

CITY COUNCIL AGENDA

JUNE 14, 2005

SYNOPSIS

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

DISTRICT 1
DISTRICT 2
DISTRICT 3 RON GONZALES MAYOR
DISTRICT 4
DISTRICT 5

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.asp

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**
9:35 a.m. - Closed Session, Room 600, City Hall
Absent Council Members: None.

1:39 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: None (LeZotte arrived 2:10 p.m.)

- **Invocation (District 6)**
First Grade Students from Benjamin Cory Elementary School sang “Best Friends” and “Inch by Inch” in recognition of the closing of their school on June 15, 2005.

- **Pledge of Allegiance**
Mayor Gonzales led the Pledge of Allegiance with the First Grade Students from Benjamin Cory Elementary School.

- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with Item 4.3 heard first, before the Ceremonial Items.

1 CEREMONIAL ITEMS

- 1.1** Presentation of a commendation to the St. Paul Missionary Baptist Church for their 50th Anniversary. (Campos)
(Rules-in-lieu referral 6/8/05)
Mayor Gonzales and Council Member Campos recognized and commended the St. Paul Missionary Baptist Church for their commitment to the community by providing adult education classes, donating clothing and school supplies to children, and recruiting teachers for public schools in California, and more.

1 CEREMONIAL ITEMS

1.2 Presentation of a commendation to the Refugee and Immigrant Forum of Santa Clara County in honor of World Refugee Day on June 20, 2005. (Yeager)
Mayor Gonzales and Council Member Yeager recognized the Refugee and Immigrant Forum of Santa Clara County for their spirit and courage and in honor of the 13th Annual Refugee Awareness Day, which will be held Friday, June 17, 2005, 10:30 a.m. to 2:00 p.m. at the Mexican Heritage Plaza, 1700 Alum Rock Avenue, San José, California.

1.3 Presentation of commendation to Dr. Tae Yun Kim for her career of dedication and service to the people of our community. (Mayor)
Deferred to 6/21/05.

** **SPECIAL CEREMONIAL**
Mayor Gonzales, City Manager Del Borgsdorf, and the Council Members recognized Director of Transportation James Helmer for all of his hard work and support while taking on the role of Interim Director for Information Technology. City Manager Borgsdorf introduced the new Technology Solutions Director/Chief Information Officer, John Bjrman, who begins his employment with the City on July 18, 2005.

2 CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of minutes.

- (a) Regular minutes of February 1, 2005.
Approved.

2.2 Final adoption of ordinances.

- (a) ORD. NO. 27458 – Amends Section 23.04.610 of Chapter 23.04 of Title 23 of the San José Municipal Code to exempt certain temporary signage associated with temporary outdoor use of private property in the Downtown Core.
Ordinance No. 27458 adopted.

2 CONSENT CALENDAR

2.3 Approval of a grant agreement to accept funding for the South Bay Water Recycling Improvements Project (Zone 3).

Recommendation: Adoption of a resolution ratifying the grant application submitted to the State Water Resources Control Board (SWRCB) and authorizing the City Manager to execute a grant agreement to accept up to \$4,000,000 in funding from SWRCB for reimbursement of costs associated with the South Bay Water Recycling (SBWR) Zone 3 Improvements Project. CEQA: Resolution No. 64667, and Mitigated Negative Declaration File No. PP-00-05-072, and addenda thereto, File No. PD03-077, SP04-054 and PD04-68. Council Districts 3 and 8. (Environmental Services)

Resolution No. 72714 adopted.

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

Recommendation:

- (a) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2004-2005 #18 and authorization for the Director of Finance to execute the purchase orders. CEQA: See memo for CEQA designation(s). (Finance)
- (b) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2004-2005 #19 and authorization for the Director of Finance to execute the purchase orders. CEQA: See memo for CEQA designation(s). (Finance)

Approved.

2.5 Approval to purchase four pumps for the Water Pollution Control Plant.

Recommendation: Approval of a sole source purchase of a Flowserve Rotating Assembly for the Department of Environmental Services from Pacific Water Resources, for a total cost not to exceed \$140,800, including tax and delivery, and authorization to the Director of Finance to execute the purchase order. CEQA: Not a Project. (Finance)

Approved.

2.6 Approval to purchase freestanding furniture for the Camden Community Center.

Recommendation: Report on bids and award for the purchase of freestanding furniture for the Camden Community Center to JHL Office Interiors, for a total cost not to exceed \$120,992.00, including tax and delivery and authorization for the Director of Finance to execute the agreement and purchase order. CEQA: Not a Project. Council District 9. (Finance)

Approved.

2 CONSENT CALENDAR

2.7 Approval to purchase portable radios, accessories and extended warranties.

Recommendation: Approval of the sole source purchase of 60 Motorola XTS5000 portable radios, related accessories and extended warranties and 60 Motorola EX600 portable radios and related accessories from Motorola, Inc., for the Police Department for a total cost not to exceed \$313,947.90, including tax, delivery, 3-year extended warranty, and authorization for the Director of Finance to execute the purchase order. CEQA: Not a Project. (Finance)

Approved.

2.8 Approval to amend agreements for the San José Municipal Health Services Program.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute amendments to the provider agreements with Gardner Family Health Network, Inc. and the County of Santa Clara for participation in the San José Municipal Health Services Program, extending the term from June 30, 2005 through June 30, 2008. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

Resolution No. 72715 adopted.

2.9 Approval of an agreement for the Lower Silver Creek Trail Master Plan.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a grant agreement with the Santa Clara County Open Space Authority (OSA) for use of 20 Percent Funds in an amount not to exceed \$250,000 for the Lower Silver Creek Trail Master Plan and associated environmental documents. CEQA: Exempt, PP05-135. Council District 5. SNI: East Valley/680 Communities/Mayfair/Gateway East. (Parks, Recreation and Neighborhood Services)

Resolution No. 72716 adopted.

2.10 Approval of actions related to Maintenance Districts.

Recommendation: Adoption of resolutions approving, confirming and adopting the Annual Budget Reports for Fiscal Year 2005-06 for City of San José Maintenance Districts 1, 2, 5, 8, 9, 11, 13, 15, 18, 19, 20, 21 and 22 and levying the assessments therein. CEQA: Not a Project. Council Districts 2, 3, 4 and 8. (Public Works)

Resolution Nos. 72717, 72718, 72719, 72720, 72721, 72722, 72723, 72725, 72726, 72727, 72728, 72729 adopted.

2.11 Approval to award a contract for the Willow Street Storm Pump Station Project.

Recommendation: Report on bids and award of contract for the Willow Street Storm Pump Station Project to the low bidder, Mitchell Engineering, in the amount of \$187,000, and approval of a contingency in the amount of \$18,700. CEQA: Exempt, PP05-044. Council District 6. (Public Works)

Approved.

2 CONSENT CALENDAR

2.12 Approval to reject all bids and re-bid the 84-inch RCP Interceptor Rehabilitation Project.

Recommendation: Approval to reject all bids for the 84-inch RCP Interceptor Rehabilitation Phase VIB Project and authorization for the Director of Public Works to advertise and re-bid the project. CEQA: Exempt, PP 02-05-114. Council Districts 3 and 4. (Public Works)

Approved.

2.13 Approval to amend the agreement for the Sports Park at Singleton.

Recommendation: Approval of the first amendment to the master agreement with Callander Associates Landscape Architecture, Inc. for consultant services for the Parks Bond Sports Park at Singleton, extending the term of the agreement from June 30, 2005 to June 30, 2008, at no cost to the City. CEQA: Not a Project. (Public Works)

Approved, with Staff requested to expand outreach efforts to include all prospective users, particularly youth athletic leagues.

2.14 Approval to amend an agreement for the Geographic Information Systems Layers Project.

Recommendation: Approval of the second amendment to an agreement with MRF Geosystems Corporation for a Spatial Adjustment of Street Centerline, Parcel and Related Geographic Information Systems Layers Project, increasing compensation by \$137,000, from \$991,400 to \$1,128,400, and extending the term of the agreement to March 31, 2006. CEQA: Not a Project. (Public Works/Planning, Building and Code Enforcement).

Approved.

2 CONSENT CALENDAR

2.15 Approval to award the purchase of Switch Equipment and Software for the New City Hall.

Recommendation: Report on bids and award the purchase of KVM (Keyboard/Video/Mouse) switch equipment and software to the low responsive bidder, Systems Technology Associates, Inc., at a total cost of \$217,812.90 including tax, freight and two years of maintenance, service, and warranty support with the option to extend the initial maintenance period for another two years and authorize the Director of Finance to:

- (a) Execute the purchase order for the immediate purchase of 45 KVM switches, 720 switch/server interface modules, twenty software user licenses, and one authentication software license; and
- (b) Execute the purchase order for additional quantities of equipment and software licenses 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 appropriation of funds; and
- (c) Execute the option to purchase an additional two years of maintenance, service and support for the initial and any subsequent purchases of equipment and software at the unit price bid without further Council action other than appropriation of funds.

CEQA: Not a Project. (Finance)

(Rules-in-lieu referral 6/8/05)

Approved.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair

Recommendation: Approval of minutes.

- (a) Ethics Study Session minutes of January 27, 2005.
- (b) Study Session on City's Budget Projections & Priorities minutes of January 31, 2005.

Approved.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – June 1, 2005

Vice Mayor Chavez, Chair

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

- (b) City Council
 - (1) Review June 14, 2005 Council Agenda
The Committee recommended approval of the June 14, 2005 City Council Agenda.

 - (2) Add New Items to June 7, 2005 Agenda
The Committee recommended approval of the June 7, 2005 City Council Agenda with five additions.

 - (3) List of Reports Outstanding
The Committee noted and filed the City Manager’s Report.

- (c) Legislative Update
 - (1) State
Director Intergovernmental Relations Betsy Shotwell provided an oral report. SB680 passed in the Senate and is currently being reviewed in the Assembly. SCR17 passed the Senate Rules Committee and is currently being reviewed on the Senate Floor.

 - (2) Federal
There was no report.

- (d) Meeting Schedules
There were none.

- (e) The Public Record
There were none.

- (f) Appointments to Boards, Commissions and Committees
The Committee recommended the following appointments and approved the conduct of a blind drawing for those commissions with more than one vacancy and varying term ending dates, with the results of the draw noted in the Rules Committee Report:
 - (1) Arts Commission
The Committee recommended appointment of Ernest Guzman and Alexandria Urbanowski to terms ending June 30, 2008; and Amul Goswamy to an unexpired term ending June 30, 2006.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – June 1, 2005 (Cont'd.)

Vice Mayor Chavez, Chair

- (f) Appointments to Boards, Commissions and Committees (Cont'd.)
 - (2) Early Care and Education Commission
The Committee recommended appointment of Melinda Waller to a term ending June 30, 2008; and Karen Goodman to an unexpired term ending June 30, 2006.
 - (3) Historic Landmarks Commission
The Committee recommended appointment of Scott Cunningham and Helene Lavelle to terms ending June 30, 2008.
 - (4) Library Commission
The Committee recommended deferral of the appointment to the Library Commission to the Rules Committee Meeting of June 15, 2005.
 - (5) Parks and Recreation Commission
The Committee recommended appointment of Mike Yaghamai to a term ending June 30, 2008; and Jane F. Mark to an unexpired term ending June 30, 2006.
 - (6) Senior Citizens Commission
The Committee recommended appointment of Elisa Perez Lindley, Socorro Reyes-McCord and Dee Toledo to terms June 30, 2008; and Jaime Angulo to an unexpired term ending June 30, 2006.
 - (7) Traffic Appeals Commission
The Committee recommended appointment of Naomi Nakata and Gary Pelton to terms ending June 30, 2008.
 - (8) Community Development Block Grant Steering Committee
The Committee recommended the re-appointment of Freddie Williams, Jr. to a term ending June 30, 2006.
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Recommendation for Increased Fire Safety Measures in Apartment Complexes
The Committee recommended approval to convene meetings with stakeholders to recommend measures to improve fire and life safety at designated apartment buildings throughout the City. The Committee requested that the Fire Department provide an information memorandum to the City Council in August 2005 outlining a work plan, scope and timeline.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – June 1, 2005 (Cont'd.)

Vice Mayor Chavez, Chair

(h) Oral Communications

Bill Chew suggested that the City track how many people listen to the audio streaming on the Internet of the committee meetings.

(i) Adjournment

The meeting was adjourned at 2:35 p.m.

The Report of the Rules Committee and the Actions of June 1, 2005, were accepted, with Item (b) (1), “Plugging Loopholes in Campaign Contribution Limits”, referred to the August 16, 2005 City Council meeting.

3.3 Report of the Making Government Work Better Committee

Council Member Reed, Chair

No Report.

3.4 Approval of an agreement for the New City Hall.

Recommendation: Approval of the second amendment to the consultant agreement with Johns/Rife Group to provide additional professional services related to furniture programming and design services for the New Civic Center Project, increasing the compensation by \$234,535 from the original agreement amount of \$1,033,166 to a total agreement amount not to exceed \$1,267,701 and extending the term of the agreement from June 30, 2005 to December 31, 2005. CEQA: Resolution No. 68905. (General Services)

Approved.

3.5 Approval of actions related to the Mexican Heritage Cultural Gardens.

Recommendation:

(a) Adoption of the following appropriation ordinance amendments in the General Fund:

(1) Increase the Mexican Heritage Cultural Gardens appropriation by \$14,482.

(2) Increase the Office of the Mayor appropriation by \$20,000.

(3) Decrease the Contingency Reserve by \$34,482.

Ordinance No. 27466 adopted.

Noes: LeZotte.

Item continued on the next page

3 STRATEGIC SUPPORT SERVICES

3.5 Approval of actions related to the Mexican Heritage Cultural Gardens (Cont'd.)

- (b) Adoption of a resolution authorizing the City Manager to:
- (1) Negotiate and execute a second amendment to the Operation and Maintenance Agreement entered into by City and Mexican Heritage Corporation ("MHC") on March 7, 1996, to make an advance payment of the Operation and Maintenance Payment due to MHC on July 1, 2005 in an amount equal to \$34,482.
 - (2) Negotiate and execute a second amendment to the Loan Agreement dated July 17, 2000, to revise the payment schedule for repayment of the loan in 2005, to defer the repayment date of the \$50,000 loan installment, to revise the loan repayment schedule to provide for 11 equal monthly payments starting on August 1, 2005, and as of July 1, 2006, to provide that the repayment amounts due each year throughout the remaining term of the loan shall be divided into 12 monthly installments if practical, and to make corresponding amendments to the Promissory Note executed by MHC.
 - (3) Supersede the \$20,000 Grant Agreement executed by the City and MHC on June 2, 2005.

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

(Referred from 6/7/05 – Item 3.7)

Resolution No. 72730 adopted.

Noes: LeZotte.

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 Ratification of an Economic Partnership Agreement.

Recommendation: Adoption of a resolution ratifying an Economic Partnership Agreement between the City of San José and Cambridgeshire and the East of England in the United Kingdom to promote economic and civic relations and foster improved connections for citizens, businesses and government in each region. CEQA: Not a Project. (Economic Development)

Heard first per Orders of the Day.

Resolution No. 72731 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.4 Approval of actions related to the acquisition of a property by eminent domain for the District 6 Multi-Service Community Center.

Recommendation:

- (a) Adoption of a resolution determining that the public interest and necessity require the acquisition of vacant land owned by Donati Bascom Building, LLC, a California Limited Liability Company (“Donati”) located at 1000 South Bascom Avenue, San José, CA (APN Nos. 282-29-002, 003 & 004) 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, File No. PP05-0126. Council District 6. (Public Works/Parks, Recreation and Neighborhood Services/Library)

Resolution No. 72732 adopted.

- (b) Adoption of the following appropriation ordinance and funding sources resolution amendments in the following funds:
- (1) Subdivision Park Trust Fund:
- (a) Establish an appropriation to the Department of Parks, Recreation and Neighborhood Services for the District 6 Multi-Service Community Center Project in the amount of \$1,575,000;
 - (b) Decrease the District 6 Park Acquisition and Development Reserve by \$1,180,000;
 - (c) Decrease the Future PDO/PIO Projects Reserve by \$395,000.
- (2) Construction Tax and Property Conveyance (C and C) Tax Fund: Parks Purposes Council District 6:
- (a) Establish an appropriation to the Department of Parks, Recreation and Neighborhood Services for the District 6 Multi-Service Community Center Project in the amount of \$505,000;
 - (b) Decrease the Ending Fund Balance by \$505,000.
- (3) Branch Libraries Bond Projects Fund:
- (a) Increase the Earned Revenue estimate by \$433,000;
 - (b) Increase the appropriation to the Library Department for the Land Acquisition Project by \$3,000,000;
 - (c) Decrease the Library Contingency Reserve by \$2,567,000.

CEQA: Not a Project. Council District 6. (Parks, Recreation and Neighborhood Services/Library/City Manager's Office)

Ordinance No. 27467 adopted.

Resolution No. 72733 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.5 Review and discussion of regulations pertaining to Off-Sale of Alcoholic Beverages.

Recommendation: Review and discussion of regulations pertaining to Off-Sale of Alcohol Beverages. (Campos)

(Deferred from 5/24/05 – Item 4.3 and 6/7/05 – Item 4.3)

The City Attorney was directed to lead the Staff effort to amend and improve Title 20, San José Municipal Code, Zoning Ordinance, Part 11 Off-Sales of Alcoholic Beverages, 20.80.900. The revised ordinance should be drafted to encompass all potential off-sale outlets including the concurrent sale of food and alcohol at gasoline service stations, Title 20, Part 7 Gasoline Station Combined Uses, 20.80.550. The objective of this effort is to update the current ordinances in a way that also provides the greatest protections for the neighborhoods. In order to make the process as consistent and comprehensible as possible for members of the residential and business communities, an updated ordinance should include the following:

- (1) A clear definition of “public convenience or necessity” as well as an application process for the determination of “public convenience or necessity” similar to that used in the City of Los Angeles.**
- (2) An unambiguous statement of conditions that will be expected of responsible operators seeking a conditional use permit.**
- (3) Clearly outlined enforcement measures for any violation of a conditional use permit; an updated ordinance should be supported by enforcement measures that progress sequentially and include triggers for fining businesses in violation of their conditional use permits as well as a cap on fines on these businesses, a method for permit suspension and information on how a complaint can be brought forward. Consideration should be given to enforcement of a mandatory and unappealable permit suspension for sales of alcohol to minors.**
- (4) As part of this process, Staff was directed to recommend a method for the City to have consistent communication with the State of California Department of Alcohol and Beverage Control (ABC) to assure that information regarding alcohol license applications is available and accessible to interested parties.**
- (5) Staff directed to return to Council with a draft ordinance on August 30, 2005; and, including:**
- (6) The process outlined by Staff to include drafting an ordinance that both rescinds the current prohibition on the concurrent sale of grocery items at gas stations and improves the City’s ability to protect neighborhoods against the negative effects of irresponsible alcohol retailers.**

Disqualified: Cortese

5 RECREATION & CULTURAL SERVICES

- 5.1 Report of the All Children Achieve Committee
Council Member Yeager, Chair
No Report.**

- 5.2 Approval of an agreement for the Happy Hollow Parks Bond Project.**

Recommendation: Approval of the master agreement with URS Corporation for the design of the Happy Hollow Parks Bond Phase 1-Landfill Closure/Post Closure Project from the date of execution through December 31, 2009, in an amount not to exceed \$950,000. CEQA: Not a Project. (Public Works/Parks, Recreation and Neighborhood Services)

Approved.

- 5.3 Approval of a Donation Agreement between the City of San José and Robert J. Bettencourt for the Conveyance of the Pasetta House located at History Park.**

Recommendation: Approval of a Donation Agreement between the City of San José and Robert J. Bettencourt for the Conveyance of the Pasetta House located at History Park. CEQA: Exempt, File No. PP05-132. (Mayor)
(Rules-in-lieu referral 6/8/05)

Approved.

6 TRANSPORTATION SERVICES

- 6.1 Report of the Building Better Transportation Committee
Council Member Campos, Chair
No Report.**

7 ENVIRONMENTAL & UTILITY SERVICES

8 AVIATION SERVICES

- 8.1 Approval of the Airport's advertising concepts.**

Recommendation: Approval of the four advertising concepts for the advertising concession at Norman Y. Mineta San José International Airport. CEQA: Resolution Nos. 67380 and 71451, PP 05-112. (Airport)

Approved, with Staff directed to include options in the RFP to allow bidders to bid on all four concepts, as a whole or individually.

8 AVIATION SERVICES

8.2 Approval of an agreement for the Airport Public Art Program.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Gorbet Design, Inc. in an amount not to exceed \$250,000, to identify sites and design the appropriate infrastructure to accommodate the Airport Public Art Program. CEQA: Resolution Nos. 67380 and 71451, and addenda thereto, File No. PP05-063. (Airport/Office of Cultural Affairs)

Resolution No. 72734 adopted.

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board convened at 4:04 p.m. to consider Items 10.1, 10.2 and 10.3 in a Joint Session.

10.1 Approval of actions related to the Santa Clara County Vector Control District's proposed special property assessment.

Recommendation:

(a) Adoption of a City Council resolution in support of the Santa Clara County Vector Control District's proposed Mosquito, Vector and Disease Control special property assessment, in an amount of \$3,603.16, and direction to the City Clerk to complete, sign, and return the Official Ballot in support of the proposed special property assessment.

Resolution No. 72735 adopted.

(b) Adoption of a Redevelopment Agency Board resolution in support of the Santa Clara County Vector Control District's proposed Mosquito, Vector and Disease Control special property assessment, in an amount of \$258.66; and direction to the Executive Director to complete, sign, and return the Official Ballot in support of the proposed special property assessment.

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

Redevelopment Agency Resolution adopted.

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

10.2 Approval of the Mayor's June Budget Message.

Recommendation: Approval of the Mayor's June Budget Message. (Mayor)

Approved, as amended and with the following direction:

- (1) **Page 8, Item (1)(g), Library Hours: Eliminate Sunday hours and appropriate that money to restore librarians on the one weekday they were proposed to be reduced. Any extra funding to be applied to keeping a portion of the branch libraries open on Sundays. Staff to come back with a report before implementation.**
- (2) **Page 11, Items (2)(o) and (p), Hose Wagon Reduction and Water Tender Shift: Retain the current staffing and apparatus/equipment at Fire Station No. 6, and Fire Station No. 2, including the No. 6 Hose Wagon, the No. 2 Water Tender. Direction given to use Compensation Impact Contingency Plan Proposals (Tier 2) #5, 6, 33 and 46 (as outlined in the Manager's Proposed Budget) and Construction and Conveyance Tax Central funds (as needed), as the funding sources.**
- (3) **Page 12, Item (3), Crossing Guards: Amended to eliminate reference to placing a cap on the number of crossing guards the City can afford to fund. Direction given to Staff to work assertively with the School districts to: 1) emphasize that there will be no automatic funding associated with the index and 2) look for future funding for crossing guards.**
- (4) **Page 13, Item (4)(a), 4th Street Parking Garage: Refer the proposal to remove the Free Parking program for weeknights only to the Downtown Parking Board. If no acceptable alternative is presented, implement the Mayor's proposal effective August 30, 2005.**

10.3 Approval of the FY 2005-2006 Operating and Capital Budgets for the City of San José and Redevelopment Agency and Schedule of Fees and Charges.

Recommendation:

- (a) Adoption of a resolution by the City Council approving the Operating Budget for Fiscal Year 2005-2006 for the City of San José, the Capital Budget for Fiscal Year 2005-2006 for the City of San José, and the Five Year Capital Improvement Program for Fiscal Year 2006-2010 for the City of San José as revised by the Mayor's Budget Message and directing the City Manager to prepare the final documents for adoption.

Resolution No. 72736 adopted.

- (b) Adoption of a resolution by the City Council establishing the Schedule of Fees and Charges for Fiscal Year 2005-2006.

Resolution No. 72737 adopted.

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

10.3 Approval of the FY 2005-2006 Operating and Capital Budgets for the City of San José and Redevelopment Agency and Schedule of Fees and Charges.

Recommendation:

- (c) Adoption of a resolution by the City Council establishing fees and charges for recreational and park activities.

Resolution No. 72738 adopted.

- (d) Adoption of resolutions by the Agency Board approving:

- (1) Operating Budget for Fiscal Year 2005-2006 for the Redevelopment Agency of the City of San José.

- (2) Capital Budget for Fiscal Year 2005-2006 for the Redevelopment Agency of the City of San José.

CEQA: Not a Project.

(City Manager's Office/Redevelopment Agency)

Redevelopment Agency Resolution adopted.

The Redevelopment Agency Board portion of the meeting adjourned at 5:36 p.m.

- **Closed Session Report**
No Report.

- **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>
9645	S/E corner of 12 th and Orvis Streets	3	KB Homes	51 Units	SingleFamily	Approve
9706	97 Balbach Street	3	Balbach, LLC	14 Units	Condo	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:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9664	N/S of Blossom Hill Road, opposite terminus of Croydon Avenue	9	San José Conservation Corps.	7 Units	Single-Family Detached

- **Open Forum**

- (1) Ross Signorino commented on the Civil Grand Jury Report recently issued relating to the Norcal contract amendment.
- (2) Brian Schmidt, Committee for Green Foothills, suggested that commercial development will be closely tied to residential development in the Coyote Valley.

- **Adjournment**

The Council of the City of San José adjourned at 5:39 p.m.

8 JOINT REDEVELOPMENT AGENCY ITEM

The Joint Redevelopment Agency Board convened at 5:40 p.m. to consider Item 8.1 in a Joint Session.

8.1 Acceptance of the disclosure of property interest.

Recommendation: Acceptance by the City Council and Agency Board of the disclosure of property interest by the District Six Council Assistant and direction that the disclosure be entered into the public minutes of the Agency Board meeting.

Accepted.

ADJOURNMENT

The Council of the City of San José, and Redevelopment Agency Board adjourned at 5:42 p.m.