

**MINUTES OF THE CITY COUNCIL**

**SAN JOSÉ, CALIFORNIA**

**TUESDAY, MAY 8, 2007**

The Council of the City of San José convened in regular session at 9:00 a.m. in the Council Chambers at City Hall.

Present: Council Members - Campos, Chirco, Constant, Cortese, Liccardo, Nguyen, Oliverio, Pyle, Williams; Reed.

Absent: Council Members - None.

Vacant: - District 4.

Upon motion unanimously adopted, Council recessed at 9:00 a.m. to a Closed Session in Room W133, (A) to confer with Legal Counsel pursuant to Government Code Section 54956.9 subsection (a) with respect to existing litigation to consider the case of: (1) In Re Walker; (2) Great Oaks Water Company, Inc. v. City of San José, et al.; (3) in Re Zeisbrich; (4) Comcast Cable Communications, LLC v. City of San José, et al.; (5) Elmore Pipe Jacking, Inc. a Division of Affholder, Inc. v. City, et al.; (6) City of San José v. World Oil Co.; (7) City of San José v. Union Pacific; (8) City of San José v. Piedmont & Sierra Plaza, LLC; (9) Huynh v. Baiza, et al.; (10) McGuire & Hester v. City, et al.; (11) D&K Painting Company, Inc. v. City of San José, et al.; (12) DeLaRosa, et al. v. City of San José, et al. (B) to confer with Legal Counsel pursuant to: Government Code Section 54956.9 with respect to anticipated litigation, subsection (b) with significant exposure in two(2) matters. (C) to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Manager Designee Alex Gurza; Employee Organizations: (1) Association of Engineers & Architects (AEA); (2) Association of Maintenance Supervisory Personnel (AMSP).

By unanimous consent, Council recessed from the Closed Session at 10:50 a.m. and reconvened at 1:30 p.m. in the Council Chambers.

Present: Council Members - Campos, Chirco, Constant, Cortese, Liccardo, Nguyen, Oliverio, Pyle, Williams; Reed.

Absent: Council Members - None.

Vacant: - District 4.

## INVOCATION

High School Chamber Group and San José Youth Symphony members performed a selection from “Mozart’s Magic Flute Opera”. (District 5)

## PLEDGE OF ALLEGIANCE

Mayor Reed led the Pledge of Allegiance.

## ORDERS OF THE DAY

Upon motion by Vice Mayor Cortese, seconded by Council Member Pyle and carried unanimously, the Orders of the Day and the Amended Agenda were approved. (10-0.)

## CEREMONIAL ITEMS

- 1.1 Presentation of a commendation recognizing the achievement of the Berryessa Branch Library’s Customer Service staff. (Library)  
(Deferred from 4/24/07 – Item 1.3)**

Action: Mayor Reed and City Librarian Jane Light recognized and commended the achievements of the Berryessa Branch Library’s Customer Service Staff for excellence.

- 1.2 Presentation of a commendation to City Hall Security Staff for their exemplary dedication and valuable contributions to the City organization. (City Manager’s Office/Mayor)**

Action: Mayor Reed and City Manager Les White recognized and commended the City Hall Security Staff for their outstanding dedication and important contributions to the City of San José.

- 1.3 Presentation of proclamation declaring May as Older Americans’ Month in the City of San José. (Constant/Cortese/Pyle)**

Action: Mayor Reed and Council Members Constant, Pyle and Vice Mayor Cortese recognized May as “Older Americans’ Month” in the City of San José.

- 1.4 Presentation of a commendation to Mel Chin for his unique artistic vision, dedication and commitment to quality for over eight years, in the creation of public artworks for the Dr. Martin Luther King, Jr. Library. (Economic Development)**

Action: Mayor Reed and Council Member Williams recognized and commended Mel Chin for his unique artistic vision, dedication and commitment to quality in the creation of public artworks for the Dr. Martin Luther King, Jr. Library.

**1.5 Presentation of a proclamation declaring the month of May as National Historic Preservation Month. (Planning, Building and Code Enforcement)**

Action: Mayor Reed, Council Member Chirco and Director of Building and Code Enforcement Joseph Horwedel recognized May as “National Historic Preservation Month” in the City of San José.

**CONSENT CALENDAR**

Upon motion by Vice Mayor Cortese, seconded by Council Member Liccardo and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (10-0.)

**2.1 Approval of minutes.**

- (1) **Regular minutes of February 13, 2007**
- (2) **Regular minutes of February 27, 2007**

Documents Filed: The Regular Minutes dated February 13, 2007 and February 27, 2007.

Action: The Minutes were approved. (10-0.)

- 2.2 (a) ORD. NO. 28022 – Amending Title 23 of the San José Municipal Code, the Sign Code, to amend Chapters 23.02 and 23.04 by adding Section 23.02.043 and amending Section 23.04.020 to provide for regulation of arcade signs, by amending Section 23.02.1010 and Section 23.04.120 to clarify restrictions on inflatable or balloon signage, by amending Section 23.04.020 to amend allowed signage on gasoline service station canopies, by amending Section 23.04.030 to clarify regulations pertaining to free-standing signage along street frontages, by amending Section 23.04.120 to clarify regulations pertaining to kiosk signs in the Downtown Sign Zone, by amending Section 23.04.610 to modify the regulations pertaining to temporary signs, and by making related clarifying changes.**

Documents Filed: (1) Supplemental memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated May 3, 2007, providing additional information regarding the proposed regulations. (2) Proof of Publication of the title of Ordinance No. 28022 executed on April 24, 2007, submitted by the City Clerk.

Action: Ordinance No. 28022 was adopted. (10-0.)

- 2.3 (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 \$133,000.**
  - (2) **Establish an appropriation to the Department of Transportation for the Greater Gardner Area Bird Nuisance project (PSM #486) in the amount of \$8,000.**
  - (3) **Establish an appropriation to the Office of Cultural Affairs for the Art and Technology City Hall Lighting Plan project (PSM #489) in the amount of \$100,000.**
  - (4) **Establish an appropriation to the Office of Cultural Affairs for the Public Art Master Plan – Downtown Focus Plan project (PSM #490) in the amount of \$25,000.**
- (b) **Adoption of a resolution making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with the Greater Gardner Area Bird Nuisance project as more specifically described in the memorandum from the Redevelopment Agency, dated January 25, 2007.**
- CEQA: PSM #486: Exempt, File No. PP07-072 and PSM #489: Resolution No. 68905. Council Districts 3 and 6. SNI: Greater Gardner. (City Manager’s Office/ Transportation/ Economic Development)**

Documents Filed: Memorandum from Budget Director Larry Lisenbee, Director of Transportation James Helmer and Chief Development Officer Paul Krutko, dated April 18, 2007, recommending adoption of appropriation ordinance and funding sources resolution amendments and a resolution.

Action: Upon motion by Council Member Campos, seconded by Council Member Oliverio and carried unanimously, Ordinance No. 28035; Resolution No. 73751 and Resolution No. 73752, entitled: “A Resolution of the Council of the City of San José Making Certain Determinations regarding the Expenditure of Redevelopment Agency Funds for Certain Public Improvements in the Greater Gardner Neighborhood of the Strong Neighborhoods Initiative Redevelopment Project Area”, were adopted, with Staff directed to provide an information memorandum on the outcome of the cost analysis regarding renting versus purchasing the technology for the City Hall Lighting Plan project. (10-0.)

- 2.4 (a) **Request for an excused absence from the Regular Executive Session Meeting of August 28, 2007 due to Authorized City Business: CALAFCO Annual Conference in Sacramento, CA.**
- (b) **Request for an excused absence from the Regular City Council Meeting of August 28, 2007 due to Authorized City Business: CALAFCO Annual Conference in Sacramento, CA.**
- (c) **Request for an excused absence from the Regular Meeting of the Rules and Open Government Committee of August 29, 2007 due to Authorized City Business: CALAFCO Annual Conference in Sacramento, CA.**
- (Constant)**  
**(Rules Committee referral 4/25/07)**

**2.4 (Cont'd.)**

Documents Filed: Memoranda from Council Member Constant, all three dated April 19, 2007, requested excused absences.

Action: The excused absences for Council Member Constant were approved. (10-0.)

**2.5 Request for an excused absence for Councilmember Nguyen from the City Council – Santa Clara Valley Water District Board Joint Study Session of April 20, 2007 due to Illness. (Nguyen)  
(Rules Committee referral 4/25/07)**

Documents Filed: Memorandum from Council Member Nguyen, dated April 19, 2007, requesting an excused absence.

Action: The excused absence was approved. (10-0.)

**2.6 Adoption of a resolution initiating proceedings and setting May 22, 2007 at 1:30 p.m. for Council consideration on the reorganization of the territory designated as Winchester No. 40 which involves the annexation to the City of San José of 0.42 acres more or less of land located at the west side of Spar Avenue, approximately 130 feet northerly of Olin Avenue, and generally bounded by the City of San José Annexations Winchester No. 11, 33 and 38, and the detachment of the same from the appropriate special districts including Central Fire Protection, West Valley Sanitation, County Lighting Services and Area No. 01 (Library) County Service. CEQA: Resolution No. 65459, File No. C06-144. Council District 1. (Planning, Building and Code Enforcement)**

Documents Filed: Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated April 18, 2007, recommending adoption of a resolution.

Action: Resolution No. 73753, entitled: “A Resolution of the Council of the City of San José Initiating the Reorganization Proceedings for the Annexation and Detachment of Certain Uninhabited Territory Designated as Winchester No. 40 Described Herein and Setting the Date, Time and Place for Consideration of Such Reorganization”, was adopted. (10-0.)

**END OF CONSENT CALENDAR**

## STRATEGIC SUPPORT SERVICES

### 3.1 Report of the Rules and Open Government Committee – April 18, 2007 Mayor Reed, Chair

Documents Filed: The Rules and Open Government Committee Report dated April 19, 2007.

(a) City Council

(1) Review New Add Items to April 24, 2007 Agenda

The Committee approved the April 24, 2007 City Council Agenda with four additions.

(2) Review May 1, 2007 Draft Agenda

The Committee approved the May 24, 2007 Draft Agenda with six additions.

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

(c) Legislative Update

(1) State

(a) Adopt Support Position for HR 359 (Solis), the César Estrada Chavez Study Act.

The Committee accepted the recommendation. Heard By Council 4/24/07 – Item 3.6.

(b) Proposition 1C (Housing Bond) – Legislative Guiding Principles. (Housing)

The Committee approved the guiding principles as amended to include the Committee's comments.

(2) Federal

The Committee discussed this item in the "State" section of the agenda.

(d) Meeting Schedules

(1) Approve to reschedule the May 14, 2007 Community and Economic Development Committee to May 24, 2007. (City Manager's Office)

The Committee rescheduled the meeting.

**3.1 Report of the Rules and Open Government Committee – April 18, 2007 (Cont'd.)  
Mayor Reed, Chair**

- (e) The Public Record

The Committee noted and filed the Public Record.

- (f) Appointments to Boards, Commissions and Committees

- (1) Re-appointments to the Parks and Recreation Commission and the Disability Advisory Commission

The Committee approved the reappointments.

- (g) Rules Committee Reviews, Recommendations and Approvals

- (1) Review of the Mexican Heritage Corporation's Ability to Operate and Maintain Mexican Heritage Plaza

Deferred to April 25, 2007 per the Committee.

- (2) Approve the Revised Commission/Liaison Code of Conduct Policy

The Committee referred the Revised Commission/Liaison Code of Conduct Policy back to the City Attorney's Office for amendments.

- (3) Response to the request for Council Action regarding Jeppesen International.

No action taken by the Committee.

- (4) Greenhouse Gas Reduction Goals Development Process

The Committee provided support for the program goals and referred the matter to the Transportation and Environment Committee.

- (h) Review of Council Committee Agendas

- (1) Community and Economic Development Committee

- (a) Amendment to the Community and Economic Development Committee work plan to include a discussion on the options for partnering with the Hispanic Heritage Baseball Museum Hall of Fame to develop a permanent facility within the City of San José

The Committee amended the Community and Economic Development Work Plan, as recommended.

**3.1 Report of the Rules and Open Government Committee – April 18, 2007 (Cont'd.)  
Mayor Reed, Chair**

- (i) Open Government Initiatives
  - (1) Reed Reforms
  - (2) Sunshine Reform Task Force
  - (3) Significant Public Records Act Requests
  - (4) Council Policy Manual Update
    - (a) Approve Method and Process for Council to validate policies contained in the City Council Policy Manual and Validation of selected Policies.

The Committee approved the recommendations and asked staff to forward them to the full Council on May 1, 2007.

- (j) Open Forum - There were none.
- (k) Adjournment - The meeting was adjourned at 4:03 p.m.

Action: Upon motion by Council Member Williams, seconded by Council Member Liccardo and carried unanimously, the Rules and Open Government Committee Report and the actions of April 18, 2007, were accepted. (10-0.)

**COMMUNITY & ECONOMIC DEVELOPMENT**

**4.1 Report of the Community & Economic Development Committee – April 23, 2007  
Council Member Pyle, Chair**

Documents Filed: The Community and Economic Development Committee Report dated April 23, 2007.

- (a) Modifications to Committee Work Plan.

Chief Development Officer Paul Krutko provided verbal updates to the Committee.

- (b) First Time Homebuyer Activity. Attachment: Memorandum from Director of Housing Leslye Krutko, dated April 6, 2007, recommending acceptance of the report.

The Committee accepted the report.

- (c) City Incubator Program. Memorandum from Redevelopment Agency Executive Director Harry S. Mavrogenes, dated April 6, 2007, recommending acceptance of the report.

The Committee accepted the report.

**4.1 Report of the Community & Economic Development Committee – April 23, 2007  
Council Member Pyle, Chair (Cont'd.)**

- (d) Update on Work2Future Program. Attachment: Memorandum from Chief Development Officer Paul Krutko, dated April 23, 2007, recommending acceptance of the report.

The Committee accepted the report.

- (e) Arts Grant Program. Attachment: Memorandum from Chief Development Officer Paul Krutko, dated April 6, 2007, recommending acceptance of the report.

The Committee accepted the report.

- (f) Final results of the Development Services Customer Service Survey with Consultant. Attachment: Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated April 6, 2007, recommending acceptance of the report.

The Committee accepted the report.

- (g) Review of Potential Soccer Stadium Plan. Attachments: (1) Memorandum from Vice Mayor Cortese, dated April 23, 2007, requesting Staff provide answers to questions. (2) Memorandum from Chief Development Officer Paul Krutko, dated April 16, 2007, recommending acceptance of the report.

The Committee accepted the report.

- (h) Oral Petitions - There were none.

- (i) Adjournment - The meeting was adjourned at 3:40 p.m.

City Manager Les White presented a verbal update on the Soccer Stadium Plan. He stated that Staff would present the following to the City Council on June 12, 2007. (1) Update on the discussion with the County and Oakland Athletics Co-owner Lew Wolff for consideration of a site location at the Santa Clara County Fairground coupled with a southern site in the City, which may lead to the possibility of a Memorandum of Understanding for possible developments at the FMC site and southern part of San José. (2) Report out on contingencies involved with a Request for Proposal with San José State University and Lew Wolff or entering into exclusive negotiations with Lew Wolff and the funding costs of that effort. (3) Staff will seek direction from the City Council on the negotiating principles important to the City.

Public Comments: Evelyn West questioned what kind of interest a petitioner must have with regard to the control of the zoning body. Ross Signorino asked the City Council to carefully analyze the soccer proposal and be mindful of the obligation on taxpayers in the future.

**4.1 Report of the Community & Economic Development Committee – April 23, 2007  
Council Member Pyle, Chair (Cont'd.)**

Action: Upon motion by Council Member Pyle, seconded by Vice Mayor Cortese and carried unanimously, the Report of the Community & Economic Development Committee and the Actions of April 23, 2007, were accepted, with Staff directed to provide an information memorandum on the questions about the South Campus Stakeholders Group process outlined in Vice Mayor Cortese's memorandum dated April 23, 2007. (9-0-1. Absent: Liccardo.)

- 4.2 (a) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the HP Pavilion Management for additional capital improvements, with City's cost not to exceed \$8.25 million.**
- (b) Direction to the City Manager to return to the City Council with the necessary approvals to utilize the existing Lease Revenue Commercial Paper Program to provide \$8.25 million to fund the City's portion of the additional capital improvements for the HP Pavilion.**
- (c) Adoption of a resolution authorizing the City Manager to negotiate and execute amendments to the Amended and Restated San Jose Arena Management Agreement with regard to payments for parking, parking availability requirements and Comerica naming, which will reflect increased contributions to the capital enhancements fund from the Comerica naming and parking payments, and will modify the audit requirements of the AMA consistent with the City Auditor's recommendations.**

**CEQA: Not a Project. (City Manager's Office)**

Documents Filed: (1) Memorandum from Mayor Reed, dated May 2, 2007, recommending approval of Items 4.2(a)-(c). (2) Memorandum from Deputy City Manager Dan McFadden, dated April 18, 2007, recommending adoption of resolution and approval of an agreement.

Deputy City Manager Dan McFadden presented an outline of the Economics of Making Improvements at HP Pavilion.

Motion: Council Member Pyle moved approval of the Staff recommendations as outlined in the memorandum from Mayor Reed. Council Member Constant seconded the motion.

Council discussion followed.

Deputy City Manager Dan McFadden stated that Staff will explore possible uses for the old equipment from HP Pavilion.

Public Comments: Speaking in support to the Staff recommendations were Ray Purpur, San José Arena Authority, Ross Signorino, Margaret Handyside, Britannia Arms, Greg Jamison, Patricia Ernstrom, San José Sports Authority and Pat Dando, San José Silicon Valley Chamber of Commerce.

#### 4.2 (Cont'd.)

Action: On a call for the question, the motion carried unanimously, Resolution No. 73754, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with HP Pavilion Management for Additional Capital Improvements at the HP Pavilion, with City’s Cost No to Exceed \$8.25 Million” and Resolution No. 73755, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Amendments to the Amended and Restated San José Arena Management Agreement”, were adopted, and the City Manager was directed to return to the City Council with the necessary approvals to utilize the existing Lease Revenue Commercial Paper Program to provide \$8.25 million to fund the City’s portion of the additional capital improvements for the HP Pavilion. (10-0.)

- 4.3 (a) **The City Council adopt the 2007-2008 Annual Action Plan, including the FY 2007-2008 proposed funding recommendations for the Community Development Block Grant (CDBG) Program as amended, the HOME Investment Partnership Program (HOME), the Housing Opportunities for People with HIV/AIDS (HOPWA) Program, and the Emergency Shelter Grant (ESG) Program.**
- (b) **Adopt a resolution authorizing the Director of Housing, with regard to the expenditure of CDBG, ESG, HOME and HOPWA funds on behalf of the City:**
- (1) **To negotiate and execute all non-capital agreements and contracts not requiring CEQA/NEPA review; and**
- (2) **To negotiate all capital project agreements and contracts, including any amendments or modifications, and after CEQA/NEPA review and City Council project approval, to execute all contracts.**
- (c) **Authorize the Housing Department to submit the FY 2007-2008 Annual Action Plan to HUD.**
- CEQA: Not a Project. (Housing)**

Documents Filed: (1) Memorandum from Director of Housing Leslye Krutko, dated April 19, 2007, recommending adoption of the Annual Action Plan, resolution and authorization for the Housing Department to submit the Annual Plan to HUD. (2) Supplemental memorandum from Director of Housing Leslye Krutko, dated May 4, 2007, transmitting additional information.

Public Comments: Jeff Bornefeld expressed support.

Action: Upon motion by Vice Mayor Cortese, seconded by Council Member Pyle and carried unanimously, the 2007-2008 Annual Action Plan and proposed funding recommendations and authorization for the Housing Department to submit the Action Plan to HUD, were approved; Resolution No. 73756, entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Housing to Negotiate and Execute all Non-Capital Project Agreements and Contracts, including any Amendments or Modifications and after CEQA/NEPA Review and City Council Project Approval to Execute all Contracts”, was adopted. (10-0.)

## ENVIRONMENTAL & UTILITY SERVICES

- 7.1 (a) **Conduct a public hearing on projected Recycle Plus rate increases for Fiscal Years 2007-2008, 2008-2009 and 2009-2010; and**  
(b) **Adopt a resolution increasing rates for Recycle Plus single-family services by 28% and multi-family services by 4%, effective July 1, 2007.**  
**CEQA: Not a Project. (Environmental Services)**

Documents Filed: (1) Memorandum from Director of Environmental Services John Stufflebean, dated April 23, 2007, recommending conducting a public hearing and adoption of a resolution. (2) Proof of Publication of Notice of Public Hearing, executed on April 20, 2007, submitted by the City Clerk. (3) Staff presentation dated May 8, 2007. (4) Correspondence from the public regarding the Recycle Plus rate increases.

Director of Environmental Services John Stufflebean and Director of Finance Scott Johnson summarized the proposed Recycle Plus rate increases and notifications. Council questions followed.

Mayor Reed opened the public hearing.

Public Comments: Speaking in opposition to the Staff recommendations were William Garrett, Claudia Shope, Joanne Sanders, Northbrook Townhome Association, Chris Murphy, Carole Roszkowski, David Wall, Carol Percent, Richard Tiede, Ron Lambert, Jerry Burnette, Flavio Viajan, Dan Allen, Helen Johnson, Ted Johnson, Lorna Chang, Rule Cole, Greg Campanella, Nancy Dunne, Norman Nilson, Sheila Gokey, Union Properties, Steve Bennett, Keith De Filippis, Ana Clark, Rudy Metz, Herman Aster, Mike Britz, Sunny Wong and Dave Vandebier.

Ross Signorino and Erik Larsen, AFSCME Local 101 spoke in support to the Staff recommendations.

Mayor Reed closed the public hearing.

City Clerk Lee Price reported that subsequent to the memorandum from Environmental Services, dated April 23, 2007, the Office of the City Clerk received valid written protests representing 938 parcels. She stated the total number of valid written protests were 2,014 and the total of all written protests during the public protest period, together with 30 speakers protesting the rate change today represent approximately one percent of all property owners impacted by the change in rate. City Clerk Price added that Council may consider the Staff recommendation for Recycle Plus rate increases.

Council comments and questions continued.

Council Members Campos and Oliverio voiced objection to the rate increases.

**7.1 (Cont'd.)**

Action: Upon motion by Council Member Pyle, seconded by Vice Mayor Cortese and carried, Resolution No. 73757, entitled: “A Resolution of the Council of the City of San José Adopting Service Rates for the Recycle Plus Program Effective July 1, 2007 and Superseding Resolution No. 73255”, was adopted, with the following directions: (1) Clarify cost for single person containers. (2) Look at the creation of a Recycle Task Force. (3) Post the assessment of services survey information on the City website. (4) Post the comparison rates of other cities on the website. (5) Establish preliminary hearings prior to any future recycle rate increase. (8-2. Noes: Campos, Oliverio.)

**NOTICE OF CITY ENGINEER’S AWARD OF CONSTRUCTION PROJECTS**

On October 25, 2005, City Council approved a one year pilot program that delegated authority to the Director of Public Works to award or reject bids on construction projects where the base contract amount is below \$1,000,000. In accordance with this policy, the following is a list of projects that were awarded or rejected by the Director of Public Works in April 2007:

AWARD:

<u>Project Name</u>	<u>Council District</u>	<u>Contractor</u>	<u>Contract Award Amount</u>	<u>Award Date</u>
Almaden Lake Park Phase 2 Project	10	Perma-Green Hydroseeding, Inc.	\$941,500	4/10/07
Improved Signage at City Hall Project	Citywide	Fluoresco Lighting and Sign Maintenance Corporation	\$182,141	4/10/07
Fortune Drive Sidewalk Improvements Project	4	Sposeto Engineering, Inc.	\$210,188	4/16/07
Norma Y. Mineta San José International Airport Building Trades Contract 06-07	Citywide	Tucker Construction Inc.	25% overhead and profit, not to exceed \$150,000	4/17/07
Curb Ramp Improvement in Low-to-Moderate Income Areas (CDGB)	3	SpnCon Construction	\$278,094	4/19/07
Traffic Signal Modification at Lincoln Avenue and Willow Street	6	San José Signal Electric Construction, Inc.	\$230,500	4/23/07

## **OPEN FORUM**

- (1) Anthony King with Unity Care Group advocated the adoption of an ordinance banning smoking in movie lines.
- (2) Robert Apgar voiced personal observations.
- (3) Mark Trout presented religious points of view.
- (4) William Garbett complained that the City is not responsive to the needs of its citizens.
- (5) Ross Signorino commented on the public hearing held on the Recycle Plus Rate increases and made suggestions for improvements.
- (6) Ted Scarlett voiced objection to conducting in the afternoon the Recycle Plus Rate increase public hearing.

## **ADJOURNMENT**

**The Council of the City of San José was adjourned at 5:00 p.m.**

Minutes Recorded, Prepared and Respectfully Submitted by,

Lee Price, MMC  
City Clerk

smd/5-8-07MIN

**Access the video, the agenda and related reports for this meeting by visiting the City's website at <http://www.sanjoseca.gov/clerk/agenda.asp> or <http://www.sanjoseca.gov/clerk/MeetingArchive.asp>**