

## MINUTES OF THE CITY COUNCIL

**SAN JOSÉ, CALIFORNIA**

**TUESDAY, AUGUST 24, 2004**

The Council of the City of San José convened in regular session at 9:30 a.m. in the Mayor's Conference Room 600, at City Hall.

Present: Council Members - Campos, Chavez, Chirco, Cortese, Dando, Gregory, LeZotte, Reed, Williams, Yeager; Gonzales.

Absent: Council Members - None.

Upon motion unanimously adopted, Council recessed at 9:31 a.m. to a Closed Session in Room 600, (A) to confer with Real Property Designated Representatives, Paul Krutko, OED, City of San José, and Richard Papsin, FMC, pursuant to Government Code Section 54956.8, pertaining to property located at 1125 Coleman Avenue; (B) to confer with Legal Counsel to discuss existing litigation pursuant to Government Code Section 54956.9; subsection (a) considering the case(s) of: (1) Preservation Action Council of San José v. City of San José, et al.; (2) Sharp, et al. v. City of San José, et al.

By unanimous consent, Council reconvened from the Closed Session and recessed at 10:47 a.m. and reconvened at 1:34 p.m. in the Council Chambers.

Present: Council Members - Campos, Chavez, Chirco, Cortese, Dando, Gregory, LeZotte, Reed, Williams, Yeager; Gonzales.

Absent: Council Members - None.

### INVOCATION

Tabia African-American Theatre Ensemble performed songs and a poem showcasing the contributions and culture of African-Americans. (District 7)

### PLEDGE OF ALLEGIANCE

Mayor Gonzales led the Pledge of Allegiance.

### ORDERS OF THE DAY

Upon motion by Vice Mayor Dando, seconded by Council Member Chavez, and carried unanimously, the Orders of the Day, and the Amended Agenda were approved, with the adjournment in memory of Nancy Gable Heckman, wife of Ray Heckman, postponed until August 31, 2004. (11-0).

## CEREMONIAL ITEMS

### 1.1 **Annual Redevelopment Agency Employee Recognition Awards. (Redevelopment Agency)** **(Deferred from 8/3/04 – Item 1.2)**

Action: Mayor Gonzales and Redevelopment Agency Interim Executive Director Harry Mavrogenes recognized the recipients of the Redevelopment Agency's Annual Employee Recognition Awards, Deputy Director of Finance and Administration Division Abe Andrade, Director of Finance and Administration David Baum, Director of Project Management Division Bill Ekern, Associate Counsel Katherine Harasz, Project Manager Peter Geraghty, and Receptionist Mourik Nooristany. Unable to attend the ceremony were Jennifer Vasquez, Dolores Mellon, and Erin Crowley.

### 1.2 **Presentation of a commendation to Joe Walter for his many years of service, dedication, and commitment to the children of Willow Glen and the Lincoln Glen Little League. (Yeager)**

Action: Mayor Gonzales and Council Member Yeager presented a plaque to Mr. Joe Walter for his contributions and dedication of service for 35 years to the community.

### 1.3 **Presentation of a commendation to Tabia African-American Theatre Ensemble for its 17 years of promoting cultural enrichment in the Santa Clara Valley through high quality productions that celebrate and explore the African-American experience. (Gregory)** **(Orders of the Day)**

Action: Mayor Gonzales and Council Member Gregory presented a plaque to Tabia African-American Theatre Ensemble for their thought provoking and inspiring contributions to the community. Note: "Tabia" translated is "talented".

## CONSENT CALENDAR

Upon motion by Council Member Williams, seconded by Council Member Chavez and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0).

### 2.2 **Final adoption of ordinances:**

- (a) **ORD. NO. 27220 – Amends Section 25.04.610 of Chapter 25.04 of Title 25 of the San José Municipal Code consolidating the functions of the Curfew Monitoring Committee into the Airport Noise Advisory Committee and establishes the functions and membership of the consolidated Airport Noise Advisory Committee.**

Documents Filed: Proof of Publication of the title of Ordinance No. 27220 executed on August 17, 2004, submitted by the City Clerk.

2.2 (a) (Cont'd.)

Public Comment: William Garbett spoke in opposition of the ordinance.

Action: Upon motion by Vice Mayor Dando, seconded by Council Member Chavez and carried unanimously, Ordinance No. 27220 was adopted. (11-0).

(b) **ORD. NO. 27221 – Amends Chapter 12.12 of Title 12 of the San José Municipal Code to amend and restate the City of San José Municipal Lobbying Ordinance.**

Documents Filed: Proof of Publication of the title of Ordinance No. 27221 executed on August 17, 2004, submitted by the City Clerk.

Public Comment: William Garbett spoke in opposition to the ordinance.

Action: Upon motion by Vice Mayor Dando, seconded by Council Member Chavez and carried unanimously, Ordinance No. 27221 was adopted. (11-0).

(c) **ORD. NO. 27222 – Rezones certain real property situated on the north side of Willow Glen Way, approximately 250 feet from Bird Avenue, to A(PD) Planned Development Zoning District. PDC 04-042**

Documents Filed: Proof of Publication of the title of Ordinance No. 27222 executed on August 17, 2004, submitted by the City Clerk.

Action: Ordinance No. 27222 was adopted. (11-0).

(d) **ORD. NO. 27224 - Rezones certain real property situated on the east side of White Road, approximately 160 feet northerly of Alum Rock Avenue, to CP Commercial Pedestrian Zoning District. C 04-023**

Documents Filed: Proof of Publication of the title of Ordinance No. 27224 executed on August 17, 2004, submitted by the City Clerk.

Action: Ordinance No. 27224 was adopted. (11-0).

(e) **ORD. NO. 27225 - Rezones certain real property situated on the northwest corner of Santa Teresa Boulevard and Cahalan Avenue (6095 Cahalan Avenue), to CN Commercial Neighborhood Zoning District. C 04-027**

Documents Filed: Proof of Publication of the title of Ordinance No. 27225 executed on August 17, 2004, submitted by the City Clerk.

Action: Ordinance No. 27225 was adopted. (11-0).

- 2.2 (f) **ORD. NO. 27226 - Prezones certain real property situated on the east side of Monterey Road, approximately 280 feet northwesterly of Fehren Drive (3382 Monterey Road), to CN Commercial Neighborhood Zoning District. C 04-056**

Documents Filed: Proof of Publication of the title of Ordinance No. 27226 executed on August 17, 2004, submitted by the City Clerk.

Action: Ordinance No. 27226 was adopted. (11-0).

- (g) **ORD. NO. 27223 – Prezones a described portion and rezones a described portion of that certain real property situated on the north side of Curtner Avenue opposite the terminus of Joseph Avenue, to R-1-8 to Single-family Residence Zoning District. C 03-092**

Documents Filed: Proof of Publication of the title of Ordinance No. 27223 executed on August 17, 2004, submitted by the City Clerk.

Action: Ordinance No. 27223 was adopted. (11-0).

2.3 **Adoption of a resolution authorizing the Director of General Services to:**

- (a) **Execute the fourth amendment to the agreement for Management of the Airport Common Use Rental Car Bus System with Shuttleport California LLC to allow payment of invoices on a semi-monthly basis and to change the calculation of the annual rate adjustment to the Consumer Price Index (CPI) because of change in the publication of the rates.**
- (b) **Execute the third amendment to the agreement for Management of the Airport Shuttle Bus Scheduling with Shuttleport California LLC to allow payment of invoices on a semi-monthly basis and to change the calculation of the annual rate adjustment to the Consumer Price Index and to amend the basic rate of compensation effective July 11, 2004.**

**CEQA: Resolution Nos. 67380 and 71451, PP04-08-225. (Airport/General Services)**

Documents Filed: Memorandum from Director of Aviation Ralph Tonseth, and Director of General Services Jose Obregon, dated August 4, 2004, recommending adoption of the resolution.

Action: Resolution No. 72283, entitled: “A Resolution of the Council of the City of San José Authorizing the Director of General Services to Execute Amendments to the Agreements with Shuttleport California, LLC for New Rate and Compensation Schedule for Airport Shuttle Bus Agreements”, was adopted. (11-0).

- 2.4 Adoption of a resolution authorizing the City Manager to apply to the State of California Integrated Waste Management Board for a \$500,000 per year grant, to accept the grant award, and to negotiate and execute any necessary documents in connection with the grant. The grant will enable the City of San Jose to coordinate and manage the prevention and clean up of illegal dumping activities in the city and is designed to cover the period beginning fall 2004 through September 2007. CEQA: Not a Project. SNI: Blackford, Winchester, Edenvale/Great Oaks, Spartan/Keyes, Burbank/Del Monte, Washington, Thirteenth Street, Gateway East, East Valley 680, Tully/Senter Road, and West Evergreen. (Parks, Recreation and Neighborhood Services)**

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Sara Hensley, dated August 4, 2004, recommending adoption of the resolution.

Public Comment: William Garbett spoke about illegal dumping.

Action: Upon motion by Council Member LeZotte, seconded by Council Member Chavez, and carried unanimously, Resolution No. 72284, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute and Submit an Application to the State of California Integrated Waste Management Board for a Grant for the Prevention and Cleanup of Illegal Dumping Activities in an Amount Not To Exceed \$500,000 Per Year, To Accept the Grant If Awarded, and to Negotiate and Execute All Related Documents", was adopted. (11-0).

- 2.5 Adoption of a resolution authorizing the City Manager to apply to the United States Department of Justice for Weed and Seed Program funding for the East San José neighborhood in an amount not to exceed \$175,000, for the period June 1, 2005 through May 31, 2006, to accept the grant if awarded, and to execute all related documents. CEQA: Not a Project. Council Districts 5 and 8. SNI: East Valley/680 Communities and K.O.N.A. (Parks, Recreation and Neighborhood Services/Police)**

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Sara Hensley, and Police Chief Robert Davis, dated August 4, 2004, recommending adoption of the resolution.

Action: Resolution No. 72285, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Apply to the United States of Justice for Weed and Seed Program Funding for the East San José Neighborhood in an Amount Not To Exceed \$175,000, To Accept the Grant if Awarded, and To Execute All Related Documents", was adopted. (11-0).

- 2.6 Adoption of a resolution authorizing the Director of General Services to:**
- (a) Execute a renewal of a service agreement with Corona Software, Inc. DBA Corona Solutions to provide near real-time CAD data query services, extending services through March 31, 2005, and increasing the compensation over a two year period to a cumulative total of \$135,000; and**
  - (b) Exercise one-year renewal options without further Council action other than the appropriation of funding, not to exceed 5 years.**
- CEQA: Not a Project. (Police)**

Documents Filed: Memorandum from Police Chief Robert Davis, dated August 4, 2004, recommending adoption of resolution.

Action: Resolution No. 72286, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of General Services to Execute a Renewal of a Service Agreement with Corona Software, Inc., DBA Corona Solutions", was adopted. (11-0).

- 2.7 Report on bids and award of contract for the Lake Cunningham Pathway Repair Project to the low bidder, Grade Tech, Inc., to include the base bid and Add Alternate No. 1 in the amount of \$182,800, and approval of a contingency in the amount of \$18,000. CEQA: Exempt, PP04-06-190. Council District 8. (Public Works/Parks, Recreation and Neighborhood Services)**

Documents Filed: Memorandum from Director of Public Works Katy Allen, and Director of Parks, Recreation and Neighborhood Services Sara Hensley, dated August 4, 2004, recommending award of contract to Grade Tech, Inc.

Action: The contract was approved. (11-0).

- 2.8 Report on bids and award of contract for the Saratoga Creek Park Irrigation Renovation Project to the low bidder, Planned Environments, Inc., to include the base bid and Add Alternate No. 1 in the amount of \$386,456.14, and approval of a contingency in the amount of \$20,000. CEQA: Exempt, PP04-03-122. Council District 1. (Public Works/Parks, Recreation and Neighborhood Services)**

Documents Filed: Memorandum from Director of Public Works Katy Allen, and Director of Parks, Recreation and Neighborhood Services Sara Hensley, dated August 4, 2004, recommending award of contract to Planned Environments, Inc.

Action: The contract was approved. (11-0).

**2.9 Adoption of a resolution authorizing the City Manager to negotiate and execute the following amendments to Cooperative Agreements with the Santa Clara Valley Transportation Authority relating to pavement maintenance along Capitol Avenue, with no net increase in City's contribution:**

- (a) **A first amendment to the agreement for the Tasman East Light Rail Transit Project, in an additional amount not to exceed \$152,800, for a total City contribution of \$552,800.**
- (b) **A second amendment to the agreement for the Capitol Light Rail Transit Project, decreasing the total additional City contribution authorized in the first amendment by \$152,800, for a total additional City contribution of \$147,200.**

**CEQA: Exempt, PP01-03-061, PP03-03-076. Council Districts 4 and 5. SNI: East Valley/ 680. (Transportation)**

Documents Filed: Memorandum from Director of Transportation James Helmer, dated August 4, 2004, recommending adoption of the resolution.

Action: Resolution No. 72287, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Amendments to the Cooperation Agreements with the Santa Clara Valley Transportation Authority to Provide for Pavement Maintenance Along Capitol Avenue", was adopted. (11-0).

**2.10 Approval of an ordinance to repeal Section 11.24.430 of the San José Municipal Code to allow for the conversion of Southwest Expressway between Bascom Avenue and Stokes Street from a one-way street to a two-way street as part of the Vasona Light Rail Transit Project. CEQA: Exempt, PP03-01-006. Council District 6. (Transportation)**

Documents Filed: Memorandum from Director of Transportation James Helmer, dated August 8, 2004, recommending approval of an ordinance.

Action: Ordinance No. 27235, entitled: "An Ordinance of the City of San José Repealing Section 11.24.430 of Chapter 11.24 of Title 11 of the San José Municipal Code to Eliminate the Designation of Southwest Expressway from South to North Between Stokes Street and Bascom Avenue as a One-Way Street", was passed for publication. (11-0).

**END OF CONSENT CALENDAR**

## **STRATEGIC SUPPORT SERVICES**

**3.2 Report of the Rules Committee – August 11, 2004  
Vice Mayor Dando, Chair**

Documents Filed: The Rules Committee Report dated August 11, 2004.

**3.2 Report of the Rules Committee – August 11, 2004 (Cont'd.)  
Vice Mayor Dando, Chair**

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

(b) City Council

(1) Review August 24, 2004 Draft Agenda

The Committee recommended two additions to the August 24, 2004 City Council agenda.

(2) Add New Items to August 17, 2004 Amended Agenda

The Committee recommended three additions to the August 17, 2004 City Council agenda.

(3) List of Reports Outstanding. Attachment: Report from the City Manager, dated August 10, 2004, transmitting reports outstanding for August 17, 2004.

The Committee noted and filed the City Manager's report listing three Staff reports outstanding for the August 17, 2004 Council agenda.

(c) Legislative Update

(1) State - There was no report.

(2) Federal - There was no report.

(d) Meeting Schedules - There were none.

(e) The Public Record. Attachment: Memorandum from City Clerk Lee Price, dated August 5, 2004, transmitting the items to the Public Record for the period July 28-August 3, 2004.

The Committee noted and filed the Public Record.

(f) Appointment to Boards, Commissions and Committees

(1) Report on Commission Vacancies and Incumbents Eligible for Re-Appointment. Attachment: Memorandum from City Clerk Lee Price, dated August 6, 2004, transmitting report on vacancies.

The Committee accepted the report on commission vacancies. The Committee directed the City Clerk to review the current appointment process with the City Attorney. The Committee also requested the City Clerk to develop an approval process for the reappointment of eligible commission incumbents and report back before the next semi annual recruitment.

**3.2 Report of the Rules Committee – August 11, 2004 (Cont'd.)  
Vice Mayor Dando, Chair**

(g) Rules Committee Reviews, Recommendations and Approvals

- (1) High-Rise Safety Regulation Review. Attachment: Memorandum from Fire Chief Jeffrey Clet, dated August 10, 2004, recommending the extension of the drafting.

The Committee accepted the recommendation to allow the drafting of the High-Rise Safety Regulation Review to be extended to September 15, 2004 from the approximate completion date of June 15, 2004.

- (2) Request review of Expansion of Small Business Development Commission Functions, Powers and Duties. Attachment: Memorandum from Council Member Reed, dated August 3, 2004, transmitting the request for review.

The Committee directed the Administration to return to Rules Committee on August 25, 2004, with a preliminary workload assessment to review the expansion of Small Business Development Commission functions, powers and duties.

(h) Oral communications - None were presented.

(i) Adjournment - The meeting was adjourned at 2:19 p.m.

Action: Upon motion by Vice Mayor Dando, seconded by Council Member Chavez, and carried unanimously, the Report of the Rules Committee and the actions of August 11, 2004, were approved. (11-0).

**3.4 Acceptance of the Dolce Hayes Mansion Progress Report. (Finance)**

Documents Filed: (1) Memorandum from Director of Finance Scott Johnson, dated August 18, 2004, recommending acceptance of the report. (2) 2004/2005 Sales and Marketing Plan, presented by Dolce International, dated August 24, 2004.

Director of Finance Scott Johnson presented a brief status report of the Dolce Hayes Mansion progress.

Andy Dolce, Chairman/CEO Dolce International outlined the steps, challenges and introduced the Corporate Team.

Cedric Fasbender, General Manager, presented the process for improving revenues. Kelly Commerford, Director of Sales and Marketing, presented the Marketing Plan.

Discussion: Director of Finance Scott Johnson remarked that his Staff is monitoring the operations, and are also looking at other options, if the line of credit is exhausted.

### 3.4 (Cont'd.)

A short discussion followed.

Vice Mayor Dando expressed concern regarding the presumed \$10,000 bookings, and inquired whether there was due diligence performed. Director of Finance Scott Johnson replied Staff validated the bookings by contracting the companies. Deputy City Manager Kay Winer added that Dolce International discovered the true validation within one month after taking over the operation at the Hayes Mansion.

Motion: Council Member Williams moved acceptance of the Dolce Hayes Mansion Progress Report. Council Member Chavez seconded the motion.

Discussion: Council Member Gregory asked whether the prior operator owes the City of San José any money as a result of the discovery. City Attorney Richard Doyle replied his Staff would look at the transition documents, and report back to Council.

Council Member Cortese asked for the fair market value of the Hayes property.

Public Comment: Ross Signorino suggested the new operator obtain deposits on bookings.

Action: On a call for the question, the motion carried unanimously, the report was accepted, with Staff directed to: (1) Continue providing monthly reports, and return in 60 days with the fair market valuation of the property, and options to consider to ensure financial success; (2) Consider process standards for future partnerships, including early use of an auditor in any asset management process, especially when third party management is involved; (3) Examine transition documents to determine if there is any liability on the part of the prior operator. (11-0).

### 3.5 Adoption of a resolution:

- (a) **Finding that solicitation of bids for the installation of tenant improvement security system equipment work for the New City Hall Project would be an idle act under the City's Municipal Code, Section 14.04.170; and,**
- (b) **Authorizing the City Manager to execute a contract change order to Rosendin Electric, Inc., for the installation of security system equipment in the amount of \$715,000.**

**CEQA: Resolution No. 68905, PP98-03-072. (Public Works)**

**[Deferred from 8/17/04 – Item 3.6(b)]**

Documents Filed: (1) Memorandum from Director of Public Works Katy Allen, dated August 4, 2004, recommending adoption of the resolution. (2) Supplemental memorandum from Director of Public Works Katy Allen, dated August 18, 2004, transmitting additional information.

### 3.5 (Cont'd.)

Public Comment: William Garbett spoke in opposition to the Staff recommendation.

Action: Upon motion by Council Member Gregory, seconded by Council Member Williams, and carried unanimously, Resolution No. 72288, entitled: "A Resolution of the Council of the City of San José Finding that Solicitation of Bids for the Installation of Tenant Improvement Security System Equipment Work for the New City Hall Project Would be an Idle Act Under the City's Municipal Code, Section 14.04.170; and Authorizing the City Manager to Execute a Contract Change Order to Rosendin Electric, Inc. for the Installation of Security System Equipment in the Amount of \$715,000", was adopted. (11-0).

### 3.6 **Accept the City Manager's follow-up report on the process for a Converged Data Network and Telephony System for the New City Hall (NCH). (City Manager's Office)** **(Rules Committee referral 8/18/04)**

Documents Filed: Memorandum from City Manager Del Borgsdorf, dated August 23, 2004, recommending acceptance of the report.

City Manager Del Borgsdorf outlined the follow-up report on the process for a Converged Data Network, and Telephony System for the New City Hall.

Director of Aviation Ralph Tonseth, Interim Chair of the IT Planning Board provided an update of the Board's review of the technology standards.

Interim Director of the IT Department James Helmer described the plan for issuing a new Request for Proposal for the converged data network system.

Deputy City Manager Terry Roberts presented an update on the progress of the New City Hall construction, and outlined potential impacts to the schedule.

Assistant City Manager Mark Linder reported that a Validation Committee was being established to provide professional, technical oversight.

Discussion: A short discussion among the Council Members, the City Attorney and City Staff ensued, resulting in direction as noted in "Action".

Public Comment: Ross Signorino urged Council to watch costs closely for the New City Hall.

Action: Upon motion by Council Member, seconded by Council Member Yeager, and carried unanimously, the Staff Report was accepted, with Staff directed to include a Code of Ethics in Request for Proposals and contracts that require proposers/contractors to adopt the City's ethical standards. (11-0).

### 3.6 (Cont'd.)

Comment: Mayor Gonzales announced that the Norman Y. Mineta San José Airport was selected as one of the ten airports across the country that will participate in a high-tech security pilot program administered by the U.S. Transportation Security Administration.

## RECREATION & CULTURAL SERVICES

### 5.1 Report of the All Children Achieve Committee – August 12, 2004 Council Member Yeager, Chair

Documents Filed: The All Children Achieve Committee Report dated August 12, 2004.

- (a) Presentation on FIRST 5 Programs. Attachment: Copy of the FIRST 5 Programs Presentation, dated August 12, 2004.

The Committee accepted the report.

- (b) Report on Blueprint for Bridging the Digital Divide for FY 2003-04 Action Plan. Attachment: Memorandum from Director of Parks, Recreation and Neighborhood Services Sara Hensley, dated July 30, 2004, transmitting the report.

The Committee accepted the report.

- (c) Report on High School Program Initiatives. Attachment: “Helping Municipal Leaders Expand Options and Alternations for High School”, dated August 12, 2004.

The Committee accepted the report.

- (d) San José BEST Cycle XIII Mid-Year Evaluation Report and BEST Cycle XIV Report

This item was deferred to the September 9, 2004 meeting.

- (e) Oral petitions - None.

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

Action: Upon motion by Council Member Yeager, seconded by Council Member LeZotte, the Report of the All Children Achieve Committee and the actions of August 12, 2004, were approved. (11-0).

- 5.2 (a) **Report on bids and award of contract for the Coyote Creek/River Oaks Levee Trail Reach 3A/3B Project to the lowest responsive bidder, GradeTech, Inc., for the base bid in the amount of \$508,800, and approval of a contingency in the amount of \$25,000; and**
- (b) **Adoption of the following appropriation ordinance amendments in the City-wide Parks Construction and Conveyance Tax Fund:**
- (1) **Increase the appropriation to the Department of Parks, Recreation and Neighborhood Services for the River Oaks/Coyote Creek Trail project in the amount of \$17,000;**
  - (2) **Increase the appropriation to the Department of Conventions, Arts and Entertainment for the River Oaks/Coyote Creek Public Art Project by \$6,000; and**
  - (3) **Decrease the Ending Fund Balance by \$23,000.**

**CEQA: Exempt, PP03-07-230. Council District: 4. SNI Area: NA. (Public Works/Parks, Recreation and Neighborhood Services/City Manager's Office)**

Documents Filed: (1) Memorandum from Director of Public Works Katy Allen, dated August 4, 2004, recommending award of contract to the lowest responsive bidder. (2) Memorandum from Director of Public Works Katy Allen, Director of Parks, Recreation and Neighborhood Services Sara Hensley, and Budget Director Larry Lisenbee, dated August 19, 2004, providing additional information. (3) Letter from GradeTech Inc., dated August 13, 2004, regarding the award of the contract. (4) Letter from the public, dated August 24, 2004, protesting the paving.

Public Comment: Theresa McLaughlin expressed concern and opposition to the Staff recommendation. Staff addressed Ms. McLaughlin's concerns.

Action: Upon motion by Council Member Reed, seconded by Council Member Chavez, and carried unanimously, the award of the contract was approved, and Ordinance No. 27236, entitled: "An Ordinance of the City of San José Amending Ordinance No. 27196 to Appropriate Moneys in the City Wide Parks Purposes Construction and Conveyance Tax Fund for the River Oaks/Coyote Creek Trail Project; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption", was adopted, with Staff to confirm that the Coyote Creek/River Oaks Levee Trail proceeds under Montague Expressway and I237; and to provide additional information about the contract status for the Guadalupe Parkway. (11-0).

- 5.3 (a) **Recommendation to name a new park located at the intersection of Tully Road and Kenoga Drive as Tully Community Ballfields.**
- (b) **Recommendation to name a new park located at the intersection of Lone Bluff Avenue and Pinto Drive as Lone Bluff Park.**
- (Parks and Recreation Commission)**

Documents Filed: None.

Action: Deferred to August 31, 2004.

**5.4 Approval to enter into Phase 2 of the master agreement for the Happy Hollow Park & Zoo Parks Bond Project. CEQA: Not a Project. (Public Works/Parks, Recreation and Neighborhood Services)**

Documents Filed: None.

Action: Deferred to August 31, 2004.

**TRANSPORTATION SERVICES**

**6.1 Report of the Building Better Transportation Committee – August 9, 2004  
Council Member Cortese, Chair**

Documents Filed: The Building Better Transportation Committee Report dated August 9, 2004.

- (a) Expansion and Improvement of Transit and Transportation Systems
  - (1) Discussion on Transportation Technology Industry Development Opportunities. Attachment: Memorandum from Deputy City Manager Ed Shikada, dated July 30, 2004, stating this issue is not yet ready for presentation to City Council.

This item was dropped.

- (b) Traffic Relief/Safe Streets
  - (1) Report on Urban Area Security Initiative (UASI) Transportation Security Issues Project. Attachment: Memorandum from Director of Department of Emergency Services Frances Edwards, dated July 26, 2004, transmitting the report.

The Committee accepted the report with direction to Staff to use Rockville, Maryland as a best practice scenario and address some of Council Member Chavez's concerns.

- (2) Traffic Calming - Private Development Monitoring Status Report. Attachment: Memorandum from Director of Transportation James Helmer, Director of Planning, Building and Code Enforcement Stephen Haase, and Director of Public Works Katy Allen, dated July 30, 2004, transmitting the report.

The Committee accepted the report.

- (c) Supporting Smart Growth
  - (1) Report and Discussion on the Transit Oriented Development Policy & Program

Deferred to September 13, 2004.

**6.1 Report of the Building Better Transportation Committee – August 9, 2004 (Cont'd.)  
Council Member Cortese, Chair**

- (d) Regional Relationships/Funding/Policy
  - (1) Receive status report on State, Federal, and Local Legislative Positions. Attachment: Memorandum from Director of Transportation James Helmer, and Director of Intergovernmental Relations Betsy Shotwell, dated July 16, 2004, transmitting the report.

The Committee accepted the report.

- (e) Oral petitions - There were none.
- (f) Adjournment - the meeting was adjourned at 2:22 p.m.

Action: Upon motion by Council Member Cortese, seconded by Council Member Williams, and carried unanimously, the Report of the Building Better Transportation Committee and the actions of August 9, 2004, were approved, noting in regard to Item 2(b), there were items to discuss further with the Director of Transportation. (11-0).

**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:

None.

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>
9614	S/W corner of Barnes Ln/Almaden Road	10	Robson Homes LLC	26	Single Family Detached
9625	NE corner Vera Ln. and Azucar Avenue	2	L G Developers, LP	6 lots	Single Family Detached and Attached

**OPEN FORUM**

- (1) Daniel McCall spoke of medical marijuana issues.
- (2) Scott McDonough spoke of cable franchise negotiations.

**ADJOURNMENT**

The Council of the City of San José was adjourned at 5:18 p.m.

**RON GONZALES, MAYOR**

**ATTEST:**

**LEE PRICE, CMC, CITY CLERK**

smd/08/24/04min