

## MINUTES OF THE CITY COUNCIL

**SAN JOSE, CALIFORNIA**

**TUESDAY, OCTOBER 28, 2003**

The Council of the City of San Jose convened in Regular Session at 9:31 a.m. in Council Chambers at City Hall.

Present: Council Members: Campos, Chavez, Chirco, Cortese, Dando, Gregory, LeZotte, Reed, Williams, Yeager; Gonzales.

Absent: Council Members: None.

Upon motion unanimously adopted, the City Council recessed to Closed Session at 9:35 a.m. in Room 600 to (A) confer with Legal Counsel regarding existing litigation pursuant to Government Code Section 54956.9 Subsection (a) to consider cases of People of the State of California, et al. v. Duong Family Investment, LLC, California Waste Solutions, Inc. et al.; (B) to confer with Legal Counsel regarding anticipated litigation (a) of a matter where there is significant exposure to litigation pursuant to subsection (b) of Section 54956.9 of the Government Code and (C) to conduct a Public Employee Performance Evaluation pursuant to Government Code Section 54957 of the title, City Clerk, (D) confer with Labor Negotiator pursuant to Government Code Section 54957.6; City Negotiator: City Manager designee Alex Gurza and Employee Organization: Municipal Employee Federation.

By unanimous consent, Council reconvened from Closed Session and recessed at 10:52 a.m. and reconvened at 1:30 p.m. in Council Chambers, City Hall.

Present: Council Members: Campos, Chavez, Chirco, Cortese, Dando, Gregory, LeZotte, Reed, Williams, Yeager; Gonzales.

Absent: Council Members: None.

### **INVOCATION (DISTRICT 9)**

Reverend Karl Overbeek from the Church of the Chimes delivered the Invocation.

### **PLEDGE OF ALLEGIANCE**

Mayor Gonzales led the Pledge of Allegiance.

### **ORDERS OF THE DAY**

Upon motion by Council Member Williams, seconded by Council Member Chavez, and unanimously carried, the Orders of the Day and the Amended Agenda were approved with the additions of Item 3.5 deferred to November 4, 2003 and Item 4.4 deferred to November 18, 2003.

## **CEREMONIAL ITEMS**

### **1.1 Presentation of a commendation to the Youth Science Institute for 50 years of contributions to the citizens of San José and Santa Clara County. (Parks, Recreation and Neighborhood Services)**

Documents Filed: Memorandum from Director of Parks, Recreation & Neighborhood Services Sara Hensley, dated October 6, 2003, recommending said commendation.

Discussion/Action: Mayor Gonzales was joined at the podium by Deputy Director of Parks, Recreation & Neighborhood Services Julie Mark to present a commendation to Ann Denim, Executive Director of the Youth Science Institute in honor of the Institute's 50 years of dedication and commitment to provide the public and children of San José with informative and attractive displays of Natural History, School Programs, nature hikes and Science camps and their hosting of the Annual Wildlife Festival at Alum Rock Park. The Science Youth Institute has helped to fill the growing need in Science and Environmental education for young people in an increasing and complex world and the continued operation of the institute has remained desirable for the health, education, and general welfare of the people of San José. Ann Denim thanked the Mayor and Council for their commendation and also thanked the Youth Science Institutes' Board of Directors and past and present staff members who have helped to keep the institute's mission of increasing science education and to continue helping young people understand the scientific principles that make the world work better and to teach them to make sound choices in difficult decisions about the Earth and environmental concerns.

### **1.2 Presentation of the League of California Cities' 2003 Helen Putnam Award of Excellence to the City of San José for the Teacher Housing Program. (City Manager's Office)**

Documents Filed: None.

Discussion/Action: Mayor Gonzales was joined at the podium by Legislative Director of the League of California Cities, Dwight Steenbachen; Superintendent of Oak Grove School District, Manny Bombero; Superintendent of Cambrian School District, Dr. Barry Groves; and Director of Housing Leslye Corsiglia. Dwight Steenbachen presented the League of California Cities' 2003 Helen Putnam Award of Excellence to Mayor Gonzales, honoring the City of San José for their Teacher Housing Program. Mayor Gonzales thanked the League of California Cities for the award and thanked the Council and community for their part in supporting the Teacher Housing Program, as well as Superintendents Bombero and Groves for their outreach in helping to bring the program to the teachers of San José. He stated the program was developed to aid the teachers who help to train children within San José's communities to become future leaders and the award is in recognition of a program that has helped aid 350 teachers in the purchase of their first homes in San José. Mayor Gonzales also thanked the Housing department for their work and support of this program.

### **1.3 Presentation of a proclamation to Services for Brain Injury (SBI) in recognition of Brain Injury Month; for the past fourteen years, SBI has tirelessly worked to assist**

**their clients and their families with services to help them regain maximum independence and to improve their quality of life. (Dando)  
(Deferred from 10/21/03 – Item 1.5)**

Documents Filed: None.

Discussion/Action: Vice Mayor Dando joined Mayor Gonzales at the podium to present a proclamation to Christine Camaro, Brian Burson, Maurice Webb, Derek Webb and Dottie Laura on behalf of the Services for Brain Injury in recognition of Brain Injury Month and for their work of over 14 years in helping clients and their families with services to help them regain their maximum independence and to improve their quality of life. Christine Camaro thanked the Mayor and Council for the proclamation and the efforts of Council has made to encourage the outreach and services to those affected by brain injury. Maurice Webb thanked the Services for Brain Injury for the help they had provided for his family and thanked the Mayor and Council for recognizing the organization and the needed services they provide.

## **CONSENT CALENDAR**

Upon motion by Council Member Chavez, seconded by Vice Mayor Dando, and unanimously carried, the Consent Calendar was approved. Vote: 11-0-0-0.

### **2.3 Acceptance of the report on the status of implementation of the Small Business Opportunity Program. CEQA: Not a Project. (Economic Development)**

Documents Filed: Memorandum from Director of Economic Development, Paul Krutko, dated October 14, 2003, recommending the acceptance of said report.

Discussion/Action: Vice Mayor Dando asked staff how many of the small businesses found in the database matching were local businesses. Director of Economic Development Paul Krutko stated the database matching were random matchings and within the calling surveys, 30% of them were local businesses and 18% were local small businesses and within the database matching, 80% were local businesses and 71% were local small businesses. Vice Mayor Dando requested staff to provide Council with the data relating to local businesses when their final report is complete. Upon motion by Council Member Reed, seconded by Vice Mayor Dando, the Small Business Opportunity Program implementation status report was accepted. Vote: 11-0-0-0.

### **2.4 Approval of an agreement with R3 Consulting Group Inc. to perform a waste characterization study for the Recycle Plus Program in a total amount not to exceed \$220,000, and adoption of a resolution accepting a contribution from Norcal Waste Systems as reimbursement for the cost of a portion of the study in an amount not to exceed \$80,000. CEQA: Not a Project. (Environmental Services)**

Documents Filed: Memorandum from Director of Environmental Services, Carl Mosher, dated October 22, 2003, recommending approval of said agreement.

Discussion/Action: William Garbett spoke on the issue. Council Member Cortese asked staff to clarify as to why the agreement with R3 Consulting Group Inc. with the requested changes by NorCal and CWS was \$80,000. Director of Environmental Services Carl Mosher stated the changes including sampling the carts themselves and the residuals from the carts for both the CWS and GreenTeam facilities, which totaled \$80,000. Council Member Cortese asked staff if the balance of the study was typically done at this time of the year, absent the problems outlined in the study. Director Mosher stated the program being studied had undergone changes from carts to bins 15 months ago and the study would enable staff to evaluate if the changes made the program more efficient. Council Member Cortese asked staff if a report would be given back to Council once the study is complete. Director Mosher stated an informational memorandum would be sent to Council summarizing the complete report to Council. Council Member Reed expressed his concerns regarding if the characterization study would be random. Director Mosher stated the study would sample carts one week and the second week would be sampling on the tip floor and the residuals from the carts, they would prefer to complete the study at the same time to determine what is in the carts and what is delivered to the recyclers and that is why the study is not spread over a long period of time.

Vice Mayor Dando asked staff if high residuals found with the NorCal contract and problems with CWS were the reasoning behind the initiation of the study. Director Mosher stated they have determined 14% or 15% of residuals were found coming out of the program but they have no idea as what is going in to the carts and the study is to help determine if the problem lies with the services themselves or the need to educate the community better. Council Member Gregory asked staff if the City had issues with GreenTeam and their contract with the City. Director Mosher stated the City did not have an issue with GreenTeam but were looking at the entire standpoint of the Program and the study would collect samples from all three districts to ensure they do not have anything different in one section of the city compared to another. Council Member Gregory asked if the Norcal model was very different from the GreenTeam model. Director Mosher stated in regard to cart pick ups, both models were the same and used a split truck which loads recycled articles on one side and garbage on the other and both models take them to a facility, but the models differ in GreenTeam is vertically integrated and own their process, whereas Norcal subcontracts with CWS to process their recycling. Council Member Gregory asked staff what was the scope of the study in regards to random sampling, how large of an area will be sampled and how large of a quality will the samples be. Director Mosher stated there would be three different samples taken, 100 carts per day, per district for one week, in relation to the tip floor, 8 floors per day and random sampling would be taken from each truck, in relation to the residual sorts, 8 bails per day were taken. Council Member Gregory stated the importance for staff to return to Council with information as to their findings from the study and the benefits from conducting the study. Vice Mayor Dando expressed concern pertaining to R3 Consulting

Group, Inc. having conflicts of interest with the study, considering they were involved in the initial study with the City and stated the need for the consultant group conducting the study to be more independent.

Council Member Reed motioned for approval of staff's recommendation with the direction for staff to report back to Council with the findings from said characterization study. Council Member Council Member Williams seconded the motion. Vice Mayor Dando asked staff to help assure Council that the consulting group would not be biased in their study and could be trusted to be entirely independent with their work. Rich Hutchinson from R3 Consulting Group, Inc. stated their interest in the study is to characterize it and the waste itself and has nothing to do with who the firms are or what recommendations were made as result of collecting the waste and their job was to use their expertise and sample the waste and deliver the results. Council Member Gregory asked why the study would cost \$220,000 and what would the study entail. Rich Hutchinson stated the cart study consisted of 15,000 to 18,000 study samples and will be characterized into 38 categories and the staff analyzing the study would be comprised of 40 to 45 people working on the study for at least several weeks. Council Member Gregory asked staff what were the next steps after the study was complete. Director Mosher stated they would take the data and discuss the findings with Norcal and CWS and figure out ways to resolve the issues found.

Mayor Gonzales stated the study should be split up into stages and once one stage is completed, it should be reported back to Council and allow the City to analyze the findings and determine if there is a need to complete the full study. Council Member Reed expressed his support of the Mayor's addendum to his motion and stated the importance of using the money saved from the study to be put into educating the community on waste. Vice Mayor Dando requested staff provide clarification regarding whether the findings from the study concludes the problems lie with the haulers of the residents of San Jose themselves and to clarify if the action of collecting the recycling within one bin has had an impact on the collections and enabled the residents to be less diligent with their recycling. Council Member Chavez asked staff to provide a timeline of the modifications that were made and the progress of the Recycle Plus program to date, as well as including the methodology used and who was involved in that process.

Council Member LeZotte asked staff how the sectioning of the study would be parceled out. Director Mosher stated they would return to Council with further clarification as to how the study would be parceled into segments. On a call for the question, the said agreement with R3 Consulting Group was approved with direction for staff to re-organize the Recycle Plus Waste Characterization Study into cart collection stages and to report back to Council their findings; to provide clarification regarding whether the findings from the study conclude the problems lie with the haulers or with the residents of San José themselves and to clarify if the action of collecting the recycling within one bin has had an impact on collections and if it has enabled the residents to be less diligent with their recycling; to provide a report to Council pertaining to the results of the initial study of the Recycle Plus Waste Characterization Study and to ensure the statement is of clear purpose and the result objectives are clearly defined within the report; and to provide a timeline of the modifications that were made and the progress of the Recycle Plus program to date, as well as including the methodology used and who was involved within that process. Vote: 11-0-0-0.

**2.5 Approval of an agreement with the Santa Clara Valley Water District (District) for cost sharing associated with implementation of water conservation programs in 2003-2004, under which the City will receive an amount not to exceed \$362,500 from**

**the District, and the District will receive an amount not to exceed \$446,847 from the City. CEQA: Not a Project. (Environmental Services)**

Documents Filed: None.

Discussion/Action: This item was deferred to November 18, 2003.

**2.6 Report on bids and award the purchase of one major Airport Rescue and Fire Fighting (ARFF) Vehicle to the low bidder, Oshkosh Truck Corporation, at a total cost of \$662,611.24, including tax and delivery, approximately 80% funded by grant funds, and authorize the Director of General Services to execute the purchase order for the:**

- (a) Purchase of one ARFF vehicle; and**
- (b) Approval of a contingency of 5% for unforeseen engineering requirements that may arise subsequent to the publication of the bid specifications.**

**CEQA: Not a Project. (General Services)**

Documents Filed: Memorandum from Director of General Services Jose Obregon, dated October 6, 2003, recommending the award of said purchase to the low bidder, Oshkosh Truck Corporation.

Discussion/Action: The said award to the low bidder, Oshkosh Truck Corporation was approved and the execution of said purchase order was authorized. Vote: 11-0-0-0.

- 2.7 (a) (1) Direction to the City Clerk to accept a Quitclaim Deed from the County of Santa Clara to the City of San José for a 17,468 square foot parcel of land located southeasterly of Route 87 and Almaden Expressway, adjacent to APN 455-20-060; and**
- (2) Adoption of a resolution declaring said 17,468 square foot portion of now City-owned land, located southeasterly of Route 87 and Almaden Expressway, surplus to the needs of the City, and authorize its sale to Evans Lane Apartments, L.P. (the adjoining property owner) for \$220,000.**

**CEQA: Negative Declaration, PDC98-10-078.**

- (b) (1) Adoption of a resolution declaring a 871.2 square foot portion of City-owned land, located northwesterly of Old Bayshore Highway, adjacent to APN 237-27-064, surplus to the needs of the City; and**
- (2) Approval of its sale to Pavone & Pena LLC (the adjoining property owner) for \$2,500.**

**CEQA: Exempt, PP03-02-043.**

**(General Services)**

Documents Filed: (1) Memorandum from Director of General Services Jose Obregon, dated October 6, 2003, recommending said direction and adoption of said resolutions. (2) Memorandum from Director of General Services Jose Obregon, dated October 6, 2003, recommending adoption of said resolution and authorization of said sale.

Discussion/Action: Williams Garbett spoke on the issue. Resolution No. 71801, entitled: "A Resolution of the Council of the City of San José Declaring Certain City-Owned Property Surplus and Authorizing the Director of Services to Execute an Agreement to

Sell and All Necessary Documents Necessary for the Transfer of Such Property to the Adjacent Property Owner, Evans Lane Apartments, L.P. for a Sum of No Less Than \$220,000.00”, and Resolution No. 71802, entitled: “A Resolution of the Council of the City of San José Declaring and Authorizing the Director of Public Works to Execute An Agreement to Sell and All Necessary Documents Necessary for the Transfers of Such Property to the Adjacent Property Owner, Pavone & Pena, LLC for a Sum of Not Less Than \$2500.00” were adopted and said direction to the City Clerk and approval of said sale to Pavone & Pena LLC was approved. Vote: 11-0-0-0.

**2.8 Approval of the Plata Arroyo Park Master Plan Update. CEQA: Exempt, PP03-08-251. Council District 5. SNI Area: Gateway East. (Parks, Recreation and Neighborhood Services)**

Documents Filed: Memorandum from Director of Parks, Recreation & Neighborhood Services Sara Hensley, dated October 6, 2003, recommending approval of the Plata Arroyo Park Master Plan Update.

Discussion/Action: The Plata Arroyo Park Master Plan Update was approved. Vote: 11-0-0-0.

**2.9 Report on bids and take appropriate action based on the evaluation of bids for the Edenvale Garden Park Perimeter Fencing Project, and approval of a five percent contingency. CEQA: Negative Declaration, PP90-03-078. Council District 2. (Public Works/ Parks, Recreation and Neighborhood Services)**

Documents Filed: None.

Discussion/Action: This item was deferred to November 4, 2003.

**2.10 Report on bids and award of contract for the Hostetter Road Improvement Project to the low bidder, Grade Tech Inc., in the amount of \$177,870, and approval of a contingency in the amount of \$18,000. CEQA: Negative Declaration, PP 87-05-128. Council District 4. (Public Works/ Transportation)**

Documents Filed: Memorandum from Director of Public Works Katy Allen and Director of Transportation Jim Helmer, dated October 7, 2003, recommending said award of contract.

Discussion/Action: The award of said contract with the low bidder, Grade Tech Inc and said contingency was approved. Vote: 11-0-0-0.

**2.11 Report on bids and award of contract for the Oakland Road Widening Project from Brokaw Road to Commercial Street to the low bidder, Granite Construction Company, in the amount of \$321,998, and approval of a contingency in the amount of \$32,000. CEQA: Negative Declaration, PP03-06-209. Council District 4. (Public Works/Transportation)**

Documents Filed: (1) Supplemental memorandum from Director of Public Works Katy Allen and Director of Transportation Jim Helmer, dated October 21, 2003, providing additional information after bids were opened. (2) Memorandum from Director of Public

Works Katy Allen and Director of Transportation Jim Helmer, dated October 6, 2003, recommending said award of contract.

Discussion/Action: The award of said contract to the low bidder, Granite Construction Company and related contingency was approved. Vote: 11-0-0-0.

**2.12 Acceptance of the Third Quarter 2003 San José Arena Authority Ticket Distribution program Report. CEQA: Not a Project. (San José Arena Authority)**

Documents Filed: Memorandum from Executive Director of the San José Authority, dated October 6, 2003, recommending the acceptance of the Third Quarter 2003 San José Arena Authority Ticket Distribution program Report.

Discussion/Action: The Third Quarter 2003 San José Arena Authority Ticket Distribution Program Report was accepted. Vote: 11-0-0-0.

**2.13 Approval of a revised Appeals Hearing Board Interview Process (Mayor/Chirco) (Rules Committee referral 10/22/03)**

Documents Filed: Memorandum from Mayor Gonzales and Council Member Chirco, dated October 21, 2003, recommending the approval of a revised Appeals Hearing Board Interview Process.

Discussion/Action: Williams Garbett spoke on the issue. The revised Appeals Hearing Board Interview Process was approved. Vote: 11-0-0-0.

**2.14 Approval of an ordinance amending Section 4.20.080 of Chapter 4.20 of Title 4 of the San José Municipal Code to permit the private sale of City property for economic development and redevelopment. (City Attorney's Office) (Rules Committee referral 10/22/03)**

Documents Filed: Memorandum from City Attorney Richard Doyle, dated October 22, 2003, recommending approval of said ordinance.

Discussion/Action: Williams Garbett spoke on the issue. Ordinance No. 27007, entitled: "An Ordinance of the City of San José Amending Section 4.20.080 of Chapter 4.20 of Title 4 of the San José Municipal Code to Allow for the Private Sale of City Property for Economic Development", was passed for publication. Vote: 10-0-1-0. Absent: Yeager.

**STRATEGIC SUPPORT SERVICES**

**3.2 Report of the Rules Committee – October 15, 2003**  
Vice Mayor Dando, Chair

Documents Filed: The Rules Committee Report of October 15, 2003.

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council

(1) Review October 28, 2003 Draft Agenda

The Committee recommended approval of the October 28, 2003 City Council agenda.

(2) Add New Items to October 21, 2003 Amended Agenda

- Mayor and Council Member Requests
- City Manager Requests
- City Attorney Requests
- City Clerk Requests

The Committee recommended one addition to the October 21, 2003 City Council agenda.

(3) List of Reports Outstanding. Attachment: Report from the City Manager's Office, dated October 14, 2003, listing five staff reports outstanding for the October 21, 2003 Council agenda.

The Committee noted and filed the City Manager's report listing five staff reports outstanding for the October 21, 2003 Council agenda.

(c) Legislative Update

(1) State - There was no report.

(2) Federal - There was no report.

(d) Meeting Schedules - There were none.

(e) The Public Record - There was no Public Record filed.

(f) Appointment to Boards, Commissions and Committees

(1) Request to waive Council Policy regarding appointment to Youth Commission - Heard by Council on 10/21/03.

(g) Rules Committee Reviews, Recommendations and Approvals. Attachment: Memorandum from Vice Mayor Dando and Council Member Cortese, dated October 10, 2003, regarding police and firefighter disability tax exemption ordinance.

The Committee directed the City Manager and the City Attorney to return to Rules Committee in two weeks with a workload assessment to develop an ordinance that would meet the requirements under Section 104 of the IRS code, which allows disability payments to be excluded from income taxes.

(h) Oral communications - None were presented.

(i) Adjournment

The meeting adjourned at 2:10 P.M.

Discussion/Action: Upon motion by Vice Mayor Dando, seconded by Council Member Chavez, the Rules Committee Report and Actions of October 15, 2003 were accepted. Vote: 11-0-0-0.

- 3.4 Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Lamberson Koster & Company, a wholly owned subsidiary of Arthur J. Gallagher & Company, dba Gallagher Construction Services, to provide insurance broker services for an Owner Controlled Insurance Program for the Airport Master Plan projects, including security improvements to be constructed at the Norman Y. Mineta San José International Airport for the upcoming three to five year period, in an amount not to exceed \$1,575,000, for a period of three years, with two one-year options for extension. CEQA: Resolution Nos. 67380 and 71451, PP03-10-317. (Finance/Airport)**

Documents Filed: None.

Discussion/Action: This item was deferred to November 14, 2003.

- 3.5 (a) Approval of the report on the results of the sealed bids and oral auction of nine (9) surplus City-owned properties held on Monday, October 20, 2003, accepting the high bids for each property; and**  
**(b) Authorizing the Director of General Services to execute such documents as are necessary to complete the sales of said properties.**  
**CEQA: Exempt, PP00-02-003. Council Districts 3, 4, 5, 6, 9 and 10. (General Services)**

Documents Filed: None.

Discussion/Action: This item was dropped.

## **ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

- 4.3 Adoption of a resolution:**
- (a) Authorizing the issuance of tax-exempt multifamily housing revenue bonds designated as "City of San José Multifamily Housing Revenue Bonds (Almaden Family Apartments Project) Series 2003D" in an aggregate principal amount not to exceed \$31,300,000 (the "Bonds");**
  - (b) Approving in substantially final form the Bonds, Trust Indenture, Financing Agreement, Regulatory Agreement and Declaration of Restrictive Covenants, the Official Statement, Bond Purchase Agreement, Remarketing Agreement, Mortgage Note, LITHC Agreement, Assignment and Inter-creditor Agreement, Subordinate Trust Indenture, Subordinate Loan Agreement and other related documents;**
  - (c) Approving a loan of bond proceeds to Almaden Family Housing Partners, L.P., a California limited partnership, for financing the construction of Almaden Family Apartments to be located at 1525-1541 Almaden Road;**

- (d) Authorizing the issuance of subordinate tax-exempt refunding bonds at the time of completion of the Project in an amount not-to-exceed \$5 million;
  - (e) Approving in substantially final form the Subordinate Refunding Bonds, Subordinate Trust Indenture, Subordinate Loan Agreement, and the Forward Bond Purchase Agreement; and
  - (f) Authorizing the Director of Finance and Director of Housing to execute and, as appropriate, to negotiate, execute, and deliver these documents and other related documents as necessary.
- CEQA: Negative Declaration, PDCSH98-089. Council District 7. (Finance/Housing)**

Documents Filed: None.

Discussion/Action: This item was deferred to November 4, 2003

**4.4 PUBLIC HEARING ON HISTORICAL PROPERTY CONTRACT for the Hotel Metropole, City Landmark No. HL 88-046, located at the northwest corner of South Market and Post Streets, in the CG Commercial General Zoning District. (Florin II, LTD, Owner). CEQA: Exempt. (Planning, Building, and Code Enforcement)**  
**MA 02-003 - District 3**

Documents Filed: None.

Discussion/Action: This item was deferred to November 18, 2003.

- 4.5 (a) **Approval of an ordinance:**
- (1) **Amending Section 4.46.039.8 of Chapter 4.46 of Title 4 of the San José Municipal Code to extend the period during which the City suspends the collection of Building and Structure Construction Taxes imposed for the construction of special industrial use tenant improvements.**
  - (2) **Amending Chapter 4.46 of Title 4 of the San José Municipal Code to add a new Section 4.46.039.9 to provide for the suspension of the collection of Building and Structure Construction Taxes imposed for the construction of office use tenant improvements in the Downtown Core.**
- (b) **Direct staff to extend the Coordinated Plan Check Review process allowing for plan check fee collection deferral until permit issuance for tenant improvements for industrial and research and development uses in currently existing vacant buildings.**
- (c) **Direct staff to expand the Coordinated Plan Check Review process allowing for plan check fee collection deferral until permit issuance for tenant improvements for office uses in currently existing vacant buildings within the Downtown Core.**

**CEQA: Not a Project. (Planning, Building and Code Enforcement/Economic Development)**

Documents Filed: (1) Memoranda from Director of Planning, Building & Code Enforcement Stephen Haase and Director of Economic Development, Paul Krutko, dated October 15, 2003, recommending approval of said ordinances and said direction. (2) Hardcopy draft of Ordinance 27008.

Discussion/Action: Upon motion by Council Member Williams, seconded by Council Member Cortese, and unanimously carried, Ordinance No. 27008, entitled: “An Ordinance of the City of San José Amending Section 4.46.039.8 of Chapter 4.46 of Title 4 of the San José Municipal Code to Extend the Period of Suspension of Collection of the Building and Structure Construction Tax for the Construction of Special Industrial Use Tenant Improvements, and Amending Chapter 4.46 to Add a New Section 4.46.039.9 to Provide for the Suspension of Collection of the Building and Structure Construction Tax for the Construction of Office Use Tenant Improvements in the Downtown Core”, was passed for publication. Vote: 11-0-0-0.

## **RECREATION & CULTURAL SERVICES**

- 5.2 **Approval of a pilot program to provide Sunday service at six branches during the school year. CEQA: Not a Project. (Library)**

Documents Filed: (1) Memorandum from Mayor Gonzales, dated October 28, 2003, recommending the adoption of staff option #2 as the pilot program for Sunday Library hours and recommending the pilot program be implemented until the conclusion of the current fiscal year. (2) Memorandum from Library Director Jane Light, dated October 8, 2003, recommending the approval of said pilot program.

## 5.2 (Cont'd.)

Discussion/Action: Wilma Hashii, Andrew Schader, Dr. Pia Moriarty spoke on the issue. Vice Mayor Dando moved approval of the memorandum from Mayor Gonzales, dated October 28, 2003, recommending the adoption of staff option #2 as the pilot program for Sunday Library hours and further recommendation for the pilot program to be implemented until the conclusion of the current fiscal year. Council Member Chavez seconded the motion. Council Member Yeager asked staff how Option 2 as described in the Mayor's memorandum would affect staffing issues and what negative impacts would using Option 2 inflict upon staff. Director of Library Services stated the program is considered a pilot program and the changes in staffing would be evaluated as well as the programs performances and stated staff would be undergoing longer working hours and increased demands which would affect morale for staff. Council Member Campos asked staff if performance measures would be used to measure the success of the pilot program. Director Light stated the program would be measured upon staff morale as stated in the Mayor's Budget Message. Council Member Campos commented on the importance for staff to determine if the pilot program and Sunday hours were successful and if the community utilizes the library in the new hours. Council Member Williams requested staff evaluate the use of e-Library programs in the near future to help assist with issues of low staff availability and future budgetary cuts. On a call for the motion, Council approved Mayor Gonzales' memorandum, dated October 28, 2003, recommending the adoption of staff option #2 as the pilot program for Sunday Library hours and further recommendation for the pilot program to be implemented until the conclusion of the current fiscal year. Vote: 11-0-0-0.

### **NOTICE OF CITY ENGINEER'S PENDING DECISION ON FINAL MAPS**

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

None.

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

None.

### **OPEN FORUM**

- (1) Olga Burch spoke on the renaming of King Rd. issue.
- (2) Ross Signorino spoke on the issue of San José being the Third Fun City in the United States.

**ADJOURNMENT**

The Redevelopment Agency Board portion of the meeting adjourned at 3:48 P.M to a Joint City Council Redevelopment Agency meeting immediately following the Council meeting.

**ATTEST:**

**RON GONZALES, MAYOR**

**DEANNA J. SANTANA, CITY CLERK**

EW/10-28-03