



## CITY OF SAN JOSÉ, CALIFORNIA

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### MINUTES OF THE CITY COUNCIL

**SAN JOSE, CALIFORNIA**

**TUESDAY, MAY 24, 2005**

The Council of the City of San Jose convened in Regular Session at 9:34 a.m. in Council Chambers at City Hall.

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

Absent: Council Members: Gonzales (excused).

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 City of San José v. Guevara, et al; Bayview General Engineering, Inc. v. City of San José, et al.; Norman S. Wright Mechanical Equipment Corp. v. Facility Systems Mechanical Contractors, Inc., et al.; Priority Roofing Solutions v. City of San José, et al.; (B) to confer with Legal Counsel regarding anticipated litigation of a matter where there is significant exposure to litigation pursuant to subsection. (c) of Section 54956.9 of the Government Code, (C) confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Manager designee Alex Gurza; Employee Organizations: (1) San José Police Officers' Association, (2) International Association of Firefighters, (3) Municipal Employees Federation, (4) City Association of Management Personnel (5) Association of Maintenance Supervisory Personnel.

By unanimous consent, Council reconvened from Closed Session and recessed at 10:42 a.m. and reconvened at 1:38 p.m. in Council Chambers, City Hall.

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

Absent: Council Members: Gonzales (excused).

### INVOCATION (DISTRICT 5)

Vanessa Farfan, a student from Mount Pleasant High School and member of the Mount Pleasant literary society presented a poem titled, "Teachers".

## **PLEDGE OF ALLEGIANCE**

Third Graders from Guadalupe School (District 10) led the Pledge of Allegiance.

## **ORDERS OF THE DAY**

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

## **CEREMONIAL ITEMS**

### **1.1 Presentation of a plaque for the Construction & Demolition Diversion Deposit Program. (Environmental Services)**

Action: Vice Mayor Chavez was joined by Council Member LeZotte to present a plaque to Environmental Services Department for their work with the Construction and Demolition Diversion Deposit Program.

### **1.2 Presentation of a proclamation for the “Award of Excellence for Facility Design.” (Parks, Recreation and Neighborhood Services)**

Action: This item was dropped.

### **1.3 Presentation of a commendation to the Fire Station No. 6 personnel who responded to the recent fire at the Glen Willow Apartments in Willow Glen. (Yeager) (Rules-in-Lieu referral 5/18/05)**

Action: Vice Mayor Chavez and Council Member Yeager presented a commendation to Fire Chief Jeff Clet and firefighters from Station 6 for responding to a recent fire at Willow Glen Apartments.

### **1.4 Presentation of a commendation to the St. Nicholas Greek Orthodox Church on the occasion of the 34th annual San José Greek Festival from June 3-5, 2005. (Yeager) (Rules-in-Lieu referral 5/18/05)**

Action: Council Member Yeager and Vice Mayor Chavez presented a commendation to Achilles Ferris from the St. Nicholas Greek Orthodox Church on the occasion of the 34<sup>th</sup> Annual San José Greek Festival.

### **1.5 Presentation of a commendation to San José Medical Coalition for its exemplary dedication and invaluable contribution to the San José community. (Mayor/Chavez) (Deferred from 5/3/05 – Item 1.9 and 5/17/05 – Item 1.1)**

Action: This item was deferred to June 7, 2005.

## CONSENT CALENDAR

Upon motion by Council Member Campos, seconded by Council Member Chirco and unanimously carried, the Consent Calendar was approved as indicated with the exception of, Item 2.2(b) and (d) (pulled by Council Member Cortese, Items 2.3 pulled by Council Member LeZotte, and Item 2.7 pulled by Council Member Williams). (9-0-1). Absent: Gonzales.

### 2.2 Final adoption of ordinances:

- (a) **ORD. NO. 27436 – Amends Sections 3.28.200 and 3.28.340 of Chapter 3.28 of Title 3 of the San José Municipal Code to simplify the system of reserves in the Federated City Employees Retirement Fund.**

Documents Filed: Proof of publication of title of Ordinance No. 27436 executed on May 20, 2005, submitted by the City Clerk.

Action: This item was deferred to June 7, 2005. (9-0-1). Absent: Gonzales.

- (b) **ORD. NO. 27437 – Amends Section 4.46.039.8 of Chapter 4.46 of Title 4 of the San José Municipal Code to extend the period of suspension of collection of the building and structure construction tax for the construction of special industrial use tenant improvements.**

Documents Filed: Proof of publication of title of Ordinance No. 27437 executed on May 20, 2005, submitted by the City Clerk.

Action: Ordinance No. 27437 adopted. (9-0-1). Absent: Gonzales.

- (c) **ORD. NO. 27438- Amends Section 4.46.039.9 of Chapter 4.46 of Title 4 of the San José Municipal Code to extend the period of suspension of collection of the building and structure construction tax for the construction of office use tenant improvements in the Downtown Core.**

Documents Filed: Proof of publication of title of Ordinance No. 27438 executed on May 20, 2005, submitted by the City Clerk.

Action: Ordinance No. 27438 adopted. (9-0-1). Absent: Gonzales.

- (d) **ORD. NO. 27440 – Amends Section 20.100.140 of Chapter 20.100 of Title 20 of the San José Municipal Code to allow subdivisions to be approved with other development permits and approvals as a part of a unified process.**

Documents Filed: Proof of publication of title of Ordinance No. 27440 executed on May 20, 2005, submitted by the City Clerk.

Public Comments: William J. Garbett spoke in opposition to the final adoption of the ordinance.

2.2(d) (Cont'd.)

Discussion: Council Member Cortese pulled this item for brief questions to staff.

Action: Ordinance No. 27440 adopted. (9-0-1). Absent: Gonzales.

- (e) **ORD. NO. 27441 – Amends Sections of and adding a Section to Chapter 20.70 of Title 20 of the San José Municipal Code, the Downtown Zoning Regulations, to allow live/work units as a permitted use in the Downtown Core, to modify the Downtown Off-Street loading requirements, and to amend the boundaries of the Downtown Ground Floor Space Overlay Area; and amends Section 20.80.1420 of Chapter 20.80 of Title 20 of the San José Municipal Code to streamline the permitting process for temporary outdoor events in the Downtown Core.**

Documents Filed: Proof of publication of title of Ordinance No. 27441 executed on May 20, 2005, submitted by the City Clerk.

Action: Ordinance No. 27441 adopted. (9-0-1). Absent: Gonzales.

- (f) **ORD. NO. 27442 – Prezones certain real property situated on the Northwest Corner of Wilbur Avenue and Nancy Lane (2875 Wilbur Avenue) to R-1-8 Residential Zoning District. C05-023**

Documents Filed: Proof of publication of title of Ordinance No. 27442 executed on May 20, 2005, submitted by the City Clerk.

Action: Ordinance No. 27442 adopted. (9-0-1). Absent: Gonzales.

- (g) **ORD. NO. 27443 – Prezones certain real property situated on the west side of Toyon Avenue, approximately 370 feet south of Selby Lane to R-1-8 Residential Zoning District. C05-024**

Documents Filed: Proof of publication of title of Ordinance No. 27443 executed on May 20, 2005, submitted by the City Clerk.

Action: Ordinance No. 27443 adopted. (9-0-1). Absent: Gonzales.

- (h) **ORD. NO. 27444 – Rezones certain real property situated on the west side of Revey Avenue, approximately 100 feet northerly of Bailey Avenue to A(PD) Planned Development Zoning District. PDC04-103**

Documents Filed: Proof of publication of title of Ordinance No. 27444 executed on May 20, 2005, submitted by the City Clerk.

Action: Ordinance No. 27444 adopted. (9-0-1). Absent: Gonzales.

2.2(i) (Cont'd.)

- (i) **ORD. NO. 27445 – Rezones certain real property situated on the south side of Bacchus Drive, approximately 150 feet easterly of McLaughlin Avenue (1166 Bacchus Drive) from R-1-8 (PD) Planned Development Zoning District to R-1-8 Residence Zoning District. C05-021**

Documents Filed: Proof of publication of title of Ordinance No. 27445 executed on May 20, 2005, submitted by the City Clerk.

Action: Ordinance No. 27445 adopted. (9-0-1). Absent: Gonzales.

- (j) **ORD. NO. 27446 – Ratifying the adoption of rezoning Ordinance 27098 by City Council on March 30, 2004, rezoning certain real property situated on the north side of Blossom Hill Road, opposite the terminus of Croydon Avenue, to A(PD) Planned Development Zoning District, effective March 30, 2004.**

Documents Filed: Proof of publication of title of Ordinance No. 27446 executed on May 20, 2005, submitted by the City Clerk.

Action: Ordinance No. 27446 adopted. (9-0-1). Absent: Gonzales.

- 2.3 (a) **Approval of an ordinance amending Chapters 2.05, 4.06, 4.12, 4.13, and 4.16 the San José Municipal Code to transfer purchasing responsibilities from the Director of General Services to the Director of Finance.**  
(b) **Adoption of a resolution amending prior Council resolutions to transfer authority delegated to the Director of General Services to the Director of Finance.**

**CEQA: Not a Project. (City Attorney's Office)**

Documents Filed: Memorandum from City Attorney Rick Doyle, dated May 12, 2005, recommending approval of the ordinance and adoption of the resolution.

Discussion: Council Member LeZotte pulled this item for clarification. Finance Director Scott P. Johnson responded to questions asked.

Public Comments: William J. Garbett spoke in opposition of the ordinance and resolution.

Action: Ordinance No. 27447, entitled: "An Ordinance of the City of San José Amending Sections 2.04.2020 and 2.04.2420 of Chapter 2.04 of Title 2 of the San José Municipal Code, Section 4.06.040 of Chapter 4.06, Sections 4.12.002, 4.12.010, 4.12.060, 4.12.070, 4.12.080, 4.12.146, and 4.12.180 of Chapter 4.12, 4.13.030 of Chapter 4.13 and Sections 4.16.010, and 4.16.130 of Chapter 4.16 of Title 4, to Transfer Purchasing Responsibilities

**2.3 (Cont'd.)**

from the Director of General Services to the Director of Finance”, and Resolution No. 72682, entitled: “A Resolution of the Council of the City of San José Amending Prior Resolutions to Transfer Authority Granted to the Director of General Services to the Director of Finance”, were adopted. (9-0-1). Absent: Gonzales.

- 2.4 (a) Approval of an agreement with H.T. Harvey and Associates, for South Bay marsh assessment studies, in the amount of \$343,100 and \$45,000 for additional services, for a total amount not to exceed \$388,100, from June 1, 2005 to December 31, 2008.**
- (b) Adoption of a resolution authorizing the Director of Environmental Services to exercise an option, subject to the appropriation of funds by the City Council, to obtain marsh vegetation mapping services for the years 2006 and 2007, increasing the maximum compensation for basic and additional services by \$130,000 for a total not to exceed contract amount of \$518,100. CEQA: Exempt, PP05-094. (Environmental Services)**

Documents Filed: Memorandum from Director of Environmental Service Carl W. Mosher, dated May 4, 2005, recommending approval fo the agreement and adoption of the resolution.

Action: The agreement was approved and Resolution No. 72683, entitled: “ A Resolution of the Council of the City of San José Authorizing the Director of Environmental Services to Execute An Option to Obtain Marsh Vegetation Mapping Services from H.T. Harvey and Associates in 2006 and 2007, at a Cost Not to Exceed \$130,000, Without Further City Council Action Other Than The Appropriation of Necessary Funding”, was adopted. (9-0-1). Absent: Gonzales.

- 2.5 Report on bids and award of contract for the Fremont Storm Drain Improvement Project to the low bidder, Stoloski & Gonzalez, Inc., in the amount of \$212,625, and approval of a contingency in the amount of \$22,000. CEQA: Exempt, PP05-022. Council District 6. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated May 4, 2005, recommending the report on bids and award of contract.

Action: The report on bids and award of contract was approved. (9-0-1). Absent: Gonzales.

- 2.6 Approval of a master agreement with Terraresearch, Inc. for materials testing and special inspection services for various City projects, in an amount not to exceed \$500,000, from the date of execution to June 30, 2007. CEQA: Not a Project. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated May 11, 2005, recommending approval of the master agreement.

**2.6 (Cont'd.)**

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

**2.7 Approval to award six Ford F550 Cab and Chassis, utilizing a California State Department of General Service Contract, from Downtown Ford Sales, for a total amount not to exceed \$229,758.03, including tax and freight, and authorization for the Director of Finance to execute the purchase order. CEQA: Not a Project. (Finance/Fire) (Rules-in-Lieu referral 5/18/05)**

Documents Filed: Memorandum from Finance Director Scott P. Johnson and Fire Chief Jeffrey L. Clet, dated May 12, 2005, recommending approval of the award.

Discussion: Council Member Williams pulled this item for brief questions to staff.

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

**2.8 Adoption of the following appropriation ordinance and funding source resolution amendments in the Municipal Health Services Program Fund (Fund 132):**

- (a) **Increase the Medicare-Waiver Reimbursement appropriation (Appn. 0091) by \$1,557,600, from \$4,331,000 to \$5,888,600.**
- (b) **Increase the appropriation for overhead (Appn. 0539) by \$30,000, from \$25,000 to \$55,000.**
- (c) **Increase the Earned Revenue estimate by \$1,587,600.**

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

**(Rules-in-Lieu referral 5/18/05)**

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Sara L. Hensley and Budget Director Larry D. Lisenbee, dated May 17, 2005, recommending adoption of the appropriation ordinance and funding source resolution amendments.

Action: Ordinance No. 27448, entitled: "An Ordinance of the City of San José Amending Ordinance No. 27196 to Appropriate Moneys in the Municipal Health Services Program Fund for the Medicare Waiver Reimbursement; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption" and Resolution No. 72684, 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 Municipal Health Services Program Fund", were adopted. (9-0-1). Absent: Gonzales.

**2.9 Adoption of a resolution:**

- (a) **Authorizing the Director of Parks, Recreation and Neighborhood Services to submit a grant application to the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP), in the amount of \$246,661, to support the efforts of the Mayor's Gang Prevention Task Force.**
- (b) **Authorizing the City Manager to accept a grant, if awarded, from the OJJDP and to execute a grant agreement and related agreements to accept the grant.**
- (c) **Authorizing the City Manager to negotiate and execute the grant agreements with the San José B.E.S.T. Eligible Service Providers or qualified consultants, for a total amount not to exceed \$246,661, if awarded funds by OJJDP.**

**CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)  
(Rules-in-Lieu referral 5/18/05)**

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Sara L. Hensley, dated May 18, 2005, recommending authorization for the Director of Parks, Recreation and Neighborhood Services and the City Manager.

Public Comments: Ross Signorino spoke in approval of grant funding to help support the Mayor's Gang Prevention Task Force.

Action: Resolution No. 72685, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute and Submit an Application to the Federal Office of Juvenile Justice and Delinquency Prevention for a Grant to Support the Efforts of the Mayor's Gang Prevention Task Force in an Amount Not to Exceed \$246,661, to Accept the Grant if Awarded and to Execute All Related Documents, and to Negotiate and Execute Grant Agreements with San José B.E.S.T, Eligible Service Providers or Consultants to Provide the Grant Services", was adopted. (9-0-1). Absent: Gonzales.

**STRATEGIC SUPPORT SERVICES**

**3.4 Adoption of a resolution:**

- (a) **Authorizing the issuance of City of San José General Obligation Bonds, Series 2005 (Libraries and Public Safety Projects) in the not-to-exceed aggregate principal amount and to be sold at a competitive sale.**
- (b) **Approving, in substantially final form, the Fiscal Agent Agreement, the Notice Inviting Bids, the Preliminary Official Statement and authorizing the City Manager or other authorized officers to execute these documents and other related documents as necessary in connection with the issuance of the Series 2005 Bonds.**

**CEQA: Not a Project. (Finance)**

Documents Filed: None.

Action: This item was deferred to June 7, 2005.

- 3.5 Approval to award a contract for computer disconnect and reconnect services for the move to the New City Hall. CEQA: Resolution No. 68905, PP98-03-072. (General Services/Finance)**

Documents Filed: Memorandum from Finance Director Scott P. Johnson, dated May 20, 2005, recommending Item 3.5 be dropped from the agenda.

Action: This item was dropped. (9-0-1). Absent: Gonzales.

## **ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

- 4.3 Review and discussion of a future draft ordinance amending Title 20, Part 11, 20.80.900 regarding Off-Sale of Alcohol Beverages. (Campos) (Rules Committee referral 5/11/05)**

Documents Filed: None.

Action: This item was deferred to June 7, 2005.

- 4.4 Public hearing and adoption of a resolution vacating a portion of Serenity Way at Casual Way. CEQA: Exempt. Council District 10. (Public Works)**

Documents Filed: None.

Action: This item was continued to June 7, 2005.

- 4.5 (a) Approval of the following actions to continue funding for the preparation of the Coyote Valley Specific Plan, and its related environmental documents and regulatory permits:**
- (1) Approval of an amended and restated funding agreement with Coyote Housing Group, LLC for the work associated with the preparation of the Coyote Valley Specific Plan, related environmental documents, and regulatory permits for a term from June 24, 2003 to June 30, 2006; and increase the amount of funding to cover staff and consultant cost through March 31, 2006 by approximately \$1,970,000, from the previously approved amount of approximately \$10,900,000 to \$12,800,000.**
  - (2) Adoption of the following appropriation ordinance and funding sources resolution amendments in the General Fund as follows:**
    - (a) Increase the City-Wide appropriation for the Coyote Valley Specific Plan by \$5,637,968; and**
    - (b) Increase earned revenue from Other Revenue by \$5,637,968.**

- 4.5 (a) **Approval of the following actions to continue funding for the preparation of the Coyote Valley Specific Plan, and its related environmental documents and regulatory permits: (Cont'd.)**
- (3) **Delegate to the Director of Planning, Building and Code Enforcement the authority to approve minor amendments to the funding agreement to account for increases in funding that may be received from Coyote Housing Group, LLC, and to extend the term of this agreement for up to 18 months.**
- CEQA: Exempt, PP03-06-211. Council District 2. (Planning, Building and Code Enforcement/City Manager's Office)**
- (b) (1) **Acceptance of the draft Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) work program. (Cont'd.)**
- (2) **Acceptance of the Santa Clara Valley Habitat Conservation Plan budget and cost share principles, identified source of funds and approval of allocation of funds for FY 05-06.**
- (3) **Approval of the Coyote Housing Grant (CHG) Donation Agreement.**
- (4) **Adoption of the following appropriation ordinance and funding source resolution amendments in the General Fund as follows:**
- (a) **Increase the Citywide appropriation for the Coyote Valley Specific Plan by \$400,000 for the City's participation in the Santa Clara Valley HCP/NCCP.**
- (b) **Increase earned revenue from Other Revenue by \$400,000**
- CEQA: Not a Project. (Planning, Building and Code Enforcement/City Manager's Office)**
- (Rules-in-Lieu referral 5/18/05)**

Documents Filed: None.

Action: This item was deferred to June 7, 2005.

## **RECREATION & CULTURAL SERVICES**

### **5.1 Report of the All Children Achieve Committee – May 12, 2005** Council Member Yeager, Chair

Documents Filed: The All Children Achieve Committee report of May 12, 2005.

- (a) Library Department Annual Update. Attachment: Memorandum from Library Director Jane Light, dated April 28, 2005, providing the Library Department Annual Update.

The Committee accepted the report.

- (b) Report on Youth Services Priorities. Attachment: Memorandum from Director of Parks, Recreation and Neighborhood Services Sara L. Hensley, dated April 29, 2005, providing an update on the Youth Services Priorities.

## 5.1 (Cont'd.)

The Committee accepted the report.

- (c) Schools/City Collaborative Joint Use Agreements – Discussion on how we can work better with schools. Attachment: Memorandum from Director of Parks, Recreation and Neighborhood Services Sara L. Hensley, dated April 28, 2005, providing an update to the All Children Achieve Committee on the Schools/City Collaborative Joint Use goal.

The Committee accepted the report.

- (d) Update on San José's High School Initiative  
Deferred to August 11, 2005.
- (e) Oral Petitions  
None.
- (f) Adjournment  
The meeting was adjourned at 2:45 p.m.

Action: Upon motion by Council Member Yeager, seconded by Council Member Pyle, and The All Children Achieve Committee report and actions of May 12, 2005 were accepted. (9-0-1). Absent: Gonzales.

## TRANSPORTATION SERVICES

- 6.2 (a) **Approval of an ordinance to temporarily limit until April 30, 2006, both:**
  - (1) **The total number of taxicabs all taxicab company licensees are authorized to operate under their licenses pursuant to Part 4 of Chapter 6.64 of the San José Municipal Code to an outstanding number of 572; and**
  - (2) **The total number of taxicab driver permits issued pursuant to Part 4 of Chapter 6.64 of the San José Municipal Code to an outstanding number of 571.**

**CEQA: Not a Project. (Transportation)**
- (b) **Adoption of the revised Taxicab Rate Resolution, repealing Resolution No. 71336, which will allow taxicab companies to offer:**
  - (1) **Discount coupons of up to 20% off their standard fares for trips not originating at the Airport; and**
  - (2) **Flat rates below the standard fare for all business account trips and to the general public for trips that conclude outside of Santa Clara County not originating at the Airport unless pre-arranged.**

**CEQA: Not a Project. (Transportation)**

Documents Filed: None.

Action: These items were deferred to August 23, 2005.

- 6.2 (c) Adoption of resolutions to: (Cont'd.)**
- (1) (a) Authorize the City Manager to negotiate and execute an agreement with Taxi San José Inc. for on-demand ground transportation dispatching services at the Norman Y. Mineta San José International Airport for the period August 1, 2005 to July 31, 2007 with five one-year options to extend the term at the City's sole discretion for a total of up to seven years, in an amount not to exceed \$1,800,000 for the initial two-year term.**
  - (b) In the event that the parties have not completed negotiations and executed an agreement within 30 days of the date of the resolution authorizing the negotiation and execution, authorizing the City Manager to terminate negotiations with Taxi San José, Inc. and commence to negotiate and execute an agreement with ShuttlePort California LLC for on-demand ground transportation dispatching services at the Norman Y. Mineta San José International Airport for the period August 1, 2005 to July 31, 2007 with five one-year options to extend the term at the City's sole discretion for a total of up to seven years, in an amount not to exceed \$2,250,000 for the initial two-year term**
  - (2) To establish fees for on-demand ground transportation dispatch services to be charged to ground transportation providers at the Norman Y. Mineta San José International Airport.**
- CEQA: Resolution Nos. 67380 and 71451, PP 05-083.  
(Airport/Transportation)  
(Deferred from 5/17/05 – Item 6.2)**

Documents Filed: (1) Supplemental memorandum from Director of Aviation William F. Sherry, A.A.E, and Director of Transportation James R. Helmer, dated May 18, 2005, providing a summary of the informational meetings held regarding the On-Demand Dispatch Services RFP. (2) Memorandum from Director of Aviation William F. Sherry, A.A.E and Director of Transportation James R. Helmer, dated May 2, 2005, recommending adoption of the resolutions.

Discussion: Assistant Director of Transportation Jim Ortbal, Airport Operations Manager Bob Lockhart and Chairman of the Board of Taxi San José Dan Fenton delivered brief presentations on Airport Dispatch Services, the RFP Process and Taxi San José.

Council Member Cortese requested Council return to Council by the June 28, 2005 Council meeting with a status update of negotiations between the City and Taxi San José and to address Council's concerns as follows; clarify with Taxi San José and Bauer's Limousine the large volume of dispatching services required in the contract and to ensure all concerns are met prior to final execution of the agreement.

Vice Mayor Chavez asked staff to negotiate the final contract with a deadline of the end of the Fiscal Year, as opposed to a 30-day deadline.

## 6.2 (Cont'd.)

Public Comments: Durrani Iqbal and Larry Silva spoke in support of staff's recommendations.

Tahry Ros, Guriobal Singh, and Ron Jones spoke in opposition to staff's recommendations.

Action: Upon motion by Council Member Cortese, seconded by Council Member Pyle, and unanimously carried, Resolution No. 72686, entitled: "A Resolution of the Council of the City of San José Approving an Award for On-Demand Dispatch Services at the Norman Y. Mineta San José International Airport and Authorizing the City Manager to Negotiate and Execute an Agreement with the Chosen Dispatch Services:", and Resolution No. 72687, entitled: "A Resolution of the Council of the City of San José Establishing Fees for On-Demand Ground Transportation Dispatch Services to be Charged to Ground Transportation Providers at the Norman Y. Mineta San José International Airport", were adopted with direction to staff to return to Council by the June 28, 2005 Council Meeting with a status update of negotiations between the City and Taxi San José and to address concerns brought forth by Council, as follows: clarify with Taxi San José and Bauer's Limousine the large volume of dispatching services required in the contract and to ensure all concerns are met prior to final execution of the agreement; and directed Staff to negotiate the final contract with a deadline of the end of the Fiscal Year, as opposed to a 30-day deadline. (8-0-2). Absent: Williams; Gonzales.

## AVIATION SERVICES

### 8.1 **Approval to exercise an option to extend the term of the agreement with the Santa Clara County Valley Transportation Authority for bus services linking the Norman Y. Mineta San José International Airport with the Metro Light Rail, Santa Clara Transit, and Cal Train Stations for a two-year period from July 1, 2005 to June 30, 2007, in an amount not to exceed 1,500,000 for the first year of the option term, and, subject to appropriation of funds by the City, in an amount not to exceed \$1,605,000 for the second year of the option term. CEQA: Resolution Nos. 67380 and 71451, PP 05-092. (Airport/Transportation)**

Documents Filed: Memorandum from Director of Aviation William F. Sherry, A.A.E, and Director of Transportation James R. Helmer, dated May 11, 2005, recommending approval to exercise the option.

Public Comments: William J. Garbett spoke in opposition to exercising the option.

Action: Upon motion by Council Member Campos, seconded by Council Member Chirco, and unanimously carried, the option to extend the term of agreement was approved. (8-0-2). Absent: Williams; Gonzales.

## **PUBLIC SAFETY SERVICES**

- 9.1 Report on bids and award of contract for the Emergency Generators Project for Fire Stations 4, 13 and 26 to the low bidder, Mitchell Engineering, in the amount of \$591,710, and approval of a contingency in the amount of \$74,000. CEQA: Exempt, File Nos. PP05-033, PP05-034 and PP05-035. Council Districts 6, 7 and 9. (Public Works/Fire)**

Documents Filed: Memorandum from Director of Public Works Katy Allen and Fire Chief Jeffrey L. Clet, dated May 4, 2005, recommending the report on bids and award of contract.

Public Comments: William J. Garbett spoke in opposition to the report on bids and the award of contract.

Action: Upon motion by Council Member Pyle, seconded by Council Member Reed, and unanimously carried, the report on bids and award of contract was approved. (8-0-2).  
Absent: Williams; Gonzales.

## **JOINT COUNCIL/REDEVELOPMENT AGENCY**

The Redevelopment Agency Board convened at 3:18 p.m. to consider Item 10.1 in a Joint Session.

- 10.1 (a) Adoption of resolutions by the City Council:**
- (1) Authorizing the City Manager to submit an application for an Environmental Protection Agency grant in the amount of \$673,500 for infrastructure improvements necessary for the North San Pedro Housing Project;**
  - (2) Authorizing the City Manager to accept the grant, if awarded;**
  - (3) Authorizing the City Manager to execute any necessary grant documents; and**
  - (4) Authorizing the City Manager to negotiate and execute a Cooperation Agreement with the Redevelopment Agency for the funding and construction of infrastructure improvements necessary for the North San Pedro Housing Project.**
- (b) Adoption of resolutions by the Redevelopment Agency Board:**
- (1) Authorizing the Executive Director to negotiate and execute a Cooperation Agreement with the City for the funding of infrastructure improvements necessary for the North San Pedro Housing Project; and**
  - (2) Approving the additional funding of \$303,075 from capital reserves to FY 2004-2005 Adopted Capital Budget North San Pedro Housing/Brandenburg Project line in the Julian Stockton Redevelopment Area and amending the FY 2004-2005 Agency appropriations resolution, as detailed on Attachment A.**

**CEQA: GP03-03-01; North San Pedro EIR Resolution No. 72170, adopted June 15, 2004. Council District 3. (City Manager's Office/Redevelopment Agency) (Orders of the Day)**

## 10.1 (Cont'd.)

Documents Filed: Memorandum from City Manager Del D. Borgsdorf and Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated May 19, 2005, recommending adoption of the resolutions.

Action: Upon motion by Council Member Pyle, seconded by Council Member Reed, and unanimously carried, Resolution No. 72688, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Submit an Application for an Environmental Protection Agency Grant in the Amount of \$673,500 for Infrastructure Improvements Necessary for the North San Pedro Housing Project; Authorizing the City Manager to Accept the Grant, if Awarded; Authorizing the City Manager to Execute Any Necessary Grant Documents; and Authorizing the City Manager to Negotiate and Execute a Cooperation Agreement with the Redevelopment Agency for the Funding of Infrastructure Improvements Necessary for the North San Pedro Housing Project", Agency Resolution No. 5606, and Agency Resolution No. 5607 adopted. (8-0-2). Absent: Williams; Gonzales.

The Redevelopment Agency Board portion of the meeting adjourned at 3:18 p.m.

### **OPEN FORUM—**

- 1) Mark Trout expressed personal religious views.
- 2) Ross Signorino commented on state politics.

### **ADJOURNMENT**

The Council of the City of San José was adjourned at 3:19 p.m. in memory of Enide Allison, long time auto dealership owner in San José and the Silicon Valley.

**MINUTES OF THE CITY OF SAN JOSÉ/REDEVELOPMENT  
AGENCY BOARD**

**SAN JOSE, CALIFORNIA**

**TUESDAY, MAY 24, 2005**

The Council of the City of San José convened in Joint Session with the Redevelopment Agency Board at 3:21 p.m. in City Council Chambers at City Hall.

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

Absent: Council Members: Williams; Gonzales. (excused).

- 8.1 (a) Adoption of a resolution by the City Council accepting the summary of costs and findings of the Amended Summary 33433 Report and the Estimated Reuse Valuation pursuant to the California Health and Safety Code Section 33433 for the development of the Montgomery Hotel with Montgomery Hotel Group, LLC; and, CEQA: Resolution No. 68839, File No. RCP03-032 [SAN ANTONIO PLAZA]**

Documents Filed: Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated May 24, 2005, recommending adoption of the resolution.

Action: Resolution No. 72690, entitled: “A Resolution of the Council of the City of San José Accepting the Summary of Costs and Findings of the Amended Summary 33433 Report and the Estimated Reuse Valuation Pursuant to the California Health and Safety Code Section 33433 for the Development of the Montgomery Hotel with Montgomery Hotel Group, LLC”, and Agency Resolution No. 5614 were adopted. (8-0-2). Absent: Williams; Gonzales.

The Joint Council/Redevelopment Agency Board meeting adjourned at 3:22 p.m.

**RON GONZALES, MAYOR**

**ATTEST:**

**LEE PRICE, C.M.C, CITY CLERK**  
EW/1-11-05 Min.