



CITY OF SAN JOSÉ, CALIFORNIA

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, JUNE 28, 2005

The Council of the City of San Jose convened in Regular Session at 9:37 a.m. in Council Chambers at City Hall.

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

Absent: Council Members: None.

Upon motion unanimously adopted, the City Council recessed to Closed Session at 9:37 a.m. in Room 600 to (A) confer with Real Property Designated Representatives Pursuant to Government Code Section 54956.8: (1) Property: 5600 Cottle Road; Designated Representatives: Ed Shikada for the City of San José and Greg Davies for Hitachi Global Storage Technologies, Inc.; Under Negotiation: Price and terms of payment for purchase of all or part of parcel. (B) confer with Legal Counsel regarding existing litigation pursuant to Government Code Section 54956.9 Subsection (a) to consider cases of In Re: Clark; Cha Cha Enterprises, LLC v. City of San José, et al; Bolbol, et al. v. Ringling Brothers and Barnum and Bailey Circus, et al.; South Almaden Valley Rural Alliance, et al. v. City of San José; Grycz v. City of San José, et al; (C) confer with Legal Counsel – Anticipated Litigation of significant exposure to litigation pursuant to subsection (b) of Section 54956.9 of the Government Code of one matter to be discussed and initiation of litigation pursuant to subsection (c) of Section 54956.9 of the Government Code of two matters to be discussed. (D) 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, (6) Operating Engineers, Local.

By unanimous consent, Council reconvened from Closed Session and recessed at 10:40 a.m. and reconvened at 1:35 p.m. in Council Chambers, City Hall.

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

Absent: Council Members: None.

INVOCATION (DISTRICT 6)

Pastor Beate Chun, Good Shepard Lutheran Church delivered words of wisdom in honor of the last City Council meeting to be held in the Old City Hall.

PLEDGE OF ALLEGIANCE

Mayor Gonzales led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Council Member Reed, seconded by Council Member Cortese, and unanimously carried, the Order of the Day and the Amended Agenda were approved. (10-0).

CEREMONIAL ITEMS

1.1 Presentation proclaiming the month of July 2005 as Recreation and Parks Month. (Parks, Recreation and Neighborhood Services)

Action: Mayor Gonzales was joined at the podium by Director of Parks, Neighborhoods and Recreation Sara Hensley to present a proclamation declaring the month of July 2005 as Recreation and Parks Month.

1.2 Presentation of a commendation to Kevin R. Hauge from the Children's Musical Theatre for guiding the Theatre in its effort to become the best in its field. (LeZotte/Williams) (Rules Committee referral 6/22/05)

Action: Council Member LeZotte, Council Member Williams, and Mayor Gonzales presented a commendation to Kevin R. Hauge from the Children's Musical Theatre for outstanding efforts in the theatre community and recognizing the Children's Musical Theatre for receiving the "Access to Artistic Excellence Award."

1.3 Presentation of a commendation to Hilda Carpenter in recognition of her achievements as an Adult Volunteer at the South Valley Family YMCA. (Pyle) (Rules Committee referral 6/22/05)

Action: Mayor Gonzales joined Council Member Pyle presented a commendation to Hilda Carpenter recognizing her achievements as an Adult Volunteer at the South Valley Family YMCA.

1.4 Mayor Gonzales presented a commendation to Manager John Choi and Staff of the Lunch Stop at the Old City Hall in honor of contributions to the City Staff and community of San José.

CONSENT CALENDAR

Upon motion by Council Member Williams, seconded by Council Member Pyle and unanimously carried, the Consent Calendar was approved and the below listed actions taken as indicated, in addition, Item 2.2(g) was pulled by Council Member Pyle, Item 2.3, 2.21, and 2.30 was pulled by Vice Mayor Chavez, Item 2.27 was pulled by Council Member Campos and Council Member LeZotte, Item 2.28 was pulled by Council Member Williams, Item 2.48 was pulled by Council Member Cortese, and Item 2.51 was pulled by Council Member Reed. (10-0).

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.**
[Deferred from 5/24/05 – Item 2.2(a) et al. 6/21/05 – Item 2.2(a)]

Documents Filed: Memorandum from Secretary of the Board of Administration for the Federated City Employees Retirement System, Edward F. Overton, dated June 7, 2005, providing addition information on the effects of final adoption of Ordinance No. 27436.

Action: Ordinance No. 27436 was adopted. (10-0).

- (b) **ORD. NO. 27468 – Amending Section 20.20.100 of Chapter 20.20, Amending Section 20.30.100 and Adding Sections 20.30.130 and 20.30.140 To Chapter 20.30, Amending Section 20.40.100 of Chapter 20.40, Amending Section 20.50.100 of Chapter 20.50, Amending 20.80.1900 and Adding Section 20.80.1910 To Chapter 20.80, Amending Section 20.100.1300 of Chapter 20.100 and Amending Section 20.200.1420 and Adding Section 20.200.1425 to Chapter 20.200, All of Title 20 of the San José Municipal Code to Streamline the Review Process for Certain Wireless Communication Antennae.**

Documents Filed: Proof of publication of title of Ordinance No. 27468 executed on June 24, 2005, submitted by the City Clerk.

Action: Ordinance No. 27468 was adopted. (10-0).

- (c) **ORD. NO. 27470 – Amending Sections 24.01.120 and 24.01.233 of Chapter 24.01, Section 24.02.355 of Chapter 24.02, and Sections 24.06.100 and 24.06.110 of Title 24 of the San José Municipal Code to Adopt the 2002 National Electrical Code with Certain Exceptions, Modifications and Additions.**

Documents Filed: Proof of publication of title of Ordinance No. 27470 executed on June 24, 2005, submitted by the City Clerk.

Action: Ordinance No. 27470 was adopted. (10-0).

2.2 (d) **ORD. NO. 27472 – Amending Title 13 of the San José Municipal Code to Add a New Chapter Relating to the New City Hall Plaza.**

Documents Filed: Proof of publication of title of Ordinance No. 27474 executed on June 24, 2005, submitted by the City Clerk.

Action: Ordinance No. 27472 was adopted. (10-0).

(e) **ORD. NO. 27475 – Rezoning certain real property situated at the southeast corner of East Mission Street and North 10th Street to A(PD) Planned Development Zoning District. PDC04-063**

Documents Filed: Proof of publication of title of Ordinance No. 27475 executed on June 24, 2005, submitted by the City Clerk.

Action: Ordinance No. 27475 was adopted. (10-0).

(f) **ORD. NO. 27476 – Rezoning certain real property generally bounded by East Virginia Street to the North, South 6th Street to the East, Martha Street to the South, and South 5th Street to the West to A(PD) Planned Development Zoning District. PDC05-029**

Documents Filed: Proof of publication of title of Ordinance No. 27476 executed on June 24, 2005, submitted by the City Clerk.

Action: Ordinance No. 27476 was adopted. (10-0).

(g) **ORD. NO. 27484 – Rezoning certain real property situated at the northeast corner of Almaden Expressway and Coleman Road to A(PD) Planned Development Zoning District. PDC04-064**

Documents Filed: (1) Supplemental memorandum from Director of Planning, Building and Code Enforcement Stephen M. Haase, dated June 27, 2005, providing additional information requested by Council to return at the Second Reading of the Rezoning ordinance on the ability to modify the site plan to accommodate a larger setback to Guadalupe Creek. (2) Proof of publication of title of Ordinance No. 27484 executed on June 24, 2005, submitted by the City Clerk.

Public Comments: Dave Chesterman asked the Council to consider a minimum of fifty-feet for setback and expressed the importance for the City to continue working closely with the Santa Clara Valley Water District regarding the rezoning.

Discussion: Council Member Pyle requested staff to continue working with the Santa Clara Valley Water District to achieve appropriate setbacks.

Action: Ordinance No. 27484 was adopted. (10-0).

- 2.2 (h) **ORD. NO. 27485 – Rezoning certain real property situated at the northeast corner of Berryesa Road and Oakland Road to A(PD) Planned Development Zoning District. PDC05-014**

Documents Filed: Proof of publication of title of Ordinance No. 27485 executed on June 24, 2005, submitted by the City Clerk.

Action: Ordinance No. 27485 was adopted. (10-0).

- (i) **ORD. NO. 27486 – Rezoning certain real property situated at the northwest corner of Monterey Road and Curtner Avenue to A(PD) Planned Development Zoning District. PDC04-029**

Documents Filed: Proof of publication of title of Ordinance No. 27486 executed on June 24, 2005, submitted by the City Clerk.

Action: Ordinance No. 27486 was adopted. (10-0).

- (j) **ORD. NO. 27487 – Prezoning certain real property situated on the eastside of Bercaw Lane approximately 450 feet southerly of Camden Avenue to R-1-8 Residential Zoning District. C05-044**

Documents Filed: Proof of publication of title of Ordinance No. 27487 executed on June 24, 2005, submitted by the City Clerk.

Action: Ordinance No. 27487 was adopted. (10-0).

- (k) **ORD. NO. 27493 – Adding Chapter 14.29 to Title 14 of the San José Municipal Code Adopting a Traffic Impact Fee on New Industrial and Residential Development Within the North San José Area Development Policy Boundaries.**

Documents Filed: Proof of publication of title of Ordinance No. 27493 executed on June 24, 2005, submitted by the City Clerk.

Action: Ordinance No. 27493 was adopted. (10-0).

2.3 Adoption of a resolution authorizing the City Manager to execute a third amendment to the agreements with the following plan check consultants: 1) The Phillips Group; 2) Kutzmann & Associates; 3) Linhart, Petersen, Powers Associates; 4) R.K. Associates; 5) Esgil Corporation as follows:

- (a) **Extend the terms of the agreements by three months from July 1, 2005 to September 30, 2005;**
- (b) **Amend the rate of compensation for single-family homes equal to 80% of the plan check fee;**
- (c) **Increase the maximum compensation by \$50,000 for 3 agreements to the following amounts:**
 - (1) **Linhart, Petersen, Powers Associates by \$25,000 from \$116,000 to \$141,000.**
 - (2) **Kutzmann & Associates by \$20,000 from \$109,000 to \$129,000.**
 - (3) **Esgil Corporation by \$5,000 from \$100,000 to \$105,000.**

**CEQA: Not a Project. (Planning, Building and Code Enforcement)
(Deferred from 6/7/05 – Item 2.12)**

Documents Filed: (1) Memorandum from AEA representative Ben Yousefi, dated June 6, 2001, providing the complete data for 6 months of the Plan Check Overtime Effectiveness Evaluation. (2) Memorandum from Director of Planning, Building and Code Enforcement Stephen M. Haase, dated June 2, 2005, recommending adoption of the resolution.

Public Comments: Debbie McDermots, Albert Nissan, Kathryn Sedwick, Derick Clemmons, Kay Simpson, Mary Follenweider, and Olivier Baviere spoke in opposition to the resolution.

Discussion: Council Member Reed requested staff to bring back an analysis of staffing strategies, including the 2004 study with a recommendation on the best way to improve customer services, as well as explain why it is not best to bring this function in-house.

Action: Resolution No. 72778, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Execute Third Amendments to the Agreements for Plan Check Consultants”, was adopted. (10-0), with direction to staff to bring back an analysis of staffing strategies, including the 2004 study with a recommendation on the best way to improve customer services, as well as explain why it is not best to bring this function in-house.

- 2.4**
- (a) **Adoption of a resolution in support of High Speed Rail (HSR) and the Pacheco Pass alignment.**
 - (b) **Send a letter to the HSR Authority expressing support for the Pacheco Pass alignment.**
 - (c) **Express support for a Pacheco Pass alignment at key public hearings, as necessary, via staff or written testimony.**
 - (d) **Encourage our State and Federal delegation to support a Pacheco Pass alignment.**

(Cortese)

2.4 (Cont'd.)

Documents Filed: Memorandum from Director of Transportation James R. Helmer, dated June 16, 2005, recommending adoption of the resolution.

Action: The letter to the HSR Authority, the support for a Pacheco Pass alignment, encouragement to the State and Federal delegation were approved, and Resolution No. 72779, entitled: "A Resolution of the Council of the City of San José Supporting the Pacheco Pass Alignment Into the San Francisco Bay Area for the High Speed Rail System", was adopted. (10-0).

2.5 **Adoption of a resolution authorizing the City Attorney to negotiate and execute a Seventh Amendment to the agreement with Hanson, Bridgett, Marcus, Vlahos, Rudy LLP, to increase the maximum amount of compensation to provide investigation services, as the Evaluator to the San José Elections Commission by an additional \$19,000, to a total amount not to exceed \$244,000. (City Attorney's Office/City Clerk)**

Documents Filed: Memorandum from City Attorney Rick Doyle, dated June 16, 2005, recommending adoption of the resolution.

Action: Resolution No. 72780, entitled: "A Resolution of the Council of the City of San José Authorizing the City Attorney to Negotiate and Execute a Seventh Amendment to the Agreement with Hanson, Bridgett, Marcus, Vlahos, Rudy, LLP, to Increase Compensation by \$19,000 for a Total Compensation Not to Exceed \$244,000", was adopted.

2.6 **Approval of a third amendment to extend the lease in Terminal C, with Globe Airport Security Services, Inc., for office and storage space on a month-to-month term from the period August 1, 2005 to July 31, 2008, with annual revenue to the City in the amount of \$12,089. CEQA: Resolution Nos. 67380 and 71451, PP05-103. (Airport)**

Documents Filed: Memorandum from Director of Aviation William F. Sherry, A.A.E, dated June 6, 2005, recommending approval of the third amendment.

Action: The amendment was approved. (10-0).

2.7 **Approval of a third amendment to the agreement with Brown-Buntin Associates, Inc., for Airport Noise Consultant Services at the Norman Y. Mineta San José International Airport, increasing the maximum compensation by \$62,200, from \$110,725 to an amount not to exceed \$172,925, and extending the term from June 30, 2005 to June 30, 2006. CEQA: Resolutions No. 67380 and 71451, File No. PP 05-117. (Airport)**

Documents Filed: Memorandum from Director of Aviation William F. Sherry, A.A.E, dated June 6, 2005, recommending approval of the third amendment.

2.7 (Cont'd.)

Action:The amendment was approved. (10-0).

2.8 Approval of a fourth amendment to the agreement with The Source Group, Inc., for environmental and engineering consultant services at the Norman Y. Mineta San José International Airport, extending the term of the agreement from June 30, 2005 to June 30, 2006, with no increase in total compensation. CEQA: Resolution Nos. 67380 and 71451, PP05-111. (Airport)

Documents Filed: None.

Action: This item was dropped.

2.9 Adoption of the following 2004-2005 appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund):

(a) Increase the appropriation to the Department of Public Works for the Sixth and Reed Improvements Project (PSM 367#1) in the amount of \$27,000.

(b) Increase the estimate for Earned Revenue by \$27,000.

CEQA: Exempt, PP04-04-126. Council District 3. SNI: University. (City Manager's Office)

Documents Filed: Memorandum from Budget Director Larry D. Lisenbee, dated June 8, 2005, recommending adoption of the appropriation ordinance and funding sources resolution amendments.

Action: Ordinance No. 27494, entitled: "An Ordinance of the City of San José Amending Ordinance No. 27196 to Appropriate Moneys in the Services for Redevelopment Capital Projects Fund for the Sixth and Reed Improvements Projects; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", and Resolution No. 72781, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 72189 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2004-2005 to Adjust Revenues in the Services for Redevelopment Capital Projects Fund", were adopted. (10-0).

- 2.10 (a) Adoption of the following 2005-2006 appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund):**
- (1) Establish an appropriation to the Department of Public Works for the Traffic Signals at Oak and Almaden/Vine Project (PSM 410) in the amount of \$75,600.**
 - (2) Increase the Beginning Fund Balance by \$75,600.**
- (b) Adoption of a resolution making certain determinations regarding the expenditure of Redevelopment Agency funds on certain public improvements in connection with the Oak and Almaden/Vine Project, as more specifically described in the memorandum from the Redevelopment Agency dated April 28, 2005.**

CEQA: Not a Project. Council District 3. SNI: Washington. (City Manager's Office)

Documents Filed: Memorandum from Budget Director Larry D. Lisenbee, dated June 8, 2005, recommending adoption of the 2005-2006 Appropriation Ordinance and Funding Sources Resolution amendments and adoption of the resolution.

Action: Ordinance No. 27495, entitled: "An Ordinance of the City of San José Amending Ordinance No. 27474 to Appropriate Moneys in the Services for Redevelopment Capital Projects Fund for the Traffic Signals at Oak and Almaden/Vine Project; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", Resolution No. 72782, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 72762 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2005-2006 to Adjust Revenues in the Services for Redevelopment Capital Projects Fund", and Resolution No. 72783, entitled: "A Resolution of the Council of the City of San José Making Certain Determinations Regarding the Expenditure of Redevelopment Agency Funds for Certain Public Improvements in the Washington Neighborhood in the Strong Neighborhoods Initiative Redevelopment Project Area", were adopted. (10-0).

- 2.11 Adoption of a resolution amending the City Council Rules Resolution, Rule 2, and order of business to amend the City Service Area names on the Council Agenda as follows: Section 4/Community and Economic Development, Section 5/Neighborhood Services, Section 6/Transportation and Aviation Services, and order of business relating to Public Hearings. CEQA: Not a Project. (City Manager's Office)**

Documents Filed: (1) Memorandum from Assistant to the City Manager, Deanna Santana, dated June 20, 2005, recommending adoption of a resolution amending the City Council Rules Resolution. (2) Supplemental memorandum from Assistant to the City Manager Deanna J. Santana, dated June 23, 2005, providing additional clarification on the amendment.

Action: Resolution No. 72784, entitled: "A Resolution of the Council of the City of San José Amending the Rules for the Conduct of Its Meetings and Superceding Resolution No. 72363", was adopted. (10-0).

- 2.12 Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with artists Andrea Myklebust and Stanton Sears for the fabrication and installation of a public artwork at the Cambrian Branch Library, in an amount not to exceed \$165,114. CEQA: Mitigated Negative Declaration, File No. PP04-05-168. Council District 9. (Cultural Affairs)**

Documents Filed: (1) Memorandum from Deputy Director of the Office of Cultural Affairs, Jerry Allen, dated June 6, 2005, recommending adoption of a resolution to negotiate and execute an agreement for artwork at the Cambrian Branch Library. (2) Supplemental memorandum from Deputy Director of the Office of Cultural Affairs, Jerry Allen, dated June 16, 2005, providing a status update of the Arts Commission approval of the artists' design proposal.

Action: Resolution No. 72785, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with Andrea Myklebust and Stanton Sears for a Work of Art for the Cambrian Branch Public Library in an Amount Not to Exceed \$165,114", was adopted. (10-0).

- 2.13 Adoption of a resolution establishing a special fee schedule for a three-year pilot program for arts organizations participating in a Neighborhood Arts Development Pilot Program at Hoover Community Center, which fee schedule shall temporarily supersede the City-wide resolution that establishes fees and charges for use of all Parks and Recreation Facilities. CEQA: Not a Project. Council District 6. (Cultural Affairs/Parks, Recreation and Neighborhood Services)**

Documents Filed: Memorandum from Deputy Director of the Office of Cultural Affairs Jerry Allen and Director of Parks, Recreation and Neighborhood Services Sara L. Hensley, dated June 7, 2005, recommending adoption of the resolution.o

Action: Resolution No. 72786, entitled: "A Resolution of the Council of the City of San José Establishing a Fee Schedule for a Three-Year Pilot Program for Arts Organizations Participating in the Neighborhood Arts Development Pilot at Hoover Community Center, Temporarily Superseding the Citywide Schedule of Fees and Charges for Use of Parks and Recreational Facilities", was adopted.

- 2.14 Approval of the San José Arena Authority's Ticket Distribution Program Reports for the 4th Quarter of 2004 and the 1st Quarter of 2005. CEQA: Not a Project. (Economic Development)**

Documents Filed: Memorandum from Director of Economic Development Paul Krutko, dated June 6, 2005, recommending approval of the Ticket Distribution Program Reports

Action: The reports were approved. (10-0).

- 2.15 Approval of San José Arena Authority recommendation to provide funding from the City and Community Event Fund and use of the HP Pavilion at San Jose for one community event date for funding in the amount of \$10,000 for a musical gala event for the Viet American Cultural Foundation on August 6, 2005. CEQA: Resolution No. 60199. (Economic Development)**

Documents Filed: Memorandum from Director of Economic Development Paul Krutko, dated June 6, 2005, recommending approval of the San José Arena Authority recommendation.

Action: This item was dropped.

- 2.16 Adoption of a resolution authorizing the City Manager to:**

- (a) **Negotiate and execute all contracts, amendments, agreements, leases, subleases and memos of understanding with contractors and vendors providing services to the Workforce Investment Act (WIA) Program including, but not limited to novations or assignments, vendor training contracts, case management contracts, consultant contracts, memorandums of understanding required with Mandatory Partners for the use of One Stop facilities, and cities and the unincorporated area of Santa Clara County whose residents receive service under the WIA program for the period from July 1, 2005 to June 30, 2006, in accordance with procurement procedures and requirements mandated by the State and Federal governments for WIA grant recipients and with established City procurement procedures and requirements that have been reviewed and approved by the Silicon Valley Workforce Investment Network Executive (SVWIN) Executive Committee and/or the SVWIN Board.**
- (b) **Amend Council approved agreements that have been reviewed and approved by the SVWIN Executive Committee and/or the SVWIN Board so long as funds have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.**
- (c) **Negotiate and execute all grants and sub grant agreements for discretionary funding applied for and approved by the SVWIN Board for the period from July 1, 2005 to June 30, 2006.**

CEQA: Not a Project. (Economic Development)

Documents Filed: Memorandum from Director of Economic Development Paul Krutko, dated June 6, 2005, recommending adoption of the resolution.

Action: Resolution No. 72787, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Certain Agreements Related to the Workforce Investment Act (WIA) Program and Projects for FY 2005-2006”, was adopted. (10-0).

2.17 Adoption of the following amendments to the FY 2005-2006 annual appropriation ordinance and funding sources resolution in the General Fund:

- (a) Increase the Urban Areas Security Initiative (UASI) appropriation in the City-wide Expenses by \$2,475,000; and**
- (b) Increase the estimate for Revenue from the Federal Government by \$2,475,000.**

CEQA: Not a Project. (Emergency Services/City Manager's Office)

Documents Filed: Memorandum from Director of the Office of Emergency Services Frances L. Edwards and Budget Director Larry D. Lisenbee, dated June 7, 2005, recommending adoption of the amendments.

Action: Ordinance No. 27496, entitled: "An Ordinance of the City of San José Amending Ordinance No. 27474 to Appropriate Moneys in the General Fund for the Urban Areas Security Initiative; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption" and Resolution No. 72788, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 72762 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2005-2006 to Adjust Revenues in the General Fund", were adopted. (10-0).

2.18 Approval of the sixth amendment to the consultant agreement with the University of California Cooperative Extension, Santa Clara, for research on the use of municipally generated yard waste and food waste products and composting of on-site business waste, to extend the term from twelve months from August 1, 2005 through August 1, 2006, at no additional cost to the City. CEQA: Not a Project. (Environmental Services)

Documents Filed: Memorandum from Director of Environmental Service Carl W. Mosher, dated June 6, 2005, recommending approval of the sixth amendment.

Action: The sixth amendment was approved. (10-0).

2.19 Approval of open purchase orders for the purchase of supplies, materials, equipment and services.

- (a) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2005-2006 #2 and authorization for the Director of Finance to execute the purchase orders. CEQA: See memo for CEQA designation(s). (Finance)**

Documents Filed: (1) Replacement memorandum from Finance Director Scott P. Johnson, dated June 27, 2005, replacing the original memorandum to correct open purchase order number. (2) Letter from Treatment Plant Advisory Committee (TPAC), dated June 9, 2005, recommending Council approval

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

- 2.19 (b) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2005-2006 #22 and authorization for the Director of Finance to execute the purchase orders. CEQA: See memo for CEQA designation(s). (Finance)**

Documents Filed: Memorandum from Finance Director Scott P. Johnson, dated June 13, 2005, recommending approval of an award.

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

- 2.19 (c) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY2005-2006 #1 and authorization for the Director of Finance to execute the purchase orders. CEQA: See memo for CEQA designation(s). (Finance)**

Documents Filed: Memorandum from Finance Director Scott P. Johnson, dated June 16, 2005, recommending approval of an award.

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

- 2.20 Approval of the first amendment to the sales and use tax audit services agreement with MBIA Muni-Services Company increasing compensation in an amount not to exceed \$545,000, from \$3,380,000 to a total agreement amount not to exceed \$3,925,000, and extending the term, from July 1, 2005 through June 30, 2006. CEQA: Not a Project. (Finance)**

Documents Filed: Memorandum from Finance Director Scott P. Johnson, dated June 13, 2005, recommending approval of the first amendment.

Action: The amendment was approved. (10-0).

- 2.21 Adoption of a resolution authorizing the Director of Finance to:**
- (a) Execute a maintenance renewal option with Intergraph Public Safety, Inc., for the Computer Aided Dispatch System to delete hardware maintenance and provide software maintenance only, in an amount not to exceed \$308,404.25, for the period July 1, 2005 through June 30, 2006; and**
 - (b) Execute four additional one-year options to renew the existing software maintenance agreement without further Council action other than the appropriation of funds.**
- CEQA: Not a Project. (Finance)**

Documents Filed: Memorandum from Finance Director Scott P. Johnson, dated June 14, 2005, recommending adoption of the resolution.

Action: Resolution No. 72789, entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Finance to Execute a Maintenance Renewal Option with Intergraph Public Safety, Inc. for the Computer-Aided Dispatch System”, was adopted with direction to staff to return in one-year with the first option to renew. (10-0).

- 2.22 Approval of purchase of servers and related items.**
- (a) Approval of the immediate purchase of twelve Hewlett Packard (HP) servers and related items with Systems Technology Corporation at a total cost of \$125,500 including extended maintenance and support, taxes and shipping charges, and authorization for the Director of Finance to execute the purchase order.**
 - (b) Adoption of a resolution authorizing the Director of Finance to purchase additional quantities of HP servers and related items on an as-required basis through April 18, 2006, without further Council action other than the appropriation of funds.**
- CEQA: Not a Project. (Finance/Information Technology)**

Documents Filed: Memorandum from Finance Director Scott P. Johnson and Director of Transportation James R. Helmer, dated June 15, 2005, recommending approval of the purchase of twelve Hewlett Packard servers and adoption of the resolution.

Action: The purchase of the immediate purchase of twelve Hewlett Packard servers was approved and Resolution No. 72790, entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Finance to Purchase Additional Quantities of Servers and Related Items from Systems Technology Corporation”, was adopted. (10-0).

- 2.23 Adoption of a resolution setting a public hearing for August 9, 2005 at 1:30 p.m. for the approval of the report of the Directors of Finance and Transportation on the cost of sidewalk repairs. CEQA: Not a Project. (Finance/Transportation)**

Documents Filed: Memorandum from Finance Director Scott P. Johnson and Director of Transportation James R. Helmer, dated June 13, 2005, recommending adoption of the resolution.

Action: Resolution No. 72791, entitled: “A Resolution of the Council of the City of San José Setting a Public Hearing for the Approval of a Report on the Cost of Unpaid Sidewalk Repairs for August 9, 2005”, was adopted. (10-0).

- 2.24 Adoption of a resolution:**
- (a) Approving the subordination of the City’s existing Bond Regulatory Agreement and Declaration of Restrictive Covenants to the new Bond Deed of Trust and the Letter of Credit Bank Deed of Trust; and**
 - (b) Authorizing the City Manager or other authorized officer to execute and, as appropriate, to negotiate, execute and deliver all related documents as necessary.**
- CEQA: Not a Project. Council District 7. (Housing/Finance)**

Documents Filed: Memorandum from Director of Housing Leslye Corsiglia and Finance Director Scott P. Johnson, dated June 7, 2005, recommending adoption of the resolution.

2.24 (Cont'd.)

Action: Resolution No. 72792, entitled: “A Resolution of the Council of the City of San José Approving the Subordination of the Bond Regulatory Agreement to a New Bond Regulatory Agreement and Deeds of Trust for the Timberwood Affordable Housing Project”, was adopted. (10-0).

2.25 Adoption of a resolution authorizing the City Manager to negotiate and execute:

(a) A first amendment to the agreement between the City of San José and Cayenta Canada, Inc. for software upgrade services to the Citywide Financial Management System (FMS), increasing maximum compensation by \$12,000, from \$64,140 to \$76,140 for upgrade services, and extending the term from June 30, 2005 to March 31, 2006.

(b) Change orders in an amount not to exceed \$7,600 for unforeseen changes/requirements that may arise during the FMS upgrade process.

CEQA: Not a Project. (Information Technology)

Documents Filed: Memorandum from Interim Chief Information Office of Information Technology Department James R. Helmer, dated June 6, 2005, recommending adoption of the resolution.

Action: Resolution No. 72793, entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Finance to Negotiate and Execute a First Amendment to the Agreement with Cayenta Canada, Inc. for Software Upgrade Services for the Financial Management System”, was adopted. (10-0).

2.26 Adoption of a resolution authorizing the City Manager to negotiate and execute all agreements and documents with the Silicon Valley Library System pertaining to a grant application to be submitted to the California State Library that lists the City’s Library Department as a project participant, and accept the donation of an automated materials sorting system, valued at approximately \$200,000, for the Vineland Branch Library, and accept other services related to the project that would be funded by the grant. CEQA: Not a Project. (Library)

Documents Filed: Memorandum from Library Director Jane Light, dated June 6, 2005, recommending adoption of the resolution.

Action: Resolution No. 72794, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute All Agreements and Documents with the Silicon Valley Library System Pertaining to a California State Library Grant Application for An Automated Materials Sorting System for the Vineland Branch Library”, was adopted. (10-0).

- 2.27 Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement between the City of San José and San José Sports Authority for use of Rancho del Pueblo Golf Course to operate the First Tee Program, for an initial term of up to 10 years with one five-year renewal option, and with fees for the Program adjustable annually. CEQA: Mitigated Negative Declaration, File No. PDC96-020. Council District 5. SNI: East Valley/680 Communities. (Parks, Recreation and Neighborhood Services)**

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Sara L. Hensley, dated June 15, 2005, recommending adoption of the resolution.

Action: Resolution No. 72795, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with the San José Sports Authority for Use of Rancho Del Pueblo Golf Course to Operate the First Tee Program”, was adopted with direction to staff and the Sports Authority to provide an outreach strategy and to include outreach to Strong Neighborhood Initiative areas within their marketing strategy.

- 2.28 Adoption of a resolution authorizing the City Manager to:**

- (a) Negotiate and execute agreements for Parks, Recreation and Neighborhood Services Department programs consistent with the amounts budgeted for these programs in the adopted budget for FY 2005-2006 with the exception of the contracts listed in subparagraph (e) below; and**
- (b) Accept grant funds from the County of Santa Clara for provision of mental health services and senior nutrition programs, in amounts consistent with budgeted amounts in the adopted budget for FY 2005-2006, and on terms and conditions determined reasonable by the City Manager; and**
- (c) Negotiate and execute all agreements related to the County grant funds awarded for FY 2005-06 and amendments thereto, all in amounts consistent with budgeted amounts in the adopted budget for FY 2005-2006; and**
- (d) Enter into a three-month extension of the Senior Nutrition Agreement into the first three months of FY 2006-2007 and to accept grant funds for that period in amounts consistent with budgeted amounts in the adopted budget for FY 2006-2007, until a new agreement for FY 2006-2007 is finalized with the County; and**
- (e) Designate the Director of Parks, Recreation and Neighborhood Services or designee to negotiate and execute all contracts in FY 2005-2006 related to the following grant programs for that period in amounts consistent with budgeted amounts in the adopted budget for FY 2005-2006, and further authorizing the Director to execute amendments to the following grant agreements during the FY 2005-2006, subject to appropriation of funds by City Council: Bringing Everyone’s Strengths Together (BEST), Community Action and Pride (CAP), Community Development Block Grant (CDBG), and the Healthy Neighborhoods Venture Fund (HNVF); and**
- (f) Authorize the City Manager to execute amendments to all of the other agreements described by the Council Memorandum during FY 2005-2006, subject to appropriation of funds by City Council.**

CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

2.28 (Cont'd.)

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Sara L. Hensley, dated June 16, 2005, recommending adoption of the resolution.

Action: Resolution No. 72796, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Various Agreements and Amendments to Agreements, to Designate the Director of Recreation, Parks, and Community Services to Negotiate and Execute Agreements and Amendments Related to Certain Grant Programs, and to Accept Grant Funds for Parks, Recreation and Neighborhood Services Programs Consistent with the Amount Budgeted for These Programs in the Adopted Budget for Fiscal Year 2005-2006", was adopted. (10-0).

2.29 Approval of actions related to the San Jose Golf Course Cart Barn Conversion Project.

- (a) **Adoption of a resolution authorizing the City Manager to negotiate and execute a first amendment to the agreement with Mike Rawitser Golf Shop for the design and construction of a new enclosed space for electric golf carts at the San José Municipal Golf Course, increasing the agreement amount by \$101,000, from \$400,000 to \$501,000, and extending the term of the agreement from January 31, 2006 to June 30, 2006.**
- (b) **Adoption of the following 2005-2006 appropriation ordinance amendments in the City-wide Construction and Property Conveyance Tax Fund:**
 - (1) **Establish an appropriation to the Department of Parks, Recreation and Neighborhood Services in the amount of \$101,000 for the Municipal Golf Course Cart Barn Conversion project; and**
 - (2) **Decrease the Ending Fund Balance by \$101,000.**

CEQA: Exempt, File No. PP05-065. Council District 4. (Parks, Recreation and Neighborhood Services/City Managers Office)

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Sara L. Hensley and Budget Director Larry D. Lisenbee, dated June 15, 2005, recommending adoption of the ordinances and resolutions.

Action: Ordinance No. 27497, entitled: "An Ordinance of the City of San José Amending Ordinance No. 27474 to Appropriate Moneys in the City-Wide Construction and Conveyance Tax Fund for the Municipal Golf Course Cart Barn; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption" and Resolution No. 72797, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a First Amendment to the Agreement with Mike Rawitser Golf Shop for Construction of Space for Electric Golf Carts at the San José Municipal Golf Course, Increasing Compensation by \$101,000 for a Total Amount Not to Exceed \$501,000, and Extending the Term of the Agreement Through June 30, 2006", were adopted. (10-0).

- 2.30 (a) Adoption of a resolution accepting the donation of \$21,116 from the Jubilee Christian Center of San José to support a Summer Lunch Program in the summer of 2005 delivered by the Parks, Recreation and Neighborhood Services Department.**
- (b) Adoption of the following 2005-2006 appropriation ordinance and funding source resolution amendments in the Gift Trust Fund:**
- (1) Increase the Summer Lunch Program appropriation by \$21,116.**
 - (2) Increase the estimate of earned revenue by \$21,116.**
- CEQA: Not a Project. (Parks, Recreation and Neighborhood Services/City Manager's Office)**

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Sara L. Hensley and Budget Director Larry D. Lisenbee, June 10, 2005, recommending adoption of the Appropriation Ordinance and Funding Source Resolution amendment.

Action: Ordinance No. 27498, entitled: “An Ordinance of the City of San José Amending Ordinance No. 27474 to Appropriate Moneys in the Gift Trust Fund for the Summer Lunch Program; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption”, Resolution No. 72798, entitled: “A Resolution of the Council of the City of San José Accepting a Gift of \$21,116 from Jubilee Christian Center of San José To Be Used for the Summer Lunch Program in Summer of 2005”, and Resolution No. 72799, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 72762 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2005-2006 to Adjust Revenues in the Gift Trust Fund”, were adopted with direction to staff to communicate with Jubilee Christian Center earlier next year regarding the City’s intention to apply for a Healthy Neighborhood Venture Fund grant and for staff to return with an Information Memo outlining strategies for funding; including grants. (10-0).

- 2.31 Approval of an ordinance pursuant to Charter Section 1702 to authorize the establishment of public right-of way as a pedestrian paseo over a 122-foot long by 30 feet in width piece of City-owned property currently comprising a portion of Pellier Park. CEQA: Resolution No. 68839. Council District 3. (Parks, Recreation and Neighborhood Services/Public Works)**

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Sara L. Hensley and Director of Public Works Katy Allen, dated June 6, 2005, recommending adoption of the resolution.

Action: Ordinance No. 27499, entitled: “An Ordinance of the City of San José Establishing a Public Right-of-Way Over a Portion of Pellier Park to Accommodate the Development of a Pedestrian Paseo and the Renovation of Pellier Park”, was passed for publication. (10-0).

2.32 Adoption of a resolution authorizing the City Manager to negotiate and execute a Turnkey Parkland Agreement with ROEM Development Corporation (ROEM), for Tentative Map Nos. PT02-078 and PT02-079 for construction of a neighborhood park. CEQA: Mitigated Negative Declaration, File No. PDC02-032. Council District 9. (Parks, Recreation and Neighborhood Services)

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Sara L. Hensley, dated June 15, 2005, recommending adoption of the resolution.

Action: Resolution No. 72800, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Turnkey Park Agreement with ROEM Development Corporation for Construction of a Neighborhood Park at Russo Drive and Cherryview Lane", was adopted. (10-0).

- 2.33 (a) Adoption of a resolution accepting the State of California, Office of Traffic Safety 2005-2007 San José Regional Street Racing Task Force Program grant in the amount of \$400,000 and authorizing the City Manager to execute the grant agreement and all related grant documents.**
- (b) Adoption of the following amendments to the annual appropriation ordinance and the annual funding sources resolution in the General Fund (Fund 001) for Fiscal Year 2005-06:**
- (1) Establish a City-wide appropriation to the Police Department for the OTS 2005-06 San José Regional Street Racing Task Force Program in the amount of \$293,491.**
 - (2) Increase the earned Revenue Estimate from the State by \$293,491.**
- CEQA: Not a Project. (Police/City Manager's Office)**

Documents Filed: Memorandum from Budget Director Larry D. Lisenbee and Police Chief Robert L. Davis, dated June 6, 2005, recommending adoption of the appropriation ordinance and resolutions.

Public Comments: William J. Garbett spoke in opposition to the ordinance and resolutions.

Action: Ordinance No. 27500, entitled: "An Ordinance of the City of San José Amending Ordinance No. 27474 to Appropriate Moneys in the General Fund for the Office of Traffic Safety 2005-2006 San José Regional Street Racing Task Force Program; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", Resolution No. 72801, entitled: "A Resolution of the Council of the City of San José Accepting the State of California Office of Traffic Safety 2005-2007 San José Regional Street Racing Task Force Program Grant in the Amount of \$400,000 and Authorizing the City Manager to Execute the Grant Agreement and All Related Grant Documents", and Resolution No. 72802, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 72762 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2005-2006 to Adjust Revenues in the General Fund", were adopted. (9-0-1).
Absent: Yeager.

- 2.34 (a) **Adoption of a resolution authorizing the City Manager to award the contract for the W. San Carlos Street Streetscape Improvements Project to the low bidder, Wattis Construction, Inc., in the amount of \$970,407.15, and approval of a contingency in the amount of \$49,000.**
- (b) **Adoption of the following 2005-2006 appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund):**
- (1) **Increase the West San Carlos Streetscape Improvement Project (PSM 373#1) appropriation to the Department of Public Works by \$1,088,408.**
- (2) **Increase the estimate for Earned Revenue by \$1,088,408.**

CEQA: Exempt, PP05-063. Council District 3. SNI: Delmas. (Public Works/City Manager's Office)

Documents Filed: (1) Supplemental memorandum from Director of Public Works Katy Allen and Budget Director Larry D. Lisenbee, dated June 21, 2005, providing additional information after bids were opened. (2) Memorandum from Director of Public Works Katy Allen, dated June 6, 2005, recommending approval of the report on bids and actions.

Action: Ordinance No. 27501, entitled: "An Ordinance of the City of San José Amending Ordinance No. 27474 to Appropriate Moneys in the Services for Redevelopment Capital Projects Fund for the West San Carlos Street Streetscape Improvements Project; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", Resolution No. 72803, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Award a Contract for the West San Carlos Street Streetscape Improvements Project to the Low Bidder, Wattis Construction, Inc., in the Amount of \$970,407.15, If and When the City Obtains the Permit from the State of California Department of Transportation Necessary to Construct the Project, and Approving a Contingency in the Amount of \$49,000", and Resolution No. 72804, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 72762 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2005-2006 to Adjust Revenues in the Services for Redevelopment Capital Projects Fund", were adopted. (10-0).

- 2.35 (a) **Report on bids and award of contract for the Roosevelt Park Roller Rink Relocation Project to the low bidder, Robert A. Bothman, Inc., for the base bid and Add Alternate No. 4 in the amount of \$421,940, and approval of a contingency in the amount of \$40,000.**
- (b) **Adoption of a resolution approving the Roosevelt Park Roller Rink Relocation Project and incorporating environmental mitigation measures set forth in the Mitigation Monitoring and Reporting Program for the project.**
- CEQA: Mitigated Negative Declaration, PP03-12-397. Council District 3. SNI: Five Wounds/Brookwood Terrace. (Public Works/Parks, Recreation and Neighborhood Services)**

2.35 (Cont'd.)

Documents Filed: (1) Supplemental memorandum from Director of Public Works Katy Allen and Director of Parks, Recreation and Neighborhood Services Sara L. Hensley, dated June 21, 2005, providing additional information after bids were opened. (2) Memorandum from Director of Public Works Katy Allen, dated June 6, 2005, recommending approval of the report on bids and actions.

Action: The Report on bids and award of contract were approved and Resolution No. 72805, entitled: "A Resolution of the City Council of the City of San José Approving the Roosevelt Park Roller Rink Relocation Project, for Which An Initial Study/Mitigated Negative Declaration was Prepared in Accordance with the California Environmental Quality Act, and Adopting a Mitigation Monitoring and Reporting Program", was adopted. (10-0).

- 2.36 (a) Approval to reject all bids for Job Order Contract 05-01 and authorization for the Director of Public Works to re-advertise and re-bid contract.**
(b) Adoption of a resolution authorizing the City Manager to award a construction contract for the Job Order Contract 05-01 to the lowest responsive bidder for a minimum contractual obligation of \$50,000, a maximum contract amount of \$2,000,000, and an initial one-year term with two one-year options.

CEQA: Not a Project. (Public Works)

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated June 6, 2005, recommending approval to reject all bid and adoption of the resolution.

Action: Rejection of all bids were approved and Resolution No. 72806, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Award a Construction Contract for Job Order Contract 05-01 to the Lowest Responsive Bidder, for a Minimum Contractual Obligation of \$50,000, a Maximum Contract Amount of \$2,000,000, and an Initial One-Year Term with Two One-Year Options", was adopted. (10-0).

- 2.37 Approval of the first amendment to the agreement for consultant services with Brown and Caldwell, Inc. for the 60-Inch Brick Interceptor Replacement Phase IB Project, extending the term of the agreement from June 30, 2005 to June 30, 2006, at no additional cost to the City. CEQA: Negative Declaration, File No. PP 03-12-374. Council District 4. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated June 6, 2005, recommending approval of the first amendment.

Action: The first amendment was approved. (10-0).

- 2.38 (a) Increase the contingency budget for the Trimble-Morrill Sanitary Sewer Rehabilitation Phase II Project by \$304,188.73, from \$85,000 to \$389,188.73.**
(b) Approval of Contract Change Order No. 2 with Gelco Services, Inc., for the Trimble-Morrill Sanitary Sewer Rehabilitation Phase II Project in the amount of \$325,000, increasing the total contract amount from \$909,948.73 to a not to exceed amount of \$1,234,948.73.

CEQA: Exempt, File No.PP02-11-345. Council District 4. (Public Works)

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated June 16, 2005, recommending an increase in the contingency budget and approval of the contract change.

Action: The increase to the contingency budget and contract change were approved. (10-0).

- 2.39 Adoption of a resolution of intention to form Community Facilities District No. 12 (Basking Ridge) to authorize the levy of special tax for maintenance pursuant to the City of San José Community Facilities District Financing Procedure, to set a public hearing on August 9, 2005 at 1:30 p.m. regarding the formation of the District and authorizing other related actions. CEQA: Resolution No. 71360, PP05-36. Council District 2. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated June 6, 2005, recommending adoption of the resolution.

Action: Resolution No. 72807, entitled: “A Resolution of the Council of the City of San José of Intention to Establish a Community Facilities District and to Authorize the Levy of Special Taxes”, was adopted. (10-0).

- 2.40 Adoption of a resolution summarily vacating a portion of a Public Service Easement lying in the former cul-de-sac bulb at 77 Kentucky Place. CEQA: Mitigated negative Declaration, File No. PDC00-124. Council District 5. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated June 6, 2005, recommending adoption of the resolution.

Action: Resolution No. 72808, entitled: “A Resolution of the Council of the City of San José Summarily Vacating a Portion of the Public Service Easement Within Assessors Parcel Number 487-18-063 Located in the Former Cul-De-Sac Bulb at 77 Kentucky Place”, was adopted. (10-0).

- 2.41 Approval of a first amendment to the Cooperation Agreement between the City of San José, the County of Santa Clara and the Santa Clara Valley Water District for Obtaining Orthorectified Aerial Photographs (Phase No. 2) to broaden the scope of work and modify the Additional Partner Form Agreement for creation of a countywide parcel base map in the amount of \$25,000. CEQA: Not a Project. (Public Works)**

2.41 (Cont'd.)

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated June 6, 2005, recommending approval of the first amendment.

Action: The amendment was approved. (10-0).

- 2.42 (a) Approval of a project contingency budget increase of \$6,000 for additional construction costs, from \$15,000 to \$21,000.**
- (b) Adoption of the following 2005-2006 appropriation ordinance amendments in the Parks City-wide Construction and Conveyance Tax Fund:**
- (1) Increase the appropriation to the Parks, Recreation and Neighborhood Services Department for the Alum Rock Park/Quail Hollow Bridge Replacement Project by \$50,000;**
 - (2) Decrease the Ending Fund Balance by \$50,000.**
- CEQA: Mitigated Negative Declaration, PP02-09-235. (Public Works/City Manager's Office)**

Documents Filed: Memorandum from Director of Public Works Katy Allen and Budget Director Larry D. Lisenbee, dated June 9, 2005, recommending an increase to the contingency budget and adoption of the appropriation ordinance amendments.

Action: The project contingency budget increase was approved and Ordinance No. 27502, entitled: "An Ordinance of the City of San José Amending Ordinance No. 27474 to Appropriate Moneys in the City-Wide Construction and Conveyance Tax Fund for the Alum Rock Park/Quail Hollow Bridge Replacement Project; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", was adopted. (10-0).

- 2.43 (a) Report on bids and award of contract for the McLaughlin Avenue Improvements Project to the low bidder, Golden Bay Construction, Inc., in the amount of \$468,464.75, and approval of a contingency in the amount of \$46,800.**
- (b) Adoption of the following 2005-2006 appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-wide Redevelopment Fund):**
- (1) Increase the appropriation to the Department of Public Works for the William Street and McLaughlin Avenue Improvement Project (PSM 369#2) in the amount of \$122,000.**
 - (2) Increase the appropriation to the Department of Public Works for the McLaughlin Avenue Improvement Project (PSM 370#1) in the amount of \$471,265.**
 - (3) Increase the Beginning Fund Balance by \$593,265**
- CEQA: Exempt, PP05-072. Council Districts 3 and 7. SNI: Five Wounds/Brookwood Terrace/Tully/Senter. (Public Works/City Manager's Office)**

2.43 (Cont'd.)

Documents Filed: Memorandum from Director of Public Works Katy Allen and Budget Director Larry D. Lisenbee, dated June 6, 2005, recommending approval of the report on bids and award of contract and adoption of the appropriation ordinance and funding sources resolution amendments.

Action: The report on bids and award of contract were approved and Ordinance No. 27503, entitled: "An Ordinance of the City of San José Amending Ordinance No. 27474 to Appropriate Moneys in the Services for Redevelopment Capital Projects Fund for the William Street and McLaughlin Avenue Improvement Project and the McLaughlin Avenue Improvement Project; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", and Resolution No. 72809, entitled: "A Resolution of the City of San José Amending Resolution No. 72762 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2005-2006 to Adjust Revenues in the Services for Redevelopment Capital Projects Fund", were adopted. (10-0).

- 2.44 (a) **Adoption of a resolution authorizing the City Manager to award a construction contract for the Fuller Avenue Park Project to the lowest responsive bidder, and approval of a contingency of ten percent, in a total amount not to exceed \$440,000.**
- (b) **Adoption of the following 2005-2006 appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund):**
- (1) **Increase the appropriation to the Department of Parks, Recreation and Neighborhood Services for the Fuller Avenue Park Project (PSM 356#1) in the amount of \$580,000.**
 - (2) **Increase the Beginning Fund Balance by \$580,000.**
- CEQA: Exempt, PP03-04-089. Council District 6. SNI: Greater Gardner. (Public Works/Parks, Recreation and Neighborhood Services/City Manager's Office)**

Documents Filed: Memorandum from Director of Public Works Katy Allen, Budget Director Larry D. Lisenbee, and Director of Parks, Recreation and Neighborhood Services Sara L. Hensley, dated June 6, 2005, recommending adoption of the resolution and adoption of the appropriation ordinance and funding sources resolution.

Action: Ordinance No. 27504, entitled: "An Ordinance of the City of San José Amending Ordinance No. 27474 to Appropriate Moneys in the Services for Redevelopment Capital Projects Fund for the Fuller Avenue Park Project; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", Resolution No. 72810, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Award a Construction Contract for the Fuller Avenue Park Project to the Lowest Responsive Bidder and Approval of a Ten Percent Contingency, in a Total Amount Not to Exceed \$440,000", and Resolution No. 72811, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 72762 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2005-2006 to Adjust Revenues in the Services for Redevelopment Capital Projects Fund", were adopted.

- 2.45 Report on bids and award of contract for the Traffic Signal Modification at Market Street and Saint John Street Project to the low bidder, San Jose Signal Electric Construction, Inc., in the amount of \$176,000 and approval of a contingency in the amount of \$17,600. CEQA: Exempt, PP00-10-155. Council District 3. (Public Works/Transportation)**

Documents Filed: Memorandum from Director of Public Works Katy Allen and Director of Transportation James R. Helmer, dated June 6, 2005, recommending approval of the report on bids and award of contract.

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

- 2.46 (a) Report on bids and award of contract for the Traffic Signal Installation at King Road and Wilshire Boulevard Project to the low bidder, Prism Engineering, in the amount of \$146,026, and approval of a contingency in the amount of \$15,000.**
- (b) Adoption of the following 2004-2005 appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-wide Redevelopment Fund):**
- (1) Increase the appropriation to the Department of Transportation for the Traffic Signal at King Road and Wilshire Boulevard Project (PSM 380#1) in the amount of \$163,026.**
 - (2) Increase the estimate for Earned Revenue by \$163,026.**
- CEQA: Exempt, PP04-282. Council District 5. SNI: Gateway East. (Public Works/Transportation/City Manager's Office)**

Documents Filed: Memorandum from Director of Public Works Katy Allen, Director of Transportation James R. Helmer, and Budget Director Larry D. Lisenbee, dated June 6, 2005, recommending approval of the report on bids, award of contract and adoption of the appropriation ordinance and funding sources resolution amendments.

Action: The report on bids and award of contract were approved and Ordinance No. 27505, entitled: "An Ordinance of the City of San José Amending Ordinance No. 27196 to Appropriate Moneys in the Services for Redevelopment Capital Projects Fund for the Traffic Signal at King Road and Wilshire Boulevard Project; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption" and Resolution No. 72812, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 72189 Setting Forth the Estimated Sources of Funds for the Fiscal year 2004-2005 to Adjust Revenues in the Services for Redevelopment Capital Projects Fund", were adopted. (10-0).

- 2.47 Approval of the second amendment to the Cooperative Agreement with the Santa Clara Valley Transportation Authority for utility relocation as part of the I-880/Coleman Avenue Interchange Project, extending the term of the agreement from June 30, 2005 to June 30, 2006, at no additional cost to the City. CEQA: Resolution No. 71488, PP03-02-071. Council District 3. (Transportation)**

2.47 (Cont'd.)

Documents Filed: Memorandum from Director of Transportation James R. Helmer, dated June 7, 2005, recommending approval of the second amendment.

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

2.48 Report on bids and award of contract for the Slurry Seal 2005 Project to the low bidder, Bond Blacktop, Inc. in the amount of \$1,015,224 and approval of a ten percent (10%) contingency amount of \$101,522. CEQA: Exempt, PP04-02-039. (Transportation)

Documents Filed: Memorandum from Director of Transportation James R. Helmer, dated June 6, 2005, recommending the report on bids and award of contract.

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

2.49 Approval to amend agreements for the Silicon Valley Intelligent Transportation System.

- (a) (1) **Approval of the second amendment to the consultant services agreement between the City of San José and Kimley-Horn and Associates, Inc., for the design and development of the Silicon Valley Intelligent Transportation Systems (ITS) West Corridor Project, increasing the maximum compensation by \$98,741, from \$724,725 to \$823,466, and extending the term of the agreement from December 31, 2005 to June 30, 2007; and**
- (2) **Authorization to the Director of Transportation to extend the term of the agreement up to six months beyond June 30, 2007, at his sole discretion.**

CEQA: Exempt, PP00-02-026. Council Districts 1 and 6. (Transportation)

- (b) (1) **Approval of the third amendment to the consultant services agreement between the City of San José and DKS Associates, for the design and development of the Silicon Valley Intelligent Transportation Systems (ITS) Enhancement Project, increasing the maximum compensation by \$180,000, from \$1,513,925 to \$1,693,925, and extending the term of the agreement from June 29, 2005 to December 31, 2007; and**
- (2) **Authorization to the Director of Transportation to extend the term of the agreement up to three months beyond December 31, 2007, at his sole discretion.**
- (3) **Approval of the following appropriation ordinance amendments in the Building and Structure Construction Tax Fund:**
- (a) **Increase the appropriation to the Department of Transportation for the ITS Enhancements project by \$100,000.**
- (b) **Decrease the Ending Fund Balance by \$100,000.**

CEQA: Exempt, PP03-06-214. Council Districts 1, 4, 6 and 9. (Transportation/City Manager's Office)

2.49 (Cont'd.)

Documents Filed: (1) Memorandum from Director of Transportation James R. Helmer, dated June 6, 2005, recommending approval of the second amendment. (2) Memorandum from Director of Transportation James R. Helmer and Budget Director Larry D. Lisenbee, dated June 6, 2005, recommending approval of the third amendment and approval of the appropriation ordinance.

Action: The amendments, authorizations to the Director of Transportation were approved and Ordinance No. 27506, entitled: "An Ordinance of the City of San José Amending Ordinance No. 27196 to Appropriate Moneys in the Building and Structure Construction Tax Fund for the Intelligent Transportation System (ITS) Enhancement Project: and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", was passed for publication. (10-0).

2.50 Adoption of a resolution designating bicycle lanes on the following street segments and repealing Resolution No. 72115:

- (a) San Fernando Street from State Route 87 overpass to 10th Street.
- (b) Third Street from Julian Street to Jackson Street.
- (c) Fourth Street from Julian Street to Jackson Street.
- (d) Disk Drive from Grand Boulevard to Nortech Parkway.
- (e) Nortech Parkway from end to end.
- (f) Yerba Buena Road from San Felipe Road to Silver Creek Valley Road.
- (g) Silver Creek Valley Road from Yerba Buena Road to Coyote Road.
- (h) Hellyer Avenue from U.S. Highway 101 to Silicon Valley Boulevard.

CEQA: Exempt, PP05-067. Council Districts 2, 3, 4 and 8. SNI: University, 13th Street. (Transportation)

Documents Filed: Memorandum from Director of Transportation James R. Helmer, dated June 7, 2005, recommending adoption of the resolution.

Action: Resolution No. 72813, entitled: "A Resolution of the Council of the City of San José Designating Bicycle Lanes on Those Portions of Streets Specified Herein, Pursuant to the Authority of California Vehicle Code Section 21207; and Repealing Resolution No. 72115", was adopted. (10-0).

2.51 Adoption of a resolution to authorize the City Manager to establish quiet zones for locomotive horns at applicable public highway-rail grade crossings within the San José portion of the Vasona Light Rail Transit Corridor in accordance with Federal Railroad Administration regulation 49 CFR 222. CEQA: Exempt. Council District 6. SNI: Burbank/Del Monte, Greater Gardner. (Transportation)

Documents Filed: Memorandum from Director of Transportation James R. Helmer, dated June 16, 2005, recommending adoption of the resolution.

2.51 (Cont'd.)

Action: Resolution No. 72814, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Establish Quiet Zones for Locomotive Horns at Applicable Public Highway-Rail Grade Crossings Within the San José Portion of the Vasona Light Rail Transit Corridor in Accordance with 49 CFR 222”, was adopted. (10-0).

2.52 Approval of Council Member LeZotte’s travel to Ontario, California, to attend the League of California Cities, Transportation, Communication and Public Works Committee Meeting on June 24, 2005. Source of Funds: Mayor and Council Travel Fund. (LeZotte)

Documents Filed: Memorandum from City Clerk Lee Price, dated June 24, 2005, recommending approval of Council Member LeZotte’s travel.

Action: Council Member LeZotte’s travel was approved. (10-0).

2.53 Approval of the transfer of \$10,119.16 from the District Five Special Events Account to cover the costs of the celebration of the Dr. Roberto Cruz Alum Rock Branch Library Grand Opening on Saturday, July 9, 2005. Source of Funds: District 5 Special Events. (Campos)

Documents Filed: Memorandum from City Clerk Lee Price, dated June 24, 2005, recommending approval of the transfer of \$10,119.16.

Action: The transfer was approved. (10-0).

2.54 Adoption of a resolution authorizing the City Manager to apply to the Bay Area Air Quality Management District (BAAQMD) for a grant in the amount of up to \$1,500,000 to be used to defray the incremental costs of and other grant conditions for leasing compressed natural gas shuttle buses at the Norman Y. Mineta San José International Airport, and to accept the grant if awarded and execute all related documents. CEQA: Resolutions 67380 and 71458, PP05-140. (Airport) (Rules Committee referral 6/22/05)

Documents Filed: Memorandum from Director of Aviation William F. Sherry, A.A.E, dated June 23 2005, recommending adoption of the resolution.

Action: Resolution No. 72815, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Apply to the Bay Area Quality Management District for a Grant in the Amount of \$1,500,000, to Accept the Grant if awarded, and to Execute All Related Documents”, was adopted. (10-0).

- 2.55 (a) Adoption of the following 2004-2005 appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund):**
- (1) Establish an appropriation to the Department of Transportation for the 10th and 11th Street Lane Reduction Project (PSM 413) in the amount of \$469,402.**
 - (2) Increase the estimate for Earned Revenue by \$469,402.**
- (b) Adoption of a resolution making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with the 10th and 11th Street Lane Reduction Project, as more specifically described in the memorandum from the Redevelopment Agency, dated June 7, 2005.**

**CEQA: Exempt, PP04-02-039. Council District 3. SNI: University and Spartan/Keyes. (City Manager's Office)
(Rules Committee referral 6/22/05)**

Documents Filed: Memorandum from Budget Director Larry D. Lisenbee, dated June 21, 2005, recommending adoption of the appropriation ordinance, funding sources resolution, and adoption of the resolution.

Action: Ordinance No. 27507, entitled: "An Ordinance of the City of San José Amending Ordinance No. 27196 to Appropriate Moneys in the Services for Redevelopment Capital Projects Fund for the Tenth and Eleventh Street Lane Reduction Project; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", Resolution No. 72816, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 72189 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2004-2005 to Adjust Revenues in the Services for Redevelopment Capital Projects Fund", and Resolution No. 72817, entitled: "A Resolution of the Council of the City of San José Making Certain Determinations Regarding the Expenditure of Redevelopment Agency Funds for Certain Public Improvements in the University and Spartan/Keyes Neighborhoods in the Strong Neighborhoods Initiative Redevelopment Project Area", were adopted. (10-0).

- 2.56 Adoption of a resolution designating the City as an official sponsor of the San José Grand Prix, and authorizing the City Manager to accept access passes and invitations from the San José Grand Prix, the Canary Fund and the Canary Enterprises, LLC to attend the San José Grand Prix and race related events, and to distribute to City and Redevelopment Agency officials and staff for the purpose of official duties for economic development. (City Manager's Office)
(Rules Committee referral 6/22/05)**

Documents Filed: Memorandum from Deputy City Manager Ed Shikada and Director of Economic Development Paul Krutko, dated June 23, 2005, recommending adoption of the resolution.

2.56 (Cont'd.)

Action: Resolution No. 72818, entitled: “A Resolution of the Council of the City of San José Designating the City as an Official Sponsor of the San José Grand Prix and Authorizing the City Manager to Accept Passes and Invitations to Attend the San José Grand Prix and to Distribute to City and Redevelopment Officials and Staff for the Purpose of Official Duties and Economic Development”, was adopted. (9-0-1). Absent: Yeager.

**2.57 Approval to reject all proposals the City received for bill print and remittance services and authorization for the Director of Finance to re-issue the procurement. CEQA: Not a Project. (Finance)
(Rules Committee referral 6/22/05)**

Documents Filed: Memorandum from Finance Director Scott P. Johnson, dated June 22, 2005, recommending rejection of all proposals.

Action: The rejection of all proposals was approved. (10-0).

2.58 Adoption of a resolution:

- (a) **Approving a third continuation agreement and amendment with Daniel B. Lopez & Associates for affordable housing project development services, increasing the compensation amount by \$50,000, from \$100,000 to \$150,000, and extending the term of the agreement to December 31, 2005.**
 - (b) **Authorizing the Director of Housing to execute the contract amendment.**
- CEQA: Not a Project. (Housing)
(Rules Committee referral 6/22/05)**

Documents Filed: Memorandum from Director of Housing Leslye Corsiglia, dated June 21, 2005, recommending adoption of the resolution.

Action: Resolution No. 72819, entitled: “A Resolution of the Council of the City of San José (I) Approving a Third Continuation Agreement and Amendment with Daniel B. Lopez & Associates for Affordable Housing Project Development Services, Increasing the Compensation Amount by \$50,000 From \$100,000 to \$150,000, and Extending the Term of the Agreement to December 31, 2005; and (II) Authorizing the Director of Housing to Execute the Contract Amendment”, was adopted. (10-0).

**2.59 Adoption of a resolution authorizing the City Manager to apply to the Northern District of California United States Attorney’s Project Safe Neighborhoods grant for the San José Weed and Seed site in an amount not to exceed \$55,000, for the period October 1, 2005 through September 30, 2006, to accept the grant if awarded, and to execute all related documents. CEQA: Not a Project. Council Districts 5 and 8. SNI: East Valley/680 Communities and KONA. (Police)
(Rules Committee referral 6/22/05)**

Documents Filed: Memorandum from Police Chief Robert L. Davis, dated June 23, 2005, recommending adoption of the resolution.

2.59 (Cont'd.)

Action: Resolution No. 72820, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Apply to the United States Department of Justice for Program Funding for the East San José Weed and Seed Site in An Amount Not to Exceed \$55,000, to Accept the Grant If Awarded, and to Execute All Related Documents”, was adopted. (10-0).

STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – June 15, 2005 Vice Mayor Chavez, Chair

Documents Filed: The Rules Committee report of June 15, 2005.

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review June 28, 2005 Council Agenda
 - (a) Discussion of Silicon Valley High Speed Rail Coalition’s Guiding Principles
The Committee recommended approval of the June 28, 2005 City Council Agenda with two additions.
 - (2) Add New Items to June 21, 2005 Agenda
The Committee recommended eight additions.
 - (3) List of Reports Outstanding. Attachment: Report from the City Manager’s Office , dated June 15, 2005, listing eleven staff reports outstanding for the June 21, 2005 City Council Meeting.

The Committee noted and filed the City Manager’s report.

- (c) Legislative Update
 - (1) State
 - (a) Status of State Pension Reform Legislation including Assembly Constitutional Amendment 5 (Richman): Public Retirement Systems. Attachment: Memorandum from Director of Employee Relations Alex Gurza and Director of Intergovernmental Relations Betsy Shotwell, dated June 13, 2005, regarding the Status of the State Pension Reform Legislation, including Assembly Constitutional Amendment 5 (Richman): Public Retirement Systems.

3.2(c)(1) (Cont'd.)

The Committee recommended that staff work with the Police and Fire Department Retirement Boards to include their input and continue to monitor and work with the League of California Cities, the Governor's administration and the Legislature to promote pension reform legislation the address the City's priorities for reform.

- (2) Federal
There was no report.

(d) Meeting Schedules

- (1) Request to schedule General Plan Hearings. Attachment: Memorandum from Senior Executive Analyst Nadine Nader, dated June 9, 2005, requesting the schedule General Plan Hearings.

The Committee recommended scheduling General Plan Hearings October 18, 2005 and December 6, 2005, at 7:00 P.M., in the City Council Chambers.

- (2) Request to schedule City Council Audio/Visual System Training for the New Council Chambers. Attachment: Memorandum form City Clerk Lee Price and Assistant to the City Manager Deanna J. Santana, dated June 9, 2005, requesting to schedule City Council Audio/Visual System Training for the New Council Chambers.

The Committee recommended scheduling City Council Audio/Visual System Training for the New Council Chambers on August 8, 2005 at 1:30 P.M., in the New City Hall Council Chambers.

- (e) The Public Record. Attachment: Memorandum from City Clerk Lee Price, dated June 10, 2005, transmitting items filed for the Public Records for the periods May 18-May 31, 2005.

The Committee noted and filed the Public Record.

(f) Appointments to Boards, Commissions and Committees

- (1) Library Commission
Appoint 2 Commissioner. Attachment: Memorandum from Council Member Yeager, dated June 15, 2005, recommending appointment to the Library Commission.

The Committee recommended the appointment of Caroline Martin to a term ending June 30, 2008.

3.2 (Cont'd.)

- (g) Rules Committee Reviews, Recommendations and Approvals
 - (2) Amendment to the City Auditor's Work Plan. Attachment: Memorandum from Mayor Gonzales, dated June 7, 2005, regarding the City Auditor's WorkPlan.

The Committee recommended approval of an amendment to the Auditor's work plan to modify the scope of the City Grant Oversight Audit and direct the Auditor to examine City staff communication with applicants and the pre-application and evaluation processes.

- (3) Allocation Request from the Community Gift Trust Fund for District 7 Community Events. Attachment: Memorandum from Interim Chief of Staff for Council District 7 Jim Webb, dated June 10, 2005, regarding an Allocation Request fro the Community Gift Trust Fund.

The Committee recommended authorization of the allocation of \$240.00 from District 7's portion of the Community Gift Trust Fund for the following two District 7 community events:

- 1) \$40 for Mayor's Great American Litter Pick-Up in District 7; and
- 2) \$200 for the Completion of Sound Wall Project Celebration in District 7.

- (4) Monthly Public Records Act Requests. Attachment: Memorandum from City Clerk Lee Price and Assistant to the City Manager Deanna J. Santana, dated June 9, 2005, regarding the Monthly Public Records Act Requests.

The Committee recommended approval to waive the monthly requirement for the City Clerk and City Manager to provide the Rules Committee a report regarding outstanding Public Records Act requests for the months of June and August with direction to staff to provide an information memorandum with a brief update on the outstanding Public Records Act requests as well as designating a point of contact should individual members of the City Council have questions about the status of requests during the interim period.

- (h) Oral Communications
There were none.
- (i) Adjournment
The meeting adjourned at 2:37 P.M.

**3.2 Report of the Rules Committee – June 22, 2005 (Cont'd.)
Vice Mayor Chavez, Chair**

Documents Filed: The Rules Committee report of June 22, 2005.

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review July 5, 2005 Council Agenda
Dropped, Legislative Recess.
 - (2) Add New Items to June 28, 2005 Agenda
The Committee recommended eighteen additions.
 - (a) Recommendations from the Small Business Development Commission for Steps to Take to Improve Disadvantaged Business Enterprise participation for Federally Funded City Contracts.
The Committee recommended that this item be placed on the August 16, 2005 City Council Agenda with direction to the Administration to determine if this issue should be placed on a Driving Strong Economy Committee Agenda prior to being reviewed at the Committee level prior to a full City Council agenda.
 - (b) Recommendations regarding the Grand Jury Report regarding Norcal Contract
SEE ITEM 3.13 FOR COUNCIL ACTION TAKEN
 - (3) List of Reports Outstanding. Attachment: Report from the City Manager's Office, dated June 21, 2005, listing twelve staff reports outstanding for the June 28, 2005 City Council Meeting.

The Committee noted and filed the City Manager's Report.
- (c) Legislative Update
 - (1) State. Attachment: Memorandum from Director of Intergovernmental Relations Betsy Shotwell, dated June 20, 2005, regarding the Acceptance of the June 17, 2005 State Legislative Matrix.
 - (a) Acceptance of the June 17, 2005 State Legislative Bill Matrix
The Committee accepted the report.
 - (b) SB 435 (Hollingsworth) regarding Density Bonus Law.
Attachment: Memorandum from Director of Intergovernmental Relations Betsy Shotwell, dated June 15, 2005, regarding SB 435(Hollingsworth), regarding Density Bonus Law.
The Committee recommended that the City Council take an opposed position on SB 435.

SEE ITEM 3.9 FOR COUNCIL ACTION TAKEN

3.2(c)(2) (Cont'd.)

(2) Federal

- (a) Federal Legislation to Provide Funding to End Chronic Homelessness. Attachment: Memorandum from Director of Housing Leslye Corsiglia, dated June 15, 2005, regarding Federal Legislation to Provide Funding to End Chronic Homelessness.

The Committee recommended that the City Council support federal legislation, HR 1471 89 (Pryce/Eshoo) and S 709 (DeWine) – known as the “Services to End Long-Term Homelessness Act.”

SEE ITEM 3.10 FOR COUNCIL ACTION TAKEN

- (b) Update on San José Federal Relations Activities
The Committee accepted the report.

(3) State and Federal

- (a) State and Federal Legislation Related to Predatory Mortgage Lending. Attachment: Memorandum from Director of Housing Leslye Corsiglia, dated June 15, 2005, regarding State and Federal Legislation related to Predatory Mortgage Lending.

The Committee recommended that the City Council support AB 901 and HR 1182 and oppose HR 1295.

SEE ITEM 3.11 FOR COUNCIL ACTION TAKEN

(d) Meeting Schedules

- (1) Rules-In-Lieu Schedule. Attachment: Memorandum from City Clerk Lee Price, dated June 16, 2005, requesting a Rules-In-Lieu schedule for the City Council Summer Recess.

The Committee recommended canceling all Rules Committee meetings during the month of July 2005 and to schedule a Rules-In-Lieu meeting on August 3, 2005 at 11:30 a.m. in the Office of the City Clerk.

- (e) The Public Record. Attachment: Memorandum from City Clerk Lee Price, dated June 16, 2005, transmitting items filed for the Public Records for the periods of June 8-14, 2005.

The Committee noted and filed the Public Record.

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

3.2 (Cont'd.)

- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Approval of the Rules Committee Work Plan. Attachment: Memorandum from Mayor Gonzales and Council Member Chavez, dated June 21, 2005, regarding the Rules Committee Work Plan.

The Committee recommended approval of the Rules Committee Work Plan for the period August through December 2005 and setting its meeting schedule each Wednesday of the month at 2:00 p.m. in the New City Hall Committee Room.

- (h) Oral Communications
There were none.
- (i) Adjournment
The meeting adjourned at 3:05 P.M.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Williams, and unanimously carried, the Rules Committee report and actions of June 15, 2005 and June 22, 2005 were accepted. (10-0).

3.3 Report of the Making Government Work Better Committee – June 16, 2005 Council Member Reed, Chair

Documents Filed: The report of the Making Government Work Better Committee of June 16, 2005.

- (a) Review of Allied Waste Expenditures. Attachment: Memorandum from Council Member Yeager, dated June 22, 2005, recommending staff direction contained therein.

The Committee accepted the staff report.

- (b) Northside Community Center
The Committee deferred the item to June 23, 2005.
- (c) RFP Process: Conflict of Interest Administrative Procedures
Deferred until August 2005.
- (d) Customer Service Standard Update
The Committee accepted the staff report.
- (e) Oral Petitions
None.
- (f) Adjournment
The meeting was adjourned at 1:55 P.M.

3.3 Report of the Making Government Work Better Committee – June 23, 2005
Council Member Reed, Chair

Documents Filed: The Making Government Work Better Committee report of June 23, 2005.

- (a) Northside Community Center. Attachment: Hardcopy report from the Office of the City Auditor, dated June 2005, entitled: “An Audit of the Agreements Between the City and the Filipino American Senior Opportunities Development Council (Fil-Am SODC).

SEE ITEM 3.14 FOR COUNCIL ACTION TAKEN

- (b) Oral Petitions
None.
- (c) Adjournment
The Committee adjourned at 4:04 P.M.

Action: Upon motion by Council Member Reed, seconded by Council Member LeZotte, and unanimously carried, the Making Government Work Better Committee report and actions of June 16 and June 23, 2005, were accepted, with the exception of the Northside Community Center item for Council action to be taken with Item 3.14 on the agenda. (10-0).

3.4 Adoption of a resolution approving the terms of a Memorandum of Agreement with the Municipal Employees’ Federation (MEF), and authorizing the City Manager to execute the agreement with a term of July 1, 2005 to June 30, 2008, subject to ratification of the MEF membership. CEQA: Not a Project. (City Manager’s Office)

Documents Filed: Memorandum from Director of Employee Relations Alex Gurza, dated June 28, 2005, recommending adoption of the resolution.

Public Comments: Tim Callahan and Jim Peterson spoke in support of the agreement.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Campos, and unanimously carried, Resolution No. 72821, entitled: “A Resolution of the Council of the City of San José Approving a Memorandum of Agreement Between the City of San José and Municipal Employees’ Federation (MEF), AFSCME, Local No. 101, AFL-CIO for the Period of July 1, 2005 Through June 20, 2008”, was adopted. (10-0).

3.5 Adoption of a resolution approving the terms of an Agreement with the Association of Maintenance Supervisory Personnel (AMSP), and authorizing the City Manager to execute the agreement with a term of July 1, 2005 to June 30, 2007. CEQA: Not a Project. (City Manager’s Office)

3.5 (Cont'd.)

Documents Filed: Memorandum from Director of Employee Relations Alex Gurza, dated June 28, 2005, recommending adoption of the resolution.

Action: Upon motion by Council Member Yeager, seconded by Council Member Campos, and unanimously carried, Resolution No. 72822, entitled: "A Resolution of the Council of the City of San José Approving a Memorandum of Agreement Between the City of San José and Association of Maintenance Supervisory Personnel (AMSP) for the Period of July 1, 2005 Through June 30, 2007", was adopted. (10-0).

3.6 **Adoption of a resolution approving the terms of an Agreement with the City Association of Management Personnel (CAMP), and authorizing the City Manager to execute the agreement with a term of July 1, 2005 to June 30, 2008, subject to ratification of the CAMP membership. CEQA: Not a Project. (City Manager's Office)**

Documents Filed: Memorandum from Director of Employee Relations Alex Gurza, dated June 28, 2005, recommending adoption of the resolution.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Yeager, and unanimously carried, Resolution No. 72823, entitled: "A Resolution of the City of San José Approving a Memorandum of Agreement Between the City of San José and City Association of Management Personnel (CAMP) for the Period of July 1, 2005 Through June 30, 2008", was adopted. (10-0).

3.7 **Adoption of a resolution:**

(a) **To amend the City of San José Pay Plan to provide general salary increases of 1.5% effective July 3, 2005 for unrepresented employees in Units 81, 82 and 99, excluding Temporary Employees, and revisions to benefits and to the Professional Development Program, including a 0.3% salary adjustment from the Professional Development Program funding.**

(b) **To revise the salary ranges for Senior and Executive Staff in the Senior Executive Performance Program (SEPP) effective July 3, 2005.**

(City Manager's Office/Employee Services)

Documents Filed: Memorandum from City Manager Del D. Borgsdorf, dated June 28, 2005, recommending adoption of the resolutions.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Yeager, and unanimously carried, Resolution No. 72824, entitled: "A Resolution of the City of San José Amending the City of San José Pay Plan to Provide General Increases of 1.5% for Employees in Executive Management (Unit 99) Excluding Executive Senior Staff Employees in the SEPP and for Unclassified Unrepresented Employees in Units 81, 82, and 99, Excluding Temporary Employees and Revisions to the Benefits and to the Professional Development Program Including a 0.3% Salary Adjustment From the Program and Revising the Salary Ranges for Executive Senior Staff Employees in the Senior Executive Performance Program Effective July 3, 2005", was adopted. (10-0).

- 3.8 Approval of actions related to restaurant services at the New City Hall.**
- (a) Approve the selection of Donald F. Imwalle, dba Imwalle Stegner, as the preferred proposer for the Master Tenant for the Development of Restaurant Services in the New City Hall retail space along Fourth Street; and**
 - (b) Approve the proposed business terms to be included in the Lease Agreement for the space; and**
 - (c) Adoption of a resolution authorizing the City Manager to negotiate and execute a lease agreement with Imwalle Stegner in accordance with the proposed business terms.**

CEQA: Resolution No. 68905. (Economic Development)

Documents Filed: Memorandum from Director of Economic Development Paul Krutko, dated June 13, 2005, recommending approval of the selection of Donald F. Imwalle, dba Imwalle Stegner, approval of the proposed business terms, and adoption of the resolution.

Discussion: Council Member LeZotte asked staff to meet with the appropriate stakeholders to include provisions regarding Labor Peace before signing the contracts with the Master Tenant and the subtenants, and if any contractual language is found to be insufficient, staff should return to Council for review and approval.

Council Member Williams requested staff return to Council with a status report on the progress of contract proceedings.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Campos, and unanimously carried, Resolution No. 72825, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with Donald F. Imwalle dba Imwalle Stegner as Master Tenant for Development of Retail Space for Restaurant Services Located on the Fourth Street Side of the New City Hall”, was adopted, with direction to the City Attorney’s Office to meet with the appropriate stakeholders to include provisions regarding Labor Peace before the signing of contracts with the Master Tenant and the subtenants, and furthermore, if any contractual language is found to be insufficient, to return to Council for review and approval and staff was further directed to return to Council with a status report on the progress of contract proceedings. (10-0).

- 3.9 As recommended by the Rules Committee on June 22, 2005, oppose SB 435 (Hollingsworth) regarding density bonus law changes. (City Manager’s Office/ Office of the City Clerk)**

Documents Filed: Memorandum from City Clerk Lee Price, dated June 28, 2005, recommending opposition of SB 435 (Hollingsworth).

Action: Upon motion by Council Member Campos, seconded by Vice Mayor Chavez, and unanimously carried, Council agreed to oppose SB 435 (Hollingsworth) regarding density bonus law changes. (10-0).

- 3.10 As recommended by the Rules Committee on June 22, 2005, support federal legislation – H.R. 1471 by Representatives Pryce (R-OH) and Eshoo (D-CA) and S.709 by Senator DeWine (R-OH) – known as the “Services to End Long-Term Homelessness Act”. (City Manager’s Office/Office of the City Clerk)**

Documents Filed: Memorandum from City Clerk Lee Price, dated June 28, 2005, recommending supporting federal legislation – H.R. 1471 and S.709.

Action: Upon motion by Council Member Yeager, seconded by Council Member Campos, and unanimously carried, Council agreed to support federal legislation – H.R. 1471 by Representatives Pryce (R-OH) and Eshoo (D-CA) and S.709 by Senator DeWine (R-OH) – known as the “Services to End Long-Term Homelessness Act”. (10-0).

- 3.11 As recommended by the Rules Committee on June 22, 2005, support AB 901 and H.R. 1182 and oppose H.R. 1295. (City Manager’s Office/Office of the City Clerk)**

Documents Filed: Memorandum from City Clerk Lee Price, dated June 28, 2005, recommending supporting AB 901 and H.R. 1182.

Action: Upon motion by Council Member Williams, seconded by Vice Mayor Chavez, and unanimously carried, Council agreed to support AB 901 and H.R. 1182 and oppose H.R. 1295. (10-0).

- 3.12 Adopt a resolution supporting SB 861 (Speier), an act to amend Section 31683 of the Food and Agriculture Code, relating to Dangerous and Vicious Dogs. (LeZotte)**

Documents Filed: (1) Memorandum from Director of Intergovernmental Relations Betsy Shotwell and Deputy Director of Animal Care Services Jon Cicerelli, dated June 27, 2005, recommending supporting SB 861 (Speier). (2) Memorandum from Council Member LeZotte, dated June 27, 2005, recommending support of SB 861 (Speier).

Action: Upon motion by Council Member LeZotte, seconded by Council Member Reed, and unanimously carried, Resolution No. 72826, entitled: “A Resolution of the Council of the City of San José Expressing Support for Senate Bill 861”, was adopted. (10-0).

- 3.13 As recommended by the Rules Committee:**

- (a) Direct staff to prepare and submit to the City Council within sixty (60) days a full response regarding the Santa Clara County Civil Grand Jury Report on the City’s contract amendment with Norcal.**
- (b) Direct the City Auditor to select and retain a qualified independent investigator to begin immediately a review of issues associated with the Norcal garbage contract and contract amendment, as discussed in the Santa Clara County Civil Grand Jury Report. The Auditor shall obtain from a retired judge a list of qualified independent investigators and/or contact the Association of Judicial Arbitrations Mediations (JAMS) and the local Bar Association.**

(Item continued on next page.)

- 3.13 (c) **The Auditor is further directed to complete a thorough conflict analysis to ensure independence and impartiality. (Cont'd.)**
- (d) **Authorize the City Auditor to negotiate and execute a contract with the independent investigator in an amount not to exceed \$100,000 and amend the 2005-2006 appropriation ordinance in the General Fund to:**
- (1) **Establish a City-wide appropriation in the amount of \$100,000 for an Independent Investigator for the Norcal Garbage Contract Matter;**
- (2) **Reduce the Contingency Reserve by \$100,000.**
- (e) **The scope of the independent investigation would include the review of the material and findings of the Grand Jury to determine if the Mayor, Mayor's staff, or other city employees violated the City Charter, Municipal Code, city policies related to ethics of independent judgment, or other law. This scope is consistent with the Grand Jury's Recommendation #1. Additionally, include and incorporate into the scope additional concerns from the Council discussion. The final scope shall be determined by the investigator.**
- (f) **Request that the investigator return with a full report to the entire Council, within sixty (60) days. Included in the final report should be recommended next steps, as appropriate. If the investigation is not complete within sixty (60) days, request that the investigator report back on the status to the full Council.**
- (g) **Designate the Assistant City Attorney and the City Clerk as the investigator's City contacts for any and all necessary support and/or assistance as it relates to access to records and/or other information needed by the investigator to conduct the investigation.**
- (h) **Urge the Council and key members of staff to provide to the Auditor individual availability for the month of July to respond to the investigator for questions.**

Documents Filed: (1) Memorandum from Council Member Chavez and City Clerk Lee Price, dated June 23, 2005, recommending staff direction contained therein. (2) Memorandum from Council Member Cortese, dated June 24, 2005, recommending an addition to the memorandum from Council Member Chavez and City Clerk Lee Price, dated June 23, 2005 with staff direction contained therein.

Public Comments: William Garbett spoke in opposition to the City's actions against his property and the unlawful selling of his home.

Ross Signorino expressed concerns regarding Stem Cell Research and San José' participation in the business.

Discussion: Vice Mayor Chavez reviewed the Rules Committee recommendations and encouraged staff to be open and responsive to the Independent Investigator and the ongoing investigation.

Vice Mayor Chavez motioned to approve with stated direction, seconded by Council Member Yeager.

3.13 (Cont'd.)

Council Member Cortese requested the motion be amended regarding the scope of the investigation to add; “The final scope and methodology shall be determined by the investigator”. The amendment was accepted by the motion maker and the seconder.

Council Member Reed asked the City Attorney’s Office to provide assistance to the City Auditor’s Office in the initial selection of an independent investigator and drafting of any contracts, and requested the selected investigator to return to Council with any changes to the scope of the investigation, (i.e., items found to not warrant an investigation), and if any changes to the process of the investigation, as well as any requests for additional tools are needed to conduct the investigation. By mutual consent, this direction was incorporated into the Council action.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Yeager, and unanimously carried, direction for staff to prepare and submit to the City Council within sixty (60) days a full response regarding the Santa Clara County Civil Grand Jury Report on the City’s contract amendment with Norcal was approved, Direction for the City Auditor was approved with an amendment for the City Auditor to convene a panel of experts to assist with selection, Direction for the Auditor to complete a thorough conflict analysis to ensure independence and impartiality was approved, Ordinance No. 27508, entitled: “An Ordinance of the City of San José Amending Ordinance No. 27474 to Appropriate Moneys in the General Fund for the Independent Investigator for the NorCal Garbage Contract; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”, was adopted, the scope of the Independent Investigator was approved, as amended to add; “The final scope and methodology shall be determined by the investigator”; with direction for all staff to be encouraged to be open and responsive to the Independent Investigator and ongoing Norcal investigation; City Attorney’s Office directed to provide assistance to the City Auditor’s Office in the initial selection of an independent investigator and drafting of any contracts; and finally, a request for the investigator to return to Council with any changes to the scope of the investigation, (i.e., items found to not warrant an investigation), and if any changes to the process of the investigation, as well as any requests for additional tools are needed to conduct the investigation.

3.14 **Acceptance of the Auditor's Audit of the Northside Community Center and direction to the City Auditor and the Administration regarding actions to be taken related to the Auditor's findings and recommendations.** **(Making Government Work Better Committee referral 6/23/05)**

Documents Filed: (1) Memorandum from Deputy City Manager Kay Winer, dated June 27, 2005, providing supporting documents for Council review. (2) Letter from Larry and Rose Whitcomb, dated June 28, 2005, supporting the acceptance of the Auditor’s Audit.

Public Comments: Vic Nakamoto, Sam Brown, Ben Menor, Hernando Manois, Mohinder Mann, Annie Dandavati, Ligaya Evalle, Rosita R. Cordero, Sarah Gonzalez, Rena Modell spoke in support to staff’s recommendations.

3.14 (Cont'd.)

Penny Aguila spoke in opposition to staff's recommendations.

Discussion: Council Member Chavez acknowledged the leadership of Ben Menor and indicated she would support the motion because he has been willing to admit his mistake and still wants to make the Center Community success.

Council Member Williams said he would support the motion and directed to Mr. Menor his hopes to see some healing in this endeavor.

Council Member Pyle urged Mr. Menor to let the Council know if he needs help.

Council Member Campos expressed appreciation to the Making Government Work Better for its efforts and recommendations.

Mayor Gonzales acknowledged and accepted Mr. Menor's apology and encouraged him and his board to make the necessary changes and to proceed with the vision.

Action: Upon motion by Council Member Reed, seconded by Council Member Yeager, and unanimously carried, the Auditor's Audit of the Northside Community Center was accepted and direction to staff approved, as outlined in Council Member Yeager's memorandum, dated June 22, 2005 and the Making Government Work Better Executive Summary for June 23, 2005.

ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee – June 20, 2005 Council Member Chirco, Chair

Documents Filed: The Building Strong Neighborhoods Committee report of June 20, 2005.

- (a) Animal Care & Service Update. Attachment: Memorandum from Director of Parks, Recreation and Neighborhood Services Sara L. Hensley, dated June 6, 2005, providing an update on the Animal Care Services (ACS) Program.

The Committee accepted the report.

- (b) Trails Implementation and Funding Update. Attachment: Memorandum from Director of Parks, Recreation and Neighborhood Services Sara L. Hensley, dated June 7, 2005, informing the committee of a short presentation at the Building Strong Neighborhoods Committee meeting on June 20, 2005.

The Committee accepted the report.

4.1 (Cont'd.)

- (c) Neighborhood Housing Rehabilitation and Infill Production Update. Attachment: Memorandum from Director of Housing Leslye Corsiglia, dated May 20, 2005, providing a short powerpoint presentation at the Building Strong Neighborhoods Committee meeting on June 20, 2005..

The Committee accepted the report.

- (d) Oral Petitions
None.

- (e) Adjournment
The meeting was adjourned at 2:59 p.m.

Action: Upon motion by Council Member Chirco, seconded by Council Member Campos, and unanimously carried, the Building Strong Neighborhoods report and actions of June 20, 2005 were accepted. (9-0-1). Absent: Yeager.

4.3 Approval of actions related to the Pollard Plaza Apartments.

- (a) **Adoption of a resolution approving an increase of the City's existing permanent loan increase in the amount of \$3,918,632 of the City's existing permanent loan, from \$9,486,839 to a new amount of up to \$13,405,471, for the 130-unit Pollard Plaza Apartments Project, which is located at the southeast corner of McLaughlin Avenue and Story Road.**
- (b) **Approval of a change in the project's affordability restrictions such that 115 units formerly affordable to households at or below 60% of Area Median Income (AMI) will now be restricted to rents at or below 45% AMI.**

CEQA: Not a Project. Council District 7. SNI: Tully/Senter. (Housing)

Documents Filed: Memorandum from Director of Housing Leslye Corsiglia, dated June 6, 2005, recommending adoption of the resolution and approval of the project change.

Public Comments: Bertha Ward and Errolyn Blank spoke in opposition of lowering the income cap to 45% AMI.

Director of Housing Leslye Corsiglia responded to Council questions and addressed public comments. She emphasized that the program will continue to be marketed to teachers, but added that it may not be restricted to teachers.

Discussion: Vice Mayor Chavez requested staff to provide clarification as to what types of community outreach was performed when a change in developers occurred and to ensure that the current developer, Ecumenical Association for Housing (EAH) conduct further outreach to the community to address any concerns.

4.3 (Cont'd.)

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Yeager, and unanimously carried, the change in projects' affordability restrictions was approved and Resolution No. 72827, entitled: "A Resolution of the Council of the City of San José (I) Approving An Increase of the City's Existing Permanent Loan in the Amount of Up to \$13,405,471, for the 130-Unit Pollard Plaza Apartments Project, Which is Located at the Southeast Corner of McLaughlin Avenue and Story Road; and (II) Approving a Change in the Project's Affordability Restrictions Such That 115 Units Formerly Affordable to Households at or Below 60% of Area Median Income Will Now be Restricted to Rents at or Below 45%", was adopted, with direction to staff to provide clarification as to what types of community outreach was performed when a change in developers occurred and to ensure that the current developer, Ecumenical Association for Housing (EAH), conduct further outreach to the community to address any concerns. (9-0-1). Absent: LeZotte.

4.4 Public Hearing on and consideration of:

- (a) **PUBLIC HEARING ON THE APPEAL OF PLANNING COMMISSION'S CERTIFICATION OF AN Environmental Impact Report for the Goble Lane Mixed Use Development for a Planned Development Rezoning of 29.5 gross acres located at the southwest corner of Monterey Road and Goble Lane. CEQA: Resolution to be adopted. Director of Planning, Building and Code Enforcement and Planning Commission recommend the City Council certify the Environmental Impact Report prepared for the project and find it in compliance with the requirements of CEQA. (6-0-1; Pham absent)**
- (b) **Approval of an ordinance on Planned Development Rezoning from R-MH Mobilehome Park, LI Light Industrial and HI Heavy Industrial Zoning Districts to A(PD) Planned Development Zoning District, to allow up to 969 single-family and multi-family residential units and approximately 18,000 square feet of commercial space on a 29.5 acre site located at the southwest corner of Monterey Road and Goble lane (Ernest L. and Thelma W. Goble, et al., Owners). CEQA: Resolution to be adopted. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval. (4-2-1; Levy, Zito opposed; Pham absent). (Planning Building and Code Enforcement) (Cont'd.)**
PDC02-066 - District 7

Documents Filed: (1) Supplemental memorandum from Director of Planning, Building and Code Enforcement Stephen M. Haase, dated June 27, 2005, providing information regarding dropping the item. (2) Memorandum from Director of Planning, Building and Code Enforcement Stephen M. Haase, dated June 16, 2005, transmitting the Department of Planning, Building, and Code Enforcement Staff Report on Project File Number PDC02-066, dated June 15, 2005, recommending approval of the planned development rezoning. (3) Memorandum from Secretary of the Planning Commission Stephen Haase, dated June 23, 2005, recommending approval of the proposed rezoning. (4) Proof of publication of Notice of Public Hearing, executed on June 8, 2005, submitted by the City Clerk.

4.4 (Cont'd.)

(5) Proof of publication of Notice of Public Hearing, executed on June 10, 2005, submitted by the City Clerk. (6) Letter from President and CEO of San José/Silicon Valley Chamber of Commerce, dated June 17, 2005, supporting the proposed rezoning.

Action: This item was dropped.

4.5 Approval of a funding commitment for the Montecito Vista Family Apartments.

(a) **Adoption of a resolution approving a funding commitment for a loan of up to \$7,299,334 to ROEM Development Corporation, or its designated affiliate entity, for the development of the 193-unit Montecito Vista Family Apartments Project on a four-acre parcel, located westerly of Monterey Highway, 900 feet southerly of Umbarger Road, to be made affordable to extremely low- and very low-income households.**

(b) **Adoption of a resolution finding that the use of 20% Housing Funds for the Montecito Vista Family Apartments project is of benefit to the Redevelopment Project Areas in San José.**

CEQA: Resolution to be adopted. Council District 7. (Housing)

Documents Filed: None.

Action: This item was dropped.

4.6 Public Hearing on and consideration of adoption of a resolution on a Historic Landmark Designation for the John C. Morrill House, located at/on the northwest corner of Jackson Street and North 19th Street (897 Jackson St.). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Historic Landmarks Commission recommend approval to adopt a resolution. HLC 6/1/05 (5-0-1-0, Leong absent).

HL05-151 - District 3. (Planning, Building and Code Enforcement)

Documents Filed: (1) Memorandum from Director of Planning, Building and Code Enforcement Stephen M. Haase, dated June 6, 2005, recommending adoption of the resolution. (2) Proof of publication of Notice of Public Hearing, executed on May 20, 2005, submitted by the City Clerk.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Campos, and unanimously carried, Resolution No. 72828, entitled: "A Resolution of the Council of the City of San José Designating Pursuant to the Provisions of Chapter 13.48 of Title 13 of the San José Municipal Code, the John C. Morrill House, Located at 897 Jackson Street, as a Landmark of Special Historical, Architectural, Cultural, Aesthetic, or Engineering Interest or Value of a Historical Nature", was adopted. (9-0-1). Absent: LeZotte.

- 4.7 (a) Public Hearing and adoption of a resolution to:**
- (1) Approve the Japantown Business Improvement District Advisory Board budget report for 2005-2006, as filed or as modified by City Council.**
 - (2) Levy the annual assessment for the Japantown Business Improvement District for 2005-2006.**
- CEQA: Exempt, PP03-05-165. Council District 3. SNI: 13th Street. (Economic Development)**

Documents Filed: (1) Memorandum from Director of Economic Development Paul Krutko, dated June 6, 2005, recommending adoption of the resolution. (2) Proof of publication of title of Resolution No. 72696 executed on June 17, 2005, submitted by the City Clerk.

City Clerk Lee Price noted there were not protests received.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Yeager, and unanimously carried, for Item 4.7(a), Resolution No. 72829, entitled: "A Resolution of the Council of the City of San José Approving the Budget Report of the Japantown Business Improvement District for Fiscal Year 2005-2006 and Levying Assessments in the Bid for Fiscal Year 2005-2006", was adopted. (10-0).

- 4.7 (b) Public Hearing and adoption of a resolution to: (Cont'd.)**
- (1) Approve the Downtown Business Improvement District Advisory Board budget report for 2005-2006, as filed or as modified by City Council.**
 - (2) Levy the annual assessment and expand the district boundaries for the Downtown Business Improvement District for 2005-2006.**
- CEQA: Exempt, PP03-05-165. Council District 3. SNI: St. James Square/University/Josefa/Auzerais/Burbank/Del Monte. (Economic Development)**

Documents Filed: (1) Memorandum from Vice Mayor Chavez, dated June 27, 2005, recommending adoption of the resolution with staff direction contained therein.(2) Memorandum from Director of Economic Development Paul Krutko, dated June 20, 2005, replacing a map. (3) Memorandum from Director of Economic Development Paul Krutko, dated June 6, 2005, recommending adoption of the resolution. (4) Proof of publication of title of Resolution No. 72697 executed on June 17, 2005, submitted by the City Clerk. (5) Letters from the public opposing the proposed staff recommendations.

Public Comments: Keith Watt, East Santa Clara Street Business Association, requested a six block area be left out of the extended BID process.

Henry Cord, President of the Downtown Business Association, expressed support for the resolution.

4.7 (Cont'd.)

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Campos, and unanimously carried, for Item 4.7(b), Council approved a memorandum from Vice Mayor Chavez, dated June 27, 2005, recommending adoption of the resolution to approve the Downtown Business Improvement District (BID) budget report for FY2005-2006 as proposed, and to levy the Downtown BID assessments for 2005-2006 with the following amendment: Maintain the current eastern boundary of the BID along Fourth Street and remove the proposed expansion area bordered by the St. John, San Fernando, Fourth and Seventh Streets, and Resolution No. 72830, entitled: "A Resolution of the Council of the City of San José Approving the Budget Report of the Downtown Business Improvement District for Fiscal Year 2005-2006 and Levying Assessments in the Bid for Fiscal Year 2005-2006", was adopted. (10-0).

(c) **Public Hearing and adoption of a resolution to:**

(1) **Approve the Willow Glen Business Improvement District Advisory Board budget report for 2005-2006, as filed or as modified by City Council.**

(2) **Levy the annual assessment for the Willow Glen Business Improvement District for 2005-2006.**

CEQA: Exempt, PP03-05-165. Council District 6. (Economic Development)

Documents Filed: (1) Memorandum from Director of Economic Development Paul Krutko, dated June 6, 2005, recommending adoption of the resolution. (2) Proof of publication of title of Resolution No. 72710 executed on June 17, 2005, submitted by the City Clerk.

Public Comments: Norma Ruiz, Tom Trudell, Michael Mulcahy, Marvin Bamburg, Susan Herrold, and Milton Chris Carris spoke in support of the resolution.

Discussion: Staff responded to questions from Council Member Yeager regarding protests.

Action: Upon motion by Council Member Yeager, seconded by Council Member Reed, and unanimously carried, for Item 4.7(c), Resolution No. 72831, entitled: "A Resolution of the Council of the City of San José Approving the Budget Report of the Willow Glen Business Improvement District for Fiscal Year 2005-2006 and Levying Increased Assessments in the Bid for Fiscal Year 2005-2006", was adopted. (10-0).

- 4.8 Public Hearing and adoption of a resolution on the reorganization of territory designated as McKee No. 127 which involves the annexation to the City of San José of 4.79 gross acres of land, located at the north side of McKee Road approximately 380 feet easterly of Toyon Avenue and the detachment of the same from the approximately special districts including Central Fire Protection, Area No. 01 (Library Services) County Service and County Sanitation Districts 2-3, and making findings on a protest received in connection with such proposed reorganization action. CEQA: Exempt. Council District 5. (Planning, Building and Code Enforcement)
(Continued from 6/21/05 – Item 4.4)**

Documents Filed: (1) Supplemental memorandum from Director of Planning, Building and Code Enforcement Stephen M. Haase, dated June 23, 2005, requesting item be heard on June 28, 2005, rather than August 16, 2005. (2) Memorandum from Director of Planning, Building and Code Enforcement Stephen M. Haase, dated May 31, 2005, recommending adoption of the resolution.

Public Comments: Herbert J. Miller spoke in support of the resolution.

Action: Upon motion by Council Member Campos, seconded by Vice Mayor Chavez, and unanimously carried, Resolution No. 72832, entitled: “A Resolution of the Council of the City of San José Ordering the Reorganization of Certain Uninhabited Territory Designated as McKee No. 127 Subject to Liability for General Indebtedness of the City After Finding Protests Insufficient to Terminate Such Proceedings”, was adopted. (10-0).

- 4.9 (a) Approval of an ordinance amending Title 9 of the San José Municipal Code by adding Chapter 9.57 prohibiting the maintenance of graffiti upon real property and personal property thereon and prohibiting the maintenance of graffiti upon motor vehicles, boats and trailers parked on public streets; and amending Chapter 17.72 of Title 17 by repealing Section 17.72.220 and amending Sections 17.72.520 and 17.72.555 to make conforming changes.**
- (b) Adoption of a resolution amending the Administrative Schedule of Fines to establish an administrative fine for a violation of the graffiti prohibitions set for in the San José Municipal Code, Chapter 9.57 and repealing Resolution No. 72643, effective September 9, 2005.**
- CEQA: Exempt, PP05-238. (City Attorney)**

Documents Filed: Memorandum from City Attorney Rick Doyle, dated June 23, 2005, recommending approval of the ordinance and adoption of the resolution.

Public Comments: Ross Signorino expressed concerns on graffiti in the 2nd floor Men’s restroom of the Old City Hall.

Discussion: Council Member Cortese requested the City Attorney’s Office to include language relating to graffiti on other personal property located on public property, including newspaper racks, public telephones, etc.

4.9 (Cont'd.)

Action: Upon motion by Council Member Campos, seconded by Vice Mayor Chavez, and unanimously carried, Ordinance No. 27509, entitled: "An Ordinance of the City of San José Amending Title 9 of the San José Municipal Code by Adding Chapter 9.57 Prohibiting the Maintenance of Graffiti Upon Real Property and Personal Property Located Thereon and Prohibiting the Maintenance of Graffiti Upon Motor Vehicles, Boats, and Trailers Parked on Public Streets; and Amending Chapter 17.72 of Title 17 by Repealing Section 17.72.220 and Amending Sections 17.72.520 and 17.72.555 of Chapter 17.72 to Make Conforming Changes", was passed for publication and Resolution No. 72833, entitled: "A Resolution of the Council of the City of San José Amending the Administrative Citation Schedule of Fines for Certain Violations of the San José Municipal Code in Order to Add Fines for Violation of San José Municipal Code Sections 9.57.300 and 9.57.310, the Maintenance of Graffiti Upon Real and Personal Property, and Repealing Resolution No. 72643, to Be Effective September 9, 2005", was adopted, with direction for the City Attorney's Office to include language relating to graffiti on other personal property located on public property, including newspaper racks, public telephones, etc. (10-0).

RECREATION & CULTURAL SERVICES

- 5.2 Approval of actions related to the LeFevre Residence and Barn Renovation Project.**
- (a) Acceptance of the report on the status of the project, acknowledging contractor performance issues and failure to complete the LeFevre Residence and Barn Renovation Project per contract requirements.**
 - (b) Adoption of a resolution authorizing the City Manager to negotiate and execute agreements with the surety, Travelers Casualty & Surety Company, and any construction contractor to complete the project so that the total cost of constructing the project does not exceed \$1,174,012 and including the authority to negotiate liquidated damages.**
 - (c) In the event an agreement is not reached with the surety, approval to complete remaining project work using a combination of minor contracts and City staff labor at a cost not to exceed \$140,000.**

**CEQA: Exempt, PP02-04-091. Council District 5. (Public Works/Parks, Recreation and Neighborhood Services)
(Rules Committee referral 6/22/05)**

Documents Filed: Memorandum from Director of Public Works Katy Allen and Director of Parks, Recreation and Neighborhood Services Sara L. Hensley, dated June 23, 2005, expediting completion of the remaining construction work.

5.2 (Cont'd.)

Action: Upon motion by Council Member Campos, seconded by Vice Mayor Chavez, and unanimously carried, the report was accepted and surety of completion of the remaining project work was approved, and Resolution No. 72834, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Any Necessary Agreements with Travelers Casualty & Surety Company and Any Construction Contractor for the Completion of the Lefevre Residence and Barn Renovation Project at No Additional Cost to the City Beyond \$1,174,012 and Including the Authority to Negotiate Liquidated Damages”, was adopted. (10-0).

TRANSPORTATION SERVICES

- 6.2 Approval of 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 September 7, 2005 through September 30, 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 \$1,910,000 for the initial two-year term. CEQA: Resolution Nos. 67380 and 71451, PP 05-083. (Airport/Transportation) [Referred from 5/24/05 – Item 6.2(c)]**

Documents Filed: (1) Supplemental memorandum from Director of Aviation William F. Sherry, A.A.E, dated June 28, 2005, addressing concerns submitted in a letter to the Mayor and City Council from Yellow Checker Cab Company, Inc. (2) Memorandum from Director of Aviation William F. Sherry, A.A.E, dated June 24, 2005, providing an update to the current status, terms and content of the Agreement. (3) Hardcopy of the Airport Dispatch Services, dated June 28, 2005.

Discussion: Council Member Williams requested staff to add a status update to the Building Better Transportation Committee Workplan.

Action: Upon motion by Council Member Williams, seconded by Council Member Reed, and unanimously carried, the agreement was approved, with a request to add a status update to the Building Better Transportation Committee Workplan. (10-0).

ENVIRONMENTAL & UTILITY SERVICES

- 7.1 Report on bids and award of contract for the 84-inch RCP Interceptor Rehabilitation Phase VIB Project to the low bidder, Ebert McGuire and Hester, in the amount of \$4,089,897, and approval of contingency in the amount of \$615,000. CEQA: Exempt, PP 02-05-114. Council Districts 3 and 4. (Public Works)**

7.1 (Cont'd.)

Documents Filed: Supplemental memorandum from Director of Public Works Katy Allen, dated June 21, 2005, providing additional information after bid opening. (2) Memorandum from Director of Public Works Katy Allen, dated June 6, 2005, recommending approval of a report on bids and actions.

Discussion: Assistant Director of Transportation Services Jim Ortbal responded to brief questions from Council.

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

PUBLIC SAFETY SERVICES

9.1 Approval of actions related to Police Southside Substation.

- (a) **Adoption of a resolution authorizing the City Manager to negotiate and execute a Purchase and Sale Agreement not to exceed \$8,000,000 between the City of San José and Hitachi Global Storage Technologies, Inc., for the acquisition of fee title to approximately 10.487 acres for the location of a police substation, including appurtenant access and perimeter fence easements, and authorization for the City Manager to execute all documents necessary to complete the transaction.**
- (b) **Approval of a Phase II consultant agreement with RossDrulisCusenbery Architecture, Inc. Sonoma, California for design services for the South San José Police Substation with the term of the agreement from the date of execution until January 31, 2009 in a lump sum amount of \$4,522,795 with contingency for additional services in the amount of \$226,000 for a total not to exceed \$4,748,795.**
- (c) **Adoption of a resolution approving the Police Southside Substation Project and incorporating environmental mitigation measures as set forth in the Mitigation Monitoring And Reporting Program for the project.**

CEQA: Mitigated Negative Declaration, File No. PP04-304. (Public Works/Police) (Rules Committee referral 6/22/05)

Documents Filed: Memorandum from Police Chief Robert L. Davis and Director of Public Works Katy Allen, dated June 24, 2005, requesting the addition of the item to the City Council agenda of June 28, 2005.

Action: Upon motion by Council Member Williams, seconded by Vice Mayor Chavez, and unanimously carried, the agreement was approved and Resolution No. 72835, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Purchase and Sale Agreement with Hitachi Global Storage Technologies, Inc. for the Purchase of Approximately 10,487 Acres for the Location of a Police Substation in An Amount Not to Exceed \$8,000,000", and

9.1 (Cont'd.)

Resolution No. 72836, entitled: "A Resolution of the Council of the City of San José Approving That Certain South San José Police Substation Project, a Project For Which An Initial Study/Mitigated Negative Declaration Was Prepared in Accordance with the California Environmental Quality Act of 1970, and Adopting a Mitigation Monitoring and Reporting Program Related to Such Project", were adopted. (10-0).

JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board convened at 5:12 P.M. to consider Item 10.1 and 10.2 in a Joint Session.

- 10.1 (a) Adoption of a resolution by the City Council:**
- (1) Approving the revised Code of Ethics Policy.**
 - (2) Approving the revised Gift Policy.**
- (b) Adoption of a resolution by the Redevelopment Agency Board making the City's Code of Ethics Policy and Gift Policy applicable to Agency employees. CEQA: Not a Project. (City Manager's Office/Redevelopment Agency)**

Documents Filed: Memorandum from Director of Employee Relations Alex Gurza, dated June 15, 2005, recommending adoption of the resolutions.

Discussion: Staff responded to questions.

Council Member Reed requested staff to add language to Item #5, "or for campaign related political activities".

Council Member Reed also asked the City Attorney's Office to return at a later date with suggested language relating to the Council's obligation to raise or disclose material facts.

Action: Upon motion by Council Member Yeager, seconded by Vice Mayor Chavez, and unanimously carried, Resolution No. 72837, entitled: "A Resolution of the Council of the City of San José Approving the Revised Code of Ethics Policy and Approving the Revised Gift Policy", and Agency Resolution No. 5630 were adopted, as amended to add to Item #5, "or for campaign related political activities", and direction to the City Attorney to return at a later date with suggested language relating to the Council's obligation to raise or disclose material facts. (10-0).

- 10.2 Adoption of resolutions by the City Council and Redevelopment Agency Board authorizing the City Manager and Executive Director to negotiate and execute the Fiscal Year 2005-2006 Cooperation Agreements regarding:**
- (a) The Merged Area Redevelopment Project for Capital Improvements; and**
 - (b) The Agreement regarding operating expenses between the City and the Redevelopment Agency.**
- (City Manager's Office/Redevelopment Agency)**
(Rules Committee referral 6/22/05)

10.2 (Cont'd.)

Documents Filed: Memorandum from City Manager Del D. Borgsdorf and Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated June 21, 2005, recommending adoption of the resolution.

Action: Upon motion by Council Member Cortese, seconded by Council Member Chirco, and unanimously carried, Resolution No. 72838, entitled: "A Resolution of the City of San José Authorizing the City Manager to Negotiate and Execute the Fiscal Year 2005-2006 Cooperation Agreements Between the City and Redevelopment Agency of the City of San José Regarding the Merged Area Redevelopment Project for Capital Improvements and the Agreement Regarding Operating Expenses", and Agency Resolution No. 5631 were adopted. (10-0).

The Redevelopment Agency Board portion of the meeting adjourned at 5:25 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>
9702	Southwest corner of Story and Clayton Roads	5	Braddock and Logan	15 Lots/ Homes	SFDR	Approve
9646	W/side of Capital Avenue, across Penitencia Creek Road	4	Taylor Woodrow	13 Lots/113 Units	Multi- Family	Approve

OPEN FORUM—

- 1) Darlene Wallach spoke about an incident involving San José Police Department at a non-violent protest.
- 2) Daniel McCallum reiterated his views relating to medical marijuana.
- 3) Ross Signorino provided suggestions for improving the Council Chambers at the New City Hall.

ADJOURNMENT

The meeting of the Council of the City of San José adjourned at 5:30 P.M. in memory of Nancy Louise McWard, Mother of Jennifer Maguire, Assistant Budget Director; in memory of Ly Van Nguyen, a former soldier who emigrated from Vietnam, and was an active volunteer in the San José Community; and in memory of Peter Bridgwater, longtime soccer supporter in San José; and in honor of the last City Council meeting to be held in the Old City Hall.

MINUTES OF THE CITY OF SAN JOSÉ/REDEVELOPMENT AGENCY BOARD

SAN JOSE, CALIFORNIA

TUESDAY, JUNE 28, 2005

The Council of the City of San José convened in Joint Session with the Redevelopment Agency Board at 5:47 p.m. in City Council Chambers at City Hall.

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

Absent: Council Members: None.

- 8.1 (a) Adoption of resolutions by the City Council and Redevelopment Agency Board authorizing the City Manager and Executive Director to negotiate and execute a Cooperation Agreement providing for the Agency's disposition of the City's Main Corporation Yard located in Japantown.**
- (b) Approval by the Redevelopment Agency Board to issue the proposed Request for Qualifications for the Japantown site.**

[MERGED]

Documents Filed: (1) Memorandum from Vice Mayor Chavez, dated June 27, 2005, recommending approval of the Japantown Corporation Yard Reuse project Request for Qualification (RFQ). (2) Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated June 28, 2005, recommending adoption of the resolution and approval of the issuance of the attached RFQ.

Public Comments: Hellen Hayashi and Joe Yasutake spoke in support to the resolutions.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Yeager, and unanimously carried, Council approved a memorandum from Vice Mayor Chavez, dated June 27, 2005, recommending approval of the Japantown Corporation Yard Reuse Project Request for Qualifications (RFQ) with revised replacement for Section II-A: Japantown Goals/Objectives and Resolution No. 72839, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Cooperation Agreement with San José Redevelopment Agency Providing For the Agency's Disposition of the City's Main Corporation Yard Located in Japantown", and Agency Resolution No. 5629 were adopted. (10-0).

- 8.2 (a) **Adoption of resolution by the City Council making certain determinations required by State law for Redevelopment Agency funding of City-owned improvements.**
- (b) **Adoption of resolution by the Redevelopment Agency Board awarding a contract to Rosendin Electric, Inc., the lowest responsive bidder, for the construction of pedestrian lighting within the Transit Mall, in the amount of \$254,400 and establishing a construction contingency in the amount of \$38,160 or 15% of the contract amount, for a total funding authorization of \$292,560.**

CEQA: Resolution No. 64273, 68839 and addenda thereto, File No. PP92-170, PP98-224 and PP03-254 [MERGED]

Documents Filed: Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated June 21, 2005, recommending after conducting a public hearing, for the City Council and Redevelopment Agency Board to adopt the resolutions.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Reed, and unanimously carried, Resolution No. 72840, entitled: "A Resolution of the Council of the City of San José Making Certain Determinations Required by State Law for Redevelopment Agency Funding of City-Owned Improvements", and Agency Resolution No. 5638 were adopted. (10-0).

- 8.3 (a) **Adoption of a resolution by the City Council making certain determinations required by State law for Redevelopment Agency funding of City-owned improvements.**

Documents Filed: None.

Action: Item 8.3(a) was dropped.

- (b) **Adoption of a resolution by the Redevelopment Agency Board authorizing the Executive Director to award a contract to the lowest responsive bidder, in an amount not to exceed \$761,596, including a construction contingency, for the construction of the Market Almaden Neighborhood Lighting Project within the Market Almaden neighborhood.**

CEQA: Exempt, PP04-06-193 [SNI]

Documents Filed: Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated June 21, 2005, recommending adoption of the resolutions.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Yeager, and unanimously carried, Agency Resolution No. 5639 adopted. (10-0).

ADJOURNMENT

The Joint Redevelopment Agency/Council meeting adjourned at 5:59 P.M.

RON GONZALES, MAYOR

ATTEST:

LEE PRICE, C.M.C, CITY CLERK
EW/6-28-04