

CITY COUNCIL AGENDA

MARCH 8, 2005

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ, VICE MAYOR
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3 RON GONZALES MAYOR
DISTRICT 4
DISTRICT 5

KEN YEAGER
VACANT
DAVID D. CORTESE
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

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

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood 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.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to 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 10 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:

1. **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.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. 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.
4. To assist you in tracking your speaking time, there are three lights located to the far right of 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.htm

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (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**
9:35 a.m. - Closed Session, Room 600, City Hall
Absent Council Members: Chavez, Williams; Gonzales.
Mayor Pro Tem Campos presided.

1:36 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: Chavez, Williams; Gonzales.
Mayor Pro Tem Campos presided.

- **Invocation (District 3)**
Enrique Flores, Founding member of the non-profit organization, Eastside Heroes shared some words from participants of the Eastside Heroes program.

- **Pledge of Allegiance**
Mayor Pro Tem Campos led the Pledge of Allegiance.

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

1 CEREMONIAL ITEMS

- 1.1** Presentation of a proclamation declaring the week of March 6-12, 2005 as Irish Week in the City of San José. (LeZotte)
(Rules Committee referral 3/2/05)
Mayor Pro Tem Campos and Council Member LeZotte proclaimed the week of March 6-12, 2004 as Irish Week in the City of San José.

2 CONSENT CALENDAR

2.1 Approval of Minutes.

None.

2.2 Final adoption of ordinances.

None.

2.3 Approval of an agreement for the Human Resources/Payroll Management System.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a consultant contract with Cedar Enterprise Solutions, Inc. for the implementation of the eBenefits module in the City's Human Resources/Payroll Management System from the date of execution to December 31, 2005 for an amount not to exceed \$183,040. CEQA: Not a Project. (Employee Services)

Resolution No. 72562 adopted.

2.4 Approval of open purchase orders for the purchase of supplies, materials, equipment and services.

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2004-2005 #11 and authorization for the Director of General Services to execute the purchase orders. CEQA: See memo for CEQA designation(s). (General Services)

Approved.

2.5 Approval to vacate a portion of East William Street.

Recommendation: Adoption of a resolution summarily vacating a portion of East William Street immediately east of South Third Street. CEQA: Resolution No. 68839 and Addendum thereto, PDC02-083. Council District 3. SNI: University. (Public Works)

Resolution No. 72563 adopted.

2.6 Approval of Vice Mayor Chavez's travel to Washington D.C., as amended.

Recommendation: Approval of Vice Mayor Chavez's travel to Washington D.C. on March 6-9, 2005, for the purpose of participating in the American Public Transportation Association (APTA) Legislative Conference. Funding: VTA. (Note previous request for travel was for March 6-8, 2005; this request extends the trip by one additional day.) (Chavez)

(Rules Committee referral 3/2/05)

Approved.

2 CONSENT CALENDAR

2.7 Approval of an agreement for artwork for the new Alum Rock Branch Library.

Recommendation: Approval of an agreement with artists Jim Hirschfield and Sonya Ishii to fabricate and install a public artwork for the new Alum Rock Branch Library, in an amount not to exceed \$147,694. CEQA: Negative Declaration, H020-064. Council District 5. (Cultural Affairs)
(Rules Committee referral 3/2/05)

Approved.

Staff directed to provide Council with photos of the proposed artwork.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Gonzales, Chair

There were none.

3.2 Report of the Rules Committee – February 23, 2005

Vice Mayor Chavez, Chair

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

(b) City Council

(1) Review March 8, 2005 Council Agenda

The Committee recommended approval of the March 8, 2005 City Council Agenda.

(2) Add New Items to March 1, 2005 Amended Agenda

The Committee recommended five additions to the February 15, 2005 City Council agenda.

(3) List of Reports Outstanding

The Committee noted and filed the City Manager's report.

(c) Legislative Update

(1) State – **There were none.**

(2) Federal – **There were none.**

(d) Meeting Schedules

There were none.

(e) The Public Record

The Committee noted and filed the Public Record.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – February 23, 2005 (Cont'd.)

Vice Mayor Chavez, Chair

- (f) Appointments to Boards, Commissions and Committees
 - (1) Deferred Compensation Advisory Committee Appointments
**This item was reported on at the March 1, 2005 City Council meeting.
[See 3-1-05, Item 3.2]**

- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Approval of Travel by Council Member Campos to Washington, D.C., March 10 –14, 2005, to attend the National League of Cities 2005 Annual Congressional City Conference.
The Committee recommended approval of the travel and use of the Mayor/Council Travel Fund.

- (h) Oral Communications - **None.**

- (i) Adjournment
The meeting adjourned at 2:17 p.m.

Rules/Agency Rules Committee (Partial) – March 2, 2005

Vice Mayor Chavez, Chair

- (c) Legislative Update
 - (2) Federal
 - (a) Amtrak and the Proposed FY 2006 Federal Budget
**The Committee recommended approval of a resolution requesting the California Congressional delegation work to enact adequate funding for Amtrak in the proposed FY 2006 Federal Budget.
SEE ITEM 3.5 FOR COUNCIL ACTION TAKEN**

 - (b) Opposition to Elimination of the Community Development Block Grant Program in the Proposed FY 2006 Federal Budget
The Committee recommended approval to send to the California Congressional delegation and the administration, a letter in opposition to the elimination of the Community Development Block Grant Program as proposed in the FY 2006 Federal Budget.

The Rules Committee Report and Actions of February 23, 2005 and Partial Report and Actions of March 2, 2005 were accepted.

3 STRATEGIC SUPPORT SERVICES

**3.3 Report of the Making Government Work Better Committee
Council Member Reed, Chair**

There were none.

3.4 Approval of a cooperative State of California Agreement with SBC for telecommunications services.

Recommendation: Approval of a new three-year California Integrated Information Network Agreement (CALNET), a cooperative State of California Agreement with SBC for telecommunications services. (General Services/Information Technology/Finance) (Rules Committee referral 3/2/05)

Approved.

3.5 Amtrak and the Proposed FY 2006 Federal Budget.

Recommendation: Adoption of a resolution requesting that the California Congressional delegation work to enact adequate funding for Amtrak in the proposed FY 2006 Federal Budget. (City Clerk/City Manager)
[Rules Committee referral 3/2/05 – Item 3.2(c)(2)(a)]

Resolution No. 72564 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

**4.1 Report of the Building Strong Neighborhoods Committee – February 24, 2005
Council Member Chirco, Chair**

- (a) Neighborhood Development Center (NDC) Work Plan
The Committee accepted the report and directed updated information be provided to the committee:
 - 1) Neighborhood Associations**
 - 2) Act and Leadership Community Outreach Guidelines**
 - 3) Status report on progress of the collaboration with San José City College, Evergreen Valley College and the City.**
- (b) Strong Neighborhood Initiative (SNI) Update and Discussion
The Committee accepted the updated report.
- (c) Oral Petitions – **None.**
- (d) Adjournment
The meeting adjourned at 2:59 p.m.

The Building Strong Neighborhoods Committee Report and Actions of February 24, 2005 were accepted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

- 4.2 Report of the Driving a Strong Economy Committee**
Council Member Williams, Chair
There were none.

5 RECREATION & CULTURAL SERVICES

- 5.1 Report of the All Children Achieve Committee**
Council Member Yeager, Chair
There were none.

- 5.2 Approval of the Master Plan for the Coyote Creek Trail Project.**

Recommendation: Approval of the Master Plan for the Coyote Creek Trail Project, from Phelan Avenue (Kelley Park) to Idlewood Drive (Stonegate Park/Los Lagos Golf Course). CEQA: Mitigated Negative Declaration, PP04-02-057. Council District 7. SNI: Tully/Senter. (Parks, Recreation and Neighborhood Services)

Approved.

- 5.3 Approval to establish the San José Family Camp Fees and Charges effective for the 2005 camp season.**

Recommendation: Adoption of a resolution amending the Parks, Recreation and Neighborhood Services master fee resolution to establish the San José Family Camp Fees and Charges effective for the 2005 camp season, and superseding Resolution No. 72166. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)
(Rules Committee referral 3/2/05)

Resolution No. 72565 adopted.

Staff directed to return to Council with an informational memorandum pertaining to seasonal progress of the Family Camp Program.

6 TRANSPORTATION SERVICES

- 6.1 Report of the Building Better Transportation Committee**
Council Member Campos, Chair
There were none.

7 ENVIRONMENTAL & UTILITY SERVICES

8 AVIATION SERVICES

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board convened at 2:12 p.m. to consider Item 10.1 in a Joint Session.

10.1 Approval of amendments to the City's and the Agency's Conflict of Interest Codes.

Recommendation: Adoption of resolutions by the City Council and Redevelopment Agency amending the Conflict of Interest Codes for the City of San José and the San José Redevelopment Agency. CEQA: Not a Project. (City Clerk/Redevelopment Agency)

Resolution No. 72566 adopted.

Agency Resolution No. 5590 adopted.

The Redevelopment Agency Board portion of the meeting adjourned at 2:15 p.m.

- Closed Session Report

- A. Authority to File an Appeal in Litigation:

Case Name: Operating Engineers, Local 3 v. City of San José

Adverse party or parties: Operating Engineers, Local 3

Substance of litigation: Appeal of an arbitrator's ruling interpreting the MOA's provisions regarding the City's ability to discipline for first time positive drug tests.

Council Vote: Ayes: Campos, Chirco, Cortese, LeZotte, Pyle, Reed, Yeager.

No: None.

Abstain: None.

Not Present: Chavez, Williams; Gonzales.

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

In accordance with Sec. 19.16.140d of the San Jose 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>
9513	US 101 (E/S) N/of Hellyer	8	William Lyon Homes	27 lots	Recreational Preserve	Approve

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9644	S/S of E. Williams Ave., 400’ w/o McLaughlin Ave.	3	KB Home South Bay	105 units	Single-Family
9692	S/S of Tully Road, 600’ s/w Senter Road	7	ROEM	64 lots	Multi-Family

- **Open Forum**

- (1) **Daniel McCall served the City Attorney with a Notice of Motion to return property illegally seized. He also expressed views about treatment of certain mental health conditions.**

- **Adjournment**

The meeting of the Council of the City of San José was adjourned at 2:18 p.m. in memory of Michael Chu, Owner of Millennium Business Group.