

CITY COUNCIL AGENDA

JUNE 8, 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**
9:30 a.m. - Closed Session, Room 600, City Hall
Absent – Council Members: None.

1:30 p.m. - Regular Session, Council Chambers, City Hall
Absent – Council Members: None.
- **Invocation (District 6)**
Reverend Margo Tenold of the Trinity United Methodist Church delivered a prayer.
- **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 with one addition; Item 6.2 was deferred to 6/15/04.

1 CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation declaring the week of June 5-13, 2004 as Silicon Valley Affordable Housing Week. (Housing)
Mayor Gonzales and Council Member Cortese presented a proclamation to Director of Housing Leslye Corsiglia and staff declaring the week of June 5 13, 2004 as Silicon Valley Affordable Housing Week.

1 CEREMONIAL ITEMS

- 1.2 Commendation to Gay Ministries Committee Council of Churches, Santa Clara County, in honor of Celebration in Spirit. (Yeager)
(Orders of the Day)

Mayor Gonzales and Council Member Yeager presented a commendation to Gay Ministries Committee Council of Churches of Santa Clara County in honor of the Celebration of Spirit. Reverend Margo Tenold expressed appreciation and announced the 2004 Celebration of Spirit honorees; Mayor Gonzales, Council Member Yeager and San Francisco Mayor Gavin Newsom.

- 1.3 Presentation of a proclamation declaring the week of June 6-12, 2004 as San José Wildlife Week. (Gregory; Mayor)
(Orders of the Day)

Mayor Gonzales and Council Member Gregory presented a proclamation to Janet Alexander and Julie Mills of the Wildlife Center of Santa Clara Valley declaring the week of June 6-12, 2004 as Wildlife Week.

2 CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
None.

- 2.2 **Final adoption of ordinances.**
None.

- 2.3 **Approval of 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) with a net impact to the fund of \$820,170, for the following projects:
- (1) Washington and Edenvale Great Oaks Street Lights Project (PSM 368).
 - (2) William Street and McLaughlin Avenue Improvement Project (PSM 369).
 - (3) McLaughlin Avenue Improvement Project (PSM 370).
 - (4) Traffic Signal at 7th and Martha Streets Project (PSM 372).
 - (5) West San Carlos Street Improvement Project (PSM 373).
 - (6) Greater Gardner Neighborhood Streetscape Improvement Project (PSM 374).
 - (7) Martha Street Pedestrian/Bicycle Bridge Development Project (PSM 357).
- Ordinance No. 27174 adopted.**
Resolution No. 72127 adopted.

2 CONSENT CALENDAR

2.3 Approval of fiscal actions for Redevelopment Agency Capital Projects. (Cont'd.)

Recommendation:

- (b) Adoption of a resolution making certain determinations regarding the related expenditures of Redevelopment Agency funds on certain public improvements in connection with the:
- (1) Washington and Edenvale Great Oaks Street Lights Project, as more specifically described in the memorandum from the Redevelopment Agency, dated April 16, 2004.
 - (2) William Street and McLaughlin Avenue Improvement Project, as more specifically described in the memorandum from the Redevelopment Agency, dated April 15, 2004.
 - (3) McLaughlin Avenue Improvement Project, as more specifically described in the memorandum from the Redevelopment Agency, dated April 15, 2004.
 - (4) Traffic Signal at 7th and Martha Streets Project, as more specifically described in the memorandum from the Redevelopment Agency, dated April 15, 2004.
 - (5) West San Carlos Street Improvement Project, as more specifically described in the memorandum from the Redevelopment Agency, dated April 15, 2004.
 - (6) Greater Gardner Neighborhood Streetscape Improvement Project, as more specifically described in the memorandum from the Redevelopment Agency, dated April 15, 2004.
 - (7) Martha Street Pedestrian/Bicycle Bridge Development Project, as more specifically described in the memorandum from the Redevelopment Agency, dated May 4, 2004.

CEQA: Not a Project. Council Districts 2, 3, 6, and 7. SNI: Washington, Edenvale/Great Oaks, Five Wounds/Brookwood, Tully/Senter, Spartan/Keyes, Delmas Park, Greater Gardner. (City Manager's Office)

Resolution No. 72128 adopted.

2.4 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 #22, 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

2.5 Approval of the donation of a rubber-tired wheel loader to the City of La Paz, Mexico.

Recommendation: Adoption of a resolution authorizing the Director of General Services to execute all documents necessary for the donation of one (1) rubber-tired wheel loader with a total estimated value of \$6,100 to the City of La Paz, Mexico. CEQA: Not a Project. (General Services)

Resolution No. 72129 adopted.

2.6 Approval of the annexation of Penitencia No. 71.

Recommendation: Adoption of a resolution authorizing the reorganization of territory designated as Penitencia No. 71, which involves the annexation to the City of San José of 1.05 gross acres of land located at the on the east side of Noble Lane, approximately 550 feet northerly of Noble Avenue and adjacent to the City of San José annexations Penitencia Nos. 44 and 56, and the detachment of the same from Central Fire Protection, Area No.1 (Library Services) County Services. CEQA: Resolution No. 65459, GP2020 EIR. Council District 4. (Planning, Building and Code Enforcement)

Resolution No. 72130 adopted.

2.7 Approval of a Contract Change for the Rincon Storm System Improvements Project (Phase II).

Recommendation: Approval of Contract Change Order No. 10 with Anderson Pacific Construction Engineering, Inc., for the Rincon Storm System Improvements Phase II Project, in the amount of \$175,209.75, for a total contract amount of \$21,059,524.59. CEQA: Resolution No. 60197, PP00-10-149. Council District 4. (Public Works)

Approved.

2.8 Approval to award a contract for the Traffic Signal Installation at Brigadoon Way and Daniel Maloney Drive Project.

Recommendation: Report on bids and award of contract for the Traffic Signal Installation at Brigadoon Way and Daniel Maloney Drive Project to the low bidder, Brown & Fesler, Inc., in the amount of \$169,699, and approval of a contingency in the amount of \$16,960. CEQA: Exempt, PP02-07-197. Council District 8. (Public Works/Transportation)

Approved.

2.9 Approval to award a contract for the Bucknall Road Sidewalk Project.

Recommendation: Report on bids and award of contract for the Bucknall Road Sidewalk Project, from Villanova Drive to Maroel Road, to the low bidder, Golden Bay Construction, Inc., in the amount of \$138,830, and approval of a contingency in the amount of \$7,150. CEQA: Exempt, PP 02-01-011. Council District 1. (Public Works/Transportation)

Approved.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Gonzales, Chair

None.

3.2 Report of the Rules Committee

Vice Mayor Dando, Chair

Meeting of May 26, 2004

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

(b) City Council

(1) Review June 8, 2004 Draft Agenda

The Committee recommended approval of the June 8, 2004 City Council agenda with no charges.

(2) Add New Items to June 1, 2004 Amended Agenda

- Mayor and Council Member Requests
- City Manager Requests
- City Attorney Requests
- City Clerk Requests

The Committee recommended six additions to the June 1, 2004 City Council agenda.

(3) List of Reports Outstanding

The Committee noted and filed the City Manager's report stating there are four staff reports outstanding for the June 1, 2004 Council agenda.

(c) Legislative Update

(1) State

Roxanne Miller, City of San José Lobbyist to the State Legislature in Sacramento, presented an overview of two proposed State constitutional amendments that deal with mandating future protection of local revenue. The Committee thanked Ms. Miller for her informative presentation.

(2) Federal

There was no report.

(d) Meeting Schedules

There were none.

(e) The Public Record

The Committee noted and filed the Public Record.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – Meeting of May 26, 2004

(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 Sandra Adams as the landlord representative and Pamela Dougherty as the neutral representative for unexpired terms ending December 31, 2006. The Committee directed the City Clerk to readvertise the tenant position in August 2004.
- (2) Airport Commission
The Committee recommended appointment of Sukhdev Bainiwal, Duc Ngo, and Steve Tedesco (Incumbent) to terms ending June 30, 2007.
- (3) Arts Commission
The Committee recommended appointment of Francis Czyz (Incumbent), Lisa Gonzales, and Stephen McCray (Incumbent) to terms ending June 30, 2007. The Committee deferred one appointment to next week's Rules Committee meeting.
- (4) CDBG Steering Committee
The Committee recommended appointment of Preston Powell as the District 3 representative to a term ending June 30, 2007. The Committee directed the City Clerk to readvertise for the District 5, District 7, and City-wide positions in August 2004.
- (5) Disability Advisory Commission
The Committee recommended appointment of Teresa Applegate, Aaron Morrow (Incumbent), Karl Vidt (Incumbent), and Murri Zlotziver (Incumbent) to terms ending June 30, 2007.
- (6) Early Care and Education Commission
The Committee recommended appointment of Nick Fay, Timothy Kirby, Richard McKinney, Dagmar Poffenroth and Elizabeth Venkat to terms ending June 30, 2007; and Bertha Martin to an unexpired term ending June 30, 2005. The Committee directed the City Clerk to readvertise the vacant position in August 2004.
- (7) Historic Landmarks Commission
The Committee recommended appointment of Martin Alkire and Patricia Colombe to terms ending June 30, 2007.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – Meeting of May 26, 2004

- (f) Appointment to Boards, Commissions and Committees (Cont'd.)
 - (8) Library Commission
The Committee recommended appointment of David Cohen (Incumbent), Pia Moriarty (Incumbent), and Vincent Tarpey to terms ending June 30, 2007. The Committee deferred one appointment to next week's Rules Committee meeting.
 - (9) Mobile Home Advisory Commission
The Committee directed the City Clerk to readvertise for the neutral position in August 2004.
 - (10) Parks and Recreation Commission
The Committee recommended appointment of Helen Chapman (Incumbent), Jose Silva, and Mark Swineford (Incumbent) to terms ending June 30, 2007.
 - (11) Senior Citizens Commission
The Committee recommended appointment of Surendra Amin (Incumbent), Don Blankenship, Lorene Prudhomme, and John Tinsley (Incumbent) to terms ending June 30, 2007, and Ronald Layman to an unexpired term ending June 30, 2006.
 - (12) Small Business Development Commission
The Committee recommended appointment of Joyce Puopolo to an unexpired term ending December 31, 2005.
 - (13) Traffic Appeals Commission
The Committee recommended appointment of Richard Daulton to a term ending June 30, 2007 and deferred one appointment to next week's Rules Committee meeting.
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) City Manager's report on Building Capacity to Maintain a Strong Leadership Team for the City of San José
The Committee deferred this item to next week's Rules Committee meeting.
 - (2) Written report from City Manager including a schedule of community meetings for the Public Art Process at the Norman Y. Mineta San José International Airport
The Committee deferred this item to next week's Rules Committee meeting.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – Meeting of May 26, 2004

- (g) Rules Committee Reviews, Recommendations and Approvals (Cont'd.)
 - (3) Request to defer the issue of “Concurrent Sale of Gasoline, Food, Groceries and Alcohol” for an additional 60 days to August 2004
The Committee recommended approval to defer the issue entitled, “Concurrent Sales of Gasoline, Food, Groceries and Alcohol” for 60 days, bringing the item before the City Council in August 2004.
- (h) Oral communications
None were presented.
- (i) Adjournment
The meeting adjourned at 2:45 P.M.

The Rules Committee report and actions of May 26, 2004 were accepted.

3.2 Report of the Rules Committee Vice Mayor Dando, Chair Meeting of June 2, 2004 (Partial)

- (f) Appointments to Boards, Commissions and Committees
 - (1) Arts Commission
The Committee recommended appointment of Dennis Martin (Incumbent) to a term ending June 30, 2007.
 - (2) Library Commission
The Committee directed the City Clerk to readvertise the vacant position in August 2004.
 - (3) Traffic Appeals Commission
The Committee recommended appointment of Timothy Flynn to a term ending June 30, 2007.

The Partial Rules Committee report and actions of June 2, 2004 were accepted.

3.3 Report of the Making Government Work Better Committee Council Member Campos, Chair None.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee Council Member Chavez, Chair None.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.2 Report of the Driving a Strong Economy Committee – May 24, 2004

Council Member Williams, Chair

- (a) Report on attracting business to Hayes and Convention Center
The Committee accepted the staff's report, "Report on attracting business to Hayes and Convention Center."
- (b) Report on the results of development process improvements
The Committee accepted the staff's report, "Report on the results of development process improvements".
- (c) Oral petitions – **None.**
- (d) Adjournment
Meeting was adjourned at 3:55 P.M.

The Driving a Strong Economy Committee report and actions of May 24, 2004 were accepted.

4.3 Approval of various actions related to Business Improvement Districts.

Recommendation:

- (a) Preliminary approval of the report as filed by the Downtown Business Improvement District Advisory Board, or as modified by Council; and adoption of a resolution of intention to levy the annual assessment for 2004-2005, and set June 22, 2004 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments. CEQA: Exempt, PP03-05-165. Council District 3. SNI: St. James Square; University; Josefa/Auzerais; Burbank/DelMonte. (Economic Development)
Resolution No. 72131 adopted.
- (b) Preliminary approval of the report as filed by the Willow Glen Business Improvement District Advisory Board, or as modified by Council; and adoption of a resolution of intention to levy the annual assessment for 2004-2005, and set June 22, 2004 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments. CEQA: Exempt, PP03-05-165. Council District 6. (Economic Development)
Resolution No. 72132 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.3 Approval of various actions related to Business Improvement Districts. (Cont'd)

Recommendation:

- (c) Preliminary approval of the report as filed by the Japantown Business Improvement District Advisory Board or as modified by Council, and adoption of a resolution of intention to levy the annual assessment for 2004-05, and set June 22, 2004 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments. CEQA: Exempt, PP03-05-165. Council District 3. SNI: 13th Street. (Economic Development)

Resolution No. 72133 adopted.

Staff directed to refer the Business Improvement District (BID) fee back to the BID Advisory Board for further review and report back before the 6/22/04 Public Hearing.

4.4 Approval of actions related to the issuance of General Obligation Bonds, Libraries, Parks and Public Safety Projects. (Series 2004)

Recommendation: Adoption of a resolution:

- (a) Authorizing the issuance of City of San José General Obligation Bonds, Series 2004 (Libraries, Parks and Public Safety Projects) (the "2004 Bonds") in the not-to-exceed aggregate principal amount of \$120,000,000, to be sold at a competitive sale.
- (b) Approving in substantially final form, the Fiscal Agent Agreement, the Official Notice Inviting Bids, and the Preliminary Official Statement; and authorizing the City Manager or other authorized officers to execute these documents and other related documents as necessary in connection with the issuance of the 2004 Bonds.
- (c) Authorizing RBC Dain Rauscher, the Financial Advisor to the City on the issuance of the 2004 Bonds, to bid on the underwriting of the 2004 Bonds.

CEQA: Not a Project. (Finance)

Resolution No. 72134 adopted.

4.5 Approval to award a contract for the New City Hall Rotunda Sunshade Project.

Recommendation: Report on bids and award of contract for the San José New City Hall Rotunda Sunshade Project to the sole bidder, Peninsulators, Inc., in the amount of \$231,222, and approval of a contingency in the amount of \$23,100. CEQA: Civic Plaza Redevelopment Plan, Resolution No. 68905, PP98-03-072. SNI: University. (Public Works)

Approved.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.6 Approval of fiscal actions related to the Vintage Tower Apartments.

Recommendation: Adoption of a resolution:

- (a) Authorizing the issuance of tax-exempt multifamily housing revenue bonds designated as "City of San José Multifamily Housing Revenue Bonds (Vintage Tower Apartments) Series 2004B" in an aggregate principal amount not to exceed \$5,500,000 (the "Bonds"), to be issued and delivered in two sub-series designated as Series 2004B-1 in the estimated principal amount of \$4,350,000, and as Series 2004B-2 in the estimated principal amount of \$1,150,000;
- (b) Approving a loan of bond proceeds to First Methodist Church Tower Properties, L.P., a California limited partnership, for financing the acquisition and rehabilitation of the Vintage Tower Apartments located at 235 East Santa Clara Street in San José;
- (c) Approving in substantially final form the Bonds, Trust Indenture, Financing Agreement, Regulatory Agreement and Declaration of Restrictive Covenants, the Bond Purchase Agreement and the Assignment of Mortgage Loan; and
- (d) Authorizing the City Manager or other authorized officer to execute and, as appropriate, to negotiate, execute, and deliver these documents and other related documents as necessary.

CEQA: Exempt, PP03-03-090. Council District 3. (Housing)

(Deferred from 6/1/04 – Item 4.3)

Resolution No. 72135 adopted.

5 RECREATION & CULTURAL SERVICES

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

None.

5.2 Approval of fiscal actions related to the Calpine Open Space Project.

Recommendation: Adoption of the following appropriation ordinance amendments in the Parks City-Wide Construction and Conveyance Tax Fund:

- (a) Increase the Calpine Open Space Project by \$585,000.
- (b) Decrease the Reserve for Calpine Open Space Project by \$585,000.

CEQA: Exempt, PP03-05-0166. Council District 2. (Parks, Recreation and Neighborhood Services/City Manager's Office)

Ordinance No. 27175 adopted.

6 TRANSPORTATION SERVICES

6.1 Report of the Building Better Transportation Committee Council Member Cortese, Chair

None.

6.2 Approval of changes to the Fee Schedule for Tow Service agreements.

Recommendation: Adoption of a resolution amending Resolution No. 71324 effective July 1, 2004 to:

- (a) Increase the flat rate per tow as consideration for the privilege of providing City-generated tows to \$50.95;
- (b) Increase the maximum rates that tow contractors may charge vehicle owners for basic tows to \$112.09 per tow.

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

Deferred to 6/15/04.

7 ENVIRONMENTAL & UTILITY SERVICES

8 AVIATION SERVICES

8.1 Approval to award a contract for the Airport North Concourse Building Site Preparation and Excavation Project. (Package 1)

Recommendation:

- (a) Report on bids and award of contract for the Norman Y. Mineta San José International Airport North Concourse Building Site Preparation and Excavation (Package 1) Project to the low bidder, DeSilva Gates Construction, in the amount of \$10,189,750 and approval of a contingency in the amount of \$1,019,000.

Approved.

- (b) Adoption of the following appropriation ordinance amendments in the Airport Revenue Bond Improvement Fund:

- (1) Increase the North Concourse Site Facility Relocations appropriation in the amount of \$500,000.
- (2) Decrease the Gate A1-C Relocation appropriation in the amount of \$500,000.

CEQA: Resolution Nos. 67380 and 71451, PP 04-03-092. (Public Works)

Ordinance No. 27176 adopted.

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board convened to consider items 10.1 and 10.2 in a Joint Session at 2:13 P.M.

10.1 Acceptance of the quarterly CIP and SNI status reports.

Recommendation: Acceptance of the quarterly report on the Citywide Capital Improvement Program (CIP), including park, library, public safety bond projects, and Strong Neighborhoods Initiative (SNI) Projects. CEQA: Not a Project. (City Manager's Office/Redevelopment Agency)

Report accepted.

Staff directed to provide a progress update of the development project team for the Hubbard School site.

10.2 Review and discussion of amendments to the Lobbying Ordinance.

Recommendation: Approval of an ordinance amending Chapter 12.12 of Title 12 of the San José Municipal Code to amend and restate the City of San José Municipal Lobbying Ordinance. (Blue Ribbon Task Force)

Deferred to 6/29/04.

The Redevelopment Agency Board portion of the meeting adjourned at 2:41 P.M.

- 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>
9484	508 Hillsdale Ave.	3	Eden Garden LLC	19 lots	Multi-family	Approve
9515	n/s Curtner Ave, E of Highway 87	7	Summer Hill Homes	153 lots/ 132 units	SFA & 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:

None.

- Open Forum—

- 1) Hugh Cloutier spoke on issues pertaining to the closing of horseshoe courts in San José parks.
- 2) Ross Signorino spoke on City politics issues.

- **Adjournment**

Meeting adjourned in memory of President Ronald Reagan, the 40th President of the United States at 3:00 P.M.

THE FOLLOWING RESOLUTIONS WERE ADOPTED AT THE JOINT REDEVELOPMENT AGENCY BOARD/CITY COUNCIL MEETING ON TUESDAY, JUNE 8, 2004 AT 2:48 P.M.:

7.1 Deferred to 6/15/04.

7.2 Deferred to 6/29/04. Disqualified: Gonzales, due to conflict of interest.

7.3 Award of a construction contract for the Meadowfair Park Project.

Recommendation:

(1) Adoption of a resolution by the City Council making certain determinations required by Redevelopment Law for Redevelopment Agency funding of Public Improvements; and,
Resolution No. 72136 adopted.

(2) Approval by the City Council of a Cooperation Agreement with the Redevelopment Agency providing for the City's contribution of \$450,000 towards the Agency's construction of the Meadowfair Park Project; and,
Approved.

(3) Adoption by the City Council of the following appropriation Ordinance amendments in Council District 8 Construction and Conveyance Tax Fund:
(a) Establishing a transfer to the Redevelopment Agency in the amount of \$123,000 for the Meadowfair Park project; and,
(b) Decreasing the Ending Funding Balance by \$123,000.
Ordinance No. 27177 adopted.

(4) Adoption by the City Council of the following Appropriation Ordinance amendments in the Park Trust Fund:
(a) Establishing a transfer to the Redevelopment Agency in the amount of \$327,000 for the Meadowfair Park project; and
(b) Decreasing the Reserve for Future PDO/PIO Projects by \$327,000.
Ordinance No. 27178 adopted.

7.3 Award of a construction contract for the Meadowfair Park Project. (Cont'd.)

Recommendation:

- (5) Adoption of a resolution by the Agency Board delegating authority to the Executive Director to award a construction contract to the lowest responsive bidder within 180 days from the bid opening and authorizing a construction contingency in the amount of 10% of the contract price for construction of improvements to Meadowfair Park, for a total construction cost not the exceed \$840,000 including the contingency, or to reject all bids if an award cannot be made; and,

Agency Resolution No. 5507 adopted.

- (6) Approval by the Agency Board of a Cooperation Agreement with the City of San José providing for the City's contribution of \$450,000 towards the Agency's construction of the Meadowfair Park Project; and,

Approved.

- (7) Adoption of a resolution by the Redevelopment Agency Board approving the addition of \$450,000 to the Other Revenue line item, reflecting the transfer of funds from the City in the FY 2003-2004 Adopted Budget, approving the add of \$450,000 to fund the construction contract in the Meadowfair Park project line in the SNI – West Evergreen Redevelopment area to the FY 2003-2004 Adopted Budget, and amending the Agency's FY 2003-2004 Appropriation Resolution.

CEQA: ND, File No. PP04-01-025 [SNI: West Evergreen]

Agency Resolution No. 5508 adopted.

Staff directed to utilize the Countywide Habitat Conservation Plan in future City development projects.