

CITY COUNCIL AGENDA

JANUARY 14, 2003

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 GREGORY
DAVID D. CORTESE
JUDY CHIRCO
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

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.

- **Call to Order and Roll Call**
9:30 a.m. - Closed Session, Room 600, City Hall
Absent: Council Members – Dando (Excused).

1:37 p.m. - Regular Session, Council Chambers, City Hall
Absent: Council Members – None.
- **Invocation (District 1)**
Pastor Steve Steele, Immanuel Presbyterian Church, delivered the Invocation.

- **Pledge of Allegiance**
Mayor Ron Gonzales led the Pledge of Allegiance.

Mayor Gonzales introduced newly elected Council Members: Judy Chirco, representing District 9, and Terry Gregory, representing District 7, and welcomed them to the City Council.

- **Orders of the Day**
Approved.

City Manager Del D. Borgsdorf introduced Mark Danaj, the new Director of Employee Services and welcomed him to the City, and thanked Deputy City Manager Kay Winer for her outstanding service as Acting Director of the Department. Mr. Danaj thanked the Mayor and City Manager for the opportunity to serve the employees and departments of the City.

1 CEREMONIAL ITEMS

- 1.1 Presentation of plaques to Youth Commission members: Melvin Cabebe for 1 year 1 month service, to Jen Hernandez for 2 years 10 months service, to Justin Imamura for 2 years 10 months service, to Albert Leung for 1 year 1 month service, to Rachel Stone for 2 years 10 months service, and to Stephanie Tsai for 2 years 4 months service. (Mayor) (Deferred from 12/17/02 – Item 1.2)
Mayor Ron Gonzales presented plaques to Youth Commission Members Jen Hernandez and Justin Imamura, and thanked them for their services to the community. Plaques will be sent to Melvin Cabebe, Albert Leung, Rachel Stone and Stephanie Tsai, who were unable to be present.

1 CEREMONIAL ITEMS

- 1.2 Presentation of plaque to Melinda Hoppe for 1 year 6 months service on the Library Commission. (Mayor)
Mayor Ron Gonzales presented a plaque to Melinda Hoppe for her service on the Library Commission.
- 1.3 Presentation of a commendation to the California State Automobile Association for their donation to the City's Street Smarts programs. (Campos)
(Rules in Lieu referral 1/8/03)
Mayor Gonzales was joined by Council Member Campos for presentation of a commendation to Merry Banks, Traffic Safety Senior Manager, of the San Francisco headquarters of the AAA and to Geraldine Hall, Manager of San Jose District Office of AAA, of the Northern California Offices of AAA in appreciation of their generous donation to the City's "StreetSmart" program. Ms. Hall presented a check for \$10,000 to Mayor Gonzales and commended the City for its leadership in pedestrian safety education.
- 1.4 Presentation of plaques to James Crownover, Jr. for 8 years service on the Council Salary Setting Commission, to Anna Liza Navarro for 4 years service on the Disadvantaged Business Development Commission, to Raj Budwal for 1 year 2 months service on the Disadvantaged Business Development Commission, and to Dominador Valdez for 5 years service on the Mobile Home Advisory Commission. (Mayor)
(Rules in Lieu referral 1/8/03)
Mayor Ron Gonzales presented plaques to James Crownover, Jr. for service on the Council Salary Setting Commission, Anna Liza Navarro for service on the Disadvantaged Business Development Commission, and Dominador Valdez for service on the Mobile Home Advisory Commission. A plaque will be sent to Raj Budwal who was unable to attend.
- 1.5 Presentation of a check from the SBC Pacific Bell Golf Classic 2002 to Eagles at Rancho del Pueblo, youth golf program. (Mayor)
(Rules in Lieu referral 1/8/03)
Mayor Gonzales called to the podium Victor Arranaga, Jr., Director of External Affairs, and Nathan Pascucci, Alexia Cox-Harris, Alesha Cox-Harris, for SBC. Victor Arranaga presented Mayor Gonzales with a ceremonial check for \$53,000 on behalf of the San José Sports Authority, for the Eagles at Rancho del Pueblo Youth Golf Program. Mayor Gonzales accepted the donation and thanked SBC for their generous support of youth sports.
- 1.6 Presentation of a commendation to Tom Bradley and Firstwave Events for their continuing excellence in producing an annual three-day celebration of fitness in San Jose, which culminates with the running of the Silicon Valley Marathon. (Yeager)
(Rules in Lieu referral 1/8/03)
Council Member Yeager joined Mayor Gonzales at the podium for presentation of a commendation to Tom Bradley, Executive Director of Firstwave Events for their efforts in supporting fitness and the Silicon Valley Marathon. Mr. Bradley thanked the Mayor and City Council for their recognition.

2 CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

2.1 Approval of Minutes. None.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 26800 – Rezones certain real property situated on the east side of S. First Street, approximately 210 feet north of E. Virginia Street to CP Pedestrian Commercial Zoning District. C 02-070
Ordinance No. 26800 adopted.
- (b) ORD. NO. 26801 - Rezones certain real property situated on the south side of Tully Road, approximately 50 feet west of Senter Road, to A(PD) Planned Development Zoning District. PDC 02-040
Ordinance No. 26801 adopted.
- (c) ORD. NO. 26802 - Rezones certain real property situated on the east side of Bonita Avenue, approximately 150 feet northerly of Herald Avenue, to A(PD) Planned Development Zoning District. PDC 02-056
Ordinance No. 26802 adopted.
- (d) ORD. NO. 26803 - Rezones certain real property situated on the northeasterly corner of Remillard Court and Story Road, to IP(PD) Planned Development District. PDC 02-090
Ordinance No. 26803 adopted.
- (e) ORD. NO. 26804 - Prezones certain real property situated northerly of the intersection of Springbrook Avenue and Canyon Ridge Drive to A(PD) Planned Development Zoning District. PDC 01-12-102
Ordinance No. 26804 adopted.
- (f) ORD. NO. 26805 - Rezones certain real property situated on the northwest corner of Bassett Street and North First Street to A(PD) Planned Development Zoning District. PDC 02-084
Ordinance No. 26805 adopted. Disqualified: Gonzales.

2 CONSENT CALENDAR

2.2 Final adoption of ordinances. (Cont'd.)

- (g) ORD. NO. 26806 - Rezones certain real property situated on the northeasterly corner of The Alameda and Morrison Avenue to A(PD) Planned Development Zoning District. PDC 01-060

Ordinance No. 26806 adopted.

- (h) ORD. NO. 26807 - Rezones certain real property situated on the easterly side of US 101, northerly of Metcalf Road to A(PD) Planned Development Zoning District. PDC 01-10-098

Ordinance No. 26807 adopted.

2.3 Approval to award a contract for the Norman Y. Mineta San José International Airport - Modular Parking Office Project.

Recommendation: Report on bids and award of contract for the Norman Y. Mineta San José International Airport - Modular Parking Office Project to the low bidder, Design Space Modular Buildings, Inc. in the amount of \$122,082, and approval of a contingency in the amount of \$12,000. CEQA: Resolution No. 67380, PP02-05-106. (Public Works) (Deferred from 12/17/02 – Item 2.17)

Deferred to 1/21/03.

2.4 Approval to award a contract for the Southside Tot Lot Renovation Rebid Project (Phase I).

Recommendation:

- (a) Report on bids and award of contract for the Southside Community Center Tot Lot Renovation Rebid Project to the lowest responsive bidder, HRB Construction, Inc., for the base bid only in the amount of \$183,688, and approval of a contingency in the amount of \$9,000.

Approved.

- (b) Adoption of the following appropriation ordinance amendments in Council District 2 Construction & Conveyance Tax Fund (Fund 378):

(1) Increase the Southside Community Center Tot Lot Renovation Rebid Project by \$40,000; and

(2) Decrease the Ending Fund Balance by \$40,000.

CEQA: Exempt, PP02-02-028. Council District 2. (Public Works)

(Deferred from 12/17/02 – Item 2.18)

Ordinance No. 26811 adopted.

2 CONSENT CALENDAR

2.5 Approval of the re-appointment of members to the Workforce Investment Board of Directors.

Recommendation: Approval of the Mayor's (CLEO) re-appointment of current members to the Workforce Investment Board of Directors for a second two-year term. (Mayor)
(Deferred from 12/10/02 – Item 2.6 and 12/17/02 – Item 2.27)

Approved.

2.6 Approval to negotiate and execute an agreement to study of the City's development services.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a continuation agreement with Zucker Systems, in an amount not to exceed \$7,500, for the study of the City's development services, increasing the total maximum amount of the agreement from \$215,050 to \$222,550, and extending the term of the agreement from August 31, 2002 to March 31, 2003. CEQA: Not a Project. (City Manager's Office)

Resolution No. 71378 adopted.

Staff directed to consider this item for inclusion on the work plan of the new Making Government Work Better Committee for monitoring, and to categorize the expected results of the project.

2.7 Approval of re-appointments to the Board of Directors of The Silicon Valley Pollution Prevention Center.

Recommendation: Approval of the following re-appointments to the Board of Directors of The Silicon Valley Pollution Prevention Center:

- (a) Business/Industrial Representative: Robin Brack, Director, Pollution Prevention Initiatives, IBM Corporation, City of San José, for a term from January 1, 2003 to December 31, 2005; and
- (b) Government Representative: Robin G. Saunders, Director of Water and Sewer Utilities, City of Santa Clara, for a term from January 1, 2003 to December 31, 2005.

CEQA: Not a Project. (Environmental Services)

Approved.

2.8 Approval to amend an agreement for the FY 2000-2001 CIP engineering design support services.

Recommendation: Approval of a first amendment to the agreement with Camp Dresser & McKee (CDM) for the Fiscal Year 2000-2001 Capital Improvement Program engineering design support services, modifying the scope of services and increasing compensation by \$141,000, from \$849,000 to a total agreement amount not to exceed \$990,000. CEQA: Not a Project. (Environmental Services)

Approved.

2 CONSENT CALENDAR

2.9 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 #20, and authorization for the Director of General Services to execute the purchase orders. CEQA: Not a Project. (General Services)

Approved.

2.10 Approval to reject all proposals for a safety and medical record management system.

Recommendation: Approval to reject all proposals for a fully integrated safety and medical record management system. CEQA: Not a Project. (General Services)

Dropped.

2.11 Approval of a contract for the Mise Park Restroom Replacement Project.

Recommendation: Report on bids and award of contract for the Mise Park Restroom Replacement Project to the low bidder, Beacon Construction, Inc., in the amount of \$184,250, and approval of a contingency in the amount of \$9,750. CEQA: Exempt, PP02-10-297. Council District 1. (Public Works)

Approved.

2.12 Approval of an agreement with Shapell Industries, Inc.

Recommendation: Adoption of a resolution authorizing the City Manager to execute an agreement with Shapell Industries, Inc. for the exchange of real properties located within the Evergreen Specific Plan Area in connection with Fowler Creek Park, with a deed recordation date no later than January 31, 2003. CEQA: Resolution No. 63179. (City Attorney's Office)

(Rules in Lieu referral 1/8/03)

Resolution No. 71379 adopted.

END OF CONSENT CALENDAR

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Gonzales, Chair

No Report.

3.2 Report of the Rules Committee

Vice Mayor Shirakawa, Jr., Chair

No Report.

3 STRATEGIC SUPPORT SERVICES

3.3 Report of the Finance and Infrastructure Committee – December 11, 2002 Council Member Dando, Chair

- (a) Consent Items
 - (1) Monthly Investment Report for October 2002
 - (2) Sales and Business Tax for Quarter Ending September 2002
 - (3) October Monthly Report

The Committee accepted the Consent Items.

- (b) Monthly Financial Report for October 2002
The Committee accepted the report.

- (c) Quarterly Report on the Directors of Housing and Finance’s Delegation of Authority
The Committee accepted the report.

- (d) Annual Debt Report
The Committee accepted the report.

SEE ITEM 3.6 FOR COUNCIL ACTION TAKEN

- (e) Debt Service Reserve Fund Options
The Committee accepted the report.

- (f) Oral petitions
Bill Garbett spoke on California’s Debt Allocation, Bonding and Tax Exemption disclosures and the City of San José’s Debt Service Report.

- (g) Adjournment
The Committee adjourned at 4:10 p.m.

Discussion/Action: The Finance and Infrastructure Committee report and actions of December 11, 2002, accepted, with Item 3.3(d) heard at Item 3.6.

3.4 Approval of various actions related to the City’s San José Water/Municipal Water System.

Recommendation:

- (a) Authorize the City Manager to develop an agreement with San José Water Company focusing on hydrant maintenance and consulting services; and
 - (b) Authorize the City Manager to conduct a study of San José Municipal Water System rates and forward rate recommendations to the 2003-04 budget process.
- CEQA: Not a Project. (City Manager's Office)
(Deferred from 12/17/02 – Item 3.6)

(This item continued on next page).

3 STRATEGIC SUPPORT SERVICES

3.4 (Cont'd.)

Memorandum from Council Members Cortese and Chavez, dated January 14, 2003, approved as amended to recommend deferral of the item to March 11, 2003; with direction to the City Auditor to (1) Verify the costs proposed by the San José Water Company for providing water billing and fire hydrant services and (2) Provide to the Municipal Water System Negotiating Team a written report by January 28, 2003.

3.5 Approval to amend the 2002-03 Schedule of Fees and Charges to increase the Underground Utility Fee.

Recommendation: Adoption of a resolution amending the 2002-03 Schedule of Fees and Charges to increase the Underground Utility Fee to \$224 per linear foot, from \$112 per linear foot. CEQA: Not a Project. (Public Works)
(Deferred from 12/17/02 – Item 3.7)

Resolution No. 71380 adopted.

3.6 Presentation of the Annual Debt Report.

Recommendation: Presentation of the 11th Annual Debt Report. (Finance)
[Finance & Infrastructure Committee referral 12/11/02 – Item 3.3(d)]

The report was accepted.

3.7 Direction to explore options and alternatives to the location of the Civic Center Garage.

Recommendation: Direction to the Administration to explore options and alternatives to the location of the Civic Center Garage that do not require the purchase of any portion of the real properties located at 156 and 160 East Saint John Street or 77 North Fifth Street. CEQA: Resolution No. 68905, PP98-03-072. (City Attorney's Office)
(Rules in Lieu referral 1/8/03)

Approved with direction to staff to send letters to affected businesses and organizations confirming actions taken today.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

- 4.1 Report of the Economic Development & Environment Committee
Council Member Williams, Chair
No Report.**

- 4.2 Approval of special tax bonds related to the formation of Community Facilities
District No. 9 (Bailey/Highway 101).**

Recommendation: Adoption of a resolution authorizing the issuance and sale of special tax bonds in an aggregate principal amount not to exceed \$15,000,000, to be sold at a negotiated sale, approving the form and authorizing the execution of the Fiscal Agent Agreement, and approving the use of the Official Statement in connection with the sale of the Bonds and directing and authorizing certain other related actions.

CEQA: Resolution No. 68705. Council District 2. (Finance/Public Works)
[Deferred from 12/17/03 – Item 4.3(f)]

Resolution No. 71381 adopted.

- 4.3 Approval of various actions related to Policy 9-3: Community Identification Signs.**

Recommendation: Adoption of a resolution:

- (a) Rescinding the current Council Policy 9-3 prohibiting the installation of community identification signs other than those of a historical nature; and
- (b) Adopting a replacement policy based on the proposed guidelines and criteria for allowing community identification signs and architectural/gateway monuments within the public right-of-ways outside the Greater Downtown Area.

(Planning, Building and Code Enforcement)

[Economic Development & Environment Committee referral 12/2/02 – Item 4.1(b)]

(Deferred from 12/17/03 – Item 4.6)

Deferred to 1/21/03.

- 4.4 Approval of an ordinance amending signage regulations in residential areas.**

Recommendation: Approval of an ordinance amending Sections 23.04.320, 23.04.330, 23.04.340, 23.04.350, and 23.04.830 of Chapter 23.04 of Title 23 of the San José Municipal Code to amend signage regulations in residential zoning districts and to provide for an amortization period for certain temporary signs in those districts. CEQA: Exempt. (Planning, Building, and Code Enforcement)

[Economic Development & Environment Committee referral 12/2/02 – Item 4.1(c)]

(Deferred from 12/17/03 – Item 4.7)

Deferred to 1/28/03.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.5 Approval of establishing a Small Business Contracting Program Policy.

Recommendation: Adoption of a resolution:

- (a) Establishing a City of San José policy to encourage Small Businesses participation in City contracts and programs as part of an overall strategy to foster and promote small businesses; and
- (b) Accepting the Administration's proposed system of process improvements, outreach, education, and performance measures as a new Small Business Opportunity Program to implement the new policy.

CEQA: Not a Project. (Economic Development)

Resolution No. 71382 adopted.

Council approved the Staff recommendations dated December 4, 2002 with the following additions: Staff to report quarterly to the Disadvantaged Business Development Commission and appropriate Council Committee and be prepared by October 2003 to report to Council with recommendations on the issues of whether a change to the City Charter is needed, and report on the feasibility of establishing a set-aside provision, expansion of the City's local preference policy, and expansion of the program to the Airport and Departments of Conventions, Arts and Entertainment, Environmental Services, and Parks, Recreation and Neighborhood Services.

Staff was additionally directed to coordinate with the Redevelopment Agency in a team effort; to continue to redefine the City's partnership with the Small Business Administration; to develop consistent tracking and evaluation methods across departments to gauge effectiveness; to review the effectiveness of the City's web site and work with small businesses to identify and make improvements; to work with the Planning Department on a strategic approach to preserving and protecting industrial lands, to work on providing referral lists and incentives for businesses to use GreenBuilding concepts; to refer the program to the Building a Strong Economy Committee for monitoring, to conduct decentralized outreach; and to report back on a small business data collection system in 6-9 months.

4.6 Approval of a grant for the development of Las Golondrinas senior rental apartments.

Recommendation: Adoption of a resolution approving a conditional grant of up to \$4,804,900 to the Mexican American Community Services Agency, Inc. (MACSA), or an affiliated entity, for the development of Las Golondrinas, a 50-unit senior rental apartments development to be made affordable to extremely low-income households, on a 1.31-acre site located on the southerly terminus of Kentucky Place, southerly of Alum Rock Avenue. CEQA: Negative Declaration, PDC 00-12-129. Council District 5. SNI: Mayfair. (Housing)

Resolution No. 71383 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.7 Approval of various fiscal actions related to the development of the Branham and Monterey Family Apartments.

Recommendation:

- (a) Approval of a funding commitment of up to \$14,100,000 to JSM Enterprises, or an affiliated entity, for the development of the 175-unit Branham and Monterey Family Apartments; and

Approved.

- (b) Adoption of a resolution authorizing the Director of Housing to execute an option agreement for the purchase of property for \$8,140,000 by JSM Enterprises, or an affiliated entity, from the City of San José.

CEQA: PDC 02-033. Council District 2. (Housing)

Council made findings on behalf of the Redevelopment Agency relative to this project not being located within a Redevelopment Agency project area, that any such project which utilizes redevelopment funds is a benefit to redevelopment project areas, and Resolution No. 71384 was adopted.

4.8 Approval of a funding commitment for the development of Cinnabar Commons family rental development.

Recommendation: Adoption of a resolution approving a funding commitment of up to \$14,046,000 to Cinnabar Commons, a California Limited Partnership, or an affiliated entity, for the development of the 245-unit Cinnabar Commons family rental development. CEQA: Resolution No. 71174. Council District 6. (Housing)

Resolution No. 71385 adopted.

4.9 Public Hearing and approval of various actions related to the FY 2002-2003 Weed Abatement Report.

Recommendation: PUBLIC HEARING and adoption of a resolution:

- (a) Overruling any and all objections to the Fiscal Year 2002-2003 Weed Abatement Report; and
- (b) Directing the Office of the Santa Clara County Fire Marshal to abate the seasonal and/or recurrent public nuisances on those properties identified in the Report pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Agreement between the City of San José and the County of Santa Clara.

CEQA: Not a Project. (Planning, Building and Code Enforcement)

Resolution No. 71386 adopted.

Council referred the weed abatement issues of the following speakers to the Administration for assistance: (1) Barry Ford, and (2) Gary Zollweg.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – December 16, 2002

Council Member Chavez, Chair

- (a) Youth Commission Monthly Report
The Committee accepted the report.

- (b) Status on Homework Centers Program
The Committee accepted the report, with the following directives to staff.
 - **A Technical Advisory Committee be established to meet on an on-going basis.**
 - **Staff take the feedback given today and formulate next step opportunities.**
 - **Meeting be held with Chair Chavez and Jason Helgerson, Jim Holgersson, Sara Hensley, and Ron Soto to establish goals and outcomes in format modeled after the Blueprint for the Digital Divide.**
 - **Recommendations with specific goals and objectives be returned to the February ENYS Committee Meeting.**

- (c) Status Report on Child Care Strategic Plan
The Committee accepted the report, with the following directives to staff.
 - **A matrix showing the SmartStart Centers locations, what has been accomplished to date, the months and the milestones and when it will be opened, will be e-mailed to the Council Districts.**

- (d) Status Report on San José BEST
The Committee accepted the report.

- (e) Status Report on Citywide Trail Projects
Deferred to January 27, 2003 ENYS Committee Meeting.

- (f) Auditor’s Report on the School Age Growth and Enrichment Program of the Department of Parks, Recreation and Neighborhood Services
The Committee accepted the report.

- (g) Oral petitions
There were none.

- (h) Adjournment
The meeting was adjourned at 4:05 pm.

Discussion/Action: The Education, Neighborhoods, Youth, and Seniors Committee report and actions of December 16, 2002, were accepted.

5 RECREATION & CULTURAL SERVICES

5.2 Approval of the Winfield Park Master Plan.

Recommendation: Approval of the Winfield Park Master Plan. CEQA: Exempt, PP02-11-321. Council District 10. (Parks, Recreation and Neighborhood Services)

Approved.

5.3 Approval of a contract for the Biebrach Park Play Area Renovation and Restroom Replacement.

Recommendation: Report on bids and award of contract for the Biebrach Park Play Area Renovation and Restroom Replacement to the low bidder, and approval of a nine percent contingency. CEQA: Exempt, PP02-09-259. Council District 3. SNI: Gardner. (Public Works)

Deferred to 1/28/03.

6 TRANSPORTATION SERVICES

7 ENVIRONMENTAL & UTILITY SERVICES

8 AVIATION SERVICES

8.1 Approval to continue the concession agreement and lease with McDonald's Corporation.

Recommendation: Approval of a continuation agreement to the concession agreement and lease with McDonald's Corporation, to extend the term to June 30, 2004, institute a Minimum Annual Guarantee (MAG) of \$184,000, and reduce the percentage rent from 13% of gross revenues to 8%, with estimated annual revenue to the City of \$200,000. CEQA: Resolution No. 67380, PP02-11-341. (Airport)

Approved. Staff directed to report to Council on the issues of timeliness of the negotiations process and the preparation of an RFP.

8 AVIATION SERVICES

8.2 Approval of an agreement to lease airport premises to United Airlines, Inc.

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 to November 30, 2007, with revenue to the City of \$18,000 annually; and
- (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 to November 30, 2007, with revenue to the City in the amount of \$153,000 annually.

CEQA: Resolution No. 67380, PP02-11-320. (Airport)

Dropped.

8.3 Approval of an amendment to the operating agreement with United Airlines, Inc.

Recommendation: Approval of an eighth amendment to the scheduled airline operating agreement with 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.

8.4 Approval of various actions related to the Norman Y. Mineta San José International Airport - Skyport Drive Grade Separation Project.

Recommendation:

- (a) Report on bids and award of contract for the Norman Y. Mineta San José International Airport - Skyport Drive Grade Separation Project to the low bidder, R & L Brosamer, Inc., in the amount of \$9,885,321, and approval of a contingency in the amount of \$989,000;

Approved

- (b) Approval to designate the Norman Y. Mineta San José International Airport - Skyport Drive Grade Separation Project as a covered project subject to the terms of the San José International Airport Master Plan Project Labor Agreement.

Approved

- (c) Adoption of the following appropriation ordinance amendments in the Airport Passenger Facility Charge Fund:

- (1) Increase the Skyport Grade Separation Project by \$4,400,000; and
- (2) Decrease the Ending Fund Balance by \$4,400,000.

CEQA: Resolution No. 67380, PP02-11-318. (Public Works/City Manager's Office)

Ordinance No. 26812 adopted.

9 PUBLIC SAFETY SERVICES

9.1 Approval to purchase a software and hardware upgrade for the AFIS.

Recommendation: Adoption of a resolution authorizing the Director of General Services to negotiate and execute an agreement for the sole source purchase of a software and hardware upgrade to the existing AFIS (Automated Fingerprint Identification System) to Printrak International in the amount of \$1,232,648 including sales tax, installation, and training. CEQA: Not a Project. (General Services)

Resolution No. 71387 adopted.

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

REDEVELOPMENT AGENCY BOARD CONVENED AT 4:05 P.M. TO CONSIDER ITEMS 10.1 AND 10.2 IN A JOINT SESSION

10.1 Approval of the 2003 Legislative Priorities.

Recommendation: Approval of the 2003 Legislative Priorities. (Mayor)
(Rules in Lieu referral 1/8/03)

Council approved Mayor Gonzales' memorandum dated January 10, 2002, (amended page 2 under Speeding in School Zones to read: AB1886), recommending Council: (1) Approve the 2003 legislative priorities recommended by City Manager Del Borgsdorf and Redevelopment Executive Director Susan Shick, dated December 10, 2002, December 17, 2002, and submitted to the Council on December 17, 2002, and (2) Recommending the following areas for legislative priorities in 2003: (a) Seek new legislation; (b) Support proposed legislation and intergovernmental policies; and (c) Support potential legislation; as specified therein.

10.2 Redevelopment Agency and City Council Committee restructuring and appointments.

Recommendation: Discussion and approval of the Redevelopment Agency and City Council Committee restructuring and appointments, adoption of a City Council resolution amending the Council Rules Resolution, and adoption of an Agency Board resolution amending the Agency bylaws. (Mayor) (Rules in Lieu referral 1/8/03)

Council took the following actions:

- (1) Approved recommendations in Mayor Gonzales' memorandum dated January 13, 2003, (a) Approving the appointments in Attachment A, as amended, (b) Revising the composition of the Rules Committee, (c) Restructuring Council Committees and renaming them as follows: Driving a Strong Economy (DSE); All Children Achieve (ACA); Making Government Work Better (MGWB); Building Better Transportation (BBT); Building Strong Neighborhoods (BSN); and Rules Committee; and (d) Revising the processes for developing and approving Committee work plans and agendas; and**

(This item continued on next page)

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

10.2 (Cont'd)

Council took the following actions: (Cont'd)

- (2) Directed Staff to amend the Rules Resolution to include in the City Council Agendas an explanation under Orders of the Day to indicate that the recommendations for items to be added, deferred or dropped are approved under Orders of the Day, and directing the City Clerk to draft language to be added to the agendas.

City Resolution 71388 adopted.

Redevelopment Agency Resolution adopted.

THE REDEVELOPMENT AGENCY BOARD PORTION OF THE MEETING
ADJOURNED AT 4:30P.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>
9381	Southeast corner of Willow Street and Delmas Avenue	6	Pulte Home Corp	30 units	SFA	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:

None.

- Open Forum—Heard jointly with Redevelopment Agency Public Discussion.
 - (1) William Garbett spoke concerning the homicide rate.
 - (2) Pete Campbell spoke about Measure I requirements.

- **Adjournment**

The Council of the City of San José adjourned in memory of Victor Manuel Arranaga, long-time San José resident and devoted father of Victor M. Arranaga, Jr.; and in memory of Jack Wagnon, a principal in the Campbell Union High School District, active member of Kiwanis Club, and Board member of Our City Forest.

The Council of the City of San José adjourned at 4:35 p.m., to a Redevelopment Agency meeting immediately following the Council Meeting.

THE FOLLOWING ACTIONS WERE TAKEN AT THE JOINT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING ON TUESDAY, 1/14/03:

7.1 Acceptance of the disclosure of property interest by Board Member Cindy Chavez.

Recommendation: Acceptance by the City Council and Agency Board of the disclosure of property interest by Board Member Cindy Chavez and direction that the disclosure be entered into the public minutes of the Agency Board.

Approved. Disqualified: Chavez.