



CITY OF SAN JOSÉ, CALIFORNIA

MINUTES OF THE CITY COUNCIL

SAN JOSÉ, CALIFORNIA

TUESDAY, JUNE 14, 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; Gonzales

Absent: Council Members - None.

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 case(s) of (1) In re Malik; (2) Wood v. Montalvo, et al.; (3) Smith v. City of San José, et al. (B) to consider Public Employee appointment pursuant to Government Code Section 54957, Title: Chief Information Officer. (C) to confer with Legal Counsel with respect to anticipated litigation pursuant to Government Code Section 54956.9 Subsection (b), to consider significant exposure in one (1) matter. (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; (3) Municipal Employees Federation; (4) City Association of Management Personnel; (5) Association of Maintenance Supervisory Personnel (6) Operating Engineers, Local 3.

By unanimous consent, Council reconvened from the Closed Session and recessed at 11:20 a.m. and reconvened at 1:39 p.m. in the Council Chambers.

Present: Council Members - Campos, Chavez, Chirco, Cortese, LeZotte (arrived 2:10 p.m.), Pyle, Reed, Williams, Yeager; Gonzales.

Absent: Council Members - None.

INVOCATION (DISTRICT 6)

First Grade Students from Benjamin Cory Elementary School sang "Best Friends" and "Inch by Inch" in recognition of the closing of their school on June 15, 2005.

PLEDGE OF ALLEGIANCE

Mayor Gonzales led the Pledge of Allegiance with the First Grade Students from Benjamin Cory Elementary School.

ORDERS OF THE DAY

Upon motion by Vice Mayor Chavez, seconded by Council Member Reed, and carried unanimously, the Orders of the Day and the Amended Agenda were approved, with Item 4.3 heard first, before the Ceremonial Items. (9-0-1. Absent: LeZotte.)

ECONOMIC & NEIGHBORHOOD DEVELOPMENT

- 4.3 Adoption of a resolution ratifying an Economic Partnership Agreement between the City of San José and Cambridgeshire and the East of England in the United Kingdom to promote economic and civic relations and foster improved connections for citizens, businesses and government in each region. CEQA: Not a Project. (Economic Development)**

Documents Filed: Memorandum from Director of Economic Development Paul Krutko, dated May 31, 2005, recommending ratification of an agreement.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Reed, and carried unanimously, Resolution No. 72731, entitled: “A Resolution of the Council of the City of San José Ratifying the Economic Partnership Agreement Between the City of San José and Cambridgeshire and the East of England to Promote Economic and Civic Relations in Each Region”, was adopted. (9-0-1. Absent: LeZotte.)

CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to the St. Paul Missionary Baptist Church for their 50th Anniversary. (Campos)
(Rules-in-lieu referral 6/8/05)**

Action: Mayor Gonzales and Council Member Campos recognized and commended the St. Paul Missionary Baptist Church for their commitment to the community by providing adult education classes, donating clothing and school supplies to children, and recruiting teachers for public schools in California, and more.

1.2 Presentation of a commendation to the Refugee and Immigrant Forum of Santa Clara County in honor of World Refugee Day on June 20, 2005. (Yeager)

Action: Mayor Gonzales and Council Member Yeager recognized the Refugee and Immigrant Forum of Santa Clara County for their spirit and courage and in honor of the 13th Annual Refugee Awareness Day, which will be held Friday, June 17, 2005, 10:30 a.m. to 2:00 p.m. at the Mexican Heritage Plaza, 1700 Alum Rock Avenue, San José, California.

1.3 Presentation of commendation to Dr. Tae Yun Kim for her career of dedication and service to the people of our community. (Mayor)

Action: Deferred to June 21, 2005.

**** SPECIAL CEREMONIAL**

Action: Mayor Gonzales, City Manager Del Borgsdorf, and the Council Members recognized Director of Transportation James Helmer for all of his hard work and support while taking on the role of Interim Director for Information Technology. City Manager Borgsdorf introduced the new Technology Solutions Director/Chief Information Officer, John Bjurman, who begins his employment with the City on July 18, 2005.

CONSENT CALENDAR

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

**2.1 Approval of minutes.
(a) Regular minutes of February 1, 2005.**

Documents Filed: Regular minutes dated February 1, 2005.

Action: The minutes were approved. (9-0-1. Absent: LeZotte.)

2.2 (a) ORD. NO. 27458 – Amends Section 23.04.610 of Chapter 23.04 of Title 23 of the San José Municipal Code to exempt certain temporary signage associated with temporary outdoor use of private property in the Downtown Core.

Documents Filed: Proof of Publication of the title of Ordinance No. 27458 executed on June 10, 2005, submitted by the City Clerk.

Action: Ordinance No. 27458 was adopted. (9-0-1. Absent: LeZotte.)

- 2.3 Adoption of a resolution ratifying the grant application submitted to the State Water Resources Control Board (SWRCB) and authorizing the City Manager to execute a grant agreement to accept up to \$4,000,000 in funding from SWRCB for reimbursement of costs associated with the South Bay Water Recycling (SBWR) Zone 3 Improvements Project. CEQA: Resolution No. 64667, and Mitigated Negative Declaration File No. PP-00-05-072, and addenda thereto, File No. PD03-077, SP04-054 and PD04-68. Council Districts 3 and 8. (Environmental Services)**

Documents Filed: (1) Memorandum from Director of Environmental Services Carl Mosher, dated May 23, 2005, recommending adoption of a resolution. (2) Letter from the Treatment Plant Advisory Committee, dated June 9, 2005, stating concurrence with the Staff recommendation.

Action: Resolution No. 72714, entitled: "A Resolution of the Council of the City of San José Ratifying the Grant Application that has been Submitted to the State Water Resources Control Board for Reimbursement of Costs Associated with the South Bay Water Recycling Zone 3 Improvements Project and Authorizing the City Manager to Execute a Grant Agreement in an Amount Not To Exceed \$4,000,000 to Accept the Grant if Awarded, and to Execute All Related Documents", was adopted. (9-0-1. Absent: LeZotte.)

- 2.4 (a) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2004-2005 #18 and authorization for the Director of Finance to execute the purchase orders. CEQA: See memo for CEQA designation(s). (Finance)**
- (b) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2004-2005 #19 and authorization for the Director of Finance to execute the purchase orders. CEQA: See memo for CEQA designation(s). (Finance)**

Documents Filed: (1) Memoranda from Director of Finance Scott Johnson dated May 25, 2005 and May 23, 2005, recommending award of the open purchase orders. (2) Letter from the Treatment Plant Advisory Committee, dated June 9, 2005, stating concurrence with the Staff recommendation.

Action: The purchase orders for FY 2004-2005 #18 and 19 were approved. (9-0-1. Absent: LeZotte.)

- 2.5 Approval of a sole source purchase of a Flowserve Rotating Assembly for the Department of Environmental Services from Pacific Water Resources, for a total cost not to exceed \$140,800, including tax and delivery, and authorization to the Director of Finance to execute the purchase order. CEQA: Not a Project. (Finance)**

Documents Filed: (1) Memorandum from Director of Finance Scott Johnson, dated May 23, 2005, recommending approval of the purchase. (2) Letter from the Treatment Plant Advisory Committee, dated June 9, 2005, stating concurrence with the Staff recommendation.

2.5 (Cont'd.)

Public Comment: Ross Signorino noted that the City of San José had recently been named the second cleanest City in the Nation (air and water).

Action: Upon motion by Council Member Williams, seconded by Vice Mayor Chavez, and carried unanimously, the purchase was approved. (9-0-1. Absent: LeZotte.)

2.6 Report on bids and award for the purchase of freestanding furniture for the Camden Community Center to JHL Office Interiors, for a total cost not to exceed \$120,992.00, including tax and delivery and authorization for the Director of Finance to execute the agreement and purchase order. CEQA: Not a Project. Council District 9. (Finance)

Documents Filed: Memorandum from Director of Finance Scott Johnson, dated May 25, 2005, recommending award of the purchase.

Action: The purchase was approved. (9-0-1. Absent: LeZotte.)

2.7 Approval of the sole source purchase of 60 Motorola XTS5000 portable radios, related accessories and extended warranties and 60 Motorola EX600 portable radios and related accessories from Motorola, Inc., for the Police Department for a total cost not to exceed \$313,947.90, including tax, delivery, 3-year extended warranty, and authorization for the Director of Finance to execute the purchase order. CEQA: Not a Project. (Finance)

Documents Filed: Memorandum from Director of Finance Scott Johnson, dated May 25, 2005, recommending approval of the purchase

Action: The purchase was approved. (9-0-1. Absent: LeZotte.)

2.8 Adoption of a resolution authorizing the City Manager to negotiate and execute amendments to the provider agreements with Gardner Family Health Network, Inc. and the County of Santa Clara for participation in the San José Municipal Health Services Program, extending the term from June 30, 2005 through June 30, 2008. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

Documents Filed: memorandum from Director of Parks, Recreation and Neighborhood Services Sara Hensley, dated May 23, 2005, recommending adoption of a resolution.

Action: Resolution No. 72715, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Amendments to the Provider Agreements with Gardner Family Health Network, Inc. and the County of Santa Clara for Participation in the San José Municipal Health Services Program, Extending the Term Through June 30, 2008", was adopted. (9-0-1. Absent: LeZotte.)

- 2.9 Adoption of a resolution authorizing the City Manager to negotiate and execute a grant agreement with the Santa Clara County Open Space Authority (OSA) for use of 20 Percent Funds in an amount not to exceed \$250,000 for the Lower Silver Creek Trail Master Plan and associated environmental documents. CEQA: Exempt, PP05-135. Council District 5. SNI: East Valley/680 Communities/Mayfair/Gateway East. (Parks, Recreation and Neighborhood Services)**

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Sara Hensley, dated May 23, 2005, recommending adoption of a resolution.

Action: Resolution No. 72716, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with the Santa Clara County Open Space Authority for Use of 20 Percent Funds in an Amount No To Exceed \$250,000 for the Lower Silver Creek Trail Master Plan”, was adopted. (9-0-1. Absent: LeZotte.)

- 2.10 Adoption of resolutions approving, confirming and adopting the Annual Budget Reports for Fiscal Year 2005-06 for City of San José Maintenance Districts 1, 2, 5, 8, 9, 11, 13, 15, 18, 19, 20, 21 and 22 and levying the assessments therein. CEQA: Not a Project. Council Districts 2, 3, 4 and 8. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated May 23, 2005, recommending adoption of resolutions.

Action: Resolution No. 72717, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 1 (Los Paseos) for Fiscal Year 2005-2006 and Levying Assessments”; Resolution No. 72718, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 2 (Trade Zone Boulevard-Lundy Avenue) for Fiscal Year 2005-2006 and Levying Assessments”; Resolution No. 72719, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 5 (Orchard Parkway-Plumeria Drive) for Fiscal Year 2005-2006 and Levying Assessments”; Resolution No. 72720, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 8 (Zanker-Montague) for Fiscal Year 2005-2006 and Levying Assessments”; Resolution No. 72721, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 9 (Santa Teresa-Great Oaks) for Fiscal Year 2005-2006 and Levying Assessments”; Resolution No. 72722, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 11 (Brokaw Road from Junction Avenue to Old Oakland Road) for Fiscal Year 2005-2006 and Levying Assessments”; Resolution No. 72723, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 13 (Karina-O’Nel) for Fiscal Year 2005-2006 and Levying Assessments”; Resolution No. 72724, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 15 (Silver

2.10 (Cont'd.)

Creek Valley) for Fiscal Year 2005-2006 and Levying Assessments”; Resolution No. 72725, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 18 (The Meadowlands) for Fiscal Year 2005-2006 and Levying Assessments”; Resolution No. 72726, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 19 (River Oaks Area Landscaping) for Fiscal Year 2005-2006 and Levying Assessments”; Resolution No. 72727, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 20 (Renaissance-North First Landscaping) for Fiscal Year 2005-2006 and Levying Assessments”; Resolution No. 72728, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 21 (Gateway Place-Airport Parkway) for Fiscal Year 2005-2006 and Levying Assessments”, and Resolution No. 72729, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 22 (Hellyer Avenue-Silver Creek Valley Road) for Fiscal Year 2005-2006 and Levying Assessments”, were adopted. (9-0-1. Absent: LeZotte.)

2.11 Report on bids and award of contract for the Willow Street Storm Pump Station Project to the low bidder, Mitchell Engineering, in the amount of \$187,000, and approval of a contingency in the amount of \$18,700. CEQA: Exempt, PP05-044. Council District 6. (Public Works)

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated May 23, 2005, recommending award of the contract.

Action: The award of the contract to Mitchell Engineering was approved. (9-0-1. Absent: LeZotte.)

2.12 Approval to reject all bids for the 84-inch RCP Interceptor Rehabilitation Phase VIB Project and authorization for the Director of Public Works to advertise and re-bid the project. CEQA: Exempt, PP 02-05-114. Council Districts 3 and 4. (Public Works)

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated May 23, 2005, recommending approval of rejection of all bids, and authorization to advertise and rebid the project.

Action: The rejection of all bids, and authorization to advertise and rebid the project, was approved. (9-0-1. Absent: LeZotte.)

2.13 Approval of the first amendment to the master agreement with Callander Associates Landscape Architecture, Inc. for consultant services for the Parks Bond Sports Park at Singleton, extending the term of the agreement from June 30, 2005 to June 30, 2008, at no cost to the City. CEQA: Not a Project. (Public Works)

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated May 23, 2005, recommending approval of the first amendment.

Action: Upon motion by Council Member Cortese, seconded by Vice Mayor Chavez, and carried unanimously, the first amendment to the master agreement was approved with Staff requested to expand outreach efforts to include all prospective users, particularly youth athletic leagues. (9-0-1. Absent: LeZotte.)

2.14 Approval of the second amendment to an agreement with MRF Geosystems Corporation for a Spatial Adjustment of Street Centerline, Parcel and Related Geographic Information Systems Layers Project, increasing compensation by \$137,000, from \$991,400 to \$1,128,400, and extending the term of the agreement to March 31, 2006. CEQA: Not a Project. (Public Works/Planning, Building and Code Enforcement).

Documents Filed: Memorandum from Director of Public Works Katy Allen and Director of Planning, Building and Code Enforcement Stephen Haase, dated May 23, 2005, recommending approval of the second amendment.

Action: The second amendment to the agreement was approved. (9-0-1. Absent: LeZotte.)

2.15 Report on bids and award the purchase of KVM (Keyboard/Video/ Mouse) switch equipment and software to the low responsive bidder, Systems Technology Associates, Inc., at a total cost of \$217,812.90 including tax, freight and two years of maintenance, service, and warranty support with the option to extend the initial maintenance period for another two years and authorize the Director of Finance to:

- (a) Execute the purchase order for the immediate purchase of 45 KVM switches, 720 switch/server interface modules, twenty software user licenses, and one authentication software license; and
- (b) Execute the purchase order for additional quantities of equipment and software licenses on an as-required basis at the same unit price for a period of twelve months after the initial award is placed, without further Council action other than appropriation of funds; and
- (c) Execute the option to purchase an additional two years of maintenance, service and support for the initial and any subsequent purchases of equipment and software at the unit price bid without further Council action other than appropriation of funds.

**CEQA: Not a Project. (Finance)
(Rules-in-lieu referral 6/8/05)**

2.15 (Cont'd.)

Documents Filed: Memorandum from Director of Finance Scott Johnson, dated June 6, 2005, recommending award of the purchase.

Action: The purchase was approved. (9-0-1. Absent: LeZotte.)

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair

- (a) Ethics Study Session minutes of January 27, 2005.
- (b) Study Session on City's Budget Projections & Priorities minutes of January 31, 2005.

Documents Filed: The Ethics Study Session Minutes dated January 27, 2005, and the Study Session Minutes on the City's Budget Projections & Priorities dated January 31, 2005.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Yeager, and carried unanimously, the minutes were approved. (9-0-1. Absent: LeZotte.)

3.2 Report of the Rules Committee – June 1, 2005 Vice Mayor Chavez, Chair

Documents Filed: The Rules Committee Report dated June 1, 2005.

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review June 14, 2005 Council Agenda. Attachment: Memorandum from Council Member Reed, dated April 19, 2005, in reference to plugging loopholes in campaign contribution limits.

The Committee recommended approval of the June 14, 2005 City Council Agenda.

- (2) Add New Items to June 7, 2005 Agenda

The Committee recommended approval of the June 7, 2005 City Council Agenda with five additions.

**3.2 Report of the Rules Committee – June 1, 2005 (Cont'd.)
Vice Mayor Chavez, Chair**

- (b) City Council (Cont'd.)
 - (3) List of Reports Outstanding. Report from the City Manager dated May 31, 2005, transmitting reports outstanding for June 7, 2005.

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

- (c) Legislative Update
 - (1) State

Director Intergovernmental Relations Betsy Shotwell provided an oral report. SB680 passed in the Senate and is currently being reviewed in the Assembly. SCR17 passed the Senate Rules Committee and is currently being reviewed on the Senate Floor.

- (2) Federal - There was no report.

- (d) Meeting Schedules - There were none.

- (e) The Public Record - There were none.

- (f) Appointments to Boards, Commissions and Committees

The Committee recommended the following appointments and approved the conduct of a blind drawing for those commissions with more than one vacancy and varying term ending dates, with the results of the draw noted in the Rules Committee Report:

- (1) Arts Commission. Attachment: Memorandum from Council Member Williams, dated May 27, 2005, recommending three applicants.

The Committee recommended appointment of Ernest Guzman and Alexandria Urbanowski to terms ending June 30, 2008; and Amul Goswamy to an unexpired term ending June 30, 2006.

- (2) Early Care and Education Commission. Attachment: Memorandum from Council Member Chirco, dated May 26, 2005, recommending two applicants.

The Committee recommended appointment of Melinda Waller to a term ending June 30, 2008; and Karen Goodman to an unexpired term ending June 30, 2006.

3.2 Report of the Rules Committee – June 1, 2005 (Cont'd.)
Vice Mayor Chavez, Chair

(f) Appointments to Boards, Commissions and Committees (Cont'd.)

- (3) Historic Landmarks Commission. Attachment: Memorandum from Council Member LeZotte, dated May 24, 2005, recommending two applicants.

The Committee recommended appointment of Scott Cunningham and Helene Lavelle to terms ending June 30, 2008.

- (4) Library Commission

The Committee recommended deferral of the appointment to the Library Commission to the Rules Committee Meeting of June 15, 2005.

- (5) Parks and Recreation Commission. Attachment: Memorandum from Council Member Yeager, dated May 27, 2005, recommending two applicants.

The Committee recommended appointment of Mike Yaghmai to a term ending June 30, 2008; and Jane F. Mark to an unexpired term ending June 30, 2006.

- (6) Senior Citizens Commission. Attachment: Memorandum from Council Member LeZotte, dated May 24, 2005, recommending four applicants.

The Committee recommended appointment of Elisa Perez Lindley, Socorro Reyes-McCord and Dee Toledo to terms June 30, 2008; and Jaime Angulo to an unexpired term ending June 30, 2006.

- (7) Traffic Appeals Commission. Attachment: Memorandum from Council Member Yeager, dated May 27, 2005, recommending two applicants.

The Committee recommended appointment of Naomi Nakata and Gary Pelton to terms ending June 30, 2008.

- (8) Community Development Block Grant Steering Committee. Attachment: Memorandum from Council Member Cortese, dated May 26, 2005, recommending the reappointment of the incumbent.

The Committee recommended the reappointment of Freddie Williams, Jr. to a term ending June 30, 2006.

**3.2 Report of the Rules Committee – June 1, 2005 (Cont'd.)
Vice Mayor Chavez, Chair**

- (g) Rules Committee Reviews, Recommendations and Approvals
(1) Recommendation for Increased Fire Safety Measures in Apartment Complexes. Attachment: Memorandum from Council Member Yeager, dated May 27, 2005, recommending fire safety measures in apartment complexes.

The Committee recommended approval to convene meetings with stakeholders to recommend measures to improve fire and life safety at designated apartment buildings throughout the City. The Committee requested that the Fire Department provide an information memorandum to the City Council in August 2005 outlining a work plan, scope and timeline.

- (h) Oral Communications

Bill Chew suggested that the City track how many people listen to the audio streaming on the Internet of the committee meetings.

- (i) Adjournment - The meeting was adjourned at 2:35 p.m.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Campos, and carried unanimously, the Report of the Rules Committee and the actions of June 1, 2005, were accepted, with Item (b) (1), “Plugging Loopholes in Campaign Contribution Limits”, referred to the August 16, 2005 City Council meeting. (9-0-1. Absent: LeZotte.)

3.4 Approval of the second amendment to the consultant agreement with Johns/Rife Group to provide additional professional services related to furniture programming and design services for the New Civic Center Project, increasing the compensation by \$234,535 from the original agreement amount of \$1,033,166 to a total agreement amount not to exceed \$1,267,701 and extending the term of the agreement from June 30, 2005 to December 31, 2005. CEQA: Resolution No. 68905. (General Services)

Documents Filed: Memorandum from Interim Director of General Services Jim McBride, dated June 7, 2005, recommending approval of the second amendment.

Public Comment: Ross Signorino voiced concern about rising costs for New City Hall furniture.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Yeager, and carried unanimously, the second amendment to the consultant agreement with Johns/Rife Group was approved. (9-0-1. Absent: LeZotte.)

- 3.5 (a) Adoption of the following appropriation ordinance amendments in the General Fund:**
- (1) Increase the Mexican Heritage Cultural Gardens appropriation by \$14,482.**
 - (2) Increase the Office of the Mayor appropriation by \$20,000.**
 - (3) Decrease the Contingency Reserve by \$34,482.**
- (b) Adoption of a resolution authorizing the City Manager to:**
- (1) Negotiate and execute a second amendment to the Operation and Maintenance Agreement entered into by City and Mexican Heritage Corporation ("MHC") on March 7, 1996, to make an advance payment of the Operation and Maintenance Payment due to MHC on July 1, 2005 in an amount equal to \$34,482.**
 - (2) Negotiate and execute a second amendment to the Loan Agreement dated July 17, 2000, to revise the payment schedule for repayment of the loan in 2005, to defer the repayment date of the \$50,000 loan installment, to revise the loan repayment schedule to provide for 11 equal monthly payments starting on August 1, 2005, and as of July 1, 2006, to provide that the repayment amounts due each year throughout the remaining term of the loan shall be divided into 12 monthly installments if practical, and to make corresponding amendments to the Promissory Note executed by MHC.**
 - (3) Supersede the \$20,000 Grant Agreement executed by the City and MHC on June 2, 2005.**

**CEQA: Not a Project. (City Manager's Office)
(Referred from 6/7/05 – Item 3.7)**

Documents Filed: Memorandum from Deputy City Manager Kay Winer, and Budget Director Larry Lisenbee, dated June 8, 2005, recommending adoption of the appropriation ordinance, and resolution.

Action: Upon motion by Council Member Campos, seconded by Vice Mayor Chavez, and carried, Ordinance No. 27466, entitled: "An Ordinance of the City of San José Amending Ordinance No. 27196 to Appropriate Monies in the General Fund for the Mexican Heritage Cultural Gardens; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption", and Resolution No. 72730, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Second Amendment to the Operation and Maintenance Agreement with the Mexican Heritage Corporation to Advance the Operation and Maintenance Payment for July and to Negotiate and Execute a Second Amendment to the Loan Agreement with the Mexican Heritage Corporation to Restructure the Repayment of the Loan and to Supersede the \$20,000 Grant Agreement dated June 2, 2005 with the Mexican Heritage Corporation", were adopted. (9-1. Noes: LeZotte.)

ECONOMIC & NEIGHBORHOOD DEVELOPMENT

- 4.4 (a) Adoption of a resolution determining that the public interest and necessity require the acquisition of vacant land owned by Donati Bascom Building, LLC, a California Limited Liability Company (“Donati”) located at 1000 South Bascom Avenue, San José, CA (APN Nos. 282-29-002, 003 & 004) and authorizing the City Attorney to file suit in eminent domain to acquire such property interest, to apply for an order for possession before judgment, and to prosecute the action to final judgment, and authorizing the deposit of money in court for possession of the property from the funds lawfully available. CEQA: Exempt, File No. PP05-0126. Council District 6. (Public Works/Parks, Recreation and Neighborhood Services/Library)
- (b) Adoption of the following appropriation ordinance and funding sources resolution amendments in the following funds:
- (1) Subdivision Park Trust Fund:
- (a) Establish an appropriation to the Department of Parks, Recreation and Neighborhood Services for the District 6 Multi-Service Community Center Project in the amount of \$1,575,000;
- (b) Decrease the District 6 Park Acquisition and Development Reserve by \$1,180,000;
- (c) Decrease the Future PDO/PIO Projects Reserve by \$395,000.
- (2) Construction Tax and Property Conveyance (C and C) Tax Fund: Parks Purposes Council District 6:
- (a) Establish an appropriation to the Department of Parks, Recreation and Neighborhood Services for the District 6 Multi-Service Community Center Project in the amount of \$505,000;
- (b) Decrease the Ending Fund Balance by \$505,000.
- (3) Branch Libraries Bond Projects Fund:
- (a) Increase the Earned Revenue estimate by \$433,000;
- (b) Increase the appropriation to the Library Department for the Land Acquisition Project by \$3,000,000;
- (c) Decrease the Library Contingency Reserve by \$2,567,000.
- CEQA: Not a Project. Council District 6. (Parks, Recreation and Neighborhood Services/Library/City Manager's Office)

Documents Filed: Memoranda from Director of Public Works Katy Allen, Director of Parks, Recreation and Neighborhood Services Sara Hensley, and Library Director Jane Light, dated May 31, 2005 and May 23, 2005, recommending adoption of a resolution and appropriation ordinance and funding sources resolution.

Public Comment: Mark Donati, owner of the property, expressed opposition to the City taking his property. He stated that there are two building pads currently on the site and argued that the property is not vacant, as referred to in the staff report. Andrew Turner, attorney representing Mr. Donati, noted that his client has spent a tremendous amount of time, money and effort on the property.

4.4 Cont'd.)

Speaking in support of the Staff recommendation and in favor of a community center at this location were: Jim Russell, Principal, Del Mar High School, Arabela Espinoza, Roberto Basilio, Chelsie Marsh, Marcus Castro, Jerome Di Flowers, Juan Hernandez, Angelita Figueroa, Michael La Rocca, Randi Kinman, Susan Price, Teresa Faz, and Jay Brown.

Motion: Council Member Yeager moved approval of the Staff recommendation. Vice Mayor Chavez seconded the motion. At the request of Council Member Yeager, City Attorney Richard Doyle described the eminent domain process, explained that the City will seek a new appraisal and emphasized that the Court will ultimately decide the amount the City will pay the property owner.

Council Member Reed suggested that the City-owned property on the opposite site of the street might be a likely trade for the property owned by Mr. Donati. City Attorney Richard Doyle indicated that if Mr. Donati was interested, it might be put on the table.

Action: On a call for the question, the motion carried unanimously, and Resolution No. 72732, entitled: "A Resolution of Necessity of the Council of the City of San José Making Certain Findings and Determinations Relating to the Exercise of the Power of Eminent Domain Pursuant to Article 2, Chapter 4, Title 7 of Part 3 of the California Code of Civil Procedure for the Following Project: The Acquisition of a Fee Interest for Purposes of Construction of the District 6 Multi-Service Community Center and West Side Branch Library Project, On Land Owned by Donati Bascom Building, LLC, Located at 1000 South Bascom Avenue, San José, California 95128 (APN Nos. 282-29-002, 003 & 004); and Authorizing and Empowering the City Attorney to File Suit in Eminent Domain to Acquire Such Property Interest, To Apply for an Order of Possession Before Judgment; and Authorizing the Deposit of Money in the State Treasuring Condemnation Fund for Possession of Said Property from the Funds Lawfully Available Therefore"; Ordinance No. 27467, entitled: "An Ordinance of the City of San José Amending Ordinance No. 27196 to Appropriate Monies in the Subdivision Park Trust Fund, the Council District No. 10 Construction Tax and Property Conveyance Tax Fund, and the Branch Libraries Bond Project Fund for the District 6 Multi-Service Community Center; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption", and Resolution No. 72733, 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 Branch Libraries Bond Projects Fund", were adopted. (10-0.)

4.5 Review and discussion of regulations pertaining to Off-Sale of Alcohol Beverages. (Campos)
(Deferred from 5/24/05 – Item 4.3 and 6/7/05 – Item 4.3)

Documents Filed: (1) Memorandum from Vice Mayor Chavez, and Council Members Campos and Williams, dated June 13, 2005, recommending direction to the City Attorney as depicted in “Action”. (2) Memorandum from Council Member LeZotte, dated June 14, 2005, recommending following the process outlined by Staff. (3) Memorandum from Director of Planning, Building and Code Enforcement Stephen Haase, dated May 18, 2005, recommending Council provide input and direction. (4) Correspondence from the Public.

Motion: Vice Mayor Chavez moved approval the memorandum she cosigned with Council Members Campos, and Williams, including Council Member LeZotte’s memorandum, the Staff report and overriding considerations. Council Member Campos seconded the motion. Council Member Cortese noted his abstention due to a potential conflict of interest (Corporate Board Member).

Public Comment: Speaking in support of an ordinance amendment were: David Joings, Bill Feulner, Matt Lonner, John Sinicki, Chevron, Nick Goyal, Shell dealer, Fillmore Wood, Matt Rezvant and Ken Wickerham, Arco/BP Products, Tom Robinson, Robinson Oil (Rotten Robbie) and Ross Signorino.

Omar Torres, Guadalupe Washington Neighborhood Association, spoke in opposition to the sales of alcohol in neighborhoods.

Action: On a call for the question, the motion carried unanimously, and the City Attorney was directed to lead the Staff effort to amend and improve Title 20, San José Municipal Code, Zoning Ordinance, Part 11 Off-Sales of Alcoholic Beverages, 20.80.900. The revised ordinance should be drafted to encompass all potential off-sale outlets including the concurrent sale of food and alcohol at gasoline service stations, Title 20, Part 7 Gasoline Station Combined Uses, 20.80.550. The objective of this effort is to update the current ordinances in a way that also provides the greatest protections for the neighborhoods. In order to make the process as consistent and comprehensible as possible for members of the residential and business communities, an updated ordinance should include the following: (1) A clear definition of “public convenience or necessity” as well as an application process for the determination of “public convenience or necessity” similar to that used in the City of Los Angeles. (2) An unambiguous statement of conditions that will be expected of responsible operators seeking a conditional use permit. (3) Clearly outlined enforcement measures for any violation of a conditional use permit; an updated ordinance should be supported by enforcement measures that progress sequentially and include triggers for fining businesses in violation of their conditional use permits as well as a cap on fines on these businesses, a method for permit suspension and

4.5 (Cont'd.)

information on how a complaint can be brought forward. Consideration should be given to enforcement of a mandatory and unappealable permit suspension for sales of alcohol to minors. (4) As part of this process, Staff was directed to recommend a method for the City to have consistent communication with the State of California Department of Alcohol and Beverage Control (ABC) to assure that information regarding alcohol license applications is available and accessible to interested parties. (5) Staff directed to return to Council with a draft ordinance on August 30, 2005; and, including: (6) The process outlined by Staff to include drafting an ordinance that both rescinds the current prohibition on the concurrent sale of grocery items at gas stations and improves the City's ability to protect neighborhoods against the negative effects of irresponsible alcohol retailers. (9-0-1. Disqualified: Cortese.)

RECREATION & CULTURAL SERVICES

5.2 **Approval of the master agreement with URS Corporation for the design of the Happy Hollow Parks Bond Phase 1-Landfill Closure/Post Closure Project from the date of execution through December 31, 2009, in an amount not to exceed \$950,000. CEQA: Not a Project. (Public Works/Parks, Recreation and Neighborhood Services)**

Documents Filed: Memorandum from Director of Public Works Katy Allen and Director of Parks, Recreation and Neighborhood Services Sara Hensley, dated May 23, 2005, recommending approval of the agreement.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Pyle, and carried unanimously, the master agreement with URS Corporation was approved. (10-0.)

5.3 **Approval of a Donation Agreement between the City of San José and Robert J. Bettencourt for the Conveyance of the Pasetta House located at History Park. CEQA: Exempt, File No. PP05-132. (Mayor) (Rules-in-lieu referral 6/8/05)**

Documents Filed: Memorandum from Mayor Gonzales, dated June 8, 2005, recommending approval of the Donation Agreement.

Public Comment: David Crosson, History San José, spoke in support of the Donation Agreement.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Williams, and carried unanimously, the Donation Agreement between the City of San José and Robert J. Bettencourt was approved. (10-0.)

AVIATION SERVICES

8.1 Approval of the four advertising concepts for the advertising concession at Norman Y. Mineta San José International Airport. CEQA: Resolution Nos. 67380 and 71451, PP 05-112. (Airport)

Documents Filed: (1) Memorandum from Director of Aviation William Sherry, dated May 23, 2005, recommending approval of the concepts. (2) Supplemental memorandum from Director of Aviation William Sherry, dated June 6, 2005, providing additional clarification. (3) Staff presentation of the “Concept Approval for Airport Advertising RFP”, dated June 14, 2005.

Assistant Director of Aviation Frank Kirkbride and Sheldon (Shelly) Klapper, The Center for Airport Management, presented the concepts and responded to Council questions.

Discussion: Vice Mayor Chavez encouraged new and interesting technology. Council Member LeZotte cautioned against advertising saturation and too much “corporate” advertising. She asked that the Council have an opportunity to look at the complete package, including naming rights, to make sure that the community is getting something worthwhile.

Public Comment: Steve Mackelvie expressed support but asked that Council review Staff’s proposal, move forward carefully, and added that he would prefer one vendor but was excited to participate. Cathy Brandhorst expressed various concerns about the airport.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Yeager, and carried unanimously, the four advertising concepts were approved, with Staff directed to include options in the RFP to allow bidders to bid on all four concepts, as a whole or individually. (10-0.)

8.2 Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Gorbet Design, Inc. in an amount not to exceed \$250,000, to identify sites and design the appropriate infrastructure to accommodate the Airport Public Art Program. CEQA: Resolution Nos. 67380 and 71451, and addenda thereto, File No. PP05-063. (Airport/Office of Cultural Affairs)

Documents Filed: Memorandum from Deputy Director of Office of Cultural Affairs Jerry Allen and Director of Aviation William Sherry, dated May 23, 2005, recommending adoption of a resolution.

Discussion: Council Member Reed read excerpts from a letter sent by Sharon Sweeney

Public Comment: Sharon Sweeney expressed concern with the contract. Cathy Brandhorst spoke of concerns regarding the airport advertising (on file in the Offices of City Attorney Richard Doyle and Barbara Wilson of the OCA) assured the Council that there were no outstanding issues of concern.

8.2 (Cont'd.)

Action: Upon motion by Council Member Williams, seconded by Council Member Chirco, and carried unanimously, Resolution No. 72734, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with Gorbert Design, Inc. in a Amount Not to Exceed \$250,000, To Identify and Design Public Art Infrastructure for the Airport Public Art Program", was adopted. (10-0.)

JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board convened at 4:04 p.m. to consider Items 10.1, 10.2 and 10.3 in a Joint Session.

- 10.1 (a) Adoption of a City Council resolution in support of the Santa Clara County Vector Control District's proposed Mosquito, Vector and Disease Control special property assessment, in an amount of \$3,603.16, and direction to the City Clerk to complete, sign, and return the Official Ballot in support of the proposed special property assessment.**
- (b) Adoption of a Redevelopment Agency Board resolution in support of the Santa Clara County Vector Control District's proposed Mosquito, Vector and Disease Control special property assessment, in an amount of \$258.66; and direction to the Executive Director to complete, sign, and return the Official Ballot in support of the proposed special property assessment.**

CEQA: Not a Project. (City Manager's Office/Redevelopment Agency)

Documents Filed: Memorandum from City Manager Del Borgsdorf and Redevelopment Agency Director Harry S. Mavrogenes, dated June 7, 2005, recommending adoption of resolutions.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Yeager, and carried unanimously, Resolution No. 72735, entitled: "A Resolution of the Council of the City of San José in Support of the Santa Clara County Vector Control District's Proposed Mosquito, Vector and Disease Control Special Property Assessment on City-Owned Properties; and Providing Direction to the City Clerk to Complete, Sign and Return the Official Ballot in Support of the Proposed Special Property Assessment", and Redevelopment Agency Resolution were adopted. (10-0.)

10.2 Approval of the Mayor's June Budget Message. (Mayor)

Documents Filed: (1) Memorandum from Mayor Gonzales, dated June 8, 2005, recommending approval of the Mayor's June Budget Message. (2) Memorandum from Council Member Williams, dated June 14, 2005, recommending eliminating the Sunday library hours and the appropriation of that money to maintain the librarians in their current position.

Item 10.2 and 10.3 were heard together.

Motion: Vice Mayor Chavez moved approval of the Mayor's Budget Message. Council Member Williams seconded the motion. Council Member Williams offered an amendment to the motion recommending restoring hours and librarians for Monday through Friday, and appropriating the money to restore Sunday hours in some libraries, as needed. Vice Mayor Chavez accepted the amendment.

Council Member Reed expressed opposition until he knows what is happening with the firefighters.

10.2 (Cont'd.)

Amendment to the Motion: Council Member Yeager offered an amendment to the motion to maintain the current staffing at Fire Station 2. Council Member Reed seconded the motion. (9-1. Noes: Gonzales.) Mayor Gonzales stated he could not support these amendments. Council Member Campos expressed support.

Public Comment: Don Blankenship, Senior Citizens Commission, expressed support for the Alma Senior Center. Sylvia Hines and Lupe Lucero, Support Network for Battered Women, asked the City for support. Ross Signorino expressed concern about proposed layoffs in the Police and Fire Departments. Erik Larsen and Angela Johnson, ASME/MEF, expressed support for the restoration of the library hours. Cathy Brandhorst expressed support for parks.

Discussion continued regarding the original motion by Vice Mayor Chavez and Council Member Williams, with amendments detailed in "Action", as follows.

Action: On a call for the question, the original motion and amendments carried unanimously, the Mayor's June Budget Message was approved, as amended, and with the following direction: (1) Page 8, Item (1)(g), Library Hours: Eliminate Sunday hours and appropriate that money to restore librarians on the one weekday they were proposed to be reduced. Any extra funding to be applied to keeping a portion of the branch libraries open on Sundays. Staff to come back with a report before implementation. (2) Page 11, Items (2)(o) and (p), Hose Wagon Reduction and Water Tender Shift: Retain the current staffing and apparatus/equipment at Fire Station No. 6, and Fire Station No. 2, including the No. 6 Hose Wagon, the No. 2 Water Tender. Direction given to use Compensation Impact Contingency Plan Proposals (Tier 2) #5, 6, 33 and 46 (as outlined in the Manager's Proposed Budget) and Construction and Conveyance Tax Central funds (as needed), as the funding sources. (3) Page 12, Item (3), Crossing Guards: Amended to eliminate reference to placing a cap on the number of crossing guards the City can afford to fund. Direction given to Staff to work assertively with the School districts to: (1) emphasize that there will be no automatic funding associated with the index and (2) look for future funding for crossing guards. (4) Page 13, Item (4)(a), 4th Street Parking Garage: Refer the proposal to remove the Free Parking program for weeknights only to the Downtown Parking Board. If no acceptable alternative is presented, implement the Mayor's proposal effective August 30, 2005. (10-0.)

- 10.3 (a) Adoption of a resolution by the City Council approving the Operating Budget for Fiscal Year 2005-2006 for the City of San José, the Capital Budget for Fiscal Year 2005-2006 for the City of San José, and the Five Year Capital Improvement Program for Fiscal Year 2006-2010 for the City of San José as revised by the Mayor’s Budget Message and directing the City Manager to prepare the final documents for adoption.**
- (b) Adoption of a resolution by the City Council establishing the Schedule of Fees and Charges for Fiscal Year 2005-2006.**
- (c) Adoption of a resolution by the City Council establishing fees and charges for recreational and park activities.**
- (d) Adoption of resolutions by the Agency Board approving:**
- (1) Operating Budget for Fiscal Year 2005-2006 for the Redevelopment Agency of the City of San José.**
- (2) Capital Budget for Fiscal Year 2005-2006 for the Redevelopment Agency of the City of San José.**

CEQA: Not a Project.

(City Manager’s Office/Redevelopment Agency)

Documents Filed: See Appendix A on Page 24 through Page 28.

Action: See Item 10.2 for discussion. Upon motion by Council Member Williams, seconded by Vice Mayor Chavez, and carried unanimously, Resolution No. 72736, entitled: “A Resolution of the Council of the City of San José Approving the Operating Budget for Fiscal Year 2005-2006, the Capital Budget for Fiscal Year 2005-2006 and the Five Year Capital Improvement Program for Fiscal Years 2006-2010 and Directing the City Manager to Prepare Final Documents for Adoption”; Resolution No. 72737, entitled: “A Resolution of the Council of the City of San José Setting Forth the Schedule of Fees and Charges Effective July 1, 2005”; Resolution No. 72738, entitled: “A Resolution of the Council of the City of San José Setting the Schedule of Fees for the Use of Parks and Recreational Facilities and Repealing Resolution No. 72565, No. 71459 and No. 72624, to be Effective as Indicated Below”; and Redevelopment Agency Resolution Numbers were adopted. (10-0.)

The Redevelopment Agency Board portion of the meeting adjourned at 5:36 p.m.

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>
9645	S/E corner of 12 th and Orvis Streets	3	KB Homes	51 Units	SingleFamily	Approve
9706	97 Balbach Street	3	Balbach, LLC	14 Units	Condo	Approve

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>
9664	N/S of Blossom Hill Road, opposite terminus of Croydon Avenue	9	San José Conservation Corps.	7 Units	Single-Family Detached

OPEN FORUM

- (1) Ross Signorino commented on the Civil Grand Jury Report recently issued relating to the Norcal contract amendment.
- (2) Brian Schmidt, Committee for Green Foothills, suggested that commercial development will be closely tied to residential development in the Coyote Valley.

ADJOURNMENT

The Council of the City of San José adjourned at 5:39 p.m.

RON GONZALES, MAYOR

ATTEST:

LEE PRICE, CMC, CITY CLERK

smd/6/14/05min

JOINT REDEVELOPMENT AGENCY ITEM

The Joint Redevelopment Agency Board convened at 5:40 p.m. to consider Item 8.1 in a Joint Session.

- 8.1 Acceptance by the City Council and Agency Board of the disclosure of property interest by the District Six Council Assistant and direction that the disclosure be entered into the public minutes of the Agency Board meeting.**

Documents Filed: Memorandum from Chief Deputy General Counsel Patricia Deignan, dated June 14, 2005, recommending acceptance of the property interest disclosure.

Action: The property interest disclosure was accepted. (10-0.)

ADJOURNMENT

The Council of the City of San José, and Redevelopment Agency Board adjourned at 5:42 p.m.

APPENDIX A

10.3 FY 2005-2006 Budget (Cont'd.)

Documents Filed: (1) Proposed Operating Budget for Fiscal Year 2005-2006. (2) Proposed Capital Budget for Fiscal Year 2005-2006 and Capital Improvement Program for Fiscal Year 2006-2010. (3) Proposed Fees & Charges Report for Fiscal Year 2005-2006. (4) Proposed Fiscal Year 2005-2006 Capital Program Budget and 2005-2006 Operating Budget for the Redevelopment Agency. (5) Memorandum from Redevelopment Agency Director Harry S. Mavrogenes, dated June 9, 2005, recommending adoption of resolutions. (6) **[A] 2005-2006 BUDGET DOCUMENTS (BD) AND DOCUMENT LOG:** [1] Memorandum from Policy Office Director Joe Guerra, dated May 10, 2005, providing an informational memorandum with directions for the 2005-2006 review process prior to the Mayor's June Budget Message on June 8, 2005, and Council and Board's formal approval on June 14, 2005. [2] Memorandum from Council Member Reed, dated May 16, 2005, recommending reducing the size of Police District R. [3] Memorandum from Council Member Yeager, dated May 18, 2005, recommending funding for continued community outreach services and activities. [4] Memorandum from Council Member Yeager, dated May 19, 2005, recommending maintaining a vacant Recreation Supervisor position for the Senior Special Events Program. [5] Memorandum from Council Member Yeager, dated May 19, 2005, recommending retaining current staffing and apparatus at Fire Station No. 6. [6] Memorandum from Council Member Yeager, dated May 19, 2005, recommending eliminating four hours of service per week to all branch libraries, libraries to be closed on Sundays and opened for 5 hours on Mondays. [7] Memorandum from Council Member Williams, dated May 20, 2005, recommending that the Department of Transportation look into offering valet service parking at the New City Hall as a new source of revenue. [8] Memorandum from Council Member Pyle, dated May 20, 2005, recommending amending the Branch Library hours to remain closed on Sundays, open on Mondays for 5 hours. [9] Memorandum from Council Member Cortese, dated May 23, 2005, recommending District 8 Office Rebudget funding. [10] Memorandum from Council Member Pyle, dated May 23, 2005, recommending District 10 Office Rebudget funding. [11] Memorandum from Council Member Campos, dated May 20, 2005, recommending retaining water tender apparatus and current staffing at Fire Station #2. [12] Memorandum from Council Member Campos, dated May 23 2005, 5 recommending funds for upgrades for the Mayfair Pool. [13] Memorandum from Council Member Campos, dated May 20, 2005, requesting District 5 Office Rebudget. [14] Memorandum from Council Member LeZotte, dated May 23, 2005, recommending District 1 Office Rebudget. [15] Memorandum from Council Member LeZotte, dated May 23, 2005, recommending amending the Branch Library hours. [16] Memorandum from Council Member LeZotte, dated May 23, 2005, recommending reuse of shopping carts and increase fees/citations. [17] Memorandum from Council Member LeZotte, dated May 23, 2005, requesting increasing citation amounts for commercial vehicles parked on residential streets on sweep days. [18] Memorandum from Council Member LeZotte, dated May 23, 2005, recommending to permit vendors to lease space in the

10.3 (Cont'd.)

Guadalupe River Park and Garden during special events and other specified times of the year. [19] Memorandum from Council Member Chirco, dated May 23, 2005, recommending Council District 9 Office Rebudget. [20] Memorandum from Council Member Reed, dated May 20, 2005, recommending District 4 Office Rebudget. [21] Memorandum from Council Member Reed, dated May 23, 2005, recommending mobile home park code enforcement. [22] Memorandum from Council Member Reed, dated May 20, 2005, recommending providing adequate funding for the City Clerk and Elections Commission. [23] Memorandum from Council Member Williams, dated May 23, 2005, recommending District 2 Office Rebudget. [24] Memorandum from Council Member Williams, dated May 23, 2005, recommending reprioritize the 2005-2006 Compensation Contingency Plan Proposal. [25] Memorandum from Council Member Reed, dated May 23, 2005, recommending providing direction to the Department of Transportation to complete the evaluation of the Street Smarts Program and report back to Council. [26] Memorandum from Council Member Yeager, dated May 23, 2005, recommending retaining current staffing at the Neighborhood Watch program. [27] Memorandum from Council Member LeZotte, dated May 23, 2005, recommending restoring funding for crime prevention programs. [28] Memorandum from Interim Chief of Staff District 7, Jim Webb, dated May 23, 2005, recommending retaining the current level of staffing for crime prevention services. [29] Memorandum from Interim Chief of Staff District 7, Jim Webb, dated May 23, 2005, requesting transit mall cleaning. [30] Memorandum from Interim Chief of Staff District 7, Jim Webb, dated May 23, 2005, recommending additional funding for the Holly Hill infrastructure improvement project. [31] Memorandum from Interim Chief of Staff District 7, Jim Webb, dated May 23, 2005, recommending District 7 Office Rebudget. [32] Memorandum from Vice Mayor Chavez and Interim Chief of Staff District 7, Jim Webb, dated May 23, 2005, recommending retaining the current subsidy to the Washington Area Youth Center. [33] Memorandum from Council Members Yeager and Chirco, dated May 23, 2005, recommending not eliminating City support of the Young People's Theatre. [34] Memorandum from Interim Chief of Staff District 7, Jim Webb, dated May 23, 2005, recommending additional funding for the traffic signal project at Burke and Senter Roads. [35] Memorandum from Vice Mayor Chavez, dated May 23, 2005, recommending new funding for History San José. [36] Memorandum from Vice Mayor Chavez, dated May 23, 2005, recommending retaining the current level of staffing for crime prevention services. [37] Memorandum from Vice Mayor Chavez, dated May 23, 2005, recommending funding the pools at Ryland Park for necessary repairs. [38] Memorandum from Vice Mayor Chavez, dated May 23, 2005, recommending continuing to fund the hazardous material team. [39] Memorandum from Vice Mayor Chavez, dated May 23, 2005, recommending Council District 3 Rebudget. [40] Memorandum from Vice Mayor Chavez and Interim Chief of Staff District 7, Jim Webb, dated May 23, 2005, recommending maintaining a full youth program at Alma Youth Center. [41] Memorandum from Vice Mayor Chavez, dated May 23, 2005, recommending directing Staff to partner with Center for Training and Careers to seek outside funding through

10.3 (Cont'd.)

grants and loans to begin construction. [42] Memorandum from Vice Mayor Chavez, dated May 23, 2005, recommending lowering the cost of health insurance by partnering with the private sector for the joint purchase of insurance. [43] Memorandum from Vice Mayor Chavez, dated May 23, 2005, recommending formation of a Joint Powers Authority to partner with the Spartan Foundation. [44] Memorandum from Vice Mayor Chavez, dated May 23, 2005, recommending funding for the Public Works/Public Safety Traffic Flow. **[B] FISCAL YEAR 2005-2006 MANAGER'S BUDGET ADDENDA (MBA) AND DOCUMENT LOG:** [1] Memorandum from City Manager Del Borgsdorf, dated May 2, 2005, recommending approval of the proposed changes to performance measures included in the 2005-2006 Proposed Operating Budget. [2] Memorandum from Budget Director Larry Lisenbee, dated May 5, 2005, transmitting Budget Study Session agendas. [3] Memorandum from Budget Director Larry Lisenbee, dated May 9, 2005, transmitting replacement pages in the 2005-2006 Proposed Operating Budget. [4] Memoranda from Director of Parks, Recreation and Neighborhood Services Sara Hensley, dated May 6 and May 13, 2005, providing additional information regarding the proposed Facility Reuse Concept. [5] Memorandum from Budget Director Larry Lisenbee, dated May 16, 2005, transmitting replacement pages in MBA#1. [6] Memorandum from Budget Director Larry Lisenbee, dated May 17, 2005, recommending technical adjustments to the Parks, Recreation and Neighborhood Services section of the 2005-2006 Proposed Fees and Charges Report. [7] Memorandum from Director of Housing Leslye Corsiglia, dated May 11, 2005, providing additional information regarding the City contribution to the Housing Trust of Santa Clara County. [8] Memorandum from Director of Economic Development Paul Krutko, dated May 10, 2005, regarding the economic impact of outdoor special events. [9] Memorandum from Director Krutko, dated May 10, 2005, regarding the restructure of the Arts Venture Fund. [10] Memorandum from Fire Chief Jeffrey Clet , Police Chief Robert Davis, Director of Public Works Katy Allen and Budget Director Larry Lisenbee, dated May 17, 2005, regarding the revisions to the Public Safety Capital Program. [11] Memorandum from Director Intergovernmental Relations Betsy Shotwell, dated May 18, 2005, recommending acceptance of the Staff report on Workers' Compensation and legislation to address issues. [12] Memorandum from Police Chief Robert Davis, dated May 11, 2005, regarding the evaluation of Public Safety Grants Management Team. [13] Memorandum from Director of Parks, Recreation and Neighborhood Services Sara Hensley, dated May 9, 2005, responding to the streamlining of the grant processes for the Community Based Organizations. [14] Memorandum from Library Director Jane Light, dated May 20, 2005, responding to the reissue of an information memorandum relating to the Sunday Hours Pilot. Memorandum from Director Hensley, dated May 3, 2005, providing follow up information on Park Maintenance partnerships. [16] Memorandum from Fire Chief Jeffrey Clet, dated May 16, 2005, recommending adoption of a fee for services. [17] Memorandum from Director Hensley, dated May 24, 2005, regarding the San José After School Fees. [18] Memorandum from Director of Aviation William Sherry, dated May 18, 2005, responding to the airport security for gates and roadways.

10.3 (Cont'd.)

[19] Memorandum from Director of Planning, Building and Code Enforcement Stephen Haase, dated May 24, 2005, regarding assuming regulatory responsibility for mobile home parks. [20] Memorandum from Director of Parks, Recreation and Neighborhood Services Sara Hensley, dated May 25, 2005, responding to the Mayor's request for information on the number of unduplicated clients served by the Neighborhood Development Center. [21] Memorandum from Director of Parks, Recreation and Neighborhood Services Sara Hensley, dated May 26, 2005, providing additional information relative to the City operations at the Mexican Heritage Plaza. [22] Memorandum from Interim Director Information Technology James Helmer, dated May 20, 2005, regarding the status of the City's wireless strategy. [23] Memorandum from Director Hensley and Director Lisenbee, dated May 20, 2005, recommending approval of recommendations and amendments. [24] Memorandum from Director of Aviation William Sherry, dated May 20, 2005, transmitting additional information on airport passenger activity projections. [25] Memorandum from Director of Environmental Services Carl Mosher, dated May 24, 2005, recommending acceptance of the report regarding funding for Nonprofit Recyclers on City costs. [26] Memorandum from Director of Transportation James Helmer, dated May 25, 2005, providing a list of streets in need of resurfacing. [27] Memorandum from Director Mosher, dated May 31, 2005, recommending acceptance of the annual adjustments to the Recycle Plus agreements. [28] Memorandum from Director Mosher, dated May 24, 2005, recommending acceptance of the report regarding the increases in the Sewer Service and Use Charge Fund and the Storm Sewer Operating Fund. [29] Memorandum from Director of Economic Development Paul Krutko, dated May 25, 2005, responding to the current actions with the National Hispanic University. [30] Memorandum from Director of Economic Development Paul Krutko, dated May 25, 2005, responding to the Regional employment losses. [31] Memorandum from Director of Transportation James Helmer, dated May 25, 2005, regarding the State Highway maintenance [32] Memorandum from Director Hensley, dated May 27, 2005, providing information regarding the Fee Waiver/Hardship Program for San José Summer Drop In. [33] Memorandum from Police Chief Robert Davis, dated May 11, 2005, regarding the School Crossing Guard Program in Other Jurisdictions. [34] Memorandum from Deputy City Manager Kay Winer, dated June 1, 2005, recommending that the City Manager negotiate and execute an agreement with the nonprofit Chinese Historical and Cultural Project and History San José. [35] Memorandum from Director Hensley, dated May 27, 2005, providing information on the Office of Aging. [36] Memorandum from Budget Director Larry Lisenbee, dated June 1, 2005, transmitting information regarding citywide vacancies. [37] Memorandum from Budget Director Larry Lisenbee, dated May 31, 2005, regarding the streetlight electricity and safety impacts. [38] Memorandum from Director of Aviation William Sherry, dated May 20, 2005, providing additional information regarding Aviation Services Performance Measure CNG Station Utilization. [39] Memorandum from City Manager Del Borgsdorf and Redevelopment Agency Director Harry S. Mavrogenes, dated June 1, 2005, recommending approval of the annual update to the parking priorities and parking triggers update. [40] Memorandum from Director of Finance Scott Johnson, dated June 2, 2005, regarding the results of the City's strategy to collect on delinquent accounts, and to increase collection efforts. [41] Memorandum from Fire Chief Jeffrey Clet and Budget

10.3 (Cont'd.)

Director Larry Lisenbee, dated June 2, 2005, regarding the funding strategy for the Hazardous Incident Team. [42] Memorandum from Police Chief Robert Davis, dated May 20, 2005, regarding false alarm calls. [43] Memorandum from Police Chief Robert Davis, dated May 27, 2005, regarding residential burglary increase analysis. [44] Memorandum from Police Chief Robert Davis, dated May 24, 2005, regarding the truancy program reductions. [45] Memorandum from Fire Chief Jeffrey Clet, dated May 23, 2005, regarding the Fire Department's response to request for information on overtime versus relief. [46] Memorandum from Deputy City Manager Ed Shikata, dated May 31, 2005, providing an update on performance management. [47] Memorandum from Director Hensley, dated June 1, 2005, recommending approval of alternate funding strategy for the Young People's Theatre Program. [48] Memorandum from Director Hensley, dated June 1, 2005, responding to budget hearing inquiries regarding the impact of the Summer Aquatic Program reduction on users. [49] Memorandum from Director Hensley, dated June 1, 2005, providing information regarding the Senior Nutrition Program. [50] Memorandum from Director of Public Works Katy Allen, dated June 1, 2005, regarding the Public Works resource planning strategies and accomplishments. [51] Memorandum from Director Haase, dated June 2, 2005, regarding enforcement of abandoned shopping carts. [52] Memorandum from Fire Chief Jeffrey Clet, and Director of Environmental Services Carl Mosher, dated June 1, 2005, regarding ESD/WPCP Emergency Plan and Duplicate Services. [53] Memorandum from Director Hensley, dated June 1, 2005, transmitting additional information regarding park acreage and usage. [54] Memorandum from Library Director Jane Light, dated June 3, 2005, reporting on the funding for Smart Start San José Preschool Spaces. [55] Memorandum from Director Hensley, dated June 6, 2005, regarding the review of program revenues. [55] Memorandum from Director of Housing Leslye Corsiglia, dated May 19, 2005, providing additional information regarding Workforce Housing Reward Program Project List. [57] Memorandum from Budget Director Larry Lisenbee, dated June 8, 2005, recommending Administration implement and continue development of the performance measure changes. [58] Memorandum from Police Chief Robert Davis and Fire Chief Jeffrey Clet, dated May 13, 2005, responding to maximizing efficiencies in Police and Fire communications. [59] Memorandum from Budget Director Larry Lisenbee, dated June 7, 2005, recommending approval of the Amendments to the 2005-2006 Proposed Operating and Capital Budgets.