



# CITY COUNCIL AGENDA

**MARCH 27, 2007**

PETE CONSTANT  
FORREST WILLIAMS  
SAM LICCARDO  
VACANT  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

CHUCK REED, MAYOR

PIERLUIGI OLIVERIO  
MADISON P. NGUYEN  
JUDY CHIRCO  
NANCY PYLE

DISTRICT 6  
DISTRICT 7  
DAVID D CORTESE, VICE MAYOR DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Community & Economic Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Neighborhood Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation & Aviation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

**The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.**

Agendas and Staff Reports for City Council items may be viewed on the Internet at [www.sanjoseca.gov/clerk/agenda.asp](http://www.sanjoseca.gov/clerk/agenda.asp). Council Meetings are televised live and rebroadcast on Channel 26.

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 294-9337 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
  - 9:30 a.m. - Closed Session, Call to Order in Council Chambers  
Adjourn to Closed Session in Council Chambers Conference Room, W133  
See Separate Agenda
  - 1:30 p.m. - Regular Session, Council Chambers, City Hall
  - 3:30 p.m. - Hear Open Forum and continue the RDA Board Meeting  
(no earlier than 3:30 p.m.)
  
- **Invocation (District 3)**
- **Pledge of Allegiance**
- **Orders of the Day**

**ITEM 9.1 IS TO BE CONSIDERED IN A JOINT CITY  
COUNCIL/REDEVELOPMENT AGENCY BOARD SESSION.**

**Items recommended to be added, dropped, or deferred are usually approved under  
Orders of the Day unless the Council directs otherwise.**

- **Closed Session Report**

## **1. CEREMONIAL ITEMS**

---

- 1.1 Presentation of a business appreciation commendation to Grainger Corporation in recognition of its corporate presence and operations in San José, the Capital of Silicon Valley. (Mayor)  
(Rules Committee referral 01/17/07)  
(Deferred from 1/23/07 – Item 1.5)

# 1. CEREMONIAL ITEMS

---

- 1.2 Presentation of a commendation to the Watson Park Team for their exemplary dedication and valuable contributions to the City organization. (City Manager's Office/Mayor)
- 1.3 Presentation of a commendation to the Home Builders Association of Northern California for holding a fundraising dinner to benefit the San José Conservation Corps & Charter School, which supports programs such as YouthBuild San José. (Nguyen)

# 2. CONSENT CALENDAR

---

**Notice to the public:** There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

- 2.1 **Approval of Minutes.**
- 2.2 **Final adoption of ordinances.**
- 2.3 **Approval of an agreement for consulting services for the Integrated Development Tracking System.**

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with CSDC System, Incorporated for technical consulting services for the Integrated Development Tracking System programming in the amount of \$159,000 for the term March 1, 2007 to March 31, 2008. CEQA: Not a Project. (Planning, Building and Code Enforcement)  
(Deferred from 2/27/07 – Item 2.18 and 3/20/07 – Item 2.3)  
**RECOMMEND DEFERRAL TO 4/10/07 PER ADMINISTRATION**

- 2.4 **[Approval of actions related to Maintenance District 18.](#)**

**Recommendation:** Adoption of a resolution of intention to increase the annual assessment and revise the scope of services in Maintenance District 18 (The Meadowlands) and directing the Director of Public Works to file an Engineer's Report. CEQA: Exempt, File No. PP07-020. Council District 8. (Public Works/Transportation)  
(Deferred from 3/6/07 – Item 2.8)

- 2.5 **[Request for excused absences for Councilmember Chirco.](#)**

**Recommendation:** Request for excused absences for Councilmember Chirco from the Regular City Council Meeting and Closed Session on Tuesday, March 13, 2007 and the Regular Meeting of the Rules and Open Government Committee on Wednesday, March 14, 2007 due to illness. (Chirco)  
(Rules Committee referral 3/14/07)

## 2. CONSENT CALENDAR

---

### 2.6 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 \$315,000.
  - (2) Increase the appropriation to the Department of Transportation for the Traffic Calming Improvements project (PSM #458, Amendment 1) in the amount of \$45,000.
  - (3) Establish an appropriation to the Department of Transportation for the West San Carlos Median Uplight project (PSM #485) in the amount of \$270,000.
- (b) Adoption of a resolution making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with:
  - (1) The West San Carlos Median Uplight Project as more specifically described in the memorandum from the Redevelopment Agency, dated November 22, 2006.

CEQA: Exempt, File No. PP05-212 and Non-Exempt, File No. PP94-10-189. Council Districts 5 and 6. SNI: Mayfair. (City Manager's Office/Transportation)

### 2.7 Approval to amend an agreement related to an evaluation of the City's performance measures and organizational efficiencies.

**Recommendation:** Approval of a second amendment to the continuation agreement with Management Partners, Inc. for professional services related to an evaluation of the City's performance measures and organizational efficiencies, extending the term of agreement through June 30, 2008, and increasing compensation by \$100,000 for a total contract amount up to \$250,000. CEQA: Not a Project. (City Manager's Office)

### 2.8 Approval to award open purchase order #19 for FY 2006-2007.

**Recommendation:** Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2006-2007 #19 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)

## 2. CONSENT CALENDAR

---

### 2.9 Approval to amend an agreement for consulting services for the implementation of the PeopleSoft Recruiting System.

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

- (a) Execute an amendment to the consulting services agreement with CedarCrestone, increasing the amount of total compensation by \$299,200 from \$1,245,516 for a total amount not to exceed \$1,544,716, to assist in the implementation of the PeopleSoft Recruiting System.
- (b) Execute change orders not to exceed a 10% contingency amount of \$30,000 to cover unanticipated changes or requirements related to the design and implementation of the project.

CEQA: Not a Project. (Human Resources/Finance)

### 2.10 Approval to amend a master agreement for environmental consultant services.

**Recommendation:** Approval of a first amendment to the consultant agreement for consultant services with LSA Associates, Inc. through June 30, 2008, to amend the fee schedule to expand the list of job classifications for environmental professionals, with no increase to the total compensation of \$500,000. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

### 2.11 Approval of actions related to the Evergreen \*East Hills Vision Strategy.

**Recommendation:** Approval to proceed with the following actions to continue funding for the completion of the Evergreen\*East Hills Vision Strategy, Evergreen Area Development Policy update, and related documents:

- (a) Approval of an amendment to the funding agreement with Yerba Buena Opco, Inc. to extend the funding agreement from January 1, 2007 through June 30, 2007 for the work associated with completing the Evergreen\*East Hills Vision Strategy which encompasses an update to the Evergreen Area Development Policy and related documents; and
- (b) Adoption of a resolution authorizing the Director of Planning, Building and Code Enforcement to negotiate and execute minor amendments to the funding agreement to account for increases in funding received from Yerba Buena Opco, Inc. and minor schedule or task changes that remain consistent with the information contained in and the goals identified in this memorandum.

CEQA: Exempt, File No. PP03-10-349. Council Districts: 5, 7, and 8. SNI: West Evergreen, K.O.N.A., and East Valley/880. (Planning, Building and Code Enforcement)

### 3. STRATEGIC SUPPORT SERVICES

---

#### 3.1 Report of the Study Session Mayor Reed, Chair

#### 3.2 Report of the Rules and Open Government Committee – March 7, 2007 Mayor Reed, Chair

- (a) City Council
  - (1) Review March 13, 2007 Final Agenda
  - (2) Review March 20, 2007 Draft Agenda
    - (a) Review of items that meet exception rule
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
  - (1) State
  - (2) Federal
- (d) Meeting Schedules
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Staff Analysis Conducted Regarding Proposed San José Human Rights Commission Resolution regarding “No-Match” Letters. (Manager’s Office/Human Resources).  
**Continued from February 14, 2007**
  - (2) Response to the Report of the Government Reforms & Ethics Subcommittee of the Mayor’s Transition Committee. (City Manager/City Attorney)  
**Deferred from February 28, 2007**
  - (3) Request to consider waiving the closed session privilege and the release of all documents regarding recent negotiation with San José Police Officer’s Association and International Association of Fire Fighters Local 230. (Cortese)
  - (4) Human Rights Commission Resolution on Social Security Administration “No-Match” Letters Proposed Department of Homeland Security Regulation.
- (h) Review of Council Committee Agendas
- (i) Open Government Initiatives
  - (1) Reed Reforms
  - (2) Sunshine Reform Task Force
  - (3) Significant Public Records Act Requests
  - (4) Council Policy Manual Update
- (j) Open Forum
- (k) Adjournment

### 3. STRATEGIC SUPPORT SERVICES

---

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

##### Councilmember Nguyen, Chair

- (a) Consent Calendar
  - (1) Legislative Update. (City Manager’s Office)
  - (2) Update of Council Directives. (City Manger’s Office)

**Defer**
- (b) Review of Performance Measures Specified in the Annual Budget. (City Manager’s Office)

**Defer**
- (c) Downtown Working Group Quarterly Update. (City Manager’s Office/Police)
- (d) Redevelopment Agency Monthly Financial Reports (Redevelopment Agency)
  - (1) Financial Statements – January 2007
  - (2) Capital Cost Report – January 2007
  - (3) Cash Flow Projections – January 2007
- (e) External Auditor’s Report on Single Audit and Management Letter on Internal Controls for Fiscal Year Ended June 30, 2006. (Finance)
- (f) Review of City Financial Investment Program and Investment Policy by External Auditor. (Finance)

**Defer**
- (g) Audit of the Traffic Calming Program. (Auditor)

**Defer**
- (h) Audit of the Bridge Repair Program. (Auditor)

**Defer**
- (i) Oral Petitions
- (j) Adjournment

#### 3.4 [Public hearing and approval to vacate property located at Magliocco Drive and Huff Avenue.](#)

**Recommendation:** Conduct a public hearing and adoption of a resolution to vacate the public service easement created by Tract 9588, located on the northwest corner of Magliocco Drive and Huff Avenue. CEQA: Mitigated Negative Declaration, File No. PDC01-008. Council District 6. (Public Works)

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

---

#### 4.1 Report of the Community & Economic Development Committee Councilmember Pyle, Chair

## 5. NEIGHBORHOOD SERVICES

---

### 5.1 Report of the Neighborhood Services and Education Committee Councilmember Chirco, Chair

### 5.2 [Approval of fiscal actions related to the Municipal Health Services Program Fund.](#)

**Recommendation:** Adoption of the following amendments to the 2006-07 Appropriation Ordinance and Funding Sources Resolution in the Municipal Health Services Program (MHSP), Fund 132:

- (a) Increase the Medicare Waiver Reimbursement Appropriation (Appn 0091) for health claim reimbursements by an amount of \$1,100,000; and
- (b) Increase the estimate for Revenue (Appn 8150) from the Centers for Medicare and Medicaid Services (CMS) by a total of \$1,100,000.

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

## 6. TRANSPORTATION & AVIATION SERVICES

---

### 6.1 Report of the Transportation and Environment Committee Councilmember Williams, Chair

### 6.2 Approval of actions related to the Airline-Airport Lease and Operating Agreements. [Presentation](#)

**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.

*(Item continued on the next page)*

## 6. TRANSPORTATION & AVIATION SERVICES

---

### 6.3 Approval of actions related to the Airline-Airport Lease and Operating Agreements. (Cont'd.)

**Recommendation:**

- (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 from 3/13/07 – Item 6.3)

### 6.4 Approval to apply for a grant for Airport Projects.

**Recommendation:** Adoption of a resolution authorizing the City Manager to apply for, and execute upon receipt, grants from the Federal Aviation Administration in an amount not to exceed \$9.13 million to be used to partially defray the total estimated costs of \$11.33 million for the Runway Guard Light Replacement, Airport Rescue and Fire Fighting Facility Upgrade and the Runway 12R/30L Centerline Lights projects. CEQA: Resolution Nos. 67380 and 71451, File No. PP05-023. (Airport)

### 6.5 Approval of actions related to the Downtown Parking Guidance System.

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

- (a) Execute an agreement with TCS International for the purchase and installation of a Parking Guidance System for a total cost of \$1,251,770.53 including delivery, installation, training, sales tax, and one year of maintenance and warranty.
- (b) Execute change orders in an amount not to exceed a 10% or \$125,177.00 as contingency for unanticipated changes in the system design and/or installation and extended warranty period.
- (c) Execute change orders for five one-year options for ongoing maintenance and support subject to appropriation of funds.

CEQA: Exempt, File No. PP06-011. Council District 3. (Finance)

### 6.6 Report on bids and approval to award the contract for the Surface Transportation Program Street Resurfacing/Rehab Project.

**Recommendation:** Report on bids and award of contract for the Surface Transportation Program Street Resurfacing/Rehab Project to the low bidder, Top Grade Construction, Inc. in the amount of \$6,363,363, and approval of a contingency in the amount of \$320,000. CEQA: Exempt, File No. PP06-066. Council Districts 2, 4, 6, 7, 8 and 9. (Public Works/Transportation)

## 7. ENVIRONMENTAL & UTILITY SERVICES

---

### 7.1 Approval of actions related to the Sewer Collection and Treatment System.

#### Presentation

##### **Recommendation:**

- (a) Acceptance of staff's report analyzing the infrastructure, planning and financing needs of the City's sewer collection and treatment system; and,
- (b) Provide direction to staff to proceed with the development of a Master Plan for the Water Pollution Control Plant (Plant) and development of a funding strategy to implement critical capital needs, including consideration of financing options for both short term critical projects and longer term Master Plan projects.

CEQA: Not a Project. (Environmental Services)

[Transportation and Environment Committee 3/5/07 - Item 6.1(a)]

(Deferred from 3/20/07 – Item 7.1)

### 7.2 California Waste Solutions Transition Update

#### Presentation

## 8. PUBLIC SAFETY SERVICES

---

### 8.1 Heritage Plaza Presentation

#### Presentation

## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

---

**CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEM 9.1 IN A JOINT SESSION**

### 9.1 Approval of a Pilot Program for a Cost/Benefit Analysis.

**Recommendation:** Approval of staff's recommended methodology to implement a Pilot Program for a cost benefit analysis for projects, activities and events seeking public funding. CEQA: Not a Project. (City Manager's Office)

(Rules Committee referral 3/7/07 – Item G2)

**RECOMMEND DEFERRAL TO 4/3/07 PER ADMINISTRATION**

- Notice of City Engineer's Pending Decision on Final Maps
- Notice of City Engineer's Award of Construction Projects
- Open Forum (To be heard no earlier than 3:30 p.m.)

- Continue RDA Board Meeting (immediately following Open Forum)
- Adjournment