



MINUTES OF THE CITY COUNCIL

SAN JOSÉ, CALIFORNIA

TUESDAY, JANUARY 27, 2009

The Council of the City of San José convened in regular session at 9:00 a.m. in the Council Chambers at City Hall.

Present: Council Members - Campos, Chirco, Chu, Constant, Herrera, Kalra, Liccardo, Nguyen, Oliverio, Pyle; Reed.

Absent: Council Members - None.

Upon motion unanimously adopted, Council recessed at 9:01 a.m. to a Closed Session in Room W133, (A) to confer with Legal Counsel pursuant to Government Code Section 54956.9, subsection (b) with respect to anticipated litigation in one (1) matter: (a) In re Claim of Barrera; Department: City, Police Department. (B) to confer with Legal Counsel pursuant to: Government Code Section 54956.9, subsection (a) with respect to existing litigation: (1) City v. World Oil Company; Names of Parties Involved: City of San José, World Oil Company, a California Corporation; and Does 1-15; Court: Superior Court of California, County of Santa Clara; Case No: 1-06-CV059555; Amount of Money or other Relief Sought: Damages according to proof; (2) Valdez v. City, et al; Names of Parties Involved: Francisco Valdez, Ricardo Vasquez, City of San José, San José Police Chief Robert Davis, Officer R. Agaman, and Does 1-2500; Court: United States District Court, Northern District of California; Case No: C09 00176; Amount of Money or other Relief Sought: Damages according to proof; (3) Paul Cicala, et al. v City of San José et al; Names of Parties Involved: Paul Cicala, Enrico Sagullo, Erick Sanchez, City of San José, Robert Davis, Officers Ordaz, Higgins, Marfia, Kyono and Siegel and Does; Court: United States District Court, Northern District of California; Case No: C08-04032 PVT; Amount of Money or other Relief Sought: Damages according to proof; (C) to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Manager Designee Alex Gurza; Employee Organizations: (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI);

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.

CLOSED SESSION (Cont'd.)

Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement – City of San José and Association of Building, Mechanical and Electrical Inspectors (ABMEI); (2) International Brotherhood of Electrical Workers, Local 332 (IBEW) Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Brotherhood of Electrical Workers, Local 332 (IBEW); (3) Confidential Employees Organization, AFSCME Local 101, (CEO); Nature of negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement – Confidential Employees’ Organization, AFSCME Local 101 and City of San José; (4) City Association of Management Personnel Agreement (CAMP); Nature of negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Benefit & Compensation Summary - City of San José and City Association of Management Personnel Agreement; (5) Municipal Employees’ Federation, AFSCME Local 101, AFL-CIO (MEF); Nature of negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement - City of San José and Municipal Employees’ Federation, AFSCME Local 101, AFL-CIO; (6) Association of Maintenance Supervisory Personnel (AMSP); Nature of negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: City of San José and City Association of Maintenance Supervisory Personnel (AMSP) Benefit & Compensation Summary; (7) Association of Engineers & Architects (AEA); Nature of negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement - City of San José Association of Engineers & Architects (AEA); (8) San José Police Officers’ Association (SJPOA); Nature of negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement - City of San José and San José Police Officers’ Association (SJPOA); (9) International Association of Firefighters (IAFF), Local 230; Nature of negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Association of Firefighters (IAFF), Local 230; (10) International Union of Operating Engineers, Local No. 3 (OE#3); Nature of negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Union of Operating Engineers, Local No. 3 (OE#3); How to obtain a copy of existing contract or MOA: web: <http://www.sanjoseca.gov/employeerelations/moa.asp>; Telephone for Employee Relations: 408-535-8150.

By unanimous consent, Council recessed from the Closed Session at 11:28 a.m. and reconvened at 1:33 p.m. in the Council Chambers.

Present: Council Members - Campos, Chirco, Chu, Constant, Herrera, Kalra, Liccardo, Nguyen, Oliverio, Pyle; Reed.

Absent: Council Members - None.

INVOCATION

Pastor Jon Talbert of Westgate Church provided the Invocation. (District 1)

PLEDGE OF ALLEGIANCE

Mayor Reed led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Council Member Pyle, seconded by Vice Mayor Chirco and carried unanimously, the Orders of the Day and the Amended Agenda were approved, and Item 3.3 was deferred to February 3, 2009. (11-0.)

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.

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)**

Action: Mayor Reed and Vice Mayor 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)**

Action: Mayor Reed and Vice Mayor 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)**

Action: Mayor Reed recognized the month of January as “National Blood Donor Month” in the City of San José.

CEREMONIAL ITEMS (Cont'd.)

- 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)**

Action: 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)**

Action: Mayor Reed and Council Members Herrera and 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)**

Action: Mayor Reed and Council Member Chu presented a proclamation recognizing the Lunar New Year, “Year of the Ox”.

CONSENT CALENDAR

Upon motion by Council Member Pyle, seconded by Vice Mayor Chirco and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0.)

2.2 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**

Documents Filed: Proof of Publication of the title of Ordinance No. 28459 executed on December 9, 2008, submitted by the City Clerk.

Action: Ordinance No. 28459 was adopted. (11-0.)

CONSENT CALENDAR (Cont'd.)

- (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.**

Documents Filed: Proof of Publication of the title of Ordinance No. 28474 executed on December 9, 2008, submitted by the City Clerk.

Action: Ordinance No. 28474 was adopted. (11-0.)

- 2.3 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)

Documents Filed: (1) Memorandum from Director of Aviation William F. Sherry, dated December 15, 2008, recommending adoption of a resolution. (2) Supplemental memorandum from Director of Aviation William F. Sherry, dated January 20, 2009, revising potential range of grant funding.

Action: Resolution No. 74761, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Execute and Submit Applications for Grants to the Federal Aviation Administration for 2009 Voluntary Airport Low Emission Program Funding Support for the Norman Y. Mineta San José International Airport in an Amount not to exceed \$5,000,000, to Accept the Grants if Awarded, and to Execute all Related Documents”, was adopted. (11-0.)

- 2.4 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)**

Documents Filed: Memorandum from Director of Aviation William F. Sherry, dated December 15, 2008, recommending adoption of a resolution.

Action: Resolution No. 74762, entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Aviation to Execute and Submit an Application to the Federal Aviation Administration for a Grant or to any other Potentially Available Source of Federal Economic Stimulus Funds that may be Available for the Taxiway W. Extension, Phases 1, 2, 3, 4 and 5 Projects at the Norman Y. Mineta San José International Airport in a Total Amount not to exceed \$100,500,000, to Accept the Grant if Awarded, and to Execute all Related Documents”, was adopted. (11-0.)

- 2.5 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)**

Action: Deferred to February 3, 2009 per Administration.

- 2.6 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)**

Action: Item 2.6 was renumbered to Item 7.1.

- 2.7 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)**

Documents Filed: Memorandum from Library Director Jane Light, dated December 19, 2008, recommending approval of a ground lease with the East Side Union High School District.

Council Member Campos pulled this item from the Consent Calendar to express her appreciation to Staff.

Action: Upon motion by Council Member Campos, seconded by Council Member Constant and carried unanimously, the ground lease with the East Side Union High School District was approved. (11-0.)

- 2.8 (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)

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Albert Balagso, dated December 15, 2008, recommending approval of agreements related to Luna Park.

Action: The approval of a first amendment to the Turnkey Parkland Agreement and maintenance agreement for long term maintenance of the vegetated swale located within Luna Park were approved. (11-0.)

- 2.9**
- (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)

Documents Filed: (1) Memorandum from Director of Parks, Recreation and Neighborhood Services Albert Balagso, dated December 15, 2008, recommending approval of the Riverview Park Master Plan and Turnkey Park Agreement. (2) Supplemental memorandum from Director of Parks, Recreation and Neighborhood Services Albert Balagso, dated January 22, 2009, providing additional information related to possible termination of the Turnkey Parkland Agreement between the City and WTI, Inc.

Action: The Riverview Park Master Plan and Turnkey Park 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 were approved. (11-0.)

- 2.10**
- (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.**
 - (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)

Documents Filed: Memorandum from Chief of Police Robert L. Davis and Budget Director Jennifer Maguire, dated December 15, 2008, recommending adoption of a resolution, appropriation ordinance and funding sources resolution amendments.

Action: Resolution No. 74763, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Accept 2008-2012 Avoid the 13 Grant Program Funds in an amount not to exceed \$153,119 and to Execute all Related Documents", Ordinance No. 28484, entitled: "An Ordinance of the City of San José amending Ordinance No. 28349 to Appropriate Monies in the General Fund for the 2008-2012 Avoid the 13 Grant Program; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption", and Resolution No. 74764, 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 General Fund", were adopted. (11-0.)

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

Documents Filed: Memorandum from Chief of Police Robert L. Davis and Budget Director Jennifer Maguire, dated December 15, 2008, recommending approval of the proposed spending plan and adoption of an appropriation ordinance and funding sources resolution amendments.

Action: The proposed 2008-2011 Spending Plan for the 2008 Edward Byrne Memorial Justice Assistance Grant Trust (JAG) Fund was approved, and Ordinance No. 28485, entitled: "An Ordinance of the City of San José Amending Ordinance No. 28349 to Appropriate Monies in the Edward Byrne Memorial Justice Assistance Grant Trust Fund for the Justice Assistance Grant 2008-2011 Spending Plan; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption", and Resolution No. 74765, 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 Edward Byrne Memorial Justice Assistance Grant Trust Fund", were adopted. (11-0.)

- 2.12 (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).**
- (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)**

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Albert Balagso, dated December 15, 2008, recommending approval of the River Oaks Park Master Plan, Turnkey Parkland Agreement and adoption of a resolution.

2.12 (Cont'd.)

Action: The River Oaks Park Master Plan and Agreement for with Irvine Company LLC were approved, and Resolution No. 74766, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager or Designee to Negotiate and Execute any Amendments to the Turnkey Parkland Agreement for Tentative Map No. PT 07-004 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", was adopted. (11-0.)

2.13 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)

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated December 15, 2008, recommending acceptance of bid reports and award of contract to Ranger Pipelines, Inc.

Action: The report on bids and award of a 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, with related contingency was approved. (11-0.)

2.14 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)

Documents Filed: Memorandum from Director of Public Works Katy Allen and Director of Parks, Recreation and Neighborhood Services Albert Balagso, dated December 15, 2008, recommending approval of two consultant master agreements.

Action: Consultant master agreements with Royston Hanamoto Alley & Abey, Inc. and CH2M HILL, Inc. for various trail projects were approved. (11-0.)

- 2.15 (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.

Action: Deferred to February 10, 2009 per Administration.

- 2.16 **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)

Documents Filed: Memorandum from Council Member Constant, dated January 13, 2009, requesting excused absences due to authorized City business.

Action: The absences for Council Member Constant were excused. (11-0.)

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

- 3.2 **Report of the Rules and Open Government Committee – December 10, 2008**
Mayor Reed, Chair

Documents Filed: The Rules and Open Government Committee Report dated December 10, 2008.

Action: Upon motion by Council Member Pyle, seconded by Council Member Campos and carried unanimously, the Rules and Open Government Committee Report and the actions of December 10, 2008 were accepted. (11-0.)

- 3.3 **Report of the Rules and Open Government Committee – January 7, 2009**
Mayor Reed, Chair

Action: Deferred to February 3, 2009 per Orders of the Day.

- 3.6 (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)

Documents Filed: Memorandum from Planning, Building and Code Enforcement Director Joseph Horwedel and Budget Director Jennifer Maguire, dated January 8, 2009, recommending adoption of appropriation ordinance and funding sources resolution amendments in the General Fund and elimination of positions.

Director of Planning, Building and Code Enforcement Joseph Horwedel offered a presentation on Development Services Budget Rebalancing. Director of Human Resources Mark Danaj outlined the impact of the budget rebalancing proposal.

Public Testimony: Nancy Ostrowski (AEA Labor Representative) expressed observations on budgetary impacts.

Budget Director Jennifer Maguire responded to questions from Council.

3.6 (Cont'd.)

Action: Upon motion by Council Member Pyle, seconded by Council Member Campos and carried unanimously, Ordinance No. 28486, entitled: “An Ordinance of the City of San José Amending Ordinance No. 28349 to Appropriate Monies in the General Fund for the Fee Supported Reserve – Building, for the Fee Supported Reserve – Fire, for the Fee Supported Reserve – Planning, for the Planning, Building, and Code Enforcement Department Personal Services, for the Planning, Building, and Code Enforcement Department Non-Personal/Equipment, for the Information Technology Department Personal Services, and for the Information Technology Department Non-Personal/Equipment; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”, and Resolution No. 74767, 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 General Fund”, were adopted. (11-0.)

3.7 **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)]**

Documents Filed: Memorandum from Mayor Reed and Council Members Campos and Pyle, recommending appointments to the Mexican Heritage Plaza Steering Committee.

Action: Upon motion by Council Member Campos, seconded by Council Member Liccardo and carried unanimously, the appointments of Roy Hirabayashi, Connie Martinez, and Olivia Mendiola to serve on the Mexican Heritage Plaza Steering Committee were approved. (11-0.)

COMMUNITY & ECONOMIC DEVELOPMENT

- 4.2 (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;**

4.2 (Cont'd.)

- (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)**

Documents Filed: (1) Memorandum from Director of Housing Leslye Krutko, dated November 24, 2008, recommending adoption of a resolution. (2) Statement and Declaration of Conflict of Interest Form signed by Council Member Liccardo, dated January 27, 2009. (3) Letter from Real Estate & Relocation Consultant Thomas J. Zia, dated January 24, 2009, expressing opposition to the proposed project.

Director of Housing Leslye Krutko outlined services offered by Emergency Housing Consortium (EHC) Lifebuilders and disposition of real estate actions.

Public Testimony: Kevin Little spoke in opposition to the project, raising concerns about the relocation of residents. Ross Signorino spoke in support and urged the Council to continue efforts to eradicate homelessness.

Motion: Council Member Nguyen moved approval, seconded by Council Member Liccardo. The motion passed. Council Member Liccardo withdrew from the vote due to a potential conflict of interest, citing a financial interest in property within 500 feet of the proposed development. A motion to reconsider was made by Council Member Constant and seconded by Council Member Campos. The motion passed.

Action: Upon motion by Council Member Nguyen, seconded by Council Member Pyle and carried unanimously, Resolution No. 74768, entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Housing to Negotiate and Execute an Agreement between EHC Lifebuilders and its Creditors and other related actions”, was adopted. (10-0-0-1. Disqualified: Liccardo.)

- 4.3 (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.**
- (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.**
- (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)

Documents Filed: (1) Memorandum from Chief Development Officer Paul Krutko, dated January 8, 2009, recommending approval of an agreement with Team San José and adoption of a resolution.(2) Supplemental memorandum from City Attorney Doyle, dated January 22, 2009, recommending that the City Manager execute an Addendum to the Agreement with Team San José.

Director of Economic Development Jeff Ruster offered a presentation on the proposed agreement with Team San José.

Public Testimony: Dan Fenton (San José Convention Center Visitor's Bureau/Team San José) spoke in support of the agreement.

Action: Upon motion by Council Member Constant, seconded by Vice Mayor Chirco and carried unanimously, an agreement with Team San José for an additional five-year term, including an additional addendum as authorized by the City Manager, was approved, and Resolution No. 74769, entitled: "A Resolution of the Council of the City of San José Amending the Master Parking Rate Schedule to Increase Flexibility in Setting Parking Rates at the Convention Center and Almaden/Woz Parking Lots for Events at the Convention Center; and Repeal Resolution No. 74210 Effective on July 1, 2008", was adopted. (11-0.)

- 3.5 (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)

Documents Filed: (1) Joint memorandum from Mayor Reed and Council Members Oliverio and Constant, dated January 23, 2009, accepting Staff's report with further recommendations for proposals to the existing Competition Policy. (2) Joint memorandum from Council Members Campos, Pyle, Herrera and Kalra, dated January 9, 2009, accepting Staff's report with recommendations for proposals to the existing Competition Policy. (3) Joint memorandum from Council Members Campos, Pyle, Herrera and Kalra, dated January 23, 2009, suggesting amendments to their Council Memorandum of January 9, 2009. (4) Memorandum from City Manager Debra Figone, dated December 17, 2008, accepting Staff's presentation on the City's Outsourcing Policies and Analytical Framework for Service Reductions and Eliminations. (5) Letter from Joshua Howard, California Apartment Association, dated January 26, 2009, suggesting opportunities of outsourcing. (6) Letter from Pat Dando, San José/Silicon Valley Chamber of Commerce, expressing concerns regarding the Competition Policy. (7) Correspondence from Patricia Gardner, Silicon Valley Council of Nonprofits, outlining impacts the policy may have on nonprofit contractors. (8) Six letters/email of opposition to the Competition Policy as proposed.

This item was continued from the meeting of January 13, 2009. The following motion was on the floor and had not yet been voted upon:

Motion: Council Member Campos moved approval of the memorandum she cosigned with Council Members Pyle, Herrera and Kalra, dated January 9, 2009: (1) Accept the Staff report and to direct Staff to return to Council in 30 days with recommendations for adding the below proposals to the existing Competition Policy: (a) Contractor Section: Third-Tier Review should be expanded to include information regarding any prior examples of breach of contract whether or not the breach produced litigation. A history of failing to comply with labor or environment law, a history of breaches of contract, or a history of unethical business practices shall be grounds for rejecting a proposal. Submitting false information under third-tier review shall also be grounds for rejecting a proposal. (b) Contractor Performance: Request for Proposal (RFP) shall include a detailed statement of the performance standard under which the contract will be evaluated and the specific performance level required of the contractor. (c) Contractor Employee Standards: RFP will require the length of continuous employment of current employees and rate of turnover by job classification, the minimum requirements for employees, the training to be provided by employees and the screening process to assure employees have appropriate skills and personal backgrounds. (d) Small Business Assistance: The City will establish a payment performance bond program for small business contractors which would allow them to pay a competitive premium to the City and be insured under the City's self assurance pool. (e) Pay-to-Play Regulations: No contractor responding to an

3.5 (Cont'd.)

RFP shall make a contribution to the campaigns of City of San José candidates or elected official who will approve the contract for the period in which the RFP is issued until 6 months after a contract has been awarded. (f) Cost Comparisons: The cost methodology shall specifically include: transition costs, monitoring and enforcement costs, effects on overhead costs, costs of training and equipment, projections of future costs and costs associated with risk. (g) Maintenance of Minimum In-House Capacity: The City shall maintain a core capacity to enable the City to complete for service in case of contractor default in all cases in which the service relates to public health and safety, in which the service is essential to the maintenance of infrastructure or other City assets, or in which the absence of the service would expose the City or residents to risk of harm to persons or property. (h) Minimum Number of Bidders: No contract will be issued unless the RFP produces a minimum of three full-responsive bids. (i) Protection of Emergency Services: Primary public safety services, including police, fire, disaster response, shall not be subject to the competition policy. In all applications of the competition policy, the City shall ensure that there will be no decrease in the quality and responsiveness of services that protect public health and safety. (j) Sunshine Requirements/Public Disclosure: Public access is to be granted to any record produced or collected under a contract entered into by the City to the same extent as if the record were maintained by the City and subject to the California Public Records Act and San José Sunshine policies. (k) Whistleblower Protection: No person shall discriminate or retaliate against an employee of a private contractor because that employee in good faith: engaged in disclosure of information relating to services provided by the contractor pursuant to a privatization contract; advocated on behalf of service recipients with respect to services provided by the contractor; initiated, cooperated or otherwise participated in an investigation or proceedings of any governmental entity relating to the services provided pursuant to a privatization contract. (l) Monitoring on Contracts: Not less than annually, the private contractor shall submit a report for City and public review detailing the extent to which the contractor has achieved the specific quantity and standards of quality of the subject services under the contract including the extent to which the contractor has achieved its commitments regarding screening, qualifications and training of employees. Submission of false information will constitute grounds for contract termination. Not less than annually, contractor will submit to City copies of annual financial audits. Contract language will provide the City with reasonable access through representatives of the contractor to facilities, records and employees to determine compliance with these monitoring provisions as well as all terms of the contract. (m) Community Responsiveness Hearings: On a semi-annual basis, the Public Safety, Finance and Strategic Support Committee shall hold a public hearing at which San José community members will have the opportunity to provide input regarding the performance of service contractors. As a result of this testimony, the Committee may direct Staff to evaluate specific issues and report back at regularly scheduled meetings of the Committee. (2) Ask the City Attorney to return to Council in 30 days with the following: (a) An analysis indicating any situations (either in current policy or in proposed policies in the Structural Deficit Reduction Plan) in which work can be transitioned from City employees to external vendors without requiring the application of the competition policy. (b) Recommendations on language that would assure the competition policy is universally applied to *all* such transitions. Council Member Pyle seconded the motion.

3.5 (Cont'd.)

Council discussion continued. Council Member Pyle read a prepared statement in support of the motion on the floor outlining proposals to the existing Competition Policy as addressed in the joint memoranda co-authored by Council Members Campos, Pyle, Herrera and Kalra, dated January 9 and 23, 2009, and recommended that the matter be referred to a special meeting of the Community & Economic Development (CED) Committee within 30 days.

Extensive Council discussion followed.

Substitute Motion: Council Member Kalra moved approval of the Council memoranda, dated January 9 and 23, 2009, as modified, to extend outreach to stakeholders prior to a special Community & Economic Development Committee meeting to be held within 30 days with a full report back to Council in 30 days after the Special CED Committee meeting. The motion was seconded by Council Member Campos.

Communications Director Tom Manheim clarified the timing required for a full community engagement process. City Manager Deb Figone expressed concerns that Staff may not have sufficient time to initiate a roundtable discussion and prepare an adequate report. She suggested that Staff be granted additional time and further, that Staff be permitted to recap current policies and work in-progress as a result of Sunshine Reforms already approved by the City Council.

Following additional and in-depth Council discussion, the substitute motion was amended to direct Staff to return to Council in 45 days after the special CED meeting.

Public Comments: Mayor Reed re-opened the public comment period. Dave McLeroy offered suggestions on cost savings to the City.

Speaking in opposition to outsourcing and in support of the recommendations set forth in the joint memoranda were Yolanda Cruz (AFSCME), Judy Pipkin, Phaedra Ellis-Lamkins (South Bay AFL-CIO Labor Council), Daniel Finn (City Labor Alliance), Maura Villanueva (Californians for Justice), Ross Signorino, and Bob Brownstein.

Speaking in opposition to changes proposed to the policy, noting challenges that already exist, were Steve Lopes (Ten Corporation), Pat Dando (San José/Silicon Valley Chamber of Commerce), Scott Knies (San José Downtown Association), Dan Fenton (Team San José), Bill Baron (Chamber of Commerce), and Patricia Gardner (Silicon Valley Council of Nonprofits).

3.5 (Cont'd.)

Action: On a call for the question, the substitute motion carried, the Staff's presentation on the City's Outsourcing Policies and Analytical Framework for Service Reduction and Eliminations was accepted with additional direction to Staff as outlined in the Joint Memoranda 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 45 days. (7-4-0. Noes: Constant, Liccardo, Oliverio; Reed)

4.4 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)

Documents Filed: Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated December 17, 2008, recommending adoption of a resolution.

Public Comments: Mayor Reed opened the public hearing. There was no testimony from the floor. Mayor Reed closed the public hearing.

4.4 (Cont'd.)

Action: Upon motion by Council Member Liccardo, seconded by Council Member Oliverio and carried unanimously, Resolution No. 74770, entitled: "A Resolution of the Council of the City of San José Overruling Objections to the 2008-2009 Hazardous Vegetation Commencement Report and 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 Weed Abatement Agreement between the City of San José and the County of Santa Clara", was adopted. (10-0-1. Absent: Constant.)

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)

Documents Filed: The Neighborhood Services & Education Committee Report dated December 11, 2008.

Action: Upon motion by Vice Mayor Chirco, seconded by Council Member Oliverio and carried unanimously, the Neighborhood Services & Education Committee Report and the actions of December 11, 2008 were accepted. (10-0-1. Absent: Constant.)

ENVIRONMENTAL & UTILITY SERVICES

7.1 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)

Documents Filed: (1) Letter from Treatment Plant Advisory Committee Chairman, Chuck Reed recommending acceptance of the status report on the nature and content of the discussions of the Recycled Water Liaison Committee. (2) Memorandum from Director of Environmental Services John Stufflebean, dated December 17, 2008, recommending acceptance of the status report.

Director of Environmental Services John Stufflebean presented the status report of the Recycled Water Liaison Committee.

Action: The report was received.

JOINT COUNCIL/REDEVELOPMENT AGENCY

The Joint Council/Redevelopment Agency convened 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.

- (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)

Documents Filed: Memorandum from Mayor Reed, dated January 6, 2009, recommending approval of the nomination of Judy Chirco as Vice Mayor of the City Council and Vice Chair of the Redevelopment Agency.

Action: Upon motion by Council Member Constant, seconded by Council Member Liccardo and carried unanimously, Judy Chirco was appointed Vice Chair of the City Council and Vice Chair of the Redevelopment Agency. (11-0.)

9.2 (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).

- (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.**

- (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)

9.2 (Cont'd.)

Documents Filed: Memorandum from City Manager Debra Figone and Executive Director of the Redevelopment Agency Harry S. Mavrogenes, dated January 13, 2009, recommending deferred payment of parkland in-lieu fees for Almaden Tower Venture, LLC and recommending adoption of appropriation ordinance and funding sources resolution amendments.

Public Comments: Mayor Reed opened the public hearing. There was no testimony from the floor. Mayor Reed closed the public hearing.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Constant and carried unanimously, Resolution No. 74771, entitled: "A Resolution of the Council of the City of San José Making Certain Determinations Required by Redevelopment Law, Health and Safety Code Section 33445, for Redevelopment Agency Funding of the Public Improvements for the Watson Park Restoration Project (Phase 1 Construction)", was approved, and Ordinance No. 28487, entitled: "An Ordinance of the City of San José Amending Ordinance No. 28349 to Appropriate Monies in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District No. 3 for the Watson Park Site Clean-Up and Restoration Project; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption", and Resolution No. 74772, 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 Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District No. 3", were adopted. (11-0.)

9.3 **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)]

Documents Filed: Memorandum from City Clerk Lee Price, dated January 22, 2009, transmitting the recommendations of the Rules and Open Government Committee of January 21, 2009.

Action: Upon motion by Council Member Campos, seconded by Council Member Pyle and carried unanimously, the appointment of Council Member Liccardo to the Police and Fire Retirement Board was approved. (11-0.)

The Joint Council/Redevelopment Agency was adjourned.

PUBLIC HEARINGS ON CONSENT CALENDAR

- 11.1 (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**

Action: Item 11.1(a) was 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**

Action: Item 11.1(b) was Continued to February 10, 2009 per Administration.

- 11.2 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**

Action: Continued to February 3, 2009 per Rules Committee.

- 11.3 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**

Action: Continued to February 10, 2009 per District 5.

NOTICE OF CONTRACTS EXECUTED BY COUNCIL APPOINTEES

<u>City Manager's (or designee) Contract Activity</u>		
<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
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

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>
RFI Communications	Access Control System Maintenance & Repair for the Airport Department. Amendment to add \$147,000 for Fiscal Year 2007/08.	\$222,000
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 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 Service	Automotive Parts and Filters for the General Services Department.	\$390,000
Dapper 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 Solutions Inc	Aqueous Ferrous Chloride for the Department of Transportation.	\$750,000
LC Action 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 Inc	Office Supplies for City Departments.	\$560,000

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
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.

Minutes Recorded, Prepared and Respectfully Submitted by,

Lee Price, MMC
City Clerk

rmk/1-27-09MIN

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.