

# CITY COUNCIL AGENDA

**NOVEMBER 30, 2004**

## 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  
TERRY O. GREGORY  
DAVID D. CORTESE  
JUDY CHIRCO  
PAT DANDO, VICE MAYOR

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.sanjoseca.gov/clerk/agenda.htm](http://www.sanjoseca.gov/clerk/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**  
9:33 a.m. - Closed Session, Room 600, City Hall  
**Absent – Council Members: Dando (excused)**  
  
1:30 p.m. - Regular Session, Council Chambers, City Hall  
**Absent – Council Members: Dando (excused)**
- **Invocation (District 10)**  
**Father Konstantine “Dean” Medrinos, St. Basil the Greek Orthodox Church delivered a prayer.**
- **Pledge of Allegiance**  
**Mayor Gonzales led the Pledge of Allegiance.**
- **Orders of the Day**  
**The Orders of the Day and Amended Agenda were approved.**  
  
**Mayor Gonzales introduced Barbara Altard as the new Independent Police Auditor for the City of San José.**

## **1 CEREMONIAL ITEMS**

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- 1.1 Recognition of Dr. Lisa Blevins and the Grace Community Center staff as recipients of the “Community Resource of the Year” award. (Parks, Recreation and Neighborhood Services)  
**Mayor Gonzales introduced Francisco Valenzuela of the San Andreas Regional Center, to present the Community Resource of the Year award to the Grace Community Center for the services they provide to the mentally and development disabled community.**
- 1.2 Presentation of a commendation to Joseph Hoffman for his help in identifying a former Alcade of San José and for preserving San José’ heritage. (Reed)  
**Dropped**

# 1 CEREMONIAL ITEMS

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- 1.3 Presentation of a commendation to John Cortese, in recognition of his generous contributions to the Friends of Guadalupe River Park & Gardens Annual “Pumpkins in the Park” event and his deep involvement in the community on behalf of the people of San José. (Yeager)  
**Mayor Gonzales and Council Member Yeager presented a commendation to John Cortese in recognition of his generous contributions to the Friends of Guadalupe River Park & Gardens Annual “Pumpkins in the Park” event and for his deep involvement in the community on behalf of the people of San José. Mr. John Cortese thanked the Mayor Gonzales and Council for the commendation.**
- 1.4 Presentation of commendation to Westfield Shoppingtown on the occasion of their 6<sup>th</sup> Annual “Westfield Works Wonders” events at Westfield Shoppingtown Valley Fair and Oakridge. (Dando/Yeager)  
**Council Member Yeager joined Mayor Gonzales at the podium and presented a commendation to Phillipe St. Pierre and David Birk of Westfield Shoppingtown on the occasion of their 6<sup>th</sup> Annual “Westfield Works Wonders” events at Westfield Shoppingtown Valley Fair and Oakridge.**
- 1.5 Presentation of a proclamation declaring December 1, 2004 as World AIDS Day in San José. (Disability Advisory Commission/LeZotte)  
(Rules-in-Lieu referral 11/24/04)  
**Mayor Gonzales and Council Member LeZotte presented a proclamation to and Chair of the Disability Advisory Commission Carl Vitt declaring December 1, 2004 as World AIDS Day in San José. Mr. Carl Vitt thanked the Mayor and Council for the proclamation and stressed the importance of AIDS awareness and education.**
- 1.6 Presentation of a commendation to Micrel, Inc., recognizing its important contribution to the economy. (Mayor/Reed)  
(Rules-in-Lieu referral 11/24/04)  
**Mayor Gonzales, Council Member Reed, Assistant Director of Economic Development Kim Welsh, and Assistant Executive Director Sharon Landers, presented a commendation to Raymond Zinn of Micrel, Inc., recognizing their important contributions to the economy. Mr. Raymond Zinn thanked Mayor Gonzales and Council for the commendation and their continued support of Micrel, Inc.**
- 1.7 Presentation of a commendation to Peter Cartwright and Anne Curtis of Calpine for their outstanding achievements in the field. (Chavez)  
(Orders of the Day)  
**Mayor Gonzales and Council Member Chavez presented a commendation to Peter Cartwright and Anne B. Curtis of Calpine for their outstanding achievements in the field.**

## 2 CONSENT CALENDAR

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### 2.1 Approval of Minutes.

- (a) Regular Minutes of September 7, 2004  
**Approved.**

### 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances:

- (a) ORD. NO. 27279 – Amends sections 20.100.1030, 20.100.1040 and 20.100.1050 of Chapter 20.100 of Title 20 of the San José Municipal Code to provide an exemption from a single-family house permit for certain houses located within flood zones that meet certain criteria set forth in the ordinance.  
**Ordinance No. 27279 adopted.**
- (b) ORD. NO. 27280 – Rezones certain real property situated on the southwesterly corner of Chynoweth Avenue and Cedar Grove Circle to A(PD) Planned Development Zoning District. PDC01-040  
**Ordinance No. 27280 adopted.**
- (c) ORD. NO. 27281 – Rezones certain real property situated at the easterly terminus of Skyway Drive, approximately 1,000 feet easterly of the intersection of Monterey Highway and Skyway Drive (100 Skyway Drive) to A(PD) Planned Development Zoning District. PDC02-063  
**Ordinance No. 27281 adopted. Disqualified: Reed.**
- (d) ORD. NO. 27282 – Rezones certain real property situated on the south side of East San Antonio Street at 34<sup>th</sup> Street (1650 E. San Antonio St.) to A(PD) Planned Development Zoning District. PDC04-040  
**Ordinance No. 27282 adopted.**
- (e) ORD. NO. 27283 – Rezones certain real property situated on the northwesterly terminus of South 34<sup>th</sup> Street (321 S. 34<sup>th</sup> Street) to A(PD) Planned Development Zoning District. PDC04-033  
**Ordinance No. 27283 adopted.**
- (f) ORD. NO. 27284 – Rezones certain real property situated on the southwest corner of Kirk Road and Salisbury Drive from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District. PDC03-105  
**Ordinance No. 27284 adopted.**
- (g) ORD. NO. 27285 – Rezones certain real property situated between Mount Pleasant Road and Mount Kenya Drive, approximately 250 feet northerly of Marten Avenue (1795 Mount Pleasant Road) to A(PD) Planned Development Zoning District. PDC04-016  
**Ordinance No. 27285 adopted.**

## 2 CONSENT CALENDAR

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### 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances:

- (h) ORD. NO. 27286 – Rezones certain real property situated on the southwest corner of Story Road and Clayton Road to A(PD) Planned Development Zoning District. PDC04-026  
**Ordinance No. 27286 adopted.**
- (i) ORD. NO. 27290 – Amends Part 8 of Chapter 12.06 of Title 12 of the San José Municipal Code to amend City of San José Campaign Ordinance relating to Officeholder Accounts.  
**Ordinance No. 27290 adopted.**
- (j) ORD. NO. 27291 – Amends Chapter 12.02, 12.04 and 12.06 of Title 12 of the San José Municipal Code to amend City of San José Campaign Ordinance relating to definitions, enforcement and making technical corrections.  
**Ordinance No. 27291 adopted.**
- (k) ORD. NO. 27293 – Rezones certain real property situated at the southeast corner of West San Carlos Street and Josefa Street to CP Commercial Pedestrian Zoning District. C04-074  
**Ordinance No. 27293 adopted.**
- (l) ORD. NO. 27294 – Rezones certain real property situated on the southwest corner of Coleman Avenue between Taylor Street and the Guadalupe River to A(PD) Planned Development Zoning District. PDC04-018  
**Ordinance No. 27294 adopted.**
- (m) ORD. NO. 27295 – Rezones certain real property situated at the south side of East Williams Street, approximately 400 feet westerly of McLaughlin Avenue to A(PD) Planned Development Zoning District. PDC03-098  
**Ordinance No. 27295 adopted.**
- (n) ORD. NO. 27296 – Rezones certain real property situated on the northeast corner of Snell Avenue and Hillsdale Avenue to LI Light Industrial Zoning District. C04-087  
**Ordinance No. 27296 adopted.**
- (o) ORD. NO. 27297 – Rezones certain real property situated on the southeast corner of North Fourth Street and Koll Drive to CG Commercial General Zoning District. C04-081  
**Ordinance No. 27297 adopted.**

## 2 CONSENT CALENDAR

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### 2.3 Approval to amend an agreement for Airport Noise Consultant Services.

**Recommendation:** Approval of a second amendment to the agreement with Brown Buntin Associates, Inc. for Airport Noise Consultant Services at the Norman Y. Mineta San José International Airport, increasing the maximum compensation by \$51,500, from \$59,225 to \$110,725. CEQA: Resolution Nos. 67380 and 71451, PP 04-297. (Airport)  
**Approved.**

### 2.4 Acceptance of the Office of the City Auditor's Report of Activities and Findings for the period of September 16 through October 15, 2004.

**Recommendation:** Acceptance of the Office of the City Auditor's Report of Activities and Findings for the period of September 16 through October 15, 2004. (City Auditor)  
**The report was accepted.**

### 2.5 Approval of actions for a MOU for Federal grants.

**Recommendation:**

- (a) Adoption of a resolution amending and superseding Resolution No. 72208, authorizing the City Manager to negotiate and execute a Memorandum of Understanding (MOU) to accept program funds from Santa Clara County's Operational Area share of the following Federal grants, increasing the total amount of funds to be accepted by the City from \$195,494.09 to \$222,511.66.
- (1) FY 2003 Supplemental Appropriations Grant for the Emergency Management Performance Grant.
  - (2) FY 2003 CERT Grant.
  - (3) FY 2004 Citizen Corps Grant.
  - (4) FY 2004 Emergency Management Performance Grant (EMPG).  
**Resolution No. 72397 adopted.**
- (b) Adoption of the following appropriation ordinance and funding source resolution amendments in the General Fund:
- (1) Increase the City-wide appropriation for San Jose *Prepared!* by \$18,658, representing the total of the FY 2003 CERT Grant
  - (2) Increase the Revenue from the Federal Government by \$18,658.
- (City Manager's Office/Emergency Services)  
**Ordinance No. 27298 adopted.**  
**Resolution No. 72398 adopted.**

## 2 CONSENT CALENDAR

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### 2.6 Approval of actions related to the rejection of bids for the Water Pollution Control Plant Reliability Improvements Project.

**Recommendation:** Report on bids and approval to reject all bids for the Water Pollution Control Plant Reliability Improvements Project due to insufficient funding and direction to staff to re-qualify prospective bidders and re-bid the project in early 2005. CEQA: Exempt, PP03-05-183. (Environmental Services)

**Dropped.**

### 2.7 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 2004-2005 #5, and authorization for the Director of General Services to execute the purchase orders. CEQA: See memo for CEQA designation(s). (General Services)

**Approved.**

### 2.8 Approval of an agreement for Photo Radar Noticing and Processing services.

**Recommendation:**

(a) Approval of an agreement with Redflex Traffic Systems, Inc. for Photo Radar Noticing and Processing services, with a total first year compensation not to exceed \$94,240, which includes a \$10,000 contingency.

**Approved.**

(b) Adoption of a resolution authorizing the Director of Transportation to execute four one-year options to renew without further City Council action other than the appropriation of necessary funding.

CEQA: Not a Project. (General Services)

**Resolution No. 72399 adopted.**

## 2 CONSENT CALENDAR

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### 2.9 Approval of actions for the Overfelt House Project.

**Recommendation:**

- (a) Adoption of appropriation ordinance and funding sources resolution amendments in the Park City-wide Construction and Conveyance Tax Fund in the amount of \$800,000 for the Overfelt House Project. CEQA: Exempt, HP03-007. (Parks, Recreation and Neighborhood Services/City Manager's Office)

**Ordinance No. 27299 adopted.**

**Resolution No. 72400 adopted.**

- (b) Report on bids and award of contract for the Overfelt House Rehabilitation Project to the low bidder, Garden City Construction to include the base bid and Add Alternate Nos. 1, 2, 3, and 4 in the amount of \$1,057,133, and approval of a contingency in the amount of \$159,000. CEQA: Exempt, HP03-007. (Public Works/Parks, Recreation and Neighborhood Services)

**Approved.**

### 2.10 Adoption of a resolution related to the annexation of McKee No. 124.

**Recommendation:** Adoption of a resolution authorizing the reorganization of territory designated as McKee No. 124, which involves the annexation to the City of San José of 0.76 acre of land more or less, located at the north side of Madeline Drive, approximately 220 feet easterly of White Road and adjacent to the City of San José annexations McKee Nos. 39 and 75-A, and the detachment of the same from County Lighting County Service, Central Fire Protection, Area No. 01 (Library services) County Services, and County Sanitation District 2-3. CEQA: Resolution No. 65459, C04-049. Council District 5. (Planning, Building and Code Enforcement)

**Resolution No. 72401 adopted.**

### 2.11 Approval of actions related to the annexation of Franklin No. 52.

**Recommendation:** Adoption of a resolution initiating proceedings and setting December 14, 2004 at 1:30 p.m. for Council consideration on the reorganization of territory designated as Franklin No. 52, which involves the annexation to the City of San José of 3.37 acres of land more or less, located on the north side of Umbarger Road approximately 1,200 feet west of Senter Road and adjacent to the City of San José annexations Franklin Nos. 2, 4, 32, and 44, and the detachment of the same from Central Fire Protection, Area No. 01 (Library Services) County Services, and County Sanitation District 2-3. CEQA: Mitigated Negative Declaration (Pre-zoning File No. PDC04-054). Council District 7. (Planning, Building and Code Enforcement)

**Resolution No. 72402 adopted.**

## 2 CONSENT CALENDAR

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### 2.12 Approval of actions for the University Pedestrian Street Lighting Improvements Project.

**Recommendation:**

- (a) Report on bids and award of contract for the University Pedestrian Street Lighting Improvements Project to the low bidder, Brown and Fesler, Inc., in the amount of \$264,350, and approval of a contingency in the amount of \$14,000. CEQA: Exempt, PP01-02-023.

**Approved.**

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

- (1) Increase the University SNI Pedestrian Light Project (PSM 352#1) appropriation to the Department of Public Works by \$95,350.  
(2) Increase the estimate for Earned Revenue by \$95,350.

CEQA: Exempt, PP01-02-023. Council District 3. SNI: University. (Public Works/City Manager's Office)

**Ordinance No. 27300 adopted.**

**Resolution No. 72403 adopted.**

**Heard with Item 2.14.**

**Staff directed to provide clarification regarding transfer of funds from the Redevelopment Agency for the University Pedestrian Street Lighting Improvements Project and to report back to Council on potential use of solar-energy for street lighting.**

### 2.13 Approval to award a contract for the Traffic Signal Modification at Autumn Street-Montgomery Street and Park Avenue Project.

**Recommendation:** Report on bids and award of contract for the Traffic Signal Modification at Autumn Street-Montgomery Street (State Route 82) and Park Avenue Project to the lowest responsive bidder, St. Francis Electric, Inc., in the amount of \$272,484.20, and approval of a contingency in the amount of \$27,240.00. CEQA: Exempt, PP99-01-009. Council Districts 3 and 6. (Public Works/Transportation)

**Approved.**

### 2.14 Approval to award a contract for the Street Lights SNI Edenvale/Great Oaks and Washington Project.

**Recommendation:** Report on bids and award of contract for the Street Lights SNI Edenvale/Great Oaks and Washington Project, to the low bidder, Pacific Electric Company, in the amount of \$144,145, and approval of a contingency in the amount of \$14,415. CEQA: Exempt, PP01-02-023. Council Districts 2, 3, and 7. SNI: Washington, Edenvale/Great Oaks. (Public Works)

**Heard with Item 2.12.**

**Approved.**

## 2 CONSENT CALENDAR

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### 2.15 Approval of an agreement for Fire Station 17.

**Recommendation:** Approval of an agreement with Banducci Associates Architects for architectural design services for Fire Station 17, from the date of execution to May 1, 2007, in the amount of \$308,475. CEQA: Not a Project. Council District 9. (Public Works)

**Approved.**

**Staff directed to create a benchmark for the proposed project that includes the specific design templates and specifications in selecting the proposed architectural design services.**

### 2.16 Acceptance of the San José Arena Authority Ticket Distribution Program Report.

**Recommendation:** Acceptance of the Third Quarter 2004 San José Arena Authority Ticket Distribution Program Report. CEQA: Not a Project. (San José Arena Authority)

**The report was accepted.**

### 2.17 Approval of Council Member Yeager's travel request.

**Recommendation:** Approval of Council Member Yeager's travel to Indianapolis, Indiana, December 1-5, 2004, to attend the National League of Cities Annual Conference. Funding: Council District 6 Office Budget. (Yeager)

**Approved.**

## 3 STRATEGIC SUPPORT SERVICES

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### 3.1 Report of the Study Session

**Mayor Gonzales, Chair**

**No report.**

### 3.2 Report of the Rules Committee – November 17, 2004

**Vice Mayor Dando, Chair**

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

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – November 17, 2004 (Cont'd.) Vice Mayor Dando, Chair

- (b) City Council
  - (1) Review November 30, 2004 Draft Agenda  
**The Committee recommended approval of the November 30, 2004 City Council agenda, with four additions.**
  - (2) Add New Items to November 23, 2004 Amended Agenda  
**Dropped – Meeting cancelled**
  - (3) Staff Reports Outstanding  
**No reports. Meeting of November 23, 2004 cancelled.**
- (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.**
- (f) Appointment to 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) Advisory Commission on Rents  
**The Committee recommended appointment of Victoria Holtzman (Incumbent) and Steven Wincor (Incumbent) as the neutral representatives, Larry Hull (Incumbent) as the landlord representative; Darrold Wagner as the tenant representative for terms ending December 31, 2007; and Cary Silberman as tenant representative for an unexpired term ending December 31, 2006.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – November 17, 2004 (Cont'd.) Vice Mayor Dando, Chair

- (f) Appointment to Boards, Commissions and Committees
  - (2) CDBG Steering Committee  
**The Committee recommended appointment of Jeremy Nishihara as the City Wide representative to a term ending June 30, 2007. The Committee directed the City Clerk to readvertise for the District 5 position.**
  - (3) Early Care and Education Commission  
**The Committee recommended appointment of Kathryn Martinez and Maureen Smith to unexpired terms ending June 30, 2007.**
  - (4) Housing Advisory Commission  
**The Committee recommended appointment of Tom Fink (Incumbent) as the District 3 representative and Meaalofa Talivaa as the District 7 representative to terms ending December 31, 2007.**
  - (5) Human Rights Commission  
**The Committee recommended appointment of Lawrence Boesch, Linda Colar (Incumbent), Frances Lewis-Johnese and John Marienthal to terms ending December 31, 2007; and Stephen Pehanich to an unexpired term ending December 31, 2006.**
  - (6) Library Commission  
**The Committee recommended appointment of Catherine Graham to an unexpired term ending June 30, 2007.**
  - (7) Mobile Home Advisory Commission  
**The Committee recommended the appointment Jacque Heffner (Incumbent) to a term ending December 31, 2007. The Committee deferred one appointment to next week's Rules Committee meeting.**
  - (8) Parks and Recreation Commission  
**The Committee recommended appointment of Melanie Richardson to an unexpired term ending June 30, 2007.**
  - (9) Senior Citizens Commission  
**The Committee recommended appointment of Frances Jones to an unexpired term ending June 30, 2007 with a subsequent 3-year term ending June 30, 2008; and Zhi-Long Zhou to a term ending June 30, 2006.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – November 17, 2004 (Cont'd.) Vice Mayor Dando, Chair

- (f) Appointment to Boards, Commissions and Committees
  - (10) Small Business Development Commission  
**The Committee recommended appointment of James Charles (Incumbent), Spencer Horowitz (Incumbent), Gopi Niduvadan (Incumbent) and Rudy Rodriguez to terms ending December 31, 2007; Jordan Dancer to an unexpired term ending December 31, 2005 and Alkesh Desai to an unexpired term ending December 21, 2006.**
- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Military Reservist Benefits  
**Administration advised the Committee that a comprehensive report on Military Reservist Benefits will be presented to the City Council on December 14, 2004.**
  - (2) Red Curb Standards for Schools  
**The Committee recommended that if there are any outstanding issues, that they be referred to the Building Better Transportation Committee.**
- (h) Oral communications – **There were none.**
- (i) Adjournment  
**The meeting adjourned at 2:25 p.m.**

**The Rules Committee Report and Actions of November 17, 2004 were accepted.**

#### 3.3 Report of the Making Government Work Better Committee – November 18, 2004 Council Member Campos, Chair

- (a) Cell Phone Utilization Report  
**The Committee accepted the Staff report with the direction to add to the policy the wording that the policy be reviewed every three years; and, more frequently regarding an evaluation of plan options.**
- (b) Vehicle and Metered Equipment Follow-up  
**The Committee accepted the staff report.**
- (c) Transport Vehicle Audit Follow-up  
**The Committee accepted the staff report.**
- (d) Environmental Procurement  
**The Committee accepted the staff report.**

### **3 STRATEGIC SUPPORT SERVICES**

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#### **3.3 Report of the Making Government Work Better Committee – November 18, 2004 (Cont'd.) Council Member Campos, Chair**

- (e) Special Event/Permit Update  
**The Committee accepted the staff report.**
- (f) Investment Report  
**The Committee accepted the staff report.**
- (g) Annual Debt Report  
**Deferred to December.**
- (h) Quarterly Debt Report  
**Deferred to December/**
- (i) Comprehensive Annual Financial Report  
**Deferred to December.**
- (j) Public Art  
**Deferred to 2005 Workplan.**
- (k) Oral Petitions – None.
- (l) Adjournment  
**The meeting was adjourned at 3:30 p.m.**

**The Making Government Work Better Committee Report and Actions of November 18, 2004 were accepted.**

#### **3.4 Adoption of a revised Council Policy for Retaining Architectural and Engineering Services.**

**Recommendation:** Adoption of a revised Council Policy for Retaining Architectural and Engineering Services. CEQA: Not a Project. (Public Works)  
(Deferred from 11/9/04 – Item 3.5 and 11/16/04 – Item 3.7)  
**Deferred to 12/7/04.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.5 Review and consider modifications to Council Policy 0-28, which sets forth procedures regarding censure.

**Recommendation:** Approve modifications to Council Policy 0-28 (Censure Policy), as recommended by the Blue Ribbon Task Force.

(Deferred from 11/16/04 – Item 3.5)

**Modifications approved, including the policy, “City Council Conduct Policy”. Staff directed to include wording, “....at least twenty-four (24) hours prior to the Rules Committee...”, under the category of Sanction, Item 2.**

**Staff directed to clarify within the Censure Policy, the discretion of the Rules Committee to disagree with a request for censure against a Council Member and instead recommend Council approve a lesser reprimand, i.e, admonition or sanction. Noes: Williams.**

#### 3.6 Approval of actions related to the Customer Service and Performance Management System (CUSP).

**Recommendation:**

- (a) Adoption of a resolution by City Council authorizing the City Manager to negotiate and execute a contract from November 17, 2004 to June 30, 2005 in an amount not to exceed \$440,220 with BearingPoint, Inc. to participate in Stage 1 of the CUSP Project, which includes a comprehensive business process gap fit readiness analysis related to the ultimate installation and implementation of CUSP.
- (b) Adoption of a resolution by City Council authorizing the City Manager to negotiate and execute a Customer Information System (CIS) consultant services contract from November 17, 2004 to June 30, 2005 in an amount not to exceed \$325,700 with Blue Heron Consulting to assist City staff with Stage 1 of the CUSP Project, which includes providing the City with an independent, third party overview and analysis of a comprehensive business process gap fit readiness analysis and contract negotiations related to the City's development of the BearingPoint contract scope of services for Stage 2 of the CUSP Project.
- (c) Adoption of the following appropriation ordinance and funding sources resolution amendments by City Council to:
  - (1) Increase the estimate for Earned Revenue in the Integrated Waste Management Fund by \$4,389,242.
  - (2) Establish a CUSP Project appropriation to the Finance Department in the Integrated Waste Management Fund in the amount of \$4,389,242.

CEQA: Not a Project. (Finance/City Manager’s Office)

(Deferred from 10/5/04 et al and 11/16/04 – Item 3.10)

**Deferred to 12/7/04.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.7 Council appointments of retired members to the Retirement Boards

**Recommendation:** Council appointments of retired members to the Retirement Boards:

- (a) Federated City Employees Retirement System Board of Administration: Appoint one retiree member to a term ending 11/30/08;
- (b) Police and Fire Department Plan Board of Administration: Appoint one retiree member to a term ending 11/30/08.

(City Clerk)

**Council appointed William A. Thomas to the Federated Retirement System Board and Kenneth Heredia to the Police & Fire Retirement Plan Board.**

#### 3.8 Council review and discussion on the Converged Network RFP.

**Recommendation:** Authorization for the City Manager to release two Requests for Proposals (RFPs) for the New City Hall: the Converged Network, and the Consolidated Server and Storage Solution. (City Manager's Office/Information Technology)

(Referred from 11/16/04 – Item 3.9)

**Approved.**

**Staff directed to return to Council with follow-up information pertaining to their response to a letter from SBC regarding the code of conduct and ethics.**

#### 3.9 Approval of actions for the New City Hall's Customer Service Center customer queuing system.

**Recommendation:**

- (a) Acceptance of the staff report on value engineering efforts in the Audio/Visual Project for the New City Hall.

**The report was accepted.**

- (b) Adoption of the following appropriation ordinance amendments in the General Fund:
  - (1) Establish an appropriation in the amount of \$85,000 to the Public Works Department for new City Hall Expansion of the Customer Queuing System;
  - (2) Decrease the Building Fee Program Reserve by \$75,000;
  - (3) Decrease the Public Works Fee Program Reserve by \$10,000.

**Ordinance No. 27301 adopted.**

- (c) Adoption of a resolution authorizing the City Manager to negotiate and execute Contract Change Order No. 3 for the New City Hall Audio/Visual Project with Ceitronics, increasing the compensation by an amount not to exceed \$85,000, for a total contract amount not to exceed \$3,389,210, and expanding the scope of work to add installation of a customer queuing system to the second floor of the New City Hall.

CEQA: Resolution No. 68905, PP98-03-072. SNI: University. (Planning, Building and Code Enforcement/Public Works/City Manager's Office)

**Resolution No. 72404 adopted.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.1 Report of the Building Strong Neighborhoods Committee – November 15, 2004 Council Member Chavez, Chair**

- (a) Strong Neighborhoods Initiative Business Plan Discussion  
**Committee accepted the report.**
- (b) Multi-Service Delivery Hub Model Update  
**Committee accepted the report.**
- (c) Animal Care and Services Update  
**Committee accepted the report.**
- (d) School Open Space Update  
**Committee requested discussion be moved to the December 20, 2004 agenda.**
- (e) City/School Agreements Follow-up from October 18, 2004 Meeting  
**Committee requested discussion to be moved to the December 20, 2004 agenda.**
- (f) Oral Petitions – None.
- (g) Adjournment  
**The meeting adjourned at 3:29 p.m.**

**The Building Strong Neighborhoods Committee Report and Actions of November 15, 2004 were accepted.**

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

## **5 RECREATION & CULTURAL SERVICES**

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

## 5 RECREATION & CULTURAL SERVICES

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### 5.2 Approval of actions related to acquisition of a property by eminent domain.

**Recommendation:** Adoption of a resolution:

- (a) Determining that public use and necessity require the acquisition of a surface trail easement on a portion of an automobile tow and storage property owned by Vincent S. Alongi and Ida A. Alongi, Co-Trustees of the Vincent S. Alongi and Ida A. Alongi Revocable Living Trust dated August 20, 1992, and Carmel M. Alongi and Stanley Paul Alongi, Co-Trustees of the Nicholas N. Alongi Exemption Trust under the Nicholas N. Alongi and Carmel M. Alongi Revocable Living Trust dated January 7, 1992, located at 940 Lonus Street;
- (b) Finding that:
  - (1) The property interest to be acquired is necessary for the completion of the Los Gatos Creek Trail - Reach 4 Project;
  - (2) The proposed project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury;
  - (3) City staff established an amount of just compensation not less than the full amount of the approved appraisal;
  - (4) City staff made an offer to the owners for the full appraised amount; and
  - (5) The proposed taking and use are authorized by law.
- (c) Directing the City Attorney to file an eminent domain action to acquire the above property interest.

CEQA: Mitigated Negative Declaration, PP04-01-014. Council District 6. (Public Works)

(Deferred from 11/9/04 – Item 5.2)

**Dropped.**

### 5.3 Approval of actions for various Community Development Block Grant projects.

**Recommendation:**

- (a) Approval of the extension of the funding term for one year, from December 31, 2004 to December 31, 2005, for the following projects:
  - (1) F88 MACSA Enrichment and Development Center – The Mexican American Community Services Agency, Inc.
  - (2) G47 Selma-Olinder Park – Parks, Recreation and Neighborhood Services Department.
  - (3) G33 Capitol Park Community Center (also known as Goss Community Facility) – Parks, Recreation and Neighborhood Services Department.
  - (4) G55 11th and William Street Park Acquisition – Parks, Recreation and Neighborhood Services Department.

**Approved.**

## 5 RECREATION & CULTURAL SERVICES

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### 5.3 Approval of actions for various Community Development Block Grant projects. (Cont'd.)

**Recommendation:**

(b) Approval of the extension of the funding term for one year, from June 30, 2004 to June 30, 2005, for the following projects:

- (1) F96 Capacity Build-out for Children's Dental Initiative Clinic – The Health Trust.
- (2) N01 Predevelopment Loan Program – Housing Department.
- (3) K16 Therapeutic Health and Wellness Center – Parks, Recreation and Neighborhood Services Department.

**Approved.**

(c) Adoption of the following Appropriation Ordinance amendments in the Community Development Block Grant Fund (CDBG):

- (1) Increase the Housing Rehabilitation Loans and Grants appropriation by \$105,996 for loans and grants;
- (2) Establish the Evaluation of CDBG Services appropriation by \$100,000 for process improvement and Consolidated Plan needs assessment;
- (3) Increase the Non-Rent Control Tenancy Protection Program appropriation by \$15,000 for non-personal expenses;
- (4) Establish the Nonprofit Capacity Building appropriation by \$87,537 for workshops for nonprofits;
- (5) Establish the Therapeutic Health and Wellness Center appropriation by \$100,030 for additional community input on the design option and phasing the construction of the project, and;
- (6) Decrease the Ending Fund Balance by \$408,563.

CEQA Not a Project. (Parks, Recreation and Neighborhood Services/City Manager's Office)

**Ordinance No. 27302 adopted.**

### 5.4 Approval to award a contract for the construction of the Evergreen Branch Library Project.

**Recommendation:** Report on bids and award of contract for the construction of the Evergreen Branch Library Project, to the low bidder, Hagensen Pacific Construction Co., Inc., to include the base bid and Add Alternate Nos. 1, 2, and 3, in the amount of \$7,612,500, and approval of a contingency in the amount of \$609,000. CEQA: Negative Declaration, H03-056. Council District 8. (Public Works/Library)

**Approved.**

**Staff directed to return to Council with clarification on the qualifications regarding LEED certification for the proposed contractor.**

## **5 RECREATION & CULTURAL SERVICES**

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### **5.5 Approval of grant agreements with the San José B.E.S.T. Eligible Service Providers.**

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute the grant agreements with the San José B.E.S.T. Eligible Service Providers, consistent with the directives of the Mayor's Gang Prevention Task Force for a total amount not to exceed \$2,465,000. (Parks, Recreation and Neighborhood Services)

**Resolution No. 72405 adopted.**

## **6 TRANSPORTATION SERVICES**

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### **6.1 Report of the Building Better Transportation Committee**

**Council Member Cortese, Chair**

**No report.**

### **6.2 Public Hearing on the vacation of a portion of Hillsdale Avenue between Pearl Avenue and Guadalupe River.**

**Recommendation:** Public Hearing and adoption of a resolution vacating a portion of the Hillsdale Avenue, between Pearl Avenue and Guadalupe River. CEQA: Exempt. Council District 6. (Public Works)

**The Public Hearing was held and Resolution No. 72406 adopted.**

## **7 ENVIRONMENTAL & UTILITY SERVICES**

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### **7.1 Acceptance of the 2004 Annual Report on the Sustainable Energy Policy and proposed 2004-05 Action Plan.**

**Recommendation:**

- (a) Acceptance of the 2004 Annual Report on the Sustainable Energy Policy and proposed 2004-05 Action Plan;

**The report was accepted.**

- (b) Direct staff to report on the status of implementation and attainment of the Policy and Action Plan on an annual basis.

CEQA: Not a Project. (Environmental Services/General Services)

**Approved.**

**Staff directed to return to Council in January with a status update on the revolving loan fund. Noes: Williams; Gregory.**

## 7 ENVIRONMENTAL & UTILITY SERVICES

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### 7.2 Approval of actions for an energy program for low-income residents.

**Recommendation:** Direction to the Departments of Housing and Environmental Services to:

- (a) Integrate an energy weatherization grant program for low-income owner-occupied households in San José within the Housing Department's Rehabilitation Program with an initial allocation of \$700,000, and establish the appropriate funding mechanisms for the use of the Calpine/Bechtel donation.
- (b) Return to the City Council within one year with an evaluation of the program.

CEQA: Not a Project. (Environmental Services/Housing)

**Approved.**

### 7.3 Public Hearing and consider approval of an ordinance granting a Commercial Solid Waste and Recyclables Collection Franchise for the San José Conservation Corps.

**Recommendation:** Public Hearing on the application of San José Conservation Corps for a Commercial Solid Waste and Recyclables Collection Franchise, and consider approval of an ordinance granting the franchise, and approval of a Commercial Solid Waste and Recyclables Collection Franchise Agreement with San José Conservation Corps. (Environmental Services)

CEQA: Negative Declaration, PP92-11-308.

**The Public Hearing was held, Ordinance No. 27303 was passed for publication, and the agreement was approved.**

## 8 AVIATION SERVICES

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### 8.1 Approval of an agreement for the Airline Maintenance Facility Project.

**Recommendation:** Approval of a master agreement with Carter & Burgess, Inc. for architectural consultant services for the Airline Maintenance Facility Project in an amount not to exceed \$750,000, from November 30, 2004 to December 31, 2007.

CEQA: Resolution Nos. 67380 and 71451, PP 04-292. (Public Works/Airport)

**Deferred to 12/7/04.**

### 8.2 Approval to award an agreement for Airport Roadway and Related Infrastructure Projects.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with URS Corporation for Consultant Services for Airport Roadway and Related Infrastructure Projects at Norman Y. Mineta San José International Airport for the period November 15, 2004 to June 30, 2008, in an amount not to exceed \$2,500,000. CEQA: Resolution Nos. 67380 and 71451, PP 04-303. (Public Works/Airport)

**Resolution No. 72407 adopted.**

## 8 AVIATION SERVICES

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### 8.3 Approval of various actions for the Airport Master Plan.

**Recommendation:** Approval of the following policy direction in the development of the Airport's North Concourse Concession Program:

- (a) A single prime operator for the food and beverage element of the North Concourse.
- (b) One or two prime operators for the retail portion of the North Concourse.  
CEQA: Not a Project. (Airport)

[Deferred from 11/16/04 – Item 8.1(b)]

**Deferred to 12/7/04.**

## 9 PUBLIC SAFETY SERVICES

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## 10 JOINT COUNCIL/REDEVELOPMENT AGENCY

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- Closed Session Report

None.

- 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>
9618	Southeast corner of Oakland Road and Rock Avenue	4	Taylor Woodrow Homes	107 units	SFA	Approve

- Open Forum—

- 1) **Ross Signorino expressed his approval of Measure S passing.**

- Adjournment

**The meeting was adjourned in memory of Gregory Weldon Lawrence; and Andrew Gonzales, Latino Community Leader, and President of La Raza Lawyers Association at 4:43 p.m.**

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

**1:30 P.M.                      TUESDAY, NOVEMBER 30, 2004                      CHAMBERS**

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- 1. Call to Order**  
**The Joint City Council/Financing Authority meeting convened at 4:42 p.m.**
  
- 2. Approval of various actions for Revenue Bonds for the land acquisition project lease for property located at 1125 Coleman Avenue and 328 West Brokaw Road.**

**Recommendation:**

- (a) Hold a public hearing under the California Government Code Section 6586.5 related to the issuance of the City of San José Financing Authority Lease Revenue Bonds (Land Acquisition Project), Series 2004B (Taxable) and Series 2004C (AMT), in an aggregate principal amount not to exceed \$90,000,000 and under the Tax Equity and Fiscal Responsibility Act (TEFRA), related to the issuance of the Series 2004C (AMT), for the purpose of financing the acquisition and improvement of real property located at 1125 Coleman Avenue and 328 West Brokaw Road in the cities of San José and Santa Clara, respectively to be used by the City for various City and aviation-related purposes

**The Public Hearing was held.**

- (b) Adoption of a resolution by the City of San José Financing Authority (the "Authority"):
  - (1) Authorizing the issuance of City of San José Financing Authority Lease Revenue Bonds (Land Acquisition Project), Series 2004B (Taxable) and Series 2004C (AMT), (collectively, the "Bonds") in the not-to-exceed aggregate principal amount of \$90,000,000, to be sold through negotiated sale subject to certain limitations.

**Deferred to 1/25/05.**

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

**2. Approval of various actions for Revenue Bonds for the land acquisition project lease for property located at 1125 Coleman Avenue and 328 West Brokaw Road. (Cont'd.)**

**Recommendation:**

- (b) Adoption of a resolution by the City of San José Financing Authority (the “Authority”):
- (2) Authorizing the Executive Director or the Executive Director’s designee to select the appropriate variable rate mode at the time of the sale and throughout the duration of the Bonds pursuant to the terms and conditions of the Trust Agreement and the Remarketing Agreements.  
**Deferred to 1/25/05.**
- (3) Approving, in substantially final form, the Bonds, the Trust Agreement, Site Lease Agreement, General Sublease Agreement, Operating Sublease Agreement, Standby Bond Purchase Agreement, Financial Guaranty Agreement, Preliminary Official Statement, Continuing Disclosure Agreement, Bond Purchase Agreements and Remarketing Agreements for the Bonds; authorizing the Executive Director, or the Executive Director’s designee to execute and, as appropriate, to negotiate, and deliver these documents and other related financing documents and to take other actions as necessary in connection with the issuance of the Bonds.  
**Deferred to 1/25/05.**
- (4) Authorizing the Executive Director or the Executive Director’s designee, without further action from the Authority, to replace the Remarketing Agent and to enter into new Remarketing Agreements, in substantially the form of those approved hereby, with other broker dealers, remarketing agents or banks if the Executive Director or the Executive Director’s designee deems it in the best interest of the Authority to do so.  
**Deferred to 1/25/05.**
- (c) Adoption of a resolution by the San José City Council:
- (1) Approving in substantially final form and authorizing the execution, as applicable, of the Site Lease Agreement, General Sublease Agreement, Operating Sublease Agreement, Preliminary Official Statement, Continuing Disclosure Agreement, Financial Guaranty Agreement, Standby Bond Purchase Agreement, Bond Purchase Agreement, Custodian Agreement and authorizing the City Manager or his designee to execute and, as appropriate, to negotiate, and deliver these documents and other related financing documents and to take other actions as necessary in connection with the issuance of the Bonds.  
**Deferred to 1/25/05.**

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

- 2. Approval of various actions for Revenue Bonds for the land acquisition project lease for property located at 1125 Coleman Avenue and 328 West Brokaw Road. (Cont'd.)**

**Recommendation:**

- (c) Adoption of a resolution by the San José City Council:
- (2) Authorizing the City Manager to negotiate and execute an Agreement with Fullerton & Friar, Inc. and Public Resources Advisory Group for financial advisory services in an amount not to exceed \$140,000.
  - (3) Authorizing the City Attorney to negotiate and execute an Agreement with Orrick Herrington & Sutcliffe LLP for bond counsel and disclosure counsel services in an amount not to exceed \$210,000.

(Finance)

**Resolution No. 72408 adopted.**

- 3. Adjourn the San José Financing Authority.  
The Joint Council/Financing Authority adjourned at 4:43 p.m.**