

MINUTES OF THE CITY COUNCIL

SAN JOSÉ, CALIFORNIA

TUESDAY, SEPTEMBER 30, 2008

The Council of the City of San José convened in regular session at 9:30 a.m. in the Council Chambers at City Hall.

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

Absent: Council Members - Campos. (Excused)

Upon motion unanimously adopted, Council recessed at 9:35 a.m. to a Closed Session in Room W133, (A) to confer with Legal Counsel pursuant to Government Code 54956.9, subsection (a) with respect to existing litigation: (1) Sutter's Place, Inc. v. City of San José, et al. and Consolidated Actions. Names of Parties Involved: Sutter's Place, Inc., dba Bay 101, Frederick S. Wyle as Trustee for Garden City, Inc., City of San José. Case No: CV1-02-810068. (2) Sutter's Place, Inc. v. City of San José, et al. and Consolidated Actions. Case No: CV1-02-810068. (3) Coleman, et al. v. City of San José. Case No. 1-07-CV-085500. (4) Montes, et al. v. City of San José, et al., Case No. 1-07-CV-088093. (B) to confer with Legal Counsel – Anticipated Litigation pursuant to subsection (c) of Section 54956.9 of the Government Code: Number of matters to be discussed: 1. (C) to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Manager Designee Alex Gurza; Employee Organizations: (1) Organization or Name and Title of Unrepresented Employees: San José Police Officers' Association; Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and San José Police Officers' Association.

By unanimous consent, Council recessed from the Closed Session at 11:45 a.m. and reconvened at 1:31 p.m. in the Council Chambers.

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

Absent: Council Members - Campos. (Excused)

Access the video, the agenda and related reports for this meeting by visiting the City's website at <http://www.sanjoseca.gov/clerk/agenda.asp> or <http://www.sanjoseca.gov/clerk/MeetingArchive.asp>. For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266.

INVOCATION

Mt. Pleasant High School Choir, Directed by Aaron Jenson, presented a choral piece by Eugene Butler. (District 8)

PLEDGE OF ALLEGIANCE

Mayor Reed led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Council Member Pyle, seconded by Council Member Constant and carried unanimously, the Orders of the Day and the Amended Agenda were approved.
(10-0-1. Absent: Campos.)

CEREMONIAL ITEMS

- 1.4 Presentation of a proclamation declaring September 30th as “Bob Doerr Day” in the City of San José in honor of the former Mayor’s 94th birthday. (Mayor)
(Rules Committee referral 9/23/08)**

Action: Mayor Reed declared September 30th as “Bob Doerr Day” in the City of San José.

- 1.1 Presentation of a proclamation declaring the month of October as “Disability Awareness Month” in the City of San José. (Mayor/Council)**

Action: Mayor Reed and Council Members Pyle and Constant recognized the month of October as “Disability Awareness Month” in the City of San José.

- 1.3 Presentation of a commendation to Susan Espinoza for her extraordinary service to people with disabilities in the City of San José. (Pyle)
(Rules Committee referral 9/23/08)**

Action: Mayor Reed and Council Members Constant, Oliverio and Pyle recognized and commended Susan Espinoza for her extraordinary service to people with disabilities in the City of San José.

- 1.2 Presentation of a proclamation declaring the month of October as “Crime Prevention Month” in the City of San José. (Mayor)**

Action: Mayor Reed recognized the month of October as “Crime Prevention Month” in the City of San José.

CONSENT CALENDAR

Upon motion by Council Member Pyle, seconded by Council Member Constant and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (9-0-2. Absent: Campos, Cortese.)

2.1 Approval of minutes.

- (a) **Special Meeting Minutes of June 19, 2008**
- (b) **Regular Meeting Minutes of June 24, 2008**
- (d) **Regular Minutes of June 10, 2008**
[Deferred from 9/23/08 – Item 2.1(a)]
- (e) **Special Meeting Minutes of June 16, 2008**
[Deferred from 9/23/08 – Item 2.1(b)]
- (f) **Regular Minutes of June 17, 2008**
[Deferred from 9/23/08 – Item 2.1(c)]

Documents Filed: (1) Special Meeting Minutes dated June 19 and June 16, 2008. (2) Regular Meeting Minutes dated June 10, June 17 and June 24, 2008.

Action: The Minutes were approved. (9-0-2. Absent: Campos, Cortese.)

2.2 Final adoption of ordinances.

- (a) **ORD. NO. 28401 – Establishing Rule 20A Underground Utility District along Aborn Road, between Pumpherston Way and White Road.**

Documents Filed: Proof of Publication of the title of Ordinance No. 28401 executed on September 23, 2008, submitted by the City Clerk.

Action: [Ordinance No. 28401](#) was adopted. (9-0-2. Absent: Campos, Cortese.)

2.3 Adoption of a resolution:

- (a) **Approving an increase to the City’s construction and permanent loan commitment to Mid-Peninsula Housing Coalition, or its designated affiliate, in an amount up to \$725,000, for a total loan commitment of \$5,000,000 for the rehabilitation and permanent financing of 48 rental townhome units, the Hillsdale Townhouses project, located at 1626-1656 Hillsdale Avenue.**
- (b) **Approving the Hillsdale Townhouses project’s Relocation Plan dated September 2007, prepared by Overland, Pacific & Cutler, Inc.**

CEQA: Exempt, File No. PP07-179. Council District 9. (Housing)

Documents Filed: Memorandum from Director of Housing Leslye Krutko, dated September 9, 2008, recommending adoption of a resolution.

Action: [Resolution No. 74600](#), entitled “A Resolution of the Council of the City of San José Approving an Increase to the City’s Construction and Permanent Load Commitment to Mid-Peninsula Housing Coalition for the Hillsdale Townhouses Project, and approving the Relocation Plan Prepared by Overland, Pacific & Cutler, Inc.”, was adopted. (9-0-2. Absent: Campos, Cortese.)

2.4 Adoption of a resolution:

- (a) **Approving a grant of \$979,372 to the Emergency Housing Consortium Lifebuilders for the implementation of the Housing Services Partnership, a homeless services and financial assistance program, from October 1, 2008 through June 30, 2009.**
- (b) **Authorizing the Director of Housing to negotiate and execute all necessary documents.**

CEQA: Not a Project. (Housing)

Documents Filed: Memorandum from Director of Housing Leslye Krutko, dated September 9, 2008, recommending adoption of a resolution.

Action: [Resolution No. 74601](#), entitled “A Resolution of the Council of the City of San José Approving a Grant to Emergency Housing Consortium Lifebuilders to Administer the Housing Services Partnership and Authorizing the Director of Housing to Negotiate and Execute all Necessary Documentation”, was adopted. (9-0-2. Absent: Campos, Cortese.)

2.5 Adoption of a resolution:

- (a) **Authorizing the City Manager to submit an application for local assistance funds of up to \$500,000 from the State of California, Resource Agency, Department of Parks and Recreation under the Recreational Trails Program to be used for the Lower Guadalupe River Reach E Trail Project.**
- (b) **Authorizing the City Manager to accept any grant funds and to negotiate and execute all documents related to the grant funding agreements.**

CEQA: Mitigated Negative Declaration, File No. PP04-323. Council Districts 3, 4. (Parks, Recreation and Neighborhood Services)

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Albert Balagso, dated September 8, 2008, recommending adoption of a resolution.

Action: [Resolution No. 74602](#), entitled “A Resolution of the Council of the City of San José Approving Authorizing the City Manager to Submit an Application for Grant Funds from the Recreational Trails Program, and to Negotiate and Execute all Documents Related to the Grant Funding Agreements”, was adopted. (9-0-2. Absent: Campos, Cortese.)

2.6 Request for an excused absence for Councilmember Chu from the Regular Meeting of the Neighborhood Services and Education Committee on October 9, 2008 for the US Silicon Valley – China Sister Cities Association Economic Development Delegation to China. (Chu)

(Rules Committee referral 9/17/08)

Documents Filed: Memorandum from Council Member Chu, dated September 12, 2008, requesting an absence due to authorized City business.

Action: The absence was excused. (9-0-2. Absent: Campos, Cortese.)

- 2.7 Request for excused absences for Councilmember Constant.**
- (a) Request for an excused absence from the Evening Session of the City Council Meeting on September 9, 2008 due to illness.**
 - (b) Request for an excused absence from the Closed Session of the City Council Meeting on September 30, 2008 due to a Medical Appointment.**
- (Constant)**
(Rules Committee referral 9/17/08)

Documents Filed: Memoranda from Council Member Constant, dated September 12, 2008, requesting absences due to illness and for a medical appointment.

Action: The absences were excused. (9-0-2. Absent: Campos, Cortese.)

STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Debra Figone (Verbal Report)

Action: City Manager Debra Figone reported on the impact of the current national financial market crisis on the City's finances, presented a brief overview of the Annual Report, and gave an overview of the agreement reached with the Confidential Employee's Organization (CEO).

3.2 Report of the Rules and Open Government Committee – September 17, 2008 Mayor Reed, Chair

Documents Filed: The Rules and Open Government Committee Report, dated September 17, 2008.

Action: Upon motion by Council Member Constant, seconded by Council Member Chirco and carried unanimously, the Rules and Open Government Committee Report of September 17, 2008 was accepted. (10-0-1. Absent: Campos.)

3.3 Report of the Public Safety, Finance and Strategic Support Committee – September 18, 2008. Councilmember Nguyen, Chair

Documents Filed: The Public Safety, Finance and Strategic Support Committee Report, dated September 18, 2008.

Action: Upon motion by Council Member Nguyen, seconded by Council Member Chirco and carried unanimously, the Public Safety, Finance and Strategic Support Committee Report of September 18, 2008 was accepted. (10-0-1. Absent: Campos.)

3.5 Accept staff's presentation to the City Council on ethical issues related to campaign activities. (City Attorney's Office)

Documents Filed: Memorandum from City Attorney Doyle, dated September 15, 2008, recommending acceptance of the Staff's presentation to the City Council on ethical issues related to campaign activities.

City Attorney Doyle and Chief Deputy Counsel Patricia Deignan offered an overview of ethical issues relevant to campaign activities and new regulations regarding gifts. Questions followed.

Action: The Staff's presentation was accepted. (10-0-1. Absent: Campos.)

- 3.6**
- (a) Adopt an ordinance ratifying the final 2007-2008 appropriation increases detailed in this report.**
 - (b) Adopt the following 2007-2008 appropriation ordinance amendments in the Hayes Mansion Phase III Fund:**
 - (1) Increase the Developer Payment – Tax Exempt/Tax Proceeds appropriation by \$134,675; and**
 - (2) Decrease the Ending Fund Balance by \$134,675.**
 - (c) Adopt the following 2007-2008 appropriation ordinance amendments in the San Jose-Santa Clara Treatment Plant Operating Fund:**
 - (1) Increase the Workers' Compensation Claims appropriation by \$109,131; and**
 - (2) Decrease the Ending Fund Balance by \$109,131.**
 - (d) Adopt the following 2007-2008 appropriation ordinance and funding sources resolution amendments in the Benefit Fund:**
 - (1) Increase the FICA-Medicare appropriation by \$52,948; and**
 - (2) Increase the Earned Revenue by \$52,948.**

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

Documents Filed: Memorandum from Budget Director Jennifer Maguire, dated September 17, 2008, recommending adoption of an ordinance, appropriation ordinance amendments and funding source resolution amendments.

Action: Upon motion by Council Member Pyle, seconded by Council Member Liccardo and carried unanimously, [Ordinance No. 28412](#), entitled "An Ordinance of the City of San José Authorizing and Ratifying Certain Encumbrances and/or Expenditures in Various Funds made during City's 2007-2008 Fiscal Year in Excess of Sums appropriated thereafter", [Ordinance No. 28413](#), entitled "An Ordinance of the City of San José Amending Ordinance No. 28349 to Appropriate Monies in the Hayes Mansion Phase III Fund for the Developer Payment – Tax Exempt/Tax Proceeds; and Providing that this Ordinance shall become effective immediately

3.6 (Cont'd.)

upon adoption, [Ordinance No. 28414](#) entitled “An Ordinance of the City of San José Amending Ordinance No. 28349 to Appropriate Monies in the San José – Santa Clara Treatment Plant Operating fund for Workers’ Compensation Claims; and Providing that this Ordinance shall become effective immediately upon adoption”, [Ordinance No. 28415](#), entitled “An Ordinance of the City of San José Amending Ordinance No. 28349 to Appropriate Monies in the Benefit Fund for the FICA-Medicare Appropriation; and Providing that this Ordinance shall become effective immediately upon adoption”, and [Resolution No. 74603](#), entitled “A Resolution of the Council of the City of San José Amending Resolution No. 74461 Setting Forth the Estimated sources of Funds for the Fiscal Year 2008-2009 to Adjust Revenues in the Benefit Fund”, were adopted. (9-0-2. Absent: Campos, Nguyen.)

3.7 **Accept an Audit of the Commercial Solid Waste Franchise and AB 939 Fee Collection Program and direct the Administration to include in applicable grant agreements with non-profit organizations (other than exempt nonprofit charitable reusers) a provision that requires payment of AB 939 fees. (City Auditor)** **[Public Safety, Finance and Strategic Support Committee 9/18/08 – Item (g)]**

Documents Filed: Memorandum from Senior Executive Analyst Vilcia Rodriguez submitting the Audit of Commercial Solid Waste Franchise and AB939 Fee Collection Program.

Environmental Services Deputy Director Jo Zientek responded to questions from Council.

Meeting disclosures were made by Council Members Constant and Chirco.

Action: Upon motion by Council Member Pyle, seconded by Council Member Constant and carried unanimously, the Audit of the Commercial Solid Waste Franchise and AB 939 Fee Collection Program was accepted, with direction to the City Attorney’s Office and Environmental Services Staff to explore options to exempt school districts from payment of AB 939 fees. (10-0-1. Absent: Campos.)

3.8 **Accept an Audit of Retirement Services’ Travel Expenses and direct the Administration to evaluate the Retirement Boards’ Composition and return to Council with options to consider. (City Auditor)** **[Public Safety, Finance and Strategic Support Committee 9/18/08 – Item (h)]**

Documents Filed: (1) Memorandum from Senior Executive Analyst Vilcia Rodriguez, dated September 25, 2008, submitting “An Audit of Retirement Services’ Travel Expense Report”. (2) Memorandum from Mayor Reed and Council Member Constant dated September 26, 2008, recommending adoption of City Auditor’s report and providing direction to the City Manager.

3.8 (Cont'd.)

Action: Upon motion by Council Member Williams, seconded by Council Member Chirco and carried unanimously, the recommendation was accepted with direction to include the actions contained in the memorandum from Mayor Reed and Council Member Constant, dated September 26, 2008: (1) Adopt all recommendations contained in the City Auditor's Audit of Retirement Services Travel Expenses. (2) Direct the City Manager to incorporate into the boards and commission analysis recommendations on restructuring the boards of the Federated and Police Retirement Boards to add independent Board Members with financial and investment expertise for Council consideration. This process should include outreach to affected stakeholders. (9-0-2. Absent: Campos, Cortese.)

3.9 As referred by the Rules and Open Government Committee on September 24, 2008, and as amended:

- (a) **Ratify the process for the selection of nominees for Council appointment for the Boards of the Federated Retirement System and the Police and Fire Retirement System.**
- (b) **Direct staff to develop a Council Policy for procedures to select Retirement Board representatives voted upon by employees and retirees to include research into due diligence and other options in the process.**

(City Clerk)

[Rules Committee referral 9/24/08 – Item G(5)]

Documents Filed: Memorandum from City Clerk Lee Price, dated September 26, 2008, submitting Ratification of Election Process for Retiree Representatives to the Federated and Police and Fire Retirement Boards.

Council discussion ensued regarding qualifications of board members and options available to the City Council to assess candidates.

Action: Upon motion by Council Member Williams, seconded by Council Member Constant and carried unanimously, the ratification process for selection of nominees for Council appointment for the Boards of the Federated Retirement System and the Police and Fire Retirement System was approved, with City Attorney directed to draft a transition document outlining an interim process (which may include a written, supplemental questionnaire submitted by the candidates prior to any interviews, and a background check) for Council's consideration of current candidates for the retiree position on both Retirement Boards until a new process is approved. (10-0-1. Absent: Campos.)

3.10 Adopt the following resolutions in connection with the formation of a Convention Center Facilities District:

- (a) A resolution of Intention to form a Convention Center Facilities District, to authorize the levy of special taxes pursuant to the City of San José Convention Center Facilities District financing procedure, to set a public hearing on Tuesday, November 18, 2008, at 1:30 p.m. regarding formation of the District and authorizing other related actions.
- (b) A resolution to Incur Bonded Indebtedness of the proposed Convention center Facilities District pursuant to the City of San José Convention Center Facilities District financing procedure in an amount not to exceed \$750,000,000.
- (c) A resolution of Official Intent to Reimburse Expenditure pursuant to United States Treasury Regulations Section 1.150-2 form tax-exempt bond proceeds.

Council District: City-wide. CEQA: Resolution No. 72767. (City Manager's Office)

[Rules Committee referral 9/24/08 – Item A(1)(a)]

Documents Filed: (1) Memorandum from Chief Development Officer Paul Krutko, dated September 8, 2008, recommending adoption of a resolution in connection with the formation of a Convention Center Facilities District. (2) Supplemental memorandum from Chief Development Officer Paul Krutko, dated September 26, 2008, recommending postponement of Public Hearing for Consideration of Establishment of Convention Center Facilities District, increase District appropriation limit and provide additional information. (3) Memorandum from Debt Administrator David Persselin, dated September 29, 2008, submitting Map of Proposed Boundaries for Convention Center Facilities District. (4) Letter from San José HotelsInc., dated September 29, 2008, urging support of project.

Motion: Council Member Nguyen moved approval of the Staff recommendations. Council Member Pyle seconded the motion.

Chief Development Officer Paul Krutko responded to questions from Council regarding identifying opportunities to adjust the construction schedule.

Council Member Liccardo requested to amend the motion by adding Staff direction to analyze the projected operating subsidy during construction; project operating subsidy in the years immediately after the opening; analyze economic impact to the General Fund; and create a sinking fund or maintenance plan. The amendment was accepted by Council Members Nguyen and Pyle.

Dan Fenton, Executive Director of Team San José, concurred and responded to questions from Council.

3.10 (Cont'd.)

Action: On a call for the question, the formation of a Convention Center Facilities District was approved: [Resolution No. 74604](#), entitled “A Resolution of the Council of the City of San José Declaring Intention to Establish Convention Center Facilities District No. 2008-1 and to Levy a Special Tax therein to Finance Specified Acquisition, Construction, Reconstruction, Replacement, Rehabilitation and Upgrade of the San José Convention Center”, [Resolution No. 74605](#), entitled “A Resolution of the Council of the City of San José Declaring the Need to Incur Bonded Indebtedness to Finance Specified Acquisition, Construction, Reconstruction, Replacement, Rehabilitation and Upgrades of the San José Convention Center by Authority of Convention Center Facilities District No. 2008-1, City of San José, County of Santa Clara, State of California”, and [Resolution No. 74606](#), entitled “A Resolution of the Council of the City of San José Declaring its Official Intent to Reimburse Certain Expenditures from Proceeds of Indebtedness (Convention Center Facilities District No. 2008-1)”, were adopted with direction to Staff to: (1) Analyze the projected operating subsidy during construction; (2) Project operating subsidy in the years immediately after the opening; (3) Analyze economic impact to the General Fund; and (4) Create a sinking fund or maintenance plan. (10-0-1. Absent: Campos.)

COMMUNITY & ECONOMIC DEVELOPMENT

- 4.2 Adopt a resolution approving a funding commitment of up to \$7,900,000 of 20% Housing Funds to Pacific West Communities (“PWC” or “Developer”), or its legal affiliate, for a land acquisition/construction/permanent loan for the development of the 93-unit McCreery Courtyards, an affordable multifamily rental project located on McCreery Avenue South of Alum Rock Avenue, to be made available to extremely low-income and very low-income households. CEQA: Mitigated Negative Declaration, File No. PCD02-082. Council District 5. SNI: Mayfair. (Housing)**

Documents Filed: (1) Memorandum from Council Member Campos, dated September 26, 2008, recommending approval of Staff’s recommendation to adopt resolution. (2) Memorandum from Director of Housing Leslye Krutko, dated September 8, 2008, recommending approval of a funding commitment.

Mayor Reed provided a meeting disclosure.

Director of Housing Leslye Krutko responded to questions from Council.

Council Member Pyle read a statement of support from Council Member Campos. Council Member Oliverio voiced objections because the project is exempt from the payment of park fees or property taxes.

4.2 (Cont'd.)

Action: Upon motion by Council Member Pyle, seconded by Council Member Constant and carried, [Resolution No. 74607](#), entitled “A Resolution of the Council of the City of San José Approving a Funding Commitment of 20% Housing Funds to Pacific West Communities for the Land Acquisition/Construction/Permanent Loan for the Development of the McCreery Courtyards Affordable Multi-Family Project”, was adopted. (9-1-1. Noes: Oliverio, Absent: Campos.)

NEIGHBORHOOD SERVICES

5.2 **Conduct a public hearing and adopt a resolution setting forth the new Schedule of In-Lieu Fees charged pursuant to Chapters 14.25 (“Park Impact Ordinance”) and 19.38 (“Parkland Dedication Ordinance”) of the San José Municipal Code to reflect the 2007 Residential Land Value Study. CEQA: Resolution No. 65459. (Parks, Recreation and Neighborhood Services)**

Documents Filed: (1) Memorandum from Director of Parks, Recreation and Neighborhood Services Albert Balagso, dated September 9, 2008, recommending adoption of a resolution. (2) Supplemental memorandum from Director of Parks, Recreation and Neighborhood Services Albert Balagso, dated September 29, 2008, clarifying timeline and offering corrections to previous memorandum. (3) Letters from Melanie Richardson, Chair of the Parks and Recreation Commission, dated September 3, 2008, and from Jim Zito, Chair of the City of San José Planning Commission, dated September 24, 2008, requesting the Council to support adjustments to the Park-In-Lieu Fees Schedule to reflect land values of the 2007 Residential Land Value Study.

Mayor Reed opened the Public Hearing. Kerri Hamilton spoke in favor of the Park Impact Ordinance and Park Dedication Ordinance fee adjustment. Mayor Reed closed the Public Hearing.

Council Member Constant referenced the 2007 Residential Land Value Study and asked why the new parkland in-lieu fees charged for West San José are twice as much as the fees charged for Almaden Valley.

Division Manager of Parks, Recreation and Neighborhood Services Matt Cano indicated Staff would need to follow-up.

Action: Upon motion by Council Member Nguyen, seconded by Council Member Pyle and carried unanimously, [Resolution No. 74608](#), entitled “A Resolution of the Council of the City of San José setting forth the Schedule of In-Lieu Fees Charged Pursuant to Chapters 14.25 and 19.38 of the San José Municipal Code to Reflect the 2007 Residential Land Value Study”, was adopted, with direction to Staff to provide Council with copies of the consultant’s land value study and address discrepancies noted in an informational memo. (10-0-1. Absent: Campos.)

TRANSPORTATION & AVIATION SERVICES

6.2 Adoption of a resolution:

- (a) Approve the selection of Kimley-Horn and Associates, Inc., to provide airfield design and consultant services for all planned phases of the Terminal B Apron Reconstruction and Taxiway Whiskey Extension projects at Norman Y. Mineta San José International Airport.
- (b) Authorize the City Manager to negotiate and execute an agreement with Kimley-Horn and Associates, Inc., for airfield design and consultant services for Phase One of the Terminal B Apron Reconstruction and Taxiway Whiskey Extension projects, in an amount not to exceed \$4,500,000 and for the period October 6, 2008 through December 31, 2010.

CEQA: Resolution Nos. 63780 and 71452, File No. PP08-176. (Public Works/Airport)

6.2 Documents Filed: Memorandum from Director of Public Works Katy Allen, dated September 8, 2008, recommending adoption of a resolution.

Action: Upon motion by Council Member Constant, seconded by Council Member Liccardo and carried unanimously, [Resolution No. 74609](#), entitled “A Resolution of the Council of the City of San José Approving Kimley-Horn and Associates, Inc., to Provide Design and Consultant Services for all Planned Phases of the Terminal B Apron Reconstruction and Taxiway Whiskey Extension Projects at the Norman Y. Mineta San José International Airport”, was adopted. (10-0-1. Absent: Campos.)

JOINT COUNCIL/REDEVELOPMENT AGENCY

9.1 Adopt resolutions by the City Council and Redevelopment Agency Board authorizing the Director of Housing to execute an Interim Affordability Restriction with Barry Swenson Builder to allow for a temporary rental of the for-sale affordable residential condominiums at Skyline at Tamien, located at Alma and Lick Avenues. CEQA: Resolution No. 26993, File No. PDC02-072. Council District 3. SNI: Washington. (City Manager’s Office/Redevelopment Agency)

Documents Filed: Memorandum from City Manager Debra Figone and Executive Director of the Redevelopment Agency Harry S. Mavrogenes, dated September 9, 2008, recommending adoption of resolutions by the City Council and Redevelopment Agency Board.

Director of Housing Leslye Krutko responded to questions from Council.

9.1 (Cont'd.)

Action: Upon motion by Council Member Liccardo, seconded by Council Member Oliverio and carried unanimously [Resolution No. 74610](#), entitled “A Resolution of the Council of the City of San José Authorizing the Director of Housing to Execute an Interim Affordability Restriction with Barry Swenson Builder to Allow for the Temporary Rental of the For-Sale Residential Condominiums at Skyline at Tamien”, and [Redevelopment Agency Resolution No. 5859](#), entitled “A Resolution of the Board of Directors of the Redevelopment Agency of the City of San José authorizing the Director of Housing to Execute an Interim Affordability Restriction with Barry Swenson Builder to allow for the Temporary Rental of the For-Sale Residential Condominiums at Skyline at Tamien”, were adopted. (10-0-1. Absent: Campos.)

NOTICE OF CONTRACTS EXECUTED BY COUNCIL APPOINTEES

In accordance with Municipal Code Section 4.04.080, titled “Quarterly Reports”, the following is submitted as a report on contracts executed by Council Appointees or designee during the fourth quarter of Fiscal Year 2007-2008 (April 1, 2008 – June 30, 2008). The list includes contracts or amendments to contracts for services with a value greater than \$100,000 and up to \$250,000 and contracts or amendments to contracts for equipment, supplies, and material with a value greater than \$100,000 and up to \$1 million. Contract amounts are rounded to the nearest dollar. No Council action is being requested with respect to this report.

City Attorney’s Contract Activity

<u>Contractor</u>	<u>Description of Contract</u>	<u>Amount</u>
Gibbs, Giden, Locher, Turner & Senet LLP	Public Works Legal Services - Updating Standard Specifications Project.	\$235,000
Hogan & Hartson LLP	Airport Legal Services – Environmental and Noise Control Issues; Fourth Amendment to add \$40,000 and extend term.	\$140,000
Orrick Herrington & Sutcliffe LLP	Sunshine Reform Task Force Legal Services. Continuation Agreement to add \$50,000 and extend term.	\$130,000
Salois Associates	Court Reporting Services. Third Amendment to Continuation Agreement to add \$7,500 and extend term.	\$107,500
Talty Court Reporters, Inc.	Court Reporting Services. Third Amendment to Continuation Agreement to add \$10,000.	\$110,000

City Manager's Contract Activity

<u>Contractor</u>	<u>Description of Contract</u>	<u>Amount</u>
Beacon Economics	Demographic and economic analysis for the Envision San José 2040 General Plan for Planning, Building, and Code Enforcement.	\$219,950
County of Santa Clara	Agreement to ensure a connection to Criminal Justice Information System (CJIC).	\$145,000
Creative Learning and Performance Arts dba Clap Art	Classes in creative drama, visual arts, improvisation, music, dance and theatre for residents as offered by the Parks, Recreation, and Neighborhood Services Department.	\$180,000
Leslie Sokol Dance Kinds	Classes in dance, movement, fitness and drama for residents as offered by the Parks, Recreation, and Neighborhood Services Department.	\$150,000
Muniservices, Inc.	Tax revenue services for the Office of Economic Development.	\$250,000
NSF Int'l.Strategic Registrations, Ltd.	Assistance for the certification for an Environmental Management System developed for the Environmental Services Department.	\$150,000
Skyhawks Sports Academy	Sports programs including soccer, baseball, basketball, flag football, golf, tennis, lacrosse, volleyball, roller hockey and other sports programs to youth as offered by the Parks, Recreation, and Neighborhood Services Department.	\$250,000
The Strategies Inc.	Public Strategic Services to for organizational change and renewal for the City Manager's Office.	\$120,000
VeriSign	Information Security Audit.	\$249,760
Wilfred Institute	Jarvis Organizational and leadership assessments, performance development training and one-on-one coaching for managers and supervisors for the Department of Transportation.	\$114,900

DIRECTOR OF FINANCE CONTRACT ACTIVITY – SERVICES

<u>Contractor</u>	<u>Description of Contract</u>	<u>Amount</u>
3I Infotech Inc	Client License and one year warranty for the Police Department.	\$167,000
Almaden Body & Paint	Vehicle/Heavy Equipment Collision And Chassis Repairs, Bodywork And Paint for the General Services Department. Amendment to add \$92,000.	\$177,000
Authentic Restoration	Repair of Expansion Joints and Cracks on Aeration Tanks for the Environmental Services Department.	\$150,000
BFI Int'l Disposal Corp.	Collection & Disposal of Grease and Grit for the Environmental Services Department.	\$150,000
Chrisp Company	Install Stripings and Markings for the Department of Transportation.	\$170,000
Fleet Bodyworkx, Inc.	Body and Paint Repairs for Vehicles for the General Services Department. Amendment to add \$120,000.	\$248,000
Hertz Corp.	Seasonal Rental of Construction Equipment for the General Services Department. Amendment to add \$110,000	\$230,000
Loomis, Fargo & Co	Armored Car Service for the Finance Department. Amendment to add \$11,000.	\$102,365
Monterey Mechanical Co	Plumbing Repairs for the General Services Department.	\$150,000
Nicholson, D W	Plumbing Repairs for the General Services Department.	\$150,000
Nunez Painting	Exterior And Interior Painting of various City Facilities for the General Services Department.	\$105,000
RFI Communications	Access Control Repair and Maintenance for the Aviation Department. Amendment to add \$73,585.	\$198,858
San Jose Transport	Debris Removal for the Department of Transportation. Amendment to add \$50,000.	\$210,000
Scheidt and Bachmann USA INC	Maintenance/repair of Parking Revenue Control System for the Department of Transportation. Amendment to add \$50,000.	\$200,000
Streetlight Restoration	Pole Painting for the Department of Transportation.	\$250,000
Wilson Concrete Co.	Concrete Sidewalk Removal and Replacement for the Department of Transportation. Amendment to add \$95,000.	\$245,000

- **NOTICE OF CONTRACTS EXECUTED BY COUNCIL APPOINTEES
(CONT'D.)**

Director of Finance Contract Activity – Equipment, Materials, and Supplies

<u>Contractor</u>	<u>Description of Contract</u>	<u>Amount</u>
Albany Ford Inc	Ford Expeditions for the General Services Department.	\$155,977
Albany Ford Inc	Ford F350s for the General Services Department.	\$167,137
Albany Ford Inc	Specialized Animal Services Vehicle for the General Services Department.	\$180,239
Albany Ford Inc	Ford Escape Hybrids for the General Services Department.	\$181,036
Allstar Equipment	Fire Fire Equipment and Supply Hoses for the Fire Department. Amendment to add \$20,000.	\$170,000
Altec Industries Inc	Utility Truck with Manlift for the General Services Department.	\$324,454
B&A Materials	Friction Brakes and Suspension Parts for the General Services Department. Amendment to add \$85,501	\$237,601
Bascom Trim & Upholstery, Batteries USA	& Vehicle/Equipment Repairs and Replacements for the General Services Department. Amendment to add \$55,830. Automotive Batteries for the General Services Department. Amendment to add \$82,235.	\$110,530 \$170,735
Becks Shoes, Inc	Citywide Open for Safety Shoes for various Departments.	\$119,750
Dapper Company	Tire Automotive Tires for the General Services Department. Amendment to add \$132,000.	\$245,000
LC Action	Emergency Accessories and Parts for Public Safety Vehicles for General Services Fleet.	\$165,305
Frontier Ford	Purchase of Ford Automotive Parts for the General Services Department. Amendment to add \$108,000.	\$203,000
Granite Construction Co	Road & Highway building Material, Asphalt and Concrete for the Department of Transportation	\$150,000
Granite Rock Co	Road & Highway Bldg. Material, Asphalt and Concrete for the Department of Transportation.	\$150,000
Hill Bros Chemical Co	Aqueous Ammonia for the Environmental Services Department.	\$150,000
Liberty Systems Inc	Airport Transformer Parts for replacement runway lights for the Aviation Department.	\$225,416
Maita Chevrolet Geo & Mac	Cargo Vans for the General Services Department.	\$131,614
Maita Chevrolet Geo & GMAC	Chevrolet Tahoes with Factory Police Package for the General Services Department.	\$146,630
Mc Cain Traffic Supply Inc	Traffic Signal "P" Cabinets for the Department of Transportation.	\$120,000
Mission Valley Ford	Automotive and Truck Repairs and Parts for the General Services Department. Amendment to add \$14,190.	\$101,440

- **NOTICE OF CONTRACTS EXECUTED BY COUNCIL APPOINTEES
(CONT'D.)**

**Director of Finance Contract Activity – Equipment, Materials, and Supplies
(Cont'd.)**

<u>Contractor</u>	<u>Description of Contract</u>	<u>Amount</u>
Municipal Maintenance Equip	Parking Control Scooters for the General Services Department.	\$319,406
Pervo Paint	Traffic Marking Paints and Solvents for the Department of Transportation. Amendment to add \$30,000.	\$125,000
R2 Engineering Inc.	High Volume Effluent Pump for the Environmental Services Department.	\$141,166
Reed & Graham	Asphalt Road Concrete for the Department of Transportation.	\$300,000
Resource & Design, Inc.	Library Furniture for the Library Department.	\$229,066
Ross Mcdonald Co, The	Library Furniture for the Library Department.	\$117,187
Toyota Sunnyvale	Toyota Priuses for the Department of General Services.	\$186,710
Toyota Sunnyvale	Toyota Priuses for the Department of General Services.	\$326,743
U.S. Peroxide LLC	Hydrogen Peroxide for Odor Control for Department of Environmental Services.	\$110,000
Western Contract Interiors	Modular Furniture for Trailer for the Environmental Services Department.	\$101,564

ADJOURNMENT

The Council of the City of San José was adjourned at 3:16 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

Lee Price, MMC
City Clerk

rmk/9-30-08/MIN

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