

CITY COUNCIL AGENDA

OCTOBER 25, 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
MADISON P. NGUYEN
DAVID D. CORTESE
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Community & Economic Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Neighborhood Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation & Aviation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

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

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

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

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 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**
9:00 a.m. - Closed Session, City Hall Tower, 18th Floor, City Hall
See Separate Agenda
1:30 p.m. - Regular Session, Council Chambers, City Hall
- **Invocation (District 9)**
Reverend Irene Witmore of Unity Community 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 9.1 IS TO BE CONSIDERED IN A JOINT CITY COUNCIL/REDEVELOPMENT AGENCY BOARD SESSION.

ADJOURNMENT: This meeting will be adjourned in memory of Dave Hennessey, President of the California Mobile Home Resource and Action Association; in memory of T.J. Owens, a longtime leader and educator; in memory of Walter Brand, a leader of the Market/Almaden NAC and in preserving an celebrating German Heritage; in memory of Forest Crumpley, a longtime member and advocate in the Bay Area's labor movement; and in memory of Pat Ehresman, a co-founder of St. Martha's Guild in Utah serving children in low-income families.

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

1. CEREMONIAL ITEMS

- 1.1 Presentation of awards to the San José Redevelopment Agency and the Agency’s Finance Division from the Government Finance Officers Association. (Mayor/Executive Director)
- 1.2 Presentation of a commendation to the American Diabetes Association in recognition of its annual “America’s Walk for Diabetes” and its ongoing education, prevention and research efforts. (Yeager)
(Rules Committee referral 10/12/05)
- 1.3 Presentation of a commendation to Binh Le for his outstanding work as Chief Editor and Reporter for Nang The Ky Magazine. (Cortese)
* (Rules Committee referral 10/19/05)
- 1.4 Presentation of a commendation to Du Phong for his outstanding work as a Reporter for Sai-Gon USA Newspaper. (Cortese)
* (Rules Committee referral 10/19/05)
- 1.5 Presentation of a commendation to Duy Van for his outstanding work as Chief Editor and Reporter for Doi Moi Magazine. (Cortese)
* (Rules Committee referral 10/19/05)
- 1.6 Presentation of a commendation to the Bay Area Women’s Sports Initiative in recognition of the organization’s sponsorship of the “GoGirlGo!” Program, which motivates young women to combat obesity and lead healthier lifestyles. (Yeager)
* (Rules Committee referral 10/19/05)
- 1.7 Presentation of a commendation to Siemens for its contributions to the San José economy. (Mayor/Chavez)
* (Rules Committee referral 10/19/05)

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.**

2. CONSENT CALENDAR

2.3 [Acceptance of the Office of the City Auditor's Report of Activities and Findings for the Period August 16 through September 15, 2005.](#)

Recommendation: Acceptance of the Office of the City Auditor's *Report of Activities and Findings for the Period August 16 through September 15, 2005*. (City Auditor)
(Rules Committee referral 10/12/05)

2.4 [Approval of actions related to special events fee reductions for events held at City Hall.](#)

- * **Recommendation:** Adoption of a resolution approving the proposed process allowing the City Manager to reduce the building rental fees for City events held at the Rotunda, City Plaza and Bamboo Courtyard in the amount of \$50,000 for FY 05-06 and revising Council Policy 7-2 and Fee Resolution 72749 to modify the provisions for fees paid for Official City Business. (City Manager's Office)

2.5 [Approval to amend an agreement for Airport terminal support services.](#)

Recommendation: Adoption of a resolution authorizing the Director of Finance to execute an amendment of the agreement with Command Security Corporation, dba/ Aviation Safeguards, for Airport terminal support services, increasing compensation by \$210,000, from \$763,500 to a not to exceed amount of \$973,500, and extending the term of the agreement from November 1, 2005 to April 30, 2006. CEQA: Resolution Nos. 67380 and 71451, PP 05-181. (Finance)

2.6 [Approval to accept digital recording equipment for the Police Department.](#)

Recommendation: Adoption of a resolution accepting 1,400 digital recorders from the Santa Clara County's Fiscal Year 2004 State Homeland Security Grant Program at a total value of \$180,344.50. CEQA: Not a Project. (Police)

2.7 [Approval of an appointment to serve as the City of San José's alternate representative.](#)

- * **Recommendation:** Approval of the appointment of John Stufflebean, Acting Director of Environmental Services, to serve as the City of San José's alternative representative on the Santa Clara County Water Commission. (Mayor)
(Rules Committee referral 10/19/05)

3. STRATEGIC SUPPORT SERVICES

3.1 **Report of the Study Session Mayor Gonzales, Chair**

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – October 5, 2005

* Vice Mayor Chavez, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review October 18, 2005 City Council Agenda
 - (2) Add New Items to October 11, 2005 Agenda
NONE – MEETING CANCELED
 - (3) List of Reports Outstanding
NONE – MEETING CANCELED
- (c) Legislative Update
 - (1) State
 - (2) Federal
- (d) Meeting Schedules
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Revision of Definition of Surviving Child Follow-Up
 - (2) Workload Assessment to Improve Cellular Communications at the New City Hall
 - (3) Recommendation to Staff to Propose Increases in Fines and Mitigation Levels for Illegal Tree Removals
 - (4) Approval Request to transfer \$565.85 from the District 8 Special Events Fund to Eastside Heros (Nonprofit ID# 76-0774783) for support of the Annual Day in the Park Event, scheduled for October 1, 2005 at Lake Cunningham Regional Park
- (h) Oral Communications
- (i) Adjournment

Report of the Rules Committee – October 12, 2005

Vice Mayor Chavez, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review October 25, 2005 City Council Agenda
 - (a) Evaluation of the San José Emergency Operations Plan
 - (2) Add New Items to October 18, 2005 Agenda
 - (3) List of Reports Outstanding
- * (c) Legislative Update
 - (1) State
 - (a) Approve City Positions on November 2005 Special Statewide Election Propositions
SEE ITEM 3.11 FOR COUNCIL ACTION TO BE TAKEN
 - (2) Federal
- (d) Meeting Schedules
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – October 12, 2005 (Cont'd.)

Vice Mayor Chavez, Chair

- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Approval of travel by Council Member LeZotte to San Francisco, California, October 6-7, 2005 to attend the League of California Cities Annual Conference
- (h) Oral Communications
- (i) Adjournment

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

3.4 Consideration of waiver of the Attorney/Client privilege and release of all documents pertaining to the Norcal contract.

Recommendation: Consideration of waiver of the Attorney/Client privilege and release of all documents withheld from the public in response to the Grand Jury report on the Norcal contract.

[Rules Committee referral 10/5/05 - Item 3.2 B(1)(a)]

3.5 Council discussion on the definition of Surviving Child for qualification of survival benefits in Police and Fire Retirement Plan.

- * **Recommendation:** Council discussion on the definition of Surviving Child for qualification of survival benefits in the Police and Fire Retirement Plan. CEQA: Not a Project.

[Rules Committee referral 10/5/05 – Item 3.2G(1)]

RECOMMEND DEFERRAL TO 11/1/05

3. STRATEGIC SUPPORT SERVICES

3.6 Approval to implement a one-year Pilot Program to streamline the Public Works contracting process.

Supplemental Attachment 1

- * **Recommendation:** Adoption of a resolution implementing a one-year pilot program to delegate authority to the Director of Public Works to do each of the following:
- (a) Award a construction contract where the base contract amount does not exceed \$1,000,000, including the authority to reject and award alternates within limits of the approved budget, and subject to the limitations more specifically set forth in the Council memorandum regarding bid protests, appropriations, budget approvals, and public bidding and noticing requirements;
 - (b) Reject all bids on any project where the Engineer's Estimate for the base work is \$1,000,000 or less;
 - (c) For construction contracts awarded by the Director, take appropriate actions to incorporate appropriate environmental mitigation measures for the project; and,
 - (d) For construction contracts awarded by the Director, establish a contingency in accordance with the contingency policy previously adopted by the City Council.
- CEQA: Not a Project. (Public Works)
[Making Government Work Better Committee referral 9/15/05 - Item 3.3 (f)]

3.7 Approval of actions related to the Expanded Wireless Internet System.

- * **Recommendation:**
- (a) Approval of the Wireless Internet System (WiFi) strategy framework as adopted by the Information Technology Planning Board at its September 15, 2005 meeting.
 - (b) Authorization for the City Manager to proceed with a Request for Proposal (RFP) for an Expanded Wireless Internet System (WiFi) for the core areas of Downtown San José.
- CEQA: Not a Project. (Information Technology)

3.8 **Number not used.**

3.9 **Opposition to the Mortgage Interest Deduction Cap Proposal.**

- * **Recommendation:** Adoption of a resolution opposing a recommendation to cap the mortgage interest deduction. (Yeager)
(Rules Committee referral 10/19/05)

3.10 **Support of the Santa Clara County Parks Charter Fund Measure.**

- * **Recommendation:** Adoption of a resolution in support of placing the Santa Clara County Parks Charter Fund Measure on the ballot for June 2006. (Reed)
(Rules Committee referral 10/19/05)

3. STRATEGIC SUPPORT SERVICES

3.11 Approval of City positions on November 2005 Special Statewide Election Propositions.

- * **Recommendation:** Approval of the recommended City positions for each of the statewide ballot propositions set for the November 2005 Statewide Special election called by the Governor on June 13 as follows:
- (a) **Proposition 73/Oppose** - Waiting period and Parental Notification Before Termination of Minor's Pregnancy.
 - (b) **Proposition 74/Oppose** - Public School Teachers. Waiting Period for Permanent Status. Dismissal.
 - (c) **Proposition 75/Oppose** - Public Employee Union Dues. Restrictions on Political Contributions. Employee Consent Requirement.
 - (d) **Proposition 76/Oppose** - State Spending and School Funding Limits.
 - (e) **Proposition 77/No Position** - Redistricting Initiative Constitutional Amendment.
 - (f) **Proposition 78/Oppose** - Discounts on Prescription Drugs.
 - (g) **Proposition 79/Support** - Prescription Drugs Discounts. State-Negotiated Rebates.
 - (h) **Proposition 80/No Position** - Electric Service Providers. Regulation.
(City Manager's Office)
[Rules Committee referral 10/12/05 – Item 3.2(c)(1)(a)]

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee Council Member Chirco, Chair

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

4.3 Approval to amend the Community Events Policy for the HP Pavilion.

- * **Recommendation:** Approval of amendments to the City and Community Events Policy as recommended by the San José Arena Authority updating the policy and removing specific funding percentages based upon organizational type regarding use of HP Pavilion at San José. CEQA: Resolution No. 60199. (Economic Development)

5. NEIGHBORHOOD SERVICES

5.1 Report of the All Children Achieve Committee – [October 13, 2005](#) Council Member Yeager, Chair

[Attachment](#)

- (a) Discuss City's Role in Advocating for Small Learning Community Schools
DEFERRED TO NOVEMBER
- (b) Annual Report on Library Usage
- (c) Discuss City's Role in First 5 Preschool for All Initiative
- (d) Discuss Current Early care and Education Strategies and Future Funding
- (e) Oral Petitions
- (f) Adjournment

5.2 [Approval of the schedule and process for the 2006-2007 Community Development Block Grant application cycle.](#)

Recommendation: Approval of the schedule and process for the 2006-2007 CDBG placement application cycle. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

5.3 [Approval to extend funding terms for various CDBG projects.](#)

[Supplemental](#)

* **Recommendation:** Approval of continuations and extensions of funding terms for various CDBG projects as follows:

- (a) MACSA Enrichment and Development Center - The Mexican American Community Services Agency, Inc., for eighteen months, from December 31, 2005 to June 30, 2007.
- (b) Therapeutic Recreation and Wellness Facility Pre-Development Study - Parks, Recreation and Neighborhood Services Department, for one year, from June 30, 2005 to June 30, 2006.
- (c) Yu-Ai Kai Rehabilitation - Yu-Ai Kai/Japanese American Community Senior Services, for one year, from December 31, 2005 to December 31, 2006.
- (d) 11th and William Street Park Acquisition - Parks, Recreation and Neighborhood Services Department, for one year, from December 31, 2005 to December 31, 2006.
- (e) University SNI Area - Antique Style Lighting/Pedestrian - San Jose Redevelopment Agency, for one year, from December 31, 2005 to December 31, 2006.
- (f) One-Way Couplet Conversion/Historic Lighting Project - 13th Street Strong Neighborhood - San Jose Redevelopment Agency, for one year, from December 31, 2005 to December 31, 2006.
- (g) Capitol Park Community Center (also known as Goss Community Facility) - Parks, Recreation and Neighborhood Services Department, for six months, from December 31, 2005 to June 30, 2006.

5. NEIGHBORHOOD SERVICES

5.3 Approval to extend funding terms for various CDBG projects (Cont'd.)

- * **Recommendation:** Approval of continuations and extensions of funding terms for various CDBG projects as follows:
- (h) Cultivating Community Power - Resources for Families and Communities (RFC), for eighteen months, from December 31, 2004 to June 30, 2006, contingent on expenditure eligibility issues being resolved.
 - (i) O'Connor Park Restroom Building - Parks, Recreation and Neighborhood Services Department, for eighteen months, from December 31, 2004 to June 30, 2006.

CEQA: See memo for CEQA designations. Council Districts 1, 3, 5, 6, and 7. SNI: 13th Street, Burbank, University, K.O.N.A., Mayfair. (Parks, Recreation and Neighborhood Services)

5.4 Approval of a consultant agreement for the Willow Glen Branch Library Project.

Recommendation: Approval of an agreement with Krong Design, Inc. for consultant services related to the planning, design and construction of the Willow Glen Branch Library Project, from the date of execution to September 30, 2008, in an amount not to exceed \$775,000. CEQA: Not a Project. Council District 6. (Public Works/Library)

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Building Better Transportation Committee – October 3, 2005 * Council Member Campos, Chair

Attachment

- (a) Expansion and Improvement of Transit and Transportation Systems
 - (1) Report and follow-up discussion on the Coleman 880 Interchange Landscape
- (b) Traffic Relief/Safe Streets
 - (1) Presentation and discussion of Transportation Incident Management Center Proposed Relocation
- (c) Support Smart Growth
 - (1) No items.
- (d) Regional Relationships/Funding/Policy
 - (1) Status Report of the Capitol Expressway Relinquishment Agreement
- (e) Oral Petitions
- (f) Adjournment

(Referred from 10/18/05 – Item 6.1)

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

8.1 [Approval of the following actions related to San José's Local Hurricane Katrina Response Effort.](#)

* **Recommendation:**

- (a) Approval of a report on San José's Local Katrina Response Effort. (City Manager)
 - (b) [Approval of actions related to the adoption of the City of Hattiesburg, Mississippi, through the United States Conference of Mayors Hurricane Relief Program.](#) (Mayor)
- (Rules Committee referral 10/19/05)

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEM 9.1 IN A JOINT SESSION

9.1 **Acceptance of the quarterly CIP and SNI status reports.**

Recommendation: Acceptance of the quarterly report on the Citywide Capital Improvement Program (CIP), including Parks, Library, and Public Safety Bond Projects, and Strong Neighborhoods Initiative (SNI) Projects. CEQA: Not a Project. (City Manager's Office/Redevelopment Agency)

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>
9709	Southeast corner of The Alameda and Bush Street	6	Plant 51 LLC	265 Units	Mult i Family	Approve
9734	Northwest corner of McAbee Road and Skyfarm Drive	10	SummerHill	25 Units	SFD R Homes	Approve
9665	Northeast corner of 1 st and Bassett Streets	3	North Keystone LLC	42 Units	SFA	Approve
9737	West side of Dent Avenue, 320' south of Branham Lane	9	Rockwell Homes Inc.	12 Units	SFA	Approve
9726	N/S of Campbell Avenue, west of Newhall	3	Pulte Homes	30 Lots/ 220 Units	SFA	Approve
9733	E/S of Marburg Place, North of 101	7	Taylor Woodrow	15 Lots/ 57 Units	SFA	Approve
9731	N/S of Umbarger Road, 1200' West of Senter Road	7	Braddock & Logan III	30 Units	SFD	Approve

- * In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9730	1795 Mt. Pleasant Road	5	Calandev LLC	6 lots/6 units	Single Family Detached

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

- **Adjournment**

This meeting will be adjourned in memory of Dave Hennessey, President of the California Mobile Home Resource and Action Association; in memory of T.J. Owens, a longtime leader and educator; in memory of Walter Brand, a leader of the Market/Almaden NAC and in preserving and celebrating German Heritage; in memory of Forest Crumpley, a longtime member and advocate in the Bay Area's labor movement; and in memory of Pat Ehresman, a co-founder of St. Martha's Guild in Utah serving children in low-income families.