

# CITY COUNCIL AGENDA

**NOVEMBER 25, 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 O. GREGORY  
DAVID D. CORTESE  
JUDY CHIRCO  
PAT DANDO, VICE MAYOR

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

**The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.**

Agendas and Staff Reports for City Council items may be viewed on the Internet at [www.sanjoseca.gov/clerk/agenda.htm](http://www.sanjoseca.gov/clerk/agenda.htm)

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**  
9:32 a.m. - Closed Session, Room 600, City Hall  
**Absent – Council Members: Gonzales (excused)**  
  
1:41 p.m. - Regular Session, Council Chambers, City Hall  
**Absent – Council Members: Gonzales (excused)**
- **Invocation (District 10)**  
**Pastor Kyle Windsor, South Valley Christian Church delivered the Invocation.**
- **Pledge of Allegiance**  
**Vice Mayor Dando led the Pledge of Allegiance.**
- **Orders of the Day**  
**Item 4.6 was deferred to 12/2/03 and Items 10.1 and 10.2 were considered in a Joint City Council/Redevelopment Agency Board Session.**

## **1 CEREMONIAL ITEMS**

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- 1.1** Presentation of a proclamation declaring December 1, 2003, as World AIDS Day in San José. (Disability Advisory Commission)  
**Vice Mayor Dando was joined at the podium by Council Member LeZotte to present a proclamation to the Chair of the Disability Advisory Committee Carl Vitt, declaring December 1, 2003 as World AIDS Day in San José with this year’s theme: “Do You Have The Time?” Carl Vitt thanked the Mayor and Council for their acknowledgement and support towards educating the community of San José and advocating the awareness of AIDS and invited the community to attend the World AIDS Celebration on December 1, 2003 at the Neil A. Christie Living Center at 2pm.**

# 1 CEREMONIAL ITEMS

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- 1.2 Presentation of a commendation to La Oferta Newspaper for its 25<sup>th</sup> anniversary and its role in preserving the history of San José. (Reed)  
**Council Member Reed joined Vice Mayor Dando at the podium to present a commendation to Frank and Mary Andrati of La Oferta Newspaper in honor of its 25<sup>th</sup> Anniversary and its role in preserving the history of San José. Frank Andrate accepted the commendation and thanked Council Member Reed and Council for the honor of the commendation and thanked the City of San José for their continued support.**
- 1.3 Presentation of a photograph of Felix Buelna former Alcade of San José. (Reed)  
**Council Member Reed joined Vice Mayor Dando in inviting Jose Pantoja and Pat Ellis to present a photograph of Felix Buelna, former Alcade of San José. Jose Pantoja presented a gift to Pat Ellis in honor of the Buelna Family and their contributions to the History of San José.**
- 1.4 Presentation of a commendation to the Century Theaters for their contributions to the YMCA and Next Door, Solutions to Domestic Violence. (Dando)  
(Rules Committee referral 11/19/03)  
**Vice Mayor Dando presented a commendation at the podium to Vice President of Marketing of Century Theaters Nancy Klaskie in honor of Century Theaters for their ongoing contributions to the YMCA and Next Door Solutions to Domestic Violence and their continued business in San José. Nancy Klaskie thanked the Mayor and Council for the honor of the commendation and thanked the City of San José for their support in making Century Theaters a success.**
- 1.5 Presentation of a commendation to Westfield Shoppingtown Oakridge and Valley Fair for its annual “Westfield Works Wonders” event where non-profit organizations receive all the proceeds and are asked to sell tickets to this holiday shopping kick-off. Last year’s Westfield Works Wonders raised over \$61,000, which benefited many of our San Jose schools. (Dando, Yeager)  
(Rules Committee referral 11/19/03)  
**Vice Mayor Dando was joined at the podium by Council Member Reed to present a commendation to Phillipe Saint Pierre of Westfield Shoppingtown Oakridge and Valley Fair in honor of its annual “Westfield Works Wonders” event where non-profit organizations receive all proceeds and are asked to sell tickets to this holiday shopping kickoff. Westfield Shoppingtown Oakridge and Valley Fair were acknowledged for last year’s Westfield Works Wonders where they helped raise over \$61,000 to help benefit many San José schools and for raising over \$100,000 at this years’ event. Phillipe Saint Pierre thanked the Mayor, Council and the Community of San José for participating in the event and making it such a success.**

## 2 CONSENT CALENDAR

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### 2.1 Approval of Minutes.

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

- (a) Regular meeting of August 26, 2003
- (b) Joint Council/Redevelopment Agency Board meeting of August 26, 2003
- (c) Regular meeting of September 2, 2003
- (d) Regular meeting of September 9, 2003
- (e) Regular meeting of September 16, 2003
- (f) Joint Council/Redevelopment Agency Board meeting of September 16, 2003

**Approved.**

### 2.2 Final adoption of ordinances.

None.

### 2.3 Approval of a cost sharing agreement with the Santa Clara Valley Water District.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the Santa Clara Valley Water District (District) for cost sharing associated with implementation of water conservation programs in 2003-2004, under which the City will receive an amount not to exceed \$362,500 from the District, and the District will receive an amount not to exceed \$446,847 from the City. CEQA: Not a Project. (Environmental Services)

(Deferred from 10/28/03 – Item 2.5 and 11/18/03 – Item 2.3)

**Resolution No. 71839 adopted.**

### 2.4 Approval of fiscal actions for various projects.

**Recommendation:** Adoption of the appropriation ordinance and amendments in the services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund):

- (a) Increase the appropriation to the Department of Transportation for the Santa Teresa Boulevard Median Island Project by \$27,177;
- (b) Increase the appropriation to the Public Works Department for the Rincon Pump Station by \$118,000;
- (c) Increase the appropriation to the Public Works Department for the Fallon Statue Public Art Project by \$57,214;
- (d) Increase the appropriation to the Public Works Department for the Monterey Pedestrian Streetlight Design Project by \$75,680;
- (e) Increase the appropriation to the Public Works Department for the Center for Performing Arts Improvements Project by \$35,896; and
- (f) Decrease the Ending Fund Balance by \$313,967.

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

**Ordinance No. 27022 adopted.**

## 2 CONSENT CALENDAR

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### 2.5 Approval to change the Project & Program Arts Grant Program maximum grant amount.

**Recommendation:** Adoption of a resolution approving a change to the Project & Program Arts Grant Program by reducing the maximum grant amount in the Project & Program Arts Grant Program from \$30,000 to \$18,000 for FY 2004-05, in order to be better aligned with the amount of funds available to support arts grants. CEQA: Not a Project. (Conventions, Arts and Entertainment)

**Renumbered to Item 5.2(b)**

### 2.6 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 #6, and authorization for the Director of General Services to execute the purchase orders. CEQA: See memo for CEQA designation(s). (General Services)

**Approved.**

### 2.7 Acceptance of a report on RFQ for security services.

**Recommendation:** Adoption of a resolution authorizing the Director of General Services to:

- (a) Execute a one-year agreement with two, one-year options to renew with Silicon Valley Security and Patrol, Inc. for security guard services for the Department of Transportation (DOT), with a total first year compensation not to exceed \$389,191;
- (b) Execute a one-year agreement with two, one-year options to renew with Silicon Valley Security and Patrol, Inc. for security guard services for Parks, Recreation and Neighborhood Services Department (PRNS), with a total first year compensation not to exceed \$81,689;
- (c) Execute a one-year agreement with two, one-year options to renew with National Security Industries for security guard services for the General Services Department (GSD), with a total first year compensation not to exceed \$105,783;
- (d) Execute a one-year agreement with two, one-year options to renew with National Security Industries for security guard services for the Environmental Services Department/Water Pollution Control Plant (ESD/WPCP), with a total first year compensation not to exceed \$180,940;
- (e) Execute change orders to each of the four one-year agreements for a contingency amount not to exceed 10% of the first year compensation in the event that additional security hours are required due to unforeseen circumstances, without further City Council action other than the appropriation of necessary funding; and
- (f) Execute each of the options to renew on all four agreements without further City Council action other than the appropriation of necessary funding.

CEQA: Not a Project. (General Services)

**Resolution No. 71840 adopted.**

## 2 CONSENT CALENDAR

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### 2.8 Approval to reject bids and re-bid the San José City Hall and Annex New Fire Alarm System Project.

**Recommendation:** Approval to reject the bids for the San José City Hall and Annex New Fire Alarm System Project due to non-clarity in the contractor submittals of the Schedule of Quantities, and authorization for the Director of General Services to re-advertise and re-bid the project. CEQA: Exempt, PP03-08-262. Council District 3. (General Services/Public Works)

**Approved.**

### 2.9 Approval of an agreement for the provision of 311 services.

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

- (a) An agreement between SBC California and the City of San José, for 311 services, for an annual maximum compensation of \$89,400.48; and
- (b) Annual extensions of the agreement without further City Council approval other than the appropriation of funding.

CEQA: Not a Project. (Information Technology)

**Resolution No. 71841 adopted.**

### 2.10 Approval of an agreement for preparation of an EIR for the Almaden Youth Sports Complex.

**Recommendation:**

- (a) Approval of an agreement with RBF Consulting for Preparation of an Environmental Impact Report for the Almaden Youth Sports Complex (GP10-T-02) in the amount of \$294,000.

**Approved.**

**Staff directed to ensure \$100,000 would be paid back to the Contingency Reserve Fund from the Almaden Youth Association.**

- (b) Adoption of the following appropriation ordinance amendments in the Council District 10 Construction and Conveyance Tax Fund:

- (1) Establish an appropriation to the Planning, Building and Code Enforcement Department for the Almaden Youth Sports Complex Environmental Impact Report Project in the amount of \$194,000.
- (2) Decrease the Ending Fund Balance appropriation by \$194,000.

**Ordinance No. 27023 adopted.**

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

- (1) Establish an appropriation to the Planning, Building and Code Enforcement Department for the Almaden Youth Sports Complex Environmental Impact Project in the amount of \$100,000.
- (2) Decrease the Contingency Reserve appropriation by \$100,000.

CEQA: Not a Project. Council District 10. (Planning, Building and Code Enforcement/City Manager's Office)

**Ordinance No. 27024 adopted.**

## 2 CONSENT CALENDAR

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### 2.11 Approval to award a contract for the Noble Park Play Area Renovation Project.

**Recommendation:** Report on bids and take appropriate action based on the evaluation of bids for the Noble Park Play Area Renovation Project, and approval of a five percent contingency. CEQA: Exempt, PP03-09-284. Council District 4. (Public Works/Parks, Recreation and Neighborhood Services)

**Deferred to 12/9/03.**

### 2.12 Approval to award a contract for the construction of the Redmond Avenue Median Island Improvements.

**Recommendation:** Report on bids and award of contract for the construction of the Redmond Avenue Median Island Improvements to the low bidder, HSR, Inc., to include the base bid and Add Alternate No. 1 in the amount of \$220,596, and approval of a contingency in the amount of \$12,000. CEQA: Exempt, PP02-12-382. Council District 10. (Public Works)

**Approved.**

### 2.13 Approval to award a contract for the Plaza de Cesar Chavez Electrical Upgrades Project.

**Recommendation:** Report on bids and take appropriate action based on the evaluation of bids for the Plaza de Cesar Chavez Electrical Upgrades Project, and approval of a fifteen percent contingency. CEQA: Exempt, PP03-06-202. Council District 3. (Public Works/Parks, Recreation and Neighborhood Services)  
(Deferred from 11/18/03 – Item 2.20)

**Deferred to 12/9/03.**

### 2.14 Approval of actions related to the Cisco Public Services Summit.

**Recommendation:**

- (a) Acceptance of travel and lodging expenses from Cisco Systems to the City of San José for a City representative to attend the Cisco Public Services Summit in Stockholm, Sweden and Oslo, Norway, from December 8 to December 12, 2003 during Nobel Week 2003.
- (b) Designation of Mayor Ron Gonzales to represent the City of San José and approval of Mayor Gonzales' travel to Stockholm, Sweden and Oslo, Norway, from December 8 to December 12, 2003 to attend and speak at the Cisco Public Services Summit @ Nobel Week 2003, funded entirely by Cisco Systems, Inc.

(City Manager's Office)

(Rules Committee referral 11/19/03)

**Approved.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.1 Report of the Study Session

Mayor Gonzales, Chair

No Report.

#### 3.2 Report of the Rules Committee – November 12, 2003

Vice Mayor Dando, Chair

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

(b) City Council

(1) Review November 25, 2003 Draft Agenda

**The Committee recommended approval of the November 25, 2003 City Council agenda with three additions.**

(2) Add New Items to November 18, 2003 Amended Agenda

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

**The Committee recommended two additions to the November 18, 2003 City Council agenda.**

(3) List of Reports Outstanding

**The Committee noted and filed the City Manager's report listing five staff reports outstanding for the November 18, 2003 Council agenda.**

(c) Legislative Update

(1) State

**There was no report.**

(2) Federal

**There was no report.**

(d) Meeting Schedules

**The Committee recommended a Rule-in-Lieu meeting to be held November 26, 2003.**

(e) The Public Record

**The Committee directed the City Attorney and the City Manager to present at next weeks' Rules Committee meeting their comments on the proposed amendments to the Comprehensive Land Use Plan which affect local airports. The Committee noted and filed the Public Record.**

(f) Appointment to Boards, Commissions and Committees

**There were none.**

### **3 STRATEGIC SUPPORT SERVICES**

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#### **3.2 Report of the Rules Committee – November 12, 2003 (Cont'd.)**

##### **Vice Mayor Dando, Chair**

- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Report back on workload assessment to develop an ordinance to allow disability payments to be excluded from income taxes  
**In order to begin the analysis of the proposal regarding disability payments, the Committee directed the City Attorney to research the requirements of the Labor Code regarding payment of worker's compensation benefits and whether the City has the authority to make payments in lieu of worker's compensation benefits and to report their findings to Rules Committee on December 10, 2003.**
- (h) Oral communications  
**There were none presented.**
- (i) Adjournment  
**The meeting adjourned at 2:25 P.M.**

**The Rules Committee Report and Actions of November 12, 2003 were accepted.**

#### **3.3 Report of the Making Government Work Better Committee – November 12, 2003 Council Member Campos, Chair**

- (a) Public Works/Office of Equality Assurance Performance Update  
**The Committee accepted the Staff report.**
- (b) Budget Document Reorganization and Consolidation Update  
**The Committee accepted the Staff report.**
- (c) City Service Area (CSA) Performance Measurements Follow-up Report  
**The Committee accepted the Staff report.**
- (d) City Clerk One-Stop Shop follow-up report  
**The Committee accepted the Staff report.**
- (e) Oral petitions  
**None.**
- (f) Adjournment  
**The Committee was adjourned at 3:53 P.M.**

**The Making Government Work Better Committee Report and Actions of November 12, 2003 were accepted.**

### **3 STRATEGIC SUPPORT SERVICES**

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#### **3.4 Council appointments to various Boards and Commissions.**

**Recommendation:** Appointments to the following Boards and Commissions:

- (a) Federated Retirement Board : 1 employee/member to a four year term ending 11/30/07.

**The appointment of the Employee Representative of the Federated Board of Administration was deferred to 12/2/03.**

- (b) Police & Fire Retirement Board: 1 Fire Department employee/member to a four year term ending 11/30/07.

**Mark J. Skeen was appointed as the Fire Department Representative of the Police and Fire Board of Administration.**

- (c) Suggestion Award Commission: 2 employees and 1 employee alternate to two year terms ending 11/30/05.

(City Clerk)

**Stephanie Menzies, Bridget A. McKay, and Margaret L. Martinez (alternate) were appointed as the Employee Representatives for the Suggestion Award Commission.**

#### **3.5 Civil Service Commission interviews.**

**Recommendation:** Interview Civil Service applicants and appointment of three Commissioners to fill four-year terms ending December 1, 2007. (City Clerk)  
(Rules Committee referral 11/19/03)

**Frank deFuniak, Mohammed Horani and Leon Louie were interviewed for the Civil Service Commission and Leon Louie, Richard Giovannetti and Sharon Hightower were appointed by Council to fill four-year terms ending December 1, 2007.**

### **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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#### **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 Approval of the RFP for the management and operation of the San José Convention Center and Cultural Facilities.**

#### **Recommendation:**

- (a) Approval of the draft Request for Proposals (RFP) for the management and operation of the San José Convention Center and Cultural Facilities; and
- (b) Approval of revised timeline for the RFP process.

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

**The Staff recommendation was approved with additions in the form of a memorandum from Mayor Gonzales and Council Members Reed and Chavez, dated November 24, 2003, recommending the approval of the staff recommendations for the Request for Proposal for the Convention Center and Cultural Facilities with the following changes: (1) Specify that our primary objectives are decreasing our costs of operation and increasing the occupancy and revenue producing capabilities of the facilities. Include a requirement for a statement on the term sheet (RFP section 13, Part A 1) of the projected amount of money the City could save from the annual operating subsidy if the proposal is accepted. (2) Specify how proposals will be evaluated and compared to each other if submittals are made for different combinations of facilities as allowed under RFP Options (RFP section 2A), (3) Include someone from outside the City with industry experience and someone representing the City Labor Alliance on the reviewing panel (RFP section 3), (4) For this RFP, specify that the local business preference policy gives a 5 percent point credit in the evaluation of the proposals (RFP section 3), (5) Proposers are encouraged to recommend changes to any of our existing forms, rates, arrangements, policies or contracts so that innovative methods are more efficient operations can be considered. Whether or not to make changes will be decided by the Council as part of the approval of a preferred proposer (RFP section 7, Agreement Considerations, and section 9 Scope of Services, Existing Agreements), (6) Add to the Evaluation Procedure and Criteria (RFP section 15) as the first bullet point: "The amount of money the City could save from its operating subsidy." (7) Specify that all Civil Service employees must be absorbed by the City or the proposer, but proposals may include innovative employment relationships such as leasing of existing City employees (as has been done between the City and the Redevelopment Agency and History San José). If a proposal for employee leasing covers Civil Service employees, the proposer must specify how legal issues relating to workers' compensation and supervisorial liability will be resolved (RFP section 7, Agreement Considerations), (8) Specify that the City will create an operating account and that all revenues will be deposited into the account to be used to cover the cost of operations. Additional funds will be deposited by the City, if required, as an operating subsidy. The proposals must include the amount of the proposed operating subsidy required, if any, and the schedule for deposit into the operating fund (RFP section 9, Financial Responsibilities), (9) Specify in the Scope of Services, under Sales and Marketing, that the sales and marketing function for the Convention and Visitors Bureau, merging Bureau and CAE staff to provide a more streamlined sales and marketing approach, or other options that eliminate overlapping marketing and sales functions and provide better results (RFP section 9),**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.3 Approval of the RFP for the management and operation of the San José Convention Center and Cultural Facilities. (Cont'd.)**

**(10) Create a process for making existing staff available to talk to the proposers to identify and discuss the history and conditions of furniture, fixtures, and equipment so that proposers have the information necessary to prepare a Preventative Maintenance Plan (RFP section 9, Financial Responsibilities) and to summarize capital improvements that may be required (RFP section 13 A7).**

**In regards to #7 of the memorandum, Staff directed to provide a Civil Service Model as a comparison to any models presented and pertaining to the Scope of Services, for Staff to ensure as part of the bidders' conference that Staff give proposers a clear understanding of how current operations function. Staff directed to separate #8 from the memorandum to reference out the importance of the greater economic impact and value of the Convention Center proposals.**

### **4.4 Approval of the Economic Development Strategy.**

**Recommendation:** Adoption of a resolution approving the Economic Development Strategy. CEQA: Not a Project. (Economic Development)  
**Deferred to 12/2/03.**

### **4.5 Approval of the action plan responding to concerns regarding Predatory Lending.**

**Recommendation:** Approval of the action plan responding to concerns regarding Predatory Lending. CEQA: Not a Project. (Housing)  
**Approved.**

### **4.6 Public Hearing on the historical property contract for the Twohy Building.**

**Recommendation:** PUBLIC HEARING ON HISTORICAL PROPERTY CONTRACT for the Twohy Building, City Landmark No. HL01-134, located at 200-210 South First Street. (CIM/Twohy LLC, Owner). CEQA: Exempt. (Planning, Building, and Code Enforcement)

MA 03-002 - District 3

**Deferred to 12/2/03.**

## **5 RECREATION & CULTURAL SERVICES**

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### **5.1 Report of the All Children Achieve Committee – November 13, 2003 Council Member Yeager, Chair**

- (a) Report on Public Safety and Truancy  
**The Committee accepted the report.**
- (b) San José After School Program Transition  
**The Committee accepted the report.**
- (c) Report on Library's Role in Helping Children Achieve  
**The Committee accepted the report.**

## **5 RECREATION & CULTURAL SERVICES**

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### **5.1 Report of the All Children Achieve Committee – November 13, 2003 (Cont'd.)**

- (d) Civic Center Childcare Update  
**Deferred to December.**
- (e) Oral petitions – **None.**
- (f) Adjournment  
**The meeting was adjourned to 3:05 P.M.**

**The All Children Achieve Committee Report and Actions of November 25, 2003 were accepted.**

### **5.2 Approval of revisions to the Operating Arts Grant Program.**

#### **Recommendation:**

- (a) Adoption of a resolution approving the following revisions to the Operating Grant Program:
  - (1) Set forth in the grant guidelines estimated ranges of reference percentages of operating revenues used in determining grant amounts in each grant category of the Operating Grant Program that reflect more realistically the recent decline in City's Transient Occupancy Tax revenues (TOT) and the availability of funds for granting;
  - (2) Revise the revenue period to which the percentages mentioned above refer from a single year, the most recently completed fiscal year at the time of the grant-application deadline, to the average of revenues over the three most recently completed fiscal years at the time of the application deadline.
  - (3) Extend the basic method for determining recommended grant awards used in the Artist Organization (AO) and Resident Arts Organization (RAO) categories to the Professional Arts Institution (PAI) and Resident Arts Institution (RAI) categories, and retire the three-part formula presently used in the PAI and RAI categories.
  - (4) In the first year of implementation of these revisions, recommend grant awards in the PAI and RAI categories that are the average of the amounts proposed by the review panel without using the three-part formula and the amounts that would have resulted had the three-part formula been in use.
  - (5) As in the case of the AO and RAO categories, should the review panel recommend that an application in the PAI or RAI categories not be funded as a result of the evaluation, then the panel recommendation for no funding will supersede any potential grant calculations made pursuant to the foregoing criteria.
- (b) Adoption of a resolution approving a change to the Project & Program Arts Grant Program by reducing the maximum grant amount in the Project & Program Arts Grant Program from \$30,000 to \$18,000 for FY 2004-05, in order to be better aligned with the amount of funds available to support arts grants. CEQA: Not a Project. (Conventions, Arts and Entertainment)

**RENUMBERED FROM ITEM 2.5**

**Deferred to 12/2/03.**

## 5 RECREATION & CULTURAL SERVICES

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### 5.3 Approval of funding extensions for various CDBG projects.

**Recommendation:**

- (a) Approval of an extension of the funding term for six months for the G43 Roosevelt Roller Hockey Rink Project – Parks, Recreation and Neighborhood Services.
- (b) Approval of an extension of the funding term for one year for the following projects:
  - (1) G33 Goss Community Facility – Parks, Recreation and Neighborhood Services;
  - (2) G44 Cypress Senior Center – Parks, Recreation and Neighborhood Services;
  - (3) G46 O’Connor Park Restroom Building – Parks, Recreation and Neighborhood Services;
  - (4) Selma Olinder Park – Parks, Recreation and Neighborhood Services;
  - (5) G48 Elizabeth Street Improvement Project (Phase 1) - Department of Transportation;
  - (6) G51 Street lighting: Reed Street Pedestrian Corridor Extension – Department of Transportation;
  - (7) G54 Guadalupe – Washington Alley Reconstruction (C1 & C2) – Department of Transportation ; and
  - (8) K16 Therapeutic Recreation and Wellness Facility Pre-Development Project - Parks, Recreation and Neighborhood Services.
- (c) Approval of an extension and continuation of the funding term, from December 31, 2001 to June 30, 2004, for the F80 East Community Resource Center Project - Society of St. Vincent De Paul, Santa Clara County Council, Fiscal Agent for East Community Resource Center.

Council Districts 1, 3, 4, 5, 6, 7, and 9. SNI: University, Five Wounds, Brookwood Terrace, East Valley/680 Communities, Burbank/Del Monte, and Washington. CEQA: Exempt, PP03-10-324. (Parks, Recreation and Neighborhood Services)

**Approved.**

### 5.4 Approval to award a contract for the Alum Rock Branch Library Project.

**Recommendation:** Report on bids and award of contract for the construction of the New Alum Rock Branch Library Project to the low bidder, West Bay Builders, Inc., to include the base bid and Add Alternates Nos. 1, 2, and 4 in the amount of \$8,225,000, and approval of a contingency in the amount of \$822,000. CEQA: Negative Declaration, H02-064. Council District 5. SNI: East Valley/680 Communities. (Public Works/Library)

**Approved.**

## 6 TRANSPORTATION SERVICES

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

- 6.2 **Approval to award a contract for the King Road Widening Project (Phase II).**

**Recommendation:** Report on bids and award of contract for the King Road Widening Phase II Project to the low bidder, Grade Tech, Inc., in the amount of \$892,743, and approval of a contingency in the amount of \$45,000. CEQA: Mitigated Negative Declaration, PP02-11-335. Council District 4. (Public Works/Transportation)  
**Approved.**

## 7 ENVIRONMENTAL & UTILITY SERVICES

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- 7.1 **Approval to award a contract for reinforced concrete pipe.**

**Recommendation:** Report on bids and award of contract for the 60-inch RCP Interceptor Rehabilitation Phase VB Project to the low bidder, Spiniello Companies, Inc. in the amount of \$5,675,180, and approval of a contingency in the amount of \$600,000. CEQA: Exempt, PP03-07-243. Council District 4. (Public Works)  
**Approved.**

## 8 AVIATION SERVICES

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## 9 PUBLIC SAFETY SERVICES

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- 9.1 **Approval of an ordinance relating to fire safety during construction.**

**Recommendation:** Approval of an ordinance amending Title 17 of the San José Municipal Code by adding a new Chapter 17.82 relating to fire safety during construction. (City Attorney's Office/Fire/Planning, Building and Code Enforcement) (Deferred from 10/14/03 – Item 9.1 and 11/18/03 – Item 9.1)

**Ordinance No. 27025 passed for publication.**

**Council approved the Memorandum from Council Member Cortese, dated November 25, 2003, recommending the amendment of the proposed ordinance to address projects that are in the “pipeline” or on file in order to protect against financial hardships. The ordinance shall be modified to include language that exempts/grandfathers projects that have a plan check review submitted or on file within 90 days of the second reading of the ordinance. Any application that falls under this exemption shall expire within six months if there is no new activity or submittals as is customary and shall no longer qualify for the aforementioned exemption.**

## **9 PUBLIC SAFETY SERVICES**

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### **9.1 Approval of an ordinance relating to fire safety during construction. (Cont'd.)**

**Staff directed to include all projects that have already been permitted and will not fall under the new requirements and for Staff to report back to Council on 12/9/03 pertaining to any contracting projects that have contacted the City or of any construction projects Staff has been made aware that are in consideration of the “grandfathering” process, determined upon how far along they are within the process.**

**Staff directed to begin the process based on the application date rather than the permit date proposed.**

### **9.2 Approval of various actions related to the LLEBG Grant.**

**Recommendation:** Public Hearing and approval of the Local Law Enforcement Block Grant (LLEBG) 2003-2005 Spending Plan and adoption of related appropriation actions for Fiscal Year 2003-2004. CEQA: Not a Project. (City Manager's Office/Police)

**The Public Hearing was held and the Local Law Enforcement Block Grant was approved and Ordinance No. 27026 was adopted.**

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

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**The Redevelopment Agency Board convened to consider Items 10.1 and 10.2 in a Joint Session at 3:52 P.M.**

### **10.1 Approval of a report on partnering and dispute resolution efforts on construction projects.**

**Recommendation:** Approval of a report on partnering and dispute resolution efforts on construction projects. CEQA: Not a Project. (City Manager's Office/Redevelopment Agency)

**Approved.**

**Staff directed to return to Council with a status report pertaining to customer satisfaction between business organizations and the City.**

### **10.2 Development of a protocol for disclosure of public records under the California Public Records Act.**

**Recommendation:** Adopt a Statement of Policy and General Rules to guide the City Attorney in the development of a protocol for disclosure of public records under the California Public Records Act. (Reed)

(Rules Committee referral 11/19/03)

**The Statement of Policy and General Rules was adopted.**

**The Redevelopment Agency Board portion of the meeting adjourned at 4:16 P.M.**

- **Closed Session Report**  
**The case between the Redevelopment Agency Board vs. Fong was dismissed..**

- **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:  
**None.**

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>
9528	North of Aborn Rd., east of Mosher Dr.	8	Pinn Brothers Construction, Inc.	28 lots/26 units	Single Family Detached Residential

- **Open Forum—.**  
**(1) Pete Campbell spoke on City Hall issues.**

- **Adjournment**

**The Council of the City of San José adjourned at 4:18 P.M. to reconvene in a Joint City Council/Redevelopment Agency/Financing Authority meeting at 4:19 P.M.**

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

**4:19 P.M.                      TUESDAY, NOVEMBER 25, 2003                      CHAMBERS**

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1. Call to Order  
**Absent – Council Members: Gonzales (excused)**

2. **Approval of various actions related to investing monies in the Local Agency Investment Fund.**

**Recommendation:** Adoption of a resolution of the City of San José Financing Authority (the "Authority") Board authorizing the City of San José (the "City") Director of Finance, in his capacity as the Authority Treasurer, and other authorized officers of the City, who routinely conduct debt management activity on behalf of the Authority, to order the deposits or withdrawals of monies in the Local Agency Investment Fund on behalf of the Authority. CEQA: Not a Project. (Finance)

**Resolution No. SJFA-62 was adopted.**

3. Adjourn the San José Financing Authority

**The Joint City Council/Redevelopment Agency/Finance Authority meeting was adjourned at 4: 21P.M.**

**THE FOLLOWING RESOLUTIONS WERE ADOPTED AT THE JOINT REDEVELOPMENT AGENCY/CITY COUNCIL MEETING ON TUESDAY, NOVEMBER 25, 2003 at 4:30 P.M:**

- 7.1 **Agency Resolution No. 5450 was adopted.  
Resolution No. 71842 was adopted.**