

CITY COUNCIL AGENDA

JANUARY 27, 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

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: 02 a.m. - Closed Session, Room 600, City Hall
Absent Council Members: None.

1:35 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: None.
- **Invocation (District 1)**
Pastor Arthur Lum, Chinese Church in Christ recited a prayer of wisdom, judgment, and peace.
- **Pledge of Allegiance**
Mayor Gonzales led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day, and the Amended Agenda were approved.

1 CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation January 27th as San José Firefighters Day in recognition of the San José Fire Departments 150th Anniversary. (Dando)
Mayor Gonzales was joined at the podium by Vice Mayor Dando to proclaim January 27, 2004 as San José Firefighters Day. Mayor Gonzales invited Acting Fire Chief Dale Foster, and Fire Captain Randy Sekany, President of the Firefighters Union, to the podium. Mayor Gonzales remarked today is the historic 150th anniversary of the San José Fire Department, which has served the community with professional service, commitment, and consistently demonstrating exemplary dedication and courage, protecting our residents and businesses. Mayor Gonzales, Vice Mayor Dando, and the Council Members recognized and commended all the men and women of the San José Fire Department for their unconditional commitment to protect the safety of life and property of the people of San José, and thanked them for their courage, service and dedication of their lives. Vice Mayor Dando read a letter from Governor Schwarzenegger commending and thanking the San José Firefighters for their service and dedication. Acting Chief Foster and Captain Sekany expressed their appreciation to the Mayor and the City Council for their support.

2 CONSENT CALENDAR

2.1 Approval of Minutes.

There were none.

2.2 Final adoption of ordinances.

There were none.

2.3 Approval of fiscal actions for the Guadalupe-Washington Alley Reconstruction Project.

Recommendation: Adoption of the following appropriation ordinance amendments in the Community Development Block Grant Fund to:

- (a) Establish a transfer to the Redevelopment Agency for the Guadalupe-Washington Alley Reconstruction Project in the amount of \$237,503.
 - (b) Decrease the Guadalupe-Washington Alley Reconstruction Project by \$237,503.
- CEQA: Not a Project. (City Manager's Office)

Ordinance No. 27060 adopted.

2.4 Approval of various fiscal actions for Redevelopment Agency Capital Projects.

Recommendation:

- (a) Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the Monterey Corridor Median Improvement Project, the Tree Planting Strong Neighborhoods Project, the East Valley/680 Communities Sidewalk Project and the Hellyer Piercy Improvement District Project, with a net impact to the fund of \$3,295,000.

Ordinance No. 27061 adopted.

Resolution No. 71933 adopted.

- (b) Adoption of a resolution making certain determinations regarding the related expenditures of Redevelopment Agency funds on certain public improvements in connection with the Valley/680 Communities Sidewalk Project and the Tree Planting in Strong Neighborhoods Project.

CEQA: Not a Project. Council Districts 1, 2, 5, 6, 7, and 8. SNI: K.O.N.A., Blackford, Winchester, Edenvale/Great oaks, and EV/680 Communities. (City Manager's Office)

Resolution No. 71934 adopted.

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 2003-2004 #11, and authorization for the Director of General Services to execute the purchase orders. CEQA: See memo for CEQA designation(s). (General Services)

Approved.

2 CONSENT CALENDAR

2.6 Approval to award the purchase of carpet at the Airport.

Recommendation: Report on request for quotation (RFQ) and award for the purchase and installation of Milliken modular carpet at various Terminal A locations, to B.T. Mancini Company, Inc. for a total cost of \$157,402 including tax and installation, and authorization for the Director of General Services to:

- (a) Execute the agreement; and
- (b) Approve a 5% contingency for reserve material stock.

CEQA: Not a Project. (General Services)

Approved.

2.7 Approval of an agreement to extend an existing sublease for Animal Control Services.

Recommendation: Approval of a continuation agreement between the City of San José and Watchguard Technologies, Inc., extending the existing sublease of 6,500 sq. ft. of space located at 1821 Zanker Road on a month-to-month basis, for a rental rate of \$6,000 per month, plus prorated utilities and janitorial costs. CEQA: Exempt, PP03-12-394.

(General Services)

Approved.

2.8 Approval of an agreement to relocate the current Berryessa Community Garden.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the Berryessa Union School District, to relocate the current Berryessa Community Garden from the Flickinger School Site to the Mabury School Site. CEQA: Exempt, PP03-12-391. (General Services)

Resolution No. 71935 adopted.

2.9 Approval of an agreement for the Police Department's Records Management System.

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

- (a) An agreement between the City of San José and Tiburon, Inc., for software maintenance and enhancements on the Police Department's Records Management System, at a total first year cost of \$239,712; and
- (b) Annual options to renew the maintenance services and enhancements without further City Council approval other than the appropriation of funding.

CEQA: Not a Project. (Information Technology)

Resolution No. 71936 adopted.

2 CONSENT CALENDAR

2.10 Approval to submit a grant application to the Institute of Museum and Library Services.

Recommendation: Adoption of a resolution authorizing the Library Department to submit a grant application to the Institute of Museum and Library Services, not to exceed \$250,000, for a two-year staff training program to support the Innovative Library Services model, to accept the grant if awarded, and authorizing the City Manager to negotiate and execute any related documents. CEQA: Not a Project. (Library)

Resolution No. 71937 adopted.

2.11 Approval of a Deferred Annexation Agreement.

Recommendation: Approval of a Deferred Annexation Agreement for Assessor's Parcel Numbers 601-15-023 (5008 Alum Rock Avenue) and 601-15-024 (5020 Alum Rock Avenue), and direction to forward it to Santa Clara County Development Services staff for recordation. CEQA: Negative Declaration. Council District 5. (Planning, Building and Code Enforcement)

Approved.

2.12 Approval of agreements for the Interstate 880/Coleman Avenue Interchange for Construction of Sanitary Sewer and Recycled Water Pipelines.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute a cooperative agreement with the Santa Clara Valley Transportation Authority for the construction of a sanitary sewer line in conjunction with its construction plan for improvement of the I-880/Coleman Avenue Interchange, for a total cost to the City not to exceed \$303,828. CEQA: Final VTA EIR certified on 5/22/02. Council District 3. (Public Works)

Resolution No. 71938 adopted.

- (b) Adoption of a resolution authorizing the City Manager to execute the first amendment to the agreement between the City and the Santa Clara Valley Transportation Authority, upon concurrence of the Treatment Plant Advisory Committee, to increase the compensation payable by the City to a total amount not to exceed \$1,500,000, for design and construction of a recycled water pipeline at Coleman and I-880. (Environmental Services)

Item 2.12(b) deferred to 2/3/04.

2 CONSENT CALENDAR

2.13 Approval to award contracts for Traffic Signal Modification Projects.

Recommendation:

- (a) Report on bids and award of contract for the Traffic Signal Modification at Cottle Avenue and Curtner Avenue Project to the low bidder, Prism Engineering, Inc., in the amount of \$186,240, and approval of a contingency in the amount of \$18,600. CEQA: Exempt, PP02-07-197. Council District 6. (Public Works/Transportation)
 - (b) Report on bids and award of contract for the Traffic Signal Modification at Julian Street and Stockton Avenue Project to the low bidder, Prism Engineering, Inc., in the amount of \$186,242, and approval of a contingency in the amount of \$18,624. CEQA: Exempt, PP01-11-193. Council Districts 3 and 6. (Public Works/Transportation)
- Approved.**

2.14 Approval of a Fiscal Year 2003-04 Mid-Year budget allocation for the HP Pavilion.

Recommendation: Approval of a Mid-Year budget allocation of \$350,000 for the installation of a dehumidification system at the HP Pavilion. (San José Arena Authority)
Deferred to 2/3/04.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair No Report.

3.2 Report of the Rules Committee – January 14, 2004 Vice Mayor Dando, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review January 27, 2004 Draft Agenda
The Committee recommended approval of the January 27, 2004 City Council Agenda with two additions.
 - (2) Add New Items to January 20, 2004 Amended Agenda
The Committee recommended five additions to the January 20, 2004 City Council Agenda.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – January 14, 2004 (Cont'd.) Vice Mayor Dando, Chair

- (b) City Council (Cont'd.)
 - (3) List of Reports Outstanding
 - Mayor and Council Member Requests
 - City Manager Requests
 - City Attorney Requests
 - City Clerk Requests

The Committee noted and filed the City Manager's report listing one staff report outstanding for the January 20, 2004 City Council Agenda.
- (c) Legislative Update
 - (1) State

Betsy Shotwell, Director of Intergovernmental Relations gave a brief update on the status of the Governor's proposed budget.
 - (2) Federal
 - (a) 2003 Federal Legislative Report

The Committee accepted the 2003 Federal Legislative Report.
- (d) Meeting Schedules
 - (1) Approve proposed dates for General Plan Hearings

The Committee recommended approval to hold General Plan Hearings at 7:00 p.m. in Council Chambers on the following dates in 2004: March 16, June 1, September 7, and December 7.
- (e) The Public Record

Regarding Item (a) on the Public Record, a letter from Pete Campbell, the Committee suggested Mr. Campbell may voice his concerns at the January 27, 2004 Council Meeting, at which time the new City Hall budget will be discussed. The Committee noted and filed the Public Record.
- (f) Appointment to Boards, Commissions and Committees

There were none.
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Report back on Labor Code requirements for payment of workers' compensation benefits

The Committee continued this item to next week's Rules Committee Meeting.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – January 14, 2004 (Cont'd.) Vice Mayor Dando, Chair

- (h) Oral communications
Pete Campbell, District 1 resident, expressed concerns regarding the new City Hall location and budget.
- (i) Adjournment
The meeting was adjourned at 2:50 p.m.

The Report of the Rules Committee Meeting, and the Actions of January 14, 2004, were accepted.

3.3 Report of the Making Government Work Better Committee – January 14, 2004 Council Member Campos, Chair

- (a) Criteria for Fleet Management Division of the General Services Department's Vehicle Replacement Program
The Committee accepted the Staff Report.
- (b) Overhead Reimbursements Memorandum
The Committee accepted the Staff Report.
- (c) Review of Accounts Receivable System Acquisition Memorandum
The Committee accepted the Staff Report.
- (d) General Services Metered Equipment Audit Report
The Committee accepted the Staff Report, with the direction that a status report be placed on the Committee's next work plan, and that the report include flags to identify metered equipment vs. specialized equipment. The report should also include more information on scooter utilization at the Plant (as compared to similar Plants in other Cities).
- (e) Oral petitions
William Garbett spoke on the Los Esteros power plant.
- (f) Adjournment
The meeting was adjourned at 4:00 p.m.

The Report of the Making Government Work Better Committee Meeting, and the Actions of January 14, 2004, were accepted.

3 STRATEGIC SUPPORT SERVICES

3.4 Approval to convene the Blue Ribbon Task Force.

Recommendation: Approval to convene the Blue Ribbon Task Force to review matters related to the City's Ethics Ordinances and Lobbyist Ordinance. (Mayor)
(Rules Committee referral 1/21/04)

Approved.

City Attorney directed to respond to questions and provide clarification within 30 days to the memorandum issued by Council Member Cortese. In addition to the direction given to the City Attorney in the memorandum from Mayor Gonzales, Vice Mayor Dando, and Council Members Chavez, Reed and Yeager, dated January 23, 2004, and the memorandum from Council Member Cortese, dated January 27, 2004, clarification should include:

- **Applicable enforcement timelines, statutes of limitations and authority for initiating prosecution, including review of any current specific incidences where the City is currently on notice of *prima facie* violations.**
- **Present the benefits of vesting the City Attorney (or a third party) with *sua sponte* authority to initiate prosecutions for violations, particularly in the context of avoiding conflict or the appearance of conflict with the City Council in making prosecutorial determinations.**
- **Analysis of any existing “loopholes” which allow current City Council fundraising limits to be exceeded by City elected officials/candidates such as independent expenditures, separate controlled committees, PACS, etc.**

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

**4.1 Report of the Building Strong Neighborhoods Committee
Council Member Chavez, Chair
No Report.**

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

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.3 Follow-up discussion on various actions related to technology, furniture, and equipment for the New Civic Center.

Recommendation: Adoption of a resolution of the City Council to proceed with non-construction operating start up plans for the New Civic Center (NCC) and delegating authority to the City Manager to enter into contracts for public works, the purchase of technology, furniture, equipment, and relocation services for the NCC in accordance with the provisions of the San José Municipal Code and the City's procurement policies and procedures in an amount not to exceed \$45,250,000 to facilitate the effective and efficient operation of the NCC. CEQA: New Civic Center Project: Resolution No. 68905; New Civic Center Parking Garage: Resolution No. 71743. (City Manager's Office/Public Works/Information Technology/Finance/General Services)

Deferred to 2/3/04.

4.4 Approval to initiate proceedings to amend the San José Municipal Code to allow the concurrent sale of food and alcohol at gasoline service stations under certain circumstances.

Recommendation: Adoption of a resolution initiating proceedings to amend Part 7 of Chapter 20.80 of Title 20 of the San José Municipal Code to allow the concurrent sale of food and alcohol at gasoline service stations under certain circumstances, setting a public hearing on February 17, 2004 at 1:30 p.m. on a proposed ordinance, and referring the proposed amendments to the Planning Commission for report or recommendation.

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

(Referred from 9/16/03 – Item 4.3)

Deferred to 2/24/04.

4.5 Approval of actions related to the Evergreen Area Development Policy.

Recommendation: Adoption of a resolution clarifying and reaffirming the Evergreen Area Development Policy and directing staff to discourage all rezoning and General Plan amendments in the Evergreen Area for residential uses that require additional residential unit allocations or density increases until the completion of the Evergreen Smart Growth Strategy scheduled for completion in June of 2005. CEQA: Resolution No. 63179, PP04-01-013. Council District 8. (Planning, Building and Code Enforcement)

(Referred from 12/16/03 – Item 12.9)

Resolution No. 71939 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.6 Approval of various actions related to Getting Families Back to Work.

Recommendation:

- (a) Adoption of a resolution amending the Schedule of Fees and Charges to establish fees for the recently approved Historic Preservation Permit Amendment and Historic Preservation Permit Adjustment, and to amend the existing fee for Historic Property Contracts. CEQA: Exempt, PP03-11-362. (Planning, Building and Code Enforcement)

Resolution No. 71940 adopted.

- (b) Adoption of a resolution initiating proceedings to amend Title 20 of the San José Municipal Code by adding a new Part 2 to Chapter 20.110 to authorize the Director of Planning, Building and Code Enforcement to cancel or partially cancel Williamson Act contracts relating to prime agricultural land under certain circumstances, setting a public hearing on February 17, 2004 at 1:30 p.m. on a proposed ordinance to so amend Title 20, and referring the proposed amendments to Title 20 to the Planning Commission for report or recommendation. (Planning, Building and Code Enforcement)

Resolution No. 71941 adopted.

- (c) Adoption of a resolution initiating proceedings to amend Sections 20.100.130 and 20.100.140 of Chapter 20.100 of Title 20 of the San José Municipal Code to further clarify and streamline the concurrent processing of Planned Development Permits and Planned Development Zonings, setting a public hearing on February 17, 2004 at 1:30 p.m. on a proposed ordinance to so amend Title 20, and referring the proposed amendments to Title 20 to the Planning Commission for report or recommendation. (Planning, Building and Code Enforcement)

Resolution No. 71942 adopted.

Staff directed to outline the Community Outreach process clearly.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the All Children Achieve Committee Council Member Yeager, Chair

No Report.

5 RECREATION & CULTURAL SERVICES

5.2 Approval of actions related to local assistance grant funds.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to negotiate, execute and submit an application and all necessary documents for local assistance grant funds up to \$4,051,154 from the Roberti-Z' Berg-Harris Urban Open Space and Recreation Grant Program under the 2002 Resources Bond Act (Proposition 40) as administered by the State of California - The Resources Agency, Department of Parks and Recreation. CEQA: Not a Project. Council Districts 3, 4, 6, 7, 9, and Citywide. SNI: Five Wounds/Brookwood Terrace, University, Thirteenth Street, Greater Gardner, Washington/Guadalupe, Burbank/Del Monte, Spartan/Keyes, Tully/Senter. (Parks, Recreation and Neighborhood Services)

Resolution No. 71943 adopted.

- (b) Adoption of a resolution authorizing the City Manager to negotiate, execute, and submit all necessary documents for local assistance funds up to \$4,037,000 from the Per Capita Grant Program under the 2002 Resources Bond Act as administered by the State of California - The Resources Agency, Department of Parks and Recreation. CEQA: Not a Project. Council Districts 1, 2, 3, 5, 7, 8, and 10. SN: Five Wounds/Brookwood Terrace, Mayfair, Tully/Senter. (Parks, Recreation and Neighborhood Services)

Resolution No. 71944 adopted.

Staff directed to correct the error to state PAL Stadium encompasses "Council Districts 5, 7 and 8".

5.3 Approval to award a contract for the Sixth and Bestor Park Development Project.

Recommendation: Report on bids and award of contract for the Sixth and Bestor Park Development Project to the low bidder, Robert A. Bothman, Inc., for the base bid and Add Alternate Nos. 1, 2, and 3 in the amount of \$607,333, and approval of a contingency in the amount of \$90,000. CEQA: Addendum to the Negative Declaration, PP02-10-300. Council District 3. SNI: Spartan/Keyes. (Public Works/Parks, Recreation and Neighborhood Services)

Approved.

5 RECREATION & CULTURAL SERVICES

5.4 Status of the Animal Care Center Project.

Recommendation:

(a) Adoption of the following appropriation ordinance and funding sources resolution amendments in the General Fund, as follows:

- (1) Increase the Animal Shelter Facility appropriation by \$524,000.
- (2) Decrease the Boynton Avenue Sidewalk Installation appropriation by \$137,000.
- (3) Decrease the Security Improvements appropriation by \$230,000.
- (4) Decrease the Fire Apparatus Bond Payments appropriation by \$25,000.
- (5) Decrease the Ice Centre Expansion appropriation by \$32,000.
- (6) Increase the Estimate for Revenue from Local Agencies by \$100,000.

Ordinance No. 27062 adopted. Noes: Chavez.

Resolution No. 71945 adopted. Noes: Chavez.

(b) Increase the contingency amount for the Animal Care Center Project by \$524,000. CEQA: Negative Declaration, H01-01-003. (Public Works/Parks, Recreation and Neighborhood Services/City Manager's Office)

[Deferred from 1/13/04 – Item 2.3(b) and 1/20/04 – Item 5.2]

Approved. Noes: Chavez.

6 TRANSPORTATION SERVICES

6.1 Report of the Building Better Transportation Committee
Council Member Cortese, Chair
No Report.

6.2 Approval to award a contract for the 3rd Street Garage Seismic Upgrade Project.

Recommendation: Report on bids and take appropriate action based on the evaluation of bids for the 3rd Street Garage Seismic Upgrade Project, and approval of a ten percent contingency. CEQA: Negative Declaration, PP03-10-329. Council District 3. (Public Works/Transportation)

Deferred to 2/3/04.

7 ENVIRONMENTAL & UTILITY SERVICES

8 AVIATION SERVICES

8.1 Approval of actions related to the construction of a new Central Terminal facility at the Airport.

Recommendation: Adoption of a resolution finding that the Airport traffic and transit improvement conditions set forth in Part 4 of Chapter 25 of the San José Municipal Code have been met and that the City may therefore commence construction of a new Central Terminal facility and expand the number of air carrier gates at the Airport beyond the existing 31 gates, as provided in the Airport Master Plan. CEQA: Resolution Nos. 67380 and 71451, PP04-01-002. (Airport/Transportation)

Deferred to 3/16/04.

8.2 Approval of actions for the Airport's North Concourse Building Projects.

Recommendation:

(a) Report on bids and award of contract for the Norman Y. Mineta San José International Airport North Concourse Building - Communication Cables Relocation (Package 0C) Project to low bidder, Volt Telecom Group, in the amount of \$440,619, and approval of a contingency in the amount of \$44,062. CEQA: Resolution Nos. 67380 and 71451, PP 03-12-388. (Public Works/Airport) [Deferred from 1/13/04 – Item 8.1(a)]

(b) Report on bids and award of contract for the Norman Y. Mineta San José International Airport North Concourse Building, Gate A1-C Relocation (Package 0B) Project to the low bidder, Apex Construction, in the amount of \$729,289, and approval of a contingency in the amount of \$110,000. CEQA: Resolution Nos. 67380 and 71451, PP 03-12-393. (Public Works/Airport) [Deferred from 1/13/04 – Item 8.1(b)]

Deferred to 3/16/04.

9 PUBLIC SAFETY SERVICES

9.1 Approval to award a purchase of breathing air support apparatus for the Fire Department.

Recommendation: Report on bids and award the purchase of two breathing air support apparatus to the lowest responsive bidder Golden State Fire Apparatus, at a total cost of \$580,889.50 including tax, and authorization for the Director of General Services to:

- (a) Execute the purchase order for the purchase of two air support apparatus (oxygen tank vehicles); and
- (b) Execute change orders in an amount to exceed a contingency of 5% for unforeseen engineering requirements that may arise.

CEQA: Not a Project. (General Services)

Approved.

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board convened at 2:15 p.m. to consider Item 10.1 in a Joint Session.

10.1 Approval of a Public Records Act policy.

Recommendation:

- (a) Adoption of a resolution by the City Council approving a City Council policy related to Public Record Act requests.

Resolution No. 71946 adopted.

- (b) Adoption of a resolution by the Redevelopment Agency Board approving a policy related to Public Record Act requests.

(City Attorney's Office)

(Rules Committee referral 1/14/04)

Redevelopment Agency Board Resolution adopted.

The Redevelopment Agency Board Portion of the Meeting was adjourned at 2:19 p.m.

- **Closed Session Report**
No Report.

- **Notice of City Engineer's Pending Decision on Final Maps**
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's 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>
9534	East side of Flickinger approximately 600' southerly of Hostetter	4	Pulte Homes Corp	88 lots/84 units	SFD	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>
9550	S/s of Trade Zone Blvd. opposite Autumnvale Ave.	4	DKB Homes LLC	18 units	SFD

- **Open Forum**

- (1) **Ross Signorino spoke in reference to the President's State of the Union Address regarding the labor force.**

- **Adjournment**

The Council of the City of San José was adjourned in memory of Reverend V. F. Shoemake, founder of the First United Pentecostal Church of San José.

The Council of the City of San José was adjourned at 2:22 p.m.

7 JOINT REDEVELOPMENT AGENCY/COUNCIL

The Council of the City of San José convened at 2:28 p.m. to hear Item 7.1 in a Joint Session with the Redevelopment Agency.

7.1 Approval of Changes to City of San José and Redevelopment Agency Agreements to Enforce Prevailing Wage Law Requirements.

Recommendation:

- (a) Approval by the Agency Board of recommended changes to agreements regarding implementation of enforcement mechanisms for Prevailing Wage Law requirements in Agency contracts.

Approved by the Redevelopment Agency Board.

- (b) Approval by the City Council of recommended changes to agreements regarding implementation of enforcement mechanisms for Prevailing Wage Law requirements in housing development agreements and loans.

(Deferred 1/13/04, Item 2.5)

Approved by City Council.

Staff directed to include in the 6 month report on developer responses and experience: (1) additional costs to various projects, including a loss of developer interest; (2) whether or not the increased cost comes from fines that are levied from non-compliance; (3) if the loss of developer interest has any at all shared in the overlaps, in particular, with any subcontractors the City had previous problems with in paying prevailing wage; (4) whether or not developers put forward different types of bids in terms of their costs.