

# CITY COUNCIL AGENDA

**FEBRUARY 28, 2006**

**AMENDED AGENDA**

LINDA J. LE ZOTTE  
FORREST WILLIAMS  
CINDY CHAVEZ, VICE MAYOR  
CHUCK REED  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER  
MADISON P. NGUYEN  
DAVID D. CORTESE  
JUDY CHIRCO  
NANCY PYLE

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

**The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.**

Agendas and Staff Reports for City Council items may be viewed on the Internet at [www.sanjoseca.gov/clerk/agenda.asp](http://www.sanjoseca.gov/clerk/agenda.asp)

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 294-9337 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**  
9:30 a.m. - Closed Session, City Hall Tower, 18<sup>th</sup> Floor, City Hall  
[See Separate Agenda](#)  
1:30 p.m. - Regular Session, Council Chambers, City Hall

- **Invocation (District 2)**
- **Pledge of Allegiance**
- **Orders of the Day**

Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

**ITEM 9.1 AND 9.2 ARE TO BE CONSIDERED IN A JOINT CITY COUNCIL/REDEVELOPMENT AGENCY BOARD SESSION.**

ADJOURNMENT: This meeting will be adjourned in memory of the victims of the landslide tragedy in the Philippines and in honor of Irwin Lorenzo Dillon II.

**Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.**

## **1. CEREMONIAL ITEMS**

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- 1.1 Presentation of a commendation to Nha Magazine for their recent recognition by New California Media. (Cortese)  
(Rules Committee referral 2/15/06)
- 1.2 Presentation of a commendation to California Alliance of African American Educators for their commitment to expanding the opportunities for San José youth in the field of science. (Williams)  
(Rules Committee referral 2/15/06)

# 1. CEREMONIAL ITEMS

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- 1.3 Presentation of a commendation to Clinimetrics for its important contributions to the San José economy. (Mayor/Williams)  
(Rules Committee referral 2/15/06)
- 1.4 Presentation of a commendation to Orchard Supply Hardware on the occasion of their 75<sup>th</sup> anniversary and in recognition of their many contributions to the City of San José.  
(Chavez/LeZotte/Yeager)  
\* (Rules Committee referral 2/22/06)

# 2. CONSENT CALENDAR

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**Notice to the public:** There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

- 2.1 **Approval of Minutes.**
- 2.2 **Final adoption of ordinances.**

**Recommendation:**

- (a) ORD. NO. 27658 – Rezoning certain real property situated north side of State Street, on both the east and west sides of Archer Street and south of Dearborne and Clark Streets of the historic “New Chicago” Subdivision, from CN Commercial Neighborhood Zoning District to LI Light Industrial Zoning District. CC05-040
- (b) ORD. NO. 27659 – Rezoning certain real property situated on the north side of Alum Rock Avenue, approximately 260 feet westerly of King Road to CP Commercial Pedestrian Zoning District. C05-110
- (c) ORD. NO. 27660 – Rezoning certain real property, bounded by the Southern Pacific Rail Corridor to the north, east and west and by Dearborne and Clark Streets of the Historic “New Chicago” Subdivision and Grand Boulevard to the south, from LI Light Industrial Zoning District and CN Commercial Neighborhood to OS Open Space Zoning District. CC05-041
- (d) ORD. NO. 27661 – Rezoning certain real property, bounded by the Steamboat Slough and Elizabeth Street to the north, the Guadalupe River Corridor to the south, Liberty and North First Street to the east, and El Dorado Street/Southern Pacific Railroad Right-of-Way to the west, to CP(PD) Planned Development Zoning District with regard to certain portions of said area and to OS Open Space Zoning District. PDC05-039

*(Item continued on the next page.)*

## 2. CONSENT CALENDAR

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### 2.2 Final adoption of ordinances. (Cont'd.)

**Recommendation:**

- (e) ORD. NO. 27662 – Rezoning certain real property situated on the west side of South Willard Avenue approximately 180 feet southerly of Douglas Street from unincorporated County to A(PD) Planned Development Zoning District on 0.42 acres. PDC04-095

### 2.3 Approval to amend an agreement related to solid waste and rate modeling services.

**Recommendation:** Approval of a first amendment to the agreement between the City and R3 Consulting to provide solid waste consulting and rate modeling services to the Environmental Services Department, extending the term through June 30, 2007, and increasing the compensation by \$200,000, from \$100,000 for a total not to exceed amount of \$300,000. CEQA: Not a Project. (Environmental Services)

### 2.4 Approval of the Annual Clean Bay Strategy Report.

Supplemental

**Recommendation:** Approval of the Annual Report on San Jose/Santa Clara Water Pollution Control Plant (Plant) watershed protection activities, including update of the South Bay Action Plan, Contingency Plan, and Annual Pollution Prevention Report, as required by the Plant's National Pollutant Discharge Elimination System (NPDES) Permit. CEQA: Not a Project. (Environmental Services)

### 2.5 Approval of actions related to the Santa Clara Valley Urban Runoff Pollution Prevention Program and City Stormwater Permit.

\* **Recommendation:**

- (a) Adoption of a resolution:
- (1) Authorizing the City Manager to execute a Second Amendment to the Memorandum of Agreement for the Santa Clara Valley Urban Runoff Pollution Prevention Program (Countywide Program) which will extend the term of the Memorandum of Agreement for one fiscal year beyond the termination date of the next National Pollutant Discharge Elimination System (NPDES) stormwater permit, including any administrative extensions of the next NPDES Permit's term, with no charge in the cost allocation formula for participation in the Countywide Program; and,
  - (2) Continuing the authority of the Director of Environmental Services to designate a City representative to serve on the Program Management Committee. CEQA: Not a Project. (Environmental Services)
- (b) Authorize the City Manager to certify and submit the fiscal year 2006-2007 City of San Jose Work Plans for Urban Runoff Management to the San Francisco Bay Regional Water Quality Control Board (Water Board). CEQA: Exempt. (Environmental Services/General Services/ Parks, Recreation and Neighborhood Services/Planning, Building and Code Enforcement/Public Works/Transportation)

## 2. CONSENT CALENDAR

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### 2.6 [Approval to award open purchase orders for FY 2005-2006 #9 and #10.](#)

**Recommendation:**

- (a) Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2005-2006 #9, and authorization for the Director of Finance to execute the purchase orders.
- (b) Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2005-2006 #10, and authorization for the Director of Finance to execute the purchase orders.

CEQA: Not a Project. (Finance)

### 2.7 [Approval of two funding commitments for units serving extremely low-income households.](#)

**Recommendation:**

- (a) Adoption of a resolution approving a funding commitment for a loan of up to \$425,000 to InnVision the Way Home, or its designated affiliate entity, for the permanent financing of 8 units of the Hester Apartments, an 18-unit apartment building, located at 1759 Hester Avenue, to be made affordable to extremely low-income households with special needs. CEQA: Not a Project. Council District: 6.
- (b) Adoption of a resolution approving a funding commitment for a loan of up to \$1,520,000 to the Unity Care Group, or its designated affiliate entity, for the acquisition and rehabilitation of a property located at 917 & 923 Northrup Street, which consists of 8 transitional and 26 permanent beds to be made affordable to youth aging out of foster care with extremely low-incomes. CEQA: Exempt. Council District: 6.

(Housing)

### 2.8 [Approval to accept a grant application for the 21<sup>st</sup> Century Community Learning Centers.](#)

**Recommendation:** Adoption of a resolution authorizing the City Manager to:

- (a) Accept grant award increases from the California Department of Education (CDE) for a total increase of \$596,732 and to execute related amendments to the grant agreements; and
- (b) Negotiate and execute agreement amendments to sub grants to community based organizations to reflect the CDE grant award increases for Level 3 programs at specified school sites.

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

## 2. CONSENT CALENDAR

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### 2.9 [Adoption of a resolution ordering the reorganization of territory designated as McKee No. 128.](#)

**Recommendation:** Adoption of a resolution ordering the reorganization of territory designated as McKee No. 128, comprised of 1.19 gross acres of land more or less, located on the east side of Kirk Avenue, approximately 110 feet southerly of Summit Avenue and adjacent to the City of San Jose annexations McKee Nos. 117 and 40 and the detachment of the same from Central Fire Protection, Area No. 01 (Library Service) County Service Districts, and Sanitation District 2-3, to include the detachment of the same from County Lighting County Service District. Council District: 5. CEQA: Resolution No. 65459, File No. C04-090. (Planning, Building and Code Enforcement)

### 2.10 [Adoption of a resolution ordering the reorganization of territory designated as Sunol No. 71.](#)

**Recommendation:** Adoption of a resolution ordering the reorganization of territory designated as Sunol No. 71 which involves the annexation to the City of San José of 0.15 acres of land more or less, located at the east side of Grand Avenue approximately 350 feet southerly of Park Avenue and adjacent to the City of San José annexation Sunol No. 60 and the detachment of the same from Sunol Sanitary, County Lighting County Service, Central Fire Protection and Area No.01 (Library Service) County Service Districts. Council District: 6. CEQA: Resolution No. 65459, File No. C05-092. (Planning, Building and Code Enforcement)

### 2.11 [Adoption of a resolution ordering the reorganization of territory designated as Sunol No. 65.](#)

**Recommendation:** Adoption of a resolution ordering the reorganization of territory designated as Sunol No. 65 which involves the annexation to the City of San José of 0.15 acres of land more or less, located at the east side of Grand Avenue approximately 350 feet southerly of Park Avenue and adjacent to the City of San José annexation Sunol No. 60 and the detachment of the same from Sunol Sanitary, County Lighting County Service, Central Fire Protection and Area No.01 (Library Service) County Service Districts. Council District: 6. CEQA: Resolution No. 65459, File No. C02-012. (Planning, Building and Code Enforcement)

## 3. STRATEGIC SUPPORT SERVICES

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### 3.1 Report of the Study Session Mayor Gonzales, Chair

### **3. STRATEGIC SUPPORT SERVICES**

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#### **3.2 Report of the Rules Committee – February 8, 2006**

##### **Vice Mayor Chavez, Chair**

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
  - (1) Review February 21, 2006 Draft Council Agenda  
MEETING CANCELED
  - (2) Add New Items to February 14, 2005 Agenda
  - (3) List of Reports Outstanding
- (c) Legislative Update
  - (1) State
  - (2) Federal
- (d) Meeting Schedules
  - (1) Ball Park Update – Redevelopment Agency Study Session
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
- (h) Open Forum
- (i) Adjournment

#### **Report of the Rules Committee – February 15, 2006**

##### **Vice Mayor Chavez, Chair**

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
  - (1) Review February 28, 2006 Draft Council Agenda
  - (2) Add New Items to February 21, 2006 Council Agenda  
NONE - MEETING CANCELED
  - (3) List of Reports Outstanding
- (c) Legislative Update
  - (1) State
  - (2) Federal
- (d) Meeting Schedules
  - Study Session to Discuss and Prioritize the City Council's Key Objectives for the City of San José
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Approval of travel by Council Member Campos to Washington D.C., March 11-14, 2006, to attend the National League of Cities Congressional City Conference
  - (2) Discussion on an Amendment to the City of San José's Municipal Lobbying Ordinance
  - (3) Report on Cellular Communication Coverage at City Hall
- (h) Open Forum
- (i) Adjournment

*(Item continued on the next page.)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.2 Rules/Partial Rules Committee – February 22, 2006 (Cont'd.)

**Vice Mayor Chavez, Chair**

- \* (c) Legislative Update
  - (1) State
    - (a) Statewide Infrastructure Bonds: Transportation and Proposition 42
    - (b) Statewide Infrastructure Bonds: Affordable Housing

#### 3.3 Report of the Making Government Work Better Committee – [February 16, 2006](#)

**Council Member Reed, Chair**

- (a) Environmental Preferable Procurement Policy Annual Report
- (b) FY 2005-06 Second Quarter Debt Report
- (c) FY 2005-06 Second Quarter Investment Report
- (d) External Auditor's Report on Single Audit and Management Letter on Internal Controls for Fiscal Year Ended June 30, 2005
- (e) Citywide Grant Administration Audit
- (f) Oral Petitions
- (g) Adjournment

#### 3.4 Acceptance of status report on discussions with AT&T (SBC) regarding Project Lightspeed.

**Recommendation:** Acceptance of status report on discussions with AT&T (SBC) regarding Project Lightspeed. CEQA: Not a Project. (City Manager's Office/Public Works)

**RECOMMEND DEFERRAL TO 3/7/06**

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

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#### 4.1 Report of the Building Strong Neighborhoods Committee

**Council Member Chirco, Chair**

#### 4.2 Report of the Driving a Strong Economy Committee

**Council Member Williams, Chair**

#### 4.3 Appointment of individuals to the San José Medical Center Stakeholder Advisory Committee.

[Council's Memo](#)

- \* **Recommendation:** Appointment of members to the Stakeholder Advisory Committee for the San José Medical Center Land Use-Healthcare Study using recommended guidelines in order to maintain manageability and ensure diverse representation. (Planning, Building and Code Enforcement)

(Deferred from 2/7/06 – Item 4.3 and 2/14/06 – Item 4.3)

**TO BE HEARD IN THE EVENING**

**RECOMMEND DEFERRAL TO 3/7/06**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.4 [Approval to set a Public Hearing on the Calpak District Manager's Office as a landmark of special interest.](#)

**Recommendation:** Adoption of a resolution to:

- (a) Initiate proceedings to consider the Calpak District Manager's Office as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of a historic nature.
- (b) Set a public hearing on March 28, 2006 at 1:30 p.m.
- (c) Refer the matter back to the Historic Landmarks Commission for its consideration at a public hearing, report and recommendation.

CEQA: Exempt. Council District: 6. (Planning, Building and Code Enforcement)

### 4.5 [Resolution of Support to open a Children's Hospital in San José.](#)

- \* **Recommendation:** Adoption of a resolution of support to open a Children's Hospital in San José. (Chirco/Chavez)  
(Rules Committee referral 2/22/06)

## 5. NEIGHBORHOOD SERVICES

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### 5.1 **Report of the All Children Achieve Committee – February 9, 2006 Council Member Yeager, Chair**

- (a) Early Care and Education Update
- (b) Report on Child Care Needs Research
- (c) Children's Health Initiatives Report  
(Deferred from December 2005)
- (d) Oral Petitions
- (e) Adjournment

### 5.2 [Discussion of City Indemnification requirement for Neighborhood groups meeting in City Facilities.](#)

[City Attorney's Memo](#)

**Recommendation:**

- (a) Direct City Staff to review current practices regarding indemnification requirements for Neighborhood groups meeting in City owned facilities and report to Council.
- (b) Direct City Staff to review and contrast indemnification requirements for special events on City property and report back to Council.
- (c) Report out on other Cities' best practices.

(Chavez)

(Rules Committee referral 2/15/06)

## 5. NEIGHBORHOOD SERVICES

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### 5.3 [Approval of actions related to the Boys and Girls Club of Silicon Valley.](#)

**Recommendation:** Approval to not proceed with a real estate exchange between the City of San Jose and the Boys & Girls Clubs of Silicon Valley (B&GC), and adoption of a resolution authorizing the City Manager to negotiate and execute a revised lease for the City's Japantown property, with a term through February 1, 2007, and direction to staff regarding further actions. CEQA: Not a Project. (City Manager's Office/Parks Recreation and Neighborhood Services)

(Deferred from 2/14/06 – Item 5.2)

**RECOMMEND DEFERRAL TO 3/7/06**

### 5.4 [Adoption of a resolution in support of the City Platform of the National League of Cities' Council on Youth, Education and Families.](#)

**Recommendation:** Adoption of a resolution in support of the City Platform of the National League of Cities' Council on Youth, Education and Families for strengthening families and improving outcomes for children and youth. (Mayor)

(Rules Committee referral 2/15/06)

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 **Report of the Building Better Transportation Committee – [February 6, 2006](#) Council Member Campos, Chair**

- (a) Expansion and Improvement of Transit and Transportation Systems
- (b) Traffic Relief/Safe Streets
- (c) Supporting Smart Growth
- (d) Regional Relationships/Funding/Policy
- (e) Oral Petitions
- (f) Adjournment

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.2 [Approval of an agreement for the purchase of Technical Systems for the Airport IT Masterplan.](#)

#### [Supplemental](#)

- \* **Recommendation:** Adoption of a resolution authorizing the Director of Finance to:
- (a) Execute an agreement with Air-Transport IT Services, Inc. for the purchase of technology and Integrated Systems for the Norman Y. Mineta San José International Airport, in an amount not to exceed \$6,492,877 including all hardware, software, the first year of support and professional services required to implement the system, and all applicable sales taxes.
  - (b) Execute four, one-year options for ongoing maintenance and support without further Council action other than the appropriation of funding, as follows: Year 2: \$576,371.00; Year 3: \$604,903.00; Year 4: \$634,920.00; Year 5: \$666,507.00, and;
  - (c) Execute change orders in an amount not to exceed \$850,000.00 as contingency to cover unanticipated changes in the system design and/or installation.  
(Airport/Finance)
- (Deferred from 2/14/06 – Item 6.2)

### 6.3 [Approval of actions for the Lucretia Avenue Widening Project.](#)

#### [Supplemental](#)

- \* **Recommendation:** Report on bids and award of contract for the Lucretia Avenue Widening (Story Road to Phelan Avenue) Project to the lowest responsive bidder, Wattis Construction Company, Inc., in the amount of \$1,101,051, and approval of five percent contingency in the amount of \$55,000. CEQA: Mitigated Negative Declaration, PP05-003. Council District 7. (Public Works)

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.1 [Approval of actions related to the Recycle Plus Rates.](#)

#### [Supplemental](#)

- \* **Recommendation:**
- (a) Conclude the Public Hearing on proposed Recycle Plus rate increases to be effective April 1, 2006, and on potential increases for Fiscal Years 2006-07 and 2007-08.
  - (b) Adoption of a resolution revising Recycle Plus rates for integrated waste management services beginning April 1, 2006, increasing single-family rates by 5% and multi-family rates by 2%.
- (Environmental Services/City Manager's Office)  
(Deferred from 2/14/06 – Item 7.1)

## 7. ENVIRONMENTAL & UTILITY SERVICE

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### 7.2 [Approval to amend agreements related to transferring one million gallons of waste water capacity.](#)

#### [Supplemental](#)

- \* **Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute amendments to agreements among cities of San Jose, Santa Clara, Milpitas and West Valley Sanitation District to reflect the transfer of one million gallons of wastewater capacity in the San Jose/Santa Clara Water Pollution Plant from West Valley Sanitation District to the City Of Milpitas. CEQA: Not a Project. (Environmental Services)

## 8. PUBLIC SAFETY SERVICES

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### 8.1 [Acceptance of the 2005 Annex A update on the roles of elected officials during declared disaster.](#)

**Recommendation:** Acceptance of the 2005 Annex A update on the roles of elected officials during declared disasters as part of the City's Emergency Operations Plan. CEQA: Not a Project. (Emergency Services)  
(Deferred from 1/10/06 – Item 8.1 and 2/14/06 – Item 8.1)  
**RECOMMEND DEFERRAL TO 3/21/06**

### 8.2 [Approval to submit the Fire Station Construction at Silver Creek Linear Park Ballot Measure.](#)

**Recommendation:** Adoption of a resolution ordering, on the Council's own motion, the submission to the electors of the City, at the Municipal Election to be held on June 6, 2006, a measure entitled "Fire Station Construction – Silver Creek Linear Park". CEQA: Exempt PP06-009. Council District: 8. (Fire/Public Works/Parks, Recreation and Neighborhood Services)

### 8.3 [Acceptance of the Independent Police Auditor's Mid-Year Report Policy recommendations.](#)

**Recommendation:** Acceptance of the Independent Police Auditor's (IPA) 2005 Mid-Year Report Policy recommendations and the San José Police Department's (SJPD) Response.

- (a) Acceptance of the San José Police Department Taser Usage Guidelines presented to City Council on November 29, 2005, and;
- (b) Acceptance of the IPA's recommendation that the IPA receive copies of the homicide reports for the SJPD's officer-involved shootings and in-custody deaths. (IPA/City Manager's Office)

## 8. PUBLIC SAFETY SERVICES

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### 8.4 [Acceptance of the Independent Police Auditor Outreach Plan.](#)

**Recommendation:** Acceptance of the Independent Police Auditor (IPA) Outreach Plan. (IPA)

## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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See Items 8.1, Approval of an exception to the City Street Light Policy and 8.2, City Council and Agency Board actions related to the Education Revenue Augmentation Fund Loan Program on the Redevelopment Agency Agenda, which will be heard and action taken only during the Redevelopment Agency Meeting that follows the Council Meeting today.

### **CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEM 9.1 AND 9.2 IN A JOINT SESSION.**

### 9.1 **Approval of the Quarterly Status Report on the CIP and SNI Projects.**

**Recommendation:** Acceptance of the Quarterly Report on the Citywide Capital Improvement Program (CIP) including Parks, Library, and Public Safety Bond Projects, Strong Neighborhoods Initiative (SNI) Projects, and Redevelopment Agency funded projects. CEQA: Not a Project. (City Manager's Office/Redevelopment Agency)  
**RECOMMEND DEFERRAL TO 3/7/06**

### 9.2 **Approval of actions related to the acquisition of real properties for the expansion of the Alma Community Center.**

**Recommendation:**

- (a) Adoption of a resolution by the City Council determining that the public interest and necessity require the acquisition of the 25% undivided real property interest owned by Sal Petronio in the real property located at 114 Alma Avenue, in San Jose, California (APN 434-23-143) in the Strong Neighborhoods Initiative - Washington Area, and authorizing the City Attorney to file suit in eminent domain to acquire his undivided real property interest, to apply for an order of possession before judgment and to prosecute the action to final judgment, and authorizing the deposit of \$53,475 in court for possession of his real property from the funds lawfully available.
- (b) Approval by the City Council of a Purchase and Sales Agreement with the Pusateri family, in the amount of \$168,150 plus related closing costs, for the acquisition of 102-104 W. Alma Avenue (APN 434-23-139) for the future expansion of the Alma Community Center.

*(Item continued on the next page.)*

## **9. JOINT COUNCIL/REDEVELOPMENT AGENCY**

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### **9.2 Approval of actions related to the acquisition of real properties for the expansion of the Alma Community Center (Cont'd.)**

#### **Recommendation:**

- (c) Approval by the City Council of a Purchase and Sales Agreement with the Petronio sisters, in the amount of \$160,425 plus related closing costs, for the acquisition of their 75% undivided real property interest in 114 W. Alma Avenue (APN 434-23-143) for the future expansion of the Alma Community Center.
- (d) Adoption of a resolution by the Redevelopment Agency Board authorizing the Executive Director to deposit \$328,575, plus related closing costs not to exceed \$20,000 into escrow for the acquisition of 114 and 102-104 W. Alma Avenue, to execute any additional documents necessary to close escrow, and to deposit \$53,475 with the Superior Court in connection with the eminent domain action.
- (e) Adoption by the City Council of the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Services for Redevelopment Capital Fund (Fund 450):
  - (1) Establish an appropriation to Public Works for the Department of Public Works Real Estate Services - Alma Avenue Acquisition project in the amount of \$15,000.
  - (2) Increase the estimate for Earned Revenue for the amount by \$15,000.

Council District: 7. CEQA: Exempt; File No. PP06-006. (City Manager's Office/ Redevelopment Agency)

**RECOMMEND DEFERRAL TO 3/14/06**

#### **ADJOURN REDEVELOPMENT AGENCY BOARD PORTION OF THE MEETING**

- Closed Session Report
- Notice of City Engineer's Pending Decision on Final Maps
- Notice of City Engineer's Award of Construction Projects
- Open Forum—To be heard jointly with Redevelopment Agency Public Discussion.
- Adjournment  
This meeting will be adjourned in memory of the victims of the landslide tragedy in the Philippines and in honor of Irwin Lorenzo Dillon II.