

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, NOVEMBER 30, 2004

The Council of the City of San Jose convened in Regular Session at 9:33 a.m. in Council Chambers at City Hall.

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

Absent: Council Members: Dando (Excused).

Upon motion unanimously adopted, the City Council recessed to Closed Session at 9:33 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 In Re: Bankruptcy of Metricom, Inc.; U.S. Glass and Aluminum vs. S.J. Amoroso; Henthom v. City of San José; Preservation Action Council of San Jose v. City of San José, et al; City of San José, et al. v. County of Santa Clara, et al. (B) to confer with Legal Counsel regarding anticipated litigation (a) of a matter where there is significant exposure to litigation pursuant to subsection. (C) Public Employment/Public Employee Appointment Pursuant to Government Code Section 54957: Title: Independent Police Auditor.

By unanimous consent, Council reconvened from Closed Session and recessed at 10:40 a.m. and reconvened at 1:37 p.m. in Council Chambers, City Hall.

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

Absent: Council Members: Dando (Excused).

INVOCATION (DISTRICT 10)

Father Konstantine "Dean" Medrinos, St. Basil the Greek Orthodox Church delivered a prayer.

PLEDGE OF ALLEGIANCE

Mayor Gonzales led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Council Member Campos, seconded by Council Member Chavez, and unanimously carried, the Orders of the Day and Amended Agenda were approved. (10-0-1). Absent: Dando.

Mayor Gonzales introduced Barbara Altard as the new Independent Police Auditor for the City of San José.

CEREMONIAL ITEMS

- 1.1 Recognition of Dr. Lisa Blevins and the Grace Community Center staff as recipients of the “Community Resource of the Year” award. (Parks, Recreation and Neighborhood Services)**

Action: Mayor Gonzales introduced Francisco Valenzuela of the San Andreas Regional Center, to present the Community Resource of the Year award to the Grace Community Center for the services they provide to the mentally and development disabled community.

- 1.2 Presentation of a commendation to Joseph Hoffman for his help in identifying a former Alcade of San José and for preserving San José’ heritage. (Reed)**

Action: This item was dropped.

- 1.3 Presentation of a commendation to John Cortese, in recognition of his generous contributions to the Friends of Guadalupe River Park & Gardens Annual “Pumpkins in the Park” event and his deep involvement in the community on behalf of the people of San José. (Yeager)**

Action: Mayor Gonzales and Council Member Yeager presented a commendation to John Cortese in recognition of his generous contributions to the Friends of Guadalupe River Park & Gardens Annual “Pumpkins in the Park” event and for his deep involvement in the community on behalf of the people of San José. Mr. John Cortese thanked the Mayor Gonzales and Council for the commendation.

- 1.4 Presentation of commendation to Westfield Shoppingtown on the occasion of their 6th Annual “Westfield Works Wonders” events at Westfield Shoppingtown Valley Fair and Oakridge. (Dando/Yeager)**

Action: Council Member Yeager joined Mayor Gonzales at the podium and presented a commendation to Phillipe St. Pierre and David Birk of Westfield Shoppingtown on the occasion of their 6th Annual “Westfield Works Wonders” events at Westfield Shoppingtown Valley Fair and Oakridge.

- 1.5 Presentation of a proclamation declaring December 1, 2004 as World AIDS Day in San José. (Disability Advisory Commission/LeZotte)
(Rules-in-Lieu referral 11/24/04)**

Action: Mayor Gonzales and Council Member LeZotte presented a proclamation to and Chair of the Disability Advisory Commission Carl Vitt declaring December 1, 2004 as World AIDS Day in San José. Mr. Carl Vitt thanked the Mayor and Council for the proclamation and stressed the importance of AIDS awareness and education.

- 1.6 Presentation of a commendation to Micrel, Inc., recognizing its important contribution to the economy. (Mayor/Reed)
(Rules-in-Lieu referral 11/24/04)**

1.6 (Cont'd.)

Action: Mayor Gonzales, Council Member Reed, Assistant Director of Economic Development Kim Walesh, and Assistant Executive Director Sharon Landers, presented a commendation to Raymond Zinn of Micrel, Inc., recognizing their important contributions to the economy. Mr. Raymond Zinn thanked Mayor Gonzales and Council for the commendation and their continued support of Micrel, Inc.

**1.7 Presentation of a commendation to Peter Cartwright and Anne Curtis of Calpine for their outstanding achievements in the field. (Chavez)
(Orders of the Day)**

Action: Mayor Gonzales and Council Member Chavez presented a commendation to Peter Cartwright and Anne B. Curtis of Calpine for their outstanding achievements in the field.

CONSENT CALENDAR

Upon motion by Council Member Chavez, seconded by Council Member Williams and unanimously carried, the Consent Calendar was approved as indicated with the exception of, Item 2.12/2.14 (pulled by Council Member LeZotte, Item 2.15 was pulled by Council Member Chavez) (11-0).

2.1 (a) Regular Minutes of September 7, 2004

Documents Filed: Minutes of September 7, 2004.

Action: The Regular minutes of September 7, 2004 was approved. (10-0-1). Absent: Dando.

2.2 Final adoption of ordinances:

- (a) **ORD. NO 27279 – Amends sections 20.100.1030, 20.100.1040 and 20.100.1050 of Chapter 20.100 of Title 20 of the San José Municipal Code to provide an exemption from a single-family house permit for certain houses located within flood zones that meet certain criteria set forth in the ordinance.**

Documents Filed: Proof of publication of title of Ordinance No. 27279 executed on November 16, 2004, submitted by the City Clerk.

Action: Ordinance No. 27279 was adopted. (10-0-1). Absent: Dando.

- (b) **ORD. NO. 27280 – Rezones certain real property situated on the southwesterly corner of Chynoweth Avenue and Cedar Grove Circle to A(PD) Planned Development Zoning District. PDC01-040**

Documents Filed: Proof of publication of title of Ordinance No. 27280 executed on November 16, 2004, submitted by the City Clerk.

Action: Ordinance No. 27280 was adopted. (10-0-1). Absent: Dando.

2.2 (Cont'd.)

- (c) **ORD. NO. 27281** – Rezones certain real property situated at the easterly terminus of Skyway Drive, approximately 1,000 feet easterly of the intersection of Monterey Highway and Skyway Drive (100 Skyway Drive) to A(PD) Planned Development Zoning District. PDC02-063

Documents Filed: Proof of publication of title of Ordinance No. 27281 executed on November 16, 2004, submitted by the City Clerk.

Action: Ordinance No. 27281 was adopted. (9-0-1-1). Absent: Dando. Disqualified: Reed.

- (d) **ORD. NO. 27282** – Rezones certain real property situated on the south side of East San Antonio Street at 34th Street (1650 E. San Antonio St.) to A(PD) Planned Development Zoning District. PDC04-040

Documents Filed: Proof of publication of title of Ordinance No. 27282 executed on November 16, 2004, submitted by the City Clerk.

Action: Ordinance No. 27282 was adopted. (10-0-1). Absent: Dando.

- (e) **ORD. NO. 27283** – Rezones certain real property situated on the northwesterly terminus of South 34th Street (321 S. 34th Street) to A(PD) Planned Development Zoning District. PDC04-033

Documents Filed: Proof of publication of title of Ordinance No. 27283 executed on November 16, 2004, submitted by the City Clerk.

Action: Ordinance No. 27283 was adopted. (10-0-1). Absent: Dando.

- (f) **ORD. NO. 27284** – Rezones certain real property situated on the southwest corner of Kirk Road and Salisbury Drive from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District. PDC03-105

Documents Filed: Proof of publication of title of Ordinance No. 27284 executed on November 16, 2004, submitted by the City Clerk.

Action: Ordinance No. 27284 was adopted. (10-0-1). Absent: Dando.

- (g) **ORD. NO. 27285** – Rezones certain real property situated between Mount Pleasant Road and Mount Kenya Drive, approximately 250 feet northerly of Marten Avenue (1795 Mount Pleasant Road) to A(PD) Planned Development Zoning District. PDC04-016

Documents Filed: Proof of publication of title of Ordinance No. 27285 executed on November 16, 2004, submitted by the City Clerk.

2.2 (Cont'd.)

Action: Ordinance No. 27285 was adopted. (10-0-1). Absent: Dando.

- (h) **ORD. NO. 27286 – Rezones certain real property situated on the southwest corner of Story Road and Clayton Road to A(PD) Planned Development Zoning District. PDC04-026**

Documents Filed: Proof of publication of title of Ordinance No. 27286 executed on November 16, 2004, submitted by the City Clerk.

Action: Ordinance No. 27286 was adopted. (10-0-1). Absent: Dando.

- (i) **ORD. NO. 27290 – Amends Part 8 of Chapter 12.06 of Title 12 of the San José Municipal Code to amend City of San José Campaign Ordinance relating to Officeholder Accounts.**

Documents Filed: Proof of publication of title of Ordinance No. 27290 executed on November 23, 2004, submitted by the City Clerk.

Action: Ordinance No. 27290 was adopted. (10-0-1). Absent: Dando.

- (j) **ORD. NO. 27291 – Amends Chapter 12.02, 12.04 and 12.06 of Title 12 of the San José Municipal Code to amend City of San José Campaign Ordinance relating to definitions, enforcement and making technical corrections.**

Documents Filed: Proof of publication of title of Ordinance No. 27291 executed on November 23, 2004, submitted by the City Clerk.

Action: Ordinance No. 27291 was adopted. (10-0-1). Absent: Dando.

- (k) **ORD. NO. 27293 – Rezones certain real property situated at the southeast corner of West San Carlos Street and Josefa Street to CP Commercial Pedestrian Zoning District. C04-074**

Documents Filed: Proof of publication of title of Ordinance No. 27293 executed on November 23, 2004, submitted by the City Clerk.

Action: Ordinance No. 27293 was adopted. (10-0-1). Absent: Dando.

- (l) **ORD. NO. 27294 – Rezones certain real property situated on the southwest corner of Coleman Avenue between Taylor Street and the Guadalupe River to A(PD) Planned Development Zoning District. PDC04-018**

Documents Filed: Proof of publication of title of Ordinance No. 27294 executed on November 23, 2004, submitted by the City Clerk.

Action: Ordinance No. 27294 was adopted. (10-0-1). Absent: Dando.

2.2 (Cont'd.)

- (m) **ORD. NO. 27295** – Rezones certain real property situated at the south side of East Williams Street, approximately 400 feet westerly of McLaughlin Avenue to A(PD) Planned Development Zoning District. PDC03-098

Documents Filed: Proof of publication of title of Ordinance No. 27295 executed on November 23, 2004, submitted by the City Clerk.

Action: Ordinance No. 27295 was adopted. (10-0-1). Absent: Dando.

- (n) **ORD. NO. 27296** – Rezones certain real property situated on the northeast corner of Snell Avenue and Hillsdale Avenue to LI Light Industrial Zoning District. C04-087

Documents Filed: Proof of publication of title of Ordinance No. 27296 executed on November 23, 2004, submitted by the City Clerk.

Action: Ordinance No. 27296 was adopted. (10-0-1). Absent: Dando.

- (o) **ORD. NO. 27297** – Rezones certain real property situated on the southeast corner of North Fourth Street and Koll Drive to CG Commercial General Zoning District. C04-081

Documents Filed: Proof of publication of title of Ordinance No. 27297 executed on November 23, 2004, submitted by the City Clerk.

Action: Ordinance No. 27297 was adopted. (10-0-1). Absent: Dando.

- 2.3 **Approval of a second amendment to the agreement with Brown Buntin Associates, Inc. for Airport Noise Consultant Services at the Norman Y. Mineta San José International Airport, increasing the maximum compensation by \$51,500, from \$59,225 to \$110,725. CEQA: Resolution Nos. 67380 and 71451, PP 04-297. (Airport)**

Documents Filed: Memorandum from Aviation Director Ralph G. Tonseth, dated November 8, 2004, recommend approval of the second amendment.

Action: The second amendment was approved. (10-0-1). Absent: Dando.

- 2.4 **Acceptance of the Office of the City Auditor's Report of Activities and Findings for the period of September 16 through October 15, 2004. (City Auditor)**

Documents Filed: Report of Activities and Findings for the Period of September 16 through October 15, 2004 from the Office of the City Auditor.

Action: The report was accepted. (10-0-1). Absent: Dando.

- 2.5 (a) **Adoption of a resolution amending and superseding Resolution No. 72208, authorizing the City Manager to negotiate and execute a Memorandum of Understanding (MOU) to accept program funds from Santa Clara County's Operational Area share of the following Federal grants, increasing the total amount of funds to be accepted by the City from \$195,494.09 to \$222,511.66.**
- (1) **FY 2003 Supplemental Appropriations Grant for the Emergency Management Performance Grant.**
 - (2) **FY 2003 CERT Grant.**
 - (3) **FY 2004 Citizen Corps Grant.**
 - (4) **FY 2004 Emergency Management Performance Grant (EMPG).**
- (b) **Adoption of the following appropriation ordinance and funding source resolution amendments in the General Fund:**
- (1) **Increase the City-wide appropriation for San Jose *Prepared!* by \$18,658, representing the total of the FY 2003 CERT Grant**
 - (2) **Increase the Revenue from the Federal Government by \$18,658.**
- (City Manager's Office/Emergency Services)**

Documents Filed: Memorandum from Budget Director, Larry D. Lisenbee and Director of Emergency Services, Frances Edwards-Winslow, dated November 22, 2004, recommending adoption of the appropriation ordinances and resolutions.

Action: Ordinance No. 27298, entitled: "An Ordinance of the City of San José Amending Ordinance No. 27196 to Appropriate Moneys in the General Funds for San José *PREPARED!*; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", Resolution No. 72397, entitled: "A Resolution of the Council of the City of San José Amending and Superseding the City Council Resolution No. 72208 Authorizing the City Manager to Negotiate and Execute a Memorandum of Understanding to Accept Program Funds from Santa Clara County's Operational Area Share of Federal Funds for the Fiscal Year 2003 Supplemental Appropriations Grant for the Emergency Management Performance Grant; the Fiscal Year 2003 Cert Grant; the Fiscal Year 2004 Citizen Corp Grant; and the Fiscal Year 2004 Emergency Management Performance Grant to Increase the Total Amount of Funds Accepted by the City from \$195,494.09 to \$222,511.66", and Resolution No. 72398, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 72189 Setting Forth the Estimated 2004-2005 to Adjust Revenues in the General Fund", were adopted. (10-0-1). Absent: Dando.

- 2.6 **Report on bids and approval to reject all bids for the Water Pollution Control Plant Reliability Improvements Project due to insufficient funding and direction to staff to re-qualify prospective bidders and re-bid the project in early 2005. CEQA: Exempt, PP03-05-183. (Environmental Services)**

Documents Filed: Memorandum from Director of Environmental Services, Carl Mosher, dated November 8, 2004, recommending approval of the report on bids and approval to reject all bids.

Action: This item was dropped.

- 2.7 Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2004-2005 #5, and authorization for the Director of General Services to execute the purchase orders. CEQA: See memo for CEQA designation(s). (General Services)**

Documents Filed: Memorandum from Interim Director of General Services, Jim McBride, dated November 8, 2004, recommending approval of award of open purchases.

Action: The award was approved. (10-0-1). Absent: Dando.

- 2.8 (a) Approval of an agreement with Redflex Traffic Systems, Inc. for Photo Radar Noticing and Processing services, with a total first year compensation not to exceed \$94,240, which includes a \$10,000 contingency.**
(b) Adoption of a resolution authorizing the Director of Transportation to execute four one-year options to renew without further City Council action other than the appropriation of necessary funding.
CEQA: Not a Project. (General Services)

Documents Filed: (1) Memorandum from Interim Director of General Services, Jim McBride, dated November 19, 2004, recommending approval of the agreement and resolution. (2) Draft agreement for services between the City of San José and Redflex Traffic Systems, Inc. for Photo Radar Enforcement (NASCO) Notification Processing Services.

Action: The agreement was approved and Resolution No. 72399, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Transportation to Execute Four One-Year Options to Renew the Agreement with Redflex Traffic Systems, Inc.", was adopted. (10-0-1). Absent: Dando.

- 2.9 (a) Adoption of appropriation ordinance and funding sources resolution amendments in the Park City-wide Construction and Conveyance Tax Fund in the amount of \$800,000 for the Overfelt House Project. CEQA: Exempt, HP03-007. (Parks, Recreation and Neighborhood Services/City Manager's Office)**
(b) Report on bids and award of contract for the Overfelt House Rehabilitation Project to the low bidder, Garden City Construction to include the base bid and Add Alternate Nos. 1, 2, 3, and 4 in the amount of \$1,057,133, and approval of a contingency in the amount of \$159,000. CEQA: Exempt, HP03-007. (Public Works/Parks, Recreation and Neighborhood Services)

Documents Filed: (1) Memorandum from Director of Parks, Recreation & Neighborhood Services Sara Hensley and Budget Director, Larry D. Lisenbee, dated November 8, 2004, recommending adoption of the following appropriation ordinance and funding source resolution amendments. (2) Memorandum from Director of Public Works Katy Allen and Director of Parks, Recreation & Neighborhood Services Sara Hensley, dated November 24, 2004, recommending report on bids and award of contract.

2.9 (Cont'd.)

Action: The report and award of contract were approved and Ordinance No. 27299, entitled: “An Ordinance of the City of San José Amending Ordinance No. 27196 to Appropriate Moneys in the Construction and Conveyance Tax Fund: City-Wide Parks Purposes for the Historic Homes Preservation – Overfelt House Project; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”, Resolution No. 72400, 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 Construction and Conveyance Tax Fund: City-Wide Parks Purposes”, were adopted. (10-0-1). Absent: Dando.

2.10 **Adoption of a resolution authorizing the reorganization of territory designated as McKee No. 124, which involves the annexation to the City of San José of 0.76 acre of land more or less, located at the north side of Madeline Drive, approximately 220 feet easterly of White Road and adjacent to the City of San José annexations McKee Nos. 39 and 75-A, and the detachment of the same from County Lighting County Service, Central Fire Protection, Area No. 01 (Library services) County Services, and County Sanitation District 2-3. CEQA: Resolution No. 65459, C04-049. Council District 5. (Planning, Building and Code Enforcement)**

Documents Filed: Memorandum from Director of Planning, Building & Code Enforcement Stephen Haase, dated November 8, 2004, recommending adoption of the resolution.

Action: Resolution No. 72401, entitled: “Resolution of the Council of the City of San José Ordering the Reorganization of Certain Uninhabited Territory Designated as McKee No. 124 Subject to Liability for General Indebtedness of the City”, was adopted. (10-0-1). Absent: Dando.

2.11 **Adoption of a resolution initiating proceedings and setting December 14, 2004 at 1:30 p.m. for Council consideration on the reorganization of territory designated as Franklin No. 52, which involves the annexation to the City of San José of 3.37 acres of land more or less, located on the north side of Umbarger Road approximately 1,200 feet west of Senter Road and adjacent to the City of San José annexations Franklin Nos. 2, 4, 32, and 44, and the detachment of the same from Central Fire Protection, Area No. 01 (Library Services) County Services, and County Sanitation District 2-3. CEQA: Mitigated Negative Declaration (Pre-zoning File No. PDC04-054). Council District 7. (Planning, Building and Code Enforcement)**

Documents Filed: Memorandum from Director of Planning, Building & Code Enforcement Stephen Haase, dated November 10, 2004, recommending adoption of the resolution.

Action: Resolution No. 72402, entitled: “A Resolution of the Council of the City of San José Initiating Reorganization Proceedings for the Annexation and Detachment of Certain

2.10 (Cont'd.)

Uninhabited Territory Designated as Franklin No. 52 and Described Herein, and Setting the Date and Place for Consideration of Such Reorganization”, was adopted. (10-0-1). Absent: Dando.

2.13 Report on bids and award of contract for the Traffic Signal Modification at Autumn Street-Montgomery Street (State Route 82) and Park Avenue Project to the lowest responsive bidder, St. Francis Electric, Inc., in the amount of \$272,484.20, and approval of a contingency in the amount of \$27,240.00. CEQA: Exempt, PP99-01-009. Council Districts 3 and 6. (Public Works/Transportation)

Documents Filed: Memorandum from Director of Public Works Katy Allen and Director of Transportation, James R. Helmer, dated November 8, 2004, recommending the report on bids and award of contract.

Public Comments: William Garbett spoke in opposition to street closures and impacts due to signal modification.

Action: The report on bids and award of contract were approved. (10-0-1). Absent: Dando.

Items 2.12 and 2.14 were heard together.

2.12 (a) Report on bids and award of contract for the University Pedestrian Street Lighting Improvements Project to the low bidder, Brown and Fesler, Inc., in the amount of \$264,350, and approval of a contingency in the amount of \$14,000. CEQA: Exempt, PP01-02-023.

(b) Adoption of the following appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund):

(1) Increase the University SNI Pedestrian Light Project (PSM 352#1) appropriation to the Department of Public Works by \$95,350.

(2) Increase the estimate for Earned Revenue by \$95,350.

CEQA: Exempt, PP01-02-023. Council District 3. SNI: University. (Public Works/City Manager's Office)

Documents Filed: Memorandum from Director of Public Works Katy Allen and Budget Director, Larry D. Lisenbee, dated November 8, 2004, recommending the report on bids, award of contract and adoption of the appropriation ordinance and funding source resolution amendments.

2.14 Report on bids and award of contract for the Street Lights SNI Edenvale/Great Oaks and Washington Project, to the low bidder, Pacific Electric Company, in the amount of \$144,145, and approval of a contingency in the amount of \$14,415. CEQA: Exempt, PP01-02-023. Council Districts 2, 3, and 7. SNI: Washington, Edenvale/Great Oaks. (Public Works)

2.14 (Cont'd.)

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated November 8, 2004, recommending the report on bids and award of contract.

Discussion: Council Member LeZotte requested staff to provide clarification regarding transfer of funds from the Redevelopment Agency for the University Pedestrian Street Lighting Improvements Project. Budget Director, Larry D. Lisenbee stated he would return to Council with further clarification as to where in the Redevelopment Agency's budget the money will be transferred from.

Council Member Williams asked staff if solar lighting would be used for the proposed project. Director of Transportation, James R. Helmer stated they would prefer to use solar lighting in that distinct area since it has been known to be an efficient way of saving energy. Council Member Williams asked staff to report back to Council on the potential use of solar-energy for street lighting.

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

Action: The reports on bids and award of contracts were approved and Ordinance No. 27300, entitled: "An Ordinance of the City of San José Amending Ordinance No. 27196 to Appropriate Moneys in the Services for Redevelopment Capital Projects Funds for the University SNI Pedestrian Light Project; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", and Resolution No. 72403, 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 Services for Redevelopment Capital Projects Fund", were adopted. (10-0-1). Absent: Dando.

2.15 **Approval of an agreement with Banducci Associates Architects for architectural design services for Fire Station 17, from the date of execution to May 1, 2007, in the amount of \$308,475. CEQA: Not a Project. Council District 9. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated November 18, 2004, recommending approval of the agreement.

Public Comments: Mary Fallenweider, President of the Association of Engineers and Architects for the City of San José, expressed her support of the City using in-house architectural services as opposed to outside consulting firms.

Discussion: Mayor Gonzales asked staff to explain why they were using an outside architectural firm to consult on the proposed project rather than using in-house services. Director of Public Works Katy Allen stated her department was handling multiple public works projects and their need to use an outside consultant was necessary to complete the existing projects. She also commented there were design issues as well as the lack of internal resources that limited their experience on the project.

2.15 (Cont'd.)

Council Member Chavez asked staff to create a benchmark for the proposed project that includes the specific design templates and specifications in selecting the proposed architectural design services.

Action: The agreement was approved. (10-0-1). Absent: Dando.

2.16 Acceptance of the Third Quarter 2004 San José Arena Authority Ticket Distribution Program Report. CEQA: Not a Project. (San José Arena Authority)

Documents Filed: Memorandum from Executive Director of the San José Arena Authority, Chris Morrisey, dated November 8, 2004, recommending the acceptance of the 3Q2004 Arena Ticket Distribution Program Report.

Action: The report was accepted. (10-0-1). Absent: Dando.

2.17 Approval of Council Member Yeager's travel to Indianapolis, Indiana, December 1-5, 2004, to attend the National League of Cities Annual Conference. Funding: Council District 6 Office Budget. (Yeager)

Documents Filed: None.

Action: Council Member Yeager's travel was approved. (10-0-1). Absent: Dando.

STRATEGIC SUPPORT SERVICES

**3.2 Report of the Rules Committee – November 17, 2004
Vice Mayor Dando, Chair**

Documents Filed: Report of the Rules Committee of November 17, 2004.

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

(b) City Council

(1) Review November 30, 2004 Draft Agenda

The Committee recommended approval of the November 30, 2004 City Council agenda, with four additions.

(2) Add New Items to November 23, 2004 Amended Agenda

Dropped – Meeting cancelled

(3) Staff Reports Outstanding

No reports. Meeting of November 23, 2004 cancelled.

3.2 (Cont'd.)

- (c) Legislative Update
 - (1) State – There was no report.
 - (2) Federal – There was no report.
- (d) Meeting Schedules – There were none.
- (e) The Public Record. Attachment: Memorandum from the City Clerk, dated November 11, 2004, transmitting items filed for the Public Record for the period November 3-9, 2004.

The Committee noted and filed the Public Record.

- (f) Appointment to Boards, Commissions and Committees. Attachments: Eleven memoranda from City Clerk Lee Price, dated November 5, 2004, forwarding results of interviews conducted by the Project Diversity Screening Committee to fill board and commission vacancies; one supplemental memorandum from City Clerk Lee Price, dated November 15, 2004, forwarding results of interviews conducted by the Project Diversity Screening Committee to fill board and commission vacancies; twelve memoranda from the City Attorney's Office, dated October and November 2004, reviewing commission applicants for conflict of interest; memorandum from Council Member Campos, dated November 15, 2004, recommending appointments to the Advisory Commission on Rents; Three memoranda from Council Member Yeager, dated November 15, 2004, recommending appointments to the Early Care and Education Commission and the Human Rights Commission; Memorandum from Council Member Gregory, dated November 16, 2004, recommending an appointment to the Mobile Home Advisory Commission; Memorandum from Council Member Gregory, dated November 16, 2004, recommending a one-week deferral on an appointment to the Mobile Home Advisory Commission; Memorandum from Council Member LeZotte, dated November 12, 2004, recommending appointments to the Senior Citizen Commission; and a Memorandum from Council Member Reed, dated November 12, 2004, recommending appointments to the Small Business Development Commission.

The Committee directed the City Clerk to conduct a blind drawing for those commissions with more than one vacancy and varying term ending dates, with the results of the draw noted in the Rules Committee report. The Committee recommended the following appointments:

3.2 (Cont'd.)

- (1) **Advisory Commission on Rents**
The Committee recommended appointment of Victoria Holtzman (Incumbent) and Steven Wincor (Incumbent) as the neutral representatives, Larry Hull (Incumbent) as the landlord representative; Darrold Wagner as the tenant representative for terms ending December 31, 2007; and Cary Silberman as tenant representative for an unexpired term ending December 31, 2006.
- (2) **CDBG Steering Committee**
The Committee recommended appointment of Jeremy Nishihara as the City Wide representative to a term ending June 30, 2007. The Committee directed the City Clerk to readvertise for the District 5 position.
- (3) **Early Care and Education Commission**
The Committee recommended appointment of Kathryn Martinez and Maureen Smith to unexpired terms ending June 30, 2007.
- (4) **Housing Advisory Commission**
The Committee recommended appointment of Tom Fink (Incumbent) as the District 3 representative and Meaalofa Talivaa as the District 7 representative to terms ending December 31, 2007.
- (5) **Human Rights Commission**
The Committee recommended appointment of Lawrence Boesch, Linda Colar (Incumbent), Frances Lewis-Johnese and John Marienthal to terms ending December 31, 2007; and Stephen Pehanich to an unexpired term ending December 31, 2006.
- (6) **Library Commission**
The Committee recommended appointment of Catherine Graham to an unexpired term ending June 30, 2007.
- (7) **Mobile Home Advisory Commission**
The Committee recommended the appointment Jacque Heffner (Incumbent) to a term ending December 31, 2007. The Committee deferred one appointment to next week's Rules Committee meeting.
- (8) **Parks and Recreation Commission**
The Committee recommended appointment of Melanie Richardson to an unexpired term ending June 30, 2007.
- (9) **Senior Citizens Commission**
The Committee recommended appointment of Frances Jones to an unexpired term ending June 30, 2007 with a subsequent 3-year term ending June 30, 2008; and Zhi-Long Zhou to a term ending June 30, 2006.

3.2 (Cont'd.)

- (10) Small Business Development Commission
The Committee recommended appointment of James Charles (Incumbent), Spencer Horowitz (Incumbent), Gopi Niduvadan (Incumbent) and Rudy Rodriguez to terms ending December 31, 2007; Jordan Dancer to an unexpired term ending December 31, 2005 and Alkesh Desai to an unexpired term ending December 21, 2006.

- (g) Rules Committee Reviews, Recommendations and Approvals
(1) Military Reservist Benefits. Attachment: Memorandum from Council Member Reed, dated November 8, 2004, regarding discussion and action on military leave policy for members of the Reserves and National Guard.

Administration advised the Committee that a comprehensive report on Military Reservist Benefits will be presented to the City Council on December 14, 2004.

- (2) Red Curb Standards for Schools. Attachment: Memorandum from Director of Transportation, James R. Helmer, dated November 10, 2004, regarding Red Curb Standards for Schools.

The Committee recommended that if there are any outstanding issues, that they be referred to the Building Better Transportation Committee.

- (h) Oral communications – There were none.

- (i) Adjournment
The meeting adjourned at 2:25 p.m.

Action: Upon motion by Council Member Cortese, seconded by Council Member Chavez, the Rules Committee Report and Actions of November 17, 2004 were accepted.

3.3 Report of the Making Government Work Better Committee – November 18, 2004 Council Member Campos, Chair

Documents Filed: Report of the Making Government Work Better Committee of November 18, 2004.

- (a) Cell Phone Utilization Report. Attachment: Hardcopy of An Audit of the City's Cellular Phone Program, dated November 2004, from the Office of the City Auditor.

The Committee accepted the Staff report with the direction to add to the policy the wording that the policy be reviewed every three years; and, more frequently regarding an evaluation of plan options.

3.3 (Cont'd.)

- (b) Vehicle and Metered Equipment Follow-up. Attachment: Memorandum from City Auditor, Gerald Silva, dated November 12, 2004, responding the Making Government Work Better Committee's request to review the Administration's October 14, 2004 memorandum.

The Committee accepted the staff report.

- (c) Transport Vehicle Audit Follow-up. Attachment: Memorandum from Assistant to the City Manager Peter Jensen, dated November 12, 2004, recommending acceptance of the status report.

The Committee accepted the staff report.

- (d) Environmental Procurement. Attachment: Memorandum from Interim Director of General Services, Jim McBride and Director of Environmental Services, Carl Mosher, dated November 9, 2004, recommending approval of the memorandum and reconfirming the Environmentally Preferable Procurement Policy.

The Committee accepted the staff report.

- (e) Special Event/Permit Update. Attachment: Memorandum from Director of Parks, Recreation & Neighborhood Services Sara Hensley, dated November 1, 2004, informing the Department of Parks, Recreation, and Neighborhood Services (PRNS) will present a powerpoint overview updating the Making Government Work Better Committee on the progress of Special Events Permitting.

The Committee accepted the staff report.

- (f) Investment Report. Attachment: Memorandum from Finance Director Scott P. Johnson, dated November 10, 2004, recommending the Making Government Work Better Committee accept the City's Investment Report for the quarter ended September 30, 2004.

The Committee accepted the staff report.

- (g) Annual Debt Report – Deferred to December.
- (h) Quarterly Debt Report – Deferred to December/
- (i) Comprehensive Annual Financial Report – Deferred to December.
- (j) Public Art – Deferred to 2005 Workplan.
- (k) Oral Petitions – None.

3.3 (Cont'd.)

(l) Adjournment

The meeting was adjourned at 3:30 p.m.

Discussion: Council Member Cortese requested to place in the record that his absence from the Making Government Work Better Committee's meeting was excused.

Public Comments: Ross Signorino expressed his support for the City utilizing proper equipment for City workers.

Action: Upon motion by Council Member Reed, seconded by Council Member Chavez, and unanimously carried, the Making Government Work Better Committee Report and Actions of November 18, 2004 were accepted with direction from Council Member Chavez to include her absence was excused from the Rules Committee meeting. (10-0-1). Absent: Dando.

3.4 **Adoption of a revised Council Policy for Retaining Architectural and Engineering Services. CEQA: Not a Project. (Public Works)** **(Deferred from 11/9/04 – Item 3.5 and 11/16/04 – Item 3.7)**

Documents Filed: None.

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

3.5 **Approve modifications to Council Policy 0-28 (Censure Policy), as recommended by the Blue Ribbon Task Force.** **(Deferred from 11/16/04 – Item 3.5)**

Documents Filed: Memorandum from Assistant to the City Manager Peter Jensen on behalf of the Blue Ribbon Task Force on Ethics, dated November 29, 2004, recommending Council approval of the recommended changes to Council Policy 0-28 regarding censure, as approved by the Blue Ribbons Task Force on Ethics.

Discussion: Council Member Yeager delivered a short overview of the proposed Council Policy and requested staff to include wording within the policy, "...at least twenty-four (24) hours prior to the Rules Committee...", under the category of Sanction, Item 2.

Council Member Chavez commented on the importance of adding a system within the policy to help assist any Council Member who may have a complaint lodged against them as well as assistance for those who are submitting the complaint.

3.5 (Cont'd.)

Council Member Cortese expressed concern regarding the inability of the Council to subpoena witnesses and complainants. City Attorney Richard Doyle stated they would look into rewording the policy to include power to issue subpoenas.

Council Member recommended that staff include within the Censure Policy the discretion of the Rules Committee to disagree with a request for censure against a Council Member and instead recommend that Council approve a lesser reprimand, i.e, admonition or sanction. Modification accepted.

Action: Upon motion by Council Member Yeager and seconded by Council Member Chavez, modifications to the "City Council Conduct Policy 0-28" were approved. (9-1-1). Noes: Williams. Absent: Dando.

- 3.6 (a) **Adoption of a resolution by City Council authorizing the City Manager to negotiate and execute a contract from November 17, 2004 to June 30, 2005 in an amount not to exceed \$440,220 with BearingPoint, Inc. to participate in Stage 1 of the CUSP Project, which includes a comprehensive business process gap fit readiness analysis related to the ultimate installation and implementation of CUSP.**
- (b) **Adoption of a resolution by City Council authorizing the City Manager to negotiate and execute a Customer Information System (CIS) consultant services contract from November 17, 2004 to June 30, 2005 in an amount not to exceed \$325,700 with Blue Heron Consulting to assist City staff with Stage 1 of the CUSP Project, which includes providing the City with an independent, third party overview and analysis of a comprehensive business process gap fit readiness analysis and contract negotiations related to the City's development of the BearingPoint contract scope of services for Stage 2 of the CUSP Project.**
- (c) **Adoption of the following appropriation ordinance and funding sources resolution amendments by City Council to:**
- (1) **Increase the estimate for Earned Revenue in the Integrated Waste Management Fund by \$4,389,242.**
 - (2) **Establish a CUSP Project appropriation to the Finance Department in the Integrated Waste Management Fund in the amount of \$4,389,242.**
- CEQA: Not a Project. (Finance/City Manager's Office)**
(Deferred from 10/5/04 et al and 11/16/04 – Item 3.10)

Documents Filed: None.

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

- 3.7 Council appointments of retired members to the Retirement Boards:**
- (a) Federated City Employees Retirement System Board of Administration: Appoint one retiree member to a term ending 11/30/08;**
 - (b) Police and Fire Department Plan Board of Administration: Appoint one retiree member to a term ending 11/30/08.**
- (City Clerk)**

Documents Filed: (1) Memoranda from City Clerk Lee Price, dated November 15 and 23, 2004, recommending the appointment of retirees to the Board of Administration.

Action: Upon motion by Council Member LeZotte, seconded by Council Member Chavez, and unanimously carried, Council appointed William A. Thomas to the Federated Retirement System Board and Kenneth Heredia to the Police & Fire Retirement Plan Board. (10-0-1). Absent: Dando.

- 3.8 Authorization for the City Manager to release two Requests for Proposals (RFPs) for the New City Hall: the Converged Network, and the Consolidated Server and Storage Solution. (City Manager's Office/Information Technology)**
(Referred from 11/16/04 – Item 3.9)

Documents Filed: (1) Hardcopy presentation from Gartner Consulting, dated November 30, 2004. (2) Memorandum from Deputy City Manager Ed Shikada, Director of Transportation, James R. Helmer, and Interim Director of General Services, Jim McBride, dated November 24, 2004, recommending authorization for the City Manager to release two Requests for Proposals (RFPs) for the New City Hall; the Converged Network, and the Consolidated Server and Storage Solution. (3) Draft copy of the Consolidated Server and Storage Solution for the New City Hall from the City of San José, dated November 24, 2004. (4) Hardcopy of the Converged Network for the New City Hall from the City of San José. (5) Hardcopy of the Schedule A – Service Provider Response Format from the City of San José.

Discussion: Director of Transportation, James R. Helmer delivered an overview presentation of the Converged Network and Server/Storage Requests for Proposals.

Council Member LeZotte requested staff to return to Council with follow-up information pertaining to their response to a letter from SBC regarding the code of conduct and ethics.

Public Comments: William Garbett spoke in opposition of the proposed telephony system for the New City Hall.

Action: Upon motion by Council Member Williams, seconded by Council Member Gregory, and unanimously carried, the authorization was approved. (10-0-1). Absent: Dando.

- 3.9 (a) Acceptance of the staff report on value engineering efforts in the Audio/Visual Project for the New City Hall.
- (b) Adoption of the following appropriation ordinance amendments in the General Fund:
- (1) Establish an appropriation in the amount of \$85,000 to the Public Works Department for new City Hall Expansion of the Customer Queuing System;
 - (2) Decrease the Building Fee Program Reserve by \$75,000;
 - (3) Decrease the Public Works Fee Program Reserve by \$10,000.
- (c) Adoption of a resolution authorizing the City Manager to negotiate and execute Contract Change Order No. 3 for the New City Hall Audio/Visual Project with Ceitronics, increasing the compensation by an amount not to exceed \$85,000, for a total contract amount not to exceed \$3,389,210, and expanding the scope of work to add installation of a customer queuing system to the second floor of the New City Hall.

CEQA: Resolution No. 68905, PP98-03-072. SNI: University. (Planning, Building and Code Enforcement/Public Works/City Manager's Office)

Documents Filed: Memorandum from Director of Planning, Building & Code Enforcement Stephen Haase, Director of Public Works Katy Allen, and Budget Director, Larry D. Lisenbee, dated November 23, 2004, recommending acceptance of the staff report, adoption of the appropriation ordinance, and authorization for the City Manager to execute Contract Change No. 3.

Public Comments: William Garbett stated disapproval of the proposed contract.

Action: Upon motion by Council Member Williams, seconded by Council Member Chavez, and unanimously carried, the report was accepted and Ordinance No. 27301, entitled: "An Ordinance of the City of San José Amending Ordinance No. 27196 to Appropriate Moneys in the General Fund for the New City Hall Expansion of the Customer Queuing System; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", and Resolution No. 72404, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Contract Change Order No. 3 to the Agreement with Ceitronics, Inc. for the New City Hall Project in an Amount Not to Exceed \$85,000, for a Total Contract Not to Exceed \$3,389,210", were adopted. (10-0-1). Absent: Dando.

ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee – November 15, 2004 Council Member Chavez, Chair

Documents Filed: Report of the Building Strong Neighborhoods Committee of November 15, 2004.

- (a) Strong Neighborhoods Initiative Business Plan Discussion
Committee accepted the report.

4.1 (Cont'd.)

- (b) Multi-Service Delivery Hub Model Update
Committee accepted the report.
- (c) Animal Care and Services Update
Committee accepted the report.
- (d) School Open Space Update
Committee requested discussion be moved to the December 20, 2004 agenda.
- (e) City/School Agreements Follow-up from October 18, 2004 Meeting
Committee requested discussion to be moved to the December 20, 2004 agenda.
- (f) Oral Petitions – None.
- (g) Adjournment
The meeting adjourned at 3:29 p.m.

Documents Filed: None.

Action: Upon motion by Council Member Chavez, seconded by Council Member Cortese, and unanimously carried, the Building Strong Neighborhoods Committee Report and Actions of November 15, 2004 were accepted. (10-0-1). Absent: Dando.

RECREATION & CULTURAL SERVICES

- 5.2 (a) **Determining that public use and necessity require the acquisition of a surface trail easement on a portion of an automobile tow and storage property owned by Vincent S. Alongi and Ida A. Alongi, Co-Trustees of the Vincent S. Alongi and Ida A. Alongi Revocable Living Trust dated August 20, 1992, and Carmel M. Alongi and Stanley Paul Alongi, Co-Trustees of the Nicholas N. Alongi Exemption Trust under the Nicholas N. Alongi and Carmel M. Alongi Revocable Living Trust dated January 7, 1992, located at 940 Lonus Street;**
- (b) **Finding that:**
- (1) **The property interest to be acquired is necessary for the completion of the Los Gatos Creek Trail - Reach 4 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 full amount of the approved appraisal;**
 - (4) **City staff made an offer to the owners for the full appraised amount; and**
 - (5) **The proposed taking and use are authorized by law.**

(Continued on next page)

- 5.2 (c) **Directing the City Attorney to file an eminent domain action to acquire the above property interest. (Cont'd.)**
CEQA: Mitigated Negative Declaration, PP04-01-014. Council District 6. (Public Works)
(Deferred from 11/9/04 – Item 5.2)

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated October 20, 2004, recommending adoption of the resolution.

Action: This item was dropped.

- 5.3 (a) **Approval of the extension of the funding term for one year, from December 31, 2004 to December 31, 2005, for the following projects:**
- (1) **F88 MACSA Enrichment and Development Center – The Mexican American Community Services Agency, Inc.**
 - (2) **G47 Selma-Olinder Park – Parks, Recreation and Neighborhood Services Department.**
 - (3) **G33 Capitol Park Community Center (also known as Goss Community Facility) – Parks, Recreation and Neighborhood Services Department.**
 - (4) **G55 11th and William Street Park Acquisition – Parks, Recreation and Neighborhood Services Department.**
- (b) **Approval of the extension of the funding term for one year, from June 30, 2004 to June 30, 2005, for the following projects:**
- (1) **F96 Capacity Build-out for Children’s Dental Initiative Clinic – The Health Trust.**
 - (2) **N01 Predevelopment Loan Program – Housing Department.**
 - (3) **K16 Therapeutic Health and Wellness Center – Parks, Recreation and Neighborhood Services Department.**
- (c) **Adoption of the following Appropriation Ordinance amendments in the Community Development Block Grant Fund (CDBG):**
- (1) **Increase the Housing Rehabilitation Loans and Grants appropriation by \$105,996 for loans and grants;**
 - (2) **Establish the Evaluation of CDBG Services appropriation by \$100,000 for process improvement and Consolidated Plan needs assessment;**
 - (3) **Increase the Non-Rent Control Tenancy Protection Program appropriation by \$15,000 for non-personal expenses;**
 - (4) **Establish the Nonprofit Capacity Building appropriation by \$87,537 for workshops for nonprofits;**
 - (5) **Establish the Therapeutic Health and Wellness Center appropriation by \$100,030 for additional community input on the design option and phasing the construction of the project, and;**
 - (6) **Decrease the Ending Fund Balance by \$408,563.**

CEQA Not a Project. (Parks, Recreation and Neighborhood Services/City Manager’s Office)

5.3 (Cont'd.)

Documents Filed: Memorandum from Budget Director, Larry D. Lisenbee and Director of Parks, Recreation & Neighborhood Services Sara Hensley, dated November 8, 2004, recommending approval of the extension of the funding terms.

Action: Upon motion by Council Member Yeager, seconded by Council Member Chavez, and unanimously carried, the extensions of funding terms were approved, and Ordinance No. 27302, entitled: "An Ordinance of the City of San José Amending Ordinance No. 27196 to Appropriate Moneys in the Community Development Block Grant Fund for Various Community Development Block Grant Projects; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", was adopted. (10-0-1). Absent: Dando.

5.4 **Report on bids and award of contract for the construction of the Evergreen Branch Library Project, to the low bidder, Hagensen Pacific Construction Co., Inc., to include the base bid and Add Alternate Nos. 1, 2, and 3, in the amount of \$7,612,500, and approval of a contingency in the amount of \$609,000. CEQA: Negative Declaration, H03-056. Council District 8. (Public Works/Library)**

Documents Filed: Memorandum from Director of Public Works Katy Allen and Library Director, Jane Light, dated November 8, 2004, recommending the report on bids and award of contract.

Discussion: Council Member LeZotte asked staff to provide Council with clarification on the qualification regarding LEED certification for the proposed contractor.

Action: Upon motion by Council Member Cortese, seconded by Council Member Williams, and unanimously carried, the report on bids and award were approved with staff direction to return to Council with clarification on the qualifications regarding LEED certification for the proposed contractor. (10-0-1). Absent: Dando.

5.5 **Adoption of a resolution authorizing the City Manager to negotiate and execute the grant agreements with the San José B.E.S.T. Eligible Service Providers, consistent with the directives of the Mayor's Gang Prevention Task Force for a total amount not to exceed \$2,465,000. (Parks, Recreation and Neighborhood Services)**

Documents Filed: Memorandum from Director of Parks, Recreation & Neighborhood Services Sara Hensley, dated November 18, 2004, recommending the authorization of the City Manager to negotiate and execute the grant agreements.

Action: Upon motion by Council Member Chavez, seconded by Council Member Yeager, and unanimously carried, Resolution No. 72405, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Grant Agreements with Eligible San José B.E.S.T. Service Providers for 2004-2005", was adopted. (10-0-1). Absent: Dando.

TRANSPORTATION SERVICES

6.2 Public Hearing and adoption of a resolution vacating a portion of the Hillsdale Avenue, between Pearl Avenue and Guadalupe River. CEQA: Exempt. Council District 6. (Public Works)

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated November 8, 2004, recommending conducting the public hearing.

Public Comments: William Garbett expressed disapproval of funding the proposed project.

Action: Upon motion by Council Member Yeager, seconded by Council Member Chavez, and unanimously carried, the Public Hearing was held and Resolution No. 72406, entitled: "A Resolution of the Council of the City of San José Vacating a Portion of Hillsdale Avenue Between Pearl Avenue and the Guadalupe River and Reserving a Public Service Easement", was adopted. (10-0-1). Absent: Dando.

ENVIRONMENTAL & UTILITY SERVICES

7.1 (a) Acceptance of the 2004 Annual Report on the Sustainable Energy Policy and proposed 2004-05 Action Plan; (b) Direct staff to report on the status of implementation and attainment of the Policy and Action Plan on an annual basis. CEQA: Not a Project. (Environmental Services/General Services)

Documents Filed: Memorandum from Director of Environmental Services, Carl Mosher and Interim Director of General Services, Jim McBride, dated November 8, 2004, recommending the acceptance of the 2004 Annual Report and staff direction.

Discussion: Director of Environmental Services, Carl Mosher requested Council approve the proposed amendment and explained that he would return in Spring 2005 with further information regarding the proposed program. Council Member Reed suggested staff return in January with a status update on the revolving loan fund.

Action: Upon motion by Council Member LeZotte, seconded by Council Member Chavez, and unanimously carried, the report was accepted with staff directed to return to Council in January with a status update on the revolving loan fund. (8-2-1). Noes: Williams; Gregory. Absent: Dando.

- 7.2 Direction to the Departments of Housing and Environmental Services to:**
- (a) Integrate an energy weatherization grant program for low-income owner-occupied households in San José within the Housing Department's Rehabilitation Program with an initial allocation of \$700,000, and establish the appropriate funding mechanisms for the use of the Calpine/Bechtel donation.**
 - (b) Return to the City Council within one year with an evaluation of the program.**
- CEQA: Not a Project. (Environmental Services/Housing)**

Documents Filed: Memorandum from Director of Environmental Services, Carl Mosher and Director of Housing Leslye Corsiglia, dated November 15, 2004, recommending the staff direction.

Action: Upon motion by Council Member Chavez, seconded by Council Member Cortese, the staff direction were approved. (10-0-1). Absent: Dando.

- 7.3 Public Hearing on the application of San José Conservation Corps for a Commercial Solid Waste and Recyclables Collection Franchise, and consider approval of an ordinance granting the franchise, and approval of a Commercial Solid Waste and Recyclables Collection Franchise Agreement with San José Conservation Corps. CEQA: Negative Declaration, PP92-11-308. (Environmental Services)**

Documents Filed: Memorandum from Chief Deputy Director of Environmental Service, Frances B. McVey, dated November 8, 2004, recommending approval of the ordinance.

Action: Upon motion by Council Member Chavez, seconded by Council Member Gregory, and unanimously carried, the Public Hearing was held, Ordinance No. 27303, entitled: "An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to San José Conservation Corps", was passed for publication, and the agreement was approved. (9-0-2). Absent: Campos, Dando.

AVIATION SERVICES

- 8.1 Approval of a master agreement with Carter & Burgess, Inc. for architectural consultant services for the Airline Maintenance Facility Project in an amount not to exceed \$750,000, from November 30, 2004 to December 31, 2007. CEQA: Resolution Nos. 67380 and 71451, PP 04-292. (Public Works/Airport)**

Documents Filed: None.

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

8.2 Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with URS Corporation for Consultant Services for Airport Roadway and Related Infrastructure Projects at Norman Y. Mineta San José International Airport for the period November 15, 2004 to June 30, 2008, in an amount not to exceed \$2,500,000. CEQA: Resolution Nos. 67380 and 71451, PP 04-303. (Public Works/ Airport)

Documents Filed: Memorandum from Director of Public Works Katy Allen and Aviation Director Ralph G. Tonseth, dated November 8, 2004, recommending approval of the award agreement.

Public Comments: Joe Brenner expressed concerns about the City's use of outside consultants.

Action: Upon motion by Council Member Chavez, seconded by Council Member Cortese, and unanimously carried, Resolution No. 72407, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with URS Corporation for Airport Roadway and Related Infrastructure Projects at the Norman Y. Mineta San José International Airport for the Period of November 15, 2004 to June 30, 2008 in an Amount Not to Exceed \$2,500,000", was adopted. (10-0-1). Absent: Dando.

8.3 Approval of the following policy direction in the development of the Airport's North Concourse Concession Program:

- (a) **A single prime operator for the food and beverage element of the North Concourse.**
 - (b) **One or two prime operators for the retail portion of the North Concourse.**
- CEQA: Not a Project. (Airport)**

[Deferred from 11/16/04 – Item 8.1(b)]

Documents Filed: None.

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

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:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9618	Southeast corner of Oakland Road and Rock Avenue	4	Taylor Woodrow Homes	107 units	SFA	Approve

OPEN FORUM—

- 1) Ross Signorino expressed his approval of the Library Parcel Tax (Measure S) passage.

ADJOURNMENT

The meeting of the Council of the City of San José was adjourned in memory of Gregory Weldon Lawrence; and Andrew Gonzales, Latino Community Leader, and President of La Raza Lawyers Association at 4:43 p.m.

RON GONZALES, MAYOR

ATTEST:

**LEE PRICE, C.M.C, CITY CLERK
EW/11-30-04**