



CITY COUNCIL AGENDA

APRIL 15, 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
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**
9:02 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: Constant. (Excused)

1:31 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: Constant. (Excused)
- **Invocation (District 4)**
Emily Lin (Fantasia Performing Arts Center) played the Pipa, a four-stringed Lute.
- **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 Item 3.2(a)-(d) deferred to 4/22/08.
- **Closed Session Report**
No Report.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to Rolanda Pierre-Dixon for her commitment and leadership in assisting victims of domestic violence by holding perpetrators accountable. (City Manager's Office/Campos/Williams/Liccardo)
Mayor Reed, and Council Members Williams, Campos and Liccardo recognized and commended Rolanda Pierre-Dixon for her dedication and guidance in supporting victims of domestic violence.
- 1.2 Presentation of gifts from Okayama, Japan to the City of San José. (Williams)
(Rules Committee referral 04/09/08)
Council Member Williams presented three gifts from the Mayor of Okayama, Japan to Mayor Reed, who accepted on behalf of the City of San José.

1. CEREMONIAL ITEMS

- 1.3 Presentation of a commendation to Holy Spirit Parish for their ambitious environmental efforts through the Social Justice Committee’s “Blue Bag Program”. (Pyle)
(Rules Committee referral 04/09/08)
Mayor Reed and Council Member Pyle recognized and commended Holy Spirit Parish for their ambitious environmental efforts through the Social Justice Committee’s “Blue Bag Program”.
- 1.4 Presentation of a proclamation declaring April 13th through April 19th as National Public Safety Dispatchers’ Week in the City of San José. (Mayor/Constant/Cortese/Liccardo)
(Orders of the Day)
Mayor Reed, Vice Mayor Cortese and Council Member Liccardo recognized the April 13 through April 19, 2008 as “National Public Safety Dispatchers’ Week” in the City of San José. Council Member Constant could not be present.

2. CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
There were none.
- 2.2 **Final adoption of ordinances.**

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 28280 – Amending Section 12.06.050 of Chapter 12.06 of Title 12 of the San José Municipal Code to provide that compensation in any amount by an employer to an employee who spends any of his or her compensated time rendering services for political purposes is a contribution or an expenditure if personal service is rendered at the request, direction or with the consent of the employer; and amending section 12.06.250 to provide that except to the extent that Chapter 12.06 defines and limits contributions by business entities, the provisions of the Political Reform Act shall apply.
[Deferred from 4/8/08 – Item 2.2(c)]
Ordinance No. 28280 adopted.
- (b) ORD. NO. 28281 – Amending Section 12.16.040 of Chapter 12.16 of Title 12 of the San José Municipal Code to require that disclosure reports for fundraising solicitations be filed by elected City Officials on a quarterly basis.
[Deferred from 4/8/08) – Item 2.2(d)]
Ordinance No. 28281 adopted.

2. CONSENT CALENDAR

2.2 Final adoption of ordinances (Cont'd.)

- (c) ORD. NO. 28282 – Amending Section 20.100.500 of Chapter 20.100 of Title 20 of the San José Municipal Code (City’s Zoning Ordinance) and Section 23.02.1300 of Chapter 23.02 of Title 23 of the San José Municipal Code (City’s Sign Ordinance) to provide for a Development Permit adjustment exception for City Landmark Properties that require Historic Preservation Permit adjustments. (Deferred from 2.2(e) – 4/8/08)

Ordinance No. 28282 adopted.

- (d) ORD NO. 28284 – Amending Section 20.30.100 of and adding a new Section 20.30.150 to Chapter 20.30 of Title 20 of the San José Municipal Code and adding a new section to Chapter 20.200 of Title 20 of the San José Municipal Code, all to establish a Secondary Dwellings Program to be effective as of June 15, 2008.

Ordinance No. 28284 adopted.

2.3 Office of the City Auditor’s Report.

Recommendation: Acceptance of the Office of the City Auditor’s *Report of Activities and Findings for the Period February 16, 2008 through March 15, 2008.* (City Auditor)
Report Accepted.

2.4 Approval of a New Fund in Community Facilities District No. 11 and adoption of an Appropriation Ordinance.

Recommendation: Establish a new fund in Community Facilities District No. 11 (Adeline – Mary Helen) on Communications Hill and adopt the following 2007-2008 Appropriation Ordinances and Funding Sources Resolution amendments in the Community Facilities District No. 11 Fund (374):

- (a) Establish an appropriation to the Department of Transportation for Personal Services in the amount of \$10,000;
- (b) Establish an appropriation to the Department of Transportation for Non-Personal/Equipment in the amount of \$5,000;
- (c) Establish an Ending Fund Balance in the amount of \$146,277; and
- (d) Increase the estimate for Earned Revenue by \$161,277.

CEQA: Exempt, File No. PP05-021. Council District 7. (Public Works/Transportation/City Manager’s Office)

Ordinance No. 28287 adopted.

Resolution No. 74322 adopted.

Disqualified: Nguyen.

2. CONSENT CALENDAR

2.5 Highway 87 Detour II Sanitary Sewer Reconstruction Phase II Project.

Recommendation:

- (a) Increase the contingency budget for the Highway 87 Detour II Sanitary Sewer Reconstruction Phase II project by \$215,700 from \$740,900 to \$956,600.
- (b) Approval of Contract Change Order No. 5 with McGuire & Hester, Inc. for the Highway 87 Detour II Sanitary Sewer Reconstruction Phase II Project in an amount not-to-exceed \$800,000, for a total contract amount of \$5,895,746.

CEQA: Mitigated Negative Declaration, File No. PP03-12-378. Council District 3.
(Public Works)

Approved.

2.6 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) for 2007-2008:
 - (1) Increase the estimate for Earned Revenue by \$78,050.
 - (2) Establish an appropriation to the Department of Transportation for the Japantown Street and Decorative Lighting Project (PSM 519, Amendment 1) in the amount of \$78,050.
- (b) Adoption of a resolution making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with the Japantown Street and Decorative Lighting Project as more specifically described in the memorandum from the Redevelopment Agency, dated October 16, 2007.

Ordinance No. 28288 adopted.

Resolution No. 74323 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 Japantown Street and Decorative Lighting Project as more specifically described in the memorandum from the Redevelopment Agency, dated October 16, 2007.

CEQA: Exempt, File Nos. PP06-105 and PP01-02-023. Council District 3.
(Transportation/City Manager's Office)

Resolution No. 74324 adopted.

2.7 Excused Absences for Council Member Nguyen.

Recommendation: Request for excused absences for Council Member Nguyen.

- (a) Request for an excused absence from the Closed Session and City Council Meeting of April 22, 2008 due to Authorized City Business: Attendance at the Young Elected Officials National Conference in Little Rock, Arkansas.
- (b) Request for an excused absence from the Study Session of April 24, 2008 due to Authorized City Business: Attendance at the YEO National Conference in Little Rock, Arkansas.

(Nguyen)

(Rules Committee referral 4/2/08)

Excused.

3. STRATEGIC SUPPORT SERVICES

- 3.1 Report of the City Manager, Debra Figone (Verbal Report)**
City Manager Debra Figone reported that the General Fund Structural Deficit Elimination Plan Stakeholder Group will begin meeting next week and added that the Capital Improvement Budget will be released next week.
- 3.2 Report of the Rules and Open Government Committee**
Mayor Reed, Chair
- (a) Report of the Rules and Open Government Committee of March 19, 2008
 - (b) Report of the Rules and Open Government Committee of March 26, 2008
 - (c) Report of the Special Meeting of the Rules and Open Government Committee of April 1, 2008
 - (d) Report of the Rules and Open Government Committee of April 2, 2008
- Deferred to 4/22/08 per Orders of the Day.**
- 3.3 Report of the Public Safety, Finance and Strategic Support Committee**
Council Member Nguyen, Chair
No Report.

4. COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 Report of the Community & Economic Development Committee**
Council Member Pyle, Chair
No Report.
- 4.2 Amend an agreement with GlobalFluency for national and international media relations.**

Recommendation:

- (a) Approval of an amendment and continuation agreement with GlobalFluency for Year 2 Program for national and international public relations services, extending the term from November 1, 2007 through December 31, 2008, and increasing the compensation by \$150,000 for a total contract amount of \$350,000, of which \$50,000 will be provided by the San José Convention and Visitors Bureau through a separate contribution agreement.

Approved.

Noes: Campos.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Amend an agreement with GlobalFluency for national and international media relations (Cont'd.)

(b) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

- (1) Increase the appropriation to the Office of Economic Development for Non-Personal/Equipment by \$50,000; and
- (2) Increase the estimate for Other Revenue by \$50,000.

CEQA: Not a Project. (Economic Development/City Manager's Office)

Ordinance No. 28289 adopted.

Resolution No. 74325 adopted.

Noes: Campos.

Staff directed to return in 6 months to the Community and Economic Development Committee with a status report.

4.3 Actions related to the Evergreen East Hills Development Policy area.

Recommendation: Adoption of a resolution to repeal Resolution No. 71939 to address the filing of residential applications in the Evergreen-East Hills Development Policy area.

CEQA: Not a Project. (Planning, Building and Code Enforcement)

[Rules Committee referral 03/19/08 – Item (G)(3)]

Resolution No. 74326 adopted, as amended, with the following modification: only applications that are for projects of no more than 35 residential units should no longer be discouraged from submission.

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. TRANSPORTATION & AVIATION SERVICES

6.2 Report on Request for Proposal for Parking Access Revenue Control and Automatic Vehicle Identification System for the Airport.

Recommendation: Report on Request for Proposal for Parking Access Revenue Control and Automatic Vehicle Identification System for the San José International Airport and adoption of a resolution authorizing the Director of Finance to:

- (a) Execute an agreement with ACS Transport Solutions, Inc. for a three-year term and maximum compensation of \$6,016,942.
- (b) Execute change orders in an amount not to exceed \$600,000 as contingency to cover unanticipated changes in the system design and/or installation.
- (c) Exercise five one-year options for ongoing maintenance subject to the appropriation of funds.
- (d) Execute amendments to the agreement to add or delete parking areas subject to annual appropriation of funds.

CEQA: Resolutions No. 67380 and 71451, File No. PP06-004. (Finance)

(Deferred from 4/8/08 – Item 6.2)

Resolution No. 74327 adopted.

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

9.1 Consideration of the Recommendations of the North San José Neighborhoods Planning Taskforce.

Recommendation: It is recommended that the City Council and Redevelopment Agency Board:

- (a) Accept the final guiding principles and recommendations of the North San José Neighborhoods Planning Taskforce.
- (b) Accept the Schools Report, Parks and Recreation Report, Retail Report and maps presented to the North San José Neighborhoods Planning Taskforce.
- (c) Direct the City Manager and Executive Director to develop an Implementation Strategy for North San José, including design guidelines and an ongoing approach to involve the public using the guiding principles and recommendations of the North San José Neighborhoods Planning Taskforce.

CEQA: Not a Project. (City Manager's Office/Redevelopment Agency)

Deferred to 4/22/08 in the Evening.

- **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 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> |
|--------------|--|-------------------------|------------------|-------------------|-------------|
| 9947 | N/S of Phelan Ave, 200' E of Roberts Ave | 7 | Kevin A. Pham | 5 Lots / 5 Units | SFD |

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

- **Open Forum**
None presented.

- **Adjournment**
The Council of the City of San José was adjourned at 2:40 p.m.