



# CITY COUNCIL AGENDA

**NOVEMBER 13, 2001**

## 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**  
**9:30 a.m. - Closed Session, Room 600, City Hall**  
**Absent: Council Members Dando, Williams. (Both Excused)**  
  
**1:30 p.m. - Regular Session, Council Chambers, City Hall**  
**Absent: Council Members Dando, LeZotte, Williams. (All Excused)**  
  
**7:05 p.m. Evening Session, Council Chambers**  
**Absent: Council Member Dando (Excused)**
  
- **Invocation (District 10)**  
**Mayor Gonzales introduced Yvette Irving, Principal of Del Roble Middle School and teachers Roger Friesen, Kim Kianidehkian and Nancy Joyce. Members of Student Council, Julia Truong, Class President, Ashleigh Richelle, Vice President, Tommy Nguyen, Historian, Bianca Johnson, Treasurer, and Melissa Saucedo-Moreira, Secretary, spoke on behalf of Del Roble Middle School and recited their campaign speeches for office. 15 First Grade students sang, “You’re a Grand Ole Flag”.**
  
- **Pledge of Allegiance**  
**Mayor Gonzales led in the Pledge of Allegiance.**
  
- **Orders of the Day**  
**Approved with recommendation to drop Item 3.4 to be brought back at a later date if necessary.**

## **1 CEREMONIAL ITEMS**

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- 1.1 Presentation of a proclamation designating November 15, 2001 as San José Recycles Day. (Environmental Services)**  
**(Rules Committee referral 11/7/01)**  
**Joining Mayor Gonzales at the Podium, Director of Environmental Services, Carl W. Mosher accepted the proclamation and introduced staff members Ellen Ryan, Deputy Director for Integrated Waste Division, Elaine Leung, Residential Recycling Program Manager, and Patty Baggese, Commercial Recycling Program Manager. Carl Mosher acknowledged the leadership of the City Council and Mayor Gonzales enabling the City to achieve the 50% landfill diversion goal. He invited the audience to participate in the America Recycles Day festivities scheduled on Thursday, November 15, 2001 at the Children’s Discovery Museum, and presented Mayor Gonzales with the “Golden Dumpster” award, for his participation in recycling activities. Mayor Gonzales encouraged all San José residents and businesses to continue their successful commitment to recycle throughout the City.**

# 1 CEREMONIAL ITEMS

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- 1.2 Mayor Gonzalez announced the week of November 11-17, 2001 is “National Hunger and Homeless” week and acknowledged the hard working community organizations that provide valuable services to homeless individuals and families. He stated he will present to Barry del Buono, Executive Director of Emergency Housing Consortium, a signed proclamation declaring “National Hunger and Homeless” week.

# 2 CONSENT CALENDAR

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- 2.1 Approval of Minutes.  
None.

- 2.2 Final adoption of ordinances.  
None.

- 2.3 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 2001-2002 #12, and authorization for the Director of General Services to execute the purchase orders. (General Services)

**Approved**

- 2.4 Approval to extend the janitorial services contract at the Water Pollution Control Plant.

**Recommendation:** Adoption of a resolution authorizing the Director of General Services to negotiate and execute an amendment to the agreement with Service By Medallion to extend the janitorial contract, at the Water Pollution Control Plant, on a month-to-month basis through March 31, 2002, at an additional cost of \$60,000, for a total contract amount not to exceed \$970,794.89. (General Services)

**Resolution No. 70700 adopted.**

- 2.5 Approval of the rescission of 30-year Affordability Restrictions and authorizing the transfer of affordability restrictions for Invision of Santa Clara Valley.

**Recommendation:** Adoption of a resolution:

- (a) Approving the rescission of 30-year Affordability Restrictions existing on two 4-plexes (eight units total) located at 1361 and 1440 Dubert Lane.
- (b) Authorizing the transfer of affordability restrictions to be recorded on a 14-unit property located at 96 South Tenth Street.
- (c) Authorizing the Acting Director of Housing to execute the required documents. Council Districts 3 and 7. SNI: Santee and 13<sup>th</sup>. (Housing)

**Deferred to 12/11/01**

## 2 CONSENT CALENDAR

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### 2.6 Approval to extend the agreement with Group 4/Architecture, Research and Planning, Inc.

**Recommendation:** Approval of a continuation agreement with Group 4/Architecture, Research and Planning, Inc., that extends the term of the agreement from July 1, 2001 to June 30, 2002, at no additional cost to the City. (Library)

**Approved.**

### 2.7 Approval of a non-binding Memorandum of Understanding with the Santa Clara County Library regarding a new City East Side Branch Library.

**Recommendation:** Approval of a non-binding Memorandum of Understanding with the Santa Clara County Library for shared operational funding of a new City East Side Branch Library and to direct staff to prepare a cost-sharing agreement for library operations to be presented to City Council for approval no later than January 31, 2002. Council District 5. SNI: East Valley/680 Communities. (Library)

**Approved.**

### 2.8 Approval to submit a grant application for San José Smart Start facility expansion.

**Recommendation:** Adoption of a resolution authorizing the City Manager to submit an application for a grant from the Packard Foundation for San José Smart Start facility expansion, in an amount not to exceed \$2,025,000, and to accept the grant funds, if awarded. (Parks, Recreation and Neighborhood Services)

**Resolution No. 70701 adopted.**

### 2.9 Adoption of a resolution authorizing the reorganization and annexation of territory designated as Sunol No. 63.

**Recommendation:** Adoption of a resolution authorizing the reorganization of territory designated as Sunol No. 63 which involves the annexation to the City of San José of 1.17 acres of land, located on the west side of Northrup Street at Interstate 280, approximately 85 feet north of Paula Street, and the detachment of the same from the appropriate special districts including the Central Fire Protection District, County Library Service Area, and Santa Clara Valley County Water. CEQA: ND. Council District 6. (Planning, Building and Code Enforcement)

**Resolution No. 70702 adopted.**

### 2.10 Approval to amend an agreement for the Camden Community Center Project.

**Recommendation:** Approval of a first amendment to the agreement with the Steinberg Group for architectural consultant services for the Camden Community Center Project, increasing compensation by \$168,000, from \$50,000 to \$218,000, and extending the agreement term from December 31, 2001 to August 31, 2002. Council District 9. (Public Works)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.11 Approval to award a contract for the Phelan Avenue Infrastructure Improvement Project.

**Recommendation:**

- (a) Report on bids and award of contract for the Phelan Avenue Infrastructure Improvement Project to the low bidder, Gradetech Inc., in the amount of \$168,818, and approval of a contingency in the amount of \$34,000. CEQA: Exempt. (Public Works)

**Approved.**

- (b) Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) in the amount of \$240,000. (City Manager's Office)

**Ordinance No. 26514 adopted.**

**Resolution No. 70703 adopted.**

### 2.12 Approval to amend the agreement with Across the Bridge Foundation for the operation of the Downtown Prep Charter School.

**Recommendation:** Approval of a first amendment to the Line of Credit Agreement between the City of San Jose and Across the Bridge Foundation, Inc. to provide for the second \$150,000 installment of a multi-year no interest gap financing Line of Credit being provided by the City for the operation of Downtown College Prep Charter School. (City Manager's Office)

**Approved.**

### 2.13 Approval of Mayor Gonzales' travel to New York.

**Recommendation:** Adoption of a resolution approving Mayor Gonzales' travel to New York, NY, November 16-19, 2001, to attend the New York Firefighter memorial.

Funding: Mayor's Office. (Mayor)  
(Rules Committee referral 11/7/01)

**Dropped.**

### 2.14 Approval to re-allocate existing project resources and amend agreement with Acuent, Inc. to increase compensation.

**Recommendation:** Approval of reallocation of existing project resources for the upgrade of the Human Resources/Payroll System; and adoption of a resolution authorizing the City Manager to execute the first amendment to the consulting services agreement with Acuent, Inc., to increase compensation by \$54,000, for a total contract amount not to exceed \$951,200, but with no increase to the total project budget. (Finance/Human Resources/Information Technology)

(Deferred from 11/6/01 – Item 2.4)

**Upgrade approved.**

**Resolution No. 70704 adopted.**

## 2 CONSENT CALENDAR

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### 2.15 Nominations to the Metcalf Community Advisory Committee.

**Recommendation:** Approval of the nominations to the Metcalf Community Advisory Committee. (Mayor)

(Deferred from 10/30/01 – Item 2.11 and 11/6/01 – Item 2.7)

**Deferred to 11/20/01**

### 2.16 Appointment to the Ethics Board.

**Recommendation:** Adoption of an urgency ordinance re-appointing Alex Stuart, former Chair and member of the Ethics Board, to a temporary term on the Ethics Board, ending June 30, 2002, effective immediately, unless a replacement member is appointed prior to June 30, 2002. (City Attorney's Office)

(Rules Committee referral 11/7/01)

**Urgency Ordinance No. 26515 adopted.**

### 2.17 Approval to submit a grant application to the California Department of Transportation's Environmental Justice Program to study a section of the Coyote Creek Trail.

**Recommendation:**

(a) Adoption of a resolution authorizing the City Manager to submit a request for grant funding, in an amount not to exceed \$300,000, from the California Department of Transportation's Environmental Justice Program to study a section of the Coyote Creek Trail between Selma Olinder Park and Kelly Park, including a connection to the Spartan/Keyes Neighborhood.

**Resolution No. 70705 adopted.**

(b) Authorization for Walk San José and the Rails to Trails Conservancy to submit an application to the State Department of Transportation for a grant to study the aforementioned trail link.

**Council Authorized the submission of the application.**

(c) Direction to staff to work with Walk San José and the Rails to Trails Conservancy regarding the submittal of the grant application.

Council District 3. SNI: Spartan/Keyes. (Parks, Recreation and Neighborhood Services)  
(Rules Committee referral 11/7/01)

**Council directed staff to work with the agencies regarding the submittal of the application.**

**END OF CONSENT CALENDAR**

### 3 STRATEGIC SUPPORT SERVICES

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**3.1 Report of the Study Session  
Mayor Gonzales, Chair**

No report.

**3.2 Report of Rules In Lieu – October 31, 2001  
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 November 13, 2001 Draft Agenda  
**The Committee approved the November 13, 2001 City Council Agenda with one addition.**
  
  - (2) Add New Items to November 6, 2001 Amended Agenda  
**The Committee recommended one addition to the November 6, 2001 City Council Agenda.**
  
- (c) City Council Committees
  - (1) Amendments to Council Committee Agendas
    - (a) Finance and Infrastructure Committee  
**The Committee recommended two additions to the November 14, 2001 draft Finance and Infrastructure Committee Agenda: “Annual Capital Project Status Report (Public Work) [deferred from October 24, 2001]” and “External Quality Control Review (Auditor).”**
  
    - (b) Economic Development and Environment Committee  
**The Committee recommended one addition to the November 5, 2001 Agenda entitled, “Staff presentation on the City’s current Reasonable Accommodation policies and process of notification”.**
  
    - (c) Education, Neighborhoods, Youth, and Seniors Committee  
**None filed.**
  
- (d) Meeting Schedules  
**This item to be heard by Council on 11/6/01.**
  
- (e) The Public Record for the period October 17-23, 2001  
**The Committee noted and filed Public Record.**

### **3 STRATEGIC SUPPORT SERVICES**

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#### **3.2 Report of Rules In Lieu – October 31, 2001 – (Cont'd)**

##### **Vice Mayor Shirakawa, Jr., Chair**

(f) Boards, Commissions and Committees

**None filed.**

(g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee

**None filed.**

(h) Administrative Reviews and Approval

**None filed.**

(i) Oral communications

**None presented.**

(j) Adjournment

**The meeting was adjourned.**

**The Rules Committee report and actions of October 31, 2001 accepted.**

#### **3.3 Report of the Finance and Infrastructure Committee**

##### **Council Member Dando, Chair**

**No report.**

#### **3.4 Approval of various actions related to the City's cable television services.**

**Recommendation:** Adoption of a resolution:

- (a) Approving and adopting the findings of the “Report on Cable-Related Needs and Interests and Operator Past Performance” (and the City-commissioned studies referenced in it) and the contents of the Request For Renewal Proposal (“RFRP”), including the findings therein with respect to the cable-related needs and interests of the community, and the past performance of AT&T Broadband HC of California LLC and its predecessors collectively (AT&T HC).
- (b) Authorizing the issuance of the RFRP as attached to this report with a January 11, 2002 deadline for response.
- (c) Authorizing the City to issue such notices as may be required to protect its interests under federal law.
- (d) Confirming that the requirements and model system are the requirements and the model system that the City Council believes will help meet the needs and interests of this community.

(City Manager's Office)

**Dropped – To be brought back at a later time if necessary.**

### **3 STRATEGIC SUPPORT SERVICES**

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#### **3.5 Interview and appointment of two commissioners to the San José Appeals Hearing Board.**

**Recommendation:** Interview applicants to fill two vacancies on the San José Appeals Hearing Board; (2) four-year terms ending 12/31/2005. (City Clerk)

**Council interviewed 3 applicants, and on the first ballot appointed Incumbents Keith McDavit and George Soares to the Appeals Hearing Board.**

### **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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#### **4.1 Report of the Economic Development & Environment Committee – November 5, 2001**

**Council Member Williams, Chair**

- (a) Annual Report of the First Source Employment Program
- (b) First Quarter Redevelopment Housing Report
- (c) Parkland Ordinances Fee Adjustment Report
- (d) Monthly Status Report on Housing Production Team Action Items
- (e) Quarterly Report on Activity in the Project Development Program
- (f) Quarterly Report on Housing Rehabilitation Program
- (g) Quarterly Report on the Housing and Homeless Fund
- (h) Monthly Report on Affordable Housing Production
- (i) Reasonable Accommodation policies and process of notification
- (j) Oral petitions
- (k) Adjournment

**Dropped. - To be heard 11/20/01.**

#### **4.2 Approval of various actions related to the North White Road Family Apartments.**

**Recommendation:**

- (a) Adoption of a resolution approving business terms for a construction loan of up to \$9,985,000 and a permanent loan of up to \$10,185,000 to JSM Enterprises, Inc., or its designated partnership, for the development of a 157-unit family housing development with 156 units affordable to low- and very low-income households and one unrestricted manager's unit on a 3.83 acre site located on the east side of North White Road, approximately 450 feet north of McKee Road. Council District 5. (Housing)

**Resolution No. 70706 adopted.**

*This item continued on next page.*

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.2 Approval of various actions related to the North White Road Family Apartments. (Cont'd)**

**Recommendation:**

- (b) Adoption of a resolution authorizing the issuance of a single series of tax-exempt multifamily housing revenue bonds in a not-to-exceed principal amount of \$16,845,000, and approving a loan of the proceeds to a limited partnership created by JSM Enterprises, Inc. for financing the construction of the North White Road Family Apartments Project including:
- (1) Approving, in substantially final form, the Bonds, Trust Indenture, Loan and Financing Agreement, Regulatory Agreement, and Declaration of Restrictive Covenants, and Promissory Note.
  - (2) Authorizing the Director of Finance and the Acting Director of Housing to execute and, as appropriate, to negotiate, execute, and deliver these documents and other related documents as necessary.
  - (3) Approval of an exception to the City's Investment Policy to allow the proceeds of the Bonds to be invested in one or more investment agreements with an institution(s) whose participation in the financing will not adversely affect the expected ratings on the Bonds, as approved by the Director of Finance.

Council District 5. (Housing/Finance)  
(Deferred from 10/30/01 – Item 4.4)

**Resolution No. 70707 adopted.**

### **4.3 Public Hearing on final cancellation of land conservation contract for approximately 13 acres of property located on the southerly side of Piercy Road.**

**Recommendation:** PUBLIC HEARING ON FINAL CANCELATION OF LAND CONSERVATION CONTRACT for property consisting of approximately 13 acres located on the southerly side of Piercy Road, approximately 1,200 feet easterly of Silver Creek Valley Road. (Mission West Properties, L.P., Owner). CEQA: Resolution No. 69699.

Contract No. 72-218 - District 2

**Council approved findings that the condition and the contingency of the tentative contract cancellation have been met, and authorized the recordation of the Contract.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.4 Public Hearing on final cancellation of land conservation contract for approximately 10 acres of property located on the southerly side of Piercy Road.**

**Recommendation:** PUBLIC HEARING ON FINAL CANCELATION OF LAND CONSERVATION CONTRACT for property consisting of approximately 10 acres located on the southerly side of Piercy Road, approximately 1,200 feet easterly of Silver Creek Valley Road. (Mission West Properties, L.P., Owner). CEQA: Resolution No. 69699.

Contract No. 78-004 - District 2

**Council approved findings that the condition and the contingency of the tentative contract cancellation have been met, and authorized the recordation of the Contract.**

### **4.5 Approval of various actions related to the Almaden Senior Apartments.**

**Recommendation:**

- (a) Adoption of a resolution approving business terms for a permanent loan of up to \$3,757,000 to Simpson Housing Solutions, L.L.C, or its designated partnership, for the development of the Almaden Senior Apartments, a 66-unit senior housing development affordable to low- and very low-income households on a 1.3 acre site located on the west side of Almaden Road, approximately 100 feet southerly of Willow Glen Way. Council District 6. (Housing)

**Resolution No. 70708 adopted.**

- (b) Adoption of a resolution:
- (1) Authorizing the issuance of tax-exempt multifamily housing revenue bonds in the aggregate principal amount not to exceed \$6,050,000;
  - (2) Approving a loan of bond proceeds to Almaden Senior Housing Partners, L.P., a California limited partnership created by Las Palmas Foundation and Simpson Housing Solutions, LLC for financing the construction of the Almaden Senior Housing Apartments located at 1735 Almaden Road;
  - (3) Approving in substantial form the Bonds, Trust Indenture, Financing Agreement, Regulatory Agreement and Declaration of Restrictive Covenants, the Bond Purchase Agreement and Remarketing Agreement; and;
  - (4) Authorizing the Director of Finance and Acting Director of Housing to execute and, as appropriate, to negotiate, execute, and deliver these documents and other related documents as necessary.

Council District 6. (Finance/Housing)

**Resolution No. 70709 adopted.**

## **5 RECREATION & CULTURAL SERVICES**

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- 5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee  
Council Member Chavez, Chair**  
No report.

- 5.2 Approval of various actions for the FY 2002-03 Community Development Block  
Grant and Healthy Neighborhoods Venture Fund Programs.**

**Recommendation:** Approval of proposed policies and application evaluation and rating criteria for the 2002-03 FY Community Development Block Grant and Healthy Neighborhoods Venture Fund Programs. (Parks, Recreation and Neighborhood Services)  
**Approved.**

- 5.3 Approval to award a contract for the Paul Moore Park Irrigation Renovation  
Project.**

**Recommendation:** Report on bids and award of contract for the Paul Moore Park Irrigation Renovation Project to the low bidder, Perma Green Hydroseeding Inc., to include the base bid and Add Alternates Nos. 1-3, in the amount of \$466,000, and approval of a contingency in the amount of \$47,000. CEQA: Exempt. Council District 9. (Public Works)  
**Approved.**

## **6 TRANSPORTATION SERVICES**

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## **7 ENVIRONMENTAL & UTILITY SERVICES**

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## **8 AVIATION SERVICES**

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- 8.1 Approval of various actions related to the Airport Improvement Program.**

**Recommendation:**

- (a) Adoption of a resolution approving a minor amendment to the Airport Master Plan to modify the description and scheduling of terminal area development projects. (Airport)

**Resolution No. 70710 adopted.**

*This item is continued on next page.*

## 8 AVIATION SERVICES

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### 8.1 Approval of various actions related to the Airport Improvement Program (Cont'd)

#### **Recommendation:**

- (b) Approval of an ordinance amending Parts 3 and 4 of Chapter 25.04 of the San José Municipal Code as follows:
- (1) Amend Section 25.04.300 of Title 25 to make the Terminal Building square footage consistent with the square footage provided in the adopted 1997 Airport Master Plan, and to make the number of Rental Car Ready and Return Spaces consistent with the number of such spaces in the Plan, by amending the limitations set forth in 25.04.300 (B)(2) pertaining to Terminal Facilities square footage and 25.04.300 (B)(4) pertaining to Rental Car Ready and Return spaces, and expressly referring to the limits in the adopted 1997 Airport Master Plan.
  - (2) Amend Section 25.04.310 to incorporate the design concept of a Centralized Terminal Facility without affecting any of the prerequisites for expansion of terminal facilities.
  - (3) Amend Section 25.04.350 to clarify that new terminal facilities shall only be constructed when the City has obtained and approved adequate written documentation which assures that:
    - (a) the funding of the costs of development, maintenance, and operation of such facilities will be paid by the users of the facilities, in accordance with standard City-established airline rates and charges methodologies, so as to continue existing City practice and policy that no City general funds are utilized for Airport development; and
    - (b) the written documentation conforms to Federal law and regulations pertaining to competition and to the City's competition plan for the Airport.
  - (4) Make a technical correction to Section 25.04.440 Part 4 of Chapter 25.04 to substitute the word "Part" for the word "Chapter," to conform to Council intent that Part 4 of the Municipal Code (the Airport Traffic Relief Act) not be changed without voter approval. (Airport)  
**Ordinance No. 26516 passed for publication.**

- (c) Direct the Administration to proceed with design studies for the centralized terminal to provide a desirable level of customer service (e.g. IATA Level of Service "B"), as well as to determine by such studies the additional security requirements for the Terminal Facility in accordance with federal regulations; to proceed with design studies for the addition of the on-Airport Automated People Mover (APM), and to report back on any needed modifications for such security requirements or the APM. (Airport)

**Council approved direction to the Administration to proceed with specified studies.**

*This item continued on next page.*

## **8 AVIATION SERVICES**

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### **8.1 Approval of various actions related to the Airport Improvement Program (Cont'd)**

Council approved Aviation Staff's recommendation for expansion of Terminal Building and Terminal Facilities square footage in a Centralized Terminal Facility, with the following directives regarding improvements to the Airport Master Plan: (1) Directed the Administration to work with the Bay Area Air Quality Management District to investigate the feasibility of installing air quality monitors in Airport-area residential neighborhoods and report back to Council within 120 days. (2) Directed the Administration to devote the necessary resources to continue the expeditious implementation of the City's Acoustical Treatment Program. (3) Directed the City Attorney to identify the appropriate local and federal actions and processes necessary to impose fines and penalties on aircraft operators for violation of the existing Airport curfew, or to allow incentives for compliance, and report back to Council within 90 days. (4) Directed the Administration to investigate parking patterns and work with the surrounding neighborhoods to determine the level of Airport-related parking on neighborhood streets. (5) Directed the Airport to include in future terminal planning, and in reports to Council on terminal design, the accommodation of pedestrian and bicycle access. (6) Directed the Administration to compile a summary report to Council within 90 days on aircraft run-up procedures and activities, correlation to noise complaints, potential noise reduction technologies and existing Municipal code and EIR run-up noise mitigation commitments. (7) Adopt as Council policy that before the City Council considers an amendment to the Municipal Code to allow the Airport to expand beyond 40 airline gates, the Administration must update its Master Plan demand forecasts and prepare in turn, a supplemental or new Airport Master Plan EIR.

## **9 PUBLIC SAFETY SERVICES**

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## **10 JOINT COUNCIL/REDEVELOPMENT AGENCY**

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- Closed Session 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:

None filed.

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:

None filed.

- **Open Forum**

- (1) **David S. Wall submitted into the public record comments on various subjects.**

- (2) **Pete Campbell spoke about the re-naming of the San Jose International Airport and Measure I.**

- **Following Open Forum, Council recessed at 2:45 p.m. and reconvened at 7:05 p.m., Council chambers, City Hall.**

- **Adjournment**

- The Council of the City of San Jose adjourned at 8:20 p.m.**