

CITY COUNCIL AGENDA

APRIL 26, 2005

SYNOPSIS

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
VACANT
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.
- ***Economic and Neighborhood 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.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to 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 10 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:

1. **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.
2. When the Council reaches your item on the agenda, Mayor Ron 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.
3. 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.
4. To assist you in tracking your speaking time, there are three lights located to the far right of 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.htm

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (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, Room 600, City Hall
Absent – Council Members: None.

1:30 p.m. - Regular Session, Council Chambers, City Hall
Absent – Council Members: None.
- **Invocation (District 4)**
Michael Chern, Former Executive Director of the Tsu Chi Foundation Western Region, presented the Principles of Tsu Chi
- **Pledge of Allegiance**
Mayor Gonzales led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved.

ITEMS 10.1 AND 10.2 WERE CONSIDERED IN A JOINT CITY COUNCIL/REDEVELOPMENT AGENCY BOARD SESSION.

1 CEREMONIAL ITEMS

- 1.1 Presentation of awards to the Budget Office and the Finance Department by the Government Finance Officers Association and the California Society of Municipal Finance Officers. (City Manager)
Mayor Gonzales was joined at the podium by City Manager Del D. Borgsdorf, Budget Director Larry D. Lisenbee and Finance Director Scott Johnson to receive awards of excellence presented by the Government Finance Officers Association and the California Society of Municipal Finance Officers.

1 CEREMONIAL ITEMS

- 1.2 Presentation of a proclamation declaring April 2005, as National Volunteer Month in the City of San José. (Mayor)
Mayor Gonzales presented the proclamation declaring April 2005 as National Volunteer Month in the City of San José to the City of San José volunteer coordinators.
- 1.3 Presentation of the California Festival and Events Association awards. (Parks, Recreation and Neighborhood Services)
Mayor Gonzales presented the California Festival and Events Association awards to Marketing and Events Manager of Parks, Recreation, and Neighborhood Services, Edgar Bautista in honor of the Annual Holiday Parade, Christmas in the Park and the Downtown for the Holidays events.
- 1.4 Presentation of a commendation to El Observador in celebration of its 25th anniversary and service to the community. (Reed)
Dropped.

2 CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
None.
- 2.2 **Final adoption of ordinances.**

Recommendation: Final adoption of ordinances

- (a) ORD. NO. 27407 – Rezones certain real property situated on west side of Junction Avenue, approximately 600 feet southerly of Charcot Avenue (2051 Junction Avenue), to IP Industrial Park Zoning District. C05-008
Ordinance No. 27407 adopted.
- (b) ORD. NO. 27408 – Rezones certain real property situated at the north side of Auzerais Avenue between Sunol Street and Los Gatos Creek and south side of Auzerais west of Los Gatos Creek to A(PD) Planned Development Zoning District. PDC03-071
Ordinance No. 27408 adopted.

2 CONSENT CALENDAR

2.3 Approval of actions related to Rule 20A and 20B Underground Utility Program.

Recommendation: Acceptance of the report on the proposed Fiscal Year 2004/05 - 2009/10 Workplan for the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program, and the proposed Rule 20B (In-Lieu Fee) Undergrounding Master Plan.

CEQA: Not a Project. (Public Works)
(Deferred from 4/12/05 – Item 2.5)

The report was accepted.

Staff directed to provide Council with a comparison between PG&E and other utility services and to provide a progress report of the negotiations and discussions being conducted with PG&E.

2.4 Review of the In-Lieu Fees Annual Report.

Recommendation: Review of the Annual Report regarding in-lieu fees collected by the City from developers in-lieu of construction of public improvements. CEQA: Not a Project. (Public Works)

The review of the annual report was accepted.

2.5 Approval of direction to the City Attorney to draft an urgency ordinance and/or amend the current ordinance relating to graffiti-marked vehicles.

Recommendation: Approval of direction for the City Attorney to draft an urgency ordinance and/or amend the current ordinance allowing City of San José Departments and Programs to handle vehicles marked with graffiti. (Campos)

Council approved a memorandum from Council Member Campos, dated April 26, 2005, recommending that the City Attorney review the most appropriate way to address this issue and to return to Council within 30 days to provide City staff with another tool to handle vehicles marked with graffiti. Direction given.

2 CONSENT CALENDAR

2.6 Approval of fiscal actions for Redevelopment Agency Capital Projects.

Recommendation:

- (a) Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the Alma Neighborhood Storm Drain Improvements Project (PSM 402) with a net impact to the fund of \$160,000.

Ordinance No. 27409 adopted.

Resolution No. 72626 adopted.

- (b) Adoption of a resolution making certain determinations regarding the related expenditures of the Redevelopment Agency funds on certain public improvements in connection with the Alma Neighborhood Storm Drain Improvements Project.

CEQA: Not a Project. Council Districts 3 and 7. SNI: Washington. (City Manager's Office)

Resolution No. 72627 adopted.

2.7 Approval of an agreement for the Environmental Enforcement Data Management System.

Recommendation:

- (a) Approval of a first amendment to the agreement with enfoTech & Consulting, Inc. for the development and implementation of the Environmental Enforcement Data Management System to extend the term of the agreement from April 30, 2005 to September 30, 2006 at no additional cost to the City.

Approved.

- (b) Adoption of a resolution authorizing the Director of Environmental Services to exercise two one-year maintenance plan options for the Environmental Enforcement Data Management System at a cost of \$35,710 per additional year, for a total amount not to exceed \$71,420.

CEQA: Not a Project. (Environmental Services)

Resolution No. 72628 adopted.

2.8 Approval to amend an agreement for the Countywide Household Hazardous Waste Collection Program.

Recommendation: Approval of a second amendment to the agency agreement with the County of Santa Clara for the countywide household hazardous waste collection program to update the drop-off service schedule and the charges to small businesses, at no additional cost to the City. CEQA: Exempt, PP03-05-172. (Environmental Services)

Approved.

2 CONSENT CALENDAR

2.9 Approval to amend an agreement for the Water Pollution Control Plant.

Recommendation: Approval of a second amendment to the agreement with YEI Engineers Inc., for consultant services for the project entitled, “San José/Santa Clara Water Pollution Control Plant: WPCP Electrical Systems Improvement Study,” amending the scope of services to include study, design, bid period services, and construction support services for the Switchgear M3/M4 Current Limiter Project, the Switchgear S2/S2A Current Limiter/Replacement Project, the Medium Voltage Cable Replacement Project, increasing compensation by \$396,000, for a total agreement amount not to exceed \$787,268; and extending the term of the agreement from June 30, 2005 to October 30, 2010. CEQA: Not a Project. (Environmental Services)

Deferred to 5/3/05.

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

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2004-2005 #14 and authorization for the Director of Finance to execute the purchase orders. CEQA: See memo for CEQA designation(s). (Finance)

Approved.

2.11 Approval of reappointments to the Downtown Parking Board.

Recommendation: Approval of reappointments to the Downtown Parking Board. (Mayor)

Approved.

2.12 Approval to submit an application to LAFCO to amend the City’s Urban Service Area.

Recommendation: Adoption of a resolution pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 to submit an application to the Santa Clara County Local Agency Formation Commission (LAFCO) to amend the City’s Urban Service Area (USA) for an approximately 2-acre portion of a property located on the north side of Fleming Avenue, between Impresario Way and Warner Drive (1230 and 1238 Fleming Avenue). CEQA: Mitigated Negative Declaration. Council District 5. (Planning, Building and Code Enforcement)

Resolution No. 72629 adopted.

2 CONSENT CALENDAR

2.13 Approval to amend the 2003-05 Spending Plan for the Supplemental Law Enforcement Services.

Recommendation:

- (a) Approval of the proposed increase of \$35,904 to the 2003-05 Spending Plan for the Supplemental Law Enforcement Services (SLES) Fund; and
Approved.
- (b) Adoption of the following amendments to the annual appropriation ordinance and the annual funding sources resolution in the Supplemental Law Enforcement Services Fund (Fund 414) for Fiscal Year 2004-05:
- (1) Increase the SLES 2003-2005 Grant appropriation for the Police Department in the amount of \$35,904;
 - (2) Increase the Earned Revenue by \$17,106;
 - (3) Decrease the Ending Fund Balance by \$18,798.

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

Ordinance No. 27410 adopted.

Resolution No. 72630 adopted.

2.14 Approval of actions to vacate a portion of Serenity Way at Casual Way.

Recommendation: Adoption of a resolution of intention to vacate a portion of Serenity Way at Casual Way; and setting a public hearing on May 24, 2005 at 1:30 p.m. CEQA: Exempt. Council District 10. (Public Works)

Resolution No. 72631 adopted.

2.15 Approval of actions for a telecommunications facility at the San José Municipal Golf Course.

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

- (a) A five-year property use agreement, and one five-year option, with New Cingular Wireless PCS, LLC allowing for construction, installation, maintenance and operation of a telecommunications facility at San José Municipal Golf Course; and
- (b) A Right of Entry/Revenue Sharing agreement with Cingular and Mike Rawitser Golf Shop for the equal sharing of the revenue generated by this installation between the City and Rawitser Golf Shop.

CEQA: Exempt, File No. PP05-079. Council District 4. (Public Works)

Resolution No. 72632 adopted.

2 CONSENT CALENDAR

2.16 Approval of actions to form Community Facilities District No. 11 (Adeline-Mary Helen).

Recommendation: Adoption of a resolution of intention to form Community Facilities District No. 11 (Adeline-Mary Helen) to authorize the levy of special tax pursuant to the City of San José Community Facilities District Financing Procedure, to set a public hearing on June 7, 2005 at 1:30 p.m. regarding the formation of the District and to hold an election immediately following the close of the public hearing. CEQA: Exempt, PP05-021. Council District 7. (Public Works)

Resolution No. 72633 adopted.

2.17 Approval nominations to the San José Silicon Valley Workforce Investment Network Board of Directors (SVWIN) and the SVWIN Youth Council Committee.

Recommendation: Approval nominations to the San José Silicon Valley Workforce Investment Network Board of Directors (SVWIN) and the SVWIN Youth Council Committee. (Mayor)
(Rules Committee referral 4/20/05)

Approved.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair No Report.

3.2 Report of the Rules Committee – April 13, 2005 Vice Mayor Chavez, Chair

(a) Redevelopment Agency items reported out at Redevelopment Agency meeting

(b) City Council

(1) Review April 26, 2005 Agenda

The Committee recommended approval of the April 26, 2005 City Council Agenda with four additions.

(2) Add New Items to April 19, 2005 Agenda

The Committee recommended five additions to the April 19, 2005 City Council Agenda.

(3) List of Reports Outstanding

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

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – April 13, 2005 (Cont'd.)

Vice Mayor Chavez, Chair

- (c) Legislative Update
 - (1) State
The Committee accepted the report.
 - (2) Federal
There was no report.
- (d) Meeting Schedules
There were none.
- (e) The Public Record
The Committee noted and filed the Public Record.
- (f) Appointments to Boards, Commissions and Committees
There were none.
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Appropriation of Gift Trust Funds for District 1 Community Events
The Committee recommended approval of the Appropriation of the following amounts for two District 1 community events.
 - (a) **\$1000.00 for the District 1 July 4th Community Celebration; and,**
 - (b) **\$5,985.72 for the West San José Festival/Resource Fair.**
 - (2) Travel Request
 - (a) Approval of Travel by Council Member Campos to New Orleans, Louisiana on April 20, 2005, to attend the National League of Cities Leadership Institute Regional Conference as a Co-Presenter.
 - (b) Record of Mayor and Council Travel Fund
The Committee recommended approval of Council Member Campos' travel and use of the Mayor and Council Travel Fund.
- (h) Oral Communications
There were none presented.
- (i) Adjournment
The meeting adjourned at 2:17 p.m.

The Rules Committee report and actions of April 13, 2005 were accepted.

3.3 Report of the Making Government Work Better Committee

Council Member Reed, Chair

No Report.

3 STRATEGIC SUPPORT SERVICES

3.4 Acceptance of the updated report on the New San José City Hall and Off-site Parking Garage project.

Recommendation: Acceptance of the updated report on the New San José City Hall and Off-site Parking Garage Project. (City Manager's Office)

The report was accepted.

3.5 Approval to award the purchase of desktop computers.

Recommendation:

(a) Report on bids and award the purchase of quantity 863 desktop computers (PC's), 504 monitors, peripheral accessories, extended maintenance and support, taxes and shipping charges, to the lowest bidder, Hewlett Packard, at a total cost of \$758,129.74, and authorization for the Director of Finance to execute the purchase order.

Approved.

(b) Authorization for the Director of Finance to purchase video cards and/or additional memory, as required, in the amount of \$11,443.26 and to purchase additional quantities of computers and other items included in the pricing on an as-required basis at the same unit price for a period of twelve months after the initial award is placed without further Council action other than the appropriation of funding.

CEQA: Not a Project. (Finance/Information Technology)

Approved.

Staff directed to provide further information as to the uses of the desktop computers via an informational memo.

3.6 Approval of actions for the Central Service Yard Phase II.

Recommendation: Adoption of the following appropriation ordinance amendments in the Construction Tax and Property Conveyance Tax Fund - Service Yards Purpose:

(a) Establish a Central Service Yard Phase II appropriation to the General Services Department in the amount of \$750,000.

(b) Decrease the Ending Fund Balance by \$750,000.

CEQA: Negative Declaration, File No. PP92-11-309. (General Services/Public Works/City Manager's Office)

Ordinance No. 27411 adopted.

3 STRATEGIC SUPPORT SERVICES

3.7 Approval of actions for the New City Hall Relocation Services.

Recommendation:

- (a) Rejection of bids for relocation services for New City Hall.
Approved.

- (b) Direction to the Director of Finance to solicit quotes for relocation services for the New City Hall.
Approved.

- (c) Adoption of a resolution authorizing the City Manager to award a contract to the most advantageous quotation.
(General Services/Finance)
(Rules Committee referral 4/20/05)
Resolution No. 72634 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee Council Member Chirco, Chair No Report.

4.2 Report of the Driving a Strong Economy Committee Council Member Williams, Chair No Report

4.3 Approval of actions related to acquisition of a property by eminent domain.

Recommendation: Adoption of a resolution determining that the public interest and necessity require the acquisition of an easement for a surface public use park trail, including the rights to construct, install, maintain and operate said park trail, associated landscaping, signs, call boxes, irrigation and other related improvements, and necessary subsurface rights, on vacant land owned by Pacific Gas and Electric Company abutting the west side of Wenlock Drive between Story Road and Brenford Drive, San José, CA 95124 (Portion of APN No. 486-39-029; State Board Equalization No. 135-43- (01) - 22V Parcel 1) and authorizing the City Attorney to file suit in eminent domain to acquire such property interest, to apply for an order for possession before judgment, and to prosecute the action to final judgment, and authorizing the deposit of money in court for possession of the property from the funds lawfully available. CEQA: Exempt, PP04-03-065. Council District 5. SNI: East Valley/680. (Public Works)

Resolution No. 72635 adopted.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the All Children Achieve Committee – April 14, 2005

Council Member Yeager, Chair

- (a) San José BEST Mid-year Evaluation Report and Allocation Report
The Committee accepted the report.
- (b) Report on Early Care and Education Program Six-Month Cycle and Master Plan
None.
- (c) Update on the Month of the Young Child
The Committee accepted the report.
- (d) Report on Family Literacy Programs
The Committee accepted the report.
- (e) Oral Petitions
There were none.
- (f) Adjournment
The meeting was adjourned at 2:55 p.m.

The All Children Achieve Committee report and actions of April 14, 2005 were accepted.

5.2 Approval of an ordinance to regulate use of paseos and plazas in Downtown San José.

Recommendation: Approval of an ordinance revising Chapter 13.22 of Title 13 of the Municipal Code to regulate use of paseos and plazas in downtown San José. CEQA: Resolution Nos. 68839 and 68905. Council District 3. (Cultural Affairs)

Ordinance No. 27412 passed for publication.

Staff directed to evaluate increasing the maximum frequency of use by a permittee for weekday use of paseos and plazas, and to bring a recommendation back when Council considers the use of the plaza area at the New City Hall.

5.3 Approval of the Thompson Creek Trail Master Plan.

Recommendation: Adoption of a resolution approving the Thompson Creek Trail Master Plan and incorporating environmental mitigation measures, as set forth in the Mitigation Monitoring and Reporting Program for the project. CEQA: Mitigated Negative Declaration, PP04-283. Council District 8. (Parks, Recreation and Neighborhood Services)

Resolution No. 72636 adopted.

5 RECREATION & CULTURAL SERVICES

5.4 Approval to award a contract for the Alum Rock Park Maintenance Yard Project.

Recommendation: Report on bids and award of contract for the Alum Rock Park Maintenance Yard Project to the lowest responsive bidder, Page Construction Co., in the amount of \$715,000, and approval of a contingency in the amount of \$107,000. CEQA: Exempt, PP05-026. Council District 4. (Public Works/Parks, Recreation and Neighborhood Services)

Approved. Noes: Chavez.

5.5 Approval of master agreements related to various trail projects.

Recommendation: Approval of Master Agreements with:

- (a) Callander Associates Master Agreement with Callander Associates Landscape Architecture, Inc. for a variety of planning, development and construction support services for trail projects from the date of execution through April 30, 2010, in an amount not to exceed \$850,000.
- (b) CH2M Hill Master Agreement with CH2M HILL, Inc. for a variety of planning, development and construction support services for Various Trail Projects from the date of execution through April 30, 2010, in an amount not to exceed \$850,000.

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

Deferred to 5/3/05.

6 TRANSPORTATION SERVICES

6.1 Report of the Building Better Transportation Committee Council Member Campos, Chair

No Report.

6.2 Report on Request for Quotation for asphalt street repair materials.

Recommendation: Report on Request for Quotation (RFQ) and authorization for the Director of Finance to execute open purchase orders for the purchase of asphalt concrete from the following vendors: Raisch Company \$899,750, Granite Rock \$283,645, and Reed & Graham \$640,335, for a total of \$1,823,730; three open purchase orders will be issued for the period beginning May 1, 2005 through April 30, 2006. CEQA: Exempt, PP04-02-041. (Finance)

Approved.

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval of agreements for projects at the Water Pollution Control Plant.

Recommendation:

- (a) Approval of an agreement with Carollo Engineers, from April 30, 2005 to June 30, 2007, for engineering studies, preliminary and detailed design, preparation of bidding documents, and office engineering support services pertaining to design during construction for the Water Pollution Control Plant alternate disinfection, concrete repair, electrical system review/coordination and absorption chiller replacement projects, in an amount not to exceed \$596,000 for basic services, plus \$75,000 for additional services, for a total not to exceed contract amount of \$671,000 and a term of two (2) years.
- (b) Director of Environmental Services to negotiate and execute an amendment to the agreement with Carollo Engineers, subject to the appropriation of additional funds by the City Council, to modify the scope of services to add engineering studies, preliminary and detailed design, preparation of bidding documents, and office engineering support pertaining to design during construction for the Water Pollution Control Plant transmission pump station frequency drive replacement project, increasing the maximum compensation for basic and additional services by \$150,000 and increasing the total not to exceed contract amount of \$821,000.

CEQA: Not a Project. (Environmental Services)

Deferred to 5/3/05.

7.2 Approval to award a contract for the South Bay Water Recycling Program Reservoir and Pipeline Project (SJ11-Zone 3).

Recommendation: Report on bids and award of contract for the construction of South Bay Water Recycling Program (SBWRP) SJ11- Zone 3 Reservoir and Pipeline Project to the low bidder, Proven Management, in the amount of \$9,384,040, and approval of a contingency in the amount of \$900,000. CEQA: Mitigated Negative Declaration, PP00-05-072, and addendum thereto, File No. PD03-077. Council District 8. (Public Works/Environmental Services)

Approved.

8 AVIATION SERVICES

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board convened at 3:02 p.m. to consider Items 10.1 and 10.2 in a Joint Session.

10.1 Approval of actions related to the San José Grand Prix.

Recommendation:

- (a) Adoption of a resolution by the City Council:
- (1) Approving the Amended and Restated Agreement to Conduct a San José Grand Prix, by and among the City, Canary Enterprises, LLC; San José Arena Management LLC; and San José Sports Authority, amending among other things the proposed Race Circuit and deleting certain financial obligations of the City and San José Arena Management (SJAM);
 - (2) Authorizing the City Manager to negotiate and execute as necessary, amendments to that certain Parking Agreement with Walton San José Investors, LLP, (the San José Marriott), with regard to the use of the Convention Center parking garage during the Grand Prix, at no cost to the City or Agency;
 - (3) Authorizing the City Manager to negotiate and execute, as necessary, amendments to that certain Lease between the City and Boston Properties for the public parking lot located on the west side of Almaden Blvd south of San Carlos Street, with regard to the use of that parking lot in conjunction with the Grand Prix, at no additional cost to the City or Agency;
 - (4) Finding that the economic development benefits of bringing international exposure to San José through a Grand Prix event justifies the City's financial obligations under the Agreement with regard to use of City property and assistance with certain fees;
 - (5) Terminating the Cooperation Agreement with the Redevelopment Agency with regard to the funding of the Improvements on the HP Pavilion, which are no longer required due to the relocation of the Race Circuit;
 - (6) Authorizing the City Manager to negotiate and execute a Use Agreement with Canary Enterprises, LLC, with regard to the provision of storage space on City-owned property;
 - (7) Authorizing the City Manager to negotiate and execute as necessary, an agreement with the Valley Transportation Authority (VTA) and Canary Enterprises, LLC, to modify transit service to accommodate the Grand Prix, at no cost to the City or Agency.

Resolution No. 72637 adopted.

- (b) Adoption of appropriation ordinance and funding sources resolution amendments in the General Fund to reflect the lower contributions from City and Agency Funds for the project:
- (1) Decrease the San José Grand Prix appropriation by \$650,000.
 - (2) Decrease the revenue estimate for Transfers by \$650,000.

Ordinance No. 27413 adopted.

Resolution No. 72638 adopted.

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

10.1 Approval of actions related to the San José Grand Prix (Cont'd.)

- (c) Adoption of appropriation ordinance amendments in the Economic Development Enhancement Fund to eliminate the contribution from this Fund for the project:
- (1) Decrease the Transfer to the General Fund by \$400,000.
 - (2) Increase the Ending Fund Balance by \$400,000.

Ordinance No. 27414 adopted.

- (d) Adoption of a resolution by the Agency Board:
- (1) Terminating the Cooperation Agreement with the City with regard to the funding of the Improvements at the HP Pavilion, which are no longer required due to the relocation of the Race Circuit.
 - (2) Authorizing the Executive Director to negotiate and execute, as necessary, amendments to that certain lease of property from Caltrans on Woz Way under Highway 87 for the use of that parking lot in conjunction with the Grand Prix at no additional cost to the City or Agency.
 - (3) Authorizing the Executive Director to negotiate and execute, as necessary, amendments to those certain Parking Agreements with West Hotel Partners L.P. and Hotel Sainte Claire Partners, L.P. with regard to the use of the Convention Center parking garage during the Grand Prix, at no cost to the City or Agency.

Agency Resolution No. 5595 adopted.

- (e) Adoption of a resolution by the City Council to amend the Master Parking Rate Resolution to allow the Director of Transportation to establish event parking rates ranging from \$5 to \$15 for the San Jose Grand Prix during the dates of July 29-31, 2005 at twelve downtown City and Agency parking facilities, and repeal Resolution No. 72556.

CEQA: Resolution No. 68839, and Addendum thereto, PP05-061. Council District 3.
(City Manager's Office)

(Referred from 4/12/05 – Item 10.1)

Resolution No. 72639 adopted.

10.2 Agreements with Macias Gini and Company, LLP to provide Annual Financial and Compliance Audits.

Recommendation:

- (a) Adoption of a resolution of the City Council authorizing the City Auditor to negotiate and execute an agreement with Macias Gini and Company, LLP to perform Annual Financial and Compliance Audit Services for fiscal years 2004-05, 2005-06, and 2006-07, and with two (2) one-year extension options for fiscal years ended June 30, 2008 and 2009, for a fee not to exceed \$440,780 for fiscal year 2004-05 and with annual increases adjusted by the CPI for each subsequent fiscal year, subject to annual appropriation of funds by the City Council.

Resolution No. 72640 adopted.

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

10.2 Agreements with Macias Gini and Company, LLP to provide Annual Financial and Compliance Audits (Cont'd.)

- (b) Adoption of a resolution by the Redevelopment Agency Board authorizing the Executive Director of the Redevelopment Agency, to negotiate and execute an agreement with Macias Gini and Company, LLP to perform Annual Financial and Compliance Audit Services for fiscal years 2004-05, 2005-06, and 2006-07, and with two (2) one-year extension options for fiscal years ended June 30, 2008 and 2009, for a fee not to exceed \$84,540 for fiscal year 2004-05 and with annual increases adjusted by the CPI for each subsequent fiscal year subject to annual appropriation of funds by the Redevelopment Agency Board.

(Auditor/Redevelopment Agency)

Agency Resolution No. 5596 adopted.

The Redevelopment Agency Board portion of the meeting adjourned at 3:32 p.m.

- **Closed Session Report**

None.

- **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>
9660	W/S Winchester Blvd. approximately 150 feet north of Neal Ave.	1	801 Assoc., LLC	193 Units	SF attach	Approve

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

None.

- **Open Forum—**
 - (1) **Ron Schwartz expressed concerns regarding retirement funding for future generations.**
 - (2) **Constance Langford expressed concerns regarding retirement issues within the City budget and the impacts on future retirees.**
 - (3) **Maureen Morgan requested Council to seriously consider impacts that budgetary cuts in retirement funds and the Office of Aging would have on the senior community of San José.**
 - (4) **Ross Signorino requested Council to adjourn a future Council meeting in memory of Xiana Fairchild.**
 - (5) **Mark Trout expressed personal viewpoints.**

- **Adjournment**
The Council of the City of San José adjourned at 3:46 p.m. in memory of Brian Weeden, San José Firefighter.

Joint Redevelopment Agency/Council meeting

The Joint Redevelopment/Council meeting convened at 3:45 p.m.

- 8.1 City Council and Redevelopment Agency Board actions for the approval to transfer Neighborhood Revitalization Strategy funds to the Agency for the ERCA and GONA Neighborhood Centers located at the Edenvale and Stipe Elementary schools.**

Recommendations:

- (a) Adoption by the City Council of the following Appropriation Ordinance amendments in the General Fund:
 - (1) Establish a transfer to the Redevelopment Agency in the amount of \$57,900 for the completion of site work for the Edenvale Roundtable Community Association (ERCA) and Great Oaks Neighborhood Association (GONA) neighborhood centers; and,
 - (2) Decrease the Neighborhood Revitalization Strategy (NRS) appropriation by \$57,900.

Ordinance No. 27415 adopted.

- (b) Adoption of a resolution by the Redevelopment Agency Board approving the following revenue resolution adjustments to the FY 2004-2005 Adopted Capital Budget:
 - (1) Adding \$57,900 to Other/Miscellaneous Revenue transferred from the City's Parks, Recreation and Neighborhood Services (PRNS) NRS fund.
 - (2) Adding \$35,700 to the ERCA Neighborhood Center sub-project in the SNI - Edenvale/Great Oaks project line appropriation.
 - (3) Adding \$22,200 to the GONA Neighborhood Center sub-project in the SNI - Edenvale/Great Oaks project line appropriation.

Agency Resolution No. 5599 adopted.

8.1 City Council and Redevelopment Agency Board actions for the approval to transfer Neighborhood Revitalization Strategy funds to the Agency for the ERCA and GONA Neighborhood Centers located at the Edenvale and Stipe Elementary schools. (Cont'd.)

Recommendations:

- (c) Redevelopment Agency Board approval to amend the FY 2004-2005 Agency appropriations resolution
Agency Resolution No. 5599 adopted.

- (d) City Council and Agency Board approval of the First Amendment to the Amended and Restated Cooperation Agreement providing for the City's transfer of funds for the cost of site improvements at the ERCA Neighborhood Center Project and the GONA Neighborhood Center Project to the Agency in a lump sum.

CEQA: Exempt, PP03-09-278 (Edenvale), PP03-09-277 (Great Oaks)
[EDENVALE]

Approved.

The Joint Redevelopment/Council meeting adjourned at 3:46 p.m.