



CITY COUNCIL AGENDA

MARCH 4, 2008

SYNOPSIS

PETE CONSTANT
FORREST WILLIAMS
SAM LICCARDO
KANSEN CHU
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
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. 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**
9:30 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: None.

1:31 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: None.

7:04 p.m. - Public Hearings, Council Chambers, City Hall
Absent Council Members: None.

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

- **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 Items 3.2, 3.9 and 3.10 deferred to 3/11/08.

- **Closed Session Report**
No Report.

1. 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)
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)
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)
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)
Mayor Reed recognized March as “National Nutrition Month” and March 10, 2008 as “Registered Dietician Day” in the City of San José.

2. CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
There were none.
- 2.2 **Final adoption of ordinances.**
There were none.
- 2.3 **Naming of a new park.**

Recommendation: 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)
Approved.

2. CONSENT CALENDAR

2.4 Amendments in the Services for Redevelopment Capital Projects Fund for 2007-2008.

Recommendation:

- (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.
 - (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.

Ordinance No. 28257 adopted.

Resolution No. 74258 adopted.

- (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)

Resolution No. 74259 adopted.

2.5 Actions related to the 2006 Super Urban Area Security Initiative grant.

Recommendation: 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)

Ordinance No. 28258 adopted.

Resolution No. 74260 adopted.

2. CONSENT CALENDAR

2.6 Increase in the Percentage of Land Acquisition Costs that can be funded by City Loans.

Recommendation: 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)

Resolution No. 74261 adopted.

2.7 Approval of a Work2future Grant from the Housing Trust Fund.

Recommendation:

(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.

Resolution No. 74262 adopted.

(b) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Housing Trust Fund (Fund 440) 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)

Ordinance No. 28259 adopted.

Resolution No. 74263 adopted.

2. CONSENT CALENDAR

2.8 Request for an excused absence for Council Member Williams.

Recommendation: 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)

Excused.

2.9 Approval to submit and accept a grant application to support the Mayor's Gang Prevention Task Force.

Recommendation: 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)

Resolution No. 74264 adopted.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Debra Figone (Verbal Report) No Report.

3.2 Report of the Rules and Open Government Committee – February 20, 2008 Mayor Reed, Chair Deferred to 3/11/08 per Orders of the Day.

3.3 Report of the Public Safety, Finance and Strategic Support Committee February 21, 2008 Council Member Nguyen, Chair The Public Safety, Finance and Strategic Support Committee and the Actions of February 21, 2008 were accepted.

3. STRATEGIC SUPPORT SERVICES

3.4 Proposed Amendments to City Charter and Municipal Code for the November 2008 ballot.

Recommendation:

- (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)

(Deferred from 1/15/08 – Item 3.3)

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

3.5 Youth Commission terms.

Recommendation: 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)

Ordinance No. 28260 passed for publication.

3.6 Council Policy on Labor Negotiation Guidelines.

Recommendation: 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)

Resolution No. 74265 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.**

3. STRATEGIC SUPPORT SERVICES

3.7 Actions relating to the naming of the Vietnamese Retail Area on Story Road, Between Senter Road and U.S. 101.

Recommendation: As recommended by the Rules and Open Government Committee:

- (a) Adoption of a resolution rescinding Resolution No. 74127.
Resolution No. 74271 adopted, as amended, to also rescind all actions taken on June 5, 2007 in which the Council recognized the Story Road retail area between Senter Road and U.S.101 as a “Vietnamese Business District”.
Noes: Cortese.
- (b) Adoption of a resolution recognizing Story Road, between Senter and US 101, as a Vietnamese retail destination.
No Action Taken.
- (c) Adoption of a resolution recognizing Story Road, between Senter and US 101, by a name to be determined by Council.
No Action Taken.
- (d) Consideration of options related to placing one or more measures on a ballot.
No Action Taken.
- (e) Reallocation of available funding currently budgeted for signage to help cover the cost of the election.
No Action Taken.
- (f) Direction to staff to draft a Council Policy that outlines a process to officially name areas or districts of the City.
Approved, as part of “action” outlined in (a) above.
- (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)
No Action Taken.

The Council also adopted Resolution No. 74270, which:

- (1) **Recognizes widespread support for the name “Little Saigon” in the broader Vietnamese-American community and expresses its appreciation to the thousands of people of who have spoken out and expressed their views on this subject.**
- (2) **Determines that it is up to the local members of any future business district to decide what they want to call their district and further that the identity of that district will be determined by “identified stakeholders” according to a predetermined process and not imposed by the Council.**

Noes: Chu, Constant, Cortese, Oliverio.

3. STRATEGIC SUPPORT SERVICES

3.8 Purchase of Microsoft Software.

Recommendation: 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)

Deferred 30 days with direction to Staff to pursue better pricing from Microsoft.

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

Deferred to 3/11/08 per Orders of the Day.

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

Deferred to 3/11/08 per Orders of the Day.

3.11 HP Funds allocated for constituent outreach.

Recommendation:

- (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)

Deferred to 3/11/08, per City Attorney's Office.

3.12 Calling for a Regular Municipal Election on June 3, 2008.

Recommendation: 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)

Resolution No. 74266 adopted.

3. STRATEGIC SUPPORT SERVICES

3.13 Adoption of support for Federal Housing Legislation HR840 and S1518.

Recommendation: 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)

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.

4. COMMUNITY & ECONOMIC DEVELOPMENT

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

4.2 Approval of a \$10 million Second-Mortgage Loan Commitment Program.

Recommendation:

(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.

Resolution No. 74267 adopted.

(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.

Resolution No. 74268 adopted.

(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)

Ordinance No. 28261 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

- 4.3 Actions related to the Coyote Valley Specific Plan and the revised Environmental Impact Report.**
Deferred to 3/11/08 per Administration.

5. NEIGHBORHOOD SERVICES

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

6. TRANSPORTATION & AVIATION SERVICES

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

- 6.2 Report on RFP for a Closed Circuit Television System for the Airport.**

Recommendation: 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:

- (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)

Deferred to 3/11/08 per Administration.

6. TRANSPORTATION & AVIATION SERVICES

6.3 Report on RFP for Public Address System for the Airport.

Recommendation: 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)

Resolution No. 74269 adopted.

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

- **Open Forum**
Heard in the evening after Item 11.3 per Mayor Reed.

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

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS

11.1 Public Hearings on Consent Calendar.

No Public Hearings on Consent Calendar.

11.2 Rezoning real property bounded between San Felipe Road and Rachaella Lane and located north of Rachaella Lane land at the terminus of Gayley Place.

Recommendation: 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 recommended approval (6-0-1).

PDC06-104 – District 8

Ordinance No. 28262 passed for publication.

11.3 Rezoning real property located on the south side of Tully Road.

Recommendation: 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

Ordinance No. 28263 passed for publication.

- **Notice of City Engineer's Pending Decision on Final Maps**
None.

- **Notice of City Engineer's Award of Construction Projects**
None.

- **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. (Heard after 11.3.)

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