



CITY COUNCIL AGENDA

NOVEMBER 1, 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
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

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (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**
9:02 a.m. - Closed Session, City Hall Tower, 18th Floor, City Hall
Absent Council Members: LeZotte. (Excused)

1:33 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: LeZotte. (Excused)

7:00 p.m. - Evening Session
Canceled.
- **Invocation (District 10)**
Father Brendan McGuire, Pastor of Holy Spirit Parish and School.
- **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 Mr. Felton Owens for his years of meritorious service to the East Side Union High School District and the community at large. (Cortese)
To be heard in the evening.
Deferred.
- 1.2** Presentation of a commendation to Campbell Middle School for sponsoring a coin drive and collecting \$1,170 to donate to the Red Cross to aid victims of Hurricane Katrina. (LeZotte)
To be heard in the evening.
Deferred.

1. CEREMONIAL ITEMS

- 1.3 Presentation of a \$2,500 check by the Silicon Valley Business Travel Association (SVBTA) to the local Santa Clara Valley American Red Cross to send local volunteers to the Gulf Coast Region in response to Hurricane Katrina relief efforts. (Mayor)
The Silicon Valley Business Travel Association presented a check to the Santa Clara Valley American Red Cross to send local volunteers to respond to the Hurricane Katrina relief efforts. Mayor Gonzales thanked the Business Travel Association.
- 1.4 Presentation of a \$14,000 check by the representatives of the Assyrian Churches in San José to the local Santa Clara Valley American Red Cross to support Hurricane Katrina Relief Efforts in the Gulf Coast Region. (Mayor)
Representatives of the Assyrian Churches in San José presented a check to the Santa Clara Valley Red Cross to support the Hurricane Katrina Relief Efforts. Mayor Gonzales acknowledged everyone involved in this effort.

2. CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
There were none.
- 2.2 **Final adoption of ordinances.**

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 27582 – Rezoning certain real property situated at the southeast corner of Alum Rock Avenue and McCreery Avenue to A(PD) Planned Development Zoning District. PDC05-056
Ordinance No. 27582 adopted.
- (b) ORD. NO. 27583 – Rezoning certain real property situated on the west side of Myrtle Street, approximately 200 feet northerly of West Hedding Street (927 Myrtle Street) to A(PD) Planned Development Zoning District. PDC05-074
Ordinance No. 27583 adopted.
- (c) ORD. NO. 27584 – Rezoning certain real property situated on the northwest corner of Viewpoint Lane and Almaden Road to R-1-5 Residence Zoning District. C04-024
Ordinance No. 27584 adopted.
- (d) ORD. NO. 27585 – Rezoning certain real property situated east side of King Road, approximately 350 feet northerly of Story Road to CP Commercial Pedestrian Zoning District. C05-090
Ordinance No. 27585 adopted.

2. CONSENT CALENDAR

2.2 Final adoption of ordinances (Cont'd.)

- (e) ORD. NO. 27586 – Rezoning certain real property situated on the west side of Curtiss Avenue, approximately 350 feet southerly of Willow Street (1163 Curtiss Avenue) to A(PD) Planned Development Zoning District. PDC05-031
Ordinance No. 27586 adopted.
- (f) ORD. NO. 27587 – Rezoning certain real property situated east of Hervey Lane, approximately 230 feet south of Padres Drive to A(PD) Planned Development Zoning District. PDC04-112
Ordinance No. 27587 adopted.
- (g) ORD. NO. 27588 – Rezoning certain real property situated on the north side of Metcalf Road, approximately 100 feet easterly of Highway 101, to A(PD) Planned Development Zoning District. PDC04-077
Ordinance No. 27588 adopted.
- (h) ORD. NO. 27581 – Rezoning certain real property situated on the northeast corner of Samaritan Drive and Clydelle Avenue (2039 Samaritan Drive) to A(PD) Planned Development Zoning District. PDC05-036
Ordinance No. 27581 adopted.

2.3 Approval to amend an agreement for real estate legal services.

Recommendation: Adoption of a resolution authorizing the City Attorney to execute the first amendment to the legal services agreement with Nossaman, Guthner, Knox & Elliott, LLP, for real estate legal services increasing compensation by \$300,000, from \$200,000 for a total not to exceed amount of \$500,000. CEQA: Not a Project. (Board of Administration for the Police & Fire Department Retirement Plan)

Resolution No. 72946 adopted.

2.4 Approval of fiscal actions for Redevelopment Agency Capital Projects.

Recommendation: Adoption of the following 2005-2006 appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund):

- (a) Establish an appropriation to the Department of Public Works for the Starbird Teen Center Project (PSM 423) in the amount of \$90,000.
- (b) Increase the appropriation to the Department of Transportation for the Spartan Keys Traffic Calming Project (PSM 350, #2) by \$379,000.
- (c) Increase the estimate for Earned Revenue by \$469,000.

CEQA: Not a Project. Council Districts 1, 3, and 7. SNI: Blackford, Spartan Keys. (City Manager's Office)

Ordinance No. 27589 adopted.

Resolution No. 72947 adopted.

2. CONSENT CALENDAR

2.5 Approval of fiscal actions related to Hurricane Katrina Animals.

Recommendation: Adoption of the following appropriation ordinance and funding source resolution amendments in the Gift Trust Fund:

- (a) Establish appropriation to the Department of Parks, Recreation and Neighborhood Services Department for Hurricane Katrina Animals in the amount of \$1,005.
- (b) Increase the estimate for Earned Revenue by \$1,005.

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

Ordinance No. 27590 adopted.

Resolution No. 72948 adopted.

2.6 Approval to adopt the National Incident Management System as the City's emergency management system.

Recommendation: Adoption of a resolution adopting the National Incident Management System (NIMS) as the day-to-day emergency management system for the City of San José, to ensure compliance with Federal requirements for future Homeland Security Grant funding. CEQA: Not a Project. (Emergency Services)

Resolution No. 72949 adopted.

2.7 Approval of Reuse and Recycling agreements with non-profit organizations.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute the Reuse and Recycling agreements with the following non-profit organizations, for a one-year period beginning July 1, 2005 and ending June 30, 2006:

- (a) Goodwill Industries of Santa Clara County in an amount not to exceed \$349,679.
- (b) The Salvation Army in an amount not to exceed \$123,590.
- (c) Hope Services in an amount not to exceed \$6,082.

CEQA: Not a Project. (Environmental Services)

Resolution No. 72950 adopted.

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

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2005-2006 #6 and authorization for the Director of Finance to execute the purchase orders. CEQA: See memo for CEQA designation(s). (Finance)

Approved.

2. CONSENT CALENDAR

2.9 Approval to accept housing program grants from the Department of Housing and Community Development.

Recommendation:

- (a) Adoption of a resolution authorizing the Director of Housing to accept Building Equity and Growth in Neighborhood (BEGIN) housing program grants from the California Department of Housing and Community Development (HCD) and to negotiate and execute the grant agreements and any amendments or other documents necessary to implement the programs funded by the following BEGIN grants:
- (1) \$150,000 grant to fund downpayment assistance loans to first-time homebuyers purchasing in the San Antonio Place development.
 - (2) \$330,000 grant to fund downpayment assistance loans to first-time homebuyers purchasing in the Murphy Avenue development.
 - (3) \$210,000 grant to fund downpayment assistance loans to first-time homebuyers purchasing in the Hennessey Place development.
 - (4) \$510,000 grant to fund downpayment assistance loans to first-time homebuyers purchasing in the Sycamore Terrace development.

Resolution No. 72951 adopted.

- (b) Adoption of the following appropriation ordinance and funding sources resolution amendments in the Multi-Source Housing Fund:

- (1) Increase the CalHOME (BEGIN) Program appropriation by \$1,200,000.
- (2) Increase the estimate for Grant Revenue in the amount of \$1,200,000.

CEQA: Not a Project. Council Districts 4, 5, 9, and 10. SNI: Mayfair. (Housing/City Manager's Office)

Ordinance No. 27591 adopted.

Resolution No. 72952 adopted.

2.10 Approval of fiscal actions for the Lundy Avenue and McKay Drive Park Project.

Recommendation:

- (a) Adoption of the following appropriation ordinance and funding sources resolution amendments in the Park Trust Fund:

- (1) Establish an appropriation to the Department of Parks, Recreation and Neighborhood Services Department in the amount of \$96,000 for the Lundy Avenue and McKay Drive Park Project; and
- (2) Increase the estimate for Earned Revenue by \$96,000.

Ordinance No. 27592 adopted.

Resolution No. 72953 adopted.

2. CONSENT CALENDAR

2.10 Approval of fiscal actions for the Lundy Avenue and McKay Drive Park Project (Cont'd.)

- (b) Adoption of a resolution authorizing the City Manager to:
- (1) Accept an Irrevocable Offer of Dedication of Parkland from Toll CA VIII, LP, dba Toll Brothers Inc, for park purposes; and
 - (2) Negotiate and execute a turnkey park agreement with Toll CA VIII, LP, dba Toll Brothers Inc, for Planned Development Permit PD 04-074, associated with Tentative Maps No. PT 9682 and PT 9683.

CEQA: Resolution No. 72327. Council District 4. (Parks, Recreation and Neighborhood Services/City Manager's Office)

Resolution No. 72954 adopted.

2.11 Approval of an agreement for consultant services for the Hellyer-Piercy Improvement District.

Recommendation: Approval of a second continuation agreement with Nolte Associates, Inc. for consultant services for roadway improvements for the Hellyer-Piercy Improvement District modifying the scope of services and increasing the amount of compensation by \$30,000, for a total not to exceed \$121,500 and extending the term to December 31, 2005. CEQA: Not a Project. Council District 2. (Public Works)

Approved.

2.12 Approval of an agreement to analyze formation of a Community Facilities District in North Coyote Valley.

Recommendation:

- (a) Approval of an agreement with Coyote Valley Research Park, LLC, to fund and perform a property appraisal and staff analysis for possible formation of a community facilities district for the construction of flood control detention facilities and associated channel improvements for an area within the North Coyote Valley.

Approved.

- (b) Adoption of the following appropriation ordinance and a funding sources resolution in the Construction Excise Tax Fund:

- (1) Establish an appropriation to Public Works for the formation of Community Facilities District No. 13 in the amount of \$40,000.
- (2) Increase the estimate for Earned Revenue by \$40,000.

CEQA: Resolution No. 69957, and addenda thereto, File No. PP05-190. Council District 2. (Public Works/City Manager's Office)

Ordinance No. 27593 adopted.

Resolution No. 72955 adopted.

2. CONSENT CALENDAR

2.13 Approval of an amendment to the agreement with the San José Repertory Theatre.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an amendment to the agreement between the City of San José and San José Repertory Theatre (REP), to make an advance payment of the City's funding assistance to the REP in the amount of the remaining two quarterly payments for the FY 2005-2006 in an amount of \$150,000. (City Manager's Office)

(Rules Committee referral 10/26/05)

Resolution No. 72956 adopted.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Gonzales, Chair

No Report.

3.2 Report of the Rules Committee – October 19, 2005

Vice Mayor Chavez, Chair

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

(b) City Council

(1) Review November 1, 2005 Draft City Council Agenda

The Committee recommended approval of the November 1, 2005 City Council Agenda.

(2) Add New Items to October 25, 2005 City Council Agenda

The Committee recommended approval of the October 25, 2005 City Council Agenda with eleven additions.

(3) List of Reports Outstanding

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

(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

The Committee noted and filed the Public Record.

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – October 19, 2005 (Cont'd.)

Vice Mayor Chavez, Chair

(f) Appointments to Boards, Commissions and Committees

There were none.

(g) Rules Committee Reviews, Recommendations and Approvals

(1) Payment Performance Bond Program for Small Business Contractors
Workload Assessment

The Committee recommended deferral to the October 26, 2005 Rules Committee Meeting.

(h) Oral Communications

Bill Chew requested that the Neighborhood Development Center be brought back to City Hall.

(i) Adjournment

The meeting was adjourned at 2:30 p.m.

The Rules Committee Report and the Actions of October 19, 2005 were accepted.

3.3 Report of the Making Government Work Better Committee – October 20, 2005

Council Member Reed, Chair

(a) Update on Northside Community Center Operations

The Committee directed the City Auditor, City Attorney's Office and Parks, Recreation and Neighborhood Service to research and prepare a separate legal document that will deliver the equivalent gap in funding of \$12,000 a quarter on a month-to-month basis by earmarking a portion of the \$58,000 of General Fund support to go strictly to payroll of existing staff only and any taxes on payroll and payroll tax liability. Staff will prepare the proposed framework for the arrangement in a legal document to be reviewed at the November 17 Committee meeting. This arrangement will be reviewed on a 30-day basis. Putting the money into recurring payroll would be contingent upon the nonprofit showing significant incremental progress both on the fundraising side and the facility rental side. Staff will prepare a separate grant agreement dealing with the remainder of \$58,000. Council Member Cortese requested included in the motion to limit the distribution of General Fund money only to the portion of the gap in existing payroll. Council Member Yeager requested the motion include direction to staff to include in the staff report, fund raising and marketing strategy for long term planning. Council Member Cortese requested the motion include direction to staff to include in the staff report a mechanism to ratify continued monthly disbursements as a Council. Council Member Reed requested the motion include direction to staff to prepare a supplemental report to include outstanding documents from Fil-Am to include in the November 17, 2005 Committee meeting packet.

3. STRATEGIC SUPPORT SERVICES

3.3 Report of the Making Government Work Better Committee – October 20, 2005 Council Member Reed, Chair (Cont'd.)

- (b) Followup Discussion on Marketing and Usage of Compressed Natural Gas Facility at Airport
The Committee approved the report.
- (c) Activities and Accomplishments of the Office of the City Auditor
Deferred to November 17, 2005 Making Government Work Better Committee meeting.
- (d) City Auditor Peer Review
Allen Ash, Director of Toronto Office of Auditor General will issue a full compliance report at the November 17, 2005 Committee meeting. Committee heard a partial report.
- (e) Environmental Services Department Laboratory
The Committee approved the report.
- (f) Review of the Workers' Compensation Claims Liability as of June 30, 2005
The Committee accepted the report unanimously with notation from Scott Johnson to use the methodology as recommended in the CAFR as an accounting charge.
- (g) Comprehensive Annual Financial Report
**Director of Finance Scott Johnson noted that Pages 49 and 50 of the CAFR will be replaced with revisions on Footnote Disclosures on Investments and Policy and Allowable Investment Types. Federal Compliance Audit A-133 or Single Audit are currently a work in progress and will report out to this Committee on December 1, 2005. The management letter from the external auditor, Macias Gini & Company, will be presented to the Committee in December 2005.
See Item 9.1 for Council Action taken.**
- (h) Annual Debt Report
See Item 9.2 for Council Action taken.
- (i) Oral Petitions
None were presented.
- (j) Adjournment
The meeting was adjourned at 3:45 p.m.

The Making Government Work Better Committee Report and the Actions of October 20, 2005 were accepted.

3. STRATEGIC SUPPORT SERVICES

3.4 Approval of the recommended Committee appointments for Councilmember Nguyen.

Recommendation: Approval of the recommended Committee appointments for Councilmember Nguyen. (Mayor)

Approved.

3.5 Council discussion on the definition of Surviving Child for qualification of survival benefits in Police and Fire Retirement Plan.

Recommendation: Council discussion on the definition of Surviving Child for qualification of survival benefits in the Police and Fire Retirement Plan. CEQA: Not a Project.

[Rules Committee referral 10/5/05 – Item 3.2G(1)]

(Deferred from 10/25/05 – Item 3.5)

The Staff recommendation was approved, with direction to implement in April of 2006.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee – October 17, 2005 Council Member Chirco, Chair

(a) Citywide Trail Update

The Committee accepted the Staff report.

(b) Discussion and Direction on Facility Use Request for Qualifications

Staff was requested to submit the Community Outreach Task Force representative's information to the Mayor and City Council. The Committee accepted the Staff report.

(c) Discuss Anti-Litter Program Enhancements and Expansion

The Committee accepted the Staff report.

(d) Update on Neighborhood Investment Strategy

Dropped.

(e) Secondary Units Pilot Program Implementation Steps and Community Outreach
Public Comment was heard by the Committee. The Committee accepted the Staff report, with approval to move forward to the City Council.

See Item 4.3 for Council Action taken.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee – October 17, 2005 Council Member Chirco, Chair (Cont'd.)

(f) Oral Petitions

Bill Chew spoke in favor of returning the Neighborhood Development Center to City Hall.

(g) Adjournment

The meeting was adjourned at 2:42 p.m.

The Building Strong Neighborhoods Committee Report and the Actions of October 17, 2005 were accepted.

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

4.3 Approval of an ordinance for a one-year pilot program for secondary units.

Recommendation: Approval of an ordinance providing a limited exception to Ordinance No. 21663 that precludes second units, and adopting a temporary second unit pilot program which authorizes the issuance of a maximum of 100 permits during a one-year evaluation period from January 1, 2006 through December 31, 2006, and which establishes specified requirements pertaining to minimum lot size, maximum unit size and number of bedrooms, parking, development standards, design standards, and applicable fees. CEQA: Exempt, File No. PP05-196. (Housing/Planning, Building and Code Enforcement)

[Building Strong Neighborhoods Committee referral 10/17/05 – Item 4.1(e)]

Deferred to 11/15/05. To be heard in the Evening.

4.4 Conforming Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow one single family detached residential unit.

Recommendation: Public Hearing on and consideration of approval of an ordinance on Conforming Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow one single family detached residential unit with reduced setbacks for Lot 54, on a 0.079 gross acre site, located at the northerly corner of Bramble Wood Lane and Silk Wood Lane (9618 Tract) (Orchard Property LLC, Owner; Taylor Woodrow Homes, Developer). CEQA: Reuse of BFI Properties Residential Project EIR Resolution No. 72045. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

PDC05-096 - District 4

Evening session canceled. Renumbered from 11.1(a).

Ordinance No. 27594 passed for publication.

5. NEIGHBORHOOD SERVICES

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

6. TRANSPORTATION & AVIATION SERVICES

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

- 6.2 Approval to award a contract for the Quito Road Improvement Project.**

Recommendation: Report on bids and award of contract for the Quito Road Improvement Project from Saratoga Avenue to Bucknall Road to the low bidder, Grade Tech, Inc. in the amount of \$733,940 and approval of a contingency in the amount of \$75,000. CEQA: Exempt, PP 05-070. Council District 1. (Public Works/Transportation)

Approved.

- 6.3 Approval to amend an agreement with the VTA related to the I-880/Coleman Avenue Interchange Project.**

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an amendment to the agreement with the Santa Clara Valley Transportation Authority related to the I-880/Coleman Avenue Interchange Project to redesign the landscaping plans consistent with the Airport Landscape Master Plan, at a cost not to exceed \$400,000 and to be funded by cost savings within the original agreement. (Transportation)

[Building Better Transportation Committee referral 10/3/05 - Item 6.1(d)]

(Deferred from 10/18/05 – Item 6.3)

Deferred to January 2006.

6. TRANSPORTATION & AVIATION SERVICES

6.4 Acceptance of Staff recommendation on the Santa Clara Valley Transportation Authority Proposed Measure A Expenditure Plan.

Recommendation: Acceptance of Staff recommendations on VTA proposed Measure A Expenditure Plan advocating that the Santa Clara Valley Transportation Authority Board consider the following items:

- (a) Allocate funding for the Airport People Mover Project in the Initial Plan, providing a direct connection from BART and Caltrain to the Airport terminal.
- (b) Continue to pursue accelerated development of the BART to Silicon Valley project to preserve options for project delivery earlier than 2018 if further project cost savings are identified and/or new revenues secured such as through joint development efforts.
- (c) Accept placement of the Capitol LRT Extension from Eastridge to Neiman project in Completion Plan (for future funding) with the condition that good bus service be provided from development in the Neiman area to the Eastridge Transit Center.
- (d) Pursue funding of Caltrain electrification as part of the California High Speed Rail project to implement the Tamien to Gilroy segment and to save costs for the San Francisco to Tamien segment.
- (e) Allow the environmental process for the Santa Clara/Alum Rock Transit Corridor project to proceed so as to determine the preferred transit mode and then pursue amending the VTA Expenditure Plan to fund the approved project.
- (f) Support the VTA proposal for an annual review of the Expenditure Plan allowing flexibility to strategically respond to changing circumstances, needs and priorities.

CEQA: Not a Project. (Transportation)

(Rules Committee referral 10/19/05)

Action deferred to 11/15/05. Council provided feedback and requested additional information about costs, benefits and ridership.

6.5 City Council approval of an amendment to the bylaws of the Caltrain Central Equipment Maintenance and Operations Facility (CEMOF) Monitoring Committee.

Recommendation: City Council approval of an amendment to the bylaws of the Caltrain Central Equipment Maintenance and Operations Facility (CEMOF) Monitoring Committee. (Yeager)

Approved.

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval of becoming a Signatory City of the United Nations Urban Environmental Accords.

Recommendation: Approval of becoming a Signatory City of the United Nations Urban Environmental Accords. (Mayor)

Approved.

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board convened at 3:41 p.m. to consider Items 9.1 and 9.2 in a Joint Session.

9.1 Acceptance of the Comprehensive Annual Financial Reports.

Recommendation: Acceptance of the Comprehensive Annual Financial reports of the City and Redevelopment Agency for Fiscal Year ended June 30, 2005.

[Making Government Work Better Committee referral 10/20/05 – Item 3.3(g)]

Accepted.

9.2 Acceptance of the Annual Debt Reports.

Recommendation: Acceptance of the Annual Debt reports for the City and Redevelopment Agency.

[Making Government Work Better Committee referral 10/20/05 – Item 3.3(h)]

Accepted.

The Redevelopment Agency portion of the meeting adjourned at 4:05 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 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>
9637	N/S San Carlos Street and North Buena Vista Avenue	6	Core Development	32 Units	SFA

- **Open Forum**
 - (1) **Bill Chew congratulated the Mayor and Council for televising the “Getting Families Back to Work III” Study Sessions.**
 - (2) **Ross Signorino expressed his displeasure about spending tax dollars on building a ball park in San José and suggested bringing it to the taxpayers first.**
 - (3) **Mark Trout expressed his own personal opinions.**

- **Adjournment**
The Council of the City of San José adjourned at 4:10 p.m. in memory of Rosa Parks, for her courage in helping to extend civil rights to all Americans; and in memory of Lennox Sweeney, longtime San José anti-war activist.

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS

11.1 Public Hearings on Consent Calendar.

Recommendation:

- (a) Conforming Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow one single family detached residential unit with reduced setbacks for Lot 54, on a 0.079 gross acre site, located at the northerly corner of Bramble Wood Lane and Silk Wood Lane (9618 Tract) (Orchard Property LLC, Owner; Taylor Woodrow Homes, Developer). CEQA: Reuse of BFI Properties Residential Project EIR Resolution No. 72045. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

PDC05-096 - District 4

Evening session was canceled. Item 11.1 was renoticed for 1:30 p.m. See Item 4.4 for Council Action taken.

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

1:30 P.M.

TUESDAY, NOVEMBER 1, 2005

CHAMBERS

- 1. Call to Order**
- 2. Approval of actions related to the City of San José Financing Authority's issuance of commercial paper and/or lease revenue bonds.**

Recommendation:

- (a) Conduct a Public Hearing of the City Council concerning the approval of the City of San José Financing Authority's issuance of commercial paper and/or lease revenue bonds in order to finance certain public capital improvements of the City related to the Phase II improvements of the City's Central Service Yard.
- (b) Adoption of a resolution of the City Council approving and authorizing the execution of financing documents and authorizing other related actions in connection with the City of San José Financing Authority's Lease Revenue Commercial Paper Notes Program increasing the not-to-exceed aggregate principal amount from \$98,000,000, to \$118,000,000 to permit the issuance of commercial paper notes for the Central Service Yard Phase II Project.
- (c) Adoption of a resolution of the City of San José Financing Authority approving and authorizing the execution of financing documents and authorizing other related actions in connection with the City of San José Financing Authority's Lease Revenue Commercial Paper Notes Program increasing the not-to-exceed aggregate principal amount from \$98,000,000, to \$118,000,000 to permit the issuance of commercial paper notes for the Central Service Yard Phase II Project.

CEQA: Not a Project. (Finance)

Deferred to 11/15/05.

- 3. Adjourn the San José Financing Authority.**