor Reed and Cortese

Action: Upon motion by Vice Mayor Cortese, seconded by Council Member Constant and carried unanimously, the recommendation of the Planning Director was approved, and [Ordinance No. 28263](#), entitled: "An Ordinance of the City of San José Rezoning Certain Real Property Situated at the South Side of Tully Road 500 Feet Westerly of Capitol Expressway from A Agricultural and IP Industrial Park Zoning Districts to A(PD) Planned Development Zoning District", was passed for publication. (11-0.)

OPEN FORUM

- (1) Ross Signorino remarked that there were many pleasant people to talk to while waiting in line to speak at tonight's meeting.

STRATEGIC SUPPORT SERVICES

3.7 As recommended by the Rules and Open Government Committee:

- (a) Adoption of a resolution rescinding Resolution No. 74127.
- (b) Adoption of a resolution recognizing Story Road, between Senter and US 101, as a Vietnamese retail destination.
- (c) Adoption of a resolution recognizing Story Road, between Senter and US 101, by a name to be determined by Council.
- (d) Consideration of options related to placing one or more measures on a ballot.
- (e) Reallocation of available funding currently budgeted for signage to help cover the cost of the election.
- (f) Direction to staff to draft a Council Policy that outlines a process to officially name areas or districts of the City.
- (g) Authorization to the City Manager to implement changes to allow for the placement of decorative street banners and gateway signs in the public right-of-way for the purposes of identifying unique retail areas.

(Rules Committee referral 02/13/08)

Documents Filed: (1) Information memorandum from Mayor Reed, dated February 29, 2008, explaining the logistics for the March 4, 2008 City Council meeting. (2) Memorandum from Mayor Reed and Council Member Nguyen, dated February 21, 2008, recommending four actions regarding the retail district designation. (3) Memorandum from Council Member Chu, dated February 29, 2008, recommending designating the name "Little Saigon" for the retail district. (4) Memorandum from City Clerk Lee Price, dated February 20, 2008, transmitting the recommendations of the Rules and Open Government Committee regarding the retail district. (5) Supplemental memorandum from City Clerk Lee Price, dated February 22, 2008, recommending options for the naming of the retail district. (6) Council packet translated in Vietnamese for the March 4, 2008 Council Meeting, submitted by the City Manager's Office. (7) Approximately 72 signatures in support of memorandum cosigned by Mayor Reed and Council Member Nguyen and also in support of "not" recalling Council Member Nguyen. (8) San José Voters for Democracy submitted approximately 4,000 post cards on March 4, 2008 in support of the name "Little Saigon" for the retail district on Story Road. (9) Approximately 1,800 green comment cards regarding naming the retail district on Story Road "Little Saigon" was submitted for the record. (10) Approximately 600 signatures submitted by San José Voters for Democracy, dated March 10, 2008, regarding the petition signed by 92 business owners. (11) Approximately 500 emails regarding naming the retail district "Little Saigon".

Deputy City Manager Ed Shikada presented background and options.

3.7 (Cont'd.)

Public Comments: Mayor Reed allowed 15 minutes each for the following two groups: James Chadwick and Barry Huns (San José Voters for Democracy) and Vincent Mai, David Ngo, Van Huynh, Dang Thai and Nai Bui (Our Voice). Approximately 255 speakers testified in of naming the business retail area “Little Saigon Business District”. Approximately 39 speakers spoke in support of a compromise. *Note: Some speakers either did not identify themselves or their names were not clearly stated for the record. The speakers are not in any particular order:*

Dang Hoa, Huy Nguyen, Hanh Tran, Chan Do, Chet Campanella, Henry Gage Sr., Ngan Truong, Minh Nguyen, Hoan Thuong, Hung Nguyen, Lien Phan, Monica Amador, Dennis King (Hispanic Chamber Silicon Valley), Ta Le Thu, Tom Cochran, John Nguyen (Community Activist of Volunteer), Ben Nguyen, Debbie Nghiem, David Mac, Khoi Ho, Erin, Brian Nguyen, Ann Mai, Van Tran, Lan Liem, My Nguyen, Duc (Our Voice), Charlie Ly, Kim Truong, Bob Kieve, Richard De La Rosa, Tuan Ly, Cong Pham, Khanh Tran, Hua Xuong, Thi Hoang, Long Le, Di Pham, Quyen Tran, Loi Truong, Toyen Do, Thanh Tran, Hinh Nguyen, Anh Le, Leha Dang, Sammy Castillo, Huong Dang, Hvy Nguyen, Hoang Tran, Anh Cunningham, Jade Pham, Paul Le, Du Do, Than Nguyen, Kha Vu, Thieu Nguyen, Thuy Nguyen, Quynh Hoa, Bich Thi Nguyen, Minh Duc Nguyen, Susie Hoang, Linh Pham, Tuan Nguyen, Dan Vo, Adele Tong, Richard Lopez, Hien Bui, Kristine Le, Loan Pham, Chu Duong, Andrew Khong, Son, Cuong Dang, Hieu Tran, Minh Nguyen, Hung Tieu, Kim Le Nguyen, Chau Le, Le Tam, Sutton Vo, Ton Ngo, Linda Ta, Phuong Tran, Ha Tran, Duc Vu, Hai Le, Le Thi Thuam, Chau Hyuh, To Nguyen, Mr. V. Vu, Matthew Ngo, David Nguyen, Richard Ha, Thuan-Vu Ho, Lani Nga Bui, Thy, Nhan Ho, Luu Phuong Nguyen, Kim Lien Pham, Patricia Vu, Michelle Nguyen, Cam Doan, Dennis Han, Sam Duong, Luong Phan, Nam Phan, Nhu Le, Bai Duong, Anh, Thua Nguen, Di Le, Sauh Nguyen, Hoa Van Pham, Phuong Cam Tran, Pari McIntyre, Bianco deCastro, Linh Nguyen, Ly Tai, Marvin Dao, Erik Bodoh, Tuan Tran, Joel Ruiz Herrera, David Blanco, Luong Do, Cam Nguen, Thuy Lynh Nguyen, Triet Le, Cai Nguyen, My Phan, Chau Nguyen, Dan Huynh, Be Nguyen, Linda, Thien Ton, Dinyh Nguyen, Hanh Truong, Lue Nguyen, On Do, Chi Nguyen, Jenny Sou Vo, Amy, Thanh Dinh, Danny Vinh Le, Andy Huynh, Lee Dong, Ngu Tran, Luc Manh, Hung Phan, Quy Tran, Hai Khoa Nguyen, Phung Mai, Chris Nguyen, Tammy Hoang, Le Liem, Thanh Ngo, Do Que, Nghia Chiem, Junior J Vo, Nghia Chime, Mong Hoai Phan, Hoang Xuyen Anh, Dung Le, Shawn, Julie, Thien Pham, Ruyen Tran, Kim Tran, Pete McHugh, Henry Phan, Xuan Phan, Yen La, Christie Ho, Josie Martinez, Long Vu, Minh Cao Nguyen, Doam Minh Nhat, Phung Dang Khoa, Hoa Nguyen, Choai Tran, Chau Nguyen Carol Ruong, Van Anh Trinh, Carolyn Wong, Jen Ngo, Anh Phan, Truong Trinh, Minh Tri Nguyen, Lang Do, Tran Lam, De Phan, Bau Nguyen, Tong Ly, Uike Mai, Reverend Liem Nguyen, Son Pham, Nghiep Phan, Amy Duong, Nga Nguyen, Thanh Ho, Christopher Bao, Le Chi Vu, John Nguyen, Khunh, Phung Tran, Dam Phan, Adrian Rodriguez, Lynna Tu, Jonathan Le, Anthony Phan, Mot Nguyen, Joseph McInerney, Thomas Nguyen, Tiep Ngo, Joseph Tran, David Hoaug, Tien Nguyen, Nai Chi, Luong Phan, Huy Nguyen, Sam Ho, Adam Nguyen, Ngo Nguyen, Landi Dang, Tao Vu, Linda Thuy Nguyen, Thanh Bui, Roy Que Heath, Dang, Hung Nguyen, Hoang Thxo,

3.7 (Cont'd.)

Thu Mai Pham, Hang Pham, Henry Ngo, Huong Nguyen, Minh Steven Douan, Do Toan Chi, Phadra Ellis Lamkins (South Bay Labor Council), Universe Vutra Nguyen, Thomas Cao, Ngo Thum, Pham Thuy Nga, Ding Huynh, Thien Le, Daniel Nguyen, Phong Nguyen, Joe Huynh, Frank Chavez (San José GI Forum), Chanh Nguyen, Dat Ly, Mary Do, Tinh Cao, Nhan Do, Khanh Phu Nguyen, Ruong Nguyen, Anh Tran, Tony Madrigal (City of Santa Cruz Council Member), Nghiep Bui, Quyen Nguyen, Robert Nguyen, Thach Pham, Oanh Hoang Nguyen, Laura Tran, Hoa Truong, Hien Vo, Do Le, Susan Ho, Mandy Ho, John Vuong, Thu Ha Nguyen, Cuc Nguyen, My Bich Vu, Van Le, Lien Vo, Bernard Wong (Vietnamese Veterans Association), Phu Le, Steven Do (San José Voters for Democracy), Phuong Thao Bui, Loan Doan, Vinh Doan, Huy Vu, Tran Huynh, Lyn, Darren Tran, Huong Nguyen, Le Nguyen, Tiffany Ton, Thau Nguyen, Cuc Tran, Lien Huynh, Robert Sandoval, Maria Lopez, Jose Aranda, Simon Lopez, Gloria Rivera (West Evergreen Neighborhood Association), Amanda Aldama, Juanta Moore (KTEH), Thoai Le, Lan Huong Ng, Ross Signorino, Ho Tran, Dr. Nhi Nguyen, John Zamora, Harvey Darnell, Minh Phu Nguyen, Dien Thao, Thanh Van, Lien Huong Nguyen M.D., Tim Nguyen, Mai Nguyen, Lan Nguyen, Steve Duong, Huong Tran, Long Trinh, Elizabeth Tran, Long Nguyen, Hui Nguyen, Steve Dang, Kelly Dinh, Thang Le, Thu Le, Cindy Lam, Chan Do, Nguyen Nguyen and Cuong Vu.

Extensive Council discussion followed.

Action: Upon motion by Council Member Nguyen, seconded by Council Member Williams and carried unanimously, the memorandum she cosigned with Mayor Reed, dated February 21, 2008 was approved (11-0.); [Resolution No. 74271](#), entitled: “A Resolution of the Council of the City of San José (1) Rescinding Resolution No. 74127. (11-0.); (2) Rescinding all Council Action Taken on June 5, 2007 Concerning Story Road, Between Senter Road and U.S. 101. (10-1. Noes: Cortese.); (3) Directing Staff to Review Existing Council Policies and/or Develop a New Council Policy on a Process to Officially Designate and Name Areas and Districts of the City”, was adopted. (11-0.)

Motion: Council Member Chu moved his memorandum dated February 29, 2008, recommending designating the name “Little Saigon” for the retail district. Vice Mayor Cortese seconded the motion. This motion failed with the passage of the following substitute motion.

Council Member Liccardo expressed concern that the Council should not impose a name on the street until guidelines are approved by the City Council. Henry Lee responded to questions by Council Member Liccardo relating to the Story Road business owner petition.

3.7 (Cont'd.)

Substitute Motion: Upon motion by Council Member Liccardo, seconded by Council Member Nguyen and carried, [Resolution No. 74270](#), entitled: "A Resolution of the Council of the City of San José (1) Recognizing Widespread Support for the Name 'Little Saigon' in the Broader Vietnamese American Community and (2) Determining that the Identify of the Business District Should be Determined by Identified Stakeholders According to a Predetermined Process", was adopted. (7-4. Noes: Chu, Constant, Cortese, Oliverio.)

Action: There was no Council action taken on Items 3.7(b)-(e) and (g).

ADJOURNMENT

The Council of the City of San José was adjourned at 1:32 a.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

Lee Price, MMC
City Clerk

smd/3-4-08 MIN

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