

CITY COUNCIL AGENDA

MARCH 13, 2007

SYNOPSIS

PETE CONSTANT
FORREST WILLIAMS
SAM LICCARDO
VACANT
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED, MAYOR

VACANT
MADISON P. NGUYEN
JUDY CHIRCO
NANCY PYLE

DAVID D CORTESE, VICE MAYOR

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**
9:33 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: Campos, Chirco. (Excused)

1:31 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: Campos, Chirco. (Excused)

- **Invocation (District 3)**
Council Member Liccardo introduced Imam Tahir Anwar, South Bay Islamic Association, who presented 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 2.1, 3.1 and 3.4 deferred to 3/20/07.

- **Closed Session Report**
No Report.

1. CEREMONIAL ITEMS

- 1.1** Presentation of a commendation to Monroe Harrison for his exemplary dedication and valuable contributions to the City organization. (City Manager's Office/Mayor)
Mayor Reed and City Manager Les White recognized and commended Mr. Monroe Harrison for his excellent dedication and important contributions to the City of San José.

1. CEREMONIAL ITEMS

- 1.2 Presentation of a commendation to Reggie Roberts for his exemplary dedication and valuable contribution to the City organization. (City Manager’s Office/Mayor)
Mayor Reed and City Manager Les White recognized and commended Mr. Reggie Roberts for outstanding dedication and invaluable contributions to the City organization.
- 1.3 Presentation of a commendation to Anschutz Entertainment Group Cycling; Medalist Sports; City of San José, San Jose Sports Authority and Convention and Visitors Bureau Employees for the successful execution of second annual Amgen Tour of California. (Economic Development)
Mayor Reed and Director of Economic Development Paul Krutko recognized and commended all the participants for the successful execution of second annual Amgen Tour of California.
- 1.4 Presentation of a commendation to Zahir Gulzadah for outstanding services and being awarded the “Transportation Professional of the Year.” (Transportation)
Mayor Reed and Vice Mayor Cortese recognized and commended Zahir Gulzadah for exemplary services and for receiving the “Transportation Professional of the Year” award.

2. CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of minutes.

- (a) Current Minutes
 - (b) Past Minutes
 - (1) Regular Minutes of September 12, 2006
 - (2) Regular Minutes of September 19, 2006
 - (3) Regular Minutes of September 26, 2006
 - (4) Joint City Council/Santa Clara Valley Water District Minutes of September 27, 2006
- (Deferred from 3/6/07 – Item 2.1)
Deferred to 3/20/07, per Orders of the Day.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 27980 – Amending Chapters 4.04, 4.12, and repealing Chapters 4.06 and 4.13 of Title 4 of the San José Municipal Code to increase administrative contract authority for purchase of supplies, materials, equipment to \$1,000,000 and services to \$250,000, to enact a protest procedure for purchases, and to amend, reorganize and consolidate various purchasing procedures.
Ordinance No. 27980 adopted.

2. CONSENT CALENDAR

2.2 Final adoption of ordinances (Cont'd.)

- (b) ORD. NO. 27982 – Rezoning certain real property situated at the east side of Boynton Avenue, approximately 350 feet northerly of Williams Road (962 Boynton Avenue), to A(PD) Planned Development Zoning District. PDC06-087
Ordinance No. 27982 adopted.

- (c) ORD. NO. 27983 – Rezoning certain real property situated on the easterly side of Stockton Avenue, approximately 300 feet north of West Santa Clara Street to CG Commercial General Zoning District. C05-126
Ordinance No. 27983 adopted.

- (d) ORD. NO. 27984 – Rezoning certain real property situated on the southwest corner of The Alameda and Taylor Street (1691 The Alameda) to A(PD) Planned Development Zoning District. PDC06-090
Ordinance No. 27984 adopted.

- (e) ORD. NO. 27985 – Rezoning certain real property situated at the northwest corner of McLaughlin Avenue and Tully Road (1151 Tully Road) to CN Commercial Neighborhood Zoning District. C06-133
Ordinance No. 27985 adopted.

- (f) ORD. NO. 27986 – Rezoning certain real property situated on the east side of Market Street approximately 223 feet north of West San Carlos Street to DC Downtown Primary Commercial Zoning District. C06-115
Ordinance No. 27986 adopted.

- (g) ORD. NO. 27987 – Rezoning certain real property situated on the southwesterly side of Campbell Avenue 950 feet northwesterly of Newhall Street (1179 Campbell Avenue) to A(PD) Planned Development Zoning District. PDC06-071
Ordinance No. 27987 adopted.

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

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

(Deferred from 2/27/07 – Item 2.17)

Deferred to 3/20/07 per Administration.

2. CONSENT CALENDAR

2.4 Authorization to negotiate and execute a grant agreement with the Franklin McKinley Education Foundation on behalf of the San José Education Foundation.

Recommendation: Adoption of a resolution authorizing the City Clerk to negotiate and execute an agreement with the Franklin-McKinley Education Foundation on behalf of the San José Education Foundation for a City grant in an amount not to exceed \$200,000. (City Clerk)
Resolution No. 73678 adopted.

2.5 Approval of fiscal actions for Redevelopment Agency Capital Projects.

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):
- (1) Increase the estimate for Earned Revenue by \$268,000.
 - (2) Establish an appropriation to the Department of Public Works for the Winchester Boulevard Signal Modification & Countdown Head Installation project (PSM #477) in the amount of \$64,000.
 - (3) Establish an appropriation to the Department of Public Works for the Keyes Street/Greater Gardner Pedestrian Streetlight project (PSM #478) in the amount of \$100,000.
 - (4) Establish an appropriation to the Department of Public Works for the University Neighborhood Phase 2 Pedestrian Streetlight project (PSM #479) in the amount of \$104,000.

Ordinance No. 27990 adopted.

Resolution No. 72679 adopted.

- (b) Adoption of resolutions making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with:
- (1) The Winchester Boulevard Signal Modification & Countdown Head Installation project as more specifically described in the memorandum from the Redevelopment Agency, dated December 12, 2006,
Resolution No. 73680 adopted.
 - (2) The Keyes Street/Greater Gardner Pedestrian Streetlight project as more specifically described in the memorandum from the Redevelopment Agency, dated December 12, 2006,
Resolution No. 73681 adopted.
 - (3) The University Neighborhood Phase 2 Pedestrian Streetlight project as more specifically described in the memorandum from the Redevelopment Agency, dated December 12, 2006.

CEQA: Not a Project. Council Districts 1, 3, 6 and 7. SNI: Winchester, Spartan Keyes, Greater Gardner, University. (City Manager's Office/Public Works)

Resolution No. 73682 adopted.

2. CONSENT CALENDAR

2.6 Request for excused absences for Council Member Constant.

Recommendation: Request for excused absences for Council Member Constant.

- (a) Excused absence from the Rescheduled Meeting of the Community & Economic Development Committee on Monday, March 19, 2007 due to Illness/Existing Medical Appointment.
- (b) Excused absence from the Regular Meeting of the Community & Economic Development Committee Meeting on Monday, March 26, 2007 due to Authorized City Business: Educational Commitment in Moraga, CA.
- (c) Excused absence from the Regular Meeting of the Council Executive Session on Tuesday, March 27, 2007 due to Authorized City Business: Educational Commitment in Moraga, CA.
- (d) Excused absence from the Regular City Council Meeting (afternoon and evening) on Tuesday, March 27, 2007 due to Authorized City Business: Educational Commitment in Moraga, CA.
- (e) Excused absence from the Regular Meeting of the Rules and Open Government Committee on Wednesday, March 28, 2007 due to Authorized City Business: Educational Commitment in Moraga, CA.

(Constant)

(Rules Committee referral 2/28/07)

Approved.

2.7 Request for excused absence for Vice Mayor Cortese.

Recommendation: Request for an excused absence for Vice Mayor from the Regular Meeting of the Transportation & Environment Committee of February 22, 2007 due to authorized City Business: ABAG Administrative Retreat in Pleasanton. (Cortese)

(Rules Committee referral 2/28/07)

Approved.

2.8 Approval to award open purchase orders #17 and #18 for FY 2006-2007.

Recommendation:

- (a) Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2006-2007 #17 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 2006-2007 #18 and authorization for the Director of Finance to execute the purchase orders.

CEQA: See Administration's Memorandum to Council for specific CEQA clearance determinations on each recommended action. (Finance)

Approved.

Staff directed to provide an information memorandum outlining noticing procedures for the removal of trees on City owned property.

2. CONSENT CALENDAR

2.9 Approval to purchase freestanding furniture for the Office of Economic Development's Work to Future Facility.

Recommendation: Report on bids and approval of the award of the purchase of Freestanding Furniture and authorization to the Director of Finance to execute the purchase orders for the Office of Economic Development Work2Future new facility:

- (a) Pivot Interiors, the lowest, responsive bidder for bid group B for an amount not to exceed \$137,566.58 including tax;
- (b) Workspace Solutions, the low bidder for bid groups A and C for an amount not to exceed \$39,900.50 including tax.

CEQA: Not a Project. (Finance)

Approved.

2.10 Approval of an agreement for custodial services at the Water Pollution Control Plant.

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

- (a) Execute an agreement with Pyramid Building Maintenance Corporation dba Pacific Maintenance Company for custodial services for the Water Pollution Control Plant for one year at a cost of \$102,243 and approval of supplemental funds of \$20,000 to pay for unscheduled work for a total amount not to exceed \$122,243.
- (b) Execute four one-year options to renew the agreement subject to annual Consumer Price Index adjustments and annual appropriations.

CEQA: Not a Project. Council District 4. (Finance)

Resolution No. 73683 adopted.

2.11 Approval of proposed Council Committee procedures.

Recommendation: Approve proposed Council Committee procedures for managing Council Committees. (Mayor)

(Rules Committee referral 2/28/07)

Approved.

2.12 Approval of actions related to grant funds for a Waste Tire Enforcement Program.

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

- (a) Execute, upon receipt, a grant agreement with the California Integrated Waste Management Board (CIWMB) for a waste tire enforcement program, in the amount of \$230,670 for FY 2007-2008 and,
- (b) Apply for, and execute upon receipt, a grant agreement with the CIWMB for the subsequent four fiscal years, FY 2008-2009 through FY 2011-2012.

CEQA: Exempt, File No. PP07-023. (Planning, Building and Code Enforcement).

Resolution No. 73684 adopted.

2. CONSENT CALENDAR

2.13 Approval to reorganize/annex territory designated as McKee No. 133.

Recommendation: Adoption of a resolution on the reorganization of territory designated as McKee No. 133 which involves the annexation to the City of San José of 0.81 gross acre of land located on the southwest corner of McKee Road and Delia Street, and adjacent to the City of San José annexations McKee Nos. 7, 2 and 49, and detachment of the same from the appropriate special districts including County Lighting County Service, Central Fire Protection, County Sanitation District 2-3 and Area No. 01 (Library Services) County Service. CEQA: Resolution No. 65459, File No. C06-073. Council District 5. (Planning, Building and Code Enforcement)
(Initiated on 2/27/07 – Item 2.19)

Resolution No. 73685 adopted.

Disqualified: Cortese.

2.14 Approval to vacate a portion of Roberts Lane between Heppner Lane and Narvaez Avenue.

Recommendation: Adoption of a resolution summarily vacating Roberts Lane between 125 feet east of Heppner Lane and Narvaez Avenue. CEQA: Exempt. Council District 9. (Public Works)

Resolution No. 73686 adopted.

2.15 Approval to amend an agreement to purchase additional equipment for pay-phones on City-owned property.

Recommendation:

- (a) Approval of an amendment to the agreement with Pelican Communications, Incorporated to provide for future purchase, at City's option, of TTY (teletypewriter) or TDD (telecommunication display devices) equipment and services for pay-telephones at or in capital projects recently constructed or being constructed on City-owned property provided at the site, with no change to the term of the original agreement ending in May 2010.
- (b) Approval of one five-year option, not to exceed ten units, at a cost of approximately \$1,800 each unit, to be funded from either the funds for the capital project or the department requesting the purchase and installation of the equipment. CEQA: Exempt. (Public Works)

Approved.

2.16 Approval of an agreement for 50 parking spaces at the 3rd Street Garage.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a lease agreement with Legacy Partners, Inc. for 50 parking spaces for a term of 65 months at the 3rd Street Garage at the rate established in the City's Master Parking Rate Resolution. CEQA: Not a Project. Council District 3. (Transportation)

Resolution No. 73687 adopted.

2. CONSENT CALENDAR

2.17 Acceptance of the Office of the City Auditor's Report.

Recommendation: Acceptance of the Office of the City Auditor's *Report of Activities for the Period December 16, 2006 through January 15, 2007*. (City Auditor)

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

(Deferred from 3/6/07 – Item 2.3)

Report Accepted.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Reed, Chair

Recommendation: Approval of City Council Study Session Minutes:

(a) Recycle Plus Program and Procurement Process of August 11, 2006

(b) The Coyote Valley Specific Plan, Introduction to Form-Based Zoning of August 25, 2006

(Deferred from 3/6/07 – Item 3.1)

Deferred to 3/20/07, per Orders of the Day.

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

Mayor Reed, Chair

(a) City Council

(1) Review New Add Items to February 13, 2007 Agenda

The Committee approved the February 13, 2007 City Council Agenda with one addition.

(2) Review February 20, 2007 Draft Agenda

None, Meeting was canceled.

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

(c) Legislative Update

(1) State

(a) Overview of the City's Legislative Process for Determination of Official City positions on State and Federal Issues (City Manager's Office)

The Committee agreed to have Staff return to the Rules and Open Government Committee on February 28, 2007 outlining the City's legislative process for determining official City positions on bills or fiscal matters and the Committee's role in the legislative process. Staff agreed to attach the 2002 Council memorandum referenced by Vice Mayor Cortese.

3. STRATEGIC SUPPORT SERVICES

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

Mayor Reed, Chair

(c) Legislative Update (Cont'd.)

(2) Federal

There was none.

(d) Meeting Schedules

(1) Set a Hearing for Spring 2007 for General Plan Amendments and Initiating the Re-establishment of a fall Annual Review of the General Plan (Planning, Building and Code Enforcement)

The Committee asked Staff to return to the Rules and Open Government Committee on February 28, 2007 with an updated meeting schedule and deferred the discussion of Recommendation #2 for three weeks.

(e) The Public Record

The Committee agreed to wait for a status report from the Sunshine Reform Task Force. No action was taken.

(f) Appointments to Boards, Commissions and Committees

(1) Appointment to the Project Diversity Screening Committee (Vice Mayor Cortese)

Deferred to 2/14/07.

(g) Rules Committee Reviews, Recommendations and Approvals

(1) Recommend acceptance to the Redevelopment Agency's Horizon Report for the first half of 2007 (Redevelopment Agency)

The Committee approved the Staff Report.

(2) Addition to the City Auditor's Work Plan to Review Resources for Families and Communities' Financial information (City Attorney)

The Committee agreed to defer the item to February 14, 2007.

(h) Public Records Act Requests

(1) Review of Significant Public Records Act Requests

(2) Receive Public Concerns

There were none.

(i) Review of Council Policy Updates per Sunshine Reforms

There were none.

3. STRATEGIC SUPPORT SERVICES

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

(j) Open Forum

- (1) **Bill Chew commended Mayor Reed for chairing the Rules and Open Government Committee and for taking his Mayoral role seriously.**
- (2) **Brian Boxall, President of the Association of the Mentally Retarded at Agnews, expressed opposition to the State's proposal to convert the Agnews Development Center to a State Prison.**

(k) Adjournment

(Deferred from 2/27/07 – Item 3.2 and 3/6/07 – Item 3.2)

The meeting was adjourned at 3:30 p.m.

The Rules and Open Government Committee Meeting and the Actions of February 7, 2007, were accepted.

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

No Report.

3.4 Appointment and swearing in of District 6 Council Member Elect to the City Council.

Recommendation: Appointment and swearing in of District 6 Council Member Elect to the City Council to fill the vacancy for the unexpired term ending December 31, 2008 in Council District 6. (Mayor)

(Rules Committee referral 2/28/07)

Dropped; Deferred to 3/20/07, per Orders of the Day.

3.5 Approval to pursue a study related to disability retirements in the Police and Fire Departments.

Recommendation: Approval to pursue a study of how work conditions and work environment in both the Police Department and the Fire Department may contribute to the number of disability retirements in the Police and Fire Department Retirement Plan.

CEQA: Not a Project. (Police and Fire Retirement Board)

(Rules Committee referral 4/20/05)

Approved, including:

- (1) **Staff directed to incorporate any relevant findings and conclusions of the “Evaluation of Worker Injuries & Safety” study conducted by the City of San José in 2003 into the new study, so as to avoid redundancy in scope and findings.**
- (2) **City Clerk directed to make the 2003 report available to the Mayor, City Council and other interested parties.**

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Community & Economic Development Committee – February 26, 2007

Council Member Pyle, Chair

- (a) Economic Indicators. (Economic Development)
- (b) Review of Budget Performance Measures. (Economic Development/Housing/ Planning, Building and Code Enforcement/Redevelopment Agency)
Deferred to March 26, 2007
- (c) Planning, Building and Code Enforcement Survey Results. (Planning, Building and Code Enforcement)
Request for Deferral to March 26, 2007
- (d) Economic Impact of Downtown Events. (Economic Development)
- (e) Oral Petitions
- (f) Adjournment

The meeting was canceled.

4.2 Acceptance of the Coyote Valley Specific Plan Water Supply Evaluation.

Recommendation:

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

(Deferred from 2/27/07 – Item 4.7)

Approved.

4.3 Approval to amend a contract with Team San José to reflect the Theater Preservation Fund.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an amendment to the contract with Team San José to reflect the establishment of the Theater Preservation Fund. CEQA: Not a Project. Council District 3. (City Manager's Office)

Resolution No. 73688 adopted.

Noes: Cortese.

4.4 Approval of the Public Art Master Plan.

Recommendation: Adoption of the Public Art Master Plan and direction to:

- (a) The City Attorneys' Office to draft an ordinance for the approval of City Council modifying the basis for calculating the percent for art, with proposed amendments to Title 22 of the Municipal Code implementing the Public Art Master Plan;
- (b) The City Attorney to work with the Office of Cultural Affairs staff to prepare updated resolutions for the approval of City Council that set forth in more detail the procedures to be followed after implementation of the Public Art Master Plan.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.4 Approval of the Public Art Master Plan (Cont'd.)

- (c) The City Manager to present the draft City's Art in Public Places Ordinance to the Treatment Plant Advisory Committee for recommendation on applying the requirements of the Ordinance to all Treatment Plant capital projects; and to report to Council on TPAC's recommendation when the Ordinance is presented for Council approval.
- (d) The City Attorney to draft an ordinance requiring that developer-constructed parks comply with the same Art in Public Places requirements that apply to City projects, and direct the City Manager to review this draft ordinance with the development community prior to presentation to the City Council for approval.

CEQA: Exempt, File No. PP05-184. (Economic Development)

Heard no earlier than 3:00 p.m.

Approved.

4.5 Rezoning the real property located at/on the east side of North 4th Street.

Recommendation: Consideration of an ordinance rezoning the real property located at/on the east side of North 4th Street, approximately 600 feet northerly of Gish Road, from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 100 multi-family residences on a 0.75 gross acre site (1470 N. 4th Street)(Owner/Developer; First Community Housing Inc). CEQA: North San José Area Development Policy Resolution No. 72768. The Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (6-1-0).

PDC06-022 – District 3

(Deferred from 3/6/07 – Item 11.4)

Heard no earlier than 2:30 p.m.

Ordinance No. 27991 passed for publication, with the following conditions:

- (1) **Operator will not charge the residents for parking on site.**
- (2) **Representatives from First Community Housing will engage in good faith efforts with the Rosemary Gardens Neighborhood Association to exchange contact information and provide assistance to residents in resolving problems resulting from concerns specifically relating from the project site.**

5. NEIGHBORHOOD SERVICES

5.1 Report of the Neighborhood Services and Education Committee Council Member Chirco, Chair

No Report.

5. NEIGHBORHOOD SERVICES

5.2 Approval of actions related to the 2000 and 2002 Parks Bond Acts.

Recommendation: Adoption of a resolution:

- (a) Amending the application for local assistance funds from the State of California 2000 and 2002 Parks Bond Acts for projects as follows:
 - (1) Overfelt House Renovation: Shift \$1,241,000 to the Lake Cunningham Skatepark project from the following sources:
 - (a) \$610,000 - Roberti-Z'berg-Harris Urban Open Space and Recreation Grant Program under the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (Proposition 12)
 - (b) \$631,000 - Per Capita Grant Program under the 2002 Resources Bond Act (Proposition 40)
 - (2) Lake Cunningham Skatepark Project: Shift \$1,037,000 to the Overfelt House Renovation project from the Per Capita Grant Program under the 2000 Resources Bond Act (Proposition 12)
 - (3) Cinnabar Commons Park Development: Shift \$100,000 from the O'Connor Park Restroom project to the Cinnabar Commons Park Development project from the Roberti-Z'berg-Harris Urban Open Space and Recreation Grant Program under the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (Proposition 12)
- (b) Authorizing the City Manager to negotiate, execute, and submit all necessary documents for obtaining and accepting local assistance funds under these grant programs.

CEQA: Mitigated Negative Declaration, File No. PP06-043 and Exempt, File No. HP03-007. Council Districts 5, 6 and 8. SNI: Burbank, Del Monte, Gateway East. (Parks, Recreation and Neighborhood Services)

Resolution No. 73689 adopted.

5.3 Approval of actions related to the Northside Community Center Request for Proposal.

Recommendation:

- (a) Adoption of a resolution to reject the only response received by Asian American Recovery Services, Inc. for the JTS Northside Community Center Request for Proposal (RFP) process.
- (b) Approval of the recommendation to include the Northside Community Center into the Parks, Recreation and Neighborhood Services (PRNS) Re-Use Strategy, identifying the City as the lead operator, which will enable PRNS to partner with community based organizations to provide additional services to the community.
- (c) Adoption of a resolution authorizing the City Manager to negotiate and execute agreements with non-profit organization(s), including but not limited to, Asian American Recovery Services, Inc. for the provision of services at the Jacinto "Tony" Siquig Northside Community Center.

CEQA: Not a Project. Council District 3. SNI: Thirteenth Street. (Parks, Recreation and Neighborhood Services)

Deferred to 4/3/07 per Administration.

6. TRANSPORTATION & AVIATION SERVICES

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

- 6.2 Approval of an agreement for consultant services for the Airport Terminal Area Improvement Program.**

Recommendation:

- (a) Approval of an agreement with David Brush Consulting to provide program management services for the Norman Y. Mineta San Jose International Airport Terminal Area Improvement Program (TAIP) from the date of execution to December 31, 2010, in an amount not to exceed \$1,526,500.

Approved.

- (b) Adoption of a Resolution authorizing the City Manager to execute up to two, two-year options to extend the term at no increase in total compensation
CEQA: Resolutions Nos. 67380 and 71451, File No. PP07-015. (Airport)

Resolution No. 73690 adopted.

- 6.3 Approval of actions related to the Airline-Airport Lease and Operating Agreements.**

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to:
- (1) Negotiate and execute Signatory Airline-Airport Lease and Operating Agreements with all passenger and cargo airlines currently operating at the Norman Y. Mineta San José International Airport that meet the minimum requirements to be a signatory airline, for the term July 1, 2007 to June 30, 2012.
 - (2) Negotiate and execute Non-Signatory Airline-Airport Lease and Operating Agreements with any passenger or cargo airlines currently operating at the Norman Y. Mineta San José International Airport that do not meet the minimum requirements to be a signatory airline or chose not to enter into a signatory lease, for the term July 1, 2007 to June 30, 2012.
 - (3) Negotiate and execute Signatory and Non-Signatory Airline-Airport Lease and Operating Agreements with any passenger or cargo airlines that commence at the Norman Y. Mineta San José International Airport after July 1, 2007, for the term from commencement of operations to June 30, 2012.
- (b) Approval of an ordinance amending Chapter 25.08 of Title 25 of the San José Municipal Code to add a new section establishing minimum requirements for the operation and use of the Norman Y. Mineta San José International Airport by any passenger or cargo airlines that have not signed either a Signatory or Non-Signatory Airline-Airport Lease and Operating Agreement on or after July 1, 2007.

CEQA: Resolutions Nos. 67380 and 71451, File No. PP07-034. (Airport)

Deferred to 3/27/07, per Council Member Liccardo.

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Acceptance of the 2006 Annual Status Report on cooperative efforts between the City and the Santa Clara Valley Water District.

Recommendation:

- (a) Acceptance of the 2006 Annual Status Report on cooperative efforts between the City of San José and the Santa Clara Valley Water District relating to:
 - (1) Water Supply Partnership, including:
 - (a) Conservation Programs
 - (b) South Bay Recycling Collaborative
 - (c) Coyote Valley Specific Plan Coordination
 - (2) Watershed Protection Partnership, including:
 - (a) Trash Removal from Creeks
 - (b) Floodplain Management
 - (1) FEMA Map Modernization Project
 - (2) Guadalupe Watershed Flood Protection Projects
 - (3) Grants and Subventions for Flood Protection
 - (c) Hydromodification Management
 - (d) Water Resources Protection Collaborative
 - (e) Santa Clara Valley Habitat Conservation Plan and Natural Community Conservation Plan
 - (f) San José Water Policy
 - (g) District's Comprehensive Plan
 - (3) Parks, Trails and Open Space Partnership

Report Accepted.

- (b) Approval of the proposed direction on the conservation workplan, focusing on:
 - (1) Continuing existing programs to involve additional customers and new development.
 - (2) Expanding marketing programs to promote new water conservation technologies and developing additional water conservation ordinances.
 - (3) Expanding collaboration with key partners and direct staff to report back with a full workplan for approval in Summer 2007

Approved.

- (c) Direction to staff to add renegotiation of the District reimbursement to \$115/acre foot to the SBWR Collaborative II Process and bring the contract to the Council and Board for approval prior to June 2007.
- (d) Direction to City and District staff to schedule and prepare an agenda and materials for a joint City Council and District Board Study Session on Flood Management in the Fall of 2007.

CEQA: Not a Project. (City Manager's Office/Santa Clara Valley Water District)

Approved, with Staff requested to:

- (1) **Provide Council with an information memorandum regarding the population areas in the new flood zones (available July 2007).**
- (2) **Return to Rules & Open Government Committee for Council direction with regard to funding/framework for residents to apply for assistance, i.e. grants.**

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

- **Notice of City Engineer's Pending Decision on Final Maps**

In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9870	West side of Oakland Road, 550 feet north of Rock Avenue	4	Taylor Woodrow Homes, Inc.	1 Lot / 53 Units	SFA	Approve

- **Notice of City Engineer's Award of Construction Projects**

On October 25, 2005, City Council approved a one year pilot program that delegated authority to the Director of Public Works to award or reject bids on construction projects where the base contract amount is below \$1,000,000. In accordance with this policy, the following is a list of projects that were awarded or rejected by the Director of Public Works in February 2007:

AWARD:

<u>Project Name</u>	<u>Council District</u>	<u>Contractor</u>	<u>Contract Award Amount</u>	<u>Award Date</u>
Greater Gardner Street Reconstruction – Spencer Avenue/Brown Street Project	3	Golden Bay Construction, Inc.	\$641,878.55	2/7/07
Cesar Chavez Water Fountain Re-circulating Water Redesign and Construction	3	Pacific Water Art Inc.	\$630,000	2/27/07

- **Open Forum**

- (1) **Robert Apgar voiced personal observations.**
- (2) **Mark Trout presented religious points of view.**

- **Adjournment**

The Council of the City of San Jose was adjourned at 4:47 p.m.