

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, AUGUST 31, 2004

The Council of the City of San Jose convened in Regular Session at 9:36 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 9:43 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 Ruffo v. City of San Jose, Sharp, et al. v. City of San Jose, et al; (B) to confer with Legal Counsel regarding anticipated litigation (b) of Section 54956.9 of the Government Code and (2) to discuss three matters in the initiation of litigation pursuant to subsection (c) of Section 54956.9 of the Government Code, (C) to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Manager designee Alex Gurza; Employee Organizations: (1) San Jose Police Officers' Association, (2) International Association of Firefighters, (3) Municipal Employees Organization, (4) Confidential Employees Federation, (5)

By unanimous consent, Council reconvened from Closed Session and recessed at 10:43 a.m. and reconvened at 1:36 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 7)

Father Kevin P. Joyce, Diocese of San José delivered a prayer.

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 unanimously carried, the Order of the Day and the Amended Agenda were approved (11-0).

CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to Father Kevin P. Joyce for his years of spiritual and community contributions as Pastor of St. Maria Goretti Church. (Gregory)
(Rules Committee referral 8/25/04)**

Discussion: Mayor Gonzales and Council Member Gregory presented a commendation to Father Kevin P. Joyce for his years of community service.

CONSENT CALENDAR

Upon motion by Council Member Cortese, seconded by Council Member Williams and unanimously carried, the Consent Calendar was approved as indicated with the exception of, Item 2.2(a) and 2.4 (pulled by the public), and Item 2.6 was pulled by Council Member Cortese) (9-0-2). Absent: Gregory; Gonzales.

Items 2.2(a) and 2.6 were heard concurrently.

- 2.2 (a) ORD. NO. 27229 – Amends Title 8 of the San José Municipal Code to add a new Chapter 8.20 establishing an Emergency Communication System Support Fee and amending Chapter 4.80 of Title 4 to add a new Part 51 establishing the Emergency Communication System Support Fee Fund.**

Documents Filed: (1) Memorandum from City Attorney Richard Doyle, dated August 26, 2004, transmitting a revision of a proposed ordinance to add a new chapter establishing an Emergency Communication System Support Fee, (2) Proof of publication of title of Ordinance No. 27229 executed on August 24, 2004, submitted by the City Clerk. (3) Letter from President and CEO of the Silicon Valley Manufacturing Group, dated August 30, 2004, proposing the proposed Emergency Response Fee Ordinance.

- 2.6 Approval of the following actions to implement the 2004-2005 General Fund Rebalancing Plan as approved by City Council on August 17, 2004.**

- (a) Adoption of the following appropriation ordinance and funding sources resolution amendments in the General Fund:**
- (1) Decrease the Property Tax Revenue estimate by \$11.1 million.**
 - (2) Decrease the Revenue from Money and Property revenue estimate by \$300,000.**
 - (3) Decrease the Compensation/State Budget Impact Contingency Plan Earmarked Reserve by \$2.0 million.**
 - (4) Establish a transfer to the General Fund from the Emergency Communication System Support Fee Fund in the amount of \$9.4 million.**
- (b) Adoption of the following appropriation ordinance and funding sources resolution amendments in the Emergency Communication System Support Fee Fund:**
- (1) Establish an Emergency Communication System Support Fee revenue estimate in the amount of \$9.4 million.**
 - (2) Establish a transfer from the Emergency Communication System Support Fee Fund to the General Fund in the amount of \$9.4 million.**

2.6 Approval of the following actions to implement the 2004-2005 General Fund Rebalancing Plan as approved by City Council on August 17, 2004. (Cont'd.)

- (c) Adoption of a resolution amending the Schedule of Fees and Charges to establish a new Emergency Communication System Support Fee in the monthly amounts of \$1.75 per access line and \$13.13 per trunk line; with an annual cap on landline fees of \$20,000 per location; and a fee effective date of January 1, 2005.**
 - (d) Adoption of a resolution implementing the rerouting of wireless 9-1-1 service from the State of California to the City of San José (“San José Wireless E9-1-1 Project”, pursuant to Public Utilities Code Section 2892) and authorizing the City Manager to negotiate and execute all documents necessary to complete the San José Wireless E9-1-1 Project.**
- (City Manager’s Office) [Referred from 8/17/04 – Item 3.5(c)(1) and (2)]**

Documents Filed: (1) Memorandum from Budget Director, Larry D. Lisenbee, dated August 25, 2004, recommending approval of various actions related to the implementation of the 2004-2005 General Fund Rebalancing Plan. (2) Supplemental memorandum from Budget Director, Larry D. Lisenbee, dated August 31, 2004, requesting staff provide additional information regarding the Emergency Communication System Support Fee. (3) Supplemental memorandum from Finance Director Scott P. Johnson, dated August 30, 2004, providing information to Council on the impact of the Emergency Communication System Support Fee on local small businesses.

Public Comments: Jim Tucker and William Garbett spoke in opposition to the proposed 911 fee.

SBC representative Leon Bauchman spoke in opposition to the proposed 911 usage fee and requested Council postpone a decision until they have received all the information.

Ross Signorino spoke in opposition to the 911 fees and requested the issue be placed on the ballot for the vote.

Pacific, Gas and Electric, Co. representative Theresa Alvarado spoke in opposition to the proposed 911 fee and to closures of emergency call centers.

CEO of the Silicon Valley Manufacturing Group Carl Guardino proposed that the 911 fee is unfair and puts a burden on employers.

Discussion: Council Member Cortese requested staff return to Council before implementation with additional information from the carriers an appeal or exemption process for small businesses for “hardship” situations or un-utilized lines.

Council Member Williams asked staff to participate in the Santa Clara Cities Association forum in September and to include business partners in the City’s next budget process as ways to more effectively communicate with the business community.

2.6 (Cont'd.)

Vice Mayor Dando stated she would not be supporting the motion because it would be sending the wrong message to businesses by connecting the proposed fee with public safety. She stated she felt this connection was wrong and stressed the importance of public safety to herself and her community.

Council Member Reed voiced opposition because the proposed fee was in actuality a special tax and should be submitted for voter approval.

Council Member Gregory stated he too, would not be supporting the motion because outreach to small business community has been insufficient.

Action: Ordinance No. 27229, Ordinance No. 27238, entitled: “An Ordinance of the City of San José Amending Ordinance No. 27196 to Appropriate Moneys in the General Fund for the Compensation/State Budget Impact Contingency Reserve; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption”, Ordinance No. 27239, entitled: “An Ordinance of the City of San José Amending Ordinance No. 27196 to Appropriate Moneys in the Emergency Communication System Support Fee Fund for the General Fund; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption”, Resolution No. 72293, entitled: “A Resolution of the Council of the City of San Jose Amending Resolution No. 72189 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2004-2005 to Adjust Revenues in the General Fund, Resolution No. 72294, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 72189 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2004-2005 to Adjust Revenues in the Emergency Communication System Support Fee Fund”, Resolution No. 72295, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 72165 to Establish the Emergency Communication System Support Fee”, Resolution No. 72296, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute All Documents Necessary to Implement the Rerouting of Wireless 9-1-1 Service That Originate Within the City of San José from the State of California to the City of San José Public Safety Answering Point Pursuant to Public Utilities Code Section 2892”, were adopted.(8-3). Noes: Dando, Gregory, Reed.

2.2 (b) **ORD. NO. 27231 – Amends Section 20.50.100 of Chapter 20.50 of Title 20 of the San José Municipal Code to allow additional uses in the Industrial Zoning Districts of the City.**

Documents Filed: Proof of publication of title of Ordinance No. 27231 executed on August 24, 2004, submitted by the City Clerk.

Action: Ordinance No. 27231 was adopted. (11-0).

2.2 (Cont'd.)

- (c) **ORD. NO. 27232** – Rezones certain real property situated on the west side of Masonic Drive, approximately 520 feet southerly of Canoas Garden Avenue, to A(PD) Planned Development Zoning District. PDC 04-010

Documents Filed: Proof of publication of title of Ordinance No. 27232 executed on August 24, 2004, submitted by the City Clerk.

Action: Ordinance No. 27232 was adopted. (11-0).

- (d) **ORD. NO. 27233** – Rezones certain real property situated on the east side of North Fourth Street, approximately 170 feet northerly of Washington Street. PDC 04-061

Documents Filed: Proof of publication of title of Ordinance No. 27233 executed on August 24, 2004, submitted by the City Clerk.

Action: Ordinance No. 27233 was adopted. (11-0).

- (e) **ORD. NO. 27234** - Rezones certain real property situated on the southwest corner of Silver Creek Road and Aborn Road to A(PD) Planned Development Zoning District. PDC 04-008

Documents Filed: Proof of publication of title of Ordinance No. 27234 executed on August 24, 2004, submitted by the City Clerk.

Action: Ordinance No. 27234 was adopted. (11-0).

2.3 **Approval of a continuation agreement with Karin Grobe for technical assistance services for the Agriculture in Partnership Program, extending the term by twenty-four months from August 1, 2004 to August 1, 2006, and increasing the compensation by \$30,000, for a total amount not to exceed \$121,448. CEQA: Not a Project. (Environmental Services)**

Documents Filed: Memorandum from Director of Environmental Services, Carl Mosher, dated August 24, 2004, recommending approval of a continuation agreement with Karin Grobe for technical assistance services for the Agriculture in Partnership program, extending the term by twenty-four months from August 1, 2004 to August 1, 2006, and increasing the compensation by \$30,000 for a total not to exceed amount of \$121,448.

Action: The continuation agreement with Karin Grove was approved. (11-0).

2.4 Adoption of a resolution authorizing the City Manager to negotiate and execute a grant agreement with the San José Public Library Foundation through June 30, 2005, in an amount not to exceed \$200,000. CEQA: Not a Project. (Library)

Documents Filed: Memorandum from Library Director, Jane Light, dated August 11, 2004, recommending adoption of a resolution authorizing the City Manager to negotiate and execute, on behalf of the City, a Grant Agreement with the San José Public Library Foundation, through June 30, 2005 in an amount not to exceed \$200,000.

Public Comments: William Garbett spoke in opposition to the proposed grant agreement.

Action: Resolution No. 72290, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Grant Agreement with the San José Public Library Foundation for Fiscal Year 2004-2005 in An Amount Not to Exceed \$200,000”, was adopted. (11-0).

- 2.5 (a) Adoption of a resolution accepting the State of California, Office of Traffic Safety (OTS) 2004-2007 DUI and Seat Belt Safety Program grant in the amount of \$637,915, and authorizing the City Manager to execute the grant agreement and all related grant documents.**
- (b) Adoption of the following amendments to the annual appropriation ordinance and the annual funding sources resolution in the General Fund (Fund 001) for Fiscal Year 2004-05:**
- (1) Establish an appropriation in the City-wide Expenses to the Police Department for the OTS 2004-07 DUI Seat Belt Safety Program Grant in the amount of \$429,162;**
 - (2) Increase Earned Revenue Estimate from the State by \$429,162.**
- CEQA: Not a Project. (Police/City Manager’s Office)**

Documents Filed: Memorandum from Budget Director, Larry D. Lisenbee and Chief of Police Robert L. Davis, dated August 11, 2004, recommending amendments and adoption of the resolutions and ordinance.

Action: Ordinance No. 27237, entitled: “An Ordinance of the City of San José Amending Ordinance No. 27196 to Appropriate Moneys in the General Fund for the Office of Traffic Safety 2004-2007 Seat Belt Safety Program Grant; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption”, Resolution No. 72291, Resolution No. 72292, entitled; “A Resolution of the Council of the City of San José Amending Resolution No. 72189 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2004-2005 to Adjust Revenues in the General Fund”, were adopted. (11-0).

STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – August 18, 2004 Vice Mayor Dando, Chair

Documents Filed: The Report of the Rules Committee of August 18, 2004.

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review August 31, 2004 Draft Agenda

The Committee recommended approval of the August 31, 2004 agenda.

- (2) Add New Items to August 24, 2004 Amended Agenda
 - Mayor and Council Member Requests
 - City Manager Requests
 - City Attorney Requests
 - City Clerk Requests

There were no additions or changes to the August 24, 2004 City Council agenda.

- (3) List of Reports Outstanding

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

- (c) Legislative Update
 - (1) State
 - (a) Report on the 2004 League of California Cities Voting Delegate and Alternate at the Annual Business Meeting

The Committee accepted the recommendation.

- (b) 2004 State Legislative Summary

The Committee accepted the Legislative Summary. The Committee directed the Administration to obtain the signatures of the Mayor and City Council Members on letters of support or opposition, which are submitted to the State Legislature on behalf of the City.

- (2) Federal
 - There was no report.

- (d) Meeting Schedules
 - There were none.

3.2 (Cont'd.)

- (e) The Public Record
There were none.
- (f) Appointment to Boards, Commissions and Committees
There were none.
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Request to place an audit of the McKean Youth Sports Facility on the City Auditor's workplan
Dan Kennedy and Brad Bossomworth spoke in support of the project. The Committee recommended deferral of this item to next week's Rules Committee meeting.
- (h) Oral communications
None were presented.
- (i) Adjournment
The meeting adjourned at 2:20 P.M.

Action: Upon motion by Vice Mayor Dando, seconded by Council Member Chavez, and unanimously carried, the Rules Committee Report and Actions were accepted. (11-0).

3.3 Report of the Making Government Work Better Committee – August 19, 2004 Council Member Campos, Chair

Documents Filed: The Report of the Making Government Work Better Committee of August 19, 2004.

- (a) Investment Report. Attachment: Memorandum from Finance Director Scott P. Johnson , dated July 29, 2004, transmitting the April 2004 through June 2004 Investment Report.

The Committee accepted the Staff report.

- (b) City's Cellular Phone Program – Phase I (Lower Cost Vendor Options). Attachment: Memorandum from City Auditor, Gerald Silva, dated June 29, 2004, recommending the Administration consider the information in this memorandum regarding cellular phone vendors.

The Committee accepted the Staff report with the direction to bring back to the Committee in October a follow-up to today's report along with the scheduled report on cell phone usage.

- (c) Airport Concessions Contracts – Phase II (Shuttle Port). Attachment: Memorandum from City Auditor, Gerald Silva, dated August 10, 2004, reviewing the Airport Concessions Contracts.

3.3 (Cont'd.)

The Committee accepted the Staff report with the direction to provide the Committee with an informational memorandum along with the report that is going to the Airport.

- (d) Transport Vehicle Audit Follow-up
Deferred until September.
- (e) Oral petitions – None.
- (f) Adjournment
The Committee was adjourned at 2:45 P.M.

Public Comments: William Garbett spoke in opposition of the City's Cellular Phone Program.

Action: Upon motion by Council Member Campos, seconded by Council Member Chavez, and unanimously carried, the Making Government Work Better Committee Report and Actions were accepted. (11-0).

3.4 **Report on bids and award of signage contract for the San José New City Hall Project to the lowest responsive bidder, Karman, Ltd., for the base bid and Add Alternate Nos. 10, 13, 15, and 17 in the amount of \$477,902, and approval of a contingency in the amount of \$48,000. CEQA: Resolution No. 68905, PP98-03-072. SNI: University. (Public Works)**

Documents Filed: (1) Memorandum from Director of Public Works Katy Allen, dated August 11, 2004, recommending the report on bids. (2) Supplemental memorandum from Director of Public Works Katy Allen, dated August 26, 2004, providing additional information after bids were opened. .

Action: Upon motion by Council Member Williams, seconded by Council Member Cortese, and unanimously carried, the report on bids and award of signage contract were approved. (11-0).

3.5 **Accept the City Manager's weekly report on the process for a Converged Data Network and Telephony System for the New City Hall (NCH). (Referred from 8/17/04 – Item 3.8)**

Documents Filed: (1) Memorandum from Mayor Gonzales and Vice Mayor Dando, dated August 31, 2004, requesting that the District Attorney open an inquiry into the issues surrounding the City Hall VOIP contract. (2) Memorandum from City Manager Del D. Borgsdorf, dated August 30, 2004, recommending acceptance of the City Manager's report.

Public Comments: Ross Signorino suggested Council delay the opening of the New City Hall to save on building expenses.

3.5 (Cont'd.)

Motion: Vice Mayor Dando moved approval of a memorandum from Mayor Gonzales and herself, dated August 31, 2004, requesting that the District Attorney open an inquiry into the issues surrounding the City Hall VOIP contract, seconded by Council Member Chavez.

Discussion: Mayor Gonzales requested Council Member Cortese's request for the City Attorney to return by September 14, 2004 with the processes or options for an independent civil investigation be integrated into the motion.

Action: On a call for the motion, the Manager's Report was accepted and a Memorandum from Mayor Gonzales and Vice Mayor Dando, dated August 31, 2004, requesting that the district attorney open an inquiry into the issues surrounding the City Hall VOIP contract was approved with additional direction for the City Attorney to return September 14th with the processes or options for an independent civil investigation.

ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee – August 16, 2004 Council Member Chavez, Chair

Documents Filed: The Building Strong Neighborhoods Committee Report of August 16, 2004.

- (a) Semi-Annual Airport Neighborhood Services Group (ANSG). Attachment: Memorandum from Deputy Director of Business Development & Community Relations Jim Peterson, dated August 4, 2004, transmitting information stating Airport staff will be presenting information from the 1st and 2nd quarter reports of the Airport Neighborhood Services Group, and will be available to answer questions.

The Committee accepted the Semi-Annual ANSG Report with the direction to include the following information in future reports:

- Breakdown of noise hotline calls
- Percentage of categories that are customer concerns
- An evaluation of flight patterns and to send a copy of the TRACON letter regarding FAA flights to the Council offices
- Analysis of flights that habitually violate the curfew to see what corrective action can be taken
- Information on curfew fines levied and collected and analysis if a pattern of non-payment has been established

4.1 (Cont'd.)

- (b) Strong Neighborhoods Update
The Committee accepted the Strong Neighborhoods Update and was approved by the Committee.
- (c) Neighborhood Development Center (NDC) Update
Deferred until September.
- (d) Oral petitions – None.
- (e) Adjournment
The meeting adjourned at 2:05 P.M.

Action: Upon motion by Council Member Chavez, seconded by Council Member Yeager, and unanimously carried, the Building Strong Neighborhoods Committee Report and Actions were accepted. (11-0).

4.3 **Reports on bids and award of contract for the Towers Lane Improvement Project (north of Aborn Road) to the low bidder, DeSilva Gates Construction, LP, in the amount of \$626,191, and approval of a 15 percent contingency in the amount of \$94,000. CEQA: Exempt, PP 02-03-046. Council District 7. SNI: West Evergreen. (Public Works/Transportation)**

Action: This item was deferred to September 7, 2004.

RECREATION & CULTURAL SERVICES

- 5.2 (a) **Approval of an ordinance to amend Chapter 7.08, Section 7.08.595 of the San José Municipal Code to clarify the maximum number of dogs and cats permitted as a “per dwelling unit” limit and increase the limit to a maximum of five animals with no more than three adult dogs. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)**
 - (b) **Approval of an ordinance authorizing an Amnesty Program from October 15, 2004 through November 30, 2004, suspending all animal licensing citation activity, waiving late fees, and delaying the FY 04-05 increase in fees for unaltered dogs and cats until the completion of the proposed amnesty program. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)**
- (Deferred from 6/15/04 – Item 5.7 and 8/17/04 – Item 5.2)**

Documents Filed: Memorandum from Director of Parks, Recreation & Neighborhood Services Sara Hensley, dated May 24, 2004, recommending approval of a one-month animal license amnesty program. (2) Memorandum from Director of Parks, Recreation & Neighborhood Services Sara Hensley, dated August 12, 2004, recommending approval of an ordinance to amend Chapter 7.08, Section 7.08.595 of the San José Municipal Code.

5.2 (Cont'd.)

(3) Memorandum from Director of Parks, Recreation & Neighborhood Services Sara Hensley, dated August 13, 2004, recommending approval of an ordinance authorizing an Amnesty Program from October 1, 2004 through November 15, 2004. (4) Letter from Director of the National Pet Alliance Karen Johnson, dated August 20, 2004, providing information of a 1993 survey done of 1000 Santa Clara County residents regarding their pets. (5) Letter from Director of the National Pet Alliance Karen Johnson, dated August 29, 2004, opposing the proposed door-to-door canvassing for licensing. (6) Letter from President of the Animal Council Sharon A. Coleman, dated August 30, 2004, supporting the proposed ordinances. (7) Letter from San José resident Neal Bohnet, dated August 30, 2004, supporting the proposed ordinances.

Public Comments: Robert Sherwood, Karen Johnson, Karen Clark, Lorna Pusateri, Judy Jones, Loree Levy, Janet Alexander, Patricia Abrey, Shira Gruhl and Elisa Lotti spoke in support of the animal limit increases.

William Garbett spoke in opposition to new taxes on personal property.

Ross Signorino urged the Council to provide ample notice to the public about the new rules.

Discussion: Council Member Campos requested staff return with a door-to-door canvassing progress report, which focuses more on education than census and to report back in a year with the progress of that effort.

Council Member Chavez recommended staff gradually introduce the canvassing effort into the community and to also consider shifting any remaining resources into the spay and neuter program.

Council Member Gregory asked staff to “grandfather-in” during the amnesty period, pet owners who are over the limit and want to license their animals.

Action: Upon motion by Council Member Chavez, seconded by Council Member Gregory, and unanimously carried, Ordinance No. 27240, entitled: “An Ordinance of the City of San José Amending Section 7.08.595 of Chapter 7.08 of Title 7 of the San José Municipal Code to Clarify the Limit of Dog and Cats is Per Dwelling Unit and to Increase the Maximum Number of Dogs and Cats Allowed per Dwelling Unit”, and Ordinance No. 27241, entitled: “An Ordinance of the San José Municipal Code Adopting a Limited Amnesty Program Under Which the City Will Forgive All Late Licensing Fees, Delay the Implementation of Fiscal Year 2004-2005 Increase in Fees for Licensing Unaltered Dogs and Cats, and Suspend Issuance of Citations for Violations of Section 7.08.610 of Chapter 7.08 of the San José Municipal Code”, were passed for publication (10-0-1). Absent: Yeager.

- 5.3 Adoption of a resolution authorizing the City Manager to negotiate and execute an amendment to the Loan Agreement among the American GI Forum of San José, the City of San José, and the County of Santa Clara, to modify terms and extend the maturity date of the loan in the amount of \$4,000,000, to December 31, 2004. CEQA: Not a Project. (Finance)**

Documents Filed: Memorandum from Finance Director Scott P. Johnson , dated August 11, 2004, recommending adoption of the resolution.

Discussion: Council Member Campos requested staff provide an informational memorandum to Council regarding the results of the County of Santa Clara’s vote on the Loan Agreement amendments.

Action: Upon motion by Council Member Cortese, seconded by Council Member Chavez, and unanimously carried, Resolution No. 72297, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute An Amendment to the GI Forum Loan Documents to Extend the Repayment of the Loan”, was adopted. (10-0-1). Absent: Yeager.

- 5.4 (a) As recommended by the Parks and Recreation Commission, name a new park located at the intersection of Tully Road and Kenoga Drive as the “Tully Community Ballfields.”**
- (b) As recommended by the Parks and Recreation Commission, name a new park located at the intersection of Lone Bluff Avenue and Pinto Drive as “Lone Bluff Park.”**
- (Parks and Recreation Commission/City Clerk)**
(Deferred from 8/24/04 – Item 5.3)

Documents Filed: Memorandum from City Clerk Lee Price, dated August 27, 2004, recommending the naming of two new parks.

Action: Upon motion by Council Member Gregory, seconded by Council Member Chavez, and unanimously carried, the naming of the two new parks was approved. (10-0-1). Absent: Yeager.

- 5.5 (a) Approval to proceed with the design phase of the Happy Hollow Park and Zoo Parks Bond Project; and**
- (b) Approval of the first amendment to the master agreement for consultant services with Portico, Inc., for the Happy Hollow Park & Zoo Parks Bond Project, increasing the compensation by \$6,000,000 from \$1,500,000, for a total agreement amount not to exceed \$7,500,000.**
- CEQA: Not a Project. (Public Works/Parks, Recreation and Neighborhood Services)**
(Deferred from 8/24/04 – Item 5.4)

5.5 (Cont'd.)

Documents Filed: Memorandum from Director of Public Works Katy Allen and Director of Parks, Recreation & Neighborhood Services Sara Hensley, dated August 19, 2004, recommending approval to proceed with the design phase and approval of the first amendment.

Action: Upon motion by Vice Mayor Dando, seconded by Council Member Chavez, and unanimously carried, the proposed design phase and first amendment were approved. (10-0-1). Absent: Yeager.

ENVIRONMENTAL & UTILITY SERVICES

- 7.1 (a) **Authorization for the following submittals to the Regional Water Quality Control Board (Water Board) in conformance with the City's Stormwater Permit and pursuant to the Federal Clean Water Act:**
- (1) **2003-2004 Urban Runoff Management Plan Annual Report and certification; and**
 - (2) **Revised Urban Runoff Management Plan.**
- (b) **Acceptance of findings of December 2003 Water Board Stormwater Program Evaluation.**
- (c) **Direction to staff to continue participation in stakeholder meetings and other efforts to protect the City's interests with respect to the following emerging Stormwater Program issues:**
- (1) **Mercury Total Maximum Daily Load (TMDL) for the San Francisco Bay; and**
 - (2) **Hydromodification Management Plan (HMP) for Santa Clara Basin Watershed.**

CEQA: Not a Project. (Environmental Services)

Documents Filed: (1) Memorandum from Director of Environmental Services, Carl Mosher, dated August 12, 2004, recommending the listed submittals to the Regional Water Quality Control Board, acceptance of the findings, and direction to staff. (2) Memorandum from Supervising Environmental Services Specialist Melody Tovar, dated August 18, 2004, requesting the attached *City of San José Urban Runoff Management Plan Annual Report 2003-2004*, be made available to the public.

Action: Upon motion by Council Member Cortège, seconded by Council Member Chavez, and unanimously carried, the listed submittals, findings, and direction to staff were approved. (10-0-1). Absent: Yeager.

PUBLIC SAFETY SERVICES

- 9.1 **Review and acceptance of the San José Police Department's response to the 2003-2004 Santa Clara County Civil Grand Jury's report entitled "Inquiry into Police Evidence Rooms in Santa Clara County." CEQA: Not a Project. (Police)**

9.1 (Cont'd.)

Documents Filed: Memorandum from Chief of Police Robert L. Davis, dated August 11, 2004, recommending the Mayor and Council to review and accept the listed report.

Action: Upon motion by Vice Mayor Dando, seconded by Council Member Chavez, and unanimously carried, the report was accepted. (10-0-1), Absent: Yeager.

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) Renee Godette urged the Council to keep the San José Earthquakes in San José.
- 2) Ross Signorino spoke about Hybrid vehicles and the possible benefits to expand the program in the County of Santa Clara.
- 3) Marcia Miliman asked for protection from chemical health hazards.

ADJOURNMENT

The Council of the City of San José adjourned in memory of Nancy Gable Heckman, wife of Ray Heckman; and in memory of Russell Ingman Hare, Jr. at 4:39 p.m.

RON GONZALES, MAYOR

ATTEST:

LEE PRICE, C.M.C, CITY CLERK

EW/8-31-04