



CITY OF SAN JOSÉ, CALIFORNIA

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, MARCH 29, 2005

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

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

Absent: Council Members: None.

Upon motion unanimously adopted, the City Council recessed to Closed Session at 9:35 a.m. in Room 600 to (A) confer with Legal Counsel regarding existing litigation pursuant to Government Code Section 54956.9 Subsection (a) to consider cases of Comcast of California II, L.L.C. v. City of San José; (B) to confer with Legal Counsel regarding anticipated litigation (a) of a matter where there is significant exposure to litigation pursuant to subsection.

By unanimous consent, Council reconvened from Closed Session and recessed at 10:45 a.m. and reconvened at 1:40 p.m. in Council Chambers, City Hall.

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

Absent: Council Members: None.

INVOCATION (DISTRICT 3)

Susan Davis, Rape Crisis Center at the YMCA, discussed upcoming events for the "Walk A Mile in Women's Shoes" event.

PLEDGE OF ALLEGIANCE

Mayor Gonzales led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Council Member Chavez, seconded by Council Member Yeager, and unanimously carried, the Order of the Day and the Amended Agenda were approved.

CEREMONIAL ITEMS

1.1 Presentation of commendations to Ted and Helen Johnson for their exemplary dedication and invaluable contributions to the San Jose community. (Campos/Mayor)

Action: Council Member Campos joined Mayor Gonzales at the podium to present commendations to Ted and Helen Johnson for their exemplary dedication and invaluable contributions to the San José community in District 5.

1.2 Presentation of a commendation to Virginia Beck for her exemplary dedication and invaluable contributions to the City organization. (City Manager/Mayor)

Action: Mayor Gonzales was joined at the podium by City Manager Del Borgsdorf to present a commendation to Virginia Beck for her exemplary dedication and invaluable contributions to the San José community.

1.3 Presentation of a commendation to the Sons in Retirement in honor of their 40th anniversary. (Yeager)

Action: Mayor Gonzales and Council Member Yeager presented a commendation to the Sons of Retirement in honor of their 40th Anniversary.

1.4 Presentation of a commendation to the San José Permits Online Development Team for their work in creating a comprehensive online database of various City Departments, allowing customers to access all information on permits, land use, and geographic data for a specific parcel from their website. (Campos)

Action: Mayor Gonzales and Council Member Campos presented a commendation to the San José Permits Online Development Team for their work in creating a comprehensive online database of various City Departments, allowing customers to access all information in permits, land use, and geographic data for specific parcel from their website.

1.5 Presentation of commendations to Sergeant John Rose (Police Department) and Andrea Shecter (Library Department) recognizing them as 2005 Project Cornerstone Asset Champions for promoting the developmental assets that are the essential building blocks of healthy child and youth development. (Yeager) (Rules Committee referral 3/23/05)

Action: Council Member Yeager joined Mayor Gonzales to present commendations to Sergeant John Rose (Police Department) and Andrea Shecter (Library Department) recognizing them for their work with Project Cornerstone (asset for healthy child and youth development).

CONSENT CALENDAR

Upon motion by Council Member Campos, seconded by Council Member Williams and unanimously carried, the Consent Calendar was approved as indicated with the exception of, Item 2.12 (pulled by Council Member Williams). (10-0).

- 2.2 (a) **ORD. NO. 27375 – Amends Title 23 of the San José Municipal Code by Amending Chapters 23.02 and 23.04 to expand the Downtown Sign Zone Boundaries and include regulations for Mixed-Use Development, to modify skyline and rooftop sign provisions to apply Citywide, to modify commercial signage regulations pertaining to large, multistory retail uses, to modify projecting and FIN sign provisions and 3-dimensional sign provisions in certain areas, to establish a minimum base height for detached signs, to clarify public outreach sign allowances, and to reorganize and reformat certain sections and make other minor, clarifying technical changes and corrections.**

Documents Filed: Proof of publication of title of Ordinance No. 27375 executed on March 22, 2005, submitted by the City Clerk.

Action: Ordinance No. 27375 adopted. (10-0).

- (b) **ORD. NO. 27377 – Amends Title 12 of the San José Municipal Code by adding a new Chapter 12.16 to require disclosure of fundraising solicitations by elected officials of the City of San José and the Redevelopment Agency Board of Directors.**

Documents Filed: Proof of publication of title of Ordinance No. 27377 executed on March 22, 2005, submitted by the City Clerk..

Action: Ordinance No. 27377 adopted. (10-0).

- (c) **ORD. NO. 27378 – Amends sections 20.100.1030 and 20.100.1040 of part 9 of Chapter 20.100 of Title 20 of the San José Municipal Code to provide for an exception for City landmarks and historic district houses and to provide for a more simplified process for certain homes listed in the City’s historic resources inventory.**

Documents Filed: Proof of publication of title of Ordinance No. 27378 executed on March 22, 2005, submitted by the City Clerk.

Action: Ordinance No. 27378 adopted. (10-0).

- (d) **ORD. NO. 27379 – Rezones certain real property situated on the southeast corner of South 2nd Street and East Virginia Street from CN Commercial Neighborhood Zoning District to A(PD) Planned Development Zoning District. PDC04-011**

2.2(d) (Cont'd.)

Documents Filed: Proof of publication of title of Ordinance No. 27379 executed on March 22, 2005, submitted by the City Clerk.

Action: Ordinance No. 27379 adopted. (10-0).

- (e) **ORD. NO. 27380 – Rezones certain real property situated on the north side of Story Road, approximately 720 feet southwesterly of McLaughlin Avenue (915 Story Road) to A(PD) Planned Development Zoning District. PDC04-045**

Documents Filed: Proof of publication of title of Ordinance No. 27380 executed on March 22, 2005, submitted by the City Clerk.

Action: Ordinance No. 27380 adopted. (10-0).

2.3 Report on bids and award of contract for the purchase of parking enforcement equipment for the Department of Transportation and accessories to the lowest responsive bidder, Turbo Data Systems, Inc, at a total cost of \$169,765.95, including tax, freight and extended warranty, and authorization for the Director of Finance to:

- (a) **Execute the purchase order for the immediate purchase of 30 handheld computer ticket writers, thirty portable printers, and related software and accessories; and**
- (b) **Approve the purchase of an additional 10 handheld computer ticket writers and 10 portable printers, and related software and accessories at the same unit pricing over the next 12 months, without further Council approval other than the appropriation of necessary funding.**

CEQA: Not a Project. (General Services/Finance)

Documents Filed: Memorandum from Interim Director of General Services Jim McBride and Finance Director Scott P. Johnson, dated March 9, 2005, recommending the report on bids and award of contract.

Action: The report and award were approved. (10-0).

2.4 Approval for Almaden Branch Library to retain its longstanding name. CEQA: Exempt, PP05-055. Council District 10. (Library)

Documents Filed: Memorandum from Library Director Jane Light, dated March 9, 2005, recommending the Almaden Branch Library to retain its longstanding name.

Action: The Almaden Branch Library name was approved. (10-0).

- 2.5 Adoption of a resolution authorizing the City Manager to submit grant applications as part of the Santa Clara Valley Water District's (SCVWD) Trails, Parks and Open Space Grant Program for Bay Trail Reach 7A (\$250,000), Coyote Creek Trail Reach 5 (\$300,000), and the Willow Glen Spur Trail (\$300,000). CEQA: Not a Project. Council Districts 4, 6, and 7. (Parks, Recreation and Neighborhood Services)**

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Sara L. Hensley, dated March 9, 2005, recommending adoption of the resolution.

Action: Resolution No. 72591, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Submit Grant Applications as Part of the Santa Clara Valley Water District's Trails, Parks and Open Space Grant Program for Bay Trail Reach 7A (\$250,000), Coyote Creek Trail Reach 5 (\$300,000), and Willow Glen Spur Trail (\$300,000)", was adopted. (10-0).

- 2.6 (a) Adoption of a resolution authorizing the Director of Public Works to negotiate and execute an agreement to accept and record a Grant Deed from ROEM Development Corporation (ROEM), for unencumbered land and park improvements associated with Hacienda Creek Park as a condition from Planned Development Rezoning Project PDCSH01-10-097, at a total cost of \$294,000.**
- (b) Adoption of the following appropriation ordinance and funding source resolution amendments in the Subdivision: Park Trust Fund (Fund 375):**
- (1) Establish an appropriation in the amount of \$294,000 to the Parks, Recreation and Neighborhood Services Department for the Hacienda Creek Park Project;**
 - (2) Increase the Earned Revenue estimate by \$287,500; and**
 - (3) Decrease the Reserve: Future PDO/PIO Projects by \$6,500.**
- CEQA: Mitigated Negative Declaration, PDC01-10-097. Council District 3. SNI: Five Wounds/Brookwood Terrace. (Parks, Recreation and Neighborhood Services/City Manager's Office)**

Documents Filed: None.

Action: This item was deferred to April 12, 2005. (10-0).

- 2.7 Adoption of a resolution ordering the reorganization of territory designated as Evergreen No. 187 which involves the annexation to the City of San José of 0.52 acres of land more or less, located on the east side of Ruby Avenue 70 feet northwesterly and opposite Chapala Drive and adjacent to the City of San José annexations Evergreen Nos. 132 and 170 and the detachment of the same from Santa Clara County Central Fire Protection and Area No. 01 (Library Services) County Services. CEQA: Resolution No. 65459. Council District 8. (Planning, Building and Code Enforcement)**

2.7 (Cont'd.)

Documents Filed: (1) Memorandum from Director of Planning, Building and Code Enforcement Stephen M. Haase, dated March 9, 2005, recommending adoption of the resolution. (2) Certificate of Completion from Executive Director of LAFCO of Santa Clara County, Neelima Palacherla, dated April 20, 2005.

Action: Resolution No. 72592, entitled: "A Resolution of the Council of the City of San José Ordering the Reorganization of Certain Uninhibited Territory Designated as Evergreen No. 187, Subject to Liability for General Indebtedness of the City", was adopted. (10-0).

2.8 Adoption of a resolution to:

- (a) Join with the County of Santa Clara and seven other cities in applying for the U.S. Department of Justice FY 2005 Edward Byrne Memorial Justice Assistance Grant; and**
- (b) Accept the grant if it is awarded; and**
- (c) Authorize the City Manager to execute all related grant agreements with the County of Santa Clara, including a Memorandum of Understanding with the eight participating jurisdictions.**

CEQA: Not a Project. (Police)

Documents Filed: Memorandum from Police Chief Robert L. Davis, dated March 10, 2005, recommending adoption of the resolution.

Action: Resolution No. 72593, entitled: "A Resolution of the Council of the City of San José Authorizing the City to Join with the County of Santa Clara and Seven Other Cities to Apply to the United States Department of Justice for a FY 2005 Edward Byrne Memorial Justice Assistance Grant in an Amount Not to Exceed \$750,048, to Accept the Grant if Awarded, and to Execute All Related Documents", was adopted. (10-0).

- 2.9**
- (a) Adoption of a resolution delegating to the Director of Public Works authority to issue change orders to save money on contracts for the Airport Master Plan public works contracts in any amount, which is in addition to the authority of the Director of Public Works to issue change orders for the Airport Master Plan public works contracts pursuant to Municipal Code Section 14.04.415D.**
 - (b) Approval of an ordinance amending Section 14.04.415 of Chapter 14.04 of the San José Municipal Code to authorize the Director of Public Works to issue change orders to reduce the compensation for the Airport Master Plan public works contracts in any amount.**

CEQA: Resolution Nos. 67380 and 71451, PP 04-092. (Public Works/Airport)

Documents Filed: Memorandum from Director of Public Works Katy Allen, and Interim Director of Aviation Frank Kirkbride., dated March 21, 2005, recommending adoption of the resolution and approval of the ordinance.

2.9 (Cont'd.)

Action: Ordinance No. 27385, entitled: “An Ordinance of the City of San José Amending Section 14.04.415 of the San José Municipal Code to Authorize the Director of Public Works to Issue Change Orders to Reduce the Compensation for Airport Master Plan Public Works Contracts in Any Amount”, was passed for publication and Resolution No. 72594, entitled: “A Resolution of the Council of the City of San José Delegating to the Director of Public Works Authority to Issue Change Orders to Reduce the Compensation for Airport Master Plan Public Works Contracts in Any Amount, Which is in Addition to the Authority of the Director of Public Works to Issue Change Orders for Airport Master Plan Public Works Contracts Pursuant to Municipal Code Section 14.04.415D”, was adopted. (10-0).

- 2.10 (a) Approval of an agreement with KB Home South Bay, Inc., to fund and perform a community facilities district feasibility study and formation analysis for the maintenance of improvements for an area within the Communications Hill Specific Planned Development (CFD 11).**
- (b) Adoption of appropriation ordinance and funding sources resolution amendments in the Construction Excise Tax Fund:**
- (1) Establish an appropriation to the Department of Public Works for the CFD No. 11 Feasibility Study Project in the amount of \$20,000.**
 - (2) Increase the estimate for Earned Revenue by \$20,000.**
- CEQA: Exempt, PP05-021. Council District 7. (Public Works/City Manager's Office)**

Documents Filed: Memorandum from Director of Public Works Katy Allen and Budget Director Larry D. Lisenbee, dated March 9, 2005, recommending approval of an agreement and adoption of the appropriation ordinance and funding source resolution amendments.

Action: The agreement was approved and Ordinance No. 27386, entitled: “An Ordinance of the City of San José Amending Ordinance No. 27196 to Appropriate Moneys in the Construction Excise Tax Fund for the Community Facilities District No. 11 Feasibility Study Project; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption”, and Resolution No. 72595, 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 Excise Tax Fund”, were adopted. (10-0).

- 2.11 (a) **Approval of an agreement with Metcalf Partners, LLC, Lennar Homes of California, Inc., to fund and perform a community facilities district feasibility study and formation analysis to provide maintenance services for improvements to a proposed residential development at the terminus of Basking Ridge Avenue (CFD 12).**
- (b) **Adoption of appropriation ordinance and funding sources resolution amendments in the Construction Excise Tax Fund:**
- (1) **Establish an appropriation to the Department of Public Works for the CFD No. 12 Feasibility Study Project in the amount of \$30,000.**
 - (2) **Increase the estimate for Earned Revenue by \$30,000.**

CEQA: Resolution No. 71360, PP05-36. Council District 2. (Public Works/City Manager's Office)

Documents Filed: Memorandum from Director of Public Works Katy Allen and Budget Director Larry D. Lisenbee, dated March 9, 2005, recommending approval of an agreement and adoption of the appropriation ordinance and funding sources resolution amendments.

Action: The agreement was approved and Ordinance No. 27387, entitled: "An Ordinance of the City of San José Amending Ordinance No. 27196 to Appropriate Moneys in the Construction Excise Tax Fund for the Community Facilities District No. 12 Feasibility Study Project; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", and Resolution No. 72596, 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 Excise Tax Fund", were adopted. (10-0).

- 2.12 **Approval of a "Waiver of Claims and Indemnification" agreement with the Metropolitan Transportation Commission (MTC) that would allow the City to receive approximately \$400,000 in consultant services previously approved by the City Council for the San José Signal Retiming Project Phase II. CEQA: Not a Project. (Transportation)**

Documents Filed: Memorandum from Director of Transportation James R. Helmer, dated March 9, 2005, recommending approval of the agreement.

Discussion: Council Member Williams pulled this item for questions to staff, who confirmed that the waiver was a standard request and not extraordinary. Council Member Williams requested staff return with a status report regarding the agreement.

Action: The agreement was approved with direction to staff to provide a report back on the status of the agreement. (10-0).

- 2.13 **Approval of Mayor Gonzales' travel to Cambridge, England and Helsinki, Finland, April 6 – April 13, 2005 for the Mayor's Economic Development Mission Finland-England. Funding: Office of Economic Development. (Mayor) (Rules Committee referral 3/23/05)**

2.13 (Cont'd.)

Documents Filed: None.

Public Comments: Ross Signorino spoke in favor of informing the public about Mayor and Councils' travel.

Action: Mayor Gonzales' travel was approved. (10-0).

TRANSPORTATION SERVICES

6.3 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 contingency in the amount of \$94,000. CEQA: Exempt, PP 02-03-046. Council District 7. SNI: West Evergreen. (Public Works/Transportation)

Documents Filed: Memorandum from Director of Public Works Katy Allen and Director of Transportation James R. Helmer, dated March 9, 2005, recommending approval of the report on bids and award of contract.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Reed, and unanimously carried, the report on bids and award were approved. (10-0).

STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – March 16, 2005 Vice Mayor Chavez, Chair

Documents Filed: Rules Committee report of March 16, 2005.

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review March 29, 2005 Council Agenda

The Committee recommended approval of the March 29, 2005 City Council Agenda with four additions.

- (2) Add New Items to March 22, 2005 Amended Agenda

The Committee recommended eight additions to the March 22, 2005 City Council Agenda.

- (3) List of Reports Outstanding. Attachment: Report from the City Manager's Office, dated March 15, 2005, listing four (4) staff report outstanding for the March 22, 2005 City Council Meeting.

The Committee noted and filed the City Manager's Report.

3.2 (Cont'd.)

- (c) Legislative Update
 - (1) State
There was no report.
 - (2) Federal
There was no report.
- (d) Meeting Schedules. Attachment: Memorandum from Senior Executive Analyst Nadine Nader, dated March 14, 2005, regarding a request to schedule an evening Council Meeting on March 22, 2005, for discussion of the KROC Community Center; and a memorandum from Vice Mayor Chavez, Council Member Campos, and Interim Chief of Staff, District 7, Jim Webb, dated March 15, 2005, regarding supporting staff's recommendation to schedule an evening City Council Meeting to discuss the KROC Community Center.

The Committee recommended scheduling an evening City Council Meeting for discussion of the KROC Community Center item.

- (e) The Public Record. Attachment: Memorandum from City Clerk Lee Price, dated March 10, 2005, transmitting items filed for the Public Records for the period March 2-8, 2005.

The Committee noted and filed the Public Record.

- (f) Appointments to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Surplus Vehicles. Attachment: Memorandum from Council Member Cortese, dated March 1, 2005, regarding surplus vehicles; and a memorandum from Interim Director of General Services Jim McBride, dated March 10, 2005, regarding Notice of Surplus Mini Vans and a Pick Up Truck.

SEE ITEM 3.4 FOR COUNCIL ACTION TO BE TAKEN

- (2) Committee Meeting Broadcasts. Attachment: Memorandum from Public Outreach Manager Tom Manheim, dated March 2, 2005, regarding Committee Meeting Broadcasts.

SEE ITEM 3.5 FOR COUNCIL ACTION TO BE TAKEN

- (h) Oral Communications

Mr. Bill Chew requested that candidates be allowed to hold public forums in the Council Chambers.

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

3.2 (Cont'd.)

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Williams, and unanimously carried, the Rules Committee Report and Actions of March 16, 2004 were accepted. (10-0).

3.3 Report of the Making Government Work Better Committee – March 17, 2005 Council Member Reed, Chair

Documents Filed: Making Government Work Better Committee report of March 17, 2005.

- (a) Follow-up Report on Fire Department Overtime and Relief Staffing. Attachment: Memorandum from Fire Chief Jeffrey L. Clet and Budget Director Larry D. Lisenbee, dated March 9, 2005, presenting an overview and implementation strategy to address the issues identified in the Office of the Auditor's April 2001, "Audit of the City of San José Fire Department's Overtime Expenditures."

The Committee accepted the Staff report.

- (b) Streamlining and Technology Update
The Committee accepted this staff report.

- (c) Police Department Marked Patrol Vehicle Fleet Size. Attachment: Memorandum from City Auditor Gerald A. Silva, dated February 8, 2005, providing the Police Vehicle Budget Reduction.

The Committee accepted the Staff report.

- (d) Single Audit Report. Attachment: Memorandum from Finance Director Scott P. Johnson, dated March 9, 2005, recommending acceptance of the Single Audit and Internal Controls Report issued by Macias, Gini & Company, LLP, for the fiscal year ended June 30, 2004 to the Making Government Work Better Committee.

Heard together with Item e.
The Committee accepted the Staff report.

- (e) Management Letter
This item was heard with Item d.

- (f) Oral Petitions – None.

- (g) Adjournment
The meeting was adjourned at 3:10 p.m.

Action: Upon motion by Council Member Reed, seconded by Council Member LeZotte, and unanimously carried, the Making Government Work Better Committee Report and Actions of March 17, 2005 were accepted. (10-0).

- 3.4 Adoption of a resolution authorizing the Director of General Services to execute all documents necessary for the donation of one (1) pickup truck, and two (2) passenger vans with a total estimated value of \$2,665 to Our City Forest. CEQA: Not a project. (General Services)
[Rules Committee referral 3/16/05 – Item 3.2(g)(1)]**

Documents Filed: Memorandum from Interim Director of General Services Jim McBride, dated March 22, 2005, recommending adoption of the resolution.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Yeager, and unanimously carried, Resolution No. 72597, entitled: “A Resolution of the Council of the City of San José Approving the Donation of Three Vehicles to Our City Forest”, was adopted. (10-0).

- 3.5 Approval to web stream the audio portion of Committee meetings over the Internet. (City Manager’s Office)
[Rules Committee referral 3/16/05 – Item 3.2(g)(2)]**

Documents Filed: Memorandum from Senior Executive Analyst Nadine Nader, dated March 17, 2005, providing the Committee’s recommendations pertaining to the New City Hall Committee Meeting Broadcasting.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Campos, and unanimously carried, the request for audio web streaming was approved. (10-0).

RECREATION & CULTURAL SERVICES

- 5.2 (a) Approval of a Second Amended Lease with San José Unified School District (“District”) and Estrella Family Services (“Estrella”) for a community facility located on the Gardner Elementary School site, adding the City to the District’s current Lease with Estrella covering the child care center, for a term ending June 30, 2019.**
- (b) Adoption of a resolution authorizing the City Manager to negotiate and execute:**
- (1) A contract for Sale of Personal Property, located at 611 Willis Street, San José, CA 95112, evidencing the transfer of title of the Center from Estrella Family Services to the City, in exchange for a payment of \$617,000;**
 - (2) A Sublease of the Center with Estrella for a term ending June 30, 2019, pursuant to which Estrella Family Services will run recreational programs at the Center, and provide child care services meeting the Smart Start San José Program Quality Standards.**

CEQA: Exempt, PP05-037. Council District 3. (Library)

Documents Filed: Memorandum from Library Director Jane Light, dated March 17, 2005, recommending adoption of the resolution.

5.2 (Cont'd.)

Action: Upon motion by Vice Mayor Chavez, seconded by campos, and unanimously carried, the lease was approved and Resolution No. 72598, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Agreements with Estrella Family Services Relating to a Community Facility Located on the Gardner Elementary School Site", was adopted. (10-0).

TRANSPORTATION SERVICES

6.2 **Acceptance of report and presentation on the draft Santa Clara Valley Transportation Authority (VTA) Long Term Transit Capital Investment Program and the potential additional ½ cent sales tax measure for transit operations and maintenance, and local street maintenance and improvements. CEQA: Not a project. (Transportation/VTA) [Building Better Transportation Committee referral 3/7/05 – Item 6.1(d)(1)]**

Documents Filed: (1) Memorandum from Director of Transportation James R. Helmer, dated March 23, 2005, recommending acceptance of the report. (2) Hardcopy of the Long-Term Transit Capital Investment Program Powerpoint presentation, dated March 29, 2005.

Public Comments: William Garbett spoke in disapproval of the City funding the proposed projects.

Discussion Deputy Director of Department of Transportation Hans F. Larsen and VTA representative Carolyn Gonoff presented the Long-Term Transit Capital Investment Program and outlined the potential additional half-cent sales tax and proposed allocations. Questions followed regarding State/Federal funding projections; people-mover funding and details, and allocations of the anticipated half-cent sales tax revenue.

Council provided feedback and input for VTA consideration about bus/lightrail alternatives in the downtown East Valley and Coyote Valley. Council Member LeZotte asked for more information about zero-emission buses.

Vice Mayor Chavez asked staff to forward to the Valley Transportation Authority (VTA) Board the feedback and, furthermore, to return to the Building Better Transportation Committee with more information about zero-emission buses.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Campos, and unanimously carried, the Report was accepted. Staff directed to forward to the VTA Board the Council feedback and return to the Building Better Transportation Committee with more information about zero-emission buses. (9-0-1). Absent: Yeager.

- 6.4 Repeal Resolution No. 72221 related to the establishment of speed limits in the City of San José and adoption of a resolution establishing limits in the City of San José with changes to the following roadways:**
- (a) Cypress Avenue, between Stevens Creek Boulevard and Constance Drive, from 30 MPH to 25 MPH.**
 - (b) Second Street, between Jackson Street and Julian Street, from 30 MPH to 25 MPH.**
 - (c) Singleton Road, between Senter Road and Locke Drive, from 30 MPH to 25 MPH.**
 - (d) Chynoweth Avenue, between New World Drive and Barron Park Drive, from 35 MPH to 30 MPH.**
 - (e) Fenian Drive, between Rincon Avenue and Keith Drive, from 35 MPH to 30 MPH.**
 - (f) Santa Clara Street, between Autumn Street and Market Street, from 35 MPH to 30 MPH.**
 - (g) Tully Road, between Capitol Expressway and White Road, from 45 MPH to 40 MPH.**
 - (h) Parkmoor Avenue, between Meridian Avenue and Lincoln Avenue, from 25 MPH to 30 MPH.**
- CEQA: Exempt, PP05-030. Council Districts 1, 3, 6, 7, 8 and 10. (Transportation)**

Documents Filed: Memorandum from Director of Transportation James R. Helmer, dated March 9, 2005, recommending rescinding Resolution 72221, related to the establishment of speed limits in the City of San José, and adoption of the resolution.

Action: Upon motion by Council Member Reed, seconded by Council Member Campos, and unanimously carried, Resolution No. 72599, entitled: “A Resolution of the Council of the City of San José Reestablishing Speed Limits on Sections of Cypress Avenue, Second Street, Singleton Road, Chynoweth Avenue, Fenian Drive, Santa Clara Street, Tully Road, and Parkmoor Avenue, Reestablishing Without Change, Speed Limits on Other Streets Within the City of San José, and Repealing Resolution No. 7221”, was adopted. (10-0).

- 6.5 Approval of the 2004-2005 edition of the Transportation and Parking Management Plan for HP Pavilion at San José. CEQA: Resolution No. 60199. Council Districts 3 and 6. (Transportation)**

Documents Filed: Memorandum from Director of Transportation James R. Helmer, dated March 9, 2005, recommending approval of the 2004-2005 edition of the Transportation and Parking Management Plan for HP Pavilion at San José.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Yeager, and unanimously carried, the 2004-2005 edition of the Transportation and Parking Management Plan was approved. (10-0).

ENVIRONMENTAL & UTILITY SERVICES

- 7.1 Report on bids and award of contract for the Albany-Kiely Storm Drain Improvement Phase II Project to the lowest responsive bidder, Shaw Pipeline, Inc., for the base bid in the amount of \$1,972,510, and approval of a contingency in the amount of \$197,000. CEQA: Exempt, PP04-316. Council District 1. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated March 9, 2005, recommending the report on bids and award of contract.

Action: Upon motion by Council Member LeZotte, seconded by Council Member Reed, and unanimously carried, the report on bids and award was approved. (10-0).

- 7.2 (a) Approval to award a contract for the Highway 87 Detour II Sanitary Sewer Reconstruction Phase II Project to the low bidder, McGuire and Hester, in the amount of \$4,939,146, and approval of a contingency in the amount of \$740,900.**
- (b) Adoption of a resolution approving the Highway 87 Detour II Sanitary Sewer Reconstruction Phase II Project and incorporating environmental mitigation measures set forth in the Mitigation Monitoring and Reporting Program for the project.**
- CEQA: Mitigated Negative Declaration, PP03-12-378. Council District 3. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated March 9, 2005, recommending approval of the award of contract and adoption of the resolution. (2) Supplemental memorandum from Secretary of the Planning Commission Stephen Haase, dated March 22, 2005, providing the Mitigation Monitoring and Reporting Plan (MMRP) for the Highway 87 Detour II Sanitary Sewer Reconstruction Project.

Public Comments: William Garbett spoke in opposition to the staff recommendation.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Yeager, and unanimously carried, the award of contract was approved and Resolution No. 72600, entitled: "A Resolution of the Council of the City of San José Approving the Highway 87 Sanitary Sewer Detour, Phase II Project, for Which An Initial Study/Mitigated Negative Declaration Was Prepared in Accordance With the California Environmental Quality Act, and Adopting a Mitigation Monitoring and Reporting Program", was adopted. (10-0).

AVIATION SERVICES

- 8.1 (a) **Approval of fourth amendments to the On-Airport Rental Car Operations Agreement and Leases with Enterprise Rent-A-Car Company Of San Francisco, Fox Rent A Car, Inc., KRH Enterprises, Inc. dba Payless Rent A Car, and Thrifty Rent-A-Car System, Inc., to extend the term of the agreements on the same terms and conditions from March 31, 2005 to March 31, 2006.**
- (b) **Approval of fourth amendments to the Amended and Restated On-Airport Rental Car Operations Agreement and Leases with Avis Rent A Car System, Inc., Vanguard Car Rental, USA, Inc. dba Alamo/National, Budget Rent-A-Car Systems, Inc., DTG Operations, Inc d/b/a Dollar Rent A Car, and The Hertz Corporation, Inc. to extend the term of the agreements on the same terms and conditions from March 31, 2005 to March 31, 2006.**
- (c) **Approval of first amendments to the Rental Car Storage Ground Leases with Enterprise Rent-A-Car Company Of San Francisco, Fox Rent A Car, Inc., KRH Enterprises, Inc. dba Payless Rent A Car, Thrifty Rent-A-Car System, Inc., to extend the term of the agreements on the same terms and conditions from March 31, 2005 to March 31, 2006, or the beneficial occupancy of the Second Interim Rental Car Facility.**
- (d) **Approval of seventh amendments to the Rental Car Service Center Ground Lease with Avis Rent A Car System, Inc., Vanguard Car Rental, USA, Inc. dba Alamo/National, Budget Rent-A-Car Systems, Inc., DTG Operations, Inc d/b/a Dollar Rent A Car, and The Hertz Corporation, Inc. to extend the term of the agreements on the same terms and conditions from March 31, 2005 to March 31, 2006.**
- (e) **Direct staff to report back as a part of the FY 05-06 budget process, an analysis of funding options and economic impacts of requiring living wage as a part of the rental car agreements, including the potential increase of Customer Facilities Charges (CFCs) and associated State approval processes.**
- (f) **Direct staff to initiate discussions with rental car companies regarding the possible relocation of operations, living wage, and other business terms.**

**CEQA: Resolution Nos. 67380 and 71451, PP05-038. (Airport)
(Deferred from 3/22/05 – Item 8.1)**

Documents Filed: (1) Memorandum from Vice Mayor Chavez, Council Member Campos, and Council Member Cortese, dated March 29, 2005, recommending extending the current agreements with rental car companies through August 30, 2005 and staff direction contained therein. (2) Supplemental memorandum from Interim Director of Aviation Frank Kirkbride, dated March 28, 2005, providing for modification in part of the original recommendations. (3) Memorandum from Interim Director of Aviation Frank Kirkbride. And Director of Economic Development Paul Krutko, dated March 17, 2005, recommending approval of the amendments. (4) Statement by Arnold Goehring of Fox Rent-A-Car, Inc.

8.1 (Cont'd.)

Public Comments: Nancy Villareal, Phaedra Ellis-Lamkins, Daisy Chu, Ed Wang, Jim Tucker, Bob Dhillon, Manpreet Dhindsa, Inderjeet Bhatthal, Silvia Minescu, Lehmbert Singh, Ram Singh, Andrew Pierce, John Sheperdson, and Mark Gleason, spoke in support of the proposed actions.

Arnold Grehring spoke in opposition to the proposed actions.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Campos, and unanimously carried, Resolution No. 72601 , entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Amendments to Extend the Terms of the On-Airport Rental Car Operations Agreements and Ground Leases at the Norman Y. Mineta San José International Airport”, was adopted, extending the existing agreements through August 30, 2005 and direction provided to staff as outlined in the Council memorandum from Vice Mayor Chavez, Council Member Campos, and Council Member Cortese, dated March 29, 2005. Council will provide further direction on implementation of the Living Wage Ordinance at the May 3rd hearing. (10-0).

NOTICE OF CITY ENGINEER’S PENDING DECISION ON FINAL MAPS

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9389	S/E corner of Winchester Blvd. and Olin Ave.	6	Frit SJ Town & Country Village, LLC	1 Lot	MFA	Approve
9681	W/S Coleman Ave. S/O Taylor St.	3	Cousins Properties, Inc.	4 Lots	Comm. Tract	Approve

OPEN FORUM—

- (1) Daniel McCall expressed personal spiritual views.
- (2) Ross Signorino expressed support for the County/Library Tax Measures set for a special election in May.

ADJOURNMENT

The Council of the City of San José adjourned at 3:34 p.m. in memory of Keapoloahiwa Mai, Public Safety Dispatcher II, who served the people of San José for over 14 years.

MINUTES OF THE CITY OF SAN JOSÉ/REDEVELOPMENT AGENCY BOARD

SAN JOSE, CALIFORNIA

TUESDAY, MARCH 29, 2005

The Council of the City of San José convened in Joint Session with the Redevelopment Agency Board at 3:35 p.m. in City Council Chambers at City Hall.

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

Absent: Council Members: None.

JOINT REDEVELOPMENT AGENCY/COUNCIL ITEM 8.1

8.1 Public Hearing and adoption of ordinances by the City Council:

- (a) Amending the time limitations extending by one year the effectiveness of the redevelopment plan and the last day to repay indebtedness or receive property taxes with respect to the Redevelopment Plans for The Alameda, Alum Rock Avenue, East Santa Clara Street, Park Center Plaza, San Antonio Plaza, Story Road, and West San Carlos Street Redevelopment Project Areas.
- (b) Making certain findings consistent with California Redevelopment Law Sections 33333.2(d)(2)(B) and 33333.6(e)(2)(D); and amending the time limitations extending by one year the effectiveness of the redevelopment plan and the last day to repay indebtedness or receive property taxes with respect to the Redevelopment Plans for the Century Center (Original), Edenvale, Guadalupe-Auzerais, Japantown, Julian-Stockton, Market Gateway, Olinder, Pueblo Uno, and Rincon de los Esteros (except 3rd Expansion) Redevelopment Project Areas.

[MERGED]

Documents Filed: Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated March 29, 2005, recommending adoption of the ordinance by the City Council.

Action: Ordinance No. 27388, entitled: “An Ordinance of the City of San José Amending the Time Limitations Extending by One Year the Effectiveness of the Redevelopment Plan and the Last Day to Repay Indebtedness or Receive Property Taxes with Respect to the Redevelopment Plans for the Alameda, Alum Rock Avenue, East Santa Clara Street, Park Center Plaza, San Antonio Plaza, Story Road, and West San Carlos Street Redevelopment Project Areas”, and Ordinance No. 27389, entitled: “An Ordinance of the City of San José Making Certain Findings and Amending the Time Limitations Extending by One Year the Effectiveness of the Redevelopment Plan and the Last Day to

8.1 (Cont'd.)

Repay Indebtedness or Receive Property Taxes with Respect to the Redevelopment Plans for the Century Center (Original), Edenvale, Guadalupe-Auzerais, Japantown, Julian-Stockton, Market Gateway, Olinder, Pueblo Uno, and Rincon De Los Esteros (Except 3rd Expansion) Redevelopment Project Areas”, were adopted.

RON GONZALES, MAYOR

ATTEST:

LEE PRICE, C.M.C, CITY CLERK
EW/3-29-05 Min.