



## **CITY OF SAN JOSÉ, CALIFORNIA**

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### **MINUTES OF THE CITY COUNCIL**

**SAN JOSE, CALIFORNIA**

**TUESDAY, AUGUST 23, 2005**

The Council of the City of San Jose convened in Regular Session at 9:35 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 9:30 a.m. in Room T1841 to (A) confer with Legal Counsel regarding existing litigation pursuant to Government Code Section 54956.9 Subsection (a) to consider cases of Fong, et al. v. City of San José, Redevelopment Agency, et al.; (B) to confer with Legal Counsel regarding anticipated litigation (a) of two matters where there is significant exposure to litigation pursuant to subsection (c) of Section 54956.9 of the Government Code.

By unanimous consent, Council reconvened from Closed Session and recessed at 10:45 a.m. and reconvened at 1:31 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 7)**

Father Dominic Dinh Do, Parochial Vicar of St. Maria Goretti Church, shared inspirations from the Bible.

#### **PLEDGE OF ALLEGIANCE**

Mayor Gonzales led the Pledge of Allegiance.

#### **ORDERS OF THE DAY**

Upon motion by Vice Mayor Chavez, seconded by Council Member Campos, and unanimously carried, 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)**  
**(Deferred from 8/9/05 – Item 1.1)**

Action: Mayor Gonzales and Council Member LeZotte presented a commendation to Victor Arranaga, Jr. for his dedicated service to the City as the Chair of San Jose Sports Authority Board and for bringing the NCAA Women’s Basketball tournament, 2007 National Gymnastic Championships, and other Youth sporting events to San Jose.

- 1.2 Presentation of a commendation to the San José Youth Symphony for representing the City of San José as musical ambassadors to the international community. (Williams)**  
**(Rules Committee referral 8/17/05)**

Action: Mayor Gonzales, Council Member Williams, and Council Member Cortese presented a commendation to the San Jose Youth Symphony for representing the City of San Jose as musical ambassadors to the international community of Madrid, Spain and London, England.

- 1.3 Presentation of a commendation to the Neil A. Christie Living Center in recognition of its invaluable outreach and service to people living with HIV/AIDS in the community. (Yeager)**  
**(Rules Committee referral 8/17/05)**

Action: Mayor Gonzales and Council Member Yeager presented a commendation to the Neil A. Christie Living Center in recognition of its invaluable outreach and service to people living with HIV/AIDS in the community.

- 1.4 Presentation of a commendation to Software Business Cluster and Environmental Business Cluster recognizing its 10 years of supporting entrepreneurship in San José. (Mayor)**

Action: Mayor Gonzales and Vice Mayor Chavez presented a commendation to James Robbins and Chuck Aaronson of the Software Business Cluster and Environmental Business Cluster recognizing its 10 years of supporting entrepreneurship in San Jose.

## CONSENT CALENDAR

Upon motion by Council Member Campos, seconded by Council Member Williams and unanimously carried, the Consent Calendar was approved.

### 2.2 Final adoption of ordinances.

- (a) **ORD. NO. 27492 – Approving a development agreement between the City of San José and Hitachi Global Storage Technologies, Inc. relative to the development of certain property located within the City of San José, California.**

Documents Filed: (1) Memorandum from City Clerk Lee Price, dated August 16, 2005, recommending re-adopting Ordinance No. 27492. (2) Proof of publication of title of Ordinance No. 27492 executed on August 17, 2005, submitted by the City Clerk. (3) Hardcopy draft of Exhibit “A” – Development Agreement by and Among the City of San José, the Redevelopment Agency of the City of San José and Hitachi Global Storage Technologies, Inc. relative to the development of real property of San José.

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

- (b) **ORD. NO. 27511 – 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.**

Documents Filed: Proof of publication of title of Ordinance No. 27511 executed on August 16, 2005, submitted by the City Clerk.

Action: Ordinance No. 27511 was adopted. (10-0).

- (c) **ORD. NO. 27512 – 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.**

Documents Filed: Proof of publication of title of Ordinance No. 27512 executed on August 19, 2005, submitted by the City Clerk.

Action: Ordinance No. 27512 was adopted. (10-0).

- 2.3 (a) **Approval of an ordinance amending Chapter 3.28 of Title 3 of the San José Municipal Code (Federated City Employees' Retirement System) to implement state law regarding benefits for registered domestic partners and to add provisions relating to plan-approved domestic relations orders and amending Section 3.44.010 of Chapter 3.44 of Title 3 of the San José Municipal Code to implement cost-of-living adjustments for surviving registered domestic partners; and**
- (b) **Adoption of a resolution amending the Federated Supplemental Retiree Benefit Reserve resolution to include surviving registered domestic partners on the same basis as surviving spouses.**

**CEQA: Not a Project. (Board of Administration for the Federated City Employees' Retirement System)**

Documents Filed: Memorandum from Secretary of the Board of Administration for the Federated City Employees Retirement System, Edward F. Overton, dated August 3, 2005, recommending approval of the ordinance and adoption of the resolution.

Discussion: Staff responded to questions from Council Member Yeager and clarified that this action provide benefits to domestic partners, as defined by State laws.

Public Comments: Deborah Powell, Union Representative of CEO, spoke in support to the ordinance and suggested that staff work with the unions to ensure equity for domestic partners, as defined by the City.

Action: Ordinance No. 27521, entitled: "An Ordinance of the City of San José Amending Chapter 2.28 of Title 3 of the San José Municipal Code to Implement State Law Regarding Benefits for Registered Domestic Partners and to Add Provisions Relating to Plan-Approved Domestic Relations Orders and Amending Section 3.44.010 of Chapter 3.44 of Title 3 of the San José Municipal Code to Implement Cost-of-Living Adjustments for Surviving Registered Domestic Partners", was passed for publication, and Resolution No. 72859, entitled: "A Resolution of the Council of the City of San José Adding Surviving Registered Domestic Partners as Eligible Recipients of Distributions of Moneys in the Supplemental Retiree Benefit Reserve of the Federated City Employees Retirement Fund", was adopted. (10-0).

2.4 **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):**

- (a) **Establish an appropriation to the Department of Public Works for the Children's Discovery Museum Fountain Renovation Project (PSM 414) in the amount of \$40,000.**
- (b) **Increase the estimate for Beginning Fund Balance by \$40,000.**

**CEQA: Exempt, File No. PP05-069. Council District 3. (City Manager's Office)**

Documents Filed: Memorandum from Budget Director Larry D. Lisenbee, dated August 3, 2005, recommending adoption of the ordinance and resolution amendments.

## 2.4 (Cont'd.)

Action: Ordinance No. 27522, 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 Children’s Discovery Museum Fountain Renovation Project; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption”, and Resolution No. 72860, 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).

## 2.5 **Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with artist Gloria Bornstein for the fabrication and installation of a public artwork at Emma Prusch Memorial Park, in an amount not to exceed \$168,160. CEQA: Exempt, PP01-09-163. (Economic Development)**

Documents Filed: Memorandum from Director of Economic Development Paul Krutko, dated August 3, 2005, recommending adoption of the resolution.

Action: Resolution No. 72861, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with Gloria Bornstein for the Fabrication and Installation of a Public Artwork at Emma Prusch Memorial Park, in An Amount Not to Exceed \$168,160”, was adopted. (10-0).

## 2.6 **Approval of an ordinance amending the City of San José Deferred Compensation Plan (Municipal Code Chapter 3.48) and the PTC 457 Plan (Municipal Code Chapter 3.50) to implement a special catch-up deferral provision for employees returning from military service and to include provisions relating to excess deferrals. CEQA: Not a Project. (Employee Services)**

Documents Filed: Memorandum from Director of Employee Services Mark Danaj, dated August 3, 2005, recommending approval of the ordinance.

Action: Ordinance No. 27523, entitled: “An Ordinance of the City of San José Amending Chapter 3.48 and Chapter 3.50 of Title 3 of the San José Municipal Code Regarding Additional Deferrals to the Deferred Compensation Plan and the PTC 457 Plan for Those Employees Returning From Active Military Service”, was passed for publication. (10-0).

## 2.7 **Approval of an agreement with the Santa Clara Valley Water District for cost sharing associated with implementation of water conservation programs in FY 2005-2006, under which the City will receive an amount not to exceed \$280,000 from the District and the District will be paid an amount not to exceed \$460,136 by the City, for a net cost to the City of \$180,136. CEQA: Not a Project. (Environmental Services)**

Documents Filed: Memorandum from Director of Environmental Service Carl W. Mosher, dated August 3, 2005, recommending approval of the agreement.

**2.7 (Cont'd.)**

Action: This item was dropped.

**2.8 Approval of a lease agreement with La Familia, LLP for 3,206 square feet of office space located on the 6<sup>th</sup> floor of 777 North First Street for the Police Department's Office of Internal Affairs at a cost of \$5,386.08 per month during the first year of the lease, \$5,547.67 per month during the second year, \$5,714.10 per month during the third year, \$5,885.53 during the fourth year and \$6,062.10 during the fifth year 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 August 3, 2005, recommending approval of the agreement.

Public Comments: Ross Signorino objected to lease office space for City offices and inquired about the re-use of old City Hall.

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

**2.9 Report on bids and take appropriate action based on the evaluation of bids for the Capitol Park Neighborhood Center Project, and approval of a five percent contingency. CEQA: Exempt, PP03-08-267. Council District 5. SNI: East Valley/680 Communities. (Public Works/Parks, Recreation and Neighborhood Services)**

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated August 3, 2005, recommending approval of the report on bids and actions.

Action: This item was deferred to August 30, 2005.

**2.10 Approval of two nominations to the WIN Board of Directors. (Mayor) (Rules Committee referral 8/10/05) (Deferred from 8/16/05 – Item 2.13)**

Documents Filed: Memorandum from Mayor Gonzales, dated August 9, 2005, recommending the nominations.

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

- 2.11 (a) Approval of recommended changes to the City of San José Bail Schedule and direction to the City Attorney to submit the recommended changes in the Bail Schedule to the Superior Court Bail Committee.**
- (b) Approval of an ordinance amending Section 1.08.200 of Chapter 1.08 of Title 1 of the San José Municipal Code to update the list of infractions. CEQA: Not a Project. (City Attorney's Office)**

## 2.11 (Cont'd.)

Documents Filed: Memorandum from City Attorney Rick Doyle, dated August 18, 2005, recommending approval of the recommending changes and the ordinance.

Action: The changes were approved and Ordinance No. 27524, entitled: "An Ordinance of the City of San José Amending Section 1.08.020 of Chapter 1.08 of Title 1 of the San José Municipal Code, Which Lists All Infractions, to Update the List of Infractions", was passed for publication. (10-0).

## STRATEGIC SUPPORT SERVICES

### 3.2 Report of the Rules Committee – August 10, 2005 Vice Mayor Chavez, Chair

Documents Filed: The Rules Committee report of August 10, 2005.

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
  - (1) Review August 23, 2005 Council Agenda
    - (a) Discussion of why City swimming pools have been closed and what it will take to get the pools reopened.  
The Committee recommended approval of the August 23, 2005 City Council Agenda with one addition.
  - (2) Add New Items to August 16, 2005 Agenda  
The Committee recommended eight additions to the August 16, 2005 City Council Agenda.
  - (3) List of Reports Outstanding  
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 August 8, 2005, regarding the Acceptance of the August 5 State Legislative Bill Matrix.
    - (a) Acceptance of August 5 State Legislative Bill Matrix  
The Committee accepted the August 5, 2005 State Legislative Bill Matrix.

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

#### (2) Federal

- (a) Federal Affordable Housing Legislation. Attachment: Memorandum from Director of Housing Leslye Corsiglia, dated August 3, 2005, regarding the Federal Affordable Housing Legislation.

The Committee recommended supporting the affordable housing provisions in H.R. 1461, sponsored by Representative Richard Baker, known as the "Federal Housing Finance Reform Act of 2005", and H.R. 2681 in full, sponsored by Representative William Jefferson, known as the "Affordable Housing Tax Credit Enhancement Act of 2005."

- (b) Federal Transportation Funding Bill. Attachment: Memorandum from Director of Transportation James R. Helmer, dated August 9, 2005, regarding the Federal Transportation Funding Bill.

Hans Larsen, Department of Transportation reported to the Committee that the Federal Transportation Bill has passed. This legislation will have a very positive impact on local transportation. The Committee and staff recognized the outstanding efforts of Kelly Doyle, Patton Boggs, LLP, all others were involved in work done on this legislation. The Committee accepted the report.

#### (d) Meeting Schedules

- (1) Approval of a Redevelopment Agency Budget Study Session date and time. Attachment: Memorandum from Mayor Gonzales, dated August 9, 2005, regarding the 2005-2006 Redevelopment Agency Budget Calendar; and a memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated August 8, 2005, regarding the meeting Schedule for the Redevelopment Agency Study Session.

The Committee recommended scheduling the Redevelopment Agency Budget Study Session on Monday, August 22, 2005, 2:00 – 5:00 p.m.; and the Redevelopment Agency Capital Improvement Program Budget Message on Tuesday, September 13, 2005 at 1:30 p.m. (following the regularly-scheduled City Council meeting).

- (e) The Public Record. Attachment; Memorandum from City Clerk Lee Price, dated June 23, 2005, transmitting items filed for the Public Records for the period of June 15-June 21, 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 travel by Council Member Cortese to Denver, Colorado, October 13-14, 2005, to attend the San José Silicon Valley Chamber of Commerce City Trip 2005. Source of Funds: Mayor and Council Travel Fund. Attachment: Memorandum from Council Member Cortese, dated April 29, 2005, requesting authorization to travel to Denver, Colorado on October 13-14, 2005, to attend the San José Silicon Valley Chamber of Commerce City Trip 2005. Source of Funds: Mayor & Council Travel Fund.

The Committee recommended approval to travel and use of the Mayor and Council Travel Fund.

- (2) Approval of travel by Council Member Campos to Charlotte, North Carolina, December 6-10, 2005, to attend the National League of Cities – 2005 Congress of Cities & Exposition. Source of Funds: Mayor and Council Travel Fund. Attachment: Memorandum from Council Member Campos, dated June 20, 2005, requesting authorization to travel to Charlotte, North Carolina, December 6-10, 2005, to attend the National League of Cities – 2005 Congress of Cities & Exposition. Source of Funds: Mayor & Council Travel Fund.

The Committee recommended approval to travel and use of the Mayor & Council Travel Fund.

- (3) Approval of travel by Council Member Campos to Monterey, California, July 28-29, 2005, to attend the League of California Cities Board of Directors Meeting. Source of Funds: Mayor and Council Travel Fund. Attachment: Memorandum from Council Member Campos, dated August 4, 2005, requesting authorization to travel to Monterey, CA, July 28-29, 2005, to attend the League of California Cities Board of Directors Meeting. Source of Funds: Mayor & Council Travel Fund.

The Committee recommended approval to travel and use of the Mayor & Council Travel Fund.

- (4) Approve Council Committee Workplans.  
(a) All Children Achieve. Attachment: Memorandum from Mayor Ron Gonzales and Council Member/Chair Ken Yeager, dated August 5, 2005, regarding the All Children Achieve Work Plan.

**3.2(g)(4)(a)(Cont'd.)**

Council Member Chirco suggested that the Children's Health Initiative Evaluation Report be added to the committee work plan. The Committee recommended approval of the All Children Achieve Work Plan, with addition of the Children's Health Initiative Evaluation Report, for the period September through December 2005; and setting it's meeting schedule on the second Thursday of the month at 1:30 p.m., in the new City Hall Committee Room.

- (b) Building Better Transportation. Attachment: Memorandum from Mayor Ron Gonzales and Council Member/Chair Nora Campos, dated June 28, 2005, regarding the Building Better Transportation Committee Work Plan.

The Committee recommended approval of the Building Better Transportation Committee Work Plan for the period August through December 2005 and setting it's meeting schedule on the first Monday of the month at 1:30 p.m. in the new City Hall Committee Room.

- (c) Building Strong Neighborhoods. Attachment: Memorandum from Mayor Ron Gonzales and Council Member/Chair Judy Chirco, dated August 8, 2005, regarding the Building Strong Neighborhoods Work Plan.

Council Member Chirco suggested that the Secondary Units Pilot Program Implementation Steps and Community Outreach, which appears on the Driving a Strong Economy Committee Work Plan, also be added to the Building Strong Neighborhoods Committee work plan. The Committee recommended approval, with addition of the Secondary Units Pilot Program Implementation Steps and Community Outreach, of the Building Strong Neighborhoods Work Plan for the period September through December 2005; and setting it's meeting schedule on the third Monday of the month at 1:30 p.m. in the new City Hall Committee Room.

- (d) Driving a Strong Economy. Attachment: Memorandum from Mayor Ron Gonzales and Council Member/Chair Forrest Williams, dated August 9, 2005, regarding the Driving a Strong Economy Work Plan.

The Committee recommended approval of the Driving a Strong Economy Work Plan for the period August through December 2005 and setting it's meeting schedule on the fourth Monday of the month at 1:30 p.m. in the new City Hall Committee Room.

### 3.2(g)(4)(Cont'd.)

- (e) Making Government Work Better. Attachment: Memorandum from Mayor Ron Gonzales and Council Member/Chair Chuck Reed, dated August 9, 2005, regarding the Making Government Work Better Work Plan.

The Committee recommended approval of the Making Government Work Better Work Plan for the period August through December 2005 and setting its meeting schedule on the third Thursday of the month at 1:30 p.m. in the new City Hall Committee Room; and setting one placeholder meeting on the December 15, 2005 at 1:30 p.m., due to the volume of items on the work plan. This meeting will only occur if the Committee is unable to hear all of the items during its regularly scheduled meetings.

- (h) Oral Communications  
There were none.

- (i) Adjournment  
The meeting was adjourned at 2:40 p.m.

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

### 3.4 **Acceptance of the City's response to the Santa Clara County Civil Grand Jury report titled "City of San José Procurement Policies, Procedures, and Practices" dated June 22, 2005. CEQA: Not a Project. (Finance)**

Documents Filed: Memorandum from Finance Director Scott P. Johnson, dated August 3, 2005, recommending acceptance of the City's response to the Santa Clara County Civil Grand Jury report.

Action: Upon motion by Council Member Williams, seconded by Vice Mayor Chavez, and unanimously carried, the report was accepted. (10-0).

## COMMUNITY & ECONOMIC DEVELOPMENT

### 4.3 **Adoption of a resolution approving the change in authorized borrower from the Housing Authority of the County of Santa Clara to ROEM Development Corporation, or a designated affiliate, for the \$8,378,250 loan approved on April 13, 2004, for the 130-unit Corde Terra Family Apartments Project (formerly known as Fairgrounds Family Housing) located at 350 Tully Road, resulting in a combined project of 300 units and a combined loan in an amount up to \$21,187,440. CEQA: Resolution No. 71359, PDC02-040. Council District 7. (Housing)**

#### 4.3 (Cont'd.)

Documents Filed: Memorandum from Director of Housing Leslye Corsiglia, dated August 3, 2005, recommending adoption of the resolution.

Action: Upon motion by Council Member Cortese, seconded by Vice Mayor Chavez, and unanimously carried, Resolution No. 72862, entitled: "A Resolution of the Council of the City of San José Approving the Change in Authorized Borrower from the Housing Authority of the County of Santa Clara to ROEM Development Corporation, or a Designated Affiliate, for the \$8,378,250 Loan Approved on April 13, 2004, for the 130-Unit Corde Terra Family Apartments Project (Formerly Known as Fairgrounds Family Housing) Located at 350 Tully Road, Resulting in a Combined Project of 300 Units and a Combined Loan in an Amount Up to \$21,187,440", was adopted. (10-0).

#### 4.4 Acceptance of the staff report and provide direction to staff to either:

- (a) **Proceed with negotiations with the Gardner Family Health Network and Cornerstone Affiliates/Greystone Communities/American Baptist Homes of the West to create a joint development plan for a facility providing comprehensive outpatient health services, and a state of the art continuing care retirement community; or**
- (b) **Prepare a work plan for a stakeholder based community planning process for the San José Medical Center site and surrounding properties on East Santa Clara Street to be brought back to City Council for approval in ninety days.**

**CEQA. Not a Project. (Economic Development)  
(Deferred from 8/16/05 – Item 4.3)**

Documents Filed: None.

Action: This item was deferred to August 30, 2005.

### NEIGHBORHOOD SERVICES

- 5.2 (a) **Report on bids and award of contact for the West San José Community Center Project (Rebid) to the low bidder, Garden City Construction, Inc., to include the base bid and Add Alternates No. 1, 3, 4, and 5 in the amount of \$2,093,903, and approval of a contingency in the amount of \$209,390.**
- (b) **Adoption of the following 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 Public Works Department for the West San José Community Center Project in the amount of \$1,244,445;**
  - (2) **Increase the estimate for Earned Revenue by \$870,945; and**
  - (3) **Increase the Beginning Fund Balance estimate by \$373,500.**

*(Item continued on next page.)*

- 5.2 (c) **Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Neighborhood Security Bond Fund (Fund 475): (Cont'd.)**
- (1) **Increase the appropriation to the Police Department for the West San José Community Policing Center Project by \$282,800;**
  - (2) **Decrease the Contingency Reserve by \$263,800.**
  - (3) **Increase the Beginning Fund Balance estimate by \$19,000**
- (d) **Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax, Council District #1 (Fund 377):**
- (1) **Increase the appropriation to the Parks, Recreation and Neighborhood Services Department for the West Community Joint Facility by \$226,000;**
  - (2) **Decrease the Ending Fund Balance by \$19,000;**
  - (3) **Increase the Beginning Fund Balance estimate by \$207,000.**

**CEQA: Exempt, PP04-03-090. Council District: 1. SNI Area: Blackford. (Public Works/Parks, Recreation and Neighborhood Services/Police/City Manager's Office)**

Documents Filed: (1) Memorandum from Director of Public Works Katy Allen, Director of Parks, Recreation and Neighborhood Services Sara L. Hensley, Police Chief Robert L. Davis, and Budget Director Larry D. Lisenbee, dated August 19, 2005, providing additional information after bids were opened. (2) Memorandum from Director of Public Works Katy Allen, dated August 6, 2005, recommending approval of the report on bids and appropriate action.

Action: Upon motion by Council Member LeZotte, seconded by Council Member Williams, and unanimously carried, the report on bids and award of contract was approved and Ordinance No. 27525, 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 José Community Center; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", Ordinance No. 27526, entitled; " An Ordinance of the City of San José Amending Ordinance No. 27474 to Appropriate Moneys in the Neighborhood Security Bond Fund for the West San José Community Policing Center; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", Ordinance No. 27527, entitled: "An Ordinance of the City of San José Amending Ordinance No. 27474 to Appropriate Moneys in the Parks Purposes Council District #1 Construction Tax and Property Conveyance Tax Fund for the West Community Joint Facility; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", Resolution No. 72863, 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",

*(Item continued on next page.)*

## 5.2 (Cont'd.)

Resolution No. 72864, 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 Neighborhood Security Bond Fund", and Resolution No. 72865, 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 Parks Purposes Council District #1 Construction Tax and Property Conveyance Tax Fund", were adopted. (10-0).

## TRANSPORTATION & AVIATION SERVICES

- 6.2 (a) **Report on bids and award of contract for the Greater Gardner Street Reconstruction - Spencer Avenue Project from Willow Street to Atlanta Avenue to the low bidder, Joseph J. Albanese, Inc., to include the base bid and Add Alternate No. 1 in the amount of \$807,626.65, and approval of a contingency in the amount of \$40,000.**
- (b) **Adoption of the following 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 Public Works for the Greater Gardner Street Improvements project by \$406,700.**
  - (2) **Increase the estimate for Earned Revenue by \$406,700.**
- CEQA: Exempt, PP04-07-215. Council District: 6. SNI Area: Greater Gardner. (Public Works/City Manager's Office)**

Documents Filed: (1) Memorandum from Director of Public Works Katy Allen and Budget Director Larry D. Lisenbee, dated August 16, 2005, providing additional information after bids were opened. (2) Memorandum from Director of Public Works Katy Allen, dated August 3, 2005, recommending approval of the report on bids and appropriate action.

Action: Upon motion by Council Member Yeager, seconded by Vice Mayor Chavez, and unanimously carried, the report on bids and award of contract were approved and Ordinance No. 27528, 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 Greater Gardner Street Improvements Project; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", and Resolution No. 72866, 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).

- 6.3 (a) Approval of an ordinance to temporarily limit until April 30, 2006, both:**
- (1) The total number of taxicabs all taxicab company licensees are authorized to operate under their licenses pursuant to Part 4 of Chapter 6.64 of the San José Municipal Code to an outstanding number of 572; and**
  - (2) The total number of taxicab driver permits issued pursuant to Part 4 of Chapter 6.64 of the San José Municipal Code to an outstanding number of 571.**
- CEQA: Not a Project. (Transportation)**
- (b) Adoption of the revised Taxicab Rate Resolution, repealing Resolution No. 71336, which will allow taxicab companies to offer:**
- (1) Discount coupons of up to 20% off their standard fares for trips not originating at the Airport; and**
  - (2) Flat rates below the standard fare for all business account trips and to the general public for trips that conclude outside of Santa Clara County not originating at the Airport unless pre-arranged.**
- CEQA: Not a Project. (Transportation)**  
**(Deferred from 5/24/05 – Item 6.2)**

Documents Filed: Memorandum from Director of Transportation James R. Helmer, dated April 27, 2005, recommending approval of an uncodified ordinance.

Action: This item was dropped.

- 6.4 Adoption of a resolution authorizing the City Manager to negotiate and execute agreements with commercial ground transportation operators, including taxi and door-to-door shuttle companies, to provide on-demand service at the Airport for a term from September 7, 2005 to September 30, 2007. CEQA: Resolutions No. 67380 and 71451, PP 05-154. (Airport)**

Documents Filed: (1) Memorandum from Director of Aviation William F. Sherry, A.A.E, dated August 18, 2005, providing additional information regarding the terms of the Found Transportation Operators agreement. (2) Memorandum from Director of Aviation William F. Sherry, A.A.E, dated August 3, 2005, recommending authorization to the City Manager.

Action: Upon motion by Council Member Yeager, seconded by Council Member Reed, and unanimously carried, Resolution No. 72867, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager or Designee to Negotiate and Execute Agreements with Commercial Ground Transportation Operators to Provide On-Demand Service at the Norman Y. Mineta San José International Airport”, was adopted. (10-0).

- 6.5 Adoption of a resolution authorizing the City Manager to negotiate and execute:**
- (a) Approval of Fifth amendments to the On-Airport Rental Car Operations Agreement and Leases with Enterprise Rent-A-Car Company Of San Francisco, Fox Rent A Car, Inc., KRH Enterprises, Inc. dba Payless Rent A Car, and Thrifty Rent-A-Car System, Inc., to implement Living Wage effective January 1, 2006 and to extend the term of the agreements on the same terms and conditions from August 30, 2005 to February 1, 2007.**
  - (b) Approval of Fifth amendments to the Amended and Restated On-Airport Rental Car Operations Agreement and Leases with Avis Rent A Car System, Inc., Vanguard Car Rental, USA, Inc. dba Alamo/National, Budget Rent-A-Car Systems, Inc., DTG Operations, Inc d/b/a Dollar Rent A Car, and The Hertz Corporation, Inc. to implement Living Wage effective January 1, 2006 and to extend the term of the agreements on the same terms and conditions from August 30, 2005 to February 1, 2007.**
  - (c) Approval of Second amendments to the Rental Car Storage Ground Leases with Enterprise Rent-A-Car Company Of San Francisco, Fox Rent A Car, Inc., KRH Enterprises, Inc. dba Payless Rent A Car, and Thrifty Rent-A-Car System, Inc., to extend the term of the agreements on the same terms and conditions from August 30, 2005 to February 1, 2007, or the beneficial occupancy of the Second Interim Rental Car Facility.**
  - (d) Approval of Eighth amendments to the Rental Car Service Center Ground Lease with Avis Rent A Car System, Inc., Vanguard Car Rental, USA, Inc. dba Alamo/National, Budget Rent-A-Car Systems, Inc., DTG Operations, Inc d/b/a Dollar Rent A Car, and The Hertz Corporation, Inc. to extend the term of the agreements on the same terms and conditions from August 30, 2005 to February 1, 2007.**

**CEQA: Resolution Nos. 67380 and 71451, PP 05-038. (Airport)**

Documents Filed: Memorandum from Director of Aviation William F. Sherry, A.A.E, dated August 3, 2005, recommending adoption of the resolution.

Action: Upon motion by Council Member Chavez, seconded by Council Member Reed, and unanimously carried, Resolution No. 72868, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Amendments to the On-Airport Rental Car Operation Agreements and Leases to Implement the San José Living Wage Policy Effective January 1, 2006 and to Extend the Agreements and the Airport Rental Car Ground Leases to February 1, 2007", was adopted with direction to staff to provide an Informational memo to Council once the information is available about the resources it will take to monitor and enforce the living wage requirements at the Airport.

## **PUBLIC SAFETY SERVICES**

- 8.1 Review and acceptance of the City's response to the 2004-2005 Santa Clara County Civil Grand Jury's report entitled, "Problems Implementing the San José Police Computer Aided Dispatch System." CEQA: Not a Project. (Police/Fire/Information Technology/Public Works)**

**8.1 (Cont'd.)**

Documents Filed: Memorandum from Police Chief Robert L. Davis, Fire Chief Jeffrey L. Clet, Director of Public Works Katy Allen, and Director of Transportation James R. Helmer, dated August 3, 2005, recommending acceptance of the City's response to the 2005-2005 Santa Clara County Civil Grand Jury's report.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Reed, and unanimously carried, the report was accepted and Staff directed to provide a progress report to Council on updates and upgrades to the CAD system and to provide Council with an overall timeline of future fixes to the system.

**NOTICE OF CITY ENGINEER'S PENDING DECISION ON FINAL MAPS**

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9719	E/S Mission Springs Court	4	Silicon Valley Habitat for Humanity Inc.	6 Units	SFD
9683	SW corner of Lundy Ave. and McKay Dr.	4	Toll Bros Inc.	198 Units	SFA
9694	NW corner King Rd. and Mabury Rd.	4	KB Home South Bay	91 Units	SFA
9720	West side of San Pedro N/O St. James St.	3	City Heights LLC	124 Units	SFA

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>
9668	N/E Corner The Alameda & Morrison Avenue	6	Green Valley Corporation	1 Lot	Condo	Approve

**OPEN FORUM—**

- (1) Robert Apgar shared personal concerns about his former employer, Garden City.
- (2) Ross Signorino expressed personal opinions on the Catholic palpacy.

**ADJOURNMENT**

The Council of the City of San José adjourned at 2:19 p.m.

**RON GONZALES, MAYOR**

**ATTEST:**

**LEE PRICE, C.M.C, CITY CLERK**

**EW/8-23-05 Min.**