

## **MINUTES OF THE CITY COUNCIL**

**SAN JOSÉ, CALIFORNIA**

**TUESDAY, APRIL 8, 2003**

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

Present: Council Members - Chirco, Cortese, Dando, Gregory, LeZotte, Reed, Williams, Yeager.

Absent: Council Members - Campos, Chavez; Gonzales. (All excused)

Upon motion unanimously adopted, the City Council recessed to Closed Session at 9:32 a.m. in Room 600, and there being no items on the agenda for discussion, by unanimous consent, Council reconvened from Closed Session and recessed at 9:37 a.m. and reconvened in Regular Session at 1:33 p.m. in Council Chambers, City Hall.

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

Absent: Council Members - Gonzales. (Excused)

### **INVOCATION**

Will Mubashir Chaudry, Imam at Bait ul Baseer recited a prayer for peace from the Holy Koran. (District 4)

### **PLEDGE OF ALLEGIANCE**

Vice Mayor Dando led the Pledge of Allegiance.

Council Member Chirco welcomed the Leadership Class Students and Officers from the John Muir Junior High Middle School, who had taken a tour of City Hall to obtain a better understanding of the roles and functions of local government. Council Member Reed introduced Sean Deleev, a San José Youth Commissioner who was touring and learning about City Hall as part of the Youth Commission's program. Council Member Chavez introduced the students, and Vice Principal of the San José Academy who were visiting City Hall on a "Shadow Day", and interacting with the Council Members.

## ORDERS OF THE DAY

Upon motion by Council Member Chavez, seconded by Council Member Yeager, and unanimously carried, the Orders of the Day, and the Amended Agenda were approved. Vote: 10-0-1-0. Absent: Gonzales.

## CEREMONIAL ITEMS

### **1.1 Presentation of a proclamation declaring the week of April 6, 2003 to April 12, 2003 as Building Safety Week. (Planning, Building, and Code Enforcement)**

Documents Filed: None.

Discussion/Action: On behalf of Mayor Gonzales, and the Council Members, Vice Mayor Dando presented a proclamation to Director of Public Works Katy Allen, Acting Fire Chief Dale Foster, Deputy Director of Planning Laurel Prevetti, and Chief Planning Check Engineer Larry Wang for Building Safety Week in recognition of their ability of ensuring that building and construction in San José meets the rigorous standards that protect the health and safety of the community.

### **1.2 Presentation of a proclamation declaring April 2003, the Month of the Young Child. (Chirco) (Rules Committee referral 4/2/03)**

Documents Filed: None.

Discussion/Action: On behalf of Mayor Gonzales, Vice Mayor Dando, and the Council Members, Council Member Chirco presented a proclamation to Lisa Giannotti, and the Month of the Young Child Committee. In recognizing April 2003 as the Month of the Young Child, the City of San José reaffirms a continuing commitment to help ensure the health, welfare, safety and education of our youngest residents through effective community programs and services that support families with young children.

### **1.3 Presentation of a proclamation to the Santa Clara County Child Abuse Council in recognition of Child Abuse Prevention Month. (Chavez/Dando/Williams) (Orders of the Day)**

Documents Filed: None.

Discussion/Action: On behalf of Mayor Gonzales, Vice Mayor Dando, Council Member Chavez, and the Council Members, Council Member Williams presented a proclamation to Mr. Nick Fay of the Santa Clara County Child Abuse Council, in recognition of April 2003 Child Abuse Prevention Month. Established in 1980, the Santa Clara County Child Abuse Council actively develops, supports and coordinates community efforts to prevent child abuse and heals its effects. All residents and organizations in our community are encouraged to join in this fight to end child abuse and neglect so that together all our children can have a safe, healthy, stable and quality life.

**1.4 Presentation of a commendation to the Consul General of Portugal for taking the leadership in gathering community members to write on behalf of the entire Portuguese community of San Jose, “*The Holy Ghost Festas, A Historic Perspective of the Portuguese in California*”. (Chavez)  
Orders of the Day**

Documents Filed: None.

Discussion/Action: On behalf of Mayor Gonzales, Vice Mayor Dando, and the City Council, Council Member Chavez congratulated and commended the individuals, and the sponsoring organizations that researched, wrote, and produced the book, “*The Holy Ghost Festas, A Historic Perspective of the Portuguese in California*.” The Consul General of Portugal Tony Goulart presented a copy of the book to Mayor Gonzales and each Council Member.

**CONSENT CALENDAR**

Upon motion by Council Member Williams, seconded by Council Member Chavez, and unanimously carried, the Consent Calendar was approved, and the below listed actions were taken as indicated. Vote: 10-0-1-0. Absent: Gonzales.

**2.1 Approval of City Council Minutes for:**

**(a) Regular meeting of August 6, 2002**

Documents Filed: Minutes of the Regular Meeting of August 6, 2002.

Discussion/Action: The minutes were approved. Vote: 10-0-1-0. Absent: Gonzales.

**(b) Regular meeting of August 13, 2002**

Documents Filed: Minutes of the Regular Meeting of August 13, 2002.

Discussion/Action: The minutes were approved. Vote: 10-0-1-0. Absent: Gonzales.

**(c) Joint City Council/Redevelopment Agency Board meeting of August 13, 2002**

Documents Filed: Minutes of the Joint City Council/Redevelopment Agency Board meeting of August 13, 2002.

Discussion/Action: The minutes were approved. Vote: 10-0-1-0. Absent: Gonzales.

**2.3 Report on bids for Ramblewood Park Play Area Renovation and Restroom Project with the following recommendations:**

- (a) Find the apparent low bidder, Playgrounds Unlimited, not responsible for failure to timely perform park renovation construction contracts awarded to it during 2002; and
- (b) Award the contract to the lowest responsible and responsive bidder, JFC Construction, Inc., in the amount of \$270,068, and approval of a contingency in the amount of \$13,500.

**CEQA: Exempt, PP02-12-392. Council District: 7. SNI Area: NA. (Public Works) (Deferred from 1/28/03 – Item 2.8 et al., and 3/18/03 – Item 2.3)**

Documents Filed: None.

Discussion/Action: This item was deferred to April 15, 2003.

**2.4 Approval of an ordinance amending Chapter 2.08 of Title 2 of the San José Municipal Code by repealing Part 18 and adding a new Part 25, to change the name of the Child Care Commission to the Early Care and Education Commission, and to increase the number of members of the Commission. (City Attorney's Office)**

Documents Filed: (1) Memorandum from City Attorney Richard Doyle, dated March 21, 2003, recommending approval of said ordinance. (2) Memorandum from City Attorney Richard Doyle, dated March 27, 2003, transmitting copy of proposed ordinance.

Discussion/Action: Ordinance No. 26866, entitled: “An Ordinance of the City of San José Amending Chapter 2.08 of Title 2 of the San José Municipal Code to Repeal Part 18 and Add a New Part 25 to Reflect a Change in the Name of the Child Care Commission to the Early Care and Education Commission, and to Increase the Number of Members of the Commission”, was passed for publication. Vote: 10-0-1-0. Absent: Gonzales.

**2.5 Approval of an agreement with the County of Santa Clara for the conveyance of a property located at the easterly terminus of Gleason Avenue at San Tomas Aquino Parkway to the City of San José at no cost to the City, and authorization for the Director of Public Works to execute any additional documents necessary to complete the transaction. CEQA: Exempt, PP02-02-018. Council District 1. SNI Area: Blackford. (Public Works)**

Documents Filed: None.

Discussion/Action: This item was referred to the Rules Committee to be put on the Council Agenda.

**2.6 Adoption of appropriation ordinance and funding source resolution amendments in the General Fund:**

**(a) Increasing the Library Grants appropriation by \$72,046.**

**(b) Increasing the estimate for revenue from the State of California by \$72,046.**

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

Documents Filed: Memorandum from Director of Budget Office Larry D. Lisenbee, dated March 19, 2003, recommending adoption of said appropriation ordinance and funding source resolution amendments.

Discussion/Action: Council Member Campos asked how the target audiences will be connected to this program and what sites are funded, and Library Director Jane Light stated this is an ongoing grant that the City of San José has had for a number of years funded by the State through the California Library Services Act that is allocated to Public Libraries throughout California each year, and the grant is augmenting services that are already in place. Council Member Campos asked if Director Light had a list of the facilities that this grant funds, and Director Light replied that this is the Partners in Reading program which operates at the main San José Public Library, and it is a program which matches volunteers one to one with adults throughout the City. She stated the tutoring takes place in branch libraries or any public place in the community that the volunteer tutor and the adult learner choose to meet. She stated the Library recruits people for the program through a variety of means, flyers at the Library, the Library Staff are aware of the program, public service announcements through the media, and a large banner in the window of the main San José Library. She stated the main San José Library works cooperatively with other literacy programs throughout the Bay Area, and there is a Bay Area Wide Hotline for adult literacy. Ordinance No. 26867, entitled: "An Ordinance of the City of San José Amending Ordinance No. 26774 to Appropriate Monies in the General Fund for the Partners in Reading Literacy Program; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption, and Resolution No. 71486, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 71072 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2002-2003 to Adjust Revenues in the General Fund", were adopted. Vote: 10-0-1-0. Absent: Gonzales.

**2.7 Approval of an agreement with the consulting firm, YEI Engineers, Inc., for the engineering study entitled "San José/Santa Clara Water Pollution Control Plant: WPCP Electrical Systems Improvement Study," for an agreement amount not to exceed \$314,068, including the amount of \$28,600 for additional services, and a term of the agreement from May 1, 2003 to September 30, 2004. CEQA: Not a Project. (Environmental Services)**

Documents Filed: Memorandum from Director of Environmental Services Carl W. Mosher, dated March 19, 2003, recommending approval of said agreement. (2) Letter from the Treatment Plant Advisory Committee, dated March 13, 2003, stating concurrence with the Staff recommendation.

2.7 (Cont'd.)

Discussion/Action: The said agreement with YEI Engineers, Inc. was approved and execution of the agreement was authorized. Vote: 10-0-1-0. Absent: Gonzales.

2.8 **Adoption of a resolution authorizing the Director of the Environmental Services Department to submit ongoing funding requests for any and all eligible funds from the California Department of Conservation, Division of Recycling, to accept the funds on behalf of the City of San Jose; and execute all documents related to the application, including a funding request in the amount of \$258,785 for the State's 2003/2004 funding cycle. CEQA: Not a Project. (Environmental Services)**

Documents Filed: Memorandum from Director of Environmental Services Carl W. Mosher, dated March 19, 2003, recommending approval of said resolution.

Discussion/Action: Resolution No. 71487, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of the Environmental Services Department to Submit Ongoing Funding Requests from Any and All Eligible Funds from the California Department of Conservation, Division of Recycling, for Beverage Container Recycling and Litter Cleanup Activities, to execute all Documents Related to the Application and to Accept the Funding on Behalf of the City of San José", was adopted. Vote: 10-0-1-0. Absent: Gonzales.

2.9 **Adoption of a resolution authorizing the formation of a three member Independent Hearing Panel for solid waste enforcement and permitting, consisting of a technical expert, a member of the public, and a member of the City Council. CEQA: Not a project. (Planning, Building and Code Enforcement)  
(Deferred from 4/1/03 – Item 2.11)**

Documents Filed: Memorandum from Director of Planning, Building and Code Enforcement Stephen M. Haase, dated April 7, 2003, recommending adoption of said resolution.

Discussion/Action: Resolution No. 71488, entitled: "A Resolution of the Council of the City of San José Authorizing the Formation of a Three (3) Member, Independent Hearing Panel for the Local Enforcement Agency", was adopted. Vote: 10-0-1-0. Absent: Gonzales.

**END OF CONSENT CALENDAR**

## STRATEGIC SUPPORT SERVICES

### 3.2 Report of the Rules Committee – March 26, 2003 Vice Mayor Dando, Chair

Documents Filed: Rules Committee Report of March 26, 2003.

(a) Redevelopment Agency items reported out at Redevelopment Agency meeting

(b) City Council

(1) Review April 8, 2003 Draft Agenda. Attachment: Memorandum from Council Member Reed, dated March 20, 2003, recommending consideration of the adoption of a civil action ordinance related to intentional disruptions of the airport security system.

The Committee directed the City Clerk to place on the April 15, 2003 Council agenda, Council Member Reed's request for Council consideration of the adoption of a civil action ordinance related to the intentional disruptions of the airport security system. The Committee recommended approval of the April 8, 2003 City Council agenda.

(2) Add New Items to April 1, 2003 Amended Agenda.

The Committee recommended six additions to the April 1, 2003 City Council agenda.

(3) List of Reports Outstanding. Attachment: Report from City Manager, dated March 25, 2003, transmitting reports outstanding for April 1, 2003.

The Committee noted and filed the City Manager's report listing five staff reports outstanding for the April 1, 2003 Council meeting.

(c) Legislative Update

(1) State

The Committee accepted Director of Intergovernmental Relations Betsy Shotwell's update on the California State budget situation.

(2) Federal

There was no report.

(d) Meeting Schedules

There were none.

**3.2 Report of the Rules Committee – March 26, 2003 (Cont'd.)  
Vice Mayor Dando, Chair**

- (e) The Public Record. Attachment: Memorandum from City Clerk Patricia L. O'Hearn, dated March 20, 2003, transmitting the items to the Administration, and for the period March 12-18, 2003, there were no items to file for Public Record.

The Committee noted and filed the Public Record.

- (f) Boards, Commissions and Committees - There were none.
- (g) Council Referrals for Assignment to Administration or Council Appointee

There were none.

- (h) Administrative Reviews and Approval - There were none.

- (i) Oral communications

Ross Signorino suggested that cameras be installed on the City's street sweeping trucks to identify cars parked illegally on the day of service.

- (j) Adjournment - The meeting adjourned at 2:20 p.m.

Discussion/Action: Upon motion by Council Member Cortese, seconded by Council Member Chavez, and unanimously carried, the Rules Committee Report and actions of March 26, 2003, were accepted. Vote: 10-0-1-0. Absent: Gonzales.

**3.4 (a) Accept "An Audit Of The Airport Neighborhood Services Group" report including the following specific recommendations suggested by the City Auditor and agreed to by Airport Staff:**

- (1) **Recommendation #1 Develop a standardized constituent complaint form to document the nature of the complaint, how the issue was resolved, any follow-up action taken, and how long it took to resolve the complaint.**
- (2) **Recommendation #2 Develop a standardized report format, which includes comprehensive information on all areas of responsibility.**
- (3) **Recommendation #3 Collaborate with, monitor, and report on the efforts of the other City entities that are responsible for the identified responsibilities.**
- (4) **Recommendation #4 Collaborate with the identified City entities in the City Council's June 25, 2001 and November 13, 2001 memoranda and monitor and report on their progress and efforts regarding their respective areas of responsibility.**

*(Item Continued on Next Page)*

**3.4 (Cont'd.)**

- (b) Approve the standardized report format (Attachment 1) as recommended by the City Auditor and enhanced by the Airport.**
- (c) Develop a workplan for the ANSG to improve performance and reporting on the following:**
  - (1) Evaluating the impact of flight patterns with the FAA;**
  - (2) Working with the appropriate stakeholders to get airlines to change schedules to encourage compliance with the curfew;**
  - (3) Working with the appropriate stakeholders to get airlines to use the quietest planes possible; and,**
  - (4) Working with the appropriate staff to monitor noise and pollution infractions.**
  - (5) To be proactive in reducing the impact of the Airport on local neighborhoods.**
  - (6) To make Airport emissions data available to the public (i.e., website, Information Memos, community meetings, etc.).**

**CEQA: Not a project. (Airport)**

**[Making Government Work Better Committee referral 3/12/03 – Item 3.3(h)]  
(Deferred from 4/1/03 -Item 3.6)**

Documents Filed: (1) Memorandum from Director of Aviation Ralph G. Tonseth, dated March 26, 2003, recommending acceptance of “An Audit of the Airport Neighborhood Services Group” Report including specific recommendations by the City Auditor and agreed to by the Airport staff, recommending approval of standardized report format, and developing a workplan for the ANSG to improve performance and reporting on said six items. (2) Report entitled: *An Audit of the Airport Neighborhood Services Group*, from the Office of the City Auditor, dated March 2003.

Discussion/Action: Council Member Yeager stated he wanted to remind his colleagues of the history of Airport Neighborhood Services Group, an issue he brought up in the budget hearings of June 2001, and it would be important to have a designated person to work with the neighborhoods on dealing with the some of the impacts of the airport. He stated that suggestion went to the City Manager’s office and Staff returned to Council with the idea of the Airport Neighborhood Services Group, and was approved in the 2001 budget. He stated that he and several of his colleagues had written memoranda that were approved by the Council, adding additional requests upon the Airport Neighborhood Services Group (ANSG) to expand some of their work, and last year they began reporting to the former ENYS Committee. He stated during that process he was concerned about how the group was doing but had felt very positive about many of the ANSG’s successes, how the group is working with neighborhoods, and he asked if Staff would be reporting back to Council on a monthly basis. Director of Aviation Ralph G. Tonseth replied that the auditors identified numbers 1-4 of his memorandum which could take up to a year to implement, and Staff is intending to immediately begin to implement this reporting system on a quarterly basis, and it will take about sixty to ninety days to receive the first report. Council Member Yeager asked about the curfew violations of the new airline,

### 3.4 (Cont'd.)

ATA, and Director Tonseth stated since the curfew is 11:30 p.m. and ATA believes they can arrive before the deadline, it is a difficult issue to address, however, Staff is actively working with ATA to reschedule that flight, and if they violate or penetrate the curfew in an unapproved way, they will be invited to appear before the Curfew Monitoring Committee. He stated as a result of a great number of flights are being shifted, and shortly Staff will begin to report back the results of those efforts in a way that Council can see the process. Council Member Yeager moved to accept the Staff Report with these additions: the Airport and Neighborhood Services Group report to the Building Strong Neighborhoods Committee on a quarterly basis, and to include in that report any discussions with new airlines that want to come in to San José, to check the flight times, and also because what is ultimately going to help is quieter planes, to include in the City Manager's Legislature Workplan to support Federal Legislation requiring quieter aircraft. Council Member Chavez asked Council Member Yeager to amend his motion to have the first report in August, because it will come back as part of the workplan. She stated she is pleased with the approach that Director Tonseth and his team have made toward working with the community, and the next step, based on the auditor's feedback, is about the role that his team plays in terms of bringing all the parts of what happens together, in a reporting format and how work is actually operationalized. She stated concern that as reports come back that the person coming to report to the Committee, needs to be the leadership and authority, and even if they are not driving the work plan they should be able to speak on City Attorney team's behalf, and it should be worked out before it comes to Committee, and she stated concern of the senior position being located in the marketing department, and felt Staff was giving the wrong impression that the lead person is in marketing, versus community outreach.

Director Tonseth stated the position works in both areas, Marketing and Community Outreach. Council Member Chavez stated the changes Director Tonseth had made have been in the right direction, but she is trying to rectify how Council can help people whose job it is to advocate on behalf of the community versus marketing efforts, and whether or not that person has the capacity to move a team along, and whether or not they have the capacity to advocate both within the organization and publicly. On a call for the question, the motion carried unanimously, and the Airport and Neighborhood Services Group to report back to the Building Strong Neighborhoods Committee on quarterly basis with the first report due August 2003, including any discussions with new airlines, and monitoring flight times to comply with the curfew; and the issue of supporting Federal legislation requiring quieter aircraft to go to Rules Committee for addition to the Legislative workplan. Vote: 9-0-2-0. Absent: Chavez; Gonzales.

## ECONOMIC & NEIGHBORHOOD DEVELOPMENT

### 4.2 Report of the Driving a Strong Economy Committee – March 24, 2003 Council Member Williams, Chair

Documents Filed: Driving a Strong Economy Committee Report of March 24, 2003.

- (a) Policy Discussion on the Review of the Parkland Dedication and Park Impact Ordinances. Attachment: Memorandum from Director of Parks, Recreation and Neighborhood Services Sara L. Hensley, dated March 14, 2003, recommending Committee accept said status report.

The Committee accepted the Staff report.

- (b) Report and Review of the Housing Rehabilitation Program

The Committee deferred this item to August 25, 2003.

- (c) Review of the Homeless Plan

The Committee deferred this item to May 29, 2003.

- (d) Oral petitions

Bob Hines, Tri-County Apartment Association spoke on the current use and future strategy of parkland dedication in-lieu fees.

- (e) Adjournment

The meeting was adjourned at 2:35 p.m.

Discussion/Action: Council Member Williams stated on October 2002, the Economic and Community Development Committee directed Staff to review Parkland fees, values, and investigate the value of the properties, as the Committee was looking for land because the City charged a flat Parkland fee to the developers, and the City did not have enough money to maintain the park ratio of 3.5 acres per 1,000 residents. He stated the Committee has been assessing 70% of value of land as determined by the residential land value study by Dias, Dias and Boyd. He stated the value of residential land was reviewed to make a determination as to what kind of fees the City should be charging. He stated that prior to 1998, there was a flat fee assessed to the developer, and the City Council decided to change that policy, began to review land value, and charge a percentage of the land in terms to try to assess a more equitable amount on the land. He stated currently the City charges approximately 70% of the land value, and had the new change been implemented immediately, it would have been very burdensome on the stakeholders. He stated the Committee is doing well, and the goal is 3.5 acres for 1,000 residents and right now it is about 3.2. He stated Staff would return to the Committee sometime in May, to

#### 4.2 (Cont'd.)

allow another update before coming back to Council. He stated it is time to look at these fees again, before the fees are increased from 70% to 100%. He stated it is important to bring the stakeholders together in order to review, and discuss how the fees will be implemented. Council Member Campos stated in regard to the report on Page 2, it states currently about \$5 million funds are owed to Parks, Recreation and Neighborhood Services, and she asked for clarification of the funding gap, and Director of Parks, Recreation and Neighborhood Services Sara L. Hensley stated the \$5 million gap is basically the funds Staff would obtain from the Redevelopment Agency for in lieu fees for low income housing, and should be coming forth as the budget situation unfolds. Council Member Campos stated, in the report, Council Members Gregory and Chirco had asked for some information regarding the \$5 million by District, and Director Hensley replied that primarily the majority of the money is in Council Member Gregory's district, and should be available soon. Council Member Gregory stated the Quimby Act dictates the money has to be spent within 5 years, and every year payment is delayed, the ability to utilize the money to benefit the community effectively, is restricted. He asked how the \$5 million is ranked in the Tier criteria, and Director Hensley replied the money is currently in Tier III, Staff will track the money, and inform Council of any changes. Upon motion by Council Member Williams, seconded by Council Member Reed, and unanimously carried, the Driving a Strong Economy Committee Report and actions of March 24, 2003, were accepted. Vote: 10-0-1-0. Absent: Gonzales.

#### 4.3 **Adoption of the following Appropriation Ordinance amendments in the Low- and Moderate-Income Housing Fund:**

(a) **Increase the Transfer to General Fund for Surplus Property Purchase appropriation by \$760,000.**

(b) **Decrease the Loan, Grants and Acquisitions appropriation by \$760,000.**

**Council District 9. CEQA: Not a Project. (General Services/Housing/City Manager's Office)**

Documents Filed: Memorandum from Director of General Services Jose Obregon, Director of Housing Leslye Corsiglia, and Director of Budget Office Larry D. Lisenbee, dated March 19, 2003, recommending adoption of said appropriation ordinance amendments.

Discussion/Action: Upon motion by Council Member Chirco, seconded by Council Member Reed, and unanimously carried, Ordinance No. 26868, entitled: "An Ordinance of the City of San José Amending Ordinance No. 26674 to Appropriate Monies in the Low and Moderate Income Housing Fund; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption", was adopted. Vote: 10-0-1-0. Absent: Gonzales.

## RECREATION & CULTURAL SERVICES

- 5.2 (a) Approval of the award of Community Development Block Grant (CDBG) funds in the amount of \$550,000 to East Community Resource Center, using St. Vincent de Paul as fiscal agent, for the construction and/or rehabilitation of 960 Remillard Court;
- (b) Adoption of amendments to the appropriation ordinance in the CDBG Fund (Fund 441) to:
- (1) Establish an appropriation of \$550,000 for the East Community Resource Center
- (2) Decrease the Ending Fund Balance by \$550,000;
- (c) Approval of the use of \$485,500 in unspent HNVF funds originally appropriated for the acquisition and/or rehabilitation of 1747-1795 Alum Rock Avenue, for the acquisition and/or rehabilitation of 960 Remillard Court; and
- (d) Approval of the extension of the HNVF funding term for one year, from June 30, 2003 to June 30, 2004, for EH004: East San Jose Multi-Service Center (aka East Community Resource Center) - Society Of St. Vincent De Paul.

**CEQA: Not a Project. SNI: Spartan/Keyes. Council District 7. (Parks, Recreation and Neighborhood Services/City Manager's Office)  
(Rules Committee referral 4/2/03)**

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Sara L. Hensley, and Director of Budget Office Larry D. Lisenbee, dated April 2, 2003, recommending approval of said grant; recommending adoption of an appropriation ordinance in the CDBG Fund; recommending approval of the use of \$485,500 in unspent HNVF funds; and approval of extension of the HNVF funding term to June 30, 2004.

Discussion/Action: Council Member Campos stated that she had been working with Staff on this project for the past couple of years, and she would like to take this opportunity to speak of the funding of this project, that was awarded prior to the purchase of the site. She stated the project site would include Social Services, Community Services, and a Day Worker Center, and was originally planned to be located in her District, but Staff found a suitable location in Council Member Gregory's District instead. She stated Staff would continue to work closely with St. Vincent De Paul and Council District 7 to move forward on this project, since the money had already been committed prior to the budget crisis. Upon motion by Council Member Campos, seconded by Council Member Gregory, and unanimously carried, the award of the Community Development Block Grant funds in the amount of \$550,000 was approved; the use of the \$485,500 in unspent HNVF funds for the acquisition and/or rehabilitation of 960 Remillard Court was approved; the HNVF funding term was extended to June 30, 2004; and Ordinance No. 26869, entitled: "An Ordinance of the City of San José Amending Ordinance No. 26674 to Appropriate Monies in the Community Development Block Grant Fund for the East Community Resource Center; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption", was adopted. Vote: 10-0-1-0. Absent: Gonzales.

## **PUBLIC SAFETY SERVICES**

- 9.1 Adoption of a resolution authorizing the City Manager to submit a grant application for the FEMA 2003 Assistance to Firefighters Grant Program Award in the amount of \$798,828, for a term of one year from date of award; and to execute all documents necessary to accept the grant if awarded on or after July 1, 2003, provided that an amount equal to 30% matching share of the entire grant which is approximately \$239,648, has been appropriated in the Fire Department's 2003-2004 Adopted Operating Budget and/or the FY 2003-04 Capital Improvement Program Budget. CEQA: Not a Project. (Fire)  
(Rules Committee referral 4/2/03)**

Documents Filed: Memorandum from Acting Fire Chief Dale Foster, dated April 2, 2003, recommending adoption of said resolution.

Discussion/Action: Upon motion by Council Member Cortese, seconded by Council Member Chavez, and unanimously carried, Resolution No. 71489, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Submit an Application to the Federal Emergency Management Agency for a Grant From the FEMA 2002 Firefighters Grant Program in an Amount Not To Exceed \$798,898 and to Execute All Documents Necessary to Accept the Grant After July 1, 2003, if an Amount Equal to 30% of the Entire Grant has been Appropriated in the Fire Department's Fiscal Year 2002-2003 Budget", was adopted. Vote: 10-0-1-0. Absent: Gonzales.

## **ADJOURNMENT**

The Council of the City of San José adjourned in memory of Gunnery Sgt. Joseph Menusa, once a resident of the San José Evergreen area, and Gulf War Veteran who was killed while fighting in Iraq.

The Council of the City of San José adjourned at 2:36 p.m.

**RON GONZALES, MAYOR**

**ATTEST:**

**PATRICIA L. O'HEARN, CITY CLERK**

smd/04-08-03