



CITY COUNCIL AGENDA

APRIL 11, 2006

AMENDED AGENDA

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

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
MADISON P. NGUYEN
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.
- **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 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.
- 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

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, City Hall Tower, 18th Floor, City Hall
[See Separate Agenda](#)
1:30 p.m. - Regular Session, Council Chambers, City Hall
- **Invocation (District 4)**
Bataan Day Remembrance by the Filipino Youth Coalition
- **Pledge of Allegiance**
- **Orders of the Day**

Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

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

1. CEREMONIAL ITEMS

- 1.1** Presentation of a commendation to the Tower Lane team for their exemplary dedication and invaluable contributions to the City organization. (City Manager/Mayor)

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. CONSENT CALENDAR

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinance.

- (a) ORD. NO. 27687 – Establishes a Rule 20A Underground Utility District along Park Avenue from Bascom Avenue to Naglee Avenue; Naglee Avenue from Park Avenue to Shasta Avenue.
- (b) ORD. NO. 27688 – Grants a Commercial Solid Waste and Recyclables Collection Franchise to the Residential Bin Co., Inc.

2.3 [Approval to amend a reimbursement agreement for explosive detection canine teams.](#)

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute assistance modification number seven to the cooperative agreement with the Transportation Security Administration (TSA) to partially reimburse Airport funded Police Department costs for four explosive detection canine teams in an amount of \$160,500 from October 1, 2004 to September 30, 2005 and for a total of \$200,000 per year from October 1, 2005 to April 16, 2007, at the Norman Y. Mineta San José International Airport. CEQA: Resolution Nos. 67380 and 71451, PP 06-033. (Airport)

2.4 Approval to sell property located at the southeast corner of Ninth and Keyes Streets.

Recommendation: Adoption of a resolution declaring certain property located at the southeast corner of Ninth and Keyes Streets, comprising approximately 2,199 square feet, surplus to the needs of the City, and authorizing the Director of General Services to negotiate and execute a sales agreement and all documents necessary to complete the transfer of the property to the adjacent property owner(s) in an amount not to exceed \$31,000. CEQA: Exempt, File No. PP06-037. Council District: 3. SNI Area: Spartan/Keyes. (General Services)

* **DROP**

2.5 [Approval to appoint the Homeless Coordinator to the State's Policy Academy.](#)

Recommendation: Appointment of Ray Tovar, the City's Homeless Coordinator, to represent the City of San José at the State of California's Policy Academy on Individuals and Families Experiencing Chronic Homelessness. CEQA: Not a project. (Housing)

2.6 [Approval of an amendment to the Saratoga Creek Park Master Plan.](#)

* **Recommendation:** Approval of an amendment to the Saratoga Creek Park Master Plan to include a dog park. CEQA: Exempt, PP05-185. Council District: 1. (Parks, Recreation and Neighborhood Services)

2. CONSENT CALENDAR

2.7 [Approval to set a Public Hearing on the vacation of a portion of North Twentieth Street.](#)

Recommendation: Adoption of a resolution of intention to conditionally vacate a portion of North Twentieth Street north of Santa Clara Street, and setting a public hearing on May 2, 2006 at 1:30 p.m. CEQA: Mitigated Negative Declaration (PP03-397). Council District: 3. SNI Area: Five Wounds/Brookwood Terrace. (Public Works)

2.8 [Approval of the Sales Tax Audit Results for the Quarter ended December 31, 2005 report.](#)

Recommendation: Approval of *Sales Tax Audit Results for the Quarter ended December 31, 2005* report. (City Auditor)

* (Rules Committee referral from 4/5/06)

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair

3.2 Report of the Rules Committee – [March 29, 2006](#) Vice Mayor Chavez, Chair

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

(b) City Council

(1) Review April 11, 2006 Council Agenda

(a) Adds to the April 11, 2006 Draft Agenda

(2) Add New Items to April 4, 2006 Agenda

* (a) Mayor and Council Member Requests

(2) Reconsideration of the Mayor's participation on boards or committees on which he serves as the City's representative.
(Yeager)

HEARD ON 4/4/06

(3) List of Reports Outstanding

(c) Legislative Update

(1) State

(2) Federal

(d) Meeting Schedules

(e) The Public Record

(f) Appointments to Boards, Commissions and Committees

Item continued on the next page

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – March 29, 2006 (Cont'd.)

Vice Mayor Chavez, Chair

- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Request to Use Community Resource Funds for the Community Resource Fair Scheduled on June 11, 2006.
 - (2) Request to Add *An Audit of the City's Investment and Debt Administration* to the City Auditor's 2005-06 Audit Workplan.
- (h) Open Forum
- (i) Adjournment

3.2 Report of the Rules Committee – [March 22, 2006](#)

* Vice Mayor Chavez, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
 - (b) City Council
 - (1) Review April 4, 2006 Draft City Council Agenda
 - (2) Add New Items to March 28, 2006 City Council Agenda
 - (3) List of Reports Outstanding
 - (c) Legislative Update
 - (1) State
 - (2) Federal
 - (a) National League of Cities Congressional Conference Summary Report
 - (d) Meeting Schedules
 - (e) The Public Record
 - (f) Appointments to Boards, Commissions and Committees
 - (1) Appointments to the Deferred Compensation Advisory Committee
 - (2) Advisory Commission on Rents Term Extensions
 - (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Request to add reviews of high profile, complex RFP's/procurements as an ongoing assignment to the City Auditor's work plan
 - (2) Approval of an amended timeline for the Fire Department to research and develop an ordinance for Improved Fire Safety in Older Buildings
 - (3) Adoption of an opposition position on HR4437
HEARD ON 4/4/06
 - (4) Approval of travel by Council Member Campos to attend the League of California Cities Transportation, Communication and Public Works Policy Committee Meeting in Los Angeles on March 30, 2006
 - (h) Open Forum
 - (i) Adjournment
- (Deferred from 4/4/06 – Item 3.2)

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

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee Council Member Chirco, Chair

4.2 Report of the Driving a Strong Economy Committee – [March 27, 2006](#) Council Member Williams, Chair

- (a) Development Process Status Report
- (b) Counter-to-Council Update
- (c) Update on President's Advisory Panel on Federal Tax Reform Recommendations
- (d) Oral Petitions
- (e) Adjournment

4.3 [Approval to designate the City as the local redevelopment authority for the reuse of the Richey U.S. Army Reserve Center.](#)

Recommendation: Approval to designate the City of San Jose as the local redevelopment authority for the purpose of reuse of the Richey U.S. Army Reserve Center at 155 W. Hedding. CEQA: Not a Project. (Public Works/Planning, Building and Code Enforcement)

* **DROP**

4.4 Approval of actions related to the County Island Annexation Process.

* **Recommendation:** Provide direction to staff to proceed with the county island annexation process, beginning with a Pilot Program of sixteen such islands, and specifically:

- (a) Direction to staff to prepare initiation of island annexations under the provision of Government Code Section 56375.3 for those parcels identified islands; and
- (b) Request that the County provide the necessary mapping, legal descriptions, Surveyor's and Assessor's Reports for the islands recommended in the staff report; and,
- (c) Direction to staff to initiate the necessary pre-zonings and complete appropriate environmental review.

CEQA: Resolution No. 65459. (Planning, Building and Code Enforcement)
(Deferred from 3/21/06 – Item 4.4, et al and 4/4/06 – Item 4.4)

RECOMMEND DEFERRAL TO 4/18/06

5. NEIGHBORHOOD SERVICES

5.1 Report of the All Children Achieve Committee Council Member Yeager, Chair

5. NEIGHBORHOOD SERVICES

5.2 [Public Hearing on the Consolidation Plan – Annual Action Plan for FY 2006-2007.](#)

[Supplemental](#)

Recommendation: Open Public Hearing on the draft Annual Action Plan for Fiscal Year 2006-2007, and announce that on April 5, 2006, the draft Action Plan will be made available to the public, officially beginning the thirty-day public comment period, which will end on May 5, 2006. CEQA: Not a Project. (Housing/Parks, Recreation and Neighborhood Services)

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Building Better Transportation Committee Council Member Campos, Chair

6.2 Approval of actions related to the Airport North Concourse.

* **Recommendation:**

(a) Report on bids and award of contract for the Norman Y. Mineta San José International Airport North Concourse Building Foundation and Utility Tunnel Concrete (Package 2A) Project to the lowest responsive bidder, Gonsalves & Santucci, Inc. dba Conco, in the amount of \$15,512,812, and approval of a contingency in the amount of \$1,552,000. CEQA: Resolution Nos. 67380 and 71451, PP 06-025. (Public Works/Airport)

[Supplemental](#)

(b) Approval to reject the sole bid for the Norman Y. Mineta San José International Airport North Concourse Building Curtain Wall and Glazed Roofing (Package 4A) Project. CEQA: Resolution Nos. 67380 and 71451, PP 06-028. (Public Works/Airport)

[Supplemental](#)

6.3 [Approval to continue and amend an agreement with Skywest Airlines.](#)

[Supplemental](#)

Recommendation: Approval of a continuation agreement and first amendment to the Scheduled Airline Operating Agreement and License between the City of San José and Skywest Airlines, Inc., to extend the agreement from May 31, 2003 through November 30, 2007, and to amend the agreement to include provisions regarding compliance with the City's Airport Curfew Ordinance, with continuing annual revenue to the City of approximately \$360,000. CEQA: Resolution No. 67380, PP 03-02-065. (Airport)

* **RECOMMEND DEFERRAL TO 4/18/06**

6. TRANSPORTATION & AVIATION SERVICES

6.4 [Approval of an extension agreement with AMPCO System Parking.](#)

- * **Recommendation:** Adoption of a resolution authorizing the City Manager to execute a second amendment to the agreement with AMPCO System Parking for parking management and operation services, increasing compensation in an amount not to exceed \$1,600,000 and extending the term of the agreement from July 1, 2006 to December 31, 2006, subject to the appropriation of funds in FY 2006-2007 budget. CEQA: Not a Project. (Transportation)

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

- Closed Session Report
 - 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>
9755	S/E Terminus of Duckett Way	1	Richard Shwe	5 Units	SFA/SFD

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>
9796	88 E. San Fernando Street	3	CIM Group, Inc.	1 Lot	Condo
9801	360 S. Market Street	3	MESA SOFA Partners, LLC.	1 Lot	Condo

- Notice of City Engineer's Award of Construction Projects
- Open Forum—To be heard jointly with Redevelopment Agency Public Discussion.
- Adjournment