

# CITY COUNCIL AGENDA

**JUNE 27, 2006**

## SYNOPSIS

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](http://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**  
**9:32 a.m.** - Closed Session, City Hall Tower, 18<sup>th</sup> Floor, City Hall  
**Absent Council Members: None.**  
  
**1:33 p.m.** - Regular Session, Council Chambers, City Hall  
**Absent Council Members: None.**
- **Invocation (District 6)**  
**The Willow Glen Children’s Theatre performed.**
- **Pledge of Allegiance**  
**Mayor Gonzales led the Pledge of Allegiance.**
- **Orders of the Day**  
**The Orders of the Day and the Amended Agenda were approved.**

## **1. CEREMONIAL ITEMS**

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- 1.1** Presentation of a proclamation declaring the month of July as Recreation and Parks month. (Parks, Recreation and Neighborhood Services)  
**Mayor Gonzales and Acting Director of Parks, Recreation and Neighborhood Services Albert Balagso declared the month of July as “Recreation and Parks Month”.**
- 1.2** Presentation of a commendation to Gavin Coffing for his years of dedicated service enriching the lives of the children and families participating in the Willow Glen Children’s Theatre. (Yeager)  
(Rules Committee referral 6/14/06)  
**Mayor Gonzales and Council Member Yeager recognized and commended Mr. Gavin Coffing for his dedication and service to the Willow Glen Children’s Theatre.**

# 1. CEREMONIAL ITEMS

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- 1.3 Presentation of commendations to the San José Sports Authority's 2006 Recognizing Excellence, Adversity, Courage and Hard Work (REACH) Award recipients Laine Armour, Margo Consul, Nikhil Marathe, Justin Martin and Amanda Polzin. (LeZotte/Cortese)  
(Rules Committee referral 6/14/06)  
**Mayor Gonzales, and Council Members LeZotte and Cortese recognized and commended the recipients of the REACH Award.**
- 1.4 Presentation of a commendation to Mary Noel, Principal of Frost Elementary School in District 10 and recipient of the "National Principal of the Year" Award for the 2005-2006 School Year. (Pyle)  
(Rules Committee referral 6/21/06)  
**Mayor Gonzales and Council Members Pyle and Williams recognized and commended Ms. Mary Noel as the recipient of the "National Principal of the Year" for 2005-2006.**
- 1.5 Presentation of a commendation to Kaiser Permanente for its support of the National Youth Sports Program at San José State University. (Williams)  
(Rules Committee referral 6/21/06)  
**Mayor Gonzales and Council Member Williams recognized and commended Kaiser Permanente for its commitment and dedication.**
- 1.6 Presentation of a commendation to CommUniverCity in celebration of the good work of youth throughout the City of San José. (Chavez)  
(Rules Committee referral 6/21/06)  
**Mayor Gonzales and Vice Mayor Chavez recognized and commended CommUniverCity for supporting the youth of San José.**
- 1.7 Presentation of a commendation recognizing the San José Police Department's Mounted Unit for 20 years of dedicated service to the residents of San José. (Chavez/Campos)  
(Rules Committee referral 6/21/06)  
**Mayor Gonzales, Vice Mayor Chavez and Council Member Campos recognized and commended the San José Police Department's Mounted Unit for its dedication and service to the City of San José.**
- 1.8 Presentation of a commendation to Cecilia Barrie for her distinguished 34 year career as an exceptional educator and administrator for the children and families of San José. (Chavez/Yeager)  
(Rules Committee referral 6/21/06)  
**Mayor Gonzales, Vice Mayor Chavez and Council Member Yeager recognized and commended Ms. Cecilia Barrie for her outstanding 34 year career.**

## 2. CONSENT CALENDAR

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### 2.1 Approval of Minutes.

**Recommendation:** Approval of Minutes:

- (a) Regular Minutes of November 1, 2005.
- (b) Regular Minutes of November 8, 2005.
- (c) Regular Minutes of November 15, 2005.
- (d) San José Financing Authority Minutes of November 15, 2005.
- (e) Regular Minutes of November 29, 2005.

**Deferred to 8/8/06**

### 2.2 Final adoption of ordinances.

**Recommendation:**

- (a) ORD. NO. 27776 – Establishing a Rule 20A Underground Utility District along Balbach Street from Almaden Boulevard to South Market Street, west William Street from the westerly end of the street to South Market, Pierce Avenue and West Reed Street from Almaden Avenue to South Market Street and Almaden Avenue from Viola Street to West Reed Street.

**Ordinance No. 27776 adopted.**

- (b) ORD. NO. 27777 – Rezoning certain real property situated northwesterly of the intersection of Highway 237 and the Union Pacific Rail Line to A(PD) Planned Development Zoning District. PDC03-024

**Ordinance No. 27777 adopted.**

- (c) ORD. NO. 27778 – Rezoning certain real property situated at the northwest corner of Southwest Expressway and Fruitdale Avenue to A(PD) Planned Development Zoning District. PDC06-049

**Ordinance No. 27778 adopted.**

- (d) ORD. NO. 27779 – Prezoning certain real property situated on the south side of Fleming Avenue, 1032 feet north of Alum Rock Avenue to A(PD) Planned Development Zoning District. PDC05-061

**Ordinance No. 27779 adopted.**

- (e) ORD. NO. 27780 – Prezoning certain real property situated on the southerly side of Fleming Avenue, 200 feet westerly of Neves Way to R-1-5 Zoning District. C05-079

**Ordinance No. 27780 adopted.**

- (f) ORD. NO. 27784 – Amending Chapter 13.21 of Title 13 of the San José Municipal Code to require the use of safety equipment at City facilities designated as skate parks and to revise the skateboarding prohibitions.

**Ordinance No. 27784 adopted.**

## 2. CONSENT CALENDAR

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### 2.2 Final adoption of ordinances (Cont'd.)

- (g) ORD. NO. 27785 – Amending Sections 8.20.200 and 8.20.370 of Chapter 8.20 of Title 8 of the San José Municipal Code to extend the date for imposition of the Emergency Communications System Support Fee through June 30, 2009 and to clarify the requirements and procedures applicable to claims for refund of the fee.  
**Ordinance No. 27785 adopted.**  
**The City Attorney clarified that the extension of the date is through June 30, 2009.**
- (h) ORD. NO. 27787 – Amending Title 4 of the San José Municipal Code to add a new Chapter 4.82 establishing uniform requirements and procedures applicable to the presentation and processing of certain tax refund claims with the City of San José including a one year claims period; and amending Sections 4.46.080, 4.47.060, 4.54.080, 4.58.220, 4.64.080, 4.68.210, 4.72.130, 4.74.130, 4.76.340 and 4.78.290 and repealing Section 4.76.820 of Title 4 of the San José Municipal Code relating to the time period and other requirements for filing and processing various tax refund claims; and to establish a transition period for the presentation of tax refund claims that would be untimely under the new procedures and requirements.  
**Ordinance No. 27787 adopted.**
- (i) ORD. NO. 27788 – Providing for a Business Tax Amnesty Program which forgives taxpayers who pay certain past due business taxes from liability for remaining past due business taxes, interest and civil and criminal penalties.  
**Ordinance No. 27788 adopted.**
- (j) ORD. NO. 27789 – Providing for a Business Improvement District Assessment Amnesty Program which forgives businesses who pay certain past due assessments from liability for interest and penalties.  
**Ordinance No. 27789 adopted.**
- (k) ORD. NO. 27790 – Amending Section 4.76.345 of Chapter 4.76 of Title 4 of the San José Municipal Code to simplify the Business Tax Hardship Exemption Process by eliminating the requirement that sole proprietors who have claimed the exemption file with the City, a Statement of Financial Hardship with supporting evidence by November 30 of the following year.  
**Ordinance No. 27790 adopted.**
- (l) ORD. NO. 27791 - Extending an existing pilot program allowing Sidewalk Café Permits in conjunction with a Public Entertainment Permit and Alcohol Sales to October 31, 2006.  
**Ordinance No. 27791 adopted.**

## 2. CONSENT CALENDAR

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### 2.2 Final adoption of ordinances (Cont'd.)

- (m) ORD. NO. 27797 – Amending Section 20.30.100 of Chapter 20.30, Section 20.40.100 of Chapter 20.40, Sections 20.50.100 and 20.50.110 of Chapter 20.50 and Section 20.90.060 of Chapter 20.90, all of Title 20 of the San José Municipal Code, to conditionally allow privately operated community centers in Commercial Office Zoning Districts, to correct oversights regarding the off-sale of alcohol beverages in Industrial Zoning Districts and to make other nonsubstantive, clarifying changes; and amending Chapter 20.200 of Title 20 of the San José Municipal Code to add a new Section 20.200.1430 to provide a definition of wireless communication antenna.

**Ordinance No. 27797 adopted.**

- (n) ORD. NO. 27798 – Rezoning certain real property situated on the north side of West San Carlos Street, 650 feet westerly of Meridian Avenue to A(PD) Planned Development Zoning District. PDC05-080

**Ordinance No. 27798 adopted.**

- (o) ORD. NO. 27799 – Rezoning certain real property situated on the east side of Highway 101 at the western terminus of San Antonio Court to A(PD) Planned Development Zoning District. PDC05-104

**Ordinance No. 27799 adopted.**

- (p) ORD. NO. 27800 – Rezoning certain real property situated on the southeast corner of Southwest Expressway and Fruitdale Avenue to A(PD) Planned Development Zoning District. PDC05-095

**Ordinance No. 27800 adopted.**

### 2.3 Approval of an agreement for the exchange of easements in Alum Rock Village.

#### Recommendation:

- (a) Approval of the agreement between the City of San José and Anthony Caruso for the exchange of easements in Alum Rock Village; and,

**Approved.**

- (b) Adoption of a resolution delegating authority to the Director of General Services to execute all documents necessary to complete the transfer of each property.

CEQA: Exempt, H04-046. Council District 5. (General Services)

(Deferred from 6/6/06 – Item 2.8)

**Resolution No. 73267 adopted.**

## 2. CONSENT CALENDAR

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### 2.4 Approval of an agreement for the development of concession plans at the Airport.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the Center for Airport Management for consultant services for the development of concession plans for the Norman Y. Mineta San José International Airport for the period of July 1, 2006 through December 31, 2010, in an amount not to exceed \$250,000. CEQA: Resolution Nos. 67380 and 71451, PP 06-087. (Airport)

**Resolution No. 73268 adopted.**

### 2.5 Approval to negotiate an agreement for On-Call GIS services.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a Master Agreement with DMJM Aviation, Inc., for On-Call Geographic Information Systems consultant services at Norman Y. Mineta San José International Airport for the period from July 1, 2006, to June 30, 2010 in an amount not to exceed \$600,000. CEQA: Resolution Nos. 67380 and 71451, PP 06-098. (Airport)

**Resolution No. 73269 adopted.**

### 2.6 Approval of an amendment to the agreement for legal services in connection with labor relations and negotiations.

**Recommendation:**

- (a) Adoption of a resolution authorizing the City Attorney to negotiate and execute a second amendment to the agreement with Renne Sloan Holtzman & Sakai LLP for legal services in connection with labor relations and negotiations, modifying the scope of services, increasing compensation by \$175,000, for a total amount not to exceed \$425,000, and extending the term through June 30, 2007.

**Resolution No. 73270 adopted.**

- (b) Adoption of the following amendments to the 2005-2006 annual appropriation ordinance amendments in the General Fund:

- (1) Increase the City Attorney's Office Non-Personal/Equipment appropriation by \$175,000.
- (2) Decrease the Salary Reserve by \$175,000.

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

**Ordinance No. 27802 adopted.**

## 2. CONSENT CALENDAR

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### 2.7 Approval of an amendment to the agreement for expert services related to cardroom and gaming litigation.

**Recommendation:** Adoption of a resolution authorizing the City Attorney to negotiate and execute a fourth amendment to the agreement with Spectrum Gaming Group, LLC. for expert services related to cardroom and gaming litigation, extending the term through June 30, 2007, and increasing compensation by \$30,000 for a total amount not to exceed \$130,000. CEQA: Not a Project. (City Attorney's Office)

**Resolution No. 73271 adopted.**

### 2.8 Approval to extend an agreement for legislative representation services in Washington D.C.

**Recommendation:** Approval to exercise the first of two one-year options to extend the agreement with Patton Boggs, LLP, for legislative representation services in Washington D.C., for the period July 1, 2006 through June 30, 2007, in an amount not to exceed \$122,500. CEQA: Not a Project. (City Manager's Office)

**Approved.**

### 2.9 Approval of an agreement for two Rotary emblems on the exterior of the 4<sup>th</sup> Street Garage and Banquet Facility.

**Recommendation:** Approval of a Sign License Agreement between the City of San José and Rotary Club of San José for the purpose of the fabrication, installation, and maintenance of two Rotary emblems on the exterior of the 4<sup>th</sup> Street Garage and Banquet Facility at no cost to the City and which has a term that runs concurrent with the Amended and Restated Banquet Facility Agreement that expires in 2038. CEQA: Resolution No. 68839. Council District 3. (City Manager's Office)

**Approved.**

### 2.10 Approval of fiscal actions for Redevelopment Agency Capital Projects.

**Recommendation:**

- (a) Adoption of the following 2005-2006 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 \$14,000.
  - (2) Increase the appropriation to the Department of Transportation for the Balbach Street Sidewalk Improvement Project (PSM #448, Amendment 1) in the amount of \$14,000.

**Ordinance No. 27803 adopted.**

**Resolution No. 73272 adopted.**

*(Item Continued on the next page)*

## 2. CONSENT CALENDAR

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### 2.10 Approval of fiscal actions for Redevelopment Agency Capital Projects (Cont'd.)

- (b) Adoption of the following 2006-2007 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 \$732,045.
  - (2) Establish an appropriation to the Department of Transportation for the Blossom Hill Road Median Landscaping Project (PSM # 438) in the amount of \$12,650.
  - (3) Establish an appropriation to the Department of Transportation for the School Access Improvement Project (PSM #446) in the amount of \$25,000.
  - (4) Establish an appropriation to the Department of Public Works for the Guadalupe River Park Parking Lot and Driveway Improvements Project (PSM #451) in the amount of \$36,463.
  - (5) Increase the appropriation to the Department of Transportation for the Traffic Signal and Oak & Almaden/Vine Project (PSM #410, Amendment #1) in the amount of \$551,205.
  - (6) Establish an appropriation to the Department of Transportation for the Downtown Surveillance Cameras Improvement Project (PSM #456) in the amount of \$96,727.
  - (7) Establish an appropriation to the Department of Planning, Building and Code Enforcement for the Sidewalk Café Permits Project (PSM# 459) in the amount of \$10,000.

**Ordinance No. 27804 adopted.**

**Resolution No. 73273 adopted.**

- (c) Adoption of resolutions making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with:
- (1) The Blossom Hill Road Median Landscaping Project as more specifically described in the memorandum from the Redevelopment Agency, dated March 27, 2006;  
**Resolution No. 73274 adopted.**
  - (2) The School Access Improvement Project as more specifically described in the memorandum from the Redevelopment Agency, dated March 24, 2006;  
**Resolution No. 73275 adopted.**

*(Item continued on the next page)*

## 2. CONSENT CALENDAR

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### 2.10 Approval of fiscal actions for Redevelopment Agency Capital Projects (Cont'd.)

- (c) Adoption of resolutions making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with: (Cont'd.)
  - (3) The Downtown Surveillance Cameras Improvement Project as more specifically described in the memorandum from the Redevelopment Agency, dated June 7, 2006.

**Resolution No. 73276 adopted.**

CEQA: Balbach Street Sidewalk Improvement: CP04-028. Blossom Hill Road Median Landscaping: Not a Project. School Access Improvement: Not a Project. Guadalupe River Park Parking Lot and Driveway Improvements: Not a Project. Traffic Signal and Oak & Almaden/Vine: Exempt, PP05-216. Downtown Surveillance Cameras Improvement: Not a Project. Sidewalk Café Permits: Not a Project. Council Districts 2, 3 and 7. SNI: Spartan/Keyes, Washington. (City Manager's Office)

### 2.11 Approval of fiscal actions related to the BID Fund.

**Recommendation:** Adoption of the following amendments to the 2006-2007 annual appropriation ordinance and funding sources resolution in the Business Improvement District Fund:

- (a) Increase the Beginning Fund Balance by \$70,000.
- (b) Increase Earned Revenue for Hotel Assessment by \$1,455,000.
- (c) Decrease Earned Revenue for Downtown Assessment by \$200,000.
- (d) Decrease Earned Revenue for Japantown Assessment by \$6,500.
- (e) Increase Earned Revenue for Willow Glen Assessment by \$10,000.
- (f) Increase Hotel Business Improvement District by \$1,455,000.
- (g) Decrease the Downtown Business Improvement District by \$130,000.
- (h) Decrease the Japantown Business Improvement District by \$6,500.
- (i) Decrease the Willow Glen Business Improvement District by \$10,000.

CEQA: Exempt, PP05-203. (City Manager's Office)

**Ordinance No. 27805 adopted.**

**Resolution No. 73277 adopted.**

### 2.12 Approval of a transition agreement for oversight of HP Pavilion and Logitech Ice.

**Recommendation:** Approval of a transition agreement between City of San José and the San José Arena Authority from the date of execution to October 1, 2006 in the amount of \$87,500 to provide for oversight of HP Pavilion and Logitech Ice on behalf of the City of San José; including implementation of various San José Arena Authority programs and management of City funding for day-to-day operations and transition activities.

CEQA: Resolution No. 60199. (Economic Development)

**Approved.**

## 2. CONSENT CALENDAR

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### 2.13 Approval of actions related to the Amgen Tour of California Stage Finish.

**Recommendation:**

- (a) Approval of the use of City streets for the Amgen Tour of California Stage Finish on Wednesday, February 21, 2007, provided that required street closure and encroachment permits are issued;

**Approved.**

- (b) Adoption of a resolution authorizing the City Manager to negotiate and execute a participation agreement with AEG Cycling, LLC, for the Stage Finish and Lifestyle Festival of the 2007 Amgen Tour of California, consistent with the terms of the agreement signed for the 2006 Event, in an amount not to exceed \$85,000;

**Resolution No. 73278 adopted.**

- (c) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the San José Sports Authority to provide support services for the 2007 Amgen Tour of California, as convener of the Local Organizing Committee for said Tour.

CEQA: Exempt, File No. PP05-277, Council Districts 3, 4, and 5. (Economic Development)

**Resolution No. 73279 adopted.**

### 2.14 Approval to use the HP Pavilion for a Community Event for the Mexican Heritage Corporation.

**Recommendation:** Approval of funding in the amount of \$16,000 from the City and Community Events Program and use of the HP Pavilion for a Community Event date for the Mexican Heritage Corporation on October 6, 2006 for a concert to celebrate the 16<sup>th</sup> anniversary of the annual San José International Mariachi Festival. CEQA: Resolution No. 60199. (Economic Development)

**Approved.**

### 2.15 Approval to amend a grant agreement for sponsorship of the Emerging Arts Showcase.

**Recommendation:** Approval of a third amendment to a grant agreement with Arts Council Silicon Valley for sponsorship of the Emerging Arts Showcase pilot project, extending the term of the agreement to June 30, 2008, and increasing the compensation in a supplemental amount not to exceed \$45,000, for a total grant amount not to exceed \$131,359. CEQA: Not a Project. (Economic Development)

**Approved.**

## 2. CONSENT CALENDAR

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### 2.16 Approval of actions related to the UASI Program Funds.

**Recommendation:**

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute a Memorandum of Understanding to provide Urban Areas Security Initiative program funds in an amount not to exceed \$1,860,000 to Santa Clara County for the purposes of providing project management and spending authority for the Tri-County Microwave project to be completed no later than March 1, 2007. CEQA: Not a Project. (Emergency Services)

**Resolution No. 73280 adopted.**

- (b) Adoption of a resolution authorizing the City Manager to execute an:
- (1) Amendment to the Agreement with the Silicon Valley Regional Interoperability Project (SVRIP) regarding the allocation of Urban Areas Security Initiative (UASI) grant funds in the amount of \$2,671,700 for the following purposes:
- (a) Countywide communications exercises mandated by the United States Department of Homeland Security in the amount of \$171,700, and
- (b) Countywide Computer Aided Dispatch (CAD) project in the amount of \$2,500,000.
- (2) Amendment to the Agreement with the City of Mountain View for payment of the \$2,671,700 in UASI grant funding for the services performed on behalf of the SVRIP.

CEQA: Not a Project. (Emergency Services)

**Resolution No. 73281 adopted.**

### 2.17 Approval to award a contract for San José Municipal Water and South Bay Water Recycling Systems.

**Recommendation:** Report on proposals and award of consultant agreement for Hydraulic Models, Water System Master Plans and Major Water Facilities Fees Development and Update Project to OC Consultants, Inc., for the term of August 1, 2006 to May 31, 2007, in an amount not to exceed \$450,420. CEQA: Not a Project. (Environmental Services)

**Approved.**

## 2. CONSENT CALENDAR

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### 2.18 Approval of an agreement for the implementation of water conservation programs.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Santa Clara Valley Water District for cost sharing associated with implementation of water conservation programs in FY 2006-2007, under which the City will receive an amount not to exceed \$280,000 from Santa Clara Valley Water District and Santa Clara Valley Water District will be paid an amount not to exceed \$479,821 by the City, for a net cost to the City of San José of \$199,821. CEQA: Not a Project. (Environmental Services)

**Resolution No. 73282 adopted.**

### 2.19 Approval to negotiate an Agreement for the PG&E Energy Watch Program.

**Recommendation:**

(a) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement for a Pacific Gas and Electric Watch Program and to accept funding in an amount not to exceed \$553,250 for the term July 1, 2006 through June 30, 2009.

**Resolution No. 73283 adopted.**

(b) Adoption of the following 2006-2007 appropriation ordinance and funding sources resolution amendments in the General Fund:

(1) Increase the Environmental Services Department's Personal Services appropriation by \$82,337.

(2) Increase the Environmental Services Department's Non-personal/Equipment appropriation by \$98,567.

(3) Increase the estimate for Revenue from Local Agencies by \$180,904.

CEQA: Not a Project. (Environmental Services/City Manager's Office)

**Ordinance No. 27806 adopted.**

**Resolution No. 73284 adopted.**

### 2.20 Approval to execute purchase orders for computer hardware, software, and peripherals.

**Recommendation:** Adoption of a resolution authorizing the Director of Finance to:

(a) Execute purchase orders for the purchase of citywide computer hardware, software and peripherals with E&A and 21 Tech, doing business as a joint venture called Xtech, CDW-G and ComputerLand in an amount not to exceed \$500,000 each and to amend the amounts of the purchase orders during the term within the collective amount of \$1.5 million, for the period, for the period of July 1, 2006 through June 30, 2007; and

(b) Exercise options to extend the purchase orders for three additional twelve month terms subject to annual appropriations.

CEQA: Not a Project. (Finance)

**Resolution No. 73285 adopted.**

## 2. CONSENT CALENDAR

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### 2.21 Approval to amend a software license agreement for the Police Department.

**Recommendation:** Adoption of a resolution authorizing the Director of Finance to execute the first amendment to the software license and support agreement with Principle Decision Systems International for the purchase of additional licenses required to expand the user base and provide additional functionality, increasing compensation by \$81,203, from \$190,621 to a not to exceed amount of \$271,824, including sales tax, services and two years maintenance and support. CEQA: Not a Project. (Finance)

**Resolution No. 73286 adopted.**

### 2.22 Approval to set a Public Hearing on Sanitary and Storm Sewer Charges.

**Recommendation:** Adoption of a resolution setting a public hearing on August 8, 2006, at 1:30 p.m. for the Fiscal Year 2006-2007 annual Sanitary Sewer Service and Use and Storm Sewer Service Charge Reports of the Director of Finance and direct the City Clerk to publish notice of the time and place of the hearing. CEQA: Not a Project. (Finance)

**Resolution No. 73287 adopted.**

### 2.23 Approval to amend the investment custodial services agreement with Wells Fargo Bank.

**Recommendation:** Approval of the Third Amendment to the Investment Custodial Services Agreement with Wells Fargo Bank to extend the term of the agreement for one year from July 1, 2006 through June 30, 2007, in an amount not to exceed \$50,000 for the one year extension. CEQA: Not a Project. (Finance)

**Approved.**

### 2.24 Approval to amend the general banking services agreement with Union Bank of California.

**Recommendation:** Approval of the Fourth Amendment to the General Banking Services Agreement with Union Bank of California (UBOC) to:

- (a) Increase the maximum annual compensation from \$750,000 to a not-to-exceed amount of \$820,000 for July 1, 2005 through June 30, 2006; and
- (b) Extend the term of the agreement for one year from July 1, 2006 through June 30, 2007, in an amount not to exceed \$820,000 for the one-year extension.

CEQA: Not a Project. (Finance)

**Approved.**

## 2. CONSENT CALENDAR

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### 2.25 Approval to purchase motorcycles and vehicles for the Police Department.

**Recommendation:**

- (a) Report on bids and award the purchase of eight (8) Patrol Motorcycles to the low bidder, San José Harley Davidson, for a total amount not to exceed \$152,199.15, including tax, and authorize the Director of Finance to execute the purchase order and to purchase additional quantities on an as-required basis at the same unit price for a period of twelve months after the initial award is placed subject to annual appropriations. CEQA: Not a Project. (Finance)
- (b) Report on bids and award the purchase of 74 Ford Crown Victoria police vehicles to the low bidder, Hoblit Motors, for a total amount not to exceed \$1,937,259.32 including taxes and fees and authorize the Director of Finance to:
  - (1) Execute the purchase order;
  - (2) To amend the initial purchase order to purchase additional quantities of Ford Crown Victoria Police Vehicles on an as-required basis at the same unit pricing.
  - (3) Execute purchase orders to acquire additional quantities for two additional years subject to annual appropriations.

CEQA: Not a Project. (Finance)

**Approved.**

### 2.26 Approval of an agreement for Solid Waste Collection.

**Recommendation:** Adoption of a resolution authorizing the Director of Finance to:

- (a) Execute a Solid Waste Collection from Public Litter Can Service Agreement with Green Waste Recovery, Inc, the low proposer, for an agreement from July 1, 2006 through June 30, 2007 and in an amount not to exceed \$440,000.
- (b) Exercise four to exercise four additional one-year options to renew subject to annual appropriations.

CEQA: Exempt, PP03-04-140. (Finance)

**Resolution No. 73288 adopted.**

### 2.27 Approval to amend an agreement with Green Team of San José.

**Recommendation:** Adoption of a resolution authorizing the Director of Finance to execute an amendment to the agreement with Green Team of San José, for solid waste collection services at City Facilities, increasing compensation by \$130,000, from \$570,000 to a not to exceed amount of \$700,000, and extending the term of the agreement from July 1, 2006 to December 31, 2006. CEQA: Negative Declaration, PP 9211-308. (Finance)

**Resolution No. 73289 adopted.**

## 2. CONSENT CALENDAR

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### 2.28 Approval of an agreement for the Traffic Signal Management System Upgrade.

**Recommendation:** Adoption of a resolution authorizing the Director of Finance to:

- (a) Execute an agreement for the purchase of software, hardware and professional services for the Series 2000 Traffic Signal Management System upgrade with TransCore ITS, LLC for an amount not to exceed \$205,500, including sales tax, installation, training, and one year of initial maintenance and support, and;
- (b) Exercise three one-year options to extend the maintenance and support subject to annual appropriations.

CEQA: Not a Project. (Finance)

**Resolution No. 73290 adopted.**

### 2.29 Approval of open purchase orders for supplies, materials, equipment and services.

**Recommendation:**

- (a) Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2005-2006 #20 and authorization for the Director of Finance to execute the purchase orders. CEQA: See Administration's memo to Council for specific CEQA clearance determinations on each recommended. (Finance)
- (b) Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2006-2007 #1 and authorization for the Director of Finance to execute the purchase orders. CEQA: See Administration's memo to Council for specific CEQA clearance determinations on each recommended. (Finance)
- (c) Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2006-2007 #2 and authorization for the Director of Finance to execute the purchase orders. CEQA: See Administration's memo to Council for specific CEQA clearance determinations on each recommended. (Finance)

**Approved.**

### 2.30 Approval of actions for washing windows at City Hall.

**Recommendation:** Adoption of a resolution authorizing the Director of Finance to:

- (a) Negotiate and execute a Window Washing Service agreement with T.I. Management Group LLC (San José, CA), the sole quoter, for a one-year agreement from July 1, 2006 through June 30, 2007, at a not to exceed amount of \$212,443.
- (b) Exercise two additional one-year options to renew subject to annual appropriations. CEQA: Not a Project. (Finance)

**Resolution No. 73291 adopted, with City Manager's Office directed to:**

- (1) **Review the current methods for window washing at all City facilities to determine if the work could be bundled and if the newly acquired specialized equipment could be used more effectively.**
- (2) **Examine the current contracting-in process.**

## 2. CONSENT CALENDAR

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### 2.31 Approval to negotiate an agreement for loan servicing and funds-disbursement services.

#### **Recommendation:**

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute a five-year agreement starting July 1, 2006, or thereafter, with AmeriNational Community Services, Inc., to provide loan servicing and funds-disbursement services to the Housing Department, in an amount not to exceed \$250,000 for the first year and subject to annual appropriations thereafter.

**Resolution No. 73292 adopted.**

- (b) Adoption of the following 2006-2007 appropriation ordinance amendment in the Low- and Moderate-Income Housing Fund:

- (1) Increase the NonPersonal/Equipment appropriation by \$250,000.  
(2) Decrease the Ending Fund Balance by \$250,000.

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

**Ordinance No. 27807 adopted.**

### 2.32 Approval of actions related to the Monterey Highway Soccer Complex Project.

#### **Recommendation:**

- (a) Approval of the first amendment to the agreement with Environmental Science Associates, Inc. for environmental services to complete an environmental impact report related to the proposed Monterey Highway Soccer Complex Project increasing the Scope of Services and Compensation by \$68,090 and extending the ending term of the agreement from June 30, 2006 to December 31, 2007.

- (b) Adoption of the following 2005-2006 appropriation ordinance amendments in the Parks City-wide Construction Tax and Property Conveyance Tax Fund (Fund 391):

- (1) Establish an appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$120,000 for the Monterey Highway Soccer Complex Environmental Study; and  
(2) Decrease the Ending Fund Balance by \$120,000.

CEQA: Not a Project. (Parks, Recreation and Neighborhood Services/City Manager's Office)

**Dropped.**

## 2. CONSENT CALENDAR

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### 2.33 Approval of various PRNS Services Agreements for FY 2006-2007.

**Recommendation:** Adoption of a resolution authorizing the City Manager or his designee to negotiate and execute all of the following agreements, subject to the appropriation of funds by City Council, and on such terms and conditions as deemed appropriate by the City Manager:

- (a) Agreements and amendments to agreements, for Parks, Recreation and Neighborhood Services Department programs identified on the attachment, consistent with the amounts budgeted for these programs in the adopted budget for 2006-2007; and
- (b) Agreements and amendments to agreements, accepting grant funds from the County of Santa Clara for provision of mental health services and senior nutrition programs, in amounts consistent with budgeted amounts in the adopted budget for 2006-2007;
- (c) A three-month extension of the agreement with the County of Santa Clara of the Senior Nutrition Agreement into the first three months of FY 2007-2008 and to accept grant funds for that period in amounts consistent with budgeted amounts in the adopted budget for FY 2007-2008, until a new agreement for 2007-2008 is finalized with the County;
- (d) Agreements and amendments to the agreements during FY 2006-2007 in amounts consistent with budgeted amounts in the adopted budget for 2006-2007, for the following grant programs: Bringing Everyone's Strengths Together (BEST), Community Action and Pride (CAP), San José After School program (SJAS) including Level 1 Homework Center Contracts and the Healthy Neighborhoods Venture Fund (HNVF); and
- (e) Agreements and amendments to agreements, applying for and accepting grant funds from the State of California, if awarded for the provision of after school programs, in amounts consistent with budgeted amounts in the adopted budget for 2006-2007.

CEQA: Not a Project. (Park, Recreation, and Neighborhood Services)

**Resolution No. 73293 adopted.**

### 2.34 Approval of actions to annex Bascom No. 38.

**Recommendation:** Adoption of a resolution ordering the reorganization of territory designated as Bascom No. 38 which involves the annexation to the City of San José of 0.23 gross acres of land located at the west side of Ciro Avenue, approximately 400 feet south of Forest Avenue, and adjacent to the City of San José annexations Bascom Nos. 20, 37, 33 and 35 and the detachment of the same from West Valley Sanitation, County Lighting County Services, Central Fire Protection, and Area No. 01 (Library Services) County Service Districts. CEQA: Mitigated Negative Declaration. Council District 6. SNI: Burbank/Del Monte. (Planning, Building and Code Enforcement)

**Resolution No. 73294 adopted.**

## 2. CONSENT CALENDAR

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### 2.35 Public Hearing on the Historic Property Contract agreement between the City and the property owners for the preservation of the National Guard Armory.

**Recommendation:** Public Hearing on the Historic Property Contract (California Mills Act) agreement between the City and the property owners for the preservation of the National Guard Armory (City Landmark No. HL88-047) on a 0.43 gross acre site, in the CG General Commercial Zoning District, located at/on the east side of North 2<sup>nd</sup> Street, approximately 250 feet northerly of St. James Street (240 N. 2<sup>nd</sup> Street) (Bel Aire Inv Inc.) CEQA: Exempt. (Planning, Building and Code Enforcement)

MA06-001 - District 3

**Deferred to 8/22/06.**

### 2.36 Approval to set a public hearing related to the City's intent to vacate public service easement.

**Recommendation:** Adoption of a resolution of intention to vacate portions of a Public Service Easement and Covenant of Easement for ingress, egress, emergency access and incidental purposes within Lot 1 of Tract 9665 at the northwest corner of Bassett and North First Streets, and setting a public hearing on August 8, 2006 at 1:30 p.m. CEQA: Resolution No. 68839. Council District 3. (Public Works)

**Resolution No. 73295 adopted.**

### 2.37 Approval to award a contract for the Burbank/Del Monte & Delmas Park Pedestrian Improvements Project.

**Recommendation:**

- (a) Adoption of a resolution authorizing the City Manager to award the contract for the Burbank/Del Monte and Delmas Park Pedestrian Improvements Project to the low bidder, Wattis Construction Co. Inc., in the amount of \$1,215,955 and to approve the contingency in the amount of \$83,500, such authority being contingent upon Council's approval of revisions to Council Policy 4-2, regarding Streetlight Conversion and of associated General Plan revisions regarding the use of high pressure sodium lights and upon the effectiveness of such General Plan revisions.

**Resolution No. 73296 adopted.**

*(Item continued on the next page)*

## 2. CONSENT CALENDAR

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### 2.37 Approval to award a contract for the Burbank/Del Monte & Delmas Park Pedestrian Improvements Project (Cont'd.)

- (b) Adoption of the following 2006-2007 appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund:
- (1) Increase the estimate for Earned Revenue by \$1,443,455.
  - (2) Increase the appropriation to the Public Works Department for the Scott Street Streetscape Project (PSM #407, Amendment 1) by \$486,830.
  - (3) Increase the appropriation to the Public Works Department for the Auzerais Streetscape Project (PSM #406, Amendment 1) by \$382,925.
  - (4) Increase the appropriation to the Public Works Department for the Delmas Park-Sidewalks Project (PSM #354, Amendment 1) by \$573,700.

CEQA: Negative Declaration, PP05-296. Council District 3 and 6. SNI: Burbank/Del Monte and Delmas Park. (Public Works/City Manager's Office)

**Ordinance No. 27808 adopted.**

**Resolution No. 73297 adopted.**

### 2.38 Approval to amend an agreement for structural engineering services for various projects.

**Recommendation:** Approval of the first amendment to the Master Agreement with Ahearn, Knox & Hyde, Inc. for structural engineering services for various projects, increasing compensation by \$30,000, for a total agreement amount from \$100,000 to a not to exceed amount of \$130,000, and extending the term from June 30, 2006 to December 30, 2006. CEQA: Not a Project, PP05-187. (Public Works)

**Approved.**

### 2.39 Approval to award a contract for the Second/San Carlos Garage Seismic Upgrade Project.

**Recommendation:** Report on bids and award of contract for the Second and San Carlos Street Garage Seismic Upgrade Project to the low bidder, William P. Young Construction Company, in the amount of \$1,146,199, and approval of a contingency in the amount of \$171,930. CEQA: Exempt, PP06-046. Council District 3. (Public Works/Transportation)

**Approved.**

### 2.40 Approval to amend an agreement for Job Order Contracting services.

**Recommendation:** Approval of the first amendment to the agreement with The Gordian Group, Inc., DBA The Mellon Group for Job Order Contracting services increasing compensation by \$200,000, for a total agreement amount not to exceed \$300,000, and extending the agreement from August 15, 2007 to August 16, 2008 plus any additional time needed to complete a Job Order already underway. CEQA: Not a Project. (Public Works)

**Approved.**

## 2. CONSENT CALENDAR

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### 2.41 Approval of master agreements for consulting services for various Capital projects.

**Recommendation:** Approval of consultant master agreements with the following firms for various City projects:

- (a) Kitchell CEM for a variety of program, project and construction management services to supplement in-house resources for a term from the date of execution to June 30, 2008, for a total agreement amount not to exceed \$350,000.
- (b) Gilbane Building Company for a variety of program, project and construction management services to supplement in-house resources for a term from the date of execution to June 30, 2008, for a total agreement amount not to exceed \$350,000.
- (c) URS Corporation for a variety of program, project and construction management services to supplement in-house resources for a term from the date of execution to June 30, 2008, for a total agreement amount not to exceed \$250,000.

CEQA: Not a Project. (Public Works)

**Approved.**

### 2.42 Approval to amend the agreement for the Highway 87 Detour II Sanitary Sewer Reconstruction Project (Phase II).

**Recommendation:** Approval of the second amendment to the agreement with RMC Water and Environment, formerly known as Raines, Melton & Carella, Inc., for consultant services for the Highway 87 Detour II Sanitary Sewer Reconstruction Phase II Project, extending the term of the agreement from June 30, 2006 to June 29, 2007, with no increase in total compensation. CEQA: Mitigated Negative Declaration. Council District 3. (Public Works)

**Approved.**

### 2.43 Approval of an agreement for the Downer Canoas Ferrous Chloride Injection Station.

**Recommendation:** Approval of a master consultant agreement with Whitley Burchett & Associates, for consultant engineering services related to the rehabilitation of Downer Canoas Ferrous Chloride Injection Station, for the term of June 27, 2006 through June 30, 2008 and for a total agreement amount not to exceed \$155,000. CEQA: Not a Project. (Public Works)

**Approved.**

## 2. CONSENT CALENDAR

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### 2.44 Approval of various actions related to a non-exclusive multi-site telecommunication antenna installation and property use agreement.

**Recommendation:**

- (a) Approval of a Non-Exclusive Multi-Site Telecommunication Antenna Installation and Property Use Agreement with Omnipoint Communications, Inc., dba T-Mobile for five antenna sites for a period of five years with one five-year options including application by the company and approval by the City of individual locations, in the amount of \$425,024 which includes a 20% discount for contracting for 5 sites simultaneously.
- (b) Adoption of a resolution approving a standard form Non-Exclusive Multi-Site Telecommunication Antenna Installation and Property Use Agreement for use with telecommunication companies for a five-year term with one five-year option and authorizing the City Manager to execute those agreements.
- (c) Adoption of a resolution revising the rate schedule previously approved in Resolution No. 70538 adopted August 7, 2001, to include a standard rate schedule for the standard multi-site agreement with annual use fee increases of 4% or the annual increase of the Consumer Price Index, whichever is highest, and a 20% discount in rates for multiple sites.

CEQA: Exempt, File No. PP06-114. (Public Works)

**Dropped.**

### 2.45 Approval of a cooperative agreement with the Santa Clara Valley Water District.

**Recommendation:** Approval of a cooperative agreement with the Santa Clara Valley Water District (District) to compensate the District for the design and construction of new and upgraded storm drain outfall facilities located along Lower Silver Creek between McKee Road and Interstate 680 in a total amount not to exceed \$230,645. CEQA: Mitigated Negative Declaration. Council Districts 4 and 5. (Public Works)

**Approved.**

### 2.46 Approval of an agreement for the East San José Carnegie Branch Library Project.

**Recommendation:** Approval of an agreement with Gould Evans, Inc. for consultant services for the East San José Carnegie Branch Library Project, from the date of execution to June 30, 2009, in an amount not to exceed \$800,000. CEQA: Not a Project. Council District 3. (Public Works/Library)

**Approved.**

## 2. CONSENT CALENDAR

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### 2.47 Approval of an agreement for the Santa Teresa Branch Library Project.

**Recommendation:** Approval of an agreement with STUDIOS Architecture for consultant services for the Santa Teresa Branch Library Project, from the date of execution to September 30, 2009, and for a total agreement amount not to exceed \$890,000. CEQA: Not a Project. Council District 2. (Public Works/Library)

**Approved.**

### 2.48 Approval to amend an agreement for land use planning at the Water Pollution Control Plant.

**Recommendation:** Approval of the first amendment to the agreement for consultant services with H.T. Harvey Associates, Inc. for Land Use Planning at the San José/Santa Clara Water Pollution Control Plant to include an additional task for the Public Safety Driver Training Center Project, increasing compensation by \$207,000, for a total agreement not to exceed \$507,000, with no time extension. CEQA: Not a Project. (Public Works/Environmental Services)

**Approved.**

### 2.49 Approval of actions for the Coleman Road/Autumn Street Transportation Corridor Project.

**Recommendation:** Approval of actions for development of the Coleman Road/Autumn Street transportation corridor project:

- (a) Approval of an agreement with Belleci & Associates, Inc. for preparation of preliminary design and environmental clearance in an amount not to exceed \$364,085.

**Approved.**

- (b) Adoption of the following 2006-2007 appropriation ordinance and funding source resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund):

- (1) Increase the estimate for Earned Revenue by \$150,000.
- (2) Establish an appropriation to the Department of Transportation for the Coleman/Autumn Geometrics and EIR Project (PSM #453) in the amount of \$150,000.

CEQA: Not a Project. Council District 3. (Transportation/City Manager's Office)

**Ordinance No. 27809 adopted.**

**Resolution No. 73298 adopted.**

## 2. CONSENT CALENDAR

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### 2.50 Approval to amend an agreement for the I-880/Coleman Avenue Interchange Project.

**Recommendation:** Approval of the fourth amendment to the Cooperative Agreement between the City of San José and the Santa Clara Valley Transportation Authority for Utility Relocation as part of the I-880/Coleman Avenue Interchange Project utilizing cost savings to the agreement to expand the scope of items eligible for funding, to include federally non-reimbursed project costs, and/or other project-related design and support services and cost change orders, and extending the term of the agreement to June 30, 2008, at no additional cost to the City. CEQA: Resolution No. 71488. Council District 3.  
(Transportation)

**Approved.**

### 2.51 Approval to award a contract for the installation of sidewalk accessibility ramps.

**Recommendation:** Report of the bids and award of contract for the Accessibility Ramps 2006 Project to the low bidder, Vanguard Construction, in the amount of \$698,324, and approval of a contingency in the amount of \$34,917, for a total contract amount not to exceed \$733,241. CEQA: Exempt, File No. PP05-212. Council Districts 1, 2, 5, 6, 7, 8, 9 and 10. (Transportation)

**Approved.**

### 2.52 Approval of an agreement for VTA and San José Open Wheel Racing for the 2006 Grand Prix.

**Recommendation:** Approval of a cooperative agreement between the City of San José, the Santa Clara Valley Transportation Authority (VTA), and San José Open Wheel Racing, LLC to reimburse VTA for transit operations, light rail closure, and alternate bus service during the running of the 2006 San José Grand Prix at a cost to the City of San José of \$240,000. CEQA: Not a Project. (Transportation)

**Approved.**

### 2.53 Approval of an agreement for the Tasman and Capitol Light Rail Transit Projects.

**Recommendation:**

(a) Approval of an agreement with the Santa Clara Valley Transportation Authority for the transfer of properties and the assignment of easements supporting City facilities constructed by the Tasman and Capitol Light Rail Transit Projects.

**Approved.**

(b) Adoption of a resolution authorizing the Director of Public Works to execute all documents and deed acceptances related to the transfer of properties located along Tasman Drive and Capitol Avenue from the Santa Clara Valley Transportation Authority to the City of San José.

Council Districts 4 and 5. SNI: East Valley/680. CEQA: Exempt, File No. PP06-110.  
(Transportation/Public Works)

**Resolution No. 73299 adopted.**

## 2. CONSENT CALENDAR

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### 2.54 Approval to amend a contract agreement for professional services.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an amendment to the continuation agreement with Management Partners, Inc. for professional services regarding City operations, extending the term of the agreement to June 30, 2007, and increasing the compensation by \$50,000 for a total contract amount up to \$150,000. CEQA: Not a Project. (City Manager's Office) (Rules Committee referral 6/21/06)

**Resolution No. 73300 adopted.**

### 2.55 Approval of actions related to the Autumn Terrace at Bonita Park Project.

**Recommendation:**

- (a) Adoption of the following 2006-2007 appropriation ordinance and funding sources resolution amendments in the Park Trust Fund:
- (1) Establish an appropriation to the Department of Parks, Recreation and Neighborhood Services in the amount of \$55,430 to the 2006/2007 Capital Budget for the Autumn Terrace at Bonita Park Project located on the northeast corner of Bonita Avenue and Sunny Court; and
  - (2) Increase the estimate for Earned Revenue by \$55,430.

**Ordinance No. 27810 adopted.**

**Resolution No. 73301 adopted.**

- (b) Adoption of a resolution authorizing the City Manager to negotiate and execute a turnkey park agreement with KB Home, South Bay Inc, for Planned Development Permit PD 05-006, associated with Tentative Maps No. PT05-003 and Planned Development Rezoning Permit No. PDC03-103 for the dedication of 0.85 acres of land and for the construction of the park improvements.

CEQA: Mitigated Negative Declaration, PDC03-103. Council District 3. SNI: Five Wounds/Brookwood Terrace. (Parks, Recreation and Neighborhood Services) (Rules Committee referral 6/21/06)

**Resolution No. 73302 adopted.**

### 2.56 Acceptance of the 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 April 16, 2005 through May 15, 2006*. (City Auditor) (Rules Committee referral 6/21/06)

**Report Accepted.**

## 2. CONSENT CALENDAR

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### 2.57 Authorization of expenditure from the Mayor's Office Budget for the San José Education Foundation.

**Recommendation:** That the City Council authorizes the expenditure of a \$200,000 challenge grant from the Mayor's Office Re-budget Fund to the San José Education Foundation subject to the Foundation raising a matching \$200,000 before December 31, 2006. (Mayor)

(Rules Committee referral 6/21/06)

**Approved.**

### 2.58 Appointment to the Early Care and Education Commission to fill an unexpired vacancy.

**Recommendation:** Approval to appoint Paula J. Rice to the Early Care and Education Commission to fill an unexpired term ending June 30, 2007. (Chirco)

**Approved.**

### 2.59 Approval to award a contract for the Penitencia Creek Trail Reach 2, Phase I-A Development Project.

**Recommendation:**

(a) Report on bids and award of contract for the Penitencia Creek Trail Reach 2, Phase 1-A Development Project to the low bidder, Suarez & Munoz Construction, Inc., in the amount of \$227,950, and approval of a contingency in the amount of \$11,400.

**Approved.**

(b) Adoption of the following 2006-2007 Appropriation Ordinance amendments in the Council District 4 Construction and Conveyance Tax Fund.

(1) Establish an appropriation to the Parks, Recreation and Neighborhood Services Department, for the Penitencia Creek Trail Reach 2, Phase 1-A Development Project in the amount of \$312,000; and

(2) Decrease the Ending Fund Balance by \$312,000.

CEQA: Mitigated Negative Declaration, PP0103-062, Resolution No. 72526. Council District 4. (Public Works/Parks, Recreation and Neighborhood Services/City Manager's Office)

(Deferred from 6/20/06 – Item 2.18)

**Ordinance No. 27811 adopted.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.1 Report of the Study Session

Mayor Gonzales, Chair

No Report.

#### 3.2 Report of the Rules Committee – June 14, 2006

Vice Mayor Chavez, Chair

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

(b) City Council

(1) Review June 27, 2006 Draft City Council Agenda

(a) Adds to the June 27, 2006 Draft City Council Agenda

**The Committee recommended approval of the June 27, 2006 Draft City Council Agenda with two additions.**

(2) Add New Items to June 20, 2006 City Council Agenda

(a) Mayor and Councilmember Requests

(1) Calling a Special Election to Fill Upcoming Vacancy in District 6 (Mayor)

(b) Council Appointee Requests

**The Committee recommended approval of the June 20, 2006 City Council Agenda with five additions.**

(3) List of Reports Outstanding

**The Committee noted and filed the City Manager's Report.**

(c) Legislative Update

(1) State

(a) State Housing Legislation

AB2745 (Jones), Discharge Planning

SB1609 (Simitian), Reverse Mortgages

SB1676 (Ducheny), Condominium Conversions

(2) Federal

(b) AB2634 (Lieber), Housing Elements

**The Committee approved the recommendations.**

**Items 3.2(c)(1)(a)&(2)(b) were heard by Council on 6/20/06.**

(d) Meeting Schedules

(1) Approve Joint Redevelopment Agency and Department of Housing

Budget Calendar (Mayor)

**The Committee approved the calendar schedule as recommended.**

(e) The Public Record

**The Committee noted and filed the Public Record.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – June 14, 2006 (Cont'd.)

##### Vice Mayor Chavez, Chair

- (f) Appointments to Boards, Commissions and Committees
  - (1) Advisory Commission on Rents  
Appoint 1 Commissioner  
**The Committee recommended appointment of Jeffrey Baxter to an unexpired term ending December 31, 2006.**
  - (2) Arts Commission  
Appoint 3 Commissioners  
**The Committee recommended appointment of Amul Goswamy, Ruth Tunstall-Grant, Jenny Do and Douglas Beach to three year terms each ending June 30, 2009 and Michael Patrick Martin to an unexpired term ending June 30, 2007.**
  - (3) CDBG Steering Committee  
Appoint 4 Commissioners  
**Deferred until August 2006**
  - (4) Early Care and Education Commission  
Appoint 2 Commissioners  
**The Committee recommended appointment of Sharlyn Hinz Maeda and Louise Bazan Persson each to a three year term ending June 30, 2009.**
  - (5) Library Commission  
Appoint 1 Commissioner  
**Deferred until 6/21/06**
  - (6) Parks and Recreation Commission  
Appoint 4 Commissioners  
**The Committee recommended appointment of James Kim to a three year term ending June 30, 2006.**
  - (7) Senior Citizens Commission  
Appoint 6 Commissioners  
**Deferred until 6/21/06**
  - (8) Traffic Appeals Commission  
Appoint 1 Commissioner  
**The Committee recommended appointment of Arul Edwin to a three year term ending June 30, 2009.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – June 14, 2006 (Cont'd.)

##### Vice Mayor Chavez, Chair

- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Discuss process for placing Commendations on the Council Agenda (Chavez)  
**The Committee agreed to take a “wait and watch” approach and requested that the City Clerk place on the last August 2006 Rules Committee Agenda an opportunity to revisit this issue.**
  - (2) Recommendation that the Rules Committee Drop “Comparison of the Department of Public Works Real Estate Division and Redevelopment Agency Real Estate Acquisition Processes” from the City Auditor’s 2005-06 Work Plan  
**The Committee accepted the recommendation.**
  - (3) Recommendation that the Rules Committee drop “An Audit of the Police and Fire Retirement Plan” from the City Auditor’s 2005-06 Work Plan  
**The Committee accepted the recommendation.**
- (h) Open Forum  
**There were none.**
- (i) Adjournment  
**The meeting was adjourned at 2:43 p.m.**

#### Report of Rules Committee – June 21, 2006

##### Vice Mayor Chavez, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
  - (1) Review August 1, 2006 Draft City Council Agenda  
**None, meeting canceled.**
  - (2) Add New Items to June 27, 2006 City Council Agenda
    - (a) Mayor and Councilmember Requests
    - (b) Council Appointee Requests**The Committee recommended approval of the June 27, 2006 City Council Agenda with eleven additions.**
  - (3) List of Reports Outstanding  
**The Committee noted and filed the City Manager’s Report.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – June 21, 2006 (Cont'd.)

##### Vice Mayor Chavez, Chair

(c) Legislative Update

(1) State

AB1900 (Lieu) Relating to Sex Offenders

**The Committee approved the recommendation to support the bill.**

(2) Federal

Update on San José Federal Relations activities

**The Committee accepted the report.**

(d) Meeting Schedules

(1) Coyote Valley Specific Plan Study Sessions

(2) Rules Committee Summer Schedule

**The Committee approved the schedule as recommended.**

(3) Approval to set a study session on the Recycle Plus Program Procurement on August 4, 2006 from 9:00 to Noon in the Council Chambers

**The Committee approved the Study Session.**

(e) The Public Record

**The Committee noted and filed the Public Record.**

(f) Appointments to Boards, Commissions and Committees

(1) Library Commission (Yeager)

Appoint 1 commissioner

**The Committee recommended appointment of Donna Marie Lydon for a three year term ending June 30, 2009.**

(2) Parks and Recreation Commission (Yeager)

Appoint 3 commissioners

**The Committee recommended appointment of David Flaughner and Julie Matsushima to a three year term each ending June 30, 2009.**

(3) Senior Citizens Commission (LeZotte)

Appoint 6 commissioners

**The Committee recommended appointment of Marge Powers and Larry Saltman to fill two unexpired terms ending June 30, 2007 and appointments of Roy Takeuchi, Richard Kohl, Galvin Jackson and Donald L. Parrot to a three year term each ending June 30, 2009.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – June 21, 2006 (Cont'd.)

##### Vice Mayor Chavez, Chair

- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Approval of travel for Council Member Campos to attend the League of California Cities 2006 Annual Conference and Exposition in San Diego, California on September 6-9, 2006 (Campos)  
**The Committee recommended approval of the travel request.**
  - (2) Investigate whether material facts were without from the City Council and the Public regarding Evergreen East Hills Vision Strategy Task Force (Campos)  
**The Committee determined that no further investigation is warranted into the allegations brought forth against Council Member Cortese, nor is any action necessary. See the Rules Committee full report for more recommendations.**  
**See Item 3.12 for Council action taken.**
  - (3) Approve Council Committee Work Plan (Mayor/Committee Chairs)
    - (a) All Children Achieve Committee  
**Deferred to August 2, 2006.**
    - (b) Building Better Transportation Committee  
**The Committee approved the work plan.**
    - (c) Building Strong Neighborhoods Committee  
**Deferred to August 2, 2006.**
    - (d) Driving a Strong Economy Committee  
**The Committee approved the work plan.**
    - (e) Making Government Work Better Committee  
**The Committee approved the work plan.**
    - (f) Rules Committee  
**The Committee approved the work plan.**

### **3. STRATEGIC SUPPORT SERVICES**

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#### **3.2 Report of the Rules Committee – June 21, 2006 (Cont'd.)**

**Vice Mayor Chavez, Chair**

- (g) Rules Committee Reviews, Recommendations and Approvals (Cont'd.)
  - (4) Acceptance of Sunshine Reform Implementation Plan related to the Council/Board Agenda Processes (City Manager's Office/Redevelopment Agency)

**The Committee accepted the recommendations and directed that this item be cross referenced on the City Council Agenda of June 27, 2006 and asked the City Attorney to provide Council with a recommendation about how to document or otherwise codify the early distribution process to ensure transparency as well to allow the City to do its business.**

**See Item 9.3 for Council action taken.**

- (h) Open Forum  
**There were none.**

- (i) Adjournment  
**The meeting was adjourned at 3:43 p.m.**

**The Rules Committee Reports and the Actions of June 14, 2006 and June 21, 2006, were accepted.**

#### **3.3 Report of the Making Government Work Better Committee – June 15, 2006**

**Council Member Reed, Chair**

- (a) Review of Allied Waste Expenditures for the period of June 1, 2005 through May 31, 2006

**The Committee accepted the Staff Report.**

- (b) Status Report on the Implementation of the Auditor's recommendations in Three Audits of the Utilization and Replacement of the City's Transport Vehicles, Metered and Heavy Equipment

**The Committee accepted the Staff Report.**

- (c) Oral Petitions  
**There were none.**

- (d) Adjournment  
**The meeting was adjourned at 1:48 p.m.**

**The Making Government Better Committee Report and the Actions of June 15, 2006, were accepted.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.4 Approval of various budget actions for Fiscal Year 2006-2007 and the Manager's Final Budget Addendum.

**Recommendation:**

- (a) Adoption of the Annual Appropriation Ordinance, including transfers and loans for Fiscal Year 2006-2007 and the Manager's Final Budget Addendum.  
**Ordinance No. 27801 adopted.**  
**Noes: Williams.**
  
- (b) Adoption of the Annual Funding Sources Resolution for Fiscal Year 2006-2007 and the Manager's Final Budget Addendum.  
**Resolution No. 73265 adopted.**  
**Noes: Williams.**
  
- (c) Adoption of a resolution in compliance with Article XIII B of the Constitution of the State of California and as modified by Proposition 111 and SB 99 electing the population and inflation factors and establishing the Fiscal Year 2006-2007 Appropriation Limit.  
**Resolution No. 73266 adopted.**  
**Noes: Williams.**
  
- (1) **Council Member Chirco abstained from MHSP Children's Health Initiative as she is a member of the Board.**
- (2) **The appropriations of Mayor's Office budget were pulled and will be addressed at the Special Council Meeting of June 28, 2006.**  
**Noes: Williams.**

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

**Heard first on the Agenda concurrently with Items 9.1 and 9.2.**

#### 3.5 Approval of actions related to AT&T's Proposed Project Lightspeed.

**Recommendation:** Approval of the following actions related to AT&T's proposed Project Lightspeed:

- (a) Reject AT&T's current proposal for a "Public Benefits Agreement" to construct and operate a video programming system within the City of San José;
- (b) Restate the City's willingness to expedite franchise negotiations with AT&T, and that any encroachment permits for the installation of video infrastructure will be conditioned upon AT&T's acknowledging the requirement of an agreement with the City prior to offering video services.
- (c) Review the position upon completion of the current State legislative session.

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

**Approved.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.6 Approval of actions related to compensation of unrepresented employees.

**Recommendation:** Adoption of a resolution to:

- (a) Amend the City of San José Pay Plan to provide general salary increases of 3.75% effective July 2, 2006 for unrepresented employees in Units 81, 82 and 99, excluding Temporary Employees.
- (b) Increase the salary ranges for Unit 99 classifications effective July 2, 2006, resulting in no automatic salary increases for employees in Unit 99.
- (c) Revise the vacation accrual procedures for Unit 82 and Unit 99 employees effective the first pay period of payroll calendar year 2007.

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

**Resolution No. 73303 adopted.**

#### 3.7 Approval to increase the Library Parcel Tax for Fiscal Year 2006-2007.

**Recommendation:** Adoption of a resolution increasing the Library Parcel Tax rates for FY 2006-2007 by 2.0% over the FY 2005-2006 rates and approving the placement of the Library Parcel Tax on the FY 2006-07 Santa Clara County Property tax roll. CEQA: Not a Project. (Finance)

**Resolution No. 73304 adopted.**

#### 3.8 Approval of custodial services for City Facilities.

**Recommendation:**

- (a) Adoption of a resolution authorizing the Director of Finance to execute a one-year agreement with Acme Building Maintenance for the contracting of custodial services for City Hall for an amount not to exceed \$635,000, including 13% contingency for extra-ordinary custodial work, and execute four one-year options to renew with compensation adjustments based on the Consumer Price Index without further Council action other than the appropriation of funds.

**Resolution No. 73305 adopted.**

**Noes: Reed.**

- (b) Adoption of a resolution authorizing the Director of Finance to execute a one-year agreement with Acme Building Maintenance for the contracting of custodial services for the Norman Y. Mineta San José International Airport for an amount not to exceed \$216,000 and execute four one-year options to renew with compensation adjustments based on the Consumer Price Index, subject to annual appropriations.

**Resolution No. 73306 adopted.**

**Noes: Reed.**

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.8 Approval of custodial services for City Facilities (Cont'd.)

- (c) Reject all proposals for the portion of Custodial Services for other facilities managed by General Services and authorize the re-solicitation of these requirements.

**Approved.**

**Noes: Reed.**

- (d) Adoption of a resolution authorizing the Director of Finance to execute an amendment to the agreement with Acme Building Maintenance, located in San José, CA, for Custodial Services for other facilities managed by General Services, increasing the compensation by \$765,000, from \$3,330,524 to a not to exceed amount of \$4,095,524 and extending the term of the agreement from July 10, 2006 to January 9, 2007.

CEQA: Not a Project. (Finance/General Services)

**Resolution No. 73307 adopted.**

**Noes: Reed.**

**Staff directed to have further discussion with AFSCME 101 on a phasing-in plan for night shift custodians and return to Council prior to the next budget cycle with an update via an information memorandum.**

**Noes: Reed.**

#### 3.9 Approval of actions related to the Dolce Hayes Mansion

**Recommendation:** Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments:

- (a) Establish a Transfer in the Hayes Mansion Phase III Fund to the Community Facilities Revenue Fund for \$350,000.
- (b) Decrease the Ending Fund Balance in the Hayes Mansion Phase III Fund by \$350,000.
- (c) Increase the Transfer-In in the Community Facilities Revenue Fund by \$800,000.
- (d) Increase the Line of Credit in the Community Facilities Revenue Fund by \$800,000.
- (e) Increase the Transfer to the Community Facilities Revenue Fund from the General Fund by \$450,000.
- (f) Decrease the Workers' Compensation Claims appropriation by \$450,000.

(Finance/City Manager's Office)

(Deferred from 6/20/06 – Item 3.5)

**Ordinance No. 27812 adopted.**

**Resolution No. 73308 adopted.**

**Staff directed to schedule a Study Session in the future to review and evaluate the economic benefits and impacts of all City owned cultural facilities (including the Hayes Mansion, museums and the six Team San José facilities).**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.10 Approval for Rules Resolution Amendment.

**Recommendation:** Adoption of a resolution amending the Rules for the Conduct of its Meetings, and superseding Resolution No. 72784 to require a two-thirds vote of the City Council to consider Agenda Items over \$1,000,000 that were not distributed 14 days prior to the Council Meeting. (City Attorney's Office)

**Dropped. See Item 9.3(b)(1).**

#### 3.11 Approval of ordinances clarifying the telephone users tax.

**Recommendation:** Adoption of an urgency ordinance and approval of a regular ordinance amending Section 4.68.080 of Chapter 4.68 of Title 4 of the San José Municipal Code to clarify that the City's application of the telephone users tax to intrastate telephone communications services has been and will continue to be consistent with the Internal Revenue Service's interpretation of the Federal Excise Tax prior to May 25, 2006. CEQA: Not a Project. (City Attorney's Office)  
(Orders of the Day)

**Ordinance No. 27813 adopted.**

**Ordinance No. 27814 passed for publication.**

#### 3.12 Evergreen East Hills Vision Strategy Task Force.

**Recommendation:** As recommended by the Rules Committee, determine that no further investigation is warranted into the allegations brought forth against Council Member Cortese, nor is any action necessary, and:

- (1) Refer the definition of "contacts" by registered lobbyists to the Sunshine Reform Task Force to determine whether further differentiation between types of contacts and additional information is warranted in the disclosure documents now required of lobbyists;
- (2) Request that the Evergreen East Hills Vision Strategy Task Force return to the Council in August 2006 with an update on the process, including any modifications to its Work plan, its products, and its timeline;
- (3) Direct the City Clerk and City Attorney to refine new Council Member orientation and ethics training for Council Members and their Staff to include a discussion about the word "direct" (as in direction to Staff) and what constitutes appropriate and inappropriate language relating to Council/Staff interaction; and
- (4) Direct the City Attorney and City Manager to work together to draft criteria determining when a body that is advisory in nature to the City Council should be officially recognized and made subject to the Brown Act.

(City Clerk)

**Approved.**

## **4. COMMUNITY & ECONOMIC DEVELOPMENT**

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**4.1 Report of the Building Strong Neighborhoods Committee  
Council Member Chirco, Chair  
No Report.**

**4.2 Report of the Driving a Strong Economy Committee  
Council Member Williams, Chair  
No Report.**

**4.3 Approval of the Arts Commission recommendations for FY 2006-2007 funds.**

**Recommendation:** Approval of Arts Commission recommendation, subject to approval of the FY 2006-2007 Operating Budget, to:

(a) Allocate FY 2006-2007 funds to the Office of Cultural Affairs arts and cultural programs, projects, grants, and activities, in a total amount not to exceed \$3,510,839; and

**Approved.**

(b) Adopt a resolution authorizing the City Manager to negotiate and execute FY 2006-2007 grant agreements as follows:

(1) Festival, Parade and Celebration Grant Agreements with 24 organizations for 32 events, in a total amount not to exceed \$384,238; and

(2) Arts Grant Agreements with 62 organizations, in a total not to exceed \$2,253,451.

Not a Project. (Economic Development)

**Resolution No. 73309 adopted.**

**4.4 Approval of actions related to City Hall Retail.**

**Recommendation:**

(a) Approval of the proposed revised business terms and conditions of the proposed lease:

**Approved.**

**Noes: LeZotte, Reed; Gonzales.**

(b) Approval of the following 2005-2006 appropriation ordinance amendments in the General Fund:

(1) Establish a City-wide appropriation for City Hall Retail Space in the amount of \$300,000.

(2) Decrease the Contingency y Reserve by \$300,000.

**Ordinance No. 27815 adopted.**

**Noes: LeZotte, Reed; Gonzales.**

*(Item continued on the next page)*

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.4 Approval of actions related to City Hall Retail (Cont'd.)

- (c) Adoption of a resolution authorizing the City Manager to negotiate and execute a final lease agreement in accordance with the revised business terms and conditions.

CEQA: Resolution No. 58905. (Economic Development/City Manager's Office)

**Resolution No. 73310 adopted.**

**Noes: LeZotte, Reed; Gonzales.**

**Staff directed to negotiate a labor peace provision in the Master Tenant Lease, and if negotiations are unsuccessful in 30 days, return to Council with a recommendation for next steps.**

### 4.5 Approval to negotiate and execute an agreement to fund work associated with the preparation of the Coyote Valley Specific Plan.

#### **Recommendation:**

- (a) Approval of the First Amendment to the Amended and Restated Funding and Reimbursement Agreement with Coyote Housing Group, LLC for the work associated with the preparation of the Coyote Valley Specific Plan, related environmental documents, and regulatory permits to extend the term from June 30, 2006 to December 31, 2006; and increase the amount of funding to cover staff and related non-personal costs from April 1, 2006 to December 31, 2006 by an amount not to exceed \$565,896.00 for a total funding amount of \$13,400,000.

**Approved.**

- (b) Adoption of the following amendments to the 2006-2007 annual appropriation ordinance and funding sources resolution amendments in the General Fund as follows:

- (1) Increase the Citywide appropriation for the Coyote Valley Specific Plan by \$565,896; and
- (2) Increase earned revenue from Other Revenue by \$565,896.

CEQA: Exemption, PP03-06-211. (Planning, Building and Code Enforcement/City Manager's Office)

**Ordinance No. 27816 adopted.**

**Resolution No. 73311 adopted.**

### 4.6 Approval of an agreement to fund work associated with the preparation of the Evergreen-East Hills Vision Strategy.

**Recommendation:** Approval of a funding agreement with Yerba Buena Opco, Inc., for the work associated with Phase 2 of the preparation of the Evergreen-East Hills Vision Strategy, Evergreen Development Policy Update and related documents, including authorization of the Director of Planning, Building and Code Enforcement to approve and execute minor amendments as specified in the funding agreement. CEQA: Exempt, PP03-10-349. Council Districts 5, 7 and 8. SNI: West Evergreen, K.O.N.A, East Valley/680. (Planning, Building and Code Enforcement)

**Approved.**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.7 Administrative Hearing and consideration of an appeal of the approval of a Tentative Map Permit located at the southeast corner of Piercy Road and Hellyer Avenue.

**Recommendation:** Administrative Hearing and consideration of an appeal of the approval of a Tentative Map Permit to reconfigure three parcels into one condominium lot with up to 64 condominium units for industrial park uses with a minimum unit size of 1,450 square feet on a 9.9 gross acre site in the IP Industrial Park Zoning District, located at the southeast corner of Piercy Road and Hellyer Avenue (Hellyer Commons LLC, Owner). Director of Planning, Building and Code Enforcement recommends upholding the Director's decision to approve a tentative map with a maximum of 34 units. CEQA: Edenvale Redevelopment Expansion Area EIR Resolution No. 70021. (Planning, Building and Code Enforcement)  
T05-094 - District 2

**Staff/Planning recommendation was tentatively approved.  
Resolution No. 73312 adopted.**

### 4.8 Approval to reconsider General Plan actions taken on June 20, 2006.

**Recommendation:**

- (a) Request to reconsider Council's vote on June 20, 2006 to defer Item 10.1(d), a General Plan Text Amendment related to Streetlight Conversion;
- (b) Request to reopen the Spring Hearing on the General Plan Amendments considered by Council on June 13 and June 20, 2006, in order to hear Item (d) below;
- (c) Request to reconsider Council's vote on Resolution Nos. 73263 and 73214, adopted June 20, 2006, in order to include Item (d) below.

**Motion to Reconsider Passed.**

- (d) Tentative approval for General Plan Text Amendment request and revision to City Council Policy 4-2 *Streetlight Conversion* to allow up to 300 high pressure sodium lights along designated Neighborhood Business Districts and public streets identified as Pedestrian Corridors in adopted Neighborhood Improvement Plans completed for the Strong Neighborhoods Initiative (SNI) Redevelopment Project Area. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval. CEQA: Mitigated Negative Declaration.

GP06-T-03 – District Citywide

[Deferred from 6/20/06 – Item 10.1(d)]

(Orders of the Day)

**Renumbered from 10.2.**

**Staff/Planning recommendation was tentatively approved.  
Resolution No. 73313 adopted.**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

---

### 4.9 Adoption of a resolution approving all General Plan amendment actions taken on June 13, June 20, and June 27, 2006.

**Recommendation:** Adoption of a resolution approving all General Plan amendment actions taken on June 13, 2006 and June 20, 2006 and adoption of any related CEQA resolutions. (Planning, Building and Code Enforcement)  
(Orders of the Day)

**Renumbered from 10.3.**

**Resolution No. 73314 adopted.**

### 4.10 Approval to reconsider rezoning action related to PDC05-035 taken on June 20, 2006.

**Recommendation:** Request for Council to reconsider its vote on Item 11.7(a)(b) adopted June 20, 2006 regarding a Rezoning of Real Property located on the east side of San Felipe Road and set a Public Hearing August 29, 2006 in the evening as the time and place for reconsideration of the item.

PDC05-035 - (Pyle)

(Orders of the Day)

**Dropped.**

## 5. NEIGHBORHOOD SERVICES

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

**No Report.**

### 5.2 Approval to purchase property from the State of California for Affordable Housing.

**Recommendation:**

- (a) Adoption of a resolution authorizing the Director of Housing to negotiate and execute agreements for the purchase of a 3.05-acre parcel located 235-linear feet east of the intersection of Ford Road and Monterey Road from the State of California for \$7,000,000 plus closing costs not to exceed \$140,000.

**Resolution No. 73315 adopted.**

- (b) Adoption of the following amendments to the Fiscal Year 2005-06 appropriation ordinance and the annual funding sources resolution in the Low and Moderate Income Housing Fund (443):

(1) Increase the appropriation for Loans, Grants and Site Acquisition by \$7,140,000.

(2) Decrease the Fund Balance by \$7,140,000.

**Ordinance No. 27817 adopted.**

**Resolution No. 73316 adopted.**

*(Item continued on the next page)*

## 5. NEIGHBORHOOD SERVICES

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### 5.2 Approval to purchase property from the State of California for Affordable Housing (Cont'd.)

- (c) Adoption of a resolution finding that the use of redevelopment funds for the purchase of the property is of benefit to the Redevelopment Project Areas in San José.

CEQA: Exempt, File No. PP06-095. Council District 2. (Housing/City Manager's Office)

**Resolution No. 73317 adopted.**

## 6. TRANSPORTATION & AVIATION SERVICES

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

**No Report.**

### 6.2 Approval of fiscal actions related to FMC Property Acquisition (Phase II).

**Recommendation:** Adoption of the following Fiscal Year 2005-06 appropriation ordinance and funding sources resolution amendments in the General Fund:

- (a) Increase the revenue estimate for Other Revenue by \$25,093,930;  
(b) Establish a City-wide FMC Phase II Property Acquisition appropriation in the amount of \$25,093,930.

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

**Ordinance No. 27818 adopted.**

**Resolution No. 73318 adopted.**

### 6.3 Approval of actions related to the Airport North Concourse Building.

**Recommendation:** Approval to relieve Pacific Underground Construction, Inc. of its bid and to reject the sole remaining bid for the Norman Y. Mineta San José International Airport North Concourse Building Underground Utilities (Package 2B) Project. CEQA: Resolution Nos. 67380 and 71451, PP 06-045. (Public Works/Airport)

**Approved.**

### 6.4 Approval to award a contract for slurry seal.

**Recommendation:** Report on bids and award of contract for the Slurry Seal 2006 Project to the low bidder, Bond Blacktop, Inc. in the amount of \$1,647,352.60 and approval of a ten percent (10%) contingency amount of \$164,735, for a total amount of \$1,812,087.60. CEQA: Exempt, File No. PP04-039. (Transportation)

**Approved.**

## **7. ENVIRONMENTAL & UTILITY SERVICES**

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## **8. PUBLIC SAFETY SERVICES**

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### **8.1 Approval to renew the software maintenance agreement for the CAD System.**

**Recommendation:**

- (a) Acceptance of the status report on System Performance for the Computer Aided Dispatch System.

**Approved.**

- (b) Adoption of a resolution authorizing the Director of Finance to
- (1) Exercise the second of three options to renew the software maintenance agreement with Intergraph Public Safety, Inc. for the Computer Aided Dispatch System in an amount not to exceed \$319,509 and for the period July 1, 2006 through June 30, 2007.
  - (2) Exercise the remaining one-year option to renew the software maintenance agreement subject to annual appropriations.

CEQA: Not a Project. (Finance/Police)

**Resolution No. 73319 adopted.**

**Staff requested to provide an information memorandum prior to the Fire Department rollout outlining the top outstanding issues in the system.**

### **8.2 Approval to award contracts for the New Fire Stations No. 34 and No. 35.**

**Recommendation:**

- (a) (1) Report on bids and award of contract for the New Fire Station No. 34 Project to the low bidder, Gonsalves & Stronck Construction Company, Inc., in the amount of \$5,093,500, and approval of a contingency in the amount of \$254,000.
- (2) Consent to the request of Gonsalves & Stronck Construction Company to substitute the subcontractor Walschon Fire Protection for the subcontractor Keene Fire Protection because of an alleged clerical error in listing Keene Fire Protection.

**Approved.**

- (3) Adoption of the following 2005-2006 appropriation ordinance amendments in the Neighborhood Security Bond Fund (Fund 475):
- (a) Increase the appropriation to the Fire Department for the Fire Station No. 34 Project by \$396,000; and
  - (b) Decrease the Contingency Reserve by \$396,000.

**Ordinance No. 27819 adopted.**

*(Item continued on the next page)*

## 8. PUBLIC SAFETY SERVICES

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### 8.2 Approval to award contracts for the New Fire Stations No. 34 and No. 35 (Cont'd.)

- (a) (4) Adoption of a resolution approving the New Fire Station No. 34 Project and incorporating environmental mitigation measures set forth in the Mitigation Monitoring and Reporting Program for the project.

CEQA: Mitigated Negative Declaration, PP05-104. Council Districts 3 and 4.  
(Public Works/Fire/City Manager's Office)

(Deferred from 6/20/06 – Item 2.23)

**Resolution No. 73320 adopted.**

- (b) (1) Report on bids and award of contract for the New Fire Station No. 35 Project to the low bidder, Farotte Construction, in the amount of \$4,785,619, and approval of a contingency in the amount of \$239,000.

**Approved.**

- (2) Adoption of the following 2005-2006 appropriation ordinance amendments in the Neighborhood Security Bond Fund (Fund 475):

(a) Increase the appropriation to the Fire Department for the Fire Station No. 35 Project by \$275,000.

(b) Decrease the Contingency Reserve by \$275,000.

CEQA: Exemption, File No. PP06-047. Council District 2. (Public Works/Fire/City Manager's Office)

**Ordinance No. 27820 adopted.**

## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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The Joint Council/Redevelopment Agency Board was convened to consider items 9.1 and 9.2 in a Joint Session at 2:21 p.m.

### 9.1 Approval of actions related to FY2005-06 and FY2006-07 Budgets by the Redevelopment Agency Board.

**Recommendation:** Adoption of a resolution by the Redevelopment Agency Board:

- (a) Approving amendments to the FY 2005-06 Adopted Budget to reflect various modifications to the FY 2005-06 Revenue, Operating and Capital Budgets, and amending the FY 2005-06 Agency Revenue resolution; and,

**Redevelopment Agency Resolution No. 5690 adopted.**

**Noes: Williams.**

*(Item continued on the next page)*

## **9. JOINT COUNCIL/REDEVELOPMENT AGENCY**

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### **9.1 Approval of actions related to FY2005-06 and FY2006-07 Budgets by the Redevelopment Agency Board (Cont'd.)**

(b) Adopting the FY 2006-07 Revenue and Appropriations Resolutions for the Operating and Capital Budgets, and authorizing the Executive Director to rebudget FY 2005-06 remaining project appropriation balances for on-going projects/programs previously approved by the Agency Board; and,  
**Redevelopment Agency Resolution Nos. 5691 and 5692 adopted.**  
**Noes: Williams.**

(c) Making certain determinations regarding the expenditure of Agency funds to eradicate graffiti.  
**Redevelopment Agency Resolution No. 5693 adopted.**  
**Noes: Williams.**

(Redevelopment Agency)

**Heard first on the Agenda concurrently with Items 3.4 and 9.2.**

### **9.2 Approval of actions related to FY 2006-07 Cooperation Agreements by the City Council and the Redevelopment Agency Board.**

**Recommendation:** Approval of the Fiscal Year 2006-2007 Cooperation Agreements between the City and the Redevelopment Agency regarding:

(a) The Merged Area Redevelopment Project for Capital Improvements; and  
(b) The Agreement regarding operating expenses.

(City Manager's Office/Redevelopment Agency)

**Heard first on the Agenda concurrently with Items 3.4 and 9.1.**

**Approved.**

**Noes: Williams.**

**The Redevelopment Agency portion of the meeting was adjourned at 2:41 p.m.**

## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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The Joint Council/Redevelopment Agency Board was convened to consider items 9.3 in a Joint Session at 5:40 p.m.

### 9.3 Approval of the Sunshine Reform Implementation related to the Council/Board Agenda Process

#### Recommendation:

- (a) Acceptance of staff's implementation strategy for three of the Sunshine Reforms Public Information Reform # 4, Public Information Reform #11 and Government Accountability Reform #3 as follows:
  - (1) Beginning in July, establish, as a guideline, an early report distribution process for contracts and expenditures of \$ 1,000,000 or more, with the exception of public works Placeholder items, to the Council/Agency Board whereby the related staff reports will be distributed 14 days prior to the Council/Board Meeting and also posted on-line 13 days prior to the Council Meeting.
  - (2) Approval of the following criteria, as guidelines, to be used for determining when an item is of "Significant Public Interest":
    - (a) Requires Council/Board action on the use of public funds equal to \$1,000,000 or greater.
    - (b) Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City.
    - (c) Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach.
  - (3) Acceptance of new Council and Board Memo format with additional sections per Sunshine Reform (GAR # 3) related to including sections on Policy Alternatives, Fiscal/Policy Alignment and staff contact information.

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

**Accepted. Staff agreed to provide more information on public outreach.**

- (b)
  - (1) Adoption of a resolution amending the Rules for the Conduct of its Meetings, and superseding Resolution No. 72784 to allow the City Council to establish additional procedures.  
**Resolution No. 73321 adopted.**
  - (2) Adoption of a resolution amending the Redevelopment Agency's Bylaws to allow the Agency Board to establish additional procedures.

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

[Rules Committee referral 6/21/06 – Item 3.2(g)(4)]

**Redevelopment Agency Resolution No. 5694 adopted.**

The Redevelopment Agency portion of the meeting was adjourned at 5:44 p.m.

- **Closed Session Report**  
**No 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>	<u>Proposed Decision</u>
9802	SW corner of Carlysle St. and Notre Dame Ave.	3	Almaden Tower Venture LLC	1 Lot/ 330 Units	SFA	Approve
9807	NE corner of Autumnvale Dr. and Trade Zone Blvd.	4	Citation Homes	12 Lots/ 104 Units	SFA	Approve
9808	W/S of Lincoln Ave. 230 ft. northerly of Pine Ave.	6	Willow Glenn Homes LLC	5 Lots/ 4 Units	SFD	Approve
9831	SW corner of Monterey Rd. and Goble Lane	7	ROEM	102 Lots/ 660 Units	SF/MF	Approve

- **Open Forum**

- (1) **William Garbett argued that the Mayor should be considered innocent until proven guilty.**
- (2) **Mark Trout voiced religious viewpoints.**
- (3) **Elza Theodule voiced personal viewpoints.**
- (4) **Robert Apgar expressed personal points of view.**
- (5) **Ross Signorino spoke regarding the Norcal issue.**

- **Adjournment**

**The Council of the City of San José was adjourned at 5:54 p.m. in memory of Travis Law, a native of San José, a graduate of Andrew Hill High School and baseball player for the Texas Rangers.**

## 10. GENERAL PLAN PUBLIC HEARINGS

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### 10.2 Tentative approval for General Plan Text Amendment request and revision to City Council Policy 4-2 Streetlight Conversion.

**Recommendation:** Tentative approval for General Plan Text Amendment request and revision to City Council Policy 4-2 *Streetlight Conversion* to allow up to 300 high pressure sodium lights along designated Neighborhood Business Districts and public streets identified as Pedestrian Corridors in adopted Neighborhood Improvement Plans completed for the Strong Neighborhoods Initiative (SNI) Redevelopment Project Area. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval. CEQA: Mitigated Negative Declaration.

GP06-T-03 – District Citywide

[Deferred from 6/20/06 – Item 10.1(d)]

**Renumbered to 4.8.**

### 10.3 Adoption of a resolution approving all General Plan amendment actions taken on June 13, June 20, and June 27, 2006.

**Recommendation:** Adoption of a resolution approving all General Plan amendment actions taken on June 13, 2006 and June 20, 2006 and adoption of any related CEQA resolutions. (Planning, Building and Code Enforcement)

**Renumbered to 4.9.**

## **8. JOINT REDEVELOPMENT AGENCY ITEM**

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**The Joint Redevelopment Agency Board convened at 6:00 p.m. to consider Items 8.1, 8.2, 8.3, 8.4, 8.5 and 8.6 in a Joint Session.**

### **8.1 Approval actions related to a lease with The Flames Coffee Shop for Agency-owned space located in the Fourth Street Garage.**

#### **Recommendations:**

- (a) Adoption of a resolution by the City Council accepting the summary of costs and findings of the Amended Summary 33433 Report, pursuant to the California Health and Safety Code Section 33433 for the lease with Century Flames, Inc., for ground floor retail space at 88 South Fourth Street.

**Resolution No. 73322 adopted.**

- (b) Approval by the Redevelopment Agency Board of the Second Amendment to the Restaurant Lease with Century Flames, Inc., for the property located at 88 South Fourth Street, increasing the total square footage of the Premises, revising the schedule and scope of the project, and restructuring the financing of the Landlord/Shell Improvements through creation of a Landlord/Shell Improvement Allowance of \$450,000 and the elimination of rent credits.

**Approved.**

- (c) Adoption of a resolution by the Redevelopment Agency Board authorizing the Executive Director to negotiate and execute a Third Amendment to the Restaurant Lease to increase the Landlord/Shell Improvement Allowance to address the costs of additional grease line issues in an amount not to exceed \$25,000.

CEQA: Exempt. PP03-08-263 [CIVIC PLAZA]

**Redevelopment Agency Resolution No. 5700 adopted.**

### **8.2 Approval of an amendment to the agreement among the City, Redevelopment Agency, and Oak Grove School District for the demolition of the Edenvale Neighborhood Center's temporary modular building at the Edenvale Elementary school.**

#### **Recommendations:**

- (a) Adoption of a resolution by the Redevelopment Agency Board amending the FY 2005-2006 Revenue Resolution to add \$70,000 from funds transferred from the City's Neighborhood Revitalization Strategy fund; amending the FY 2005-2006 Capital Budget to add \$70,000 to the ERCA Neighborhood Center sub-project in the SNI - Edenvale/Great Oaks project line in the Strong Neighborhoods Initiative Redevelopment Area; and amending the FY 2005-2006 Agency appropriations resolution.

**Redevelopment Agency Resolution No. 5701 adopted.**

*(Item continued on the next page)*

## **8. JOINT REDEVELOPMENT AGENCY ITEM**

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### **8.2 Approval of an amendment to the agreement among the City, Redevelopment Agency, and Oak Grove School District for the demolition of the Edenvale Neighborhood Center's temporary modular building at the Edenvale Elementary school (Cont'd.)**

- (b) Approval by the City Council and Agency Board of the Second Amendment to the Amended and Restated Cooperation Agreement providing for the City's transfer of funds for the cost of site improvements at the ERCA Neighborhood Center Project to the Agency in a lump sum.

**Approved.**

- (c) Adoption of resolutions by the City Council and the Redevelopment Agency Board authorizing the City Manager and Executive Director to execute the first amendment to the agreement among the City, the Redevelopment Agency, and Oak Grove School District (OGSD), in an amount not to exceed \$70,000, for the demolition of the old Edenvale Neighborhood Center on OGSD properties located at the Edenvale Elementary school campus.

CEQA: Exempt. Oak Grove School District, acting as the lead agency under CEQA with principal responsibility for carrying out or approving the project, found the project exempt under Section 15268 of the CEQA Guidelines. The City of San Jose, acting as a responsible agency under CEQA, may rely upon the School District's determination that the project is exempt from environmental review to inform the City's actions related to the project.

**[SNI: EDENVALE/GREAT OAKS]**

**Resolution No. 73323 adopted.**

**Redevelopment Agency Resolution No. adopted.**

### **8.3 Public Hearing and approval of a DDA with City Front Square, LLC, and Casa Del Pueblo Preservation L.P., for the development of a mixed-use high rise residential project on Block 8 of San Antonio Plaza.**

#### **Recommendations:**

- (a) The City Council adopt a resolution accepting the summary of costs and findings of the Summary 33433 Report pursuant to the California Health and Safety Code Section 33433 for the sale and development of Block 8, located at 281 South First Street, under the terms and conditions of the Disposition and Development Agreement (DDA); and,

**Resolution No. 73324 adopted.**

- (b) The Redevelopment Agency Board adopt a resolution approving the Disposition and Development Agreement with City Front Square, LLC, (Developer) and Casa Del Pueblo Preservation L.P., for the development of a mixed-use high rise residential project and authorizing the Executive Director to negotiate, execute, and record all documents reasonably necessary to convey the Site as provided in the DDA; and;

**Redevelopment Agency Resolution No. 5702 adopted.**

*(Item continued on the next page)*

## 8. JOINT REDEVELOPMENT AGENCY ITEM

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### 8.3 Public Hearing and approval of a DDA with City Front Square, LLC, and Casa Del Pueblo Preservation L.P., for the development of a mixed-use high rise residential project on Block 8 of San Antonio Plaza (Cont'd.)

- (c) The City Council adopt a resolution approving a funding commitment for a construction/permanent loan of up to \$6,591,970 to Casa Del Pueblo Preservation, LP, or its designated affiliate entity, for the development of the 245-unit Casa Del Pueblo Apartments project on the northeast corner of Block 8 located at 281 South First Street.

CEQA: San Jose Downtown Strategy 2000 EIR, Resolution 72767. [SAN ANTONIO PLAZA]

**Resolution No. 73325 adopted.**

### 8.4 Approval of an agreement with Kidango, Inc., for assistance in expanding the preschool program at Arbuckle Elementary School.

**Recommendation:** Approval by the City Council and Redevelopment Agency Board of an agreement with Kidango, Inc., providing for an Agency contribution of \$410,670 toward installation and renovation of a portable building to expand the preschool program at Arbuckle Elementary School, and for Kidango's covenant to operate the Center consistent with Smart Start operating standards. CEQA: Exempt. File No. PP06-091 [SNI: EAST VALLEY/680]

**Approved.**

### 8.5 Approval of an agreement with San Juan Bautista Child Development Center to expand the preschool program at Cassell Elementary School.

**Recommendation:** Approval by the City Council and Redevelopment Agency Board of an agreement with San Juan Bautista Child Development Center (SJBCDC), providing for an Agency contribution of \$150,000 toward SJBCDC's installation and renovation of a portable building to expand the State preschool program at Cassell Elementary School located at 2415 Arden Way, and a covenant to operate the Center consistent with Smart Start operating guidelines. CEQA: Exempt. File No. PP06-092. [SNI: K.O.N.A.]

**Approved.**

### 8.6 Approval of an agreement with San Juan Bautista Child Development Center for renovations to expand the Head Start Preschool Program.

**Recommendation:** Approval by the City Council and Agency Board of an agreement with San Juan Bautista Child Development Center (SJBCDC), providing for an Agency contribution of \$250,000 toward SJBCDC's renovation of a portion of their campus to expand the Head Start Preschool Program, create an isolation room for sick children, and a covenant to operate the Center consistent with Smart Start operating guidelines. CEQA: Not a Project. [SNI: K.O.N.A.]

**Approved.**