



CITY COUNCIL AGENDA

OCTOBER 8, 2002

SYNOPSIS

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

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
GEORGE SHIRAKAWA, JR.
DAVID D. CORTESE
JOHN DIQUISTO
PAT DANDO

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.

- **Call to Order and Roll Call**
9:00 a.m. - Closed Session, Room 600, City Hall
Absent: Vice Mayor Shirakawa, Jr. (excused)

1:35 p.m. - Regular Session, Council Chambers, City Hall
Absent: Council Members – None.
- **Invocation (District 9)**
Father Stout, San José Fire Department Chaplain, delivered the invocation.
- **Pledge of Allegiance**
Mayor Gonzales led in the Pledge of Allegiance.
- **Orders of the Day**
Approved.

1 CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation declaring October 6 - 12, 2002 as National Fire Prevention Week. (Fire)**
Joining Mayor Gonzales at the Podium were Fire Chief Manuel P. Alarcon, and Battalion Chief Robert Piper, Program Manager-Public Education Division. Chief Alarcon accepted the proclamation declaring October 6-12, 2002 as National Fire Prevention Week, and in acknowledgment of the firefighters who valiantly gave their lives to save others in 2001, especially on September 11th. Mayor Gonzales urged the people of San José to “Team Up For Fire Safety” by participating in fire-prevention activities at home, work, and school, and by taking the steps needed to make and keep their homes and families safe from the dangers of fires.
- 1.2 Presentation of a commendation to Jerry Silsdorf for participation in the Senior Games. (Dando)**
(Rules Committee referral 10/2/02)
Council Member Dando joined Mayor Gonzales at the Podium and introduced Dave Peyton-Director of Office on Aging, and honoree Jerry Silsdorf, the individual responsible for bringing the Senior Games to the City of San José. Mayor Gonzales presented the commendation to the honoree and congratulated Jerry for his competitive spirit, enthusiasm for life, and unshakeable confidence in the benefits of athletics and active living for improving the quality of life for all older residents. Dave Peyton acknowledged the hard work and dedication of three PRNS employees who coordinated the activities of the Senior Games, which were hosted by the City of San José, and asked them to stand to be recognized.

2 CONSENT CALENDAR

2.1 Approval of Minutes.

None.

2.2 Final adoption of ordinances.

None.

2.3 Approval of various fiscal actions for Redevelopment Agency Capital Projects.

Recommendation: Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the Thirteenth Street Streetscape Project, the Barberrry Lane Sidewalk Project, and the Replacement of Play Equipment at Washington Elementary School Project, with a net impact to the fund of \$323,000. CEQA: Not a Project.
(City Manager's Office)

Ordinance No. 26751 adopted.

Resolution No. 71239 adopted.

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

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2002-2003 #8, and authorization for the Director of General Services to execute the purchase orders. CEQA: Not a Project.
(General Services)

Approved.

2.5 Approval to award purchase of Herman Miller modular furniture.

Recommendation: Approval of award of purchase of Herman Miller modular furniture for the Police Department from the authorized dealer, Pivot Interiors (San José, CA) for a total cost of \$190,105.25 including tax and delivery and authorization for the Director of General Services to execute the necessary purchase agreements. CEQA: Not a Project.
(General Services)

Deferred to 10/15/02.

2.6 Approval of three projects funded by the Community Development Block Grant Program.

Recommendation: Adoption of a resolution authorizing the Director of Parks, Recreation, and Neighborhood Services to negotiate and execute amendments to CDBG contracts to:

- (a) Continue and extend the funding term for eighteen months from June 20, 2001 to December 31, 2002, F68 Transitional Housing Rehabilitation Project Phase II - Emergency Housing Consortium (second extension).

This item continued on the next page.

2 CONSENT CALENDAR

2.6 Approval of three projects funded by the Community Development Block Grant Program – (Cont’d.)

- (b) Continue and extend the funding term for one year from June 30, 2002 to June 30, 2003, F67 New Billy DeFrank Lesbian and Gay Community Center – Billy DeFrank Lesbian and Gay Community Center (third extension).
- (c) Continue and extend the funding term for one year from June 30, 2002 to June 30, 2003, F74 Alliance Acquisition and Rehabilitation Project – Alliance for Community Care (second extension).

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

Resolution No. 71240 adopted.

2.7 Approval of the FY 2003-04 CDBG application cycle.

Recommendation: Approval of the application schedule, process, evaluation and rating criteria for the FY 2003-04 CDBG application cycle. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

Approved.

2.8 Approval of various actions related to the annexation of Evergreen No. 184.

Recommendation: Adoption of a resolution initiating proceedings and setting October 22, 2002 at 1:30 p.m. for Council consideration on the reorganization of territory designated as Evergreen No. 184 which involves the annexation to the City of San José of 40.0 gross acres, located along Dove Hill Road easterly of Highway 101 approximately 2,000 feet northerly of Hellyer Avenue and the detachment of the same from Central Fire Protection and the Santa Clara County Library Services Area. CEQA: Resolution No. 65459, Evergreen No. 184. (Planning, Building and Code Enforcement)

Resolution No. 71241 adopted.

2.9 Approval to award a contract for the Police Administration Building Chiller Replacement Project.

Recommendation: Report on bids and award of contract for the Police Administration Building Chiller Replacement Project to the low bidder Newcomb, Inc., in the amount of \$236,185, and approval of a contingency in the amount of \$47,000. CEQA: Exempt, PP02-07-190. (Public Works)

Approved with Staff directed to prepare a report clarifying the “undocumented structural, electrical, or mechanical modifications” as contained in the “Analysis” of the September 18, 2002 staff report.

2 CONSENT CALENDAR

2.10 Approval of various actions related to the Fire Station Diesel Exhaust Phase VI Project.

Recommendation: Report on bids and approval to reject the sole bid for the Fire Station Diesel Exhaust Phase VI Project, release bidder's bond, and authorization for the Director of Public Works to re-advertise and re-bid the project at a later date. CEQA: Exempt, PP02-07-185. (Public Works)

Approved.

END OF CONSENT CALENDAR

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Gonzales, Chair

No Report.

3.2 Report of the Rules Committee – September 25, 2002

Vice Mayor Shirakawa, Jr., Chair

(a) Redevelopment Agency items reported out at Redevelopment Agency meeting
The Redevelopment Agency items to be reported out at Redevelopment Agency Board meeting.

(b) City Council

(1) Review October 8, 2002 Draft Agenda
The Committee recommended approval of the October 8, 2002 Council Agenda.

(2) Add New Items to October 1, 2002 Amended Agenda
The Committee recommended six additions, two drops, and one (1) continuation to the October 1, 2002 Council Agenda.

(c) City Council Committees

(1) Amendments to Council Committee Agendas

(a) Finance and Infrastructure Committee

The Committee recommended approval to add the following item to the October 9, 2002 Agenda of the Finance and Infrastructure Committee: *Audit of the Office of Equality Assurance (Auditor).*

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – September 25, 2002 – (Cont'd.)

Vice Mayor Shirakawa, Jr., Chair

(c) City Council Committees

(1) Amendments to Council Committee Agendas

(b) Economic Development and Environment Committee

After dropping the *Report on Group Home and Reasonable Accommodations* from the October 1, 2002 Council Agenda, the Committee referred this item to a future meeting of the Economic, Development and Environment Committee.

(c) Education, Neighborhoods, Youth, and Seniors Committee
None Filed.

(d) Meeting Schedules
None Presented.

(e) The Public Record
No Public Record Filed.

(f) Boards, Commissions and Committees
None Presented.

(g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
None Presented.

(h) Administrative Reviews and Approval

(1) Workload assessment on the feasibility of instituting a code enforcement case-tracking log for use by City Council

The Committee accepted Mr. Haase's memorandum and directed him to return to Rules Committee on December 4, 2002 with a progress report on the project.

(2) Workload assessment to audit Airport Neighborhood Services Group

The Committee accepted City Auditor Silva's report and directed him to conduct an audit of the Airport Neighborhood Services Group.

(3) 2002 League of California Cities Resolutions

This item was reported at the October 1, 2002 Council Meeting.

(4) Request for recommendation to donate or sell surplus equipment

The Committee recommended donation of a surplus front-end loader to the communities of Southern Baja, Mexico.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – September 25, 2002 – (Cont’d.)

Vice Mayor Shirakawa, Jr., Chair

(i) Oral Communications

None Presented.

(j) Adjournment

The meeting was adjourned at 2:20 p.m.

The Rules Committee Report and actions of September 25, 2002 accepted.

3.3 Report of the Finance and Infrastructure Committee

Council Member Dando, Chair

No Report.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Economic Development & Environment Committee

Council Member Williams, Chair

No Report.

4.2 Public Hearing on the Historical Property Contract for the Charles O. Bocks Residence.

Recommendation: PUBLIC HEARING on Historical Property Contract for the Charles O. Bocks Residence, City Landmark No. HL02-141, located at the southwest corner of The Alameda and Randol Avenue (1645 The Alameda) on 0.34 gross acre. (Jim Blair, Eaglecreek Associates II, Owner). CEQA: Exempt.

(Planning, Building, and Code Enforcement)

MA 02-002 - District 6

Continued to 10/15/02.

4.3 Public Hearing on the Historical Property Contract for the Hotel Metropole.

Recommendation: PUBLIC HEARING on the Historical Property Contract for the Hotel Metropole, City Landmark No. HL88-46 and the Sunol Building, City Landmark No. HL02-129 located at the northwest corner of South Market and Post Streets (35 South Market St.) on 0.33 gross acre. (Florin II LTD, William B. Mitchell G.P., Owner). CEQA: Exempt. (Planning, Building, and Code Enforcement)

(Planning, Building, and Code Enforcement)

MA 02-003 - District 3

Continued to 10/15/02.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.4 Approval of an agreement with Valentino S. Mazzurca for the purchase of property located at the easterly corner of Floyd and Locust Streets

Recommendation: Approval of an agreement with Valentino S. Mazzurca for the purchase of property located at the easterly corner of Floyd and Locust Streets in the amount of \$675,000, and authorization for the Director of Public Works to execute any additional documents necessary to complete the transaction.

CEQA: Exempt, PP01-04-088. Council District 3. SNI: Washington/Guadalupe.
(Public Works)

Approved.

4.5 Approval of a loan for the development of a 245-unit Cinnabar Commons family rental development.

Recommendation: Adoption of a resolution:

- (a) Approving an acquisition/predevelopment loan of up to \$14,983,000 to Seven Hills Properties, or an affiliated entity, for the development of the 245-unit Cinnabar Commons family rental development; and
- (b) Finding that the use of 20% Housing Funds and other Agency funds for the subject project is a benefit to the Redevelopment project areas in San Jose.

CEQA: Resolution No. 71174. Council District 6.
(Housing)

(Rules Committee referral 10/2/02)

Resolution No. 71242 adopted.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee Council Member Chavez, Chair

No Report.

5.2 Approval of an agreement for the new Almaden Community Center and Branch Library Project.

Recommendation: Approval of an agreement with Field Paoli Architects, Inc. for consultant services including project design, preparation of construction documents and construction administration services for the new Almaden Community Center and Branch Library Project for the period October 15, 2002 to June 30, 2006, in an amount of \$1,955,900. CEQA: Not a Project. Council District 10.

(Public Works)

Approved.

5 RECREATION & CULTURAL SERVICES

5.3 Approval to award a contract for the Tully Road Ball Field Development-Phase I.

Recommendation: Report on bids and award of contract for the Tully Road Ball Field Development-Phase I to the low bidder, SCQ Construction, in an amount of \$639,200, and approval of a contingency in an amount of \$64,000. CEQA: Mitigated Negative Declaration, PP02-04-080. Council District 7.

(Public Works)

(Rules Committee referral 10/2/02)

Approved.

6 TRANSPORTATION SERVICES

6.1 Presentation on the Santa Clara Valley Transportation Authority's "Best Practices" Program for community design and transportation.

Recommendation: Presentation on the Santa Clara Valley Transportation Authority's "Best Practices" Program for community design and transportation. CEQA: Not a Project.

(Transportation)

This item Heard Immediately Following Item 9.1.

Council accepted the presentation on VTA's "Best Practices" Program for integrating transportation and land use.

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval of various actions related to commercial franchise fees.

Recommendation:

- (a) Adoption of a resolution revising the Commercial Solid Waste Collection Franchise Fee for service performed on or after November 1, 2002, as follows:
- (1) For each uncompacted cubic yard collected, increase the Franchise Fee from \$2.84 to \$2.98 per cubic yard.
 - (2) For each compacted yard, increase the Franchise Fee from \$8.52 to \$8.94 per cubic yard.
 - (3) Provide an exemption from the Franchise Fee for the first 23,400 cubic yards of un-compacted solid waste (or the equivalent of compacted solid waste) collected in any fiscal year (July 1-June 30).

Resolution No. 71243 adopted.

This item continued on the next page.

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval of various actions related to commercial franchise fees. – (Cont'd.)

Recommendation

- (b) Adoption of a resolution amending the 2002-2003 Schedule of Fees and Charges to revise the Commercial Solid Waste Source Reduction and Recycling (AB939) Fee effective November 1, 2002, as follows:
- (1) For each uncompacted cubic yard collected, decrease the fee from \$1.00 to \$0.86 per uncompacted cubic yard.
 - (2) For each compacted cubic yard collected, decrease the fee from \$3.00 to \$2.58 per cubic yard.

CEQA: Not a Project. (Environmental Services)
(Deferred from 9/24/02 – Item 7.1)

Resolution No. 71244 adopted.

8 AVIATION SERVICES

8.1 Approval of an agreement for airport parking facilities management.

Recommendation: Adoption of a resolution:

- (a) Authorizing the Director of General Services to negotiate and execute a one-year agreement, with six one-year options to extend with AMPCO System Parking, for airport parking facilities management for the period November 8, 2002 to November 7, 2003, with a total first year compensation not to exceed \$4,500,000; and
- (b) Authorizing the Director of General Services to execute each of the options without further City Council action other than the appropriation of necessary funding.

CEQA: Resolution No. 67380; PP02-09-243. (General Services/Airport)

Resolution No. 71245 adopted.

Council approved the recommended actions and directed Staff to ensure the terms of the agreement include a mechanism for the City to check with frontline staff regarding job satisfaction and to measure the level of customer service.

9 PUBLIC SAFETY SERVICES

9.1 Approval of the Spending Plans for the Local Law Enforcement Block Grant Fund.

Recommendation:

- (a) (1) Approval of the proposed additions to the 2000-02 Spending Plan for the Local Law Enforcement Block Grant (LLEBG) Fund.

Approved.

- (2) Adoption of the following amendments to the annual appropriation ordinance and the annual funding sources resolution in the Local Law Enforcement Services Fund (Fund 415) for fiscal year 2002-03:

- (a) Increase the LLEBG 2000-02 appropriation for the Police Department in the amount of \$73,168; and
(b) Increase the Earned Revenue by \$73,168.

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

Ordinance No. 26752 adopted.

Resolution No. 71246 adopted.

- (b) (1) Approval of the proposed 2002-04 Spending Plan for the Local Law Enforcement Block Grant (LLEBG) Fund.

Approved.

- (2) Adoption of the following amendments to the annual appropriation ordinance and the annual funding sources resolution in the General Fund (Fund 001) and Local Law Enforcement Services Block Grant Fund (Fund 415) for fiscal year 2002-03:

- (a) Establish the LLEBG 2002-04 appropriation in the Local Law Enforcement Services Fund for the Police Department in the amount of \$1,015,000;
(b) Increase the Earned Revenue by \$913,500.
(c) Transfer \$101,500 from the General Fund Contingency Reserve to the Local Law Enforcement Services Block Grant Fund.

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

Ordinance No. 26753 adopted.

Resolution No. 71247 adopted.

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

THE REDEVELOPMENT AGENCY BOARD CONVENED AT 3:40 P.M. TO CONSIDER ITEM 10.1 IN A JOINT SESSION

10.1 Public Hearing on a condominium development on land located at 2191 Alum Rock Avenue.

Public hearing and approval of actions:

- (a) Adoption of a resolution by the City Council approving the sale of city-owned property, located at 2191 Alum Rock Avenue, to Ketzal Community Development Corporation (KETZAL), accepting the 33433 Summary Report and Re-Use Valuation, and finding that the sale of the property will provide housing for low-income persons is consistent with the Implementation Plans for the San José Merged Redevelopment Project Area and that the consideration for the property is not less than the fair reuse value for the proposed use, with the covenants and conditions and development costs authorized by the Disposition and Development Agreement (DDA).

Resolution No. 71248 adopted.

- (b) Adoption of a resolution by the City Council and Agency Board approving the DDA between the City of San José, the Redevelopment Agency and KETZAL for the development of a for-sale affordable housing project to be located at the northeast corner of Alum Rock Avenue and Jose Figueres Avenue, authorizing the City Manager and the Executive Director to negotiate and execute amendments to the DDA as may be reasonably required by the Developer's lender, and as necessary to conclude this transaction consistent with the authority granted herein, and authorizing the City Manager to convey the City owned property to KETZAL once the conditions of conveyance have been met.

CEQA: Negative Declaration, PDC 99-12-096. Council District 5. (Redevelopment Agency/City Manager's Office)

Resolution No. 71249 adopted.

Redevelopment Agency Resolution No. 5356 adopted.

THE REDEVELOPMENT AGENCY BOARD ADJOURNED AT 3:42 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>
9392	SE/c of Stevens Creek and Winchester Blvds	6	Federal Realty Investment Trust	1 lot	Condo Map	Approve
9393	SE/c of Stevens Creek and Winchester Blvds	6	Federal Realty Investment Trust	1 lot	Condo Map	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>
9415	Silence Drive and Pleasant Knoll Drive	8	Santa Clara Development	12 units	Single Family Detached
9434	W/s Avalani Ave at west terminus of Luby Drive	5	Lam Tung Le	5 units	Single Family Detached
9446	E/s S. 3 rd St., 150 feet northerly of Keyes St.	3	Fairfield Residential LLC	176 units	Multi-Family Attached

- **Open Forum**
 - (1) **Jeannette Law & Katy Chevalier addressed Council on the employment of adults with disabilities.**
 - (2) **Gregory Colburn spoke on the loss of jobs and City revenue in San José.**

- **Adjournment**
The City Council recessed to a joint meeting of the City Council/San José Financing Authority, and a joint meeting with the Redevelopment Agency.

This Council of the City of San José adjourned at 3:51 p.m. in memory of José Nava, brother of Jesús Nava, City Manager's Office, husband of Marie Nava, and father to José Nava Jr. and Jessica Marie Nava; in memory of Jerome Christopher Martin, husband of Sonja Martin, Office of Child Care, and father, who dedicated much of his life to mentoring youth and young adults, and promoting the importance of education; and in memory of Mr. Bill “Spiritude” Hoyt Jr. who was a loving husband, father, son and brother.

**JOINT CITY OF SAN JOSÉ
CITY COUNCIL/FINANCING AUTHORITY
AGENDA**

1:30 P.M

TUESDAY, OCTOBER 8, 2002

CHAMBERS

- 1. Call to Order**
- 2. Approval of various actions related to the New Civic Center Project.**

Recommendation:

- (a) Adoption of a resolution of the City of San José Financing Authority:
 - (1) Authorizing the issuance of City of San José Financing Authority, Tax-Exempt Lease Revenue Bonds, Series 2002B, Series 2002C and Series 2002D (Civic Center Project) (collectively, the “bonds”) in the not-to-exceed aggregate principal amount of \$425,000,000 to be sold through negotiated sales subject to certain limitations.
 - (2) Approving, in substantially final form, the Bonds, Indenture of Trust, Site Lease, Project Lease, Standby Bond Purchase Agreement, Preliminary Official Statements, Continuing Disclosure Certificate, Purchase Contract for the Series 2002B Bonds, Purchase Contract for the Series 2002C Bonds, Purchase Contract or the Series 2002D Bonds, Remarketing Agreement for the Series 2002C Bonds, and Remarketing Agreement for the Series 2002D Bonds; authorizing the Treasurer to execute and, as appropriate, to negotiate, and deliver these documents and other related financing documents and to take other actions as necessary in connection with the issuance of the Bonds.
- (b) Adoption of an ordinance of the City Council approving, authorizing and directing the execution of the Project Lease.
- (c) Adoption of a resolution of the City Council:
 - (1) Approving in substantially final form and authorizing the execution of the Project Lease, Site Lease, Preliminary Official Statements, Standby Purchase Agreement, Bond Purchase Agreements, Continuing Disclosure Certificate and Director of Finance authorizing the Treasurer to execute and, as appropriate, to negotiate, and deliver these documents and other related financing documents and to take other actions as necessary in connection with the issuance of the Bonds.
 - (2) Authorizing the City Manager to negotiate and execute an Agreement with the Public Resources Advisory Group for financial advisory services.
 - (3) Authorizing the City Attorney to negotiate and execute an Agreement with Jones Hall for bond counsel services.

(Finance)

Deferred to 10/15/02

- 3. Adjourn the Joint City Council/San José Financing Authority**

JOINT REDEVELOPMENT AGENCY/CITY COUNCIL

The following resolution was adopted at the Joint City Council/Redevelopment Agency meeting on Tuesday, October 8, 2002:

- 7.1 Approval of Disposition and Development Agreements (DDAs) for historic houses at 457, 459, and 465 North Fourth Street

Recommendation: Adoption of resolutions:

- (a) By the City Council accepting the 33433 Summary Reports, finding that the disposal of the listed properties will assist in the elimination of blight and that the consideration for the properties is not less than the fair reuse value for the proposed uses, with the covenants and conditions and development costs authorized by the DDAs, and
- (1) Approving the disposition of property located at 457 North Fourth Street to David and Naiomi Dudek, and
 - (2) Approving the disposition of property located at 459 North Fourth Street to Jane Przybysz and Mark Warther; and
 - (3) Approving the disposition of property located at 465 North Fourth Street to Christopher and Michelle McSorley.

Resolution No. 71250 adopted.

Vote: 11-0-0-0.

- (b) By the Redevelopment Agency Board approving the DDAs at (1) through (3) and authorizing the Executive Director to execute ancillary documents contemplated by the DDAs and to close escrows and dispose of the properties described in the DDAs subject to compliance with terms of the DDAs.

- (1) David and Naiomi Dudek, for the property located at 457 North Fourth Street;
- (2) Jane Przybysz and Mark Warther; for the property located at 459 North Fourth Street; and
- (3) Christopher and Michelle McSorley. For the property located at 465 North Fourth Street.

Redevelopment Agency Board Resolution No. 5357 adopted.

Vote: 11-0-0-0.