

CITY COUNCIL AGENDA

APRIL 25, 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)**
Wink Ferrand of Lincoln Glen Mennonite Brethren Church
- **Pledge of Allegiance**
- **Orders of the Day**

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

ADJOURNMENT: This meeting will be adjourned in memory of Dr. John De Vincenzi, a lifelong resident of San José and very active in the Italian, Arts, and Education communities. He was co-founder of the Italian American Heritage Foundation and will be missed by many.

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 Billy DeFrank Lesbian, Gay, Bisexual, Transgender Community Center in recognition of 25 years of exemplary service to the lesbian, gay, bisexual and transgender community of San José and beyond. (Yeager) (Rules Committee referral 4/12/06)
- 1.2 Presentation of a commendation to Robert Sillen, retiring Director of the Santa Clara Valley Health and Hospital System, in recognition of his leadership in providing exemplary health care services to San José's most vulnerable residents. (Yeager) (Rules Committee referral 4/12/06)

* **DROP**

1. CEREMONIAL ITEMS

- 1.3 Presentation of a proclamation declaring April 30, 2006 as “El Dia de Los Ninos/El Dia de los Libros – Children’s Day/Book Day” on the occasion of their 10th anniversary advocating the importance of literacy in the lives of children. (Campos)
(Rules Committee referral 4/12/06)
- 1.4 Presentation of commendations to the City Team who made Cirque du Soleil’s “Corteo” a successful production in San José. (Mayor/Chavez)
(Rules Committee referral 4/12/06)
- 1.5 Presentation of a proclamation declaring April 30 through May 6, 2006 as “Municipal Clerks Week” in San José. (Mayor)
(Rules Committee referral 4/12/06)
- 1.6 Presentation of a special commendation recognizing the sustainable design elements incorporated into City Hall. (Environmental Services)
(Rules Committee referral 4/12/06)
- 1.7 Presentation of a commendation to Bridge Bank for its important contributions to the San José economy. (Mayor/Chavez)
* (Rules Committee referral 4/19/06)
- 1.8 Presentation of a commendation to Lockheed Martin for its innovation and important contributions to the City of San José and the Nation. (Mayor)
* (Rules Committee referral 4/19/06)
- 1.9 Presentation of a commendation to Mary Andrade for her outstanding journalistic and literary career, which has recently been supplemented by the receipt of the “Silver Leaf Award”. (Cortese)
* (Rules Committee referral 4/19/06)
- 1.10 Presentation of a proclamation to Community Arts and History Support, Northeast Region APPN, and the Milpitas Vietnamese Lions Club for their “Principle of Life Essay Celebration”. (Cortese)
(Orders of the Day)
* **RECOMMEND DEFERRAL TO 5/2/06**
- 1.11 Presentation of a commendation celebrating the 20th anniversary of San José Beautiful. (Chavez)
* (Orders of the Day)
- 1.12 Presentation of a commendation in celebration of “Volunteer Month” and the good work of the Volunteer Center. (Chavez)
(Orders of the Day)
* **RECOMMEND DEFERRAL TO 5/2/06**

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.

- * **Recommendation:** Approval of minutes:
(a) [Regular minutes of September 20, 2005](#)
(b) Regular minutes of September 27, 2005
[Deferred from 4/18/06 – Items 2.1(f)(g)]

2.2 Final adoption of ordinances.

2.3 [Approval to reject bids for the Water Pollution Control Plant compressed Air Upgrade Project.](#)

[Supplemental](#)

Recommendation: Approval to reject all bids for the construction project entitled, “San Jose/Santa Clara Water Pollution Control Plant, FY 1997/1998 Compressed Air Upgrade Project.” CEQA: Exempt, PP05-124. (Environmental Services)

2.4 [Approval to execute a Quitclaim Deed surrendering title of the Western terminus of Catherine Street.](#)

Recommendation: Adoption of a resolution authorizing the Director of General Services to execute a Quitclaim Deed surrendering title of the Western terminus of Catherine Street in Alviso to the Santa Clara Valley Water District, and to record the deed at the Office of the County Recorder. CEQA: Mitigated Negative Declaration, File PP01-150, and addenda thereto, File PP02-116. (General Services)

2.5 [Approval to establish an oversight committee for Library Parcel Tax \(Measure S\).](#)

Recommendation: Approval to designate the Library Commission as the public oversight committee for the Library Parcel Tax (Measure S). CEQA: Not a Project. (Library)

2.6 [Approval of Mayor Gonzales’ travel.](#)

Recommendation: Approval of Mayor Gonzales’ travel to Chicago, Illinois, May 11-13, 2006, for CEOs for Cities Meeting. Funding: Mayor’s Office. (Mayor)
(Rules Committee referral 4/12/06)

2. CONSENT CALENDAR

2.7 [Approval of an agreement for a Pedestrian Access Improvement Project.](#)

- * **Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a cooperative agreement with the Santa Clara Valley Transportation Authority for the project development, environmental clearance and design of a Blossom Hill/Monterey Pedestrian Access Improvement Project in the amount of \$250,000.
CEQA: Not a Project. Council District 2. (Transportation)

2.8 [Approval to file an application for Federal Surface Transportation Program funding.](#)

- * **Recommendation:** Adoption of a resolution authorizing the filing of an application for Federal Surface Transportation Program (STP) funding for the FY 2007-08 and FY 2008-09 cycle of the STP Street Maintenance Project in the amount of \$6,545,689 and committing the necessary City funding match of \$848,063 for a total project cost in the amount of \$7,393,752.
CEQA: Exempt, File No. PP04-233. (Transportation)

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair

3.2 Report of the Rules Committee – [April 5, 2006](#) Vice Mayor Chavez, Chair

- * (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review April 18, 2006 Council Draft Agenda
 - (a) Voter-Owned Campaigns. (Mayor)
(Continued from March 29, 2006)
 - (b) Add Council consideration of nominating a portion of the University Strong Neighborhoods Initiative Area for designation as a City Landmark Historic District. (Chavez)
 - (2) Add New Items to April 11, 2006 Agenda
 - (3) List of Reports Outstanding
- (c) Legislative Update
 - (1) State
 - (2) Federal
 - (a) Update on San José Federal Relations Activities
- (d) Meeting Schedules
 - (1) Approval of Revisions to the Budget Study Session Calendar (Mayor)
 - (2) Set date for an Informational Briefing on the Preliminary Gap Analysis
- (e) The Public Record

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – April 5, 2006 (Cont'd.)

Vice Mayor Chavez, Chair

- (f) Appointments to Boards, Commissions and Committees
 - (1) Airport Commission
 - (a) Re-Appoint 2 Commissioners
 - (2) Arts Commission
 - (a) Re-Appoint 2 Commissioners
 - (3) Library Commission
 - (a) Re-Appoint 2 Commissioners
 - (4) Early Care and Education Commission
 - (a) Re-Appoint 2 Commissioners
 - (b) Appoint 1 Commissioner to fill unexpired term.
 - (5) Historic Landmarks Commission
 - (a) Re-Appoint 2 Commissioners
 - (6) Parks and Recreation Commission
 - (a) Re-Appoint 2 Commissioners
 - (7) Traffic Appeals Commission
 - (a) Re-Appoint 1 Commissioner
 - (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Sunshine Reforms Motion Clarification
 - (h) Open Forum
 - (i) Adjournment
- (Deferred from 4/18/06 – Item 3.2)

Report of the Rules Committee - [April 12, 2006](#)

Vice Mayor Chavez, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review April 25, 2006 Draft City Council Agenda
 - (2) Add New Items to April 18, 2006 City Council Agenda
 - (3) List of Reports Outstanding
- (c) Legislative Update
 - (1) State
 - (2) Federal
 - (a) CDBG Formula Changes

SEE ITEM 3.5 FOR COUNCIL ACTION TO BE TAKEN
- (d) Meeting Schedules
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
 - (1) Disability Advisory Commission
 - (2) Senior Citizens Commission

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – April 12, 2006 (Cont'd.)

Vice Mayor Chavez, Chair

- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Cellular Reinforcement at City Hall
 - (2) Process for early Council review and consideration of General Plan Amendments

Deferred to 5/3/06 Rules Committee Meeting

- (h) Open Forum
- (i) Adjournment

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

3.4 [Approval of a Memorandum of Agreement with the International Union of Operating Engineers, Local #3.](#)

- * **Recommendation:** Adoption of a resolution approving the terms of a Memorandum of Agreement with the International Union of Operating Engineers, Local #3, subject to ratification, and authorizing the City Manager to execute the agreement. CEQA: Not a Project. (City Manager's Office)

3.5 [Direction to Staff on Community Development Block Grant Formula Changes.](#)

Recommendation: Direction to Staff to work with the U.S. Department of Housing and Urban Development and the U.S. Congress to oppose proposed changes to the Community Development Block Grant (CDBG) formula that would adversely impact the City of San José. CEQA: Not a Project. (Housing/Parks, Recreation and Neighborhood Services)

[Rules Committee referral 4/12/06 – Item 3.2(c)(2)(a)]

3.6 Review and approval of follow-up items on the Council-Interaction Policy and City Council obligation to disclose facts.

- * **Recommendation:**
 - (a) [Approval of the Council-Staff Interaction Policy \(Council Policy 0-31\)](#), which would replace the Independent Judgment Policy (Council Policy 0-26) and the Interaction Policy (Council Policy 0-27).
 - (b) [Approval of a City Council Policy on the City Council obligation to disclose material facts.](#)

CEQA: Not a Project. (City Manager's Office/City Attorney's Office)
(Continued from 4/4/06 – Item 3.5(b) and deferred from 4/18/06 – Item 3.5)

3. STRATEGIC SUPPORT SERVICES

3.7 [Partnership for Working Toward Inclusive Communities.](#)

* **Recommendation:**

- (a) That the City Council adopt a resolution to join the effort of the National League of Cities to create a *Partnership for Working Toward Inclusive Communities*.
- (b) That the City Manager explore the opportunity to work with the National League of Cities to create a youth oriented City Exchange Program with San José.
(Mayor/Campos)

3.8 [Public Records Request – Grand Prix.](#)

[Memo from Vice Mayor Chavez](#)

[Memo from City Manager White](#)

* **Recommendation:**

- (a) Waive privilege of the redacted information contained within the 35 documents provided by the City Attorney’s Office to San José Mercury New (SJMN) in response to the SJMN Public Records Request of documents associated with the 2006 Grand Prix.
- (b) Refer the issue of what information should be protected under “deliberative process” to the Sunshine Task Force.
(Chavez)

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 Council Member Williams, Chair

4.3 [Public Hearing to designate the California Packing Corporation as a Historic Landmark.](#)

- * **Recommendation:** Public Hearing and adoption of a resolution designating the California Packing Corporation (Calpak) District Manager’s Office located at 734 The Alameda as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of a historic nature. CEQA: Exempt. Council District: 6. (Planning, Building and Code Enforcement)
(Deferred from 3/28/06 – Item 4.3)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.4 [Approval of actions related to the County Island Annexation Process.](#)

[Attachment](#)

- * **Recommendation:** Provide direction to City staff to proceed with the County Island Annexation Process, and specifically to:
- (a) Direct City staff to prepare initiation of the annexation of unincorporated islands under the provisions of California Government Code Section 56375.3 and refer related costs to the budget process for yearly appropriations.
 - (b) Request that the County provide the necessary mapping, legal descriptions, Surveyor's and Assessor's Reports as a part of the annexation process.
 - (c) Direct staff to initiate the necessary rezonings for the parcels within the areas proposed for annexation and complete the related environmental review.
 - (d) Request that the County provide street improvements of the pockets pursuant to the County offer of July 6, 2005.

CEQA: Resolution No. 65459. (Planning, Building and Code Enforcement)
(Deferred from 3/21/06 – Item 4.4, et al and 4/18/06 – Item 4.5)

5. NEIGHBORHOOD SERVICES

5.1 **Report of the All Children Achieve Committee – [April 13, 2006](#)** **Council Member Yeager, Chair**

- (a) Update on San José After School Program and Proposition 49
- (b) Update on Implementation of San José's High School Initiative
Request deferral to May 2006
- (c) Safe School Campus Initiative Program Overview and Update
- (d) Oral Petitions
- (e) Adjournment

5.2 **Approval of actions related to illegal tree removal.**

Recommendation:

- (a) Approval of an ordinance to amend Section 13.28.140 of Chapter 13.28 of Title 13 of the San José Municipal Code to increase the posting period for potential street tree removals from seven to fourteen days; and
- (b) Adoption of a resolution amending the Administrative Schedule of fines to increase the administrative fines for illegal removal of trees in San José as outlined in the report, and repealing Resolution No. 73004, to be effective July 7, 2006.

CEQA: Not a Project. (Transportation/Planning, Building and Code Enforcement)
(Deferred from 3/14/06 – Item 5.3)

RECOMMEND DEFERRAL TO 5/16/06

5. NEIGHBORHOOD SERVICES

5.3 [Acceptance of Staff's response to the Civil Grand Jury Report on Community Action and Pride Grants.](#)

Recommendation: Acceptance of staff's response to the Santa Clara County Civil Grand Jury Report entitled, "City of San José Community Action and Pride Grants – Even a Good Program Can be Improved". CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

6. TRANSPORTATION & AVIATION SERVICES

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

6.2 [Public Hearing and adoption of a resolution vacating Narvaez Road.](#)

Recommendation: Conduct a public hearing and adopt a resolution vacating Narvaez Road between Narvaez Avenue and State Route 87. CEQA: Exempt. Council District: 10. (Public Works)

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

8.1 [Presentation and acceptance of the status report for the Interoperability Project.](#)

* **Recommendation:** Presentation and acceptance of the status report for the Silicon Valley Regional Interoperability Project (SVRIP) on voice and data interoperability amongst and between first responders. (City Manager's Office)

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

- Closed Session Report
- Notice of City Engineer's Pending Decision on Final Maps
- Notice of City Engineer's Award of Construction Projects

- Open Forum—To be heard jointly with Redevelopment Agency Public Discussion.
- Adjournment

**JOINT CITY OF SAN JOSÉ
CITY COUNCIL/FINANCING AUTHORITY
AGENDA**

1:30 P.M.

TUESDAY, APRIL 25, 2006

CHAMBERS

1. **Call to Order**
2. **[Approval of the Financing Plan to restructure and refund portions of the 2002 Civic Center bonds.](#)**
- * **Recommendation:** Direct Staff to proceed with steps to refund the City of San José Financing Authority Lease Revenue Bonds, Series 2002D and reaffirm the Authority's intent to allow the Series 2002C Bonds to convert to a weekly interest rate mode and remarket as such on June 1, 2006. CEQA: Resolution No. 68905, File No. PP98-072. (Finance)
3. **Adjourn the San José Financing Authority.**