

# CITY COUNCIL AGENDA

**NOVEMBER 26, 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.**

Agendas and Staff Reports for City Council items may be viewed on the Internet at [www.ci.san-jose.ca.us/cty\\_clk/agenda.htm](http://www.ci.san-jose.ca.us/cty_clk/agenda.htm)

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (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**  
9:30 a.m. - Closed Session, Room 600, City Hall  
**Absent: Council Members; Shirakawa, Jr. (excused)**  
  
1:30 p.m. - Regular Session, Council Chambers, City Hall  
**Absent: Council Members; None**
  
- **Invocation**  
Students from the Steinbeck After-school Martial Arts Program presented a five-minute Martial Arts presentation, directed by Matt Grentier, Physical Education Teacher from Steinbeck Middle School (District 10).
  
- **Pledge of Allegiance**  
Mayor Gonzales led the Pledge of Allegiance.
  
- **Orders of the Day**  
Approved.

## **1 CEREMONIAL ITEMS**

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- 1.1 Presentation of a commendation to Jose Pantoja and History San José for their help in identifying former Mayors and Alcaldes of San José for preserving San José's heritage, unveiling of a plaque with names of Mayors and Alcades of San José from 1777 to 1850, and presentation of awards to winners of the District 4 Missing Mayors contest. (Reed) **Mayor Ron Gonzales and Council Member Reed presented award checks to the District 4 Missing Mayors Contest Award Winners; Cristal Rodriguez, Patricia Ellis, and winner Joe Hoffman was unable to be present. Mayor Gonzales presented a commendation to Jose Pantoja for his hard work and efforts in working with the History of San Jose project; and a plaque was presented by Mr. Pantoja on behalf of the History of San Jose to Council Member Reed for his continuous support. Council Member Reed commended *La Oferta* newspaper for their coverage of the history of San Jose within their publication.**

# 1 CEREMONIAL ITEMS

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- 1.2 Presentation of a commendation to the executive director and board members of the Vision New America organization for its mission to promote the participation by underrepresented ethnic groups, starting with the Asian American population, in American civic activities through educational programs and its Summer Public Policy Internship Program. (Williams)

**Joining Mayor Gonzales, Council Members Williams and Reed presented commendations to Vision New America; Anna Wang, Executive Director of Vision New America, and Members; Dr. Belle Wei and Sandy Chau. Anna Wang accepted the commendation and thanked the Mayor and City Council for the recognition.**

- 1.3 Presentation of a commendation to the San José Job Corps Center for being named the top performing Job Corps Center in the nation by the U.S. Department of Labor. (Campos)

(Orders of the Day)

**Council Member Campos joined Mayor Gonzales in presenting a commendation to Aladin Rodriguez, Executive Director of the San José Job Corps Center, along with Community Liaison, Richard Martinez, for their success in placing students as the #1 ranked Job Corps in the country. Executive Director Rodriguez accepted the commendation and thanked the Mayor and Council on behalf of the San Jose Job Corps.**

# 2 CONSENT CALENDAR

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## 2.1 Approval of Minutes.

**Recommendation:** Approval of City Council Minutes for:

- (a) Regular meeting of May 21, 2002

**Approved.**

- (b) Joint Council/Redevelopment Agency Board/Financing Authority meeting of May 21, 2002

**Approved.**

## 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances:

- (a) ORD. NO. 26770 – Amends Section 4.24.015 of Chapter 4.24 of Title 4 of the San José Municipal Code to increase settlement authority of the City Attorney for compromise and release and stipulated awards in workers’ compensation cases and to provide for reports to the City Council on an annual basis.

**Ordinance No. 26770 adopted.**

- (b) ORD. NO. 26772 – Rezones certain real property situated on the west side of Aiello Drive, approximately 350 feet northerly of Lewis Road. C 02-074

**Ordinance No. 26772 adopted.**

## 2 CONSENT CALENDAR

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### 2.3 Approval of fiscal actions related to Rental Dispute Program fee adjustments.

**Recommendation:**

- (a) Adoption of a resolution amending the 2002-03 Schedule of Fees and Charges to make the following changes in the Housing Department for the Rental Dispute Mediation Program Fee:
- (1) Increase the fee for apartment units from \$5.70/unit annually to \$9.09/unit annually;
  - (2) Increase the fee for mobilehome units from \$5.70/unit annually to \$6.26/unit annually;
  - (3) Establish a fee of \$0.50/unit annually for units not covered by rent control.
- Resolution No. 71308 adopted.**
- (b) Adoption of related appropriation ordinance and funding sources resolution amendments in the General Fund:
- (1) Increase the Housing Department's non-personal services appropriation by \$135,380;
  - (2) Increase the revenue estimate for Licenses and Permits in the amount of \$135,380.

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

**Ordinance No. 26782 adopted.**

**Resolution No. 71309 adopted.**

### 2.4 Approval of an ordinance to reflect the reorganization of City services within City departments.

**Recommendation:** Approval of an ordinance amending Chapter 2.04 of Title 2 of the San José Municipal Code to reflect the reorganization of City services within City departments. CEQA: Not a Project. (City Manager's Office)

**Ordinance No. 26783 was passed for publication.**

**Staff was directed to: (1) To review the advisability of changing the name of Equality Assurance in the Public Works Department to better reflect its current mission when any future reorganizations are considered; (2) To report back to Council with a summary of benefits expected from the proposed reorganization actions; and (3) To report back to Council in December with previously determined prevailing wage issues.**

### 2.5 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 #15, and authorization for the Director of General Services to execute the purchase orders. CEQA: Not a Project. (General Services)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.6 Approval of appointments to the Downtown Parking Board.

**Recommendation:** Approval of appointments to the Downtown Parking Board.  
(Mayor)  
**Approved.**

### 2.7 Approval of various fiscal actions related to the Federal Weed and Seed Grant funds in the Washington Neighborhood.

**Recommendation:**

- (a) Adoption of the following appropriation ordinance and funding sources resolution amendments in the General Fund related to the Federal Weed and Seed Grant funds in the Washington Neighborhood:
- (1) Increase the revenue estimate for Revenue from the Federal Government by \$225,000.
  - (2) Increase the City-wide appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$175,000.
  - (3) Increase the City-wide appropriation to the Police Department in the amount of \$50,000.

**Ordinance No. 26784 adopted.**

**Resolution No. 71310 adopted.**

- (b) Reauthorize the following existing positions for the term of the grant:

- (1) 1.0 FTE Full-time Community Activity Worker; and
- (2) 0.5 FTE Part-time D-benefited Staff Analyst.

CEQA: Not a Project. Council District 3. SNI: Washington. (Parks, Recreation and Neighborhood Services/Police/City Manager's Office)

**Approved.**

### 2.8 Approval of an agreement related to the P.O.S.T.-reimbursed Driver and Force Option Simulator training program for peace officers in Santa Clara County.

**Recommendation:** Approval of the agreement with the Commission on Peace Officer Standards and Training (P.O.S.T.) related to the previously approved P.O.S.T.-reimbursed Driver and Force Option Simulator training program for peace officers in Santa Clara County, for the period July 1, 2002 to June 30, 2003, for a total amount not to exceed \$210,000. CEQA: Not a Project. (Police)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.9 Approval to award a contract for the Flickinger and Townsend Play Area and Restroom Renovation Projects.

**Recommendation:** Report on bids and award of contract for the Flickinger and Townsend Play Area and Restroom Renovation Projects to the low bidder, HRB Construction, Inc., to include the base bid and Add Alternate Nos. 1, 2, 3, 4, and 5 in the amount of \$740,591, and approval of a contingency in the amount of \$74,100. Flickinger CEQA: Exempt, PP02-08-211; Townsend CEQA: Exempt, PP02-08-212. Council District 4. (Public Works)

**Approved.**

### 2.10 Approval to award a contract for the Groesbeck Hill Park Improvements Project.

**Recommendation:** Report on bids and award of contract for the Groesbeck Hill Park Improvements Project to the lowest responsive bidder, System 3, Inc., to include the base bid only in the amount of \$307,500, and approval of a contingency in the amount of \$30,000. CEQA: Negative Declaration, PP02-10-285. Council District 8. (Public Works)

**Approved.**

### 2.11 Approval of the Operating Grant Agreement with Our City Forest for Fiscal Year 2002-2003.

**Recommendation:** Approval of the Operating Grant Agreement with Our City Forest for Fiscal Year 2002-2003, in the amount of \$135,000. CEQA: Not a Project. (Transportation)

**Approved.**

### 2.12 Approval of the Tree Planting Grant Agreement with Our City Forest for Fiscal Year 2002-2003.

**Recommendation:** Approval of the Tree Planting Grant Agreement with Our City Forest for Fiscal Year 2002-2003, in the amount of \$120,000. CEQA: Not a Project. (Transportation)

**Approved.**

**Staff directed to endeavor to use volunteers to assume some tree maintenance responsibilities under the direction of the City Arborist.**

## 2 CONSENT CALENDAR

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### 2.13 Approval to negotiate and execute an agreement for catering management services.

**Recommendation:** Adoption of a resolution authorizing the City Manager to:

- (a) Negotiate and execute an agreement with Fairmont Hotels & Resorts, Inc. as the exclusive contractor to provide catering management services at the Fourth and San Fernando Streets Parking Garage Banquet Center, for a term of two years, commencing on or about February 20, 2003, with a maximum manager's fee not to exceed 8% of Adjusted Gross Revenue per annum; and
- (b) Negotiate and execute an agreement with the next best proposer if the City is unable to reach an agreement with the Fairmont.

CEQA: Not a Project. (Conventions, Arts and Entertainment)  
(Rules Committee referral 11/20/02)

**Resolution No. 71311 adopted.**

**Staff directed to include the strongest possible recycling efforts in the contract negotiations.**

### 2.14 Approval to award a purchase for a bullet containment system.

**Recommendation:** Approval of award of sole source purchase of a bullet containment system to Super Trap, Inc., (Corona, CA) for a total cost of \$148,149.19 including tax, delivery, and installation and authorization for the Director of General Services to execute the purchase order. CEQA: Not a Project. (General Services)

(Rules Committee referral 11/20/02)

**Approved.**

## 3 STRATEGIC SUPPORT SERVICES

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### 3.1 Report of the Study Session

**Mayor Gonzales, Chair**

- (a) FY 2002-2003 Capital, 5-Year CIP, and 2002-03 Operating Budget session of May 20, 2002

**Approved.**

### 3.2 Report of the Rules Committee

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

**Meeting of November 13, 2002**

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council

- (1) Review November 26, 2002 Draft Agenda

**The Committee recommended approval of the November 26, 2002 City Council agenda with four additions.**

- (2) Add New Items to November 19, 2002 Amended Agenda

**The Committee recommended four additions to the November 19, 2002 Council agenda.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee (Cont'd)

Vice Mayor Shirakawa, Jr., Chair

Meeting of November 13, 2002

- (c) City Council Committees
  - (1) Amendments to Council Committee Agendas
    - (a) Finance and Infrastructure Committee
    - (b) Economic Development and Environment Committee
    - (c) Education, Neighborhoods, Youth, and Seniors Committee

**None filed.**
- (d) Meeting Schedules  
**There were none.**
- (e) The Public Record  
**The Committee noted and filed the Public Record.**
- (f) Boards, Commissions and Committees  
**The Committee directed the City Clerk to conduct a blind drawing for those commissions with more than one vacancy and varying term ending dates, with the results of the draw noted in the Rules Committee report. The Committee recommended the following appointments:**
  - (1) Disadvantaged Business Development Commission  
**The Committee recommended appointment of Marin Arreola (Incumbent), Brenda Jackson (Incumbent), Matt Kamkar (Incumbent), Arturo Rivera and Sterling Starbird to terms ending December 31, 2005; and James Charles to an unexpired term ending December 31, 2004.**
  - (2) Historic Landmarks Commission  
**The Committee recommended appointment of Edward Janke to an unexpired term ending June 30, 2006.**
  - (3) Library Commission  
**The Committee recommended appointment of David Cohen to an unexpired term ending June 30, 2004.**
  - (4) Mobile Home Advisory Commission  
**The Committee directed the City Clerk to readvertise both the landlord and neutral positions and to return to Rules Committee before year's end with recommended applicants for these positions.**
- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee  
**There were none.**

### **3 STRATEGIC SUPPORT SERVICES**

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#### **3.2 Report of the Rules Committee (Cont'd)**

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

**Meeting of November 13, 2002**

(h) Administrative Reviews and Approval

**There were none.**

(i) Oral communications

**None were presented.**

(j) Adjournment

**The meeting adjourned at 2:15 P.M.**

**Rules Committee report and actions of November 13, 2002 accepted.**

**Meeting of November 20, 2002**

(d) Meeting Schedules

(1) Approve City Council Meeting Schedule for January – August 2003

(2) Approve proposed dates for 2003 General Plan Hearings

(3) **Approve Legislative Priorities Schedule/Calendar**

**The Committee accepted Mayor Gonzales' memorandum presented at the meeting, added this item to the Rules Agenda of November 20, 2002, and recommended approval of Mayor Gonzales' recommendations dated November 19, 2002, to approve the following Legislative Priorities schedule/calendar:**

**12/2 City Manager/Redevelopment Agency release proposed priorities.**

**12/17 City Council considers and discusses CM/RDA proposal.**

**1/6/03 5:00 PM Deadline for Council Members to submit up to two proposals to Mayor's Budget and Policy Office (Template to be distributed separately).**

**1/10 Mayor releases Legislative Priority recommendations for Council considerations.**

**1/14 Council action on Legislative priorities.**

**1/24 Legislature's deadline for submission of new bills.**

**Partial Rules Committee report and actions of November 20, 2002 on 3.2(d) accepted.**

#### **3.3 Report of the Finance and Infrastructure Committee – November 13, 2002**

**Council Member Dando, Chair**

(a) Consent Items

(1) Monthly Investment Report for September 2002

(2) Minutes from the Third Quarter Investment Committee Meeting

**The Committee accepted the Consent Items.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.3 Report of the Finance and Infrastructure Committee – November 13, 2002 (Cont'd) Council Member Dando, Chair

- (b) Monthly Financial Report for September 2002  
**The Committee accepted the staff report.**
- (c) Comprehensive Annual Financial Report for Year Ended 2002-03  
**The Committee accepted the staff report.**

**SEE ITEM 3.5 FOR COUNCIL ACTION TAKEN**

- (d) Update on e-Government Due Diligence  
**The Committee accepted the staff report.**

**SEE ITEM 3.6 FOR COUNCIL ACTION TAKEN**

- (e) Informational Presentation of the San José Fire Museum  
**The Committee requested that this item be referred to the City Manager's Office for further discussion and that the City Manager's Office work in conjunction with the Fire Department to determine next steps.**
- (f) Oral petitions  
**None.**
- (g) Adjournment  
**The Committee was adjourned at 4:50 P.M.**

**Finance and Infrastructure Committee report and actions of November 13, 2002, with Items 3.4(c) heard at Item 3.5 and 3.4(d) heard at Item 3.6.**

#### 3.4 Acceptance of reports for the First Quarterly City-wide Capital Improvement Program and the Quarterly Strong Neighborhood Initiative Report.

##### **Recommendation:**

- (a) Acceptance of the First Quarterly City-wide Capital Improvement Program Status Report including Park, Library and Public Safety Bond Projects. CEQA: Not a Project. (City Manager's Office)
- (b) Acceptance of the Strong Neighborhood Initiative (SNI) Quarterly Report, June – September 2002. CEQA: Not a Project. (City Manager's Office/Redevelopment Agency)

(Rules Committee referral 11/20/02)

**RENUMBERED TO 10.1**

**Approved.**

### **3 STRATEGIC SUPPORT SERVICES**

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#### **3.5 Acceptance of the Comprehensive Annual Financial Report.**

**Recommendation:** Acceptance of the Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2002-03. (Finance)

[Finance & Infrastructure Committee referral 11/13/02 - Item 3.3(c)]

**Approved.**

#### **3.6 Approval of various actions related to e-Government.**

**Recommendation:**

(a) Acceptance of the report and affirming the proposed e-Government Mission and approval of the proposed project.

**Approved.**

(b) Adoption of the following appropriation ordinance amendments in the General Fund:

(1) Establishing an appropriation for the e-Government implementation project for two positions in the amount of \$190,000.

(2) Decreasing the e-Government Applications Earmarked Reserve by the amount of \$190,000.

**Ordinance No. 26785 adopted.**

(c) Directing staff to report back to the City Council within 90 days after filling the positions dedicated to e-Government, with a project plan on the implementation of the class registration on-line initiative recommended by the Information Technology Planning Board.

(Conventions, Arts and Entertainment/Information Technology Planning Board)

[Finance & Infrastructure Committee referral 11/13/02 - Item 3.3(d)]

**Approved.**

**Staff directed to include Council District in the community survey of Internet users to determine usage and access by City Council District.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.7 Public Safety Bond Citizen Oversight Committee.

**Recommendation:**

- (a) Appointment of the following people to the Public Safety Bond Citizen Oversight Committee:

Autumn Gutierrez

Jim Shore

John Skeen

Phyllis Lazzarini

Dang Pham

**Council approved Mayor Gonzales' recommendations dated November 19, 2002 and the above named people were appointed to the Public Safety Bond Citizen Oversight Committee.**

- (b) Direct the City Manager to create a workplan and meeting schedules for the committee.

(Mayor)

(Rules Committee referral 11/20/02)

**Approved.**

#### 3.8 Approval of policy and municipal code changes related to non-discrimination for transgender individuals.

**Recommendation:**

- (a) Adoption of a resolution amending the City of San Jose Harassment Policy to include protections for gender identity in addition to existing protections for race, color, ethnicity, national origin, disability, age, sex, marital status, sexual orientation, and religion.

**Resolution No. 71312 adopted.**

- (b) Approval of an ordinance amending the Municipal Code to include discrimination or preference on the basis of gender identity, in addition to existing protections, as a violation of Chapter 4.08. Chapter 4.08 currently states that it is illegal for a contractor covered by the chapter to discriminate or grant preferential treatment on the basis of race, sex, color, age, religion, sexual orientation, disability, ethnicity, or national origin, in the performance of any contract with the City or with the Redevelopment Agency of the City of San José; and amending Section 2.08.3030 of the Municipal Code to include gender identity discrimination as a matter affecting human rights and covered under the functions, powers and duties of the Human Rights Commission.

(Mayor/Yeager)

(Rules Committee referral 11/20/02)

**Ordinance No. 26786 was passed for publication.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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- 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 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. Director of Planning, Building and Code Enforcement and Historic Landmarks Commission recommend approval (5-0-1). (Planning, Building, and Code Enforcement)

MA 02-003 - District 3

(Continued from 10/8/02 – Item 4.3 et al, and 11/5/02 – Item 4.2)

**CONTINUED TO 12/10/02.**

- 4.3 Public Hearing and adoption of a resolution approving the vacation of a portion of San Fernando Street.**

**Recommendation:** PUBLIC HEARING and adoption of a resolution approving the vacation of a portion of San Fernando Street between Bush and Wilson Streets, reserving a public service easement and a pedestrian easement over the vacated area. CEQA: Resolution No. 68748. Council District 6. (Public Works)

**Resolution No. 71313 adopted.**

- 4.4 Approval of various actions related to Cherryview Senior Apartments.**

**Recommendation:** Adoption of a resolution:

- (a) Approving a conditional grant of up to \$7,000,000 to ROEM Development Corporation, or its designated partnership, for the acquisition and predevelopment of the Cherryview Senior Apartments, a 126-unit senior rental development located at 5067 Almaden Expressway.
- (b) Finding that the use of redevelopment funds for the project is of benefit to the Redevelopment Project Areas in San José.

CEQA: Negative Declaration, PDCSH02-02-032. Council District 9. (Housing)

**Resolution No. 71314 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 RECREATION & CULTURAL SERVICES**

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### **5.2 Approval to award a contract for Bernal Park Expansion Project.**

**Recommendation:** Report on bids and award of contract for Bernal Park Expansion Project to the low bidder, Jensen Corporation, in an amount of \$1,218,777, and approval of a contingency in the amount of \$97,500. CEQA: Mitigated Negative Declaration, PP01-05-101. Council District 3. (Public Works)

**Approved.**

## **6 TRANSPORTATION SERVICES**

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### **6.1 Approval of various actions related to Tow Services Agreements.**

**Recommendation:**

- (a) Adoption of a resolution setting fees for Tow Services Agreements effective April 1, 2003;
- (b) Approval of establishment of eight tow zones modified along Police patrol district lines; and,
- (c) Approval of the dispatching of tow requests by Police Communications effective April 1, 2003.

CEQA: Not a Project. (Planning, Building and Code Enforcement)  
(Deferred from 11/19/02 – Item 6.1)

**DEFERRED TO 12/3/02.**

## **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.**

**Recommendation:**

- (a) Approval of a second amendment to the lease of airport premises with United Airlines, Inc. for 2,580 square feet of office space at 1277 Airport Blvd., extending the term from December 1, 2002 through November 30, 2007, with revenue to the City of \$18,000 annually.
- (b) Approval of a first amendment to the lease of airport premises with United Airlines, Inc. for 2,315 square feet of office space in Terminal C Mezzanine, extending the term from February 1, 2003 through November 30, 2007, with revenue to the City in the amount of \$153,000 annually.

CEQA: Resolution No. 67380, PP 02-11-320. (Airport)

- (c) Approval of an eighth amendment to the Scheduled Airline Operating Agreement between the City of San José and United Airlines, Inc., to add provisions regarding compliance with the City's Airport Noise Control Program, with annual revenue to the City of approximately \$900,000. CEQA: Resolution No. 67380, PP02-10-320. (Airport)

**DROPPED**

## **8 AVIATION SERVICES**

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### **8.2 Adoption of a resolution calling for a special election for March 4, 2003, for the Airport Security and Traffic Relief Act.**

**Recommendation:** Adoption of a resolution placing the amendment of San José Municipal Code Chapter 25.04, Part 4, entitled “Airport Traffic Relief Act,” on a March 4, 2003 special election ballot for voter approval, providing for the orderly and cost-effective development of required security improvements and additional terminal gates at the Airport and implementation of traffic relief projects for the Norman Y. Mineta San José International Airport. CEQA: Resolution No. 67380 (Mayor)

**Resolution No. 71315 adopted. Noes: Yeager.**

## **9 PUBLIC SAFETY SERVICES**

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### **9.1 Acceptance of the annual report related to the impact of cardroom gambling on crime in the City of San José**

**Recommendation:** Acceptance of the annual report related to the impact of cardroom gambling on crime in the City of San José for the period July 1, 2002 to June 30, 2002. CEQA: Not a Project. (Police)

**Approved.**

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

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### **REDEVELOPMENT AGENCY BOARD CONVENED AT 5:36 P.M. TO CONSIDER ITEM 10.1 IN A JOINT SESSION**

### **10.1 Acceptance of reports for the First Quarterly City-wide Capital Improvement Program and the Quarterly Strong Neighborhood Initiative Report.**

**Recommendation:**

- (a) Acceptance of the First Quarterly City-wide Capital Improvement Program Status Report including Park, Library and Public Safety Bond Projects. CEQA: Not a Project. (City Manager’s Office)
- (b) Acceptance of the Strong Neighborhood Initiative (SNI) Quarterly Report, June – September 2002. CEQA: Not a Project. (City Manager's Office/Redevelopment Agency)

(Rules Committee referral 11/20/02)

**RENUMBERED FROM 3.4**

**Approved.**

**City and RDA Staff to report back with a breakdown of estimates of the remaining projects that have been identified in the SNI which borders the districts of Council Members LeZotte and Yeager.**

## 10 JOINT COUNCIL/REDEVELOPMENT AGENCY

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### REDEVELOPMENT AGENCY BOARD PORTION OF THE MEETING ADJOURNED AT 5:57 P.M.

- 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:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9391	SE/c of Stevens Creek & Winchester Blvds	6	Federal Realty Investment Trust	1 lot	Condo (36 units, 178,359 sf Retail)	Approve
9342	W/s of N. 7 <sup>th</sup> St., 200 feet n/o E. Taylor St.	3	Classic Communities	28 units	SFAR	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>
9430	SE/c of Stevens Creek & Winchester Blvds	6	Federal Realty Investment Trust	1 lot	Condo Map

- Open Forum—Heard jointly with Redevelopment Agency Public Discussion.  
None presented.
- Adjournment  
The Council of the City of San Jose adjourned at 5:58 P.M.