



CITY OF SAN JOSÉ, CALIFORNIA

MINUTES OF THE CITY COUNCIL

SAN JOSÉ, CALIFORNIA

TUESDAY, APRIL 12, 2005

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

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

Absent: Council Members - Gonzales. (Excused)

Upon motion unanimously adopted, Council recessed at 9:35 a.m. to a Closed Session in Room 600, (A) to confer with Legal Counsel with respect to existing litigation pursuant to Government Code Section 54956.9 subsection (a) to consider the cases of (1) City of San José and the Redevelopment Agency of the City of San José v. County of Santa Clara, Santa Clara County Financing Authority, et al.; (2) The San José Charter of the Hells Angels Motorcycle Club, et al. v. City of San José, et al.; (3) Newkirk v. City of San José, et al.; (4) Amlin v. City of San José, et al. (B) To confer with Legal Counsel to discuss: (1) anticipated litigation with significant exposure to litigation pursuant to subsection (b) 54956.9 in one (1) matter; (2) initiation of litigation pursuant to subsection (c) of Section 54956.9 of the Government Code in one (1) matter; (C) Public employee performance evaluation pursuant to Government Code Section 54957, Title: Director of Aviation; (D) Conference with Labor Negotiator pursuant to Government Code Section 54957.6, City Negotiator: City Manager designee Alex Gurza, and the following Employee Organizations: (1) San José Police Officers' Association; (2) International Association of Firefighters.

By unanimous consent, Council reconvened from the Closed Session and recessed at 10:25 a.m. and reconvened at 1:34 p.m. in the Council Chambers.

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

Absent: Council Members - Gonzales. (Excused)

INVOCATION

Mr. Ashish Brahmhatt, Mr. Prakash Shah, and Mr. Nilkanth Patel, BAPS Hindu Temple presented a non-sectarian prayer for peace. (District 4)

PLEDGE OF ALLEGIANCE

Vice Mayor Chavez led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Council Member Pyle, seconded by Council Member Yeager, and carried unanimously, the Orders of the Day, and the Amended Agenda were approved. (9-0-1. Absent: Gonzales.)

City Manager Del Borgsdorf introduced Mr. Bill Sherry, new Director of Aviation Services effective May 1, 2005.

CEREMONIAL ITEMS

1.1 Presentation of a commendation to the Capital Project Management Team for its exemplary dedication and invaluable contributions to the City organization. (City Manager/Mayor)

Action: Vice Mayor Chavez and City Manager Del Borgsdorf recognized the Capital Project Management team for its dedication and contributions to the City of San José.

1.2 Presentation of a commendation to the California Line Dance Association of America (CLDAA) for their commitment to promoting exercise, health, and enjoyment of all ages. (Chavez) (Orders of the Day)

Action: Vice Mayor Chavez recognized the California Line Dance Association of America for their commitment to promote exercise and health to the community.

CONSENT CALENDAR

Upon motion by Council Member Pyle, seconded by Council Member Williams, and carried unanimously, the Consent Calendar was approved, and the below listed actions were taken as indicated. (9-0-1. Absent: Gonzales.)

2.2 Final adoption of ordinances.

- (a) **ORD. NO. 27385 – 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 Airport Master Plan Public Works Contracts in any amount.**

Documents Filed: Proof of Publication of the title of Ordinance No. 27385 executed on April 5, 2005, submitted by the City Clerk.

Action: Ordinance No. 27385 adopted. (9-0-1. Absent: Gonzales.)

- (b) **ORD. NO. 27392 – Rezoning certain real property situated on both sides of San Juan Avenue, between Sonora Avenue to the north and Ferrari Avenue to the south to R-1-8 Residence Zoning District. CC05-017**

Action: Not Adopted. Will be adopted at the April 19, 2005 City Council Meeting.

2.3 (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)
(Deferred from 3/29/05 – Item 2.6)

Documents Filed: (1) Memorandum from Director of Parks, Recreation and Neighborhood Services Sara Hensley, and Budget Director Larry Lisenbee, dated March 9, 2005, recommending acceptance and recording of a grant deed, and adoption of appropriation ordinance and funding source resolution amendment. (2) Supplemental memorandum from Director of Parks, Recreation and Neighborhood Services Sara Hensley, dated April 6, 2005, transmitting additional information.

2.3 (Cont'd.)

Action: Resolution No. 72609, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Public Works to Negotiate and Execute an Agreement with Roem Development Corporation to Accept and Record a Grant Deed for Land and Park Improvements Associated with Hacienda Creek Park"; Ordinance No. 27400, entitled: "An Ordinance of the City of San José Amending Ordinance 27196 to Appropriate Monies in the Subdivision Park Trust Fund for the Hacienda Creek Park Project; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption", and Resolution No. 72610, 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 Subdivision Park Trust Fund", were adopted. (9-0-1. Absent: Gonzales.)

2.4 (a) Adoption of the following 2004-2005 Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund):

(1) Increase the appropriation to the Department of Transportation for the Edenvale/Great Oaks-Traffic Calming project (PSM 405) by \$22,000.

(2) Increase the estimate for Earned Revenue by \$22,000.

(b) Adoption of the following 2004-2005 Appropriation Ordinance and Funding Sources Resolution amendments in the Economic Development Enhancement Fund:

(1) Increase the appropriation to the Office of Economic Development for the Small Business Loan Program project (PSM 296#1) by \$250,000.

(2) Increase the estimate for Earned Revenue by \$250,000.

(c) Adoption of a resolution making certain determinations regarding the expenditure of Redevelopment Agency funds on certain public improvements in connection with the Edenvale/Great Oaks Traffic Calming Project, as more specifically described in the memorandum from the Redevelopment Agency dated March 1, 2005.

CEQA: Not a Project. Council Districts 2 and 3. SNI: Edenvale/Great Oaks. (City Manager's Office)

Documents Filed: Memorandum from Budget Director Larry Lisenbee, dated March 21, 2005, recommending adoption of ordinances and resolutions, as stated above.

2.4 (Cont'd.)

Action: Ordinance No. 27401, entitled: “An Ordinance of the City of San José Amending Ordinance 27196 to Appropriate Monies in the Services for Redevelopment Capital Projects Fund for the Edenvale/Great Oaks Traffic Calming Project; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; Resolution No. 72611, 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”; Ordinance No. 27402, entitled: “An Ordinance of the City of San José Amending Ordinance No. 27196 to Appropriate Monies in the Economic Development Enhancement Fund for the Small Business Loan Project; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; Resolution No. 72612; 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 Economic Enhancement Fund”, and Resolution No. 72613, entitled: “A Resolution of the Council of the City of San José Making Certain Determinations Regarding the Expenditure of Redevelopment Agency Funds for Certain Public Improvements in the Edenvale/Great Oaks Neighborhood in the Strong Neighborhoods Initiative Redevelopment Project Area”, were adopted. (9-0-1. Absent: Gonzales.)

2.5 Acceptance of the report on the proposed Fiscal Year 2004/05 - 2009/10 Workplan for the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program, and the proposed Rule 20B (In-Lieu Fee) Undergrounding Master Plan. CEQA: Not a Project. (Public Works)

Action: Deferred to April 26, 2005.

2.6 Report on bids and award of contract for the Gateway East SNI Area CDBG/RDA Funded Sanitary Lateral Improvement Project to the low bidder, Andes Construction, in the amount of \$397,500, and approval of contingency in the amount of \$79,500. CEQA: Exempt, PP04-281. Council District 5. SNI: Gateway East. (Public Works)

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated March 21, 2005, recommending approval of the contract.

Action: The contract was approved. (9-0-1. Absent: Gonzales.)

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – March 30, 2005 Vice Mayor Chavez, Chair

Documents Filed: The Rule Committee Report dated March 30, 2005.

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review April 12, 2005 Council Draft Agenda

The Committee recommended approval of the April 12, 2005 City Council Agenda.

- (2) Add New Items to April 5, 2005 Agenda

The Committee recommended five additions to the April 5, 2005 City Council Agenda.

- (3) List of Reports Outstanding

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

- (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 City Clerk Lee Price, dated March 24, 2005, transmitting the items to Public Record for the period March 16-24, 2005.

Hiroaki Rodriguez, Senior from Bellarmine College Preparatory, requested to be added to the April 5, 2005 City Council Meeting Agenda to present the City Council with the Students' findings from a study they concluded, "Setting the Record Straight". The Committee added this presentation to the April 5, 2005 Council Agenda. The Committee noted and filed the remaining items on the Public Record.

- (f) Appointments to Boards, Commissions and Committees - There were none.

**3.2 Report of the Rules Committee – March 30, 2005 (Cont'd.)
Vice Mayor Chavez, Chair**

(g) Rules Committee Reviews, Recommendations and Approvals

(1) Public Records Act Requests

- (a) Allegations by Silicon Valley Community Newspapers regarding Public Records Acts Violations. Attachment: Memorandum from City Attorney Richard Doyle, dated March 21, 2005, responding to a memorandum from Council Member Reed.

The Committee recommended acceptance of the City Attorney's response to the memorandum from Council Member Reed, dated March 7, 2005.

- (b) Recommendations by Council Member Reed regarding the recent Report on Public Records Act Requests. Attachment: Memorandum from City Clerk Lee Price, dated March 24, 2005, transmitting recommendations from Council Member Reed.

The Committee accepted recommendations to add to the Purpose Section of the Council Public Records Policy and Protocol: "...and ensure that the people of San José have greater access to the City records than prescribed by the minimum standards of the California Public Records Act", and recommended referral of this item to the Redevelopment Agency Board for consideration. The Committee recognized that other recommendations have already been incorporated in Staff's comprehensive work plan for handling Public Records Acts requests.

- (2) Approval of the 2005 City sponsored community events for which funds were already solicited/collected and expenses incurred prior to Council prohibition of Special Event Accounts. Attachment: Memorandum from City Clerk Lee Price, dated March 25, 2005, recommending approval of the City sponsored community events.

- (a) Day in the Park
(b) Cesar Chavez Breakfast
(c) Book Circus
(d) Resource Fair

The Committee recommended approval of the above City sponsored community events, which were already planned prior to Council's prohibition of Special Events Accounts and authorized the transfer of the account balances as recommended.

**3.2 Report of the Rules Committee – March 30, 2005
Vice Mayor Chavez, Chair**

- (g) Rules Committee Reviews, Recommendations and Approvals (Cont'd.)
 - (3) Discussion of California Assembly Bill 985, The California Reservists Job Security Bill. Attachment: Memorandum from Council Member Reed, dated March 25, 2005, with direction to Staff.

The Committee referred Bill 985 to Staff to analyze and bring back as part of the legislative update.

- (h) Oral Communications - There were none presented.
- (i) Adjournment - The meeting was adjourned at 2:35 p.m.

Discussion: A brief discussion followed regarding Public Records Act (PRA) requests item. City Attorney Richard Doyle responded to questions regarding records retention policies and practices relating to emails. City Attorney Doyle noted that Staff was providing training citywide on complying with the PRA.

Action: Upon motion by Council Member Williams, seconded by Council Member Chirco, and carried unanimously, the Report of the Rules Committee and the actions of March 30, 2005, were accepted. (9-0-1. Absent: Gonzales.)

3.4 Adoption of a resolution authoring the Director of Finance:

- (a) **To execute an amendment to the Agreement for Services between the City of San Jose and BearingPoint, Inc. to provide for Customer Relationship Management (CRM) gap/fit analysis required to integrate the Recycle Plus, Municipal Water, wastewater, storm water and the Citywide Centralized Call Center service areas and increasing the total compensation by \$60,000 for a total maximum compensation not to exceed \$500,220; and**
- (b) **To execute change orders to the BearingPoint Stage 1 Agreement in adding a 15% contingency amount not to exceed \$75,033.**

CEQA: Not a Project.

(Finance)

Documents Filed: Memorandum from Director of Finance Scott Johnson, dated March 24, 2005, recommending adoption of a resolution.

Public Comment: Ross Signorino suggested the City perform the services in house.

Action: Upon motion by Council Member Pyle, seconded by Council Member Campos, and carried unanimously, Resolution No. 72614, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Finance to Execute an Amendment to the Agreement with BearingPoint, Inc. adopted. (9-0-1. Absent: Gonzales.)

- 3.5** (a) **Report on bids and award the purchase of Freestanding Furniture for new City Hall to the low bidders for each of the bid packages:**
- (1) **Contract Office Group, (bid packages 1 and 2) for a total of \$576,584.90 including tax and**
 - (2) **One Workplace, (bid packages 3, 4, & 5) for a total of \$1,214,901.83 including tax.**
- (b) **Approval of a contingency in the amount of:**
- (1) **\$53,224 for bid packages 1 and 2 for unforeseen changes/requirements that may arise prior to the completion of the furniture installation.**
 - (2) **\$110,742 for bid packages 3, 4 and 5 for unforeseen changes/requirements that may arise prior to the completion of the furniture installation.**
- (c) **Authorize the Director of Finance to execute the agreements.**
CEQA: Civic Plaza Redevelopment Plan EIR, Resolution No. 68905, PP98-03-072.
(General Services/Finance/City Manager's Office)

Action: Deferred to April 19, 2005.

- 3.6** **Adoption of a resolution authorizing the Director of Finance to:**
- (a) **Execute an agreement with Systems Technology Associates (STA) for the purchase of 45 servers, 5 external arrays and one external tape library in support of the NCH facility for a total cost of \$422,747.31.**
 - (b) **Approve a 5% contingency to cover unanticipated changes in the system design and/or support.**
- (Information Technology/Finance)**
(Rules Committee referral 4/6/05)

Action: Deferred to April 19, 2005.

ECONOMIC & NEIGHBORHOOD DEVELOPMENT

- 4.2** **Report of the Driving a Strong Economy Committee – March 28, 2005**
Council Member Williams, Chair

Documents Filed: The Driving a Strong Economy Committee Report dated March 28, 2005.

- (a) Discussion of Supporting Innovative Companies in San José through the use of City Investment funds.

The Committee accepted the Staff's request for deferral until April 25, 2005.

**4.2 Report of the Driving a Strong Economy Committee – March 28, 2005 (Cont'd.)
Council Member Williams, Chair**

- / (b) Impact on Expansion of the Duties of the Small Business Commission. Attachment: Memorandum from Director of Economic Development Paul Krutko, dated March 11, 2005, transmitting the report.

The Committee accepted the Staff Report.

- (c) Secondary Units. Attachment: Memorandum from Director of Housing Leslye Corsiglia, and Director of Planning, Building and Code Enforcement Stephen Haase, dated March 10, 2005, transmitting the report.

The Committee accepted the Staff Report and recommended cross reference at the April 12, 2005 Council Meeting. Council action will be taken at the May 3, 2005 Evening Session.

- (d) Development Process Status Report. Memorandum from Director of Planning, Building and Code Enforcement Stephen Haase, Director of Public Works Katy Allen, and Fire Chief Jeffrey Clet, dated March 11, 2005, transmitting the report.

The Committee accepted the Staff Report.

- (e) Oral Petitions - There were none presented.

- (f) Adjournment - The meeting was adjourned at 3:07p.m.

Action: Upon motion by Council Member Williams, seconded by Council Member Cortese, and carried unanimously, the Driving a Strong Economy Committee Report and the actions of March 28, 2005, were accepted. (9-0-1. Absent: Gonzales.)

4.3 Approval of an amended and restated agreement with Canary Enterprises, LLC, the San José Arena Authority Management and the San José Sports Authority pertaining to the San José Grand Prix. (City Manager's Office)

Action: Renumbered to 10.1.

- 4.4 (a) Adoption of a resolution authorizing the City Manager to negotiate and execute a lease agreement with Cirque du Soleil for the purpose of leasing portions of the City's "E" Parking Lot (Taylor/San Pedro/Mission) to Cirque du Soleil from December 05, 2005 to March 10, 2006 to allow Cirque du Soleil to present to the public its touring show.
- (b) Direction to staff to begin the permitting process required to be able to authorize use of the "E" Parking Lot for Cirque du Soleil's touring show, which will include community outreach and City employee and public parking plans, and that the City hold a public hearing to consider the Conditional Use Permit for the use of this site by August 05, 2005.
- (c) Refer to the 2005-2006 Budget Process the appropriation of \$60,000 to be used by the City for its share of site preparation, utility connections and site restoration as needed.

**CEQA: Exempt, File No. PP05-055. (City Manager's Office)
(Deferred from 4/5/05 – Item 2.4)**

Documents Filed: Memorandum from City Manager Del Borgsdorf, dated March 29, 2005, recommending approval of the lease, and adoption of a resolution.

Action: Upon motion by Council Member Pyle, seconded by Council Member Campos, and carried unanimously, Resolution No. 72615, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Lease Agreement with Cirque du Soleil to Lease Portions of the City's "E" Parking Lot for the Period of December 5, 2005 to March 10, 2006 for the Cirque's Public Touring Show", was adopted. (9-0-1. Absent: Gonzales.)

RECREATION & CULTURAL SERVICES

- 5.2 (a) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the Viet Heritage Society (VHS) for the development, maintenance and operations of the Vietnamese Heritage Garden (VHG) providing for payment by the City of \$1,000,000 toward construction and design costs of Phase I, plus \$80,000 toward City costs for plan review and inspections, and with a term of 15 years, with two extension terms which may be exercised by VHS for five years each.
- (b) Adoption of the following Appropriation Ordinance amendments in the Parks City-Wide Construction and Conveyance Tax Fund (Fund 391):
- (1) Increase the Vietnamese Cultural Heritage Garden appropriation in the amount of \$750,000;
 - (2) Decrease the Reserve: Vietnamese Cultural Heritage Garden Grant by \$250,000;
 - (3) Decrease the Ending Fund Balance by \$500,000.

CEQA: EIR Resolution No. 66098, and Addenda thereto, File No. PP04-08-228. Council District 7. SNI: Tully/Senter. (Parks, Recreation and Neighborhood Services/City Manager's Office)

5.2 (Cont'd.)

Documents Filed: (1) Memorandum from Director of Parks, Recreation and Neighborhood Services Sara Hensley, and Budget Director Larry Lisenbee, dated March 24, 2005, recommending adoption of a resolution and appropriation ordinance. (2) Memorandum from Interim Chief of Staff, District 7 Jim Webb, dated April 11, 2005, recommending approval of the Staff recommendation.

A short discussion followed. Vice Mayor Chavez read a statement of support from Mayor Gonzales. Council Member Cortese requested that Staff ensure that there is an opportunity for community input on the project and suggested a “town hall” meeting. Assistant Deputy Director of Parks, Recreation and Neighborhood Services Julie Mark noted that there would be ample opportunity for public comment throughout the design process and before groundbreaking.

Council Member Cortese also urged Staff to develop a clear, mutually agreed upon exit strategy should there be a change of heart in the future.

Public Comment: Henry Le, Peter McHugh, Ngai Nguyen, MD, Lan Nguyen, and John Nguyen spoke in support of the Staff recommendation.

Action: Upon motion by Council Member Reed, seconded by Council Member Pyle, and carried unanimously, Resolution No. 72616, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with the Viet Heritage Society for the Development, Maintenance and Operations of the Vietnamese Heritage Garden”; and Ordinance No. 27403, entitled: “An Ordinance of the City of San José Amending Ordinance No. 27196 to Appropriate Monies in the Citywide Construction and Conveyance Tax Fund for the Vietnamese Cultural Heritage Garden; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”, were adopted, with Staff directed to ensure that there is an opportunity for community input on the design process. (9-0-1. Absent: Gonzales.)

AVIATION SERVICES

8.1 **Acceptance of the draft Airport Landscape Master Plan, Report and Design Guidelines for the Norman Y. Mineta San José International Airport and take appropriate action based on review of the report. CEQA: Resolution Nos. 67380 and 71451, PP 05-041. (Airport/Public Works)**

Documents Filed: (1) Memorandum from Assistant Director of Aviation Frank Kirkbride, and Director of Public Works Katy Allen, dated March 21, 2005, recommending acceptance of the report. (2) Supplemental memorandum from Assistant Director of Aviation Frank Kirkbride, and Director of Public Works Katy Allen, dated April 6, 2005, providing additional information.

8.1 (Cont'd.)

Assistant Director of Aviation Frank Kirkbride introduced Doug Finley of Peter Walker Partners, Landscape Architectural Consultant, who presented the Draft Landscape Master Plan, Report and Design Guidelines for the Norman Y. Mineta San José International Airport.

Council feedback followed with comments from the Council Members as noted in "Action".

Action: Upon motion by Council Member LeZotte, seconded by Council Member Reed, and carried unanimously, the draft Airport Landscape Master Plan, Report and Guidelines for the Norman Y. Mineta San José International Airport were accepted, with Council input as follows: (1) Calculate the cost of long term maintenance. (2) Integrate the historical agricultural use to the public art. (3) Ensure adequate outreach to the community regarding the public art. (4) Involve and engage stakeholders (Airport Commission, the airlines, and the Federal Aviation Administration). (5) Work collaboratively with the Redevelopment Agency to ensure uniformity in design of the Guadalupe Master Plan and Gardens project, particularly at the Coleman Avenue/880 interchange. (6) Consider in the design drought tolerant species, water conservation and storm water retention. (7) Use creative and innovative signage. (9-0-1. Absent: Gonzales.)

JOINT COUNCIL/REDEVELOPMENT AGENCY

10.1 Adoption of a resolution by the City Council:

- (a) Approving the Downtown Race Course for the San José Grand Prix;
- (b) Authorizing the City Manager to negotiate final business terms for the Amended and Restated Agreement to Conduct a San José Grand Prix; and
- (c) Directing staff to return to the City Council and Redevelopment Agency Board for final approval of the agreement and related actions no later than April 26, 2005.

CEQA: Resolution No. 68839, and Addendum thereto, PP05-061. Council District 3. (City Manager's Office)

Documents Filed: (1) Memorandum from City Manager Del Borgsdorf, and Redevelopment Agency Director Harry Mavrogenes, dated April 11, 2005, recommendation adoption of a resolution. (2) Supplemental memorandum from Deputy City Manager Ed Shikata, dated April 12, 2005, transmitting modifications.

10.1 (Cont'd.)

Action: Renumbered from 4.3. Upon motion by Council Member Cortese, seconded by Council Member Chirco, and carried unanimously, Resolution No. 72617, entitled: “A Resolution of the Council of the City of San José (A) Approving the Downtown Race Course for the San José Grand Prix; (B) Authorizing the City Manager to Negotiate Final Business Terms for the Amended and Restated Agreement to Conduct a San José Grand Prix; and (C) Directing Staff to Return to the City Council and Redevelopment Agency Board for Final Approval of the Agreement and Related Actions No Later than April 26, 2006”, was adopted. (9-0-1. Absent: Gonzales.)

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 receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9706	97 Balbach Street	3	Balbach LLC	14 Units	Condo

OPEN FORUM

- (1) Ross Signorino expressed his opinion about selecting a site for major league baseball.
- (2) Mark Trout expressed his own religious beliefs.

ADJOURNMENT

The Council of the City of San José was adjourned in the memory of Pope John Paul II, an influential geopolitical leader of the Catholic Church for more than 26 years.

The Council of the City of San José was adjourned at 3:13 p.m.

CINDY CHAVEZ, VICE MAYOR

ATTEST:

LEE PRICE, CMC, CITY CLERK

smd/04/12/05min

RECESS/RECONVENE

The City Council recessed at 3:13 p.m. from the City Council afternoon session, and reconvened at 3:18 p.m. to hear Item 8.1 in a Joint Session with the Redevelopment Agency.

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

Absent: Council Members - Gonzales.

JOINT REDEVELOPMENT AGENCY/COUNCIL

- 8.1 (a) **Approval by the City Council of a loan agreement in the amount of \$6,800,000 from the City of San Jose's Parking Fund Reserve to the Redevelopment Agency.**
- (b) **Approval by the City Council of Appropriation Ordinance amendments in the General Purpose Parking Fund:**
- (1) **Establishing a Loan to the Redevelopment Agency in the amount of \$6,800,000; and,**
- (2) **Decreasing the Reserve for Future Parking Facilities by \$6,800,000.**
- (c) **Approval by the Redevelopment Agency Board of a loan agreement in the amount of \$6,800,000 from the City of San Jose's Parking Fund Reserve.**

[MERGED]

Documents Filed: Memorandum from Redevelopment Agency Director Harry Mavrogenes, and City Manager Del Borgsdorf, dated April 12, 2005, recommending approval of the loan, and adoption of appropriation ordinance amendments.

Public Comment: William Garbett spoke in opposition to the Staff recommendation.

Action: Upon motion by Council Member Pyle, seconded by Council Member Yeager, and carried unanimously, the loan was approved, and Ordinance No. 27405, entitled: "An Ordinance of the City of San José Amending Ordinance No. 27196 to Appropriate Monies in the General Purpose Parking Fund for the Loan to the Redevelopment Agency; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption", was adopted. (9-0-1. Absent: Gonzales.)

ADJOURNMENT

The Council of the City of San José, and Redevelopment Agency Board adjourned at 3:23 p.m.