

## MINUTES OF THE CITY COUNCIL

**SAN JOSÉ, CALIFORNIA**

**TUESDAY, MARCH 2, 2004**

The Council of the City of San José convened in regular session at 9:30 a.m. in the Mayor's Conference Room 600, at City Hall.

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

Absent: Council Members - Dando, Gregory. (Excused)

Upon motion unanimously adopted, Council recessed at 9:33 a.m. to a Closed Session in Room 600 to confer with Legal Counsel pursuant to Government Code Section 54956.9; subsection (a) to discuss existing litigation in the case(s) of: (1) Rollie French, Inc., v. Dennis J. Amoroso Const., Co., et al.; (2) Amelia Reid Aviation Coalition for Responsible Airport Management & Policy, et al. v. City of San José; (3) Bui, et al. v. City of San José, et al.; (4) Comcast of California II, L.L.C. v. City of San José; and (B) confer with Legal Counsel pursuant to Government Code Section 54956.9, subsection (b) to discuss significant exposure to litigation in one (1) matter; (C) to confer with Labor Negotiator pursuant to Government Code Section 54957.6, City Negotiator: City Manager designee Alex Gurza, and the following Employee Organizations: (1) San José Police Officers' Association; (2) International Association of Firefighters; (3) Municipal Employees Federation; (4) Confidential Employees Organization; (5) City Association of Management Personnel; (6) Association of Maintenance Supervisory Personnel; (7) Operating Engineers, Local 3; (8) International Brotherhood of Electrical Workers; (9) Association of Building and Mechanical and Electrical Inspectors.

By unanimous consent, Council reconvened from the Closed Session and recessed at 11:10 a.m. and reconvened at 1:33 p.m. in the Council Chambers.

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

Absent: Council Members - Gregory. (Excused)

## INVOCATION

Betty Martinez of Adelante Mujer Hispana recited an inspirational speech focusing on the history of women's suffrage in tribute to "National Women's History Month" (District 3).

## PLEDGE OF ALLEGIANCE

Mayor Gonzales led the Pledge of Allegiance.

## ORDERS OF THE DAY

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

## CONSENT CALENDAR

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

### 2.1 Approval of City Council Minutes for:

- (a) **Regular meeting of February 3, 2004**
- (b) **Joint Council/Santa Clara Valley Water District meeting of February 3, 2004**
- (c) **Regular meeting of February 10, 2004**

Documents Filed: The Regular Minutes dated February 3, 2004, and February 10, 2004, and the Joint Council/Santa Clara Valley Water District Meeting Minutes, dated February 3, 2004.

Discussion/Action: The Minutes were approved. Vote: 10-0-1-0. Absent: Gregory.

### 2.2 Final adoption of ordinances:

- (a) **ORD. NO. 27073 – Levys special taxes within Annexation Area No. 1 of Community Facilities District No. 8 (Communications Hill).**

Documents Filed: Proof of Publication of Notice of Public Hearing, executed on February 24, 2004, submitted by the City Clerk.

Discussion/Action: Ordinance No. 27073 was adopted. Vote: 10-0-1-0. Absent: Gregory.

2.2 Final adoption of ordinances (Cont'd.)

- (b) **ORD. NO. 27075 – Amends Section 20.90.060 of the San José Municipal Code to modify parking requirements for shopping centers and amends Part 4 of Chapter 20.100 to allow building additions of less than 500 square feet through the adjustment process.**

Documents Filed: Proof of Publication of Notice of Public Hearing, executed on February 24, 2004, submitted by the City Clerk.

Discussion/Action: Ordinance No. 27075 was adopted. Vote: 10-0-1-0. Absent: Gregory.

- (c) **ORD. NO. 27076 – Amends Section 20.50.100 of the San José Municipal Code to clarify regulations pertaining to assembly uses and amends Part 9 of Chapter 20.100 to streamline the process for single family house permits.**

Documents Filed: Proof of Publication of Notice of Public Hearing, executed on February 24, 2004, submitted by the City Clerk.

Discussion/Action: Ordinance No. 27076 was adopted. Vote: 10-0-1-0. Absent: Gregory.

- (d) **ORD. NO. 27077 – Amends Sections 20.100.130 and 20.100.140 of the San José Municipal Code to clarify the process of concurrent filing and processing of planned development rezoning and planned development permit applications.**

Documents Filed: Proof of Publication of Notice of Public Hearing, executed on February 24, 2004, submitted by the City Clerk.

Discussion/Action: Ordinance No. 27077 was adopted. Vote: 10-0-1-0. Absent: Gregory.

- (e) **ORD. NO. 27078 – Adds new Sections to Chapter 20.110 and Chapter 20.200 of the San José Municipal Code authorizing the Director of Planning, Building and Code Enforcement to cancel and partially cancel Williamson Act Contracts.**

Documents Filed: Proof of Publication of Notice of Public Hearing, executed on February 24, 2004, submitted by the City Clerk.

Discussion/Action: Ordinance No. 27078 was adopted. Vote: 10-0-1-0. Absent: Gregory.

**2.2 Final adoption of ordinances (Cont'd.)**

- (f) **ORD. NO. 27079 – Rezones certain real property situated on the east side of Minnesota Avenue, approximately 490 feet southerly of Dorothy Avenue, to A(PD) Planned Development Zoning District. PDC 03-064**

Documents Filed: Proof of Publication of Notice of Public Hearing, executed on February 24, 2004, submitted by the City Clerk.

Discussion/Action: Ordinance No. 27079 was adopted. Vote: 10-0-1-0. Absent: Gregory.

- (g) **ORD. NO. 27080 - Rezones certain real property situated at the west side of Park Avenue, approximately 50 feet northerly of Emory Street, to CN Commercial Neighborhood Zoning District. C 03-091**

Documents Filed: Proof of Publication of Notice of Public Hearing, executed on February 24, 2004, submitted by the City Clerk.

Discussion/Action: Ordinance No. 27080 was adopted. Vote: 10-0-1-0. Absent: Gregory.

- (h) **ORD. NO. 27081 - Rezones certain real property located on the northeast corner of Rhodes Court and The Alameda to A(PD) Planned Development Zoning District. PDC 03-054**

Documents Filed: Proof of Publication of Notice of Public Hearing, executed on February 24, 2004, submitted by the City Clerk.

Discussion/Action: Ordinance No. 27081 was adopted. Vote: 10-0-1-0. Absent: Gregory.

- (i) **ORD. NO. 27082 - Rezones certain real property located on the west side of Saratoga Avenue, approximately 200 feet southerly of Graves Avenue, to A(PD) Planned Development Zoning District. PDC 03-061**

Documents Filed: Proof of Publication of Notice of Public Hearing, executed on February 24, 2004, submitted by the City Clerk.

Discussion/Action: Ordinance No. 27082 was adopted. Vote: 10-0-1-0. Absent: Gregory.

- 2.3 Adoption of a resolution ordering the reorganization of territory designated as McKee No. 120, which involves annexation to the City of San José of 5.37 acres of land, more or less, consisting of three parcels totaling approximately 4.80 acres and a portion of Hyland Avenue totaling approximately 0.57 acre, located at Hyland Avenue between Marian Lane and Maro Drive, and adjacent to the City of San José annexation McKee No. 91, and the detachment of the same from Santa Clara County Central Fire Protection District, Santa Clara County Lighting District, Santa Clara (Library Services) County Service, Area No. 1, County Sanitation District 2-3, and the Library Benefit Assessment County Service Area No. 1. CEQA: Mitigated Negative Declaration, PDC01-082. Council District 5. (Planning, Building and Code Enforcement)**

Documents Filed: Memorandum from Director of Planning, Building and Code Enforcement Stephen Haase, recommending said resolution.

Discussion/Action: Resolution No. 71974, entitled: “A Resolution of the Council of the City of San José Ordering the Reorganization of Certain Uninhabited Territory Designated as McKee No. 120 Subject to Liability for General Indebtedness of the City”, was adopted. Vote: 10-0-1-0. Absent: Gregory.

- 2.4 Adoption of a resolution initiating proceedings and setting March 16, 2004 at 1:30 p.m. for Council consideration on the reorganization of territory designated as Burbank No. 37 which involves the annexation to the City of San José of 0.11 acre of land more or less, located on the east side of North Bascom Avenue, approximately 160 feet southerly of Forest Avenue and adjacent to the City of San José annexation Burbank No. 34, and the detachment of the same from Burbank Sanitary, County Lighting Services, Central Fire Protection, Area No. 01 (Library Services) County Services. CEQA: GP2020 Resolution No. 65459. Council District 6. SNI: Burbank/Del Monte. (Planning, Building and Code Enforcement)**

Documents Filed: Memorandum from Director of Planning, Building and Code Enforcement Stephen Haase, dated February 9, 2004, recommending adoption of said resolution.

Discussion/Action: Resolution No. 71975, entitled: “A Resolution of the Council of the City of San José Initiating Reorganization Proceedings for the Annexation and Detachment of Certain Uninhabited Territory Designated as Burbank No. 37 and Described Herein, and Setting the Date and Place for Consideration of Such Reorganization”, was adopted. Vote: 10-0-1-0. Absent: Gregory.

- 2.5 Adoption of a resolution authorizing the City Manager to:**
- (a) Submit a grant application to the State Department of Education for 21<sup>st</sup> Century Community Learning Centers in a total amount not to exceed \$4,875,000 over a period of five years; and**
  - (b) Negotiate and execute a grant agreement not to exceed \$975,000 annually beginning July 1, 2004 and ending on June 30, 2009, subject to appropriation of funds.**

**CEQA: Exempt, PP04-02-026. (Parks, Recreation and Neighborhood Services)**

**2.5 (Cont'd.)**

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Sara Hensley, dated February 9, 2004, recommending adoption of said resolution.

Discussion/Action: Council Member LeZotte requested that Staff forward a list of the 13 additional school sites to be operated as 21st Century Community Learning Centers, to the Council Members. Upon motion by Council Member LeZotte, seconded by Council Member Chavez, and carried unanimously, Resolution No. 71976, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute an Submit an Application to the California Department of Education for a Grant for the 21st Century Community Learning Centers Program in a Total Amount Not to Exceed \$4,875,000 Over the Period of July 1, 2004 Through June 30, 2009, to Accept the Grant if Awarded, and to Execute All Related Documents", was adopted. Vote: 10-0-1-0. Absent: Gregory.

**2.6 Approval of the first amendment to the agreement with Garcia Teague Architecture + Interiors for architectural consultant services for the Almaden Winery Community Center Seismic Retrofit Project, increasing compensation for design services by \$17,800, for a total agreement amount not to exceed \$217,800 and shortening the term of the agreement from June 30, 2004 to March 2, 2004. CEQA: Not a Project. Council District 10. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated February 9, 2004, recommending approval of the first amendment to the said agreement with Garcia Teague Architecture + Interiors for the Almaden Winery Community Center Retrofit Project.

Discussion/Action: The first amendment to the agreement with Garcia Teague Architecture + Interiors, for the Almaden Winery Community Center Retrofit Project, increasing compensation for design services by \$17,800, for a total agreement amount not to exceed \$217,800 and shortening the term of the agreement from June 30, 2004 to March 2, 2004, was approved and its execution authorized. Vote: 10-0-1-0. Absent: Gregory.

**2.7 Adoption of a resolution authorizing the City Manager to negotiate and execute a first amendment to the master agreement with Gilbane Building Company for continuation of park bond program management services through June 30, 2004 and increase the master agreement compensation in the amount of \$198,000, from \$1,850,000 to a maximum amount not to exceed \$2,048,000. 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 Sara Hensley, dated February 9, 2004, recommending adoption of said resolution.

**2.7 (Cont'd.)**

Discussion/Action: Resolution No. 71977, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a First Amendment to the Master Agreement with Gilbane Building Company for Parks Bond Program Management Services", was adopted. Vote: 10-0-1-0. Absent: Gregory.

**2.8 Report on bids and award of contract for the School Access Enhanced Crosswalks Project to the low bidder, Pacific Electric Company, in the amount of \$412,770, and approval of a contingency in the amount of \$41,000. CEQA: Exempt, PP03-12-389. (Public Works/Transportation)**

Documents Filed: Memorandum from Director of Public Works Katy Allen, and Director of Transportation James Helmer, dated February 9, 2004, recommending award of contract to the low bidder, Pacific Electric Company, with related contingency.

Discussion/Action: The award of the contract to the low bidder, Pacific Electric Company, with related contingency, for the School Access Enhanced Crosswalks Project, in the amount of \$412,770, was approved, and its execution authorized. Vote: 10-0-1-0. Absent: Gregory.

**2.9 Report on bids and award of contract for the Seismic Safety Retrofit Project - Tully Road Bridge at Coyote Creek to the low bidder, ACC West Coast, Inc., in the amount of \$246,575, and approval of a contingency in the amount of \$37,000. CEQA: Exempt, PP 04-11-215. Council District 7. (Public Works/Transportation)**

Documents Filed: (1) Memorandum from Director of Public Works Katy Allen, and Director of Transportation James Helmer, dated February 9, 2004, recommending award of the contract to the low bidder, ACC West Coast, Inc., with related contingency for the Seismic Safety Retrofit Project. (2) Supplemental memorandum from Director of Public Works Katy Allen, dated February 24, 2004, providing a corrected contingency amount from the original memorandum dated February 9, 2004.

Discussion/Action: The award of the contract to the low bidder, ACC West Coast, Inc., with related contingency, for the Seismic Safety Retrofit Project, Tully Road Bridge at Coyote Creek, in the amount of \$246,575, was approved, and its execution authorized. Vote: 10-0-1-0. Absent: Gregory.

**2.10 Approval of the first amendment to the agreement for consultant services with Kimley-Horn and Associates, to amend the scope of services for the implementation of the Proactive Signal Retiming Project, increasing the maximum compensation by \$205,000, from \$500,000 to an amount not to exceed \$705,000, and extend the term of the agreement by 18 months to September 30, 2005. CEQA: Exempt, PP04-01-016. Council Districts 1, 6, 8 and 10. SNI: 13<sup>th</sup> Street/East Valley-680/ University. (Transportation)**

## 2.10 (Cont'd.)

Documents Filed: Memorandum from Director of Transportation James Helmer, dated February 9, 2004, recommending approval of first amendment to the said agreement with Kimley-Horn and Associates, increasing the maximum compensation by \$205,000, and extending the term of the agreement by 18 months.

Discussion/Action: Council Member LeZotte requested that Staff add "Cypress Avenue to Winchester Boulevard", as a SNI designation, and incorporate it on the Staff memorandum, dated February 9, 2004, Attachment 1. Upon motion by Council Member LeZotte, seconded by Council Member Yeager, and carried unanimously, the first amendment to the agreement with Kimley-Horn and Associates, to amend the scope of services for the implementation of the Proactive Signal Retiming Project, increasing the maximum compensation by \$205,000, from \$500,000 to an amount not to exceed \$705,000, and extend the term of the agreement by 18 months to September 30, 2005 was approved, and its execution authorized. Vote: 10-0-1-0. Absent: Gregory.

### END OF CONSENT CALENDAR

## STRATEGIC SUPPORT SERVICES

### 3.2 Report of the Rules Committee - Meeting of February 18, 2004 Vice Mayor Dando, Chair

Documents Filed: (1) The Rules Committee Report dated February 18, 2004. (2) The Rules Committee Report (Partial) dated February 25, 2004.

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

(b) City Council

(1) Review March 2, 2004 Draft Agenda

The Committee recommended approval of the March 2, 2004 City Council Agenda.

(2) Add New Items to February 24, 2004 Amended Agenda

There were no changes to the February 24, 2004 City Council agenda.

(3) List of Reports Outstanding. Attachment: Report from the City Manager, dated February 17, 2004, transmitting reports outstanding for February 24, 2004.

The Committee noted and filed the City Manager's report listing two staff reports outstanding for the February 24, 2004 Council agenda.

**3.2 Report of the Rules Committee - Meeting of February 18, 2004 (Cont'd.)  
Vice Mayor Dando**

- (c) Legislative Update
  - (1) State.
    - (a) Approve City positions on March 2004 State Ballot Propositions

This item was reported at the February 24, 2004 Council meeting.

- (2) Federal - There was no report.

- (d) Meeting Schedules

There were none.

- (e) The Public Record

The Committee noted and filed the Public Record.

- (f) Appointment to Boards, Commissions and Committees

There were none.

- (g) Rules Committee Reviews, Recommendations and Approvals. Attachment: Memorandum from City Attorney Richard Doyle, dated February 13, 2004, transmitting response to Council Member Cortese

- (1) City Attorney's response to Council Member Cortese's request to expand the role of Project Diversity Screening Committee and request for Proposition 209 history. Attachment: Memorandum from City Attorney Richard Doyle, dated February 13, 2004, transmitting response to Council Member Cortese's request.

The Committee continued this item to next week's Rules Committee meeting.

- (2) Request for recommendations to donate or sell surplus 1994 Chevrolet Suburban utility vehicle. Attachment: Memorandum from Director of General Services Jose Obregon, dated February 9, 2004, in regard to notice of surplus Suburban Utility Vehicle.

The Committee approved General Services' designation of a 1994 Chevrolet Suburban utility vehicle as surplus property eligible for donation or sale.

**3.2 Report of the Rules Committee - Meeting of February 18, 2004 (Cont'd.)  
Vice Mayor Dando**

- (h) Oral communications

None were presented.

- (i) Adjournment

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

Meeting of February 25, 2004 (partial)

- (c) Legislative Update

- (1) State. Attachment: Memorandum from Director of Intergovernmental Relations Betsy Shotwell, dated February 19, 2004, reporting on the Proposed State Bills pertaining to Megan's Law.

- (a) Report on Proposed State Bills Pertaining to Megan's Law

See Item 3.5 for Council action taken.

Discussion/Action: Upon motion by Vice Mayor Dando, seconded by Council Member Chavez, and carried unanimously, the Rules/Partial Rules Committee Report, and the actions of February 18, 2004, and February 25, 2004, were accepted. Vote: 10-0-1-0. Absent: Gregory.

**3.4 Approval of one Mayor appointment to Project Diversity Screening Committee and appointment of Chair. (Mayor)  
[Deferred from 2/17/04 – Item 3.5(b) and 2/24/04 – Item 3.4]**

Documents Filed: Memorandum from Mayor Gonzales, dated March 2, 2004, recommending appointment of David Wilkins as Chair to the Project Diversity Committee, and Ed Mendence, the final appointment to the Project Diversity Screening Committee.

Discussion/Action: Upon motion by Council Member Chavez, seconded by Vice Mayor Dando, and carried unanimously, the appointments of David Wilkins as Chair to the Project Diversity Committee, and Ed Mendence, the fourth and final appointment to the Project Diversity Screening Committee, were approved. Vote: 10-0-1-0. Absent: Gregory.

**3.5 Approval of support positions for each of the proposed State bills pertaining to Megan's Law:**

- (a) **AB 488 (Parra), which would provide that public dissemination of sex offender information pursuant to Megan's Law shall occur through an Internet Web site operated by the Department of Justice (DOJ), as specified.**
- (b) **With amendments, AB 1224 (Diaz), which states legislative intent to improve the sex offender database upon a Budget Act appropriation.**
- (c) **SB 650 (Battin), which would repeal the January 1, 2007 sunset date on Megan's Law.**

**[Rules Committee referral 2/25/04 – Item 3.2 (c)(1)(a)]**

Documents Filed: None.

Discussion/Action: Vice Mayor Dando remarked there has been a great deal of discussion about these different legislature bills, and the Council expresses support for each of them. She mentioned that since the City of San José placed the information regarding Megan's Law on the Police Department's website, there have had over 23,000 hits since the end of December 2003, which is in comparison with 300 visits in total for the previous year. Vice Mayor Dando moved approval of the Staff recommendation. Council Member Chavez seconded the motion. Council Member Yeager commented since all the information has been on the Internet, no one has been harassed or have called up with any civil complaints. He added several people have moved out of the area because they did not want to have their names and addresses on the Internet, and no citizen has been abusing this information. On a call for the question, the motion carried unanimously, and the City support positions for each of the proposed State bills pertaining to Megan's Law, AB 488 and SB 650, were approved. Vote: 10-0-1-0. Absent: Gregory.

## **RECREATION & CULTURAL SERVICES**

**5.2 Approval of a Joint Use Agreement between the County of Santa Clara and the City of San José for the construction and use of the San Tomas Aquino/Saratoga Creek Trail Reach 6. CEQA: Addendum to Negative Declaration, March 27, 2003, PP03-03-084. Council District 1. (Parks, Recreation and Neighborhood Services)**

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Sara Hensley, dated February 9, 2004, recommending adoption of said Joint Use Agreement between the County of Santa Clara and the City of San José for the construction and use of the San Tomas Aquino/Saratoga Creek Trail Reach 6.

Discussion/Action: The Joint Use Agreement between the County of Santa Clara and the City of San José for the construction and use of the San Tomas Aquino/Saratoga Creek Trail Reach 6 was approved, and its execution authorized. Vote: 10-0-1-0. Absent: Gregory.

## ENVIRONMENTAL & UTILITY SERVICES

### 7.1 Approval of actions related to access, overflow, and pipelines for property located near Old Yerba Buena Road.

#### Adoption of a resolution:

- (a) **Determining that public use and necessity require the acquisition of:**
  - (1) **Fee title to a portion of property located near Old Yerba Buena Road, owned by Legacy Partners, LLP for a recycled water storage facility site; and**
  - (2) **Permanent easements for access, overflow, and pipelines.**
  - (3) **Temporary construction easements (TCE) for recycled water storage facility access, pipelines, and overflow drains.**
- (b) **Finding that:**
  - (1) **The property to be taken is necessary for the completion of the Zone 3 recycled water storage facility project;**
  - (2) **The proposed project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury;**
  - (3) **City staff established an amount of just compensation not less than the approved appraisal of the fair market value and,**
  - (4) **City staff presented an offer to the owners for the full appraised amount; and**
  - (5) **The proposed taking and use are authorized by law;**
- (c) **Directing the City Attorney to file an eminent domain action to acquire the above property interests.**

**CEQA: Negative Declaration, PP00-05-072. Council District 8. (Public Works/ Environmental Services)**

**(Deferred from 2/24/04 – Item 7.2)**

Documents Filed: (1) Memorandum from Director of Public Works Katy Allen, and Director of Environmental Services Carl Mosher, dated January 28, 2004, recommending adoption of said resolution. (2) Supplemental memorandum from Director of Public Works Katy Allen, and Director of Environmental Services Carl Mosher, dated February 12, 2004, providing additional clarification. (3) Letter from the Treatment Plant Advisory Committee, dated February 12, 2004, stating concurrence with the Staff recommendation.

Discussion/Action: Item 7.1 was dropped.

## AVIATION SERVICES

- 8.1 (a) **Approval of Contract Change Order No. 22 for the Interim Federal Inspection Services Facility Project with SJ Amoroso Construction Company for a credit in the amount of \$474,416.**
- (b) **Approval of Contract Change Order No. 12 for the Airport Security System Upgrade Project in the amount of \$540,884 for a total contract amount of \$3,729,449.**
- (c) **Approval to increase the construction contingency amount for the Airport Security System Upgrade Project by \$540,884 from \$290,000 to \$830,884.**
- CEQA: Resolution Nos. 67380 and 71451, PP 04-01-021. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated February 9, 2004, recommending approval of Change Order No. 22 for the Interim Federal Inspection Services Facility Project with SJ Amoroso Construction Company for a credit in the amount of \$474,416, Change Order No. 12 for the Airport Security System Upgrade Project in the amount of \$540,884 for a total contract amount of \$3,729,449, and approval to increase the construction contingency amount for the Airport Security System Upgrade Project.

Discussion/Action: Vice Mayor Dando moved approval of the Staff memorandum. Council Member Chavez seconded it. Council Member Williams referring to Item (c) asked why the contingency amount was doubled. Deputy Director of Public Works David Clarke replied when Staff originally awarded the construction contract it was for one type of work, however when the work was taken from the Federal Inspection Services Facility, and awarded it to the Security Contractor, it required the larger contingency increase. He added the amount of the contingency increase is exactly equal to the change order for the additional work. On a call for the question, the motion carried unanimously, and Change Order No. 22 for the Interim Federal Inspection Services Facility Project with SJ Amoroso Construction Company for a credit in the amount of \$474,416, Change Order No. 12 for the Airport Security System Upgrade Project in the amount of \$540,884 for a total contract amount of \$3,729,449, and the related construction contingency amount for the Airport Security System Upgrade Project, were approved, and their execution authorized. Vote: 10-0-1-0. Absent: Gregory.

## 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) Hugh Cloutier, San José Horseshoe Pitching Club, spoke in regard to the issue of relocating the horseshoe pits from Senter Park to another site.
- (2) Stephen Hazel spoke of recent activities at a San José crime scene.
- (3) Ross Signorino added that women did not win the right to serve on juries until after World War II.
- (4) William Garbett spoke of issues related to construction at Highway 87.

## **ADJOURNMENT**

The Council of the City of San José was adjourned in memory of Eusevio “Ike” Hernandez, former Deputy Chief of Police, and employee of the San José Police Department for 31 years; in memory of Patrick Horrigan, retired Sunnyvale Public Safety Officer and father of Meghan Horrigan, Mayor's office and Sheelagh Horrigan-Carleton, Council District 5; also in memory of Kulwant Singh, Satnam Singh, and Hari Singh.

The Council of the City of San José was adjourned at 1:58 p.m.

**RON GONZALES, MAYOR**

**ATTEST:**

**DEANNA J. SANTANA, ACTING CITY CLERK**

smd/03/02/04min