



CITY COUNCIL AGENDA

JUNE 28, 2005

AMENDED AGENDA

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

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
VACANT
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.
- ***Economic and Neighborhood 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.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to 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 10 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:

1. **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.
2. When the Council reaches your item on the agenda, Mayor Ron 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.
3. 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.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.asp

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:30 a.m. - Closed Session, Room 600, City Hall
[See Separate Agenda](#)
1:30 p.m. - Regular Session, Council Chambers, City Hall
- **Invocation (District 6)**
Pastor Beate Chun, Good Shepard Lutheran Church.
- **Pledge of Allegiance**
- **Orders of the Day**

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

ITEM 10.1 AND 10.2 ARE TO BE CONSIDERED IN A JOINT CITY COUNCIL/REDEVELOPMENT AGENCY BOARD SESSION.

ADJOURNMENT: This meeting will be adjourned in memory of Nancy Louise McWard, Mother of Jennifer Maguire, Assistant Budget Director; in memory of Ly Van Nguyen, a former soldier who emigrated from Vietnam, and was an active volunteer in the San José Community; and in memory of Peter Bridgwater, longtime soccer supporter in San José.

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

1 CEREMONIAL ITEMS

- 1.1 Presentation proclaiming the month of July 2005 as Recreation and Parks Month. (Parks, Recreation and Neighborhood Services)
- 1.2 Presentation of a commendation to Kevin R. Hauge from the Children's Musical Theatre for guiding the Theatre in its effort to become the best in its field. (LeZotte/Williams)
- * (Rules Committee referral 6/22/05)

1 CEREMONIAL ITEMS

- 1.3 Presentation of a commendation to Hilda Carpenter in recognition of her achievements as an Adult Volunteer at the South Valley Family YMCA. (Pyle)
* (Rules Committee referral 6/22/05)

2 CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

2.1 Approval of Minutes.

2.2 Final adoption of ordinances.

- * **Recommendation:** Final adoption of ordinances.
- (a) ORD. NO. 27436 – Amends Sections 3.28.200 and 3.28.340 of Chapter 3.28 of Title 3 of the San José Municipal Code to simplify the system of reserves in the Federated City Employees Retirement Fund.
[Deferred from 5/24/05 – Item 2.2(a) et al. 6/21/05 – Item 2.2(a)]
 - (b) ORD. NO. 27468 – Amending Section 20.20.100 of Chapter 20.20, Amending Section 20.30.100 and Adding Sections 20.30.130 and 20.30.140 To Chapter 20.30, Amending Section 20.40.100 of Chapter 20.40, Amending Section 20.50.100 of Chapter 20.50, Amending 20.80.1900 and Adding Section 20.80.1910 To Chapter 20.80, Amending Section 20.100.1300 of Chapter 20.100 and Amending Section 20.200.1420 and Adding Section 20.200.1425 to Chapter 20.200, All of Title 20 of the San José Municipal Code to Streamline the Review Process for Certain Wireless Communication Antennae.
 - (c) ORD. NO. 27470 – Amending Sections 24.01.120 and 24.01.233 of Chapter 24.01, Section 24.02.355 of Chapter 24.02, and Sections 24.06.100 and 24.06.110 of Title 24 of the San José Municipal Code to Adopt the 2002 National Electrical Code with Certain Exceptions, Modifications and Additions.
 - (d) ORD. NO. 27472 – Amending Title 13 of the San José Municipal Code to Add a New Chapter Relating to the New City Hall Plaza.
 - (e) ORD. NO. 27475 – Rezoning certain real property situated at the southeast corner of East Mission Street and North 10th Street to A(PD) Planned Development Zoning District. PDC04-063

2 CONSENT CALENDAR

2.2 Final adoption of ordinances (Cont'd.)

Recommendation: Final adoption of ordinances.

- (f) ORD. NO. 27476 – Rezoning certain real property generally bounded by East Virginia Street to the North, South 6th Street to the East, Martha Street to the South, and South 5th Street to the West to A(PD) Planned Development Zoning District. PDC05-029
- (g) ORD. NO. 27484 – Rezoning certain real property situated at the northeast corner of Almaden Expressway and Coleman Road to A(PD) Planned Development Zoning District. PDC04-064
[Supplemental](#)
- (h) ORD. NO. 27485 – Rezoning certain real property situated at the northeast corner of Berryesa Road and Oakland Road to A(PD) Planned Development Zoning District. PDC05-014
- (i) ORD. NO. 27486 – Rezoning certain real property situated at the northwest corner of Monterey Road and Curtner Avenue to A(PD) Planned Development Zoning District. PDC04-029
- (j) ORD. NO. 27487 – Rezoning certain real property situated on the eastside of Bercaw Lane approximately 450 feet southerly of Camden Avenue to R-1-8 Residential Zoning District. C05-044
- (k) ORD. NO. 27493 – Adding Chapter 14.29 to Title 14 of the San José Municipal Code Adopting a Traffic Impact Fee on New Industrial and Residential Development Within the North San José Area Development Policy Boundaries.

2.3 Approval to amend the agreements for plan check consultants.

Recommendation: Adoption of a resolution authorizing the City Manager to execute a third amendment to the agreements with the following plan check consultants: 1) The Phillips Group; 2) Kutzmann & Associates; 3) Linhart, Petersen, Powers Associates; 4) R.K. Associates; 5) Esgil Corporation as follows:

- (a) Extend the terms of the agreements by three months from July 1, 2005 to September 30, 2005;
- (b) Amend the rate of compensation for single-family homes equal to 80% of the plan check fee;
- (c) Increase the maximum compensation by \$50,000 for 3 agreements to the following amounts:
 - (1) Linhart, Petersen, Powers Associates by \$25,000 from \$116,000 to \$141,000.
 - (2) Kutzmann & Associates by \$20,000 from \$109,000 to \$129,000.
 - (3) Esgil Corporation by \$5,000 from \$100,000 to \$105,000.

CEQA: Not a Project. (Planning, Building and Code Enforcement)
(Deferred from 6/7/05 – Item 2.12)

2 CONSENT CALENDAR

2.4 [Approval of actions related to the Silicon Valley High-Speed Rail Coalition \(HSR\).](#)

* **Recommendation:**

- (a) Adoption of a resolution in support of High Speed Rail (HSR) and the Pacheco Pass alignment.
- (b) Send a letter to the HSR Authority expressing support for the Pacheco Pass alignment.
- (c) Express support for a Pacheco Pass alignment at key public hearings, as necessary, via staff or written testimony.
- (d) Encourage our State and Federal delegation to support a Pacheco Pass alignment. (Cortese)

2.5 [Approval of amendment to agreement for Elections Commission evaluator services.](#)

Recommendation: Adoption of a resolution authorizing the City Attorney to negotiate and execute a Seventh Amendment to the agreement with Hanson, Bridgett, Marcus, Vlahos, Rudy LLP, to increase the maximum amount of compensation to provide investigation services, as the Evaluator to the San José Elections Commission by an additional \$19,000, to a total amount not to exceed \$244,000. (City Attorney's Office/City Clerk)

2.6 [Approval to amend a lease for office space at the Airport.](#)

Recommendation: Approval of a third amendment to extend the lease in Terminal C, with Globe Airport Security Services, Inc., for office and storage space on a month-to-month term from the period August 1, 2005 to July 31, 2008, with annual revenue to the City in the amount of \$12,089. CEQA: Resolution Nos. 67380 and 71451, PP05-103. (Airport)

2.7 [Approval to amend an agreement for noise consultant services at the Airport.](#)

Recommendation: Approval of a third amendment to the agreement with Brown-Buntin Associates, Inc., for Airport Noise Consultant Services at the Norman Y. Mineta San José International Airport, increasing the maximum compensation by \$62,200, from \$110,725 to an amount not to exceed \$172,925, and extending the term from June 30, 2005 to June 30, 2006. CEQA: Resolutions No. 67380 and 71451, File No. PP 05-117. (Airport)

2.8 **Approval to amend an agreement for environmental and consultant services at the Airport.**

Recommendation: Approval of a fourth amendment to the agreement with The Source Group, Inc., for environmental and engineering consultant services at the Norman Y. Mineta San José International Airport, extending the term of the agreement from June 30, 2005 to June 30, 2006, with no increase in total compensation. CEQA: Resolution Nos. 67380 and 71451, PP05-111. (Airport)

* **DROP**

2 CONSENT CALENDAR

2.9 [Approval of fiscal actions for Redevelopment Agency Capital Projects.](#)

Recommendation: Adoption of the following 2004-2005 appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund):

- (a) Increase the appropriation to the Department of Public Works for the Sixth and Reed Improvements Project (PSM 367#1) in the amount of \$27,000.
- (b) Increase the estimate for Earned Revenue by \$27,000.

CEQA: Exempt, PP04-04-126. Council District 3. SNI: University. (City Manager's Office)

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) Establish an appropriation to the Department of Public Works for the Traffic Signals at Oak and Almaden/Vine Project (PSM 410) in the amount of \$75,600.
 - (2) Increase the Beginning Fund Balance by \$75,600.
- (b) Adoption of a resolution making certain determinations regarding the expenditure of Redevelopment Agency funds on certain public improvements in connection with the Oak and Almaden/Vine Project, as more specifically described in the memorandum from the Redevelopment Agency dated April 28, 2005.

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

2.11 [Approval to amend City Service Area titles on the Council Agenda.](#)

[Supplemental](#)

- * **Recommendation:** Adoption of a resolution amending the City Council Rules Resolution, Rule 2, and order of business to amend the City Service Area names on the Council Agenda as follows: Section 4/Community and Economic Development, Section 5/Neighborhood Services, Section 6/Transportation and Aviation Services, and order of business relating to Public Hearings. CEQA: Not a Project. (City Manager's Office)

2.12 [Approval to fabricate and install artwork at the Cambrian Branch Library.](#)

[Supplemental](#)

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with artists Andrea Myklebust and Stanton Sears for the fabrication and installation of a public artwork at the Cambrian Branch Library, in an amount not to exceed \$165,114. CEQA: Mitigated Negative Declaration, File No. PP04-05-168. Council District 9. (Cultural Affairs)

2 CONSENT CALENDAR

2.13 [Approval of a special fee schedule for the Neighborhood Arts Development Pilot Program at Hoover Community Center.](#)

- * **Recommendation:** Adoption of a resolution establishing a special fee schedule for a three-year pilot program for arts organizations participating in a Neighborhood Arts Development Pilot Program at Hoover Community Center, which fee schedule shall temporarily supersede the City-wide resolution that establishes fees and charges for use of all Parks and Recreation Facilities. CEQA: Not a Project. Council District 6. (Cultural Affairs/Parks, Recreation and Neighborhood Services)

2.14 [Approval of the San Jose Arena Authority's reports on the Ticket Distribution Program.](#)

Recommendation: Approval of the San José Arena Authority's Ticket Distribution Program Reports for the 4th Quarter of 2004 and the 1st Quarter of 2005. CEQA: Not a Project. (Economic Development)

2.15 [Approval of a community event and funding at the HP Pavilion for the Viet American Cultural Foundation.](#)

Recommendation: Approval of San José Arena Authority recommendation to provide funding from the City and Community Event Fund and use of the HP Pavilion at San Jose for one community event date for funding in the amount of \$10,000 for a musical gala event for the Viet American Cultural Foundation on August 6, 2005. CEQA: Resolution No. 60199. (Economic Development)

- * **DROP**

2.16 [Approval of actions related to agreements for the Workforce Investment Act Program.](#)

Recommendation: Adoption of a resolution authorizing the City Manager to:

(a) Negotiate and execute all contracts, amendments, agreements, leases, subleases and memos of understanding with contractors and vendors providing services to the Workforce Investment Act (WIA) Program including, but not limited to novations or assignments, vendor training contracts, case management contracts, consultant contracts, memorandums of understanding required with Mandatory Partners for the use of One Stop facilities, and cities and the unincorporated area of Santa Clara County whose residents receive service under the WIA program for the period from July 1, 2005 to June 30, 2006, in accordance with procurement procedures and requirements mandated by the State and Federal governments for WIA grant recipients and with established City procurement procedures and requirements that have been reviewed and approved by the Silicon Valley Workforce Investment Network Executive (SVWIN) Executive Committee and/or the SVWIN Board.

Item continued on the next page

2 CONSENT CALENDAR

2.16 Approval of actions related to agreements for the Workforce Investment Act Program (Cont'd.)

- (b) Amend Council approved agreements that have been reviewed and approved by the SVWIN Executive Committee and/or the SVWIN Board so long as funds have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.
- (c) Negotiate and execute all grants and sub grant agreements for discretionary funding applied for and approved by the SVWIN Board for the period from July 1, 2005 to June 30, 2006.

CEQA: Not a Project. (Economic Development)

2.17 Approval of appropriation actions related to the FY 2005-2006 UASI Grant.

Recommendation: Adoption of the following amendments to the FY 2005-2006 annual appropriation ordinance and funding sources resolution in the General Fund:

- (a) Increase the Urban Areas Security Initiative (UASI) appropriation in the City-wide Expenses by \$2,475,000; and
- (b) Increase the estimate for Revenue from the Federal Government by \$2,475,000.

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

2.18 Approval to amend an agreement for research of food and yard waste.

Recommendation: Approval of the sixth amendment to the consultant agreement with the University of California Cooperative Extension, Santa Clara, for research on the use of municipally generated yard waste and food waste products and composting of on-site business waste, to extend the term from twelve months from August 1, 2005 through August 1, 2006, at no additional cost to the City. CEQA: Not a Project. (Environmental Services)

2.19 Approval of open purchase orders for the purchase of supplies, materials, equipment and services.

* **Recommendation:**

- (a) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2005-2006 #2 and authorization for the Director of Finance to execute the purchase orders. CEQA: See memo for CEQA designation(s). (Finance)
- (b) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2004-2005 #22 and authorization for the Director of Finance to execute the purchase orders. CEQA: See memo for CEQA designation(s). (Finance)
- (c) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY2005-2006 #1 and authorization for the Director of Finance to execute the purchase orders. CEQA: See memo for CEQA designation(s). (Finance)

2 CONSENT CALENDAR

2.20 Approval to amend an agreement for sales and use tax audit services.

Recommendation: Approval of the first amendment to the sales and use tax audit services agreement with MBIA Muni-Services Company increasing compensation in an amount not to exceed \$545,000, from \$3,380,000 to a total agreement amount not to exceed \$3,925,000, and extending the term, from July 1, 2005 through June 30, 2006. CEQA: Not a Project. (Finance)

2.21 Approval to amend the agreement for Computer Aided Dispatch software maintenance.

- * **Recommendation:** Adoption of a resolution authorizing the Director of Finance to:
- (a) Execute a maintenance renewal option with Intergraph Public Safety, Inc., for the Computer Aided Dispatch System to delete hardware maintenance and provide software maintenance only, in an amount not to exceed \$308,404.25, for the period July 1, 2005 through June 30, 2006; and
 - (b) Execute four additional one-year options to renew the existing software maintenance agreement without further Council action other than the appropriation of funds.
- CEQA: Not a Project. (Finance)

2.22 Approval of purchase of servers and related items.

Recommendation:

- (a) Approval of the immediate purchase of twelve Hewlett Packard (HP) servers and related items with Systems Technology Corporation at a total cost of \$125,500 including extended maintenance and support, taxes and shipping charges, and authorization for the Director of Finance to execute the purchase order.
- (b) Adoption of a resolution authorizing the Director of Finance to purchase additional quantities of HP servers and related items on an as-required basis through April 18, 2006, without further Council action other than the appropriation of funds.

CEQA: Not a Project. (Finance/Information Technology)

2.23 Approval to set a public hearing for the Director's Reports on the cost of sidewalk repairs.

Recommendation: Adoption of a resolution setting a public hearing for August 9, 2005 at 1:30 p.m. for the approval of the report of the Directors of Finance and Transportation on the cost of sidewalk repairs. CEQA: Not a Project. (Finance/Transportation)

2 CONSENT CALENDAR

2.24 Approval of actions related to the Timberwood Affordable Housing Project.

Recommendation: Adoption of a resolution:

- (a) Approving the subordination of the City's existing Bond Regulatory Agreement and Declaration of Restrictive Covenants to the new Bond Deed of Trust and the Letter of Credit Bank Deed of Trust; and
- (b) Authorizing the City Manager or other authorized officer to execute and, as appropriate, to negotiate, execute and deliver all related documents as necessary.

CEQA: Not a Project. Council District 7. (Housing/Finance)

2.25 Approval to amend an agreement for software upgrade services to the Financial Management System.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute:

- (a) A first amendment to the agreement between the City of San José and Cayenta Canada, Inc. for software upgrade services to the Citywide Financial Management System (FMS), increasing maximum compensation by \$12,000, from \$64,140 to \$76,140 for upgrade services, and extending the term from June 30, 2005 to March 31, 2006.
- (b) Change orders in an amount not to exceed \$7,600 for unforeseen changes/requirements that may arise during the FMS upgrade process.

CEQA: Not a Project. (Information Technology)

2.26 Approval to submit a grant application for the Vineland Branch Library.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute all agreements and documents with the Silicon Valley Library System pertaining to a grant application to be submitted to the California State Library that lists the City's Library Department as a project participant, and accept the donation of an automated materials sorting system, valued at approximately \$200,000, for the Vineland Branch Library, and accept other services related to the project that would be funded by the grant. CEQA: Not a Project. (Library)

2.27 Approval of actions related to the First Tee Program.

- * **Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement between the City of San José and San José Sports Authority for use of Rancho del Pueblo Golf Course to operate the First Tee Program, for an initial term of up to 10 years with one five-year renewal option, and with fees for the Program adjustable annually. CEQA: Mitigated Negative Declaration, File No. PDC96-020. Council District 5. SNI: East Valley/680 Communities. (Parks, Recreation and Neighborhood Services)

2 CONSENT CALENDAR

2.28 Approval of various actions related to Parks, Recreation and Neighborhood Services program agreements for FY 2005-2006.

Recommendation: Adoption of a resolution authorizing the City Manager to:

- (a) Negotiate and execute agreements for Parks, Recreation and Neighborhood Services Department programs consistent with the amounts budgeted for these programs in the adopted budget for FY 2005-2006 with the exception of the contracts listed in subparagraph (e) below; and
- (b) Accept 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 FY 2005-2006, and on terms and conditions determined reasonable by the City Manager; and
- (c) Negotiate and execute all agreements related to the County grant funds awarded for FY 2005-06 and amendments thereto, all in amounts consistent with budgeted amounts in the adopted budget for FY 2005-2006; and
- (d) Enter into a three-month extension of the Senior Nutrition Agreement into the first three months of FY 2006-2007 and to accept grant funds for that period in amounts consistent with budgeted amounts in the adopted budget for FY 2006-2007, until a new agreement for FY 2006-2007 is finalized with the County; and
- * (e) Designate the Director of Parks, Recreation and Neighborhood Services or designee to negotiate and execute all contracts in FY 2005-2006 related to the following grant programs for that period in amounts consistent with budgeted amounts in the adopted budget for FY 2005-2006, and further authorizing the Director to execute amendments to the following grant agreements during the FY 2005-2006, subject to appropriation of funds by City Council: Bringing Everyone's Strengths Together (BEST), Community Action and Pride (CAP), Community Development Block Grant (CDBG), and the Healthy Neighborhoods Venture Fund (HNVF); and
- (f) Authorize the City Manager to execute amendments to all of the other agreements described by the Council Memorandum during FY 2005-2006, subject to appropriation of funds by City Council.

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

2 CONSENT CALENDAR

2.29 [Approval of actions related to the San Jose Golf Course Cart Barn Conversion Project.](#)

Recommendation:

- * (a) Adoption of a resolution authorizing the City Manager to negotiate and execute a first amendment to the agreement with Mike Rawitser Golf Shop for the design and construction of a new enclosed space for electric golf carts at the San José Municipal Golf Course, increasing the agreement amount by \$101,000, from \$400,000 to \$501,000, and extending the term of the agreement from January 31, 2006 to June 30, 2006.
- (b) Adoption of the following 2005-2006 appropriation ordinance amendments in the City-wide Construction and Property Conveyance Tax Fund:
 - (1) Establish an appropriation to the Department of Parks, Recreation and Neighborhood Services in the amount of \$101,000 for the Municipal Golf Course Cart Barn Conversion project; and
 - (2) Decrease the Ending Fund Balance by \$101,000.

CEQA: Exempt, File No. PP05-065. Council District 4. (Parks, Recreation and Neighborhood Services/City Managers Office)

2.30 [Approval to accept a donation for the Summer Lunch Program.](#)

Recommendation:

- (a) Adoption of a resolution accepting the donation of \$21,116 from the Jubilee Christian Center of San José to support a Summer Lunch Program in the summer of 2005 delivered by the Parks, Recreation and Neighborhood Services Department.
- (b) Adoption of the following 2005-2006 appropriation ordinance and funding source resolution amendments in the Gift Trust Fund:
 - (1) Increase the Summer Lunch Program appropriation by \$21,116.
 - (2) Increase the estimate of earned revenue by \$21,116.

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

2.31 [Approval to designate property as a public right-of-way for the development of a pedestrian paseo right-of-way at Pellier Park.](#)

Recommendation: Approval of an ordinance pursuant to Charter Section 1702 to authorize the establishment of public right-of way as a pedestrian paseo over a a 122-foot long by 30 feet in width piece of City-owned property currently comprising a portion of Pellier Park. CEQA: Resolution No. 68839. Council District 3. (Parks, Recreation and Neighborhood Services/Public Works)

2 CONSENT CALENDAR

2.32 [Approval of a Turnkey Parkland Agreement for construction of a neighborhood park.](#)

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a Turnkey Parkland Agreement with ROEM Development Corporation (ROEM), for Tentative Map Nos. PT02-078 and PT02-079 for construction of a neighborhood park. CEQA: Mitigated Negative Declaration, File No. PDC02-032. Council District 9. (Parks, Recreation and Neighborhood Services)

2.33 [Approval to accept the San Jose Regional Street Racing Taskforce Program Grant.](#)

Recommendation:

- (a) Adoption of a resolution accepting the State of California, Office of Traffic Safety 2005-2007 San José Regional Street Racing Task Force Program grant in the amount of \$400,000 and authorizing the City Manager to execute the grant agreement and all related grant documents.
 - (b) Adoption of the following amendments to the annual appropriation ordinance and the annual funding sources resolution in the General Fund (Fund 001) for Fiscal Year 2005-06:
 - (1) Establish a City-wide appropriation to the Police Department for the OTS 2005-06 San José Regional Street Racing Task Force Program in the amount of \$293,491.
 - (2) Increase the earned Revenue Estimate from the State by \$293,491.
- CEQA: Not a Project. (Police/City Manager's Office)

2.34 [Approval to award a contract for the West San Carlos Street Streetscape Improvement Project.](#)

[Supplemental 1](#)

[Supplemental 2](#)

* **Recommendation:**

- (a) Adoption of a resolution authorizing the City Manager to award the contract for the W. San Carlos Street Streetscape Improvements Project to the low bidder, Wattis Construction, Inc., in the amount of \$970,407.15, and approval of a contingency in the amount of \$49,000.
- (b) 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 West San Carlos Streetscape Improvement Project (PSM 373#1) appropriation to the Department of Public Works by \$1,088,408.
 - (2) Increase the estimate for Earned Revenue by \$1,088,408.

CEQA: Exempt, PP05-063. Council District 3. SNI: Delmas. (Public Works/City Manager's Office)

2 CONSENT CALENDAR

2.35 [Approval to award a contract for the Roosevelt Park Roller Rink Relocation Project.](#)

[Supplemental](#)

* **Recommendation:**

- (a) Report on bids and award of contract for the Roosevelt Park Roller Rink Relocation Project to the low bidder, Robert A. Bothman, Inc., for the base bid and Add Alternate No. 4 in the amount of \$421,940, and approval of a contingency in the amount of \$40,000.
- (b) Adoption of a resolution approving the Roosevelt Park Roller Rink Relocation Project and incorporating environmental mitigation measures set forth in the Mitigation Monitoring and Reporting Program for the project.

CEQA: Mitigated Negative Declaration, PP03-12-397. Council District 3. SNI: Five Wounds/Brookwood Terrace. (Public Works/Parks, Recreation and Neighborhood Services)

2.36 [Approval to reject bids and re-advertise and re-bid the Job Order contract.](#)

Recommendation:

- (a) Approval to reject all bids for Job Order Contract 05-01 and authorization for the Director of Public Works to re-advertise and re-bid contract.
- * (b) Adoption of a resolution authorizing the City Manager to award a construction contract for the Job Order Contract 05-01 to the lowest responsive bidder for a minimum contractual obligation of \$50,000, a maximum contract amount of \$2,000,000, and an initial one-year term with two one-year options.

CEQA: Not a Project. (Public Works)

2.37 [Approval to amend an agreement for the 60-inch Brick Interceptor Replacement Project.](#)

Recommendation: Approval of the first amendment to the agreement for consultant services with Brown and Caldwell, Inc. for the 60-Inch Brick Interceptor Replacement Phase IB Project, extending the term of the agreement from June 30, 2005 to June 30, 2006, at no additional cost to the City. CEQA: Negative Declaration, File No. PP 03-12-374. Council District 4. (Public Works)

2.38 [Approval of actions related to the Trimble-Morrill Sanitary Sewer Rehabilitation Project.](#)

Recommendation:

- (a) Increase the contingency budget for the Trimble-Morrill Sanitary Sewer Rehabilitation Phase II Project by \$304,188.73, from \$85,000 to \$389,188.73.
- * (b) Approval of Contract Change Order No. 2 with Gelco Services, Inc., for the Trimble-Morrill Sanitary Sewer Rehabilitation Phase II Project in the amount of \$325,000, increasing the total contract amount from \$909,948.73 to a not to exceed amount of \$1,234,948.73.

CEQA: Exempt, File No.PP02-11-345. Council District 4. (Public Works)

2 CONSENT CALENDAR

2.39 [Approval to set a public hearing on the formation of Community Facilities District No. 12.](#)

Recommendation: Adoption of a resolution of intention to form Community Facilities District No. 12 (Basking Ridge) to authorize the levy of special tax for maintenance pursuant to the City of San José Community Facilities District Financing Procedure, to set a public hearing on August 9, 2005 at 1:30 p.m. regarding the formation of the District and authorizing other related actions. CEQA: Resolution No. 71360, PP05-36. Council District 2. (Public Works)

2.40 [Approval to vacate a portion of a Public Service Easement at 77 Kentucky Place.](#)

Recommendation: Adoption of a resolution summarily vacating a portion of a Public Service Easement lying in the former cul-de-sac bulb at 77 Kentucky Place. CEQA: Mitigated negative Declaration, File No. PDC00-124. Council District 5. (Public Works)

2.41 [Approval to amend an agreement for aerial photographs.](#)

Recommendation: Approval of a first amendment to the Cooperation Agreement between the City of San José, the County of Santa Clara and the Santa Clara Valley Water District for Obtaining Orthorectified Aerial Photographs (Phase No. 2) to broaden the scope of work and modify the Additional Partner Form Agreement for creation of a countywide parcel base map in the amount of \$25,000. CEQA: Not a Project. (Public Works)

2.42 [Approval of budget actions for the Alum Rock Park/Quail Hollow Bridge Replacement Project.](#)

Recommendation:

- (a) Approval of a project contingency budget increase of \$6,000 for additional construction costs, from \$15,000 to \$21,000.
- (b) Adoption of the following 2005-2006 appropriation ordinance amendments in the Parks City-wide Construction and Conveyance Tax Fund:
 - (1) Increase the appropriation to the Parks, Recreation and Neighborhood Services Department for the Alum Rock Park/Quail Hollow Bridge Replacement Project by \$50,000;
 - (2) Decrease the Ending Fund Balance by \$50,000.

CEQA: Mitigated Negative Declaration, PP02-09-235. (Public Works/City Manager's Office)

2 CONSENT CALENDAR

2.43 [Approval to award a contract for the McLaughlin Avenue Improvements Project.](#)

Recommendation:

- (a) Report on bids and award of contract for the McLaughlin Avenue Improvements Project to the low bidder, Golden Bay Construction, Inc., in the amount of \$468,464.75, and approval of a contingency in the amount of \$46,800.
- (b) Adoption of the following 2005-2006 appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-wide Redevelopment Fund):
 - (1) Increase the appropriation to the Department of Public Works for the William Street and McLaughlin Avenue Improvement Project (PSM 369#2) in the amount of \$122,000.
 - (2) Increase the appropriation to the Department of Public Works for the McLaughlin Avenue Improvement Project (PSM 370#1) in the amount of \$471,265.
 - (3) Increase the Beginning Fund Balance by \$593,265

CEQA: Exempt, PP05-072. Council Districts 3 and 7. SNI: Five Wounds/Brookwood Terrace/Tully/Senter. (Public Works/City Manager's Office)

2.44 [Approval to award a contract for the Fuller Avenue Park Project.](#)

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to award a construction contract for the Fuller Avenue Park Project to the lowest responsive bidder, and approval of a contingency of ten percent, in a total amount not to exceed \$440,000.
- (b) 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 appropriation to the Department of Parks, Recreation and Neighborhood Services for the Fuller Avenue Park Project (PSM 356#1) in the amount of \$580,000.
 - (2) Increase the Beginning Fund Balance by \$580,000.

CEQA: Exempt, PP03-04-089. Council District 6. SNI: Greater Gardner. (Public Works/Parks, Recreation and Neighborhood Services/City Manager's Office)

2.45 [Approval to award a contract for the Traffic Signal Modification at Market Street and Saint John Street Project.](#)

Recommendation: Report on bids and award of contract for the Traffic Signal Modification at Market Street and Saint John Street Project to the low bidder, San Jose Signal Electric Construction, Inc., in the amount of \$176,000 and approval of a contingency in the amount of \$17,600. CEQA: Exempt, PP00-10-155. Council District 3. (Public Works/Transportation)

2 CONSENT CALENDAR

2.46 Approval to award a contract for the Traffic Signal Installation at King Road and Wilshire Boulevard Project.

Recommendation:

- (a) Report on bids and award of contract for the Traffic Signal Installation at King Road and Wilshire Boulevard Project to the low bidder, Prism Engineering, in the amount of \$146,026, and approval of a contingency in the amount of \$15,000.
- (b) Adoption of the following 2004-2005 appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-wide Redevelopment Fund):
 - (1) Increase the appropriation to the Department of Transportation for the Traffic Signal at King Road and Wilshire Boulevard Project (PSM 380#1) in the amount of \$163,026.
 - (2) Increase the estimate for Earned Revenue by \$163,026.

CEQA: Exempt, PP04-282. Council District 5. SNI: Gateway East. (Public Works/Transportation/City Manager's Office)

2.47 Approval to amend an agreement to relocate utilities for the I-880/Coleman Avenue Interchange Project.

Recommendation: Approval of the second amendment to the Cooperative Agreement with the Santa Clara Valley Transportation Authority for utility relocation as part of the I-880/Coleman Avenue Interchange Project, extending the term of the agreement from June 30, 2005 to June 30, 2006, at no additional cost to the City. CEQA: Resolution No. 71488, PP03-02-071. Council District 3. (Transportation)

2.48 **Approval to award a contract for the 2005 Slurry Seal Project.**

Recommendation: Report on bids and award of contract for the Slurry Seal 2005 Project to the low bidder, Bond Blacktop, Inc. in the amount of \$1,015,224 and approval of a ten percent (10%) contingency amount of \$101,522. CEQA: Exempt, PP04-02-039. (Transportation)

2 CONSENT CALENDAR

2.49 Approval to amend agreements for the Silicon Valley Intelligent Transportation System.

Recommendation:

- (a) (1) Approval of the second amendment to the consultant services agreement between the City of San José and Kimley-Horn and Associates, Inc., for the design and development of the Silicon Valley Intelligent Transportation Systems (ITS) West Corridor Project, increasing the maximum compensation by \$98,741, from \$724,725 to \$823,466, and extending the term of the agreement from December 31, 2005 to June 30, 2007; and
- (2) Authorization to the Director of Transportation to extend the term of the agreement up to six months beyond June 30, 2007, at his sole discretion.
CEQA: Exempt, PP00-02-026. Council Districts 1 and 6. (Transportation)
- (b) (1) Approval of the third amendment to the consultant services agreement between the City of San José and DKS Associates, for the design and development of the Silicon Valley Intelligent Transportation Systems (ITS) Enhancement Project, increasing the maximum compensation by \$180,000, from \$1,513,925 to \$1,693,925, and extending the term of the agreement from June 29, 2005 to December 31, 2007; and
- (2) Authorization to the Director of Transportation to extend the term of the agreement up to three months beyond December 31, 2007, at his sole discretion.
- (3) Approval of the following appropriation ordinance amendments in the Building and Structure Construction Tax Fund:
- (a) Increase the appropriation to the Department of Transportation for the ITS Enhancements project by \$100,000.
- (b) Decrease the Ending Fund Balance by \$100,000.
CEQA: Exempt, PP03-06-214. Council Districts 1, 4, 6 and 9.
(Transportation/City Manager's Office)

2.50 Approval to install bicycle lanes on various City streets.

* **Recommendation:** Adoption of a resolution designating bicycle lanes on the following street segments and repealing Resolution No. 72115:

- (a) San Fernando Street from State Route 87 overpass to 10th Street.
- (b) Third Street from Julian Street to Jackson Street.
- (c) Fourth Street from Julian Street to Jackson Street.
- (d) Disk Drive from Grand Boulevard to Nortech Parkway.
- (e) Nortech Parkway from end to end.
- (f) Yerba Buena Road from San Felipe Road to Silver Creek Valley Road.
- (g) Silver Creek Valley Road from Yerba Buena Road to Coyote Road.
- (h) Hellyer Avenue from U.S. Highway 101 to Silicon Valley Boulevard.

CEQA: Exempt, PP05-067. Council Districts 2, 3, 4 and 8. SNI: University, 13th Street. (Transportation)

2 CONSENT CALENDAR

2.51 [Approval of to establish quiet zones within the City's portion of the Vasona Corridor.](#)

Recommendation: Adoption of a resolution to authorize the City Manager to establish quiet zones for locomotive horns at applicable public highway-rail grade crossings within the San José portion of the Vasona Light Rail Transit Corridor in accordance with Federal Railroad Administration regulation 49 CFR 222. CEQA: Exempt. Council District 6. SNI: Burbank/Del Monte, Greater Gardner. (Transportation)

2.52 [Approval of Council Member LeZotte's travel request.](#)

* **Recommendation:** Approval of Council Member LeZotte's travel to Ontario, California, to attend the League of California Cities, Transportation, Communication and Public Works Committee Meeting on June 24, 2005. Source of Funds: Mayor and Council Travel Fund. (LeZotte)

2.53 [Approval of the transfer of monies from the District Five Special Events Account to cover the costs of the Dr. Cruz Library Opening Day Celebration.](#)

* **Recommendation:** Approval of the transfer of \$10,119.16 from the District Five Special Events Account to cover the costs of the celebration of the Dr. Roberto Cruz Alum Rock Branch Library Grand Opening on Saturday, July 9, 2005. Source of Funds: District 5 Special Events. (Campos)

2.54 [Approval to apply for a grant for the lease of compressed natural gas shuttle buses at the Airport.](#)

Recommendation: Adoption of a resolution authorizing the City Manager to apply to the Bay Area Air Quality Management District (BAAQMD) for a grant in the amount of up to \$1,500,000 to be used to defray the incremental costs of and other grant conditions for leasing compressed natural gas shuttle buses at the Norman Y. Mineta San José International Airport, and to accept the grant if awarded and execute all related documents. CEQA: Resolutions 67380 and 71458, PP05-140. (Airport)

* (Rules Committee referral 6/22/05)

2 CONSENT CALENDAR

2.55 Approval of fiscal actions for Redevelopment Agency Capital Projects.

Recommendation:

- (a) Adoption of the following 2004-2005 appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund):
- (1) Establish an appropriation to the Department of Transportation for the 10th and 11th Street Lane Reduction Project (PSM 413) in the amount of \$469,402.
 - (2) Increase the estimate for Earned Revenue by \$469,402.
- (b) Adoption of a resolution making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with the 10th and 11th Street Lane Reduction Project, as more specifically described in the memorandum from the Redevelopment Agency, dated June 7, 2005.

CEQA: Exempt, PP04-02-039. Council District 3. SNI: University and Spartan/Keyes. (City Manager's Office)

* (Rules Committee referral 6/22/05)

2.56 Approval of actions related to the San José Grand Prix.

Recommendation: Adoption of a resolution designating the City as an official sponsor of the San José Grand Prix, and authorizing the City Manager to accept access passes and invitations from the San José Grand Prix, the Canary Fund and the Canary Enterprises, LLC to attend the San José Grand Prix and race related events, and to distribute to City and Redevelopment Agency officials and staff for the purpose of official duties for economic development. (City Manager's Office)

* (Rules Committee referral 6/22/05)

2.57 Approval to reject all proposals for bill print and remittance services.

Recommendation: Approval to reject all proposals the City received for bill print and remittance services and authorization for the Director of Finance to re-issue the procurement. CEQA: Not a Project. (Finance)

* (Rules Committee referral 6/22/05)

2 CONSENT CALENDAR

2.58 [Approval to amend an agreement for affordable housing project development services.](#)

- * **Recommendation:** Adoption of a resolution:
- (a) Approving a third continuation agreement and amendment with Daniel B. Lopez & Associates for affordable housing project development services, increasing the compensation amount by \$50,000, from \$100,000 to \$150,000, and extending the term of the agreement to December 31, 2005.
 - (b) Authorizing the Director of Housing to execute the contract amendment.
- CEQA: Not a Project. (Housing)
- * (Rules Committee referral 6/22/05)

2.59 [Approval to apply for a grant for the San José Weed and Seed Program.](#)

- Recommendation:** Adoption of a resolution authorizing the City Manager to apply to the Northern District of California United States Attorney's Project Safe Neighborhoods grant for the San José Weed and Seed site in an amount not to exceed \$55,000, for the period October 1, 2005 through September 30, 2006, to accept the grant if awarded, and to execute all related documents. CEQA: Not a Project. Council Districts 5 and 8. SNI: East Valley/680 Communities and KONA. (Police)
- * (Rules Committee referral 6/22/05)

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair

3.2 [Report of the Rules Committee](#) – June 15, 2005 Vice Mayor Chavez, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review June 28, 2005 Council Agenda
 - (a) Discussion of Silicon Valley High Speed Rail Coalition's Guiding Principles
 - (2) Add New Items to June 21, 2005 Agenda
 - (3) List of Reports Outstanding
- (c) Legislative Update
 - (1) State
 - (a) Status of State Pension Reform Legislation including Assembly Constitutional Amendment 5 (Richman): Public Retirement Systems
 - (2) Federal

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – June 15, 2005 (Cont'd.)

Vice Mayor Chavez, Chair

- (d) Meeting Schedules
 - (1) Request to schedule General Plan Hearings
 - (2) Request to schedule City Council Audio/Visual System Training for the New Council Chambers
- (e) The Public Record
- (e) Appointments to Boards, Commissions and Committees
 - (1) Library Commission
Appoint 2 Commissioner
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (2) Amendment to the City Auditor's Work Plan
 - (3) Allocation Request from the Community Gift Trust Fund for District 7 Community Events
 - (4) Monthly Public Records Act Requests
- (h) Oral Communications
- (i) Adjournment

* Report of the Rules Committee – June 22, 2005

Vice Mayor Chavez, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review July 5, 2005 Council Agenda
DROP, LEGISLATIVE RECESS
 - (2) Add New Items to June 28, 2005 Agenda
 - (a) Recommendations from the Small Business Development Commission for Steps to Take to Improve Disadvantaged Business Enterprise participation for Federally Funded City Contracts.
 - (b) Recommendations regarding the Grand Jury Report regarding Norcal Contract
SEE ITEM 3.13 FOR COUNCIL ACTION TO BE TAKEN
 - (3) List of Reports Outstanding
- (c) Legislative Update
 - (1) State
 - (a) Acceptance of the June 17, 2005 State Legislative Bill Matrix
 - (b) SB 435 (Hollingsworth) regarding Density Bonus Law
SEE ITEM 3.9 FOR COUNCIL ACTION TO BE TAKEN
 - (2) Federal
 - (a) Federal Legislation to Provide Funding to End Chronic Homelessness
SEE ITEM 3.10 FOR COUNCIL ACTION TO BE TAKEN
 - (b) Update on San José Federal Relations Activities
 - (3) State and Federal
 - (a) State and Federal Legislation Related to Predatory Mortgage Lending
SEE ITEM 3.11 FOR COUNCIL ACTION TO BE TAKEN

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – June 22, 2005 (Cont'd.)

Vice Mayor Chavez, Chair

- (d) Meeting Schedules
 - (1) Rules-In-Lieu Schedule
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Approval of the Rules Committee Work Plan
- (h) Oral Communications
- (i) Adjournment

3.3 Report of the Making Government Work Better Committee – June 16, 2005

Council Member Reed, Chair

- (a) Review of Allied Waste Expenditures
- (b) Northside Community Center
- (c) RFP Process: Conflict of Interest Administrative Procedures
- (d) Customer Service Standard Update
- (e) Oral Petitions
- (f) Adjournment

Report of the Making Government Work Better Committee – June 23, 2005

Council Member Reed, Chair

Memo from Councilmember Ken Yeager

- (a) Northside Community Center
- * **SEE ITEM 3.14 FOR COUNCIL ACTION TO BE TAKEN**
- (b) Oral Petitions
- (c) Adjournment

3.4 Approval of a Memorandum of Agreement with the Municipal Employees' Federation.

- * **Recommendation:** Adoption of a resolution approving the terms of a Memorandum of Agreement with the Municipal Employees' Federation (MEF), and authorizing the City Manager to execute the agreement with a term of July 1, 2005 to June 30, 2008, subject to ratification of the MEF membership. CEQA: Not a Project. (City Manager's Office)

3.5 Approval of the terms of an Agreement with the Association of Maintenance Supervisory Personnel.

- * **Recommendation:** Adoption of a resolution approving the terms of an Agreement with the Association of Maintenance Supervisory Personnel (AMSP), and authorizing the City Manager to execute the agreement with a term of July 1, 2005 to June 30, 2007. CEQA: Not a Project. (City Manager's Office)

3 STRATEGIC SUPPORT SERVICES

3.6 [Approval of the terms of an Agreement with the City Association of Management Personnel.](#)

- * **Recommendation:** Adoption of a resolution approving the terms of an Agreement with the City Association of Management Personnel (CAMP), and authorizing the City Manager to execute the agreement with a term of July 1, 2005 to June 30, 2008, subject to ratification of the CAMP membership. CEQA: Not a Project. (City Manager's Office)

3.7 [Approval of actions related to salary increases for unrepresented employees.](#)

- * **Recommendation:** Adoption of a resolution:
 - (a) To amend the City of San José Pay Plan to provide general salary increases of 1.5% effective July 3, 2005 for unrepresented employees in Units 81, 82 and 99, excluding Temporary Employees, and revisions to benefits and to the Professional Development Program, including a 0.3% salary adjustment from the Professional Development Program funding.
 - (b) To revise the salary ranges for Senior and Executive Staff in the Senior Executive Performance Program (SEPP) effective July 3, 2005.(City Manager's Office/Employee Services)

3.8 [Approval of actions related to restaurant services at the New City Hall.](#)

- * **Recommendation:**
 - (a) Approve the selection of Donald F. Imwalle, dba Imwalle Stegner, as the preferred proposer for the Master Tenant for the Development of Restaurant Services in the New City Hall retail space along Fourth Street; and
 - (b) Approve the proposed business terms to be included in the Lease Agreement for the space; and
 - (c) Adoption of a resolution authorizing the City Manager to negotiate and execute a lease agreement with Imwalle Stegner in accordance with the proposed business terms.CEQA: Resolution No. 68905. (Economic Development)

3.9 [SB 435 \(Hollingsworth\), regarding Density Bonus Law.](#)

- * **Recommendation:** As recommended by the Rules Committee on June 22, 2005, oppose SB 435 (Hollingsworth) regarding density bonus law changes. (City Manager's Office/Office of the City Clerk)

3.10 [Federal Legislation to provide funding to end chronic homelessness.](#)

- * **Recommendation:** As recommended by the Rules Committee on June 22, 2005, support federal legislation – H.R. 1471 by Representatives Pryce (R-OH) and Eshoo (D-CA) and S.709 by Senator DeWine (R-OH) – known as the “Services to End Long-Term Homelessness Act”. (City Manager's Office/Office of the City Clerk)

3 STRATEGIC SUPPORT SERVICES

3.11 State and Federal Legislation related to Predatory Mortgage Lending.

- * **Recommendation:** As recommended by the Rules Committee on June 22, 2005, support AB 901 and H.R. 1182 and oppose H.R. 1295. (City Manager's Office/Office of the City Clerk)

3.12 SB861 (Speier) relating to Dangerous and Vicious Dogs.

Attachment

- * **Recommendation:** Adopt a resolution supporting SB 861 (Speier), an act to amend Section 31683 of the Food and Agriculture Code, relating to Dangerous and Vicious Dogs. (LeZotte)

3.13 City response to the Civil Grand Jury Report on the Norcal Garbage Contract and Contract Amendment and authorization for an Independent Investigation.

Memo from Councilmember Cortese

- * **Recommendation:** As recommended by the Rules Committee:
 - (a) Direct staff to prepare and submit to the City Council within sixty (60) days a full response regarding the Santa Clara County Civil Grand Jury Report on the City's contract amendment with Norcal.
 - (b) Direct the City Auditor to select and retain a qualified independent investigator to begin immediately a review of issues associated with the Norcal garbage contract and contract amendment, as discussed in the Santa Clara County Civil Grand Jury Report. The Auditor shall obtain from a retired judge a list of qualified independent investigators and/or contact the Association of Judicial Arbitrations Mediations (JAMS) and the local Bar Association.
 - (c) The Auditor is further directed to complete a thorough conflict analysis to ensure independence and impartiality.
 - (d) Authorize the City Auditor to negotiate and execute a contract with the independent investigator in an amount not to exceed \$100,000 and amend the 2005-2006 appropriation ordinance in the General Fund to:
 - (1) Establish a City-wide appropriation in the amount of \$100,000 for an Independent Investigator for the Norcal Garbage Contract Matter;
 - (2) Reduce the Contingency Reserve by \$100,000.
 - (e) The scope of the independent investigation would include the review of the material and findings of the Grand Jury to determine if the Mayor, Mayor's staff, or other city employees violated the City Charter, Municipal Code, city policies related to ethics of independent judgment, or other law. This scope is consistent with the Grand Jury's Recommendation #1. Additionally, include and incorporate into the scope additional concerns from the Council discussion. The final scope shall be determined by the investigator.
 - (f) Request that the investigator return with a full report to the entire Council, within sixty (60) days. Included in the final report should be recommended next steps, as appropriate. If the investigation is not complete within sixty (60) days, request that the investigator report back on the status to the full Council.

3 STRATEGIC SUPPORT SERVICES

3.13 City response to the Civil Grand Jury Report on the Norcal Garbage Contract and Contract Amendment and authorization for an Independent Investigation (Cont'd.)

- (g) Designate the Assistant City Attorney and the City Clerk as the investigator's City contacts for any and all necessary support and/or assistance as it relates to access to records and/or other information needed by the investigator to conduct the investigation.
- (h) Urge the Council and key members of staff to provide to the Auditor individual availability for the month of July to respond to the investigator for questions.

3.14 Northside Community Center Audit Findings.

Recommendation: Acceptance of the Auditor's Audit of the Northside Community Center and direction to the City Auditor and the Administration regarding actions to be taken related to the Auditor's findings and recommendations.

* (Making Government Work Better Committee referral 6/23/05)

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee – June 20, 2005

Council Member Chirco, Chair

- (a) Animal Care & Service Update
- (b) Trails Implementation and Funding Update
- (c) Neighborhood Housing Rehabilitation and Infill Production Update
- (d) Oral Petitions
- (e) Adjournment

4.2 **Report of the Driving a Strong Economy Committee** **Council Member Williams, Chair**

4.3 Approval of actions related to the Pollard Plaza Apartments.

Recommendation:

- * (a) Adoption of a resolution approving an increase of the City's existing permanent loan increase in the amount of \$3,918,632 of the City's existing permanent loan, from \$9,486,839 to a new amount of up to \$13,405,471, for the 130-unit Pollard Plaza Apartments Project, which is located at the southeast corner of McLaughlin Avenue and Story Road.
- (b) Approval of a change in the project's affordability restrictions such that 115 units formerly affordable to households at or below 60% of Area Median Income (AMI) will now be restricted to rents at or below 45% AMI.

CEQA: Not a Project. Council District 7. SNI: Tully/Senter. (Housing)

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.4 Public Hearing on a Planned Development Rezoning located at the southwest corner of Monterey Road and Goble Lane.

Supplemental

- * **Recommendation:** Public Hearing on and consideration of:
 - (a) PUBLIC HEARING ON THE APPEAL OF PLANNING COMMISSION'S CERTIFICATION OF AN Environmental Impact Report for the Goble Lane Mixed Use Development for a Planned Development Rezoning of 29.5 gross acres located at the southwest corner of Monterey Road and Goble Lane. CEQA: Resolution to be adopted. Director of Planning, Building and Code Enforcement and Planning Commission recommend the City Council certify the Environmental Impact Report prepared for the project and find it in compliance with the requirements of CEQA. (6-0-1; Pham absent)
 - (b) Approval of an ordinance on Planned Development Rezoning from R-MH Mobilehome Park, LI Light Industrial and HI Heavy Industrial Zoning Districts to A(PD) Planned Development Zoning District, to allow up to 969 single-family and multi-family residential units and approximately 18,000 square feet of commercial space on a 29.5 acre site located at the southwest corner of Monterey Road and Goble lane (Ernest L. and Thelma W. Goble, et al., Owners). CEQA: Resolution to be adopted. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval. (4-2-1; Levy, Zito opposed; Pham absent). (Planning Building and Code Enforcement)
PDC02-066 - District 7

* **DROP**

4.5 **Approval of a funding commitment for the Montecito Vista Family Apartments.**

Recommendation:

- (a) Adoption of a resolution approving a funding commitment for a loan of up to \$7,299,334 to ROEM Development Corporation, or its designated affiliate entity, for the development of the 193-unit Montecito Vista Family Apartments Project on a four-acre parcel, located westerly of Monterey Highway, 900 feet southerly of Umbarger Road, to be made affordable to extremely low- and very low-income households.
- (b) Adoption of a resolution finding that the use of 20% Housing Funds for the Montecito Vista Family Apartments project is of benefit to the Redevelopment Project Areas in San José.

CEQA: Resolution to be adopted. Council District 7. (Housing)

* **DROP**

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.6 [Public Hearing on a Historic Landmark Designation for the John C. Morrill House, located at 897 Jackson Street.](#)

Recommendation: Public Hearing on and consideration of adoption of a resolution on a Historic Landmark Designation for the John C. Morrill House, located at/on the northwest corner of Jackson Street and North 19th Street (897 Jackson St.). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Historic Landmarks Commission recommend approval to adopt a resolution. HLC 6/1/05 (5-0-1-0, Leong absent).

[HL05-151](#) - District 3. (Planning, Building and Code Enforcement)

4.7 **Public Hearings and approval of three Business Improvement District's assessment for 2005-2006.**

Recommendation:

(a) [Public Hearing and adoption of a resolution to:](#)

- (1) Approve the Japantown Business Improvement District Advisory Board budget report for 2005-2006, as filed or as modified by City Council.
- (2) Levy the annual assessment for the Japantown Business Improvement District for 2005-2006.

CEQA: Exempt, PP03-05-165. Council District 3. SNI: 13th Street. (Economic Development)

(b) [Public Hearing and adoption of a resolution to:](#)
[Attachment](#)

- (1) Approve the Downtown Business Improvement District Advisory Board budget report for 2005-2006, as filed or as modified by City Council.
- (2) Levy the annual assessment and expand the district boundaries for the Downtown Business Improvement District for 2005-2006.

CEQA: Exempt, PP03-05-165. Council District 3. SNI: St. James Square/University/Josefa/Auzerais/Burbank/Del Monte. (Economic Development)

(c) [Public Hearing and adoption of a resolution to:](#)

- (1) Approve the Willow Glen Business Improvement District Advisory Board budget report for 2005-2006, as filed or as modified by City Council.
- (2) Levy the annual assessment for the Willow Glen Business Improvement District for 2005-2006.

CEQA: Exempt, PP03-05-165. Council District 6. (Economic Development)

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.8 Public Hearing and adoption of a resolution on the reorganization of territory designated as McKee No. 127 and making findings on a related protest received.

Supplemental

Recommendation: Public Hearing and adoption of a resolution on the reorganization of territory designated as McKee No. 127 which involves the annexation to the City of San José of 4.79 gross acres of land, located at the north side of McKee Road approximately 380 feet easterly of Toyon Avenue and the detachment of the same from the approximately special districts including Central Fire Protection, Area No. 01 (Library Services) County Service and County Sanitation Districts 2-3, and making findings on a protest received in connection with such proposed reorganization action. CEQA: Exempt. Council District 5. (Planning, Building and Code Enforcement)

* (Continued from 6/21/05 – Item 4.4)

4.9 Approval of an ordinance prohibiting the maintenance of graffiti on real and personal property.

* **Recommendation:**

- (a) Approval of an ordinance amending Title 9 of the San José Municipal Code by adding Chapter 9.57 prohibiting the maintenance of graffiti upon real property and personal property thereon and prohibiting the maintenance of graffiti upon motor vehicles, boats and trailers parked on public streets; and amending Chapter 17.72 of Title 17 by repealing Section 17.72.220 and amending Sections 17.72.520 and 17.72.555 to make conforming changes.
- (b) Adoption of a resolution amending the Administrative Schedule of Fines to establish an administrative fine for a violation of the graffiti prohibitions set for in the San José Municipal Code, Chapter 9.57 and repealing Resolution No. 72643, effective September 9, 2005.

CEQA: Exempt, PP05-238. (City Attorney)

5 RECREATION & CULTURAL SERVICES

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

5 RECREATION & CULTURAL SERVICES

5.2 [Approval of actions related to the LeFevre Residence and Barn Renovation Project.](#)

Recommendation:

- (a) Acceptance of the report on the status of the project, acknowledging contractor performance issues and failure to complete the LeFevre Residence and Barn Renovation Project per contract requirements.
- (b) Adoption of a resolution authorizing the City Manager to negotiate and execute agreements with the surety, Travelers Casualty & Surety Company, and any construction contractor to complete the project so that the total cost of constructing the project does not exceed \$1,174,012 and including the authority to negotiate liquidated damages.
- (c) In the event an agreement is not reached with the surety, approval to complete remaining project work using a combination of minor contracts and City staff labor at a cost not to exceed \$140,000.

CEQA: Exempt, PP02-04-091. Council District 5. (Public Works/Parks, Recreation and Neighborhood Services)

* (Rules Committee referral 6/22/05)

6 TRANSPORTATION SERVICES

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

6.2 [Approval of an agreement with Taxi San Jose.](#)

[Supplemental](#)

- * **Recommendation:** Approval of an agreement with Taxi San José, Inc. for on-demand ground transportation dispatching services at the Norman Y Mineta San José International Airport for the period September 7, 2005 through September 30, 2007, with five one-year options to extend the term at the City's sole discretion for a total of up to seven years, in an amount not to exceed \$1,910,000 for the initial two-year term. CEQA: Resolution Nos. 67380 and 71451, PP 05-083. (Airport/Transportation)
[Referred from 5/24/05 – Item 6.2(c)]

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 [Approval to award a contract for the 84-inch RCP Interceptor Rehabilitation Project.](#)

- * **Recommendation:** Report on bids and award of contract for the 84-inch RCP Interceptor Rehabilitation Phase VIB Project to the low bidder, Ebert McGuire and

Hester, in the amount of \$4,089,897, and approval of contingency in the amount of \$615,000. CEQA: Exempt, PP 02-05-114. Council Districts 3 and 4. (Public Works)

8 AVIATION SERVICES

9 PUBLIC SAFETY SERVICES

9.1 Approval of actions related to Police Southside Substation.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute a Purchase and Sale Agreement not to exceed \$8,000,000 between the City of San José and Hitachi Global Storage Technologies, Inc., for the acquisition of fee title to approximately 10.487 acres for the location of a police substation, including appurtenant access and perimeter fence easements, and authorization for the City Manager to execute all documents necessary to complete the transaction.
- (b) Approval of a Phase II consultant agreement with RossDrulisCusenbery Architecture, Inc. Sonoma, California for design services for the South San José Police Substation with the term of the agreement from the date of execution until January 31, 2009 in a lump sum amount of \$4,522,795 with contingency for additional services in the amount of \$226,000 for a total not to exceed \$4,748,795.
- (c) Adoption of a resolution approving the Police Southside Substation Project and incorporating environmental mitigation measures as set forth in the Mitigation Monitoring And Reporting Program for the project.

CEQA: Mitigated Negative Declaration, File No. PP04-304. (Public Works/Police)

* (Rules Committee referral 6/22/05)

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEM 10.1 AND 10.2 IN A JOINT SESSION

10.1 Approval of the revised Code of Ethics Policy and Gift Policy.

Recommendation:

- (a) Adoption of a resolution by the City Council:
 - (1) Approving the revised Code of Ethics Policy.
 - (2) Approving the revised Gift Policy.
- (b) Adoption of a resolution by the Redevelopment Agency Board making the City's Code of Ethics Policy and Gift Policy applicable to Agency employees.

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

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

10.2 [Approval of Fiscal Year 2005-2006 Cooperation Agreements](#)

Recommendation: Adoption of resolutions by the City Council and Redevelopment Agency Board authorizing the City Manager and Executive Director to negotiate and execute the Fiscal Year 2005-2006 Cooperation Agreements regarding:

- (a) The Merged Area Redevelopment Project for Capital Improvements; and
- (b) The Agreement regarding operating expenses between the City and the Redevelopment Agency.

(City Manager's Office/Redevelopment Agency)

* (Rules Committee referral 6/22/05)

ADJOURN REDEVELOPMENT AGENCY BOARD PORTION OF THE MEETING

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

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9702	Southwest corner of Story and Clayton Roads	5	Braddock and Logan	15 Lots/ Homes	SFDR	Approve
9646	W/side of Capital Avenue, across Penitencia Creek Road	4	Taylor Woodrow	13 Lots/113 Units	Multi- Family	Approve

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

This meeting will be adjourned in memory of Nancy Louise McWard, Mother of Jennifer Maguire, Assistant Budget Director; in memory of Ly Van Nguyen, a former soldier who emigrated from Vietnam, and was an active volunteer in the San José Community; and in memory of Peter Bridgwater, longtime soccer supporter in San José.