

CITY COUNCIL AGENDA

OCTOBER 31, 2006

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
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. Council Meetings are televised live and rebroadcast on Channel 26.

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**
9:33 a.m. - Closed Session, City Hall Tower, 18th Floor, City Hall
Absent Council Members: None.

1:34 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: None.
- **Invocation (District 9)**
Reverend Charlotte Bear, Cambrian Park United Methodist Church.
- **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.

1. CEREMONIAL ITEMS

- 1.1** Presentation of a commendation to Geometrics Corporation for their contributions to San José. (Mayor/Reed)
Mayor Gonzales and Council Member Reed recognized and commended Geometrics Corporation for their important contributions to the City of San José.
- 1.2** Presentation of the Government Finance Officers Association's "Certificate of Achievement for Excellence in Financial Reporting" and the "Award of Financial Reporting Achievement" to the San José Redevelopment Agency. (Mayor/Executive Director)
(Rules Committee referral 10/18/06)
Mayor Gonzales and Executive Director Redevelopment Agency Harry Mavrogenes recognized and commended the Redevelopment Agency for the Government Finance Officers Association's "Certificate of Achievement for Excellence in Financial Reporting" and the "Award of Financial Reporting Achievement".

1. CEREMONIAL ITEMS

- 1.3 Presentation of a commendation to Lina Broydo, Director of Public Relations for the Fairmont San José Hotel, for her many years of outstanding professional and community service to the San José community. (Mayor)
(Rules Committee referral 10/25/06)
Mayor Gonzales recognized and commended Ms. Lina Broydo for her exceptional professional and community service to the citizens of San José.
- 1.4 Presentation of a proclamation recognizing October as Domestic Violence Awareness Month. (Campos/Williams)
(Rules Committee referral 10/25/06)
Mayor Gonzales and Council Members Campos and Williams recognized the month of October as “Domestic Violence Awareness Month”.
- 1.5 Presentation of commendation to John Nguyen for his dedication to volunteerism, his constant participation and assistance with numerous events throughout the City of San José, and his leadership and community spirit. (Nguyen)
(Rules Committee referral 10/25/06)
Mayor Gonzales and Council Member Nguyen recognized and commended Mr. John Nguyen for his dedication and leadership to the community of San José.
- 1.6 Presentation of a commendation to Angie Horne for her extraordinary volunteer services to the Bagby Elementary School community and the people of San José. (Yeager)
(Rules Committee referral 10/25/06)
Mayor Gonzales and Council Member Yeager recognized and commended Ms. Angie Horne for her amazing contributions to Bagby Elementary School and the residents of San José.
- 1.7 Presentation of commendations to the City of San José Multi-Departmental Team and to Elite Racing for the successful debut of the San José Rock n’ Roll Half Marathon. (Office of Economic Development)
(Rules Committee referral 10/25/06)
Mayor Gonzales and Director of the Office of Economic Development Paul Krutko recognized and commended the City of San José Multi Departmental Team and Elite Racing for the success of the San José Rock n’ Roll Half Marathon.

2. CONSENT CALENDAR

- 2.1 Approval of Minutes.
There were none.

2. CONSENT CALENDAR

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 27885 – Rezoning certain real property situated on the southwesterly corner of Eberly Drive and Neilson Court to A(PD) Planned Development Zoning District. PDC04-091
[Deferred from 10/17/06- Item 2.2(d) and 10/24/06 – Item 2.2(a)]

Deferred to 11/14/06.

- (b) ORD. NO. 27894 – Amending Section 4.46.039.8 of Chapter 4.46 of Title 4 of the San José Municipal Code to extend the period of suspension of collection of the Building and Structure Construction Tax for the Construction of Special Industrial Use Tenant Improvements.

Ordinance No. 27894 adopted.

- (c) ORD. NO. 27895 – Amending Section 4.46.039.9 of Chapter 4.46 of Title 4 of the San José Municipal Code to extend the period of suspension of collection of the Building and Structure Construction Tax for the Construction of Office Use Tenant Improvements in the Downtown Core.

Ordinance No. 27895 adopted.

2.3 Acceptance of the Office of the City Auditor's Report.

Recommendation: Acceptance of the Office of the City Auditor's *Report of Activities and Findings for the Period August 16, 2006 through September 15, 2006*. (City Auditor) (Rules Committee referral 10/18/06)

Report Accepted.

2.4 Acceptance of the report on the San José Prepared Program.

Recommendation: Acceptance of the report on the San José Prepared! Program. CEQA: Not a Project. (Emergency Services)

Report Accepted, with Staff requested to work with the SNI groups to offer emergency training to residents in other languages and to report back on the cost to produce the Disaster Preparedness Manual in Vietnamese

2.5 Approval to award open purchase order #10 for FY 2006-2007.

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2006-2007 #10 and authorization for the Director of Finance to execute the purchase orders. CEQA: See Administration's Memo to Council for specific CEQA clearance determinations on each recommended action. (Finance)

Approved.

2. CONSENT CALENDAR

2.6 Approval to amend a contract for Pre-Hospital Emergency Medical Care Transportation Services.

Recommendation: Approval of the first amendment to the agreement between the City of San José and American Medical Response West (AMR) for Pre-Hospital Emergency Medical Care and Transportation Services to provide for direct reimbursement by AMR of City emergency medical personnel training costs in an amount not to exceed \$19,262 annually, conform City patient record-keeping requirements to the standard County format; provide the City with greater flexibility in changing the base locations of the City medical transport units; and acknowledge authority of County emergency medical services agency over patient treatment decisions and City reporting obligations. CEQA: Not a Project. (Fire)

Approved.

2.7 Approval of Council Member Nguyen's Travel Out of State.

Recommendation: Approval of travel by Council Member Nguyen to Chicago, Illinois on December 1-3, 2006 to attend the Vietnamese Association of Illinois 30th Annual Dinner as a keynote speaker. Source of Funds: Vietnamese Association of Illinois. (Nguyen)

(Rules Committee referral 10/18/06)

Approved.

2.8 Approval to set a Public Hearing and vacate a portion of Paula Street.

Recommendation: Adoption of a resolution of intention to vacate a portion of Paula Street between Race Street and Meridian Way with reservation of a public service easement over the vacated area, and setting a public hearing on November 21, 2006 at 1:30 p.m. CEQA: Mitigated Negative Declaration, PDC05-106. Council District 6. (Public Works)

Resolution No. 73476 adopted.

2.9 Approval of actions related to the Police Southside Substation Project.

Recommendation: Approval of the master agreement with Gilbane Building Company for Peer Review and Implementation Support Services consultant for the Police Southside Substation Project, for a term from the date of execution to December 31, 2009, for a total agreement amount not to exceed \$1,000,000. CEQA: Mitigated Negative Declaration, File No. PP04-304. (Public Works/Police)

Approved.

2. CONSENT CALENDAR

2.10 Approval of City Auditor Gerald Silva's travel calendar.

Recommendation: Approval of City Auditor Gerald Silva's travel calendar through December 31, 2006 at no cost to the City. (City Auditor)
(Rules Committee referral 10/25/06)

Approved.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Gonzales, Chair

No Report.

3.2 Report of the Rules Committee – October 18, 2006

Vice Mayor Chavez, Chair

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

(b) City Council

(1) Review October 31, 2006 Draft City Council Agenda

The Committee recommended approval of the October 31, 2006 Draft City Council Agenda with three additions.

(2) Add New Items to October 24, 2006 City Council Agenda

The Committee recommended approval of the October 24, 2006 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

No Report.

(2) Federal

No Report.

(d) Meeting Schedules

There were none.

(e) The Public Record

The Committee noted and filed the Public Record.

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – October 18, 2006 (Cont'd.) Vice Mayor Chavez, Chair

- (f) Appointments to Boards, Commissions and Committees
 - (1) Deferred Compensation Advisory Committee Appointments (Human Resources)
The Committee appointed Donna Busse to the Deferred Compensation Advisory Committee for a four (4) year term ending March 1, 2010.

- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Request the City Manager to assess Code Enforcement-The General Code Complaint Handling Process and the Fee Based Multi-Family Dwelling Program (Planning, Building and Code Enforcement)
The Committee deferred this item to 11/8/06.

 - (2) Proposed Work Load Assessment for the Administration of Hewlett Packard Grants (City Manager/City Clerk)
(Deferred from 10/11/06)
The Committee approved Staff's work load assessment for the administration of HP Grants.

 - (3) Urgency ordinance prohibiting the use of automobile/bus/truck horns in residential neighborhoods for any reason other than emergency warning of traffic hazards (City Attorney)
The Committee deferred the proposed urgency ordinance to 10/25/06.

 - (4) Discussion and possible action regarding the City's Military Ordinance and Supplemental Pay Policy and Procedures (Campos)
The Committee placed this item on the 10/31/06 City Council Agenda.

- (h) Review of Significant Public Records Act Requests
There were none.

- (i) Review of Council Policy Updates per Sunshine Reforms
 - (1) Approve Policy 0-1, Council Policy Manual (City Manager)
The Committee approved the revised Council Policy 0-1.

- (j) Open Forum
Dennis Ochoa, Breathe California, requested that Rules agendize a discussion regarding Title 20 performance standards which was noted in a letter submitted to the City Clerk. City Clerk Lee Price reported that this letter would be placed on the Public Record for the week of October 25, 2006.

- (k) Adjournment
The meeting was adjourned at 2:53 p.m.

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – October 11, 2006

Vice Mayor Chavez, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review October 24, 2006 Draft City Council Agenda
The Committee recommended approval of the October 24, 2006 Draft City Council Agenda with one addition.
 - (2) Add New Items to the October 17, 2006 Agenda
The Committee recommended approval of the October 17, 2006 City Council Agenda with two additions.
 - (3) List of Reports Outstanding
The Committee noted and filed the City Manager's Report.
- (c) Legislative Update
 - (1) State
No Report.
 - (2) Federal
No Report.
- (d) Meeting Schedules
 - (1) Approval to schedule a Study Session on Solar and Energy Issues on January 25, 2007. (Environmental Services)
 - (2) Approval to schedule Getting Families Back to Work Study Sessions on November 16 and 17, 2006. (Mayor)
The Committee approved the meeting schedules.
- (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) City Council Spending Policy. (Cortese)
The Committee deferred to the City Attorney and the City Manager for further consideration and direction.
 - (2) Approval of the Revised Building Strong Neighborhoods Committee Work Plan. (Mayor/Chirco)
The Committee approved the recommended schedule.

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – October 11, 2006 (Cont'd.)

Vice Mayor Chavez, Chair

- (g) Rules Committee Reviews, Recommendations and Approvals (Cont'd.)
 - (3) Request the City Manager to assess Code Enforcement-The General Code Compliant Handling Process and the Fee Based Multi Family Dwelling Program. (Planning, Building and Code Enforcement)
Deferred to 10/18/06.
 - (4) Proposed Work Load Assessment for the Administration of HP Grants. (City Manager's Office/City Clerk)
Deferred to 10/18/06.
 - (5) Discussion and possible action regarding the City's Military Reservist Policy. (Campos)
Dropped.
- (h) Review of Significant Public Records Act Requests
There were none.
- (i) Review of Council Policy Updates per Sunshine Reforms
 - (1) Approve the proposed methodology and process to review and update the Council Policy manual. (City Manager's Office)
The Committee approved the proposed methodology and process to review and update the Council Policy Manual.
- (j) Open Forum
None were presented.
- (k) Adjournment
(Deferred from 10/24/06 – Item 3.2)
The meeting was adjourned at 2:32 p.m.

The Rules Committee Reports and the Actions of October 18, 2006 and October 11, 2006, were accepted.

3. STRATEGIC SUPPORT SERVICES

3.3 Report of the Making Government Work Better Committee – October 19, 2006 Council Member Reed, Chair

- (a) An Audit of Team San José
The Committee accepted the Staff Report.
- (b) Grants Management Update
**The Committee accepted the Staff Report.
See Item 3.7 for Council action taken.**
- (c) Diversity Recruitment Progress
The Committee accepted the Staff Report.
- (d) Comprehensive Annual Financial Report for FY 2005-2006
The Committee accepted the Staff Report.
- (e) External Auditor's Report on Single Audit for FY ended June 30, 2006
Deferred to 11/16/06.
- (f) External Auditor's Report to MGWB Committee on Internal Control
Deferred to 11/16/06
- (g) Comprehensive Annual Debt Report for FY 2005-2006
The Committee accepted the Staff Report.
- (h) Oral Petitions
There were none.
- (i) Adjournment
The meeting was adjourned at 3:25 p.m.

The Making Government Work Better Committee Report and the Actions of October 19, 2006, were accepted.

3.4 Military Leave Programs for City Employees.

Recommendation:

- (a) Approval to continue to provide supplemental pay and benefits, pursuant to Resolution No. 73180, to employees who are military reservists and who are called to active duty.
- (b) Direction to staff to continue to work to resolve the pending issues involving the military reconciliation process and implement procedures to help minimize these issues in the future.

CEQA: Not a Project. (Employee Relations/Finance)

(Rules Committee Referral 10/18/06)

Deferred to 11/14/06.

3. STRATEGIC SUPPORT SERVICES

3.5 Approval of Executive Search Services for the recruitment of a New City Manager.

Recommendation:

- (a) Review of two search proposals submitted by Alliance Resource Consulting and Avery Associates, the two recommended executive search firms;
- (b) Interview the two firms;
- (c) Select the firm to conduct the City Manager recruitment;
- (d) Direct the Director of Human Resources to negotiate an agreement with the selected search firm for execution by the City Manager.

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

Alliance Resource Consulting was selected to conduct the City Manager recruitment.

3.6 Acceptance of current Window Washing Methods for City facilities.

Recommendation:

- (a) Acceptance of the staff report regarding various departmental approaches to Window Washing Services.
- (b) Acceptance of the deployment plan to rotate the use of the Reachmaster High Reach Maintenance Lift.

CEQA: Not a Project. (General Services)

Accepted, with Staff asked to consider establishing a schedule of criteria for more frequent window cleaning as opposed to upon request.

3.7 Approval of actions related to the Grants Management Report.

Recommendation:

- (a) (1) Develop a Procedures Manual to formally document City policies and procedures regarding grant oversight.
- (2) Develop a citywide grants database to provide comprehensive grant information, facilitate better grant awarding decisions and grantee monitoring, and help ensure grantee compliance with grant requirements.
- (3) Establish a City Manager's Office Grant Oversight Working Group to:
 - (a) Establish citywide consistent policies and procedures;
 - (b) Establish specific training requirements for staff involved in grants management and monitoring;
 - (c) Establish criteria when audited financial statements are obtained and reviewed;
 - (d) Establish risk-based criteria for determining when more detailed audits, reviews or monitoring are required;
 - (e) Adopt consistent and reasonable grant agreement requirements related to grantee reporting.

(City Manager's Office)

[Making Government Work Better Committee 10/19/06 – Item 3.3(b)]

Approved.

3. STRATEGIC SUPPORT SERVICES

3.7 Approval of actions related to the Grants Management Report (Cont'd.)

- (b) Acceptance of status report from the City Manager on the issuance of HNMF Grants. (City Manager's Office)
Report Accepted.

- (c) Response from City Attorney on Exhibit (f) of the grants procedure background and fingerprinting requirements. (City Attorney's Office)
Approved. The City Attorney's Office was directed to research and report back on expanding TB requirements to include volunteers and further asked Staff to explore with nonprofit options to share additional costs associated with new background check requirements.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee – October 16, 2006 Council Member Chirco, Chair

- (a) Building Strong Neighborhoods of Update/Status Report (including a discussion of SNI/Framework outside of non-designated areas)
The Committee accepted the Staff Report with Staff directed to return in November with a report on the next steps.

- (b) Airport Neighborhood Services Group Report Update
The Committee accepted the Staff Report.

- (c) Discussion of Street Tree Maintenance and New Tree Planting
The Committee accepted the Staff Report, with Staff directed to return with an updated report that includes an outreach plan for San José's citizens, a comparison of other City's practices, information on the possible availability of CAP grants for tree pruning and other options for low income residents of San José.

- (d) Discussion of City Outreach for Capital Projects
(Deferred from September 2006)
The Committee accepted the Staff Report.

- (e) Oral Petitions
None were presented.

- (f) Adjournment
The meeting was adjourned at 2:45 p.m.

The Building Strong Neighborhoods Committee Report and the Actions of October 16, 2006, were accepted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

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

4.3 Approval of actions related to the American Musical Theatre of San José.

Recommendation:

(a) Approval to consider the recommendation in (b-c) below pursuant to the Early Distribution Process Rules (2/3 vote required).

Unanimously Approved.

Disqualified: Reed.

(b) Approval of a \$1 million revolving line of credit for the American Musical Theatre of San José (AMTSJ) under the following conditions:

(1) AMTSJ complies with all of the terms and conditions of the loan agreement contained in Appendix A of the report; and

(2) If approved, adopt a resolution authorizing the City Manager to negotiate and execute a loan agreement with AMTSJ in an amount not to exceed \$1 million.

Resolution No. 73477 adopted.

City Manager directed to look at the appropriateness of the size of the loan as related to best practices in other large cities across the country and as part of the analysis, consider criteria that reflects the shifting by the Federal government to local government the burden of taxpayer contributions to the Arts.

Disqualified: Reed.

(c) If action is taken to approve the line-of-credit for AMTSJ authorize the utilization of the newly-created Arts Stabilization Fund.

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

(Deferred from 10/24/06 – Item 5.2)

Arts Commission requested to recommend the criteria and process for the disbursement of the newly established Arts Stabilization Fund.

Disqualified: Reed.

5. NEIGHBORHOOD SERVICES

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

5. NEIGHBORHOOD SERVICES

5.2 Approval to amend an agreement with the Viet Heritage Society.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a first amendment to the agreement with the Viet Heritage Society (VHS) for the development, maintenance and operations of the Vietnamese Heritage Garden (VHG) to:

- (a) Increase the City's contribution toward the project by \$330,000, from \$1,080,000 to \$1,410,000.
- (b) Add provisions describing the proposed terms of the use of the funds, if the City decides to add an additional contribution of \$170,000 in fiscal year 2007-2008, contingent upon the appropriation of funds by City Council and authorization for the City Manager to negotiate.

CEQA: Resolution No. 66098 and addenda thereto, File No. PP04-228. Council District 7. SNI: Tully/Senter. (Parks, Recreation and Neighborhood Services)

Resolution No. 73478 adopted.

5.3 Approval of the Penitencia Creek Trail Reach 1 Master Plan.

Recommendation: Adoption of a resolution approving the Penitencia Creek Trail Reach 1 Master Plan and incorporating environmental mitigation measures as set forth in the Mitigation Monitoring and Reporting Program for the project. CEQA: Mitigated Negative Declaration, File No. PP06-111 Council District 4. (Parks, Recreation and Neighborhood Services)

Resolution No. 73479 adopted.

6. TRANSPORTATION & AVIATION SERVICES

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

6.2 Approval of an agreement to update the City's Americans with Disabilities Act Sidewalk Transition Plan and Pedestrian Master Plan.

Recommendation: Approval of a consultant agreement with Alta Planning + Design, Inc., to update the City's Americans with Disabilities Act (ADA) Sidewalk Transition Plan and the City's Pedestrian Master Plan, in an amount not to exceed \$180,000. CEQA: Exempt, File No. PP06-122. (Transportation)

Approved.

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board convened at 5:13 p.m. to consider Item 9.1 in a Joint Session.

9.1 Approval of an agreement for the purchase of property located on Clifton Avenue.

Recommendation:

- (a) Adoption of a resolution by the City Council:
- (1) Approving the Purchase and Sale Agreement in an amount not to exceed \$1,300,000 with Reza Banikazemi and Mehrdad John Soltani, for the purchase of properties located at 487 and 499 Clifton Avenue, San José, California (APN Nos. 277-12-051, 059 and 060), to include a Right of Entry to conduct a Phase II investigation at the sole expense of the City and with any necessary remediation expenses at the sole expense of the property owners; and
 - (2) Authorizing the Director of Public Works to execute all other documents necessary to complete the transaction; and
 - (3) Making certain determinations regarding the expenditure of Redevelopment Agency Funds for the acquisition of property that will be publicly owned.

Resolution No. 73480 adopted.

- (b) Adoption of a resolution by the Agency Board authorizing the Executive Director to deposit \$1,330,000 into escrow after City's inspections and City's final determination that the condition of the site is appropriate for a park use.

CEQA: Exempt, File No. PP05-226. Council District 6. SNI: Burbank/Del Monte. (City Manager's Office/San José Redevelopment Agency)

Redevelopment Agency Resolution No. adopted.

The Redevelopment Agency Board portion of the meeting was adjourned at 5:14 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 José 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>
9713	WS of Masonic Dr., 520’ S of Canoas Garden Ave.	6	Vitiol-Scottish LLC	1 Lot/ 172 Units	SFAR	Approve

- **Notice of City Engineer’s Award of Construction Projects**

- **Open Forum**

- (1) **Robert Apgar presented personal observations.**
- (2) **George Fokos asked the Council to consider fewer codes and policies; and said more community swimming pools are needed.**
- (3) **Mark Trout voiced religious views.**
- (4) **Ross Signorino congratulated the City Council for remaining the “Safest Big City in America”.**

- **Adjournment**

The Council of the City of San José was adjourned at 5:22 p.m. in honor of Engine Captain Mark Loutzenhiser, Engine Operator Jess McLean, Assistant Engine Operator Jason McKay and Firefighter Daniel Hoover-Najera, who lost their lives battling the Esperanza Fire in the San Jacinto Mountains in Southern California.