



CITY OF SAN JOSÉ, CALIFORNIA

MINUTES OF THE CITY COUNCIL

SAN JOSÉ, CALIFORNIA

TUESDAY, AUGUST 9, 2005

The Council of the City of San José convened in regular session at 9:30 a.m. in the Mayor's Conference Room T1841, at City Hall.

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

Absent: Council Members - None.

Upon motion unanimously adopted, Council recessed at 9:31 a.m. to a Closed Session in Room T1841, (A) to confer with Legal Counsel with respect to existing litigation pursuant to Government Code Section 54956.9 Subsection (a) to consider the case(s) of (1) Fong, et al. v. City of San José, Redevelopment Agency, et al.; (2) Halflich v. City of San José; (3) Pacific Gas & Electric v. City of San José; (4) City of Santa Clara v. City of San José, et al.; (5) City of Milpitas v. City of San José, et al; (6) County of Santa Clara v. City of San José, et al. (B) to confer with Legal Counsel with respect to anticipated litigation with significant exposure pursuant to Government Code Section 54956.9 Subsection (b), in one (1) matter; with respect to initiation of litigation pursuant to subsection (c) of Section 54956.9 of the Government Code in one (1) matter. (C) Conference with Labor Negotiator pursuant to Government Code Section 54957.6, City Negotiator: City Manager designee Alex Gurza, and the following Employee Organizations: (1) San José Police Officers' Association; (2) International Association of Firefighters.

By unanimous consent, Council reconvened from the Closed Session and recessed at 10:32 a.m. and reconvened at 1:30 p.m. in the Council Chambers.

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

Absent: Council Members - None.

INVOCATION (DISTRICT 7)

Monsignor J. Patrick Browne, Cathedral Basilica of Saint Joseph presented the invocation.

HISTORICAL PRESENTATION

Paul Bernal, Historian, presented an overview of the history of San José for the past 150 years.

PLEDGE OF ALLEGIANCE

Mayor Gonzales led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Vice Mayor Chavez, seconded by Council Member Yeager, and carried unanimously, the Orders of the Day and the Amended Agenda were approved. (10-0.)

CEREMONIAL ITEMS

1.1 **Presentation of a commendation to Victor Arranaga Jr. for his dedicated service to the City as the Chair of San José Sports Authority Board. (LeZotte)**

Action: Deferred to August 23, 2005.

1.2 **Dedication of the New City Hall Council Chambers. (Mayor)**

Action: Mayor Gonzales recognized current and former City Officials who were involved in the vision of New City Hall project and dedicated the New City Hall to the people of San José.

CONSENT CALENDAR

Upon motion by Council Member Cortese, seconded by Vice Mayor Chavez, and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (10-0.)

2.2 (a) **ORD. NO. 27477 – Rezones certain real properties situated in the Burbank/Del Monte Strong Neighborhoods Initiative Area and primarily situated within the West San Carlos Neighborhood Business District and generally bounded by Interstate 880 to the west, Cecil Avenue to the north, Arleta Avenue to the east and Los Coches Avenue to the south from CN Commercial Neighborhood Zoning District and CG Commercial General Zoning District to CP Commercial Pedestrian Zoning District. CC01-072**

Documents Filed: Proof of Publication of the title of Ordinance No. 27477 executed on July 26, 2005, submitted by the City Clerk.

Action: Ordinance No. 27477 was adopted. (10-0.)

- 2.2 (b) **ORD. NO. 27478** – Rezones certain real properties situated in the Burbank/Del Monte Strong Neighborhoods Initiative Area and primarily situated within the West San Carlos Neighborhood Business District and generally comprised of the frontage properties along West San Carlos Street which is generally bounded by Richmond Avenue to the west and Buena Vista Avenue to the east from CN Commercial Neighborhood Zoning District, CG Commercial General Zoning District, CO Commercial Office Zoning District, LI Light Industrial Zoning District and RM Multi-Family Residential Zoning District to CP Commercial Pedestrian Zoning District. CC01-073

Documents Filed: Proof of Publication of the title of Ordinance No. 27478 executed on July 26, 2005, submitted by the City Clerk.

Action: Ordinance No. 27478 was adopted. (10-0.)

- (c) **ORD. NO. 27479** – Rezones certain real properties situated in the Burbank/Del Monte Strong Neighborhoods Initiative Area and situated within the West San Carlos Neighborhood Business District and located at the northeast corner of West San Carlos Street and Williard Avenue from LI Light Industrial Zoning District and R-2 Two-Family Residence Zoning District to CP Commercial Pedestrian Zoning District. CC01-074

Documents Filed: Proof of Publication of the title of Ordinance No. 27479 executed on July 26, 2005, submitted by the City Clerk.

Action: Ordinance No. 27479 was adopted. (10-0.)

- (d) **ORD. NO. 27480** – Rezones a certain real property situated in the Burbank/Del Monte Strong Neighborhoods Initiative Area and situated within the West San Carlos Neighborhood Business District and located approximately midblock on the north side of West San Carlos Street between Williard Avenue and Meridian Avenue from LI Light Industrial Zoning District to CP Commercial Pedestrian Zoning District. CC01-075

Documents Filed: Proof of Publication of the title of Ordinance No. 27480 executed on July 26, 2005, submitted by the City Clerk.

Action: Ordinance No. 27480 was adopted. (10-0.)

- 2.2 (e) **ORD. NO. 27481** – Rezones a certain real property situated in the Burbank/Del Monte Strong Neighborhoods Initiative Area and situated within the West San Carlos Neighborhood Business District and located on the north side of West San Carlos Street approximately 200 feet westerly of Meridian Avenue from LI Light Industrial Zoning District to CP Commercial Pedestrian Zoning District. CC01-076

Documents Filed: Proof of Publication of the title of Ordinance No. 27481 executed on July 26, 2005, submitted by the City Clerk.

Action: Ordinance No. 27481 was adopted. (10-0.)

- (f) **ORD. NO. 27482** – Rezones certain real properties situated in the Burbank/Del Monte Strong Neighborhoods Initiative Area and primarily situated within the West San Carlos Neighborhood Business District and located on the north side of West San Carlos Street between Grand Avenue and Meridian Avenue from CG Commercial General Zoning District to CP Commercial Pedestrian Zoning District. CC01-077

Documents Filed: Proof of Publication of the title of Ordinance No. 27482 executed on July 26, 2005, submitted by the City Clerk.

Action: Ordinance No. 27482 was adopted. (10-0.)

- (g) **ORD. NO. 27483** - Rezones certain real properties situated in the Burbank/Del Monte Strong Neighborhoods Initiative Area and primarily situated within the West San Carlos Neighborhood Business District and generally bounded by Meridian Avenue to the east, Douglas Street to the south, Page Street to the west, and West San Carlos Street to the north from CN Commercial Neighborhood Zoning District, CG Commercial General Zoning District and LI Light Industrial Zoning District to CP Commercial Pedestrian Zoning District. CC01-078

Documents Filed: Proof of Publication of the title of Ordinance No. 27483 executed on July 26, 2005, submitted by the City Clerk.

Action: Ordinance No. 27483 was adopted. (10-0.)

- (h) **ORD. NO. 27488** – Rezones certain real property located on the southwest corner of Hellyer Avenue and Embedded Way (800 Embedded Way) from IP Industrial Park Zoning District to IP(PD) Planned Development Zoning District. PDC05-004

Documents Filed: Proof of Publication of the title of Ordinance No. 27488 executed on July 26, 2005, submitted by the City Clerk.

Action: Ordinance No. 27488 was adopted. (10-0.)

- 2.2 (i) **ORD. NO. 27489 – Rezones certain real property situated on the east side of south White Road, approximately 300 feet south of Westgrove Lane (3160 South White Road) from R-1-5 (PD Zoning District to CO Commercial Office Zoning District. C05-010**

Documents Filed: Proof of Publication of the title of Ordinance No. 27489 executed on July 26, 2005, submitted by the City Clerk.

Action: Ordinance No. 27489 was adopted. (10-0.)

- (j) **ORD. NO. 27490 – Rezones certain real property situated at the northwest corner of Story Road and McLaughlin Avenue (1145 Story Road) from IP Industrial Park Zoning District to CN Commercial Neighborhood Zoning District. C05-007**

Documents Filed: Proof of Publication of the title of Ordinance No. 27490 executed on July 26, 2005, submitted by the City Clerk.

Action: Ordinance No. 27490 was adopted. (10-0.)

- (k) **ORD. NO. 27491 – Rezones certain real property situated in an area generally bounded by Cottle Road to the west, Poughkeepsie Road/Boulder Boulevard to the north, Monterey Highway to the east, State Route 85 and Manassas Road to the south from IP Industrial Park Zoning District to IP(PD) Planned Development Zoning District. PDC04-031**

Documents Filed: Proof of Publication of the title of Ordinance No. 27491 executed on July 26, 2005, submitted by the City Clerk.

Action: Ordinance No. 27491 was adopted. (10-0.)

- (l) **ORD. NO. 27492 - Approving a development agreement between the City of San José and Hitachi Global Storage Technologies, Inc. to allow the reconfiguration and entitlement of up to 3.6 million square feet of industrial uses and to allow up to 2,930 residential units, up to 460,000 square feet of commercial uses, and an up to 13 acre public park.**

Documents Filed: Proof of Publication of the title of Ordinance No. 27492 executed on August 17, 2005, submitted by the City Clerk.

Action: Ordinance No. 27492 was adopted. (10-0.)

- 2.2 (m) **ORD. NO. 27499** – Establishes 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.

Documents Filed: Proof of Publication of the title of Ordinance No. 27499 executed on July 26, 2005, submitted by the City Clerk.

Action: Ordinance No. 27499 was adopted. (10-0.)

- (n) **ORD. NO. 27509** – Amends 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.

Documents Filed: Proof of Publication of the title of Ordinance No. 27509 executed on July 26, 2005, submitted by the City Clerk.

Action: Ordinance No. 27509 was adopted. (10-0.)

- 2.3 **Acceptance of the Office of the City Auditor’s Report of Activities and Findings for the Period May 16 through June 15, 2005. (City Auditor)**

Documents Filed: (1) Memorandum from Executive Assistant to the Auditor Brad Handshy, dated July 21, 2005, transmitting the Auditor’s Report of Activities and Findings through June 15, 2005. (2) Memorandum from City Clerk Lee Price, dated August 3, 2005, transmitting the Auditor’s Report to the Council.

Action: The report was accepted. (10-0.)

- 2.4 (a) **Adoption of the following appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund):**
- (1) **Establish the appropriation to the Department of Transportation for the Street Sweeping Sign Installation Strategy Project (PSM 401) in the amount of \$25,000.**
 - (2) **Establish an appropriation to the Department of Transportation for the Tully/Senter Traffic Calming Project (PSM 403) in the amount of \$65,000.**
 - (3) **Increase the estimate for Earned Revenue by \$90,000.**

Item continued on the next page

- 2.4 (b) **Adoption of a resolution making certain determinations regarding the related expenditures of Redevelopment Agency funds on certain public improvements in connection with the Street Sweeping Sign Installation Strategy Project (PSM 401) and the Tully/Senter Traffic Calming Project (PSM 403) (Cont'd.)**

CEQA: EIR Resolution. Council Districts 5 and 7. SNI: East Valley/680 Communities and Tully/Senter. (City Manager's Office)

Documents Filed: Memorandum from Budget Director Larry Lisenbee, dated July 20, 2005, recommending adoption of appropriation ordinance and funding sources resolution amendments and resolution.

Action: Ordinance No. 27510, entitled: "An Ordinance of the City of San José Amending Ordinance No. 27474 to Appropriate Monies in the Services for Redevelopment Capital Projects Fund for the Street Sweeping Sign Installation Strategy Project and the Tully/Senter Traffic Calming Project; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption"; Resolution No. 72841, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 72782 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. 72842, 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 East Valley/680 and the Tully-Senter Neighborhoods in the Strong Neighborhoods Initiative Redevelopment Project Area", were adopted. (10-0.)

- 2.5 **Approval of a lease agreement with Cornerstone Properties for 3,013 square feet of office space located at 2 North Second Street, intended for the Independent Police Auditor, at a cost of \$4,519.50 per month during the first year of the lease, \$4,670.15 per month during the second year, \$4,820.80 per month during the third year, and \$4,971.45 during the fourth and fifth years of the lease's five year term. CEQA: Not a Project. (General Services)**

Documents Filed: Memorandum from Interim Director of General Services Peter Jensen, dated July 20, 2005, recommending approval of the lease.

Action: The lease agreement with Cornerstone Properties was approved. (10-0.)

- 2.6 **Report on bids and award of contract for the Fire Station No. 25 Rough Grading Project to the low bidder, O.C. Jones & Sons, Inc., in the amount of \$412,470, and approval of a contingency in the amount of \$41,247. CEQA: Resolution No. 69636, and addenda thereto, File No. PP04-331. Council District 4. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated July 20, 2005, recommending award of the contract to the low bidder.

Action: The award of the contract to O.C. Jones & Sons, Inc. was approved. (10-0.)

- 2.7 Report on bids and award of contract for the Camden Park Renovation Project to the low bidder, Blossom Valley Construction, for the base bid in the amount of \$149,909, and approval of a contingency in the amount of \$7,500. CEQA: Mitigated Negative Declaration File No. PP01-208, and addenda thereto, under File No. PP04-266. Council District 9. SNI: Union and Curtner. (Public Works/Parks, Recreation and Neighborhood Services)**

Documents Filed: Memorandum from Director of Public Works Katy Allen and Director of Parks, Recreation and Neighborhood Services Sara Hensley, dated July 20, 2005, recommending award of the contract to the low bidder.

Action: The award of the contract to Blossom Valley Construction was approved. (10-0.)

- 2.8 Approval of an ordinance amending Section 4.78.020 of Chapter 4.78 of Title 4 of the San José Municipal Code to revise the definition of “cover material” for purposes of the disposal facility tax. CEQA: Not a Project. (City Attorney’s Office)**

Action: Deferred to August 16, 2005.

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

- 3.4 Adoption of a resolution establishing the Fiscal Year 2005-06 property tax levy for all taxable property for general obligation bonded indebtedness. CEQA: Not a Project. (Finance)**

Documents Filed: Memorandum from Director of Finance Scott Johnson, dated July 21, 2005, recommending adoption of a resolution.

Action: Upon motion by Council Member Reed, seconded by Council Member Yeager and carried unanimously, Resolution No. 72843, entitled: “A Resolution of the Council of the City of San José Establishing the Fiscal Year 2005-2006 Property Tax Levy for the City’s General Obligation Bond Indebtedness”, was adopted. (10-0.)

- 3.5 Adoption of a resolution approving the placement of the Library Parcel Tax on the 2005-2006 Santa Clara County Property Tax Roll. CEQA: Not a Project. (Finance/Library)
(Rules-in-Lieu Committee referral 8/3/05)**

Documents Filed: Memorandum from Director of Finance Scott Johnson and Library Director Jane Light, dated August 2, 2005, recommending adoption of a resolution.

Action: Upon motion by Council Member Cortese, seconded by Council Member Williams and carried unanimously, Resolution No. 72844, entitled: “A Resolution of the Council of the City of San José Approving the Placement of the Library Parcel Tax on the 2005-2006 Santa Clara County Property Tax Roll”, was adopted. (10-0.)

COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Report of the Driving a Strong Economy Committee – June 27, 2005 Council Member Williams, Chair

Documents Filed: The Driving a Strong Economy Committee Report dated June 27, 2005.

(a) Housing Indicators Report

The Committee accepted the Staff report.

(b) Affordable Housing Funding and Production Update

The Committee accepted the Staff report.

(c) Update on Airport and Office of Economic Development Efforts to Secure Additional Flights

The Committee accepted the Staff report.

(d) Oral Petitions- There were none.

(e) Adjournment - The meeting was adjourned at 3:00 p.m.

Action: Upon motion by Council Member Williams, seconded by Council Member Reed and carried unanimously, the Driving a Strong Economy Committee Report and the actions of June 27, 2005, were accepted. (10-0.)

4.3 Public hearing and adoption of a resolution forming Community Facilities District No. 12 (Basking Ridge), authorizing the levy of a special tax therein, preliminarily establishing an appropriations limit therefore, and submitting the levy of the special tax and the establishment of the appropriations limit to the qualified electors at an election on November 8, 2005. CEQA: Resolution No. 71360, PP05-36. Council District 2. (Public Works)

Documents Filed: (1) Memorandum from Director of Public Works Katy Allen, dated July 20, 2005, recommending a public hearing and adoption of a resolution. (2) Proof of Publication of Notice of Public Hearing, executed on July 27, 2005, submitted by the City Clerk.

Public Comment: Mayor Gonzales opened the Public Hearing. There was no public testimony. Mayor Gonzales closed the Public Hearing.

4.3 (Cont'd.)

Action: Upon motion by Council Member Williams, seconded by Council Member Reed and carried unanimously, Resolution No. 72845, entitled: "A Resolution of the Council of the City of San José Forming a Community Facilities District, Authorizing the Levy of a Special Tax Therein, Preliminarily Establishing an Appropriations Limit Therefore, Submitting the Levy of the Special Tax and the Establishment of the Appropriations Limit to the Qualified Electors Thereof, and Calling the Special Election", was adopted. (10-0.)

NEIGHBORHOOD SERVICES

5.2 **Approval of an agreement with Anderson Brulé Architecture, Inc. for consultant design services for the Pearl Avenue Branch Library Project, from the date of execution to June 30, 2008, in an amount not to exceed \$850,000. CEQA: Not a Project. Council District 9. (Public Works/Library)**

Documents Filed: Memorandum from Director of Public Works Katy Allen and Library Director Jane Light, dated July 20, 2005, recommending approval of the agreement.

Action: Upon motion by Council Member Chirco, seconded by Council Member Pyle and carried unanimously, the agreement with Anderson Brulé Architecture, Inc. was approved. (10-0.)

5.3 **Adoption of a resolution authorizing the Director of Public Works to select a consultant and negotiate and execute a Master Agreement for Environmental Consultant Services for Watson Community Park, in an amount not to exceed \$800,000, for a duration of up to 24 months from the date of execution. CEQA: Exempt, File No. PP05-156. Council District 3. (Public Works/Parks, Recreation and Neighborhood Services/Environmental Services)**

Documents Filed: Memorandum from Director of Public Works Katy Allen, Director Hensley and Director Mosher, dated August 1, 2005, recommending adoption of a resolution.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Reed and carried unanimously, Resolution No. 72846, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Public Works to Select a Consultant and to Negotiate and Execute an Agreement with the Selected Consultant for Environmental Services for Watson Community Park in an Amount Not To Exceed \$800,000", was adopted, with Staff directed to: (1) Keep the neighborhood up to date with the public safety reports that have been produced. (2) Improve internal processes by developing management plans and/or protocols to address the future situations like this as quickly as possible. (3) Develop departmental databases to house information about City-owned properties to facilitate the sharing of information. (4) Develop plans to provide better outreach. (5) Consider innovative ideas in working with neighborhoods and the community to improve communication. (10-0.)

TRANSPORTATION & AVIATION SERVICES

6.2 Public hearing and adoption of a resolution approving the Report of the Directors of Finance and Transportation on the Cost of Sidewalk Repairs, confirming the assessments contained in the Report, and directing the recording of liens on the property tax roll for the cost of sidewalk repairs. CEQA: Not a Project. (Finance/Transportation)

Documents Filed: (1) Memorandum from Director of Finance Scott Johnson and Director of Transportation James Helmer, dated July 20, 2005, recommending adoption of a resolution. (2) Supplemental memorandum from Director of Finance Scott Johnson and Director of Transportation James Helmer, dated August 4, 2005, reporting on the results of the Sidewalk Repair Administrative Hearings.

Public Comment: Mayor Gonzales opened the Public Hearing. There was no public testimony. Mayor Gonzales closed the Public Hearing.

Action: Upon motion by Council Member Williams, seconded by Council Member Pyle and carried unanimously, Resolution No. 72847, entitled: "A Resolution of the Council of the City of San José Accepting the Report of the Directors of Finance and Transportation on the Cost of Sidewalk Repairs, Confirming the Assessments Contained in the Report, and Directing the Recording of Liens", was adopted. (10-0.)

ENVIRONMENTAL & UTILITY SERVICES

7.1 Public hearing on the Sanitary Sewer Service and Use charges and Storm Sewer Service charges report filed by the Director of Finance with the City Clerk's Office and adoption of a resolution approving the placement of recommended Sanitary Sewer and Use charges and Storm Sewer Service charges on the 2005/2006 tax roll, with such modifications as Council may make based on public hearing testimony. CEQA: Not a Project. (Finance)

Documents Filed: (1) Memorandum from Director of Finance Scott Johnson, dated July 20, 2005, recommending holding a public hearing and adoption of a resolution. (2) Proof of Publication of Notice of Public Hearing, executed on July 22, 2005 and July 27, 2005, submitted by the City Clerk.

Public Comment: Mayor Gonzales opened the Public Hearing. There was no public testimony. Mayor Gonzales closed the Public Hearing.

Action: Upon motion by Council Member Pyle, seconded by Council Member Chirco and carried unanimously, Resolution No. 72848, entitled: "A Resolution of the Council of the City of San José Approving the Annual Report for Fiscal Year 2005-2006 of the Director of Finance on Sanitary Sewer Service Charges and Approving the Placement of Charges as Set Forth Therein on the 2005-2006 Tax Roll", was adopted. (10-0.)

PUBLIC SAFETY SERVICES

8.1 Acceptance of staff response to the 2004-2005 Santa Clara County Civil Grand Jury Report on Tasers, Training, and Tracking. (Police)

Documents Filed: Memorandum from Police Chief Robert Davis, dated August 3, 2005, recommending acceptance of the Staff response.

Public Comment: Speaking in opposition of the use of tasers were, Edna Elkins, Donna Wallach, Sanjeev Bery, Bob Sippel, Darlene Wallach, and Kim Singu, Asian American Public Policy Institute.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Pyle and carried unanimously, the Staff response was accepted, with Staff directed to ensure that the City has a voice on the California Commission of Police Officers as it relates to policies and procedures on the use of tasers. (10-0.)

NOTICE OF CITY ENGINEER’S PENDING DECISION ON FINAL MAPS

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9673	Northeast Corner of Forrestal Avenue and Sonora Avenue	3	SSR Western Multifamily, LLC	315 Units	SFA	Approval

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9710	570 Hillsdale Avenue	10	Lago Di Como Development Inc.	26 Units	SFA

OPEN FORUM

- (1) Darlene Wallach questioned the use of funds obtained from the San José Grand Prix and reiterated concerns previously raised about police officers failing to properly identify themselves to the public.
- (2) Ross Signorino expressed approval of the New City Hall.
- (3) Kim Singh spoke in support of the San José Symphony.
- (4) Donna Wallach stated that the City streets were not cleaned up quickly after the San José Grand Prix, which presented dangers to pedestrians.
- (5) Debbie Weatherspoon, Margie Marquez and Carla Munther, summarized the purpose and achievements of People Acting Community Together (PACT) and recognized the group's 20th anniversary.

SPECIAL PRESENTATION

Action: Mayor Gonzales and City Attorney Richard Doyle recognized and commended Senior Deputy City Attorney Carol Overton for her recent appointment by Governor Arnold Schwarzenegger as Superior Court Judge, County of Santa Clara.

ADJOURNMENT

The Council of the City of San José adjourned in memory of Ron Schreck, City of San José Housing Department employee since 1988, and survived by his wife, Linda and daughter, Aubrey; and in memory of Joyce Ellington, neighborhood activist, who passed away on August 1, 2005.

The Council of the City of San José adjourned at 2:38 p.m.

RON GONZALES, MAYOR

ATTEST:

LEE PRICE, CMC, CITY CLERK

smd8/9/05min

JOINT REDEVELOPMENT AGENCY ITEM

The Joint Redevelopment Agency Board convened at 2:44 p.m. to consider Items 8.1 and 8.2 in a Joint Session.

- 8.1 Approval of an ordinance of the City of San Jose repealing Ordinance Nos. 26659 and 26660 to remove 31 acres bounded generally by Santa Clara Street to the south, Julian Street to the north, Third Street to the east and Market Street to the west from the Century Center Redevelopment Project Area and from the Merged Redevelopment Project Area. [CENTURY CENTER]**

Documents Filed: Memorandum from City Attorney Richard Doyle, dated July 27, 2005, recommending approval of an ordinance.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Yeager and carried unanimously, Ordinance No. 27511, entitled: "An Ordinance of the City of San José Repealing Ordinance Nos. 26659 and 26660 to Remove 31 Acres Bounded Generally by Santa Clara Street to the South, Julian Street to the North, Third Street to the East and Market Street to the West from the Century Center Redevelopment Project Area and From the San José Merged Area Redevelopment Project", was passed for publication. (10-0.)

- 8.2 (a) Adoption of a resolution by the City Council making certain determinations required by law for Agency funding of a public improvement; and,**
(b) Approval of an agreement by the Redevelopment Agency Board with the San José Unified School District, in an amount not to exceed \$82,500, for Public Improvements at the Anne Darling Elementary School in the Five Wounds/ Brookwood Terrace neighborhood, located within the Strong Neighborhoods Initiative Redevelopment Project Area.

CEQA: Exempt [FIVE WOUNDS/ BROOKWOOD TERRACE SNI]

Documents Filed: Memorandum from Redevelopment Agency Director Harry S. Mavrogenes, dated August 9, 2005, recommending adoption of a resolution and approval of an agreement.

Action: Upon motion by Vice Mayor Chavz, seconded by Council Member Reed and carried unanimously, Resolution No. 72849, entitled: "A Resolution of the Council of the City of San José Making Certain Determinations Required by State Law for Redevelopment Agency Funding of Public Improvements", was adopted, and the Agreement with San José Unified School District was approved. (10-0.)

ADJOURNMENT

The Council of the City of San José, and Redevelopment Agency Board adjourned at 2:45 p.m.