



CITY COUNCIL AGENDA

JANUARY 27, 2009

SYNOPSIS

PETE CONSTANT
ASH KALRA
SAM LICCARDO
KANSEN CHU
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON P. NGUYEN
ROSE HERRERA
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 during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Redevelopment Agency Board. 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 Reed 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. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Council Wing, 2nd Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 294-9337 (TTY) at least two business days before the meeting.

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

- **Call to Order and Roll Call**
9:00 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: None.

1:31 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: None.

7:00 p.m. - **CANCELLED** Public Hearings, Council Chambers, City Hall
- **Invocation (District 1)**
Pastor Jon Talbert of Westgate Church provided the Invocation.
- **Pledge of Allegiance**
Mayor Reed led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with Item 3.3 deferred to 2/3/09.

ITEM 2.6 “PROGRESS REPORT ON RECYCLED WATER LIAISON COMMITTEE” RENUMBERED TO ITEM 7.1
- **Closed Session Report**
Mayor Reed announced the City of San José’s tentative agreement with the San José Police Officer’s Association. The City Council will vote in a public session, tentatively scheduled for February 24, 2009, to approve the agreement following ratification by the Police Officer’s Association.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to Renaissance Academy for being selected as a 2008 Golden Bell Award recipient. (Campos)
(Deferred from 1/13/09 – Item 1.1)
Mayor Reed and Council Member Campos recognized and commended the Renaissance Academy for being selected as a 2008 Golden Bell Award recipient.
- 1.2 Presentation of a commendation to the Katharine and George Alexander Community Law Center in honor of its 15th Anniversary. (Campos)
(Rules Committee referral 01/21/09)
Mayor Reed and Council Member Campos recognized and commended the Katharine and George Alexander Community Law Center in honor of its 15th Anniversary.
- 1.3 Presentation of a proclamation declaring the month of January as “National Blood Donor Month” in the City of San José. (Mayor)
(Rules Committee referral 01/21/09)
Mayor Reed recognized the month of January as “National Blood Donor Month” in the City of San José.
- 1.4 Presentation of a proclamation declaring January 27, 2009 as “San José Fire Department Day” in the City of San José in recognition of the 155th Anniversary of the San José Fire Department. (Mayor/Council)
(Rules Committee referral 01/21/09)
Mayor Reed recognized the month of January as “San José Fire Department Day” in the City of San José in recognition of the 155th Anniversary of the San José Fire Department.
- 1.5 Presentation of a proclamation declaring January 27, 2009 as “United Nations Holocaust Memorial Day” in the City of San José. (Oliverio)
(Rules Committee referral 01/21/09)
Mayor Reed and Council Member Oliverio recognized the month of January as “United Nations Holocaust Memorial Day” in the City of San José.
- 1.6 Presentation of a proclamation celebrating the Lunar New Year in the City of San José. (Chu)
Mayor Reed and Council Member Chu presented a proclamation recognizing the Lunar New Year.

2. CONSENT CALENDAR

2.1 Approval of Minutes.

None.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

(a) ORD. NO. 28459 – Rezoning certain real property on the northeast corner of Samaritan Drive and South Bascom Avenue (2581 Samaritan Drive) to A(PD) Planned Development Zoning District. PDC08-014

Ordinance No. 28459 adopted.

(b) ORD. NO. 28474 – Repealing Ordinance No. 24899 and Ordinance No. 25658 which established the procedures and transportation methodology for transportation analysis in the Evergreen Development Policy Area.

Ordinance No. 28474 adopted.

2.3 Grant applications to Federal Aviation Administration.

Recommendation: Adopt a resolution authorizing the City Manager to apply for and execute, upon receipt, grants from the Federal Aviation Administration for 2009 Voluntary Airport Low Emission (VALE) program funding support for the Norman Y. Mineta San José International Airport in a total amount not to exceed \$5,000,000 for:

- (a) The purchase and installation of pre-conditioned air units and necessary electrical power upgrades for aircraft gates in the International Arrivals Building and Terminal A and A+;
- (b) The purchase of electric fleet vehicles for use by Airport Operations and Facilities & Engineering divisions; and
- (c) The funding of any other eligible emission reduction projects deemed prudent, for the second wave of 2009 funding in the May/June timeframe.

CEQA: Resolution Nos. 67380 and 71451, PP 08-0255. (Airport)

Resolution No. 74761 adopted.

2.4 Federal Aviation Grants for Taxiway W Extension (Phase 1 Project).

Recommendation: Adopt a resolution authorizing the Director of Aviation to apply for, and execute upon receipt, grants from the Federal Aviation Administration or any other potentially available federal economic stimulus funds that may become available in a total amount not to exceed \$100.5 million for the Taxiway W Extension – Phases 1, 2, 3, 4, and 5 Projects at the Norman Y. Mineta San José International Airport. CEQA:

Resolution Nos. 67380 and 71451, PP 09-002. (Airport)

Resolution No. 74762 adopted.

2. CONSENT CALENDAR

2.5 Appointment of a representative to the Measure A Independent Citizens' Oversight Committee.

Recommendation: Approve an appointment to the Measure A Independent Citizens' Oversight Committee for the County's hospital seismic safety project. CEQA: Not a Project. (City Manager's Office)

Deferred to 2/3/09 per Administration.

2.6 Progress report on Recycled Water Liaison Committee.

Recommendation: Accept the status report on the nature and content of the discussions of the Recycled Water Liaison Committee concerning a long term agreement on joint development of recycled water facilities and direct staff to continue to support discussions and provide periodic reports on future progress and policy recommendations. CEQA: Not a Project. (Environmental Services)

RENUMBERED TO ITEM 7.1

2.7 Lease Agreement with East Side Union High School District.

Recommendation: Approve a ground lease with the East Side Union High School District with an initial term of forty (40) years, with one 5 year option to renew on the same terms and conditions, for the construction of a library on school district property located at Independence High School, 1770 Educational Park Drive, of \$1 per year and a one-time payment of \$10,000 for the relocation of school signage. CEQA: Mitigated Negative Declaration, PP08-024. Council District 4. (Library)

Approved.

2.8 Agreements related to Luna Park.

Recommendation: Approve the following agreements related to Luna Park:

- (a) First Amendment to a Turnkey Parkland Agreement with Taylor Morrison of California, LLC (successor-in-interest to Taylor Woodrow Homes, Inc.) for Tentative Map No. PT05-036 to ensure the long term care of the drain field for the off-site runoff ("vegetated swale") constructed as part of the Luna Park improvements plan.
- (b) Maintenance Agreement with Modern Ice Owners Association for the long term maintenance, repair, and replacement of the vegetated swale located within Luna Park.

CEQA: Mitigated Negative Declaration, PD05-032. Council District 3. SNI: 13th Street. (Parks, Recreation and Neighborhood Services)

Approved.

2. CONSENT CALENDAR

2.9 Agreements related to Riverview Park.

Recommendation:

- (a) Approve the Riverview Park Master Plan.
- (b) Approve a Turnkey Parkland Agreement for Tentative Map No. PT07-101 with WTI, Inc. to construct park improvements and dedicate approximately 5.20 acres of parkland to the City on the future Riverview Park site.

CEQA: Resolution No. 72768, and addenda thereto, File No. PP08-193. Council District 4. (Parks, Recreation and Neighborhood Services)

Approved.

2.10 2008-2012 Avoid the 13 Grant Program.

Recommendation:

- (a) Adopt a resolution authorizing the City Manager to accept the 2008-2012 Avoid the 13 Grant in an amount not to exceed \$153,119, and authorize the City Manager to execute the Grant Memorandum of Understanding and all related documents including possible future amendments.

Resolution No. 74763 adopted.

- (b) Adopt the following Appropriation Ordinance and the Funding Sources Resolution amendments in the General Fund:
 - (1) Establish a city-wide appropriation to the Police Department for the 2008-2012 Avoid the 13 Grant in the amount of \$35,000;
 - (2) Increase the estimate for Earned Revenue from Local Agencies by \$35,000.

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

Ordinance No. 28484 adopted.

Resolution No. 74764 adopted.

2.11 2008-2011 Justice Assistance Grant Spending Plan.

Recommendation:

- (a) Approve the proposed 2008-2011 Spending Plan for the 2008 Edward Byrne Memorial Justice Assistance Grant Trust (JAG) Fund.

Approved.

- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Edward Byrne Memorial Justice Assistance Grant Trust Fund:
 - (1) Increase the estimate for Earned Revenue in the amount of \$98,166; and
 - (2) Establish an appropriation to the Police Department for the Justice Assistance Grant 2008-2011 Spending Plan in the amount of \$98,166.

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

Ordinance No. 28485 adopted.

Resolution No. 74765 adopted.

2. CONSENT CALENDAR

2.12 Master Plan and Turnkey Parkland Agreement with the Irvine Company.

Recommendation:

- (a) Approve the River Oaks Park Master Plan.
- (b) Approve a Turnkey Parkland Agreement for Tentative Map No. PT07-004 with Irvine Company LLC to:
 - (1) Construct park improvements;
 - (2) Dedicate approximately 5.04 acres of parkland to the City on the future River Oaks Park site;
 - (3) Pay Parkland Fees to City in the amount of Three Million Seven Hundred Eighty-Eight Thousand Four Hundred Dollars (\$3,788,400).

Approved.

- (c) Adopt a resolution authorizing the City Manager, or designee, to negotiate and execute any amendment to the Turnkey Parkland Agreement for Tentative Map No. PT07-004 with Irvine Company LLC to amend the amount of Parkland Fees to be paid to City in the event there is an approved tentative map or approved amended tentative map that changes the total number of residential units permitted for construction in this project.

CEQA: Resolution No. 72768 and addendum there to, File No. PP08-194. Council District 4. (Parks, Recreation and Neighborhood Services)

Resolution No. 74766 adopted.

2.13 Award of contract for the Union/Almaden/Oak Sanitary Sewer Rehabilitation Project.

Recommendation: Report on bids and award of contract for the Union/Almaden/Oak Sanitary Sewer Rehabilitation project to the low bidder, Ranger Pipelines, Inc., for the base bid in the amount of \$1,910,677, and approval of a contingency in the amount of \$191,068. CEQA: Exempt, PP08-068, dated April 29, 2008. Council District 3. SNI: Washington. (Public Works)

Accepted.

2.14 Approve master agreements for trail projects.

Recommendation: Approve two consultant master agreements with the following firms for various trail projects:

- (a) Royston Hanamoto Alley & Abey, Inc. for a variety of landscape architectural support services from the date of execution through January 31, 2014 in an amount not to exceed \$2,000,000.
- (b) CH2M HILL, Inc. for a variety of engineering support services from the date of execution through January 31, 2014 in an amount not to exceed \$2,000,000.

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

Approved.

2. CONSENT CALENDAR

2.15 Annual Status Report on Library, Public Safety and Parks and Recreation Bond Programs.

Recommendation:

- (a) Accept the annual status report on the Safe Neighborhood Parks and Recreation Bond Projects for FY 2007-2008.
- (b) Accept the annual status report on the Branch Library Bond Projects for FY 2007-2008.
- (c) Accept the annual financial report on the Public Safety Bond Program for FY 2007-2008.

CEQA: Not a Project. (Citizen Oversight Committee for the Library Bond Projects/
Citizen Oversight Committee for the Public Safety Bond Program/Citizen Oversight
Committee for the Parks and Recreation Bond Projects)

Deferred to 2/10/09 per Administration.

2.16 Excused absences for Councilmember Constant.

Recommendation: Request for excused absences for Councilmember Constant from the following meetings due to Authorized City Business: Federated City Employees' Retirement Services Education Training in Philadelphia, PA:

- (a) Closed and Regular City Council Meeting on September 21, 2009;
- (b) Domestic Violence Advisory Board Meeting on September 23, 2009; and
- (c) Rules and Open Government Committee Meeting on September 23, 2009.

(Constant)

(Rules Committee referral 1/14/09)

Excused.

3. STRATEGIC SUPPORT SERVICES

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

No Report.

3.2 Report of the Rules and Open Government Committee – December 10, 2008

Mayor Reed, Chair

Accepted.

3. STRATEGIC SUPPORT SERVICES

3.3 Report of the Rules and Open Government Committee – January 7, 2009

Mayor Reed, Chair

Deferred to 2/3/09 per Orders of the Day.

3.4 Report of the Public Safety, Finance and Strategic Support Committee

Councilmember Nguyen, Chair

Accepted.

3.5 Follow-up Discussion on the General Fund Structural Deficit Elimination Plan.

Recommendation:

(a) Accept staff's draft Analytical Framework for Service Reductions and Eliminations.

(b) Accept staff's presentation on the City's Outsourcing Policies.

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

(Continued from 1/13/09 – Item 3.6)

Accepted with additional direction to Staff as outlined in the Joint Memorandums issued by Council Members Campos, Herrera, Kalra and Pyle dated January 9th and January 23rd, as modified to: 1) Direct Staff to conduct outreach to stakeholders, including non-profit organizations that contract with the City, labor groups, the Chambers of Commerce, Team San Jose, and others interested; 2) Direct Staff to facilitate the scheduling of a Special Community & Economic Development Committee meeting to be held within 30 days for the purpose of conducting a roundtable discussion, which shall include an overview by the Administration and City Attorney of current policies and work in-progress as a result of Sunshine Reforms already approved by the City Council; and 3) Direction to return to the City Council within 30 days amended to 45 days.

Noes: Constant, Liccardo, Oliverio, Reed.

3. STRATEGIC SUPPORT SERVICES

3.6 Planning and Building Fee Program Budget Action.

Recommendation:

- (a) Adopt the following 2008-2009 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
- (1) Decrease the Licenses and Permits (Building Fee Program) earned revenue estimate by \$5,650,000;
 - (2) Decrease the Departmental Charges (Planning Fee Program) earned revenue estimate by \$1,848,055;
 - (3) Increase the earned revenue estimate from Local Agencies by \$29,000;
 - (4) Decrease the Building Fee Program Earmarked Reserve by \$2,600,000;
 - (5) Decrease the Planning Fee Program Earmarked Reserve by \$900,000;
 - (6) Decrease the Fire Fee Program Earmarked Reserve by \$120,000;
 - (7) Decrease the Planning, Building and Code Enforcement Personal Services appropriation by \$3,416,170;
 - (8) Decrease the Planning, Building and Code Enforcement Non-Personal/Equipment appropriation by \$255,000;
 - (9) Decrease the Information Technology Personal Services appropriation by \$105,885;
 - (10) Decrease the Information Technology Non-Personal/Equipment appropriation by \$72,000.
- (b) Elimination of 52 positions.

CEQA: Not a Project. (Planning, Building and Code Enforcement/City Manager's Office)

Ordinance No. 28486 adopted.

Resolution No. 74767 adopted.

3.7 Mexican Heritage Plaza Steering Committee.

Resolution: As recommended by the Rules and Open Government Committee on January 14, 2009, appoint Roy Hirabayashi, Connie Martinez, and Olivia Mendiola to serve on the Mexican Heritage Plaza Steering Committee. (Mayor/Campos/Pyle)
[Rules Committee referral 1/14/09 – Item F(1)]

Approved.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Community & Economic Development Committee Councilmember Pyle, Chair.

No Report.

4.2 Agreement between EHC Lifebuilders and its Creditors.

Recommendation: Adopt a resolution:

- (a) Authorizing the Director of Housing to Negotiate and Execute a Forbearance and Release Agreement between EHC, Comerica Bank, the County of Santa Clara, and the City in order to facilitate the sale of the identified EHC properties;
- (b) Authorizing the Director of Housing to Negotiate and Execute a conditional grant agreement with Mid-Peninsula Housing Corporation in an amount not to exceed \$1.4 million for the transfer of existing affordability restrictions at EHC's Gifford Avenue, 5th Street, and East Younger Avenue properties to Mid-Peninsula's Country Hills property, located at 124 Rancho Drive, to be paid from the proceeds of the sale of property;
- (c) Approving the Relocation Impact Statement and Last Resort Housing Plan for EHC's Markham Terrace property at 2112 Monterey Road;
- (d) Approving the Relocation Impact Statement and Last Resort Housing Plan for EHC's properties at Gifford Avenue, 5th Street, and East Younger Avenue;
- (e) Authorizing the Director of Housing to expend up to \$2.1 million for the relocation of tenants at the Markham Terrace site;
- (f) Authorizing the Director of Housing to expend up to \$400,000 in short-term operational assistance to replace the loss of rental income at Markham Terrace during tenant relocation;
- (g) Authorizing the Director of Housing to negotiate and execute an amendment to the existing agreement with Associated Right of Way Relocation consultants by \$450,000, from \$129,000 to \$579,000 to implement the EHC relocation plans; and,
- (h) Authorizing the Director of Housing to negotiate and execute a \$500,000 predevelopment loan to Charities Housing Development Corp. (Charities Housing), or its designated affiliate, for the redevelopment of the Markham Terrace site. CEQA: Exempt, File No. PP08-270. Council Districts 3 and 7. (Housing) (Deferred from 12/16/08 – Item 4.2)

Resolution No. 74768 adopted.

Disqualified: Liccardo.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Convention Center and Cultural Facilities Management Agreement.

Recommendation:

- (a) Approve an agreement with Team San José for an additional five-year term for the period July 1, 2009 through June 30, 2014 with two additional three-year options for the City to extend the agreement for the management of the Convention Center and Cultural Facilities based on the key business terms identified by City Council at the December 2, 2008 Council meeting.

Approved.

- (b) Adopt a resolution to repeal Resolution No. 74210 and amend the Master Parking Rate Schedule to increase flexibility in setting parking rates at the Convention Center Garage and Almaden/Woz Lot for events at the Convention Center effective July 1, 2009.

Resolution No. 74769 adopted.

- (c) Authorize the City Manager to execute an Addendum to the Agreement with Team San José (TSJ) for the Management of the Convention Center and Cultural Facilities to revise the formula for the amount of the Management Fee in order to comply with Revenue Procedure 97-13 promulgated by the Internal Revenue Service.

CEQA: Not a Project. (Economic Development)

Authorized.

4.4 Public Hearing and approve actions related to the Weed Abatement Program.

Recommendation: Conduct a Public Hearing and adopt a resolution:

- (a) Overruling any and all objections to the 2008-2009 Hazardous Vegetation Commencement Report (“Report”); and
- (b) Directing the Santa Clara County Department of Agriculture and Resource Management to abate the seasonal and/or recurrent public nuisances on those properties identified in the Report pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Agreement between the City of San José and the County of Santa Clara.

CEQA: Exempt, File No. PP06-196. (Planning, Building and Code Enforcement)

Public Hearing Held

Resolution No. 74770 adopted.

5. NEIGHBORHOOD SERVICES

5.1 Report of the Neighborhood Services and Education Committee – December 11, 2008 Councilmember Chirco, Chair (Deferred from 1/13/09 – Item 5.1)

Report Accepted.

6. TRANSPORTATION & AVIATION SERVICES

- 6.1 Report of the Transportation and Environment Committee
Councilmember Liccardo, Chair
No Report.**

7. ENVIRONMENTAL & UTILITY SERVICES

- 7.1 Progress report on Recycled Water Liaison Committee.**

Recommendation: Accept the status report on the nature and content of the discussions of the Recycled Water Liaison Committee concerning a long term agreement on joint development of recycled water facilities and direct staff to continue to support discussions and provide periodic reports on future progress and policy recommendations. CEQA: Not a Project. (Environmental Services)
**RENUMBERED FROM ITEM 2.6
Report Accepted.**

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEMS 9.1, 9.2, AND 9.3 IN A JOINT SESSION

- 9.1 Council confirmation of Vice Mayor Judy Chirco and appointment as Vice Chair of the Redevelopment Agency.**

Recommendation:

- (a) Approve the appointment of Judy Chirco as Vice Mayor.
 - (b) Approve the appointment of Judy Chirco as Vice Chairperson of the Redevelopment Agency.
(Mayor/Redevelopment Agency)
- Appointments Confirmed.**

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

9.2 Actions related to the Watson Park Restoration Project and the proposed Almaden Tower Venture.

Recommendation:

- (a) Conduct a public hearing as required by Health and Safety Code Section 33679 and adopt a resolution by the City Council making certain determinations required by Health and Safety Code Section 33445 for Agency funding of the Watson Park Restoration Project (Phase 1 Construction).

**Public Hearing Held
Resolution No. 74771 adopted.**

- (b) Approve a Cooperation Agreement between the City and Redevelopment Agency that:
- (1) Provides Agency funding to the City in the amount of \$3,297,000 for the Watson Park Restoration Project (Phase 1 Construction) that will allow the City to enter into a third amended parkland agreement with Almaden Tower Venture, LLC, to defer its parkland in-lieu fees for an additional 12 months, pursuant to Council Resolution No. 74382; and,
- (2) Amends the FY 2008-2009 Merged Area Cooperation Agreement between the City of San José and the Redevelopment Agency of the City of San José.

Approved.

- (c) Adopt Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #3 (Fund 380) to:
- (1) Increase the estimate for Earned Revenue by \$3,297,000; and
- (2) Establish an appropriation to the Department of Parks, Recreation and Neighborhood Services in the amount of \$3,297,000 for the Watson Site Clean-up and Restoration.

CEQA: Mitigated Negative Declaration, PP 07-130. Council District 3. SNI: 13th Street. (Redevelopment Agency/City Manager's Office)

**Ordinance No. 28487 adopted.
Resolution No. 74772 adopted.**

9.3 Updated City Council Appointment

Recommendation: As recommended by the Rules and Open Government Committee of January 21, 2009, approve the appointment of Councilmember Liccardo to the Police and Fire Retirement Board. (Mayor)

[Rules Committee referral 1/21/09 – Item F(1)]

Approved.

- The Evening Session of January 27, 2009 was Cancelled.

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearings at this time.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

11.1 Public Hearings on Consent Calendar.

Recommendation:

- (a) Consideration of an ordinance rezoning the real property located at the southwest corner of Edwards Avenue and South 1st Street from LI Light Industrial and R-M Multiple Family Residence Zoning Districts to A(PD) Planned Development Zoning District to allow up to 50 residential units and approximately 4,000 square feet of commercial/retail space on a 1.08 gross acre site (Barriga Emilio Et Al, Jose Montero, Owner). SNI: Washington. CEQA: Mitigated Negative Declaration. PDC08-035 – District 3

Item dropped.

- (b) Consideration of an ordinance rezoning the real property located on the north side of Foxworthy Avenue approximately 100 feet east of Lansford Avenue (1345 Foxworthy Avenue) from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow up to five new single-family residences on a 0.70 gross acre site (Hawkstone Foxworthy LLC, Owner). CEQA: Negative Declaration. PDC08-048 – District 9

Continued to 02/10/09 per Administration.

END OF PUBLIC HEARINGS ON CONSENT CALENDAR

11. PUBLIC HEARINGS

11.2 Rezoning real property located on the southern portion of the block generally bounded by N. Fifth Street, E. Santa Clara Street, N. Sixth Street, and E. St. John Street.

Recommendation: Consideration of an ordinance rezoning the real property located on the southern portion of the block generally bounded by N. Fifth Street, E. Santa Clara Street, N. Sixth Street, and E. St. John Street from the A(PD) Planned Development Zoning District and R-M Multiple Residence Zoning Districts to the DC Downtown Primary Commercial Zoning District on a 1.76 gross acre site (First United Methodist Church, Owner). SNI: 13th Street. CEQA: Reuse of Downtown Strategy 2000 EIR. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-1).

C08-058 – District 3

Continued to 2/3/09 at 1:30 p.m. per Rules Committee.

11. PUBLIC HEARINGS

11.3 Rezoning real property located on the northeast corner of Juliet Park Drive and Rosemar Avenue.

Recommendation: Consideration of an ordinance rezoning the real property located on the northeast corner of Juliet Park Drive and Rosemar Avenue (Tract 8735) from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow up to 17 single-family detached residences on a 26.4 gross acre site (Rosemar Enterprises Corp, Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-1-0). PDC06-063 – District 5
Continued to 2/10/09 per District 5.

- Notice of City Engineer’s Pending Decision on Final Maps
- Notice of City Engineer’s Award of Construction Projects
- Notice of Contracts Executed by Council Appointees

In accordance with Municipal Code Section 4.04.080, titled “Quarterly Reports”, the following is a list of contracts executed by Council Appointees or designees during the first quarter of Fiscal Year 2008-2009 (July 1, 2008 – September 30, 2008). The list includes contracts or amendments to contract for services with a value between \$100,000 and \$250,000 and contracts or amendments to contracts for equipment, supplies, and material with a value between \$100,000 and \$1 million.

City Attorney’s Contract Activity

The City Attorney’s Office has no contract activity to report.

City Auditor’s Contract Activity

The City Auditor’s Office has no contract activity to report.

City Clerk’s Contract Activity

The City Clerk’s Office has no contract activity to report.

- **Notice of Contracts Executed by Council Appointees
(Cont'd.)**

City Manager's (or designee) Contract Activity

<u>Contractor</u>	<u>Description of Contract</u>	<u>Amount</u>
ISG Global	Installation and configuration services for implementation of the computerized maintenance and management application for the Airport Department.	\$130,000
Management Education Group	Management Training and facilitation of Art and Practice of Leadership class for the Human Services Department.	\$127,000
Neighborhood Housing Services Silicon Valley	Administration of homebuyer assistance program for low income homebuyers for the Housing Department.	\$109,418
PLS Consulting, Inc	Development of a Succession Planning/Talent Management Program for the Environmental Services Department.	\$140,000
Pros Consulting	Development of an organizational transitional plan in support of revenue enhancement strategies for the Parks, Recreation and Neighborhood Services Department.	\$225,000
Rock 'N' Roll Half Marathon – San José Inc.	Grant to conduct the Rock n roll half marathon in San José on Oct. 5, 2008 for the Office of Economic Development.	\$180,500
United Neighborhoods of Santa Clara County	Fiscal agent services in support of CAPS grants for the City Manager's Office.	\$250,000

Director of Finance Contract Activity – Services

<u>Contractor</u>	<u>Description of Contract</u>	<u>Amount</u>
Almaden Body & Paint	Vehicle & Truck Repairs, Bodywork and Painting for the General Services Department.	\$170,000
Central Medical Lab Inc.	Forensic Testing Services for the Police Department.	\$210,000
Ciari Plumbing	Plumbing Services for the General Services Department. Amendment to add \$14,608.	\$108,008
ECCO Equipment Corp	Earthmoving/Construction Equipment Services for the General Services Department.	\$235,000

(Item continued on the next page)

- **Notice of Contracts Executed by Council Appointees
(Cont'd.)**

Director of Finance Contract Activity – Services (Cont'd.)

Contractor	Description of Contract	Amount
ECMS Inc.	Clean & Repair Firefighter Turnout Gear for the Fire Department.	\$170,000
Finer Floor Coverings Inc	Carpet and Linoleum Repairs for the General Services Department.	\$200,000
Fleet Bodyworx Inc	Vehicle & Truck Body and Paint Repairs for the General Services Department.	\$245,000
Golden State Builders	Building Repairs for the General Services Department.	\$225,000
Hertz Corporation	Construction Rental Equipment for the General Services Department.	\$240,000
Industrial Safety Supply	Self Contained Breathing Apparatus (SCBA) Flow Tests & Repair for the Fire Department.	\$120,000
Infor Global Solutions Inc.	Enterprise Asset Mgmt (EAM) Software Support for the Environmental Services Department.	\$121,204
Infor Global Solutions Inc.	Enterprise Asset Mgmt (EAM) Software Support for the Aviation Department.	\$122,811
Interstate Fence Co	Fencing Installation and Repairs for the General Services Department.	\$150,000
Jack Doheny Rentals	Sewage Cleaning Machine Rental for the General Services Department.	\$240,000
JF Pacific Liners Inc	Large Sanitation Sewer Line Cleaning for the Department of Transportation for Fiscal Year 2008/09.	\$200,000
JF Pacific Liners Inc.	Sewer Repairs for the Department of Transportation for Fiscal Year 2007/08. Amendment to add \$10,660.	\$210,659
Kone Inc	Elevator Maintenance & Repairs for the General Services Department.	\$154,800
Mission Valley Ford	Maintenance and Repairs for Vehicles/Trucks for the General Services Department.	\$120,000
Motorola CE Inc	Technical/Software Support and Parts for the General Services Department.	\$200,000
Peninsula Digital Imaging	Blueprint Services for the Public Works Department.	\$180,000
Pro Sweep Inc.	Parking Garage Power Washing/Scrubbing for the Department of Transportation.	\$175,000
RFI Comm. & Security	Access Control System Services for the Airport Department for Fiscal Year 2008/09.	\$163,000
RFI Communications	Access Control System Maintenance & Repair for the Airport Department. Amendment to add \$147,000 for Fiscal Year 2007/08.	\$222,000

(Item continued on the next page)

- **Notice of Contracts Executed by Council Appointees
(Cont'd.)**

Director of Finance Contract Activity – Services (Cont'd.)

<u>Contractor</u>	<u>Description of Contract</u>	<u>Amount</u>
Ricker Machinery	Rental of Street Sweeping Equipment for the General Services Department.	\$245,000
Santa Clara Valley Medical Center	Sexual Assault and Rape Testing (SART) for the Police Department.	\$150,000
Scheidt & Bachmann	Annual Maintenance/Repair of Parking Revenue Equipment for the Department of Transportation.	\$150,000
Silicon Valley Library System	Electronic Book Database for the Library Department.	\$204,050
TAC Americas Inc	HVAC Hardware/Software Support for the General Services Department.	\$154,715
Telstar Instruments Inc	On-Site Repair, Maintenance and Calibration for the Environmental Services Department.	\$200,000
Three M Customer Service	Annual Maintenance of Theft Detection System for the Library Department.	\$109,706
Tomita Communications	Installation of Vehicle Equipment for the General Services Department.	\$150,000
Tucker Construction	Repair leaking & missing Expansion Joint for the Environmental Services Department.	\$150,000
West Coast Arborists Inc.	Tree Maintenance for the Department of Transportation.	\$150,000

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

<u>Contractor</u>	<u>Description of Contract</u>	<u>Amount</u>
Airgas NCN	Personal Safety Supplies for the Finance Department.	\$120,000
Allstar Fire Equipment Inc.	Firefighter Protective Clothing for the Fire Department.	\$290,000
AZCO Supply Inc.	Traffic Signal & Street Light Poles for the Department of Transportation.	\$290,000
B&A Friction Materials	Automotive Friction Parts & Materials for the General Services Department.	\$260,000
Baker & Taylor Inc	Paperback Books for the Library Department.	\$135,000
Batteries USA Inc	Automotive Batteries for the General Services Department	\$160,000
Bay Area Designz DBA Ash Tees	Shirts for the Parks, Recreation, and Neighborhood Services Department. Amendment to add \$141,382.	\$204,835

(Item continued on the next page)

- **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>
BRG Supply LLC	Traffic Signal Controllers for the Department of Transportation.	\$950,000
Brite Food Service	Food Products for the Parks, Recreation, and Neighborhood Services Department.	\$175,000
Clean Source	Paper and Janitorial Restroom Supplies for the Finance Department.	\$225,000
Coast Oil Co	Fuel and Petroleum Products for the General Services Department.	\$120,000
Coast Oil Co.	Fuel and Petroleum Products for the Environmental Services Department.	\$120,000
Compass Group USA Inc	Meals for the Senior Nutrition Program for the Parks, Recreation, and Neighborhood Services Department.	\$175,000
Computer Xtras Xpress	Recycled Toner Cartridges for City Departments.	\$235,000
Cooks "Automotive Service	Automotive Parts and Filters for the General Services Department.	\$390,000
Dapper Tire Company	Automotive Tires for the General Services Department.	\$300,000
EBSCO Publishing	Periodical subscriptions for the Library Department.	\$132,000
Electrical Distributors	Street Light Equipment for the Department of Transportation.	\$330,000
Frontier Ford	Automotive Parts for the General Services Department.	\$200,000
Grainger Inc	Building Maintenance Supplies for the Environmental Services Department.	\$300,000
Hollister Honda Inc	Police Motorcycles for the General Services Department.	\$180,762
Horizon/Automatic Rain	Irrigation Parts and Supplies for the Parks, Recreation, and Neighborhood Services Department.	\$250,000
Jam Services Inc	Vehicle Signal Heads for the Department of Transportation.	\$250,000
Kemira Water Solutions Inc	Aqueous Ferrous Chloride for the Department of Transportation.	\$750,000
LC Action Police Supply	Miscellaneous Police Vehicle Equipment for the General Services Department.	\$225,000
McCain Inc.	Traffic "P" Cabinets for the Department of Transportation. Amendment to add \$25,000.	\$145,000
Netxperts Inc	Network/Telephony Equipment for the Airport Department.	\$800,000
Nortel Networks Inc	Various Networking Hardware/Software for the Information Technology Department.	\$700,000
OfficeMax Contract Inc	Office Supplies for City Departments.	\$560,000

(Item continued on the next page)

- 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>
Olin Corporation	Liquid Sodium Hypochlorite for the Environmental Services Department.	\$150,000
R2 Engineering Inc	Replacement Bare Pump for the Environmental Services Department.	\$186,841
Realm Communications	Parts for Communication System for the Department of Transportation.	\$155,000
S&S Supplies & Solutions	Hardware and Hand Tools for the Finance Department.	\$125,000
San Diego Police Equip Co	Ammunition for Firing Range for the Police Department.	\$173,000
Sysco Food Services (San Francisco)	Food and Cooking Supplies for the Parks, Recreation, and Neighborhood Services Department.	\$200,000
Sysco Foods Services (Central)	Groceries and other Kitchen Supplies for the Parks, Recreation, and Neighborhood Services Department.	\$176,000
Target Specialty Products	Fertilizer & Herbicides for the Finance Department.	\$175,000
United States Postal Service	Postage for the Finance Department.	\$500,000
Valley Oil Co.	Fuel and Petroleum Products for the Environmental Services Department.	\$150,000
Western Contract Interiors	Office Task Chairs for the Finance Department.	\$110,000
Western Pacific Signal	Ethernet First Mile Cooper (EFMC) Network Switches for the Department of Transportation. Amendment to add \$270,000.	\$504,219
Western States Oil Co.	Fuel and Petroleum Products for the Environmental Services Department.	\$275,000
Xpedx	Recycled Paper for the Finance Department.	\$115,000

- Notice of City Engineer's Award of Real Estate Projects

PROPERTY USE

<u>Project Name</u>	<u>Council District</u>	<u>Contractor/Owner</u>	<u>Amount City Receives</u>	<u>Award Date</u>
Non-Exclusive Multi-Site Antenna Installation & Property Use Agreement (PN1J251,10N429, 13S467, 16T56, 13T139)	2, 5, 8	Omnipoint Communications, Inc.	\$99,600	10/9/08
Non-Exclusive Multi-Site Antenna Installation & Property Use Agreement (PN14L98, 10N250, 15M1, 10N231, 14U141)	3, 6, 8	Omnipoint Communications, Inc.	\$99,600	10/9/08
Non-Exclusive Multi-Site Antenna Installation & Property Use Agreement (PN16U84, 16S142, 17V143, 15L363, 15T193)	2	Omnipoint Communications, Inc.	\$99,600	11/17/08

DEED ACCEPTANCE

<u>Project Name</u>	<u>Council District</u>	<u>Contractor/Owner</u>	<u>Amount City Receives</u>	<u>Award Date</u>
Grant Deed, Viera Park, A-2488	7	KB Home South Bay, Inc. – grantor	\$0	10/23/08
Grant Deed for Park Dedication Grand Paradiso Park – McKay/Lunda Park	4	Acacia Credit Fund 9-A LLC	\$0	11/14/08

RIGHT OF ENTRY

<u>Project Name</u>	<u>Council District</u>	<u>Contractor/Owner</u>	<u>Amount City Receives</u>	<u>Award Date</u>
Autumn Expansion Project Right of Entry, 445 West Julian Street	3	Donna L. Gordon & Carol Gober	\$0	10/30/08
Autumn Expansion Project Right of Entry, Pacific Coast Cycle Corp.	3	Michael K. Akatiff & Christy D. Akatiff	\$0	10/30/08
Autumn Expansion Project Right of Entry, 435 Old West Julian St.	3	Bruno J. Zulpo, tenant	\$0	10/30/08
Montague Expressway Widening (Lick Mill to River Oaks) 677-697 River Right of Entry	4	Montague Oaks Assoc Phases I and II	\$0	11/12/08

RIGHT OF ENTRY DEEDS & DEED ACCEPTANCES

<u>Project Name</u>	<u>Council District</u>	<u>Contractor/Owner</u>	<u>Amount City Receives</u>	<u>Award Date</u>
Leigh & Stokes Traffic Signal	6	Coehlo Trust	\$0	12/9/08
Guadalupe Fwy – 87 Corridor ROW Cleanup South of Hwy 280	Citywide	State of California	\$0	12/17/08

- Notice of City Engineer’s Award of Real Estate Projects (Cont’d.)

LEASE CONTINUATION

<u>Project Name</u>	<u>Council District</u>	<u>Contractor/Owner</u>	<u>Amount City Receives</u>	<u>Award Date</u>
License Continuation Agreement for Use of City Property at Fire Station #27, 6027 San Ignacio Ave	2	Bay Area Air Quality Management District (pending)	\$25,000	12/22/08

SETTLEMENT AGREEMENT

<u>Project Name</u>	<u>Council District</u>	<u>Contractor/Owner</u>	<u>Amount City Paid</u>	<u>Award Date</u>
Police Air One Helicopter Support Agreement, CSJ	n/a	Moffett Field (pending)	\$35,265.18	12/23/08

- **Open Forum**
Ross Signorino provided an update on missing caps from the fire suppression system outside San José City Hall.
- **Adjournment**
The Council of the City of San José was adjourned at 5:37 p.m.