



# CITY COUNCIL AGENDA

**APRIL 29, 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.ci.san-jose.ca.us/cty\\_clk/agenda.htm](http://www.ci.san-jose.ca.us/cty_clk/agenda.htm)

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

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

- **Call to Order and Roll Call**  
9:34 a.m. - Closed Session, Room 600, City Hall  
**Absent Council Members: None.**  
  
1:33 p.m. - Regular Session, Council Chambers, City Hall  
**Absent Council Members: None.**
- **Invocation (District 4)**  
**Isaac Goldstein, a 1939 Holocaust survivor, gave a moving presentation in honor of Yom Ha Shoah (Holocaust Remembrance Day).**
- **Pledge of Allegiance**  
**Mayor Gonzales led the Pledge of Allegiance.**
- **Orders of the Day**  
**The Orders of the Day were approved.**

## **1 CEREMONIAL ITEMS**

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- 1.1 Presentation of a commendation to Mr. Richard Friberg for his outstanding contributions to education and his service at the Metropolitan Education District during his 33 year career. (Yeager)  
**Mayor Gonzales and Council Member Yeager introduced Richard Friberg and his family, and Mayor Gonzales presented a commendation to Mr. Friberg on behalf of the City Council for his outstanding contributions to education in the San José community, including many unique programs, during his 33 year career.**
- 1.2 Presentation of a commendation to the Jewish Family Service for their contributions to the community. (Reed)  
(Orders of the Day)  
**Mayor Gonzales and Council Member Reed introduced Joe Sorger, Board President, and Andrea Rubin, Executive Director of the Jewish Family Services. Mayor Gonzales presented a commendation to Mr. Sorger on behalf of the City Council to the Jewish Family Services of Silicon Valley for its outstanding service to the community through the South Bay Holocaust Survivor's Group and other community programs.**

## 2 CONSENT CALENDAR

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### 2.1 Approval of Minutes.

None.

### 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances:

- (a) ORD. NO. 26872 – Rezones certain real property situated at the south side of West Virginia Street, approximately 200 feet westerly of Bird Avenue. PDC 02-087

**Ordinance No. 26872 was adopted.**

- (b) ORD. NO. 26873 – Rezones certain real property situated on the northeast corner of Rhodes Court and the Alameda. C 03-013

**Ordinance No. 26873 was adopted.**

- (c) ORD. NO. 26874 - Rezones certain real property situated on the southeasterly corner of Monterey Highway and Blossom Hill Road. PDC 02-085

**Ordinance No. 26874 was adopted.**

- (d) ORD. NO. 26875 - Rezones certain real property situated on the easterly side of US 101, northerly of Metcalf Road. PDC 03-012

**Ordinance No. 26875 was adopted.**

### 2.3 Approval to acquire land for the development of a mini-park/streetscape at Gleason Ave at San Tomas Aquino Parkway.

**Recommendation:** Approval of an agreement with the County of Santa Clara for the conveyance of a property located at the easterly terminus of Gleason Avenue at San Tomas Aquino Parkway to the City of San José at no cost to the City, and authorization for the Director of Public Works to execute any additional documents necessary to complete the transaction. CEQA: Exempt, PP02-02-018. Council District 1. SNI Area: Blackford. (Public Works)

(Deferred from 4/8/03 – Item 2.5)

[Rules Committee referral 4/16/03 – Item 3.2(g)(1)]

**Approved.**

### 2.4 Acceptance of the Office of the City Auditor's Report on Sales and Business Tax Audit Results for the Quarter Ended December 31, 2002.

**Recommendation:** Acceptance of the Office of the City Auditor's *Report on Sales and Business Tax Audit Results for the Quarter Ended December 31, 2002*. (City Auditor)

**Report accepted.**

## 2 CONSENT CALENDAR

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### 2.5 Recommendation to name a park.

**Recommendation:** Recommendation to name a park located at Sonora and Forrestal Avenues "Rosemary Gardens Park." Council District 3. (Parks and Recreation Commission/City Clerk)

**Approved.**

### 2.6 Approval of various actions related to the Senior Staff Home Loan Assistance Program.

**Recommendation:** Adoption of the following appropriation ordinance amendments in the General Fund to:

- (a) Decrease Contingence Reserve by \$500,000; and
- (b) Increase Senior Staff home loan appropriation by \$500,000.

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

**Ordinance No. 26878 adopted.**

### 2.7 Approval to award a contract to install mobile computers for the Police Department.

**Recommendation:** Report on Request for Quotation and award for the installation of 436 trunk mounted mobile computers to Mobile Man Inc., (Santa Clara, CA) for a total cost of \$147,001, and authorizing the Director of General Services to execute the service order. CEQA: Not a Project. (General Services)

**Approved.**

### 2.8 Approval to transfer land to the Town of Los Gatos.

**Recommendation:** Adoption of a resolution authorizing the City Clerk to execute a quitclaim deed conveying 600 sq. ft. of real property situated in the Town of Los Gatos at the convergence of Camino Del Cerro and Ross Creek to the Town of Los Gatos, for no compensation. CEQA: Not a Project. (General Services)

**Resolution No. 71514 adopted.**

### 2.9 Approval to amend an agreement for Phases II and III of the Records and Information Management Project.

**Recommendation:** Adoption of a resolution authorizing the Director of General Services to execute a third amendment to the agreement with Helen Streck dba C&H Solutions (East Palo Alto, CA), to extend the term to June 30, 2003, for the Phases II and III of the Records and Information Management (RIM) Project. CEQA: Not a Project. (General Services)

**Resolution No. 71515 adopted.**

## 2 CONSENT CALENDAR

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### 2.10 Approval of an agreement for maintenance oversight of San José facilities.

**Recommendation:**

- (a) Report on Request for Proposal (RFP) and adoption of a resolution authorizing the Director of General Services to execute an agreement with the Aztec/MCE Corporation Group for a one year period, from June 2, 2003 to June 1, 2004, at a total cost not to exceed \$90,000, for the maintenance oversight of the HP Pavilion, the San José Ice Centre, the San José Repertory Theater, the Children's Discovery Museum, the Tech Museum of Innovation, and the Mexican Heritage Plaza, and

**Resolution No. 71516 adopted.**

- (b) Approval of three (3) additional one-year terms without further Council approval other than the appropriation of funding. CEQA: Not a Project.

(General Services)

**Approved.**

### 2.11 Approval to negotiate an agreement with the Cupertino School District to develop sports fields on school district property.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a grant agreement with the Cupertino School District in an amount not to exceed \$318,000, for the purpose of designing and constructing athletic field improvements on the campus of Murdock Elementary School, contingent upon Council approval of the FY 2003-04 Parks and Community Facilities Capital Improvement Program, Council District 1 Parks Construction and Conveyance Fund, and direction to the City Manager to negotiate and execute the following action after the approval of the FY 2003-04 Parks and Community Facilities Capital Improvement Program. CEQA: Exempt, PP03-04-127. Council District 1. (Parks, Recreation and Neighborhood Service)

**Resolution No. 71517 adopted.**

### 2.12 Approval of two appointments to the Downtown Parking Board.

**Recommendation:** Approval of two appointments to the Downtown Parking Board (Mayor)

**John Schneider was appointed to the Downtown Parking Board, as the Downtown Business Association Representative, and Elizabeth Monley was re-appointed as the At-Large Representative.**

## 2 CONSENT CALENDAR

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### 2.13 Approval of the annexation of land located at Forest and Circo Avenues.

**Recommendation:** Adoption of a resolution ordering the reorganization of territory designated as Bascom No. 37 which involves the annexation to the City of San José of 1.70 gross acres of land located at the southwest corner of Forest Avenue and Circo Avenue, and the detachment of the same from the West Valley Sanitation, County Lighting Service, Central Fire Protection, Santa Clara Valley County Water, and Area No. 01 (Library Services) County Service. CEQA: EIR Resolution 65459. Council District 6. (Planning, Building, and Code Enforcement)

**Resolution No. 71518 adopted.**

### 2.14 Approval of various actions related to the California Law Enforcement Equipment Program Grant.

**Recommendation:**

- (a) Adoption of a resolution to accept the 2002-03 California Law Enforcement Equipment Program (CLEEP) Grant in the amount of \$167,068, and authorizing the City Manager to execute any related documents; and

**Resolution No. 71519 adopted.**

- (b) Adoption of the following amendments to the Annual Appropriation Ordinance and Funding Sources Resolution in the General Fund for fiscal year 2002-03:
- (1) Establish a 2002-03 CLEEP grant appropriation to the Police Department in the amount of \$167,068.
  - (2) Increase the revenue from the State by \$167,068.

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

**Ordinance No. 26879 adopted.**

**Resolution No. 71520 adopted.**

### 2.15 Approval of various actions related to the State of California, Office of Traffic Safety Grant.

**Recommendation:**

- (a) Adoption of a resolution to accept the State of California, Office of Traffic Safety (OTS) 2003-05 DUI grant in the amount of \$154,000, and authorizing the City Manager to execute the related grant agreement; and

**Resolution No. 71521 adopted.**

- (b) Adoption of the following amendments to the annual appropriation ordinance and the annual funding sources resolution in the General Fund (Fund 001) for fiscal year 2002-03:

- (1) Establish an OTS 2003-05 DUI grant appropriation for the Police Department in the amount of \$45,194; and
- (2) Increase Revenue from the State by \$45,194.

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

**Ordinance No. 26880 adopted.**

**Resolution No. 71522 adopted.**

## 2 CONSENT CALENDAR

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### 2.16 Approval to vacate a public service easement.

**Recommendation:** Adoption of a resolution summarily vacating the 5-foot wide Public Service Easement lying on the westerly property line of 3550 Charter Park Drive.

CEQA: Not a Project. Council District 7. (Public Works)

**Resolution No. 71523 adopted.**

### 2.17 Approval to award a contract for the River Glen Park New Restroom Building Project.

**Recommendation:** Report on bids and award of contract for the River Glen Park New Restroom Building Project to the low bidder, Boulder Rock Landscape Construction, Inc., in the amount of \$158,400, and approval of a contingency in the amount of \$15,800.

CEQA: Exempt, PP02-12-365. Council District 6. (Public Works)

**Approved.**

### 2.18 Approval to award a contract for the Central Community Policing Center.

**Recommendation:**

- (a) Report on bids and award of contract for Central Community Policing Center - Historical Renovation and Site Work Project to the low bidder, Tucker Construction, in the amount of \$244,500 including the base bid and Add Alternate No. 1, and approval of a contingency in the amount of \$24,500.

**Approved.**

- (b) Adoption of the following appropriation ordinance amendments in the Neighborhood Security Bond Fund:

(1) Increase the Central Community Policing Center Project by \$75,000.

(2) Decrease the South San José Substation Project by \$75,000.

CEQA: Exempt, HP02-023. Council District 4. (Public Works/City Manager's Office)

**Ordinance No. 26881 adopted.**

**Staff directed to include a statement in the analysis that the \$75,000 loan will be repaid to the South San José Substation project.**

### 2.19 Approval to amend an agreement for structural engineering services on various projects.

**Recommendation:** Approval of the first amendment to the Master Agreement with Biggs Cardosa Associates, Inc. for structural engineering services for various projects, increasing compensation by \$160,000, for a total agreement amount of \$250,000, and extending the term from July 1, 2003 to June 30, 2005. CEQA: Not a project. (Public Works)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.20 Approval of various actions related to the Buena Vista Park Project.

**Recommendation:**

- (a) Report on bids and award of contract for the Buena Vista Park Project to the lowest responsive bidder, Beacon Construction, Inc., in the amount of \$179,884, and approval of a contingency in the amount of \$9,000.

**Approved.**

- (b) Adoption of the following appropriation ordinance amendments in the Council District 6 Construction and Conveyance Tax Fund:
- (1) Increase the appropriation for the Buena Vista Park Development Project (Appn 4469) by \$93,000, from \$162,000 to \$255,000;
  - (2) Decrease the Ending Fund Balance by \$93,000.

CEQA: Exempt, PP02-08-208. Council District: 6. SNI Area: Burbank/Del Monte. (Public Works/City Manager's Office)

**Ordinance No. 26882 adopted.**

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

**Recommendation:** Acceptance of the 2003 First Quarter San José Arena Authority Ticket Distribution Program Report. CEQA: Not a Project. (San José Arena Authority)  
**Report accepted.**

## 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 – April 16, 2003 Vice Mayor Dando, Chair

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

(b) City Council

- (1) Review April 29, 2003 Draft Agenda  
**The Committee recommended approval of the April 29, 2003 City Council agenda with three additions.**

- (2) Add New Items to April 22, 2003 Amended Agenda  
**The Committee recommended four additions to the April 22, 2003 City Council Agenda.**

- (3) List of Reports Outstanding  
**The Committee noted and filed the City Manager's report listing six staff reports outstanding for the April 22, 2003 Council meeting.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – April 16, 2003 (Cont'd.) Vice Mayor Dando, Chair

(c) Legislative Update

(1) State

**Council Member Cortese reported that two spot bills regarding ABAG and MTC (authored by Assemblyman Salinas and Senator Torlakson) will be considered next January.**

(2) Federal

**Assistant City Manager Mark Linder stated that the Mayor's trip to Washington, D.C. was successful, noting that a full report will be presented to Committee. In answer to Council Member Cortese's request, Mr. Linder replied that staff will distribute a matrix of all legislation the City is currently tracking.**

(d) Meeting Schedules

(1) Approve modifications to the 2003-2004 Budget Study Session Schedule

<b>May 12, 2003</b>	<b>1-5 pm</b>	<b>2003-2004 Budget Overview</b>
		<b>Study Session on CSA/Appointee Review</b>
<b>May 14, 2003</b>	<b>8 am-noon</b>	<b>Study Session on CSA/Appointee Review</b>
<b>May 15, 2003</b>	<b>8 am-noon</b>	<b>Study Session on CSA/Appointee Review</b>
	<b>1-5 pm</b>	<b>Study Session on CSA/Appointee Review</b>
<b>May 16, 2003</b>	<b>8 am-noon</b>	<b>Study Session on CSA/Appointee Review</b>
<b>May 19, 2003</b>	<b>8 am-noon</b>	<b>Study Session on CSA/Appointee Review</b>
<b>May 21, 2003</b>	<b>8 am-noon</b>	<b>Study Session on CSA/Appointee Review</b>
	<b>1-5 pm</b>	<b>Study Session on CSA/Appointee Review</b>
<b>May 22, 2003</b>	<b>8 am-noon</b>	<b>Study Session on CSA/Appointee Review</b>
	<b>1-5 pm</b>	<b>Study Session on CSA/Appointee Review</b>
<b>May 23, 2003</b>	<b>1-5 pm</b>	<b>Study Session on CSA/Appointee Review</b>

(e) The Public Record

**The Committee noted and filed Items (a), (b) and (d) on the Public Record and directed Administration to respond to Item (c), communication from Adams Broadwell Joseph & Cardoza.**

(f) Boards, Commissions and Committees

(1) Airport Curfew Monitoring Committee

**The Committee recommended appointment of Robert Mezzetti II as a community representative on the Airport Curfew Monitoring Committee to serve an open-ended term.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – April 16, 2003 (Cont'd.) Vice Mayor Dando, Chair

- (f) Boards, Commissions and Committees (Cont'd.)
  - (2) Recommendations from Parks and Recreation Commission on future planning of dog parks and dog areas  
**The Committee directed the City Clerk to forward the Parks and Recreation Commission memorandum to appropriate City Departments, requesting responses to the recommendations.**
  - (3) Recommendations from Parks and Recreation Commission for changes to the Policy on Naming City Facilities  
**The Committee directed the City Clerk to send a reply to the Parks and Recreation Commission, thanking them for their letter and transmitting the following information: Recommendation #1 is consistent with current City policy; Rules Committee does not agree with Recommendation #2; and Rules Committee accepts Recommendation #3.**
- (g) Council Referrals for Assignment to Administration or Council Appointee
  - (1) Approval to acquire land for the development of a mini-park/streetscape at Gleason Avenue at San Tomas Aquino Parkway  
**The Committee placed this item on the April 29, 2003 Council agenda.**

**SEE ITEM 2.3 FOR COUNCIL ACTION TAKEN**
- (h) Administrative Reviews and Approval  
**There were none.**
- (i) Oral communications  
**None were presented.**
- (j) Adjournment  
**The meeting adjourned at 2:25 p.m.**

**The Rules Committee Report and Actions of April 16, 2003 were accepted.**

#### 3.3 Report of the Making Government Work Better Committee Council Member Campos, Chair No Report.

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.4 Approval of a report back from the City Clerk on the methodology for performance measures and overview targets.

**Recommendation:** Approval of a report back from the City Clerk on the methodology for performance measures and overview targets. (Mayor)

(Deferred from 3/11/03 – Item 3.4 et al., and 4/15/03 – Item 3.4)

**Approved.**

**City Clerk’s Office to post all Standing Committee reports online, report survey results during budget hearings.**

#### 3.5 Approval of various actions related to the New Civic Center Project.

**Recommendation:**

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute:
  - (1) An agreement with Johns/Rife Group for move management services in connection with the move of City personnel from existing locations to the New Civic Center, in an amount not to exceed \$634,000, and a term retroactive from November 1, 2002 to June 30, 2005.
  - (2) A first amendment to the agreement with M. Arthur Gensler Jr. & Associates, Inc. for facility systems management services for the New Civic Center Project, modifying the scope of services, increasing the maximum compensation by \$83,500, from \$87,000 to \$170,500, and extending the term from June 30, 2003 to December 31, 2003.
  - (3) An amendment to the agreement with Anderson-Brulé Architects, Inc. for strategic operating-planning services for the New Civic Center Project, modifying the scope of services, increasing the maximum compensation by \$109,300, from \$99,910 to \$209,210, and revising the schedule of performance to provide dates for delivery of services.
  - (4) A first amendment to the agreement with Apex Strategies for video taping structures for documentation purposes and other public outreach services for the New Civic Center Project, modifying the scope of services and increasing the compensation by \$51,300 to \$150,000.
  - (5) A second amendment to the agreement with Wilbur Smith Associates, Inc. for services related to the downtown civic center parking operations plan for the New Civic Center Project, extending the term from June 30, 2003 to June 30, 2005.

CEQA: Civic Plaza Redevelopment Plan EIR, Resolution No. 68905, PP98-03-072. SNI Area: University. (Public Works)

**Resolution No. 71524 adopted.**

**On item (1) Staff directed to provide Council with a report of the first phase pertaining to the planning portion of the agreement with Johns/Rife Group.**

*(Item Continued on Next Page)*

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.5 Approval of various actions related to the New Civic Center Project. (Cont'd.)

- (b) It is recommended that Council take the following actions related to the renovation of the existing City Hall:
- (1) Direction to the City Manager to establish a City Hall Renovation Construction Fund.  
**Approved.**
  - (2) Adoption of appropriation ordinance and funding sources resolution amendments with respect to the City Hall Renovation Construction Fund to:
    - (a) Establish a loan from the Sewage Treatment Plant Connection Fee Fund in the amount of \$2,400,000.
    - (b) Establish a City Hall Renovation Project in the amount of \$600,000.
    - (c) Establish an Ending Fund Balance in the amount of \$1,800,000.  
**Ordinance No. 26883 adopted.**  
**Resolution No. 71525 adopted.**
  - (3) Adoption of appropriation ordinance amendments in the Sewage Treatment Connection Fee Fund to:
    - (a) Establish a loan to the City Hall Renovation Construction Fund in the amount of \$2,400,000.
    - (b) Decrease the Reserve for Treatment Plant Expansion by \$2,400,000.  
**Ordinance No. 26884 adopted.**  
**Staff to report back to Council regarding the repayment of \$2.4 million loan in January 2004 to the Reserve for Treatment Plant Expansion Fund.**
  - (b) (4) Adoption of a resolution authorizing the City Manager to negotiate and execute a continuation agreement with The Steinberg Group for architectural services in connection with the City Hall Renovation Project and modifying the scope of services, increasing the maximum compensation by \$150,000 to \$398,000 and extending the term from March 31, 2003 to June 30, 2005.  
CEQA: Exempt, PP03-04-130. (Public Works/Finance/City Manager's Office)  
**Resolution No. 71526 adopted.**

### 4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

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

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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

- 4.3 Approval of various actions related to Cherryview Senior Apartments.**

**Recommendation:** Adoption of a resolution approving a change in the source of funding for a loan of up to \$7,240,416 to ROEM Development Corporation, or its designated affiliate, from the Extremely Low-Income Housing Reserve Fund (ELI), to the 20% Low- and Moderate-Income Housing Fund, for the acquisition, construction, and permanent financing of the Cherryview Senior Apartments, a 126-unit senior rental development located at 5067 Almaden Expressway. CEQA: Negative Declaration, PDCSH-02-032. Council District 9. (Housing)

**Resolution No. 71527 adopted.**

- 4.4 Public Hearing on appeal of the Planning Director's decision to approve a Tentative Condominium Map permit for a project located at Miller and Asbury Streets.**

**Recommendation:** PUBLIC HEARING ON APPEAL of the Planning Director's decision to approve a Tentative Condominium Map permit for a project located at the southeast corner of Miller and Asbury Streets on a 0.89 gross acre site in the A(PD) Planned Development Zoning District, to allow the consolidation of 6 parcels into one condominium lot for residential and commercial uses. (Green Valley Corp, Owner/Developer). CEQA: Mitigated Negative Declaration. (Planning, Building, and Code Enforcement)

PT 02-101 - District 3

**Resolution No. 71528 adopted.**

- 4.5 Approval of various actions related to eBay, Inc.**

**Recommendation:**

- (a) Adoption of a resolution:
- (1) Approving certain business terms to guide negotiation of a potential development agreement that would facilitate the expansion of eBay, Inc.'s business operation by up to two million square feet at 2211 North First Street; and
  - (2) Directing staff to pursue with eBay, Inc. the possibility of rezoning its current headquarters' site at 2145 Hamilton to allow for better utilization of the site in conjunction with the light rail expansion.

CEQA: Exempt, PP03-04-131. Council Districts 4 and 6. (Economic Development)

**Resolution No. 71529 adopted.**

*(Item Continued on Next Page)*

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.5 Approval of various actions related to eBay, Inc.**

- (b) Adoption of a resolution authorizing the City Manager to negotiate and execute the following agreements with eBay, Inc. and Novell, Inc.:
- (1) An assignment of the Agreement for Purchase and Sale of Real Property and Joint Escrow Instructions by and between the City of San José and Novell, Inc., dated December 20, 2002, to eBay for the property located on Orchard Parkway at Charcot Avenue; and, if necessary,
  - (2) A reimbursement agreement to reimburse the City for the costs, not to exceed \$326,000, incurred if the City should need to recommence the process of preparing the necessary bond documents related to the financing of the acquisition of the property.

CEQA: Exempt, PP03-04-135.

(Attorney's Office)

(Rules Committee referral 4/23/03)

**Resolution No. 71530 adopted.**

## **5 RECREATION & CULTURAL SERVICES**

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

### **5.2 Approval of various actions related to the Rancho Del Pueblo Golf Course.**

#### **Recommendation:**

- (a) Adoption of a resolution to increase fees in Fiscal Year 2002-2003 at Rancho del Pueblo Golf Course as described in this staff report superseding the fees approved by Resolution No. 68996, and authorizing the City Manager to approve future fee increases at the facility and to establish discount rates for groups and promotional packages as described in the staff report; and,

**Resolution No. 71531 adopted.**

- (b) Adoption of a resolution authorizing the City Manager to negotiate and execute a second amendment to the Operations and Maintenance Agreement extending the submission date to September 1, 2002 for the final audit for the period of March 1, 2000 through June 30, 2001, and extending the submission date to May 30, 2003, for the final audit for the period of July 1, 2001 through June 30, 2002.

CEQA: Not a Project. Council District 5. (Parks, Recreation and Neighborhood Services)

**Resolution No. 71532 adopted.**

**Staff to return to Council in one year with a report on activities and impact of increased fees on attendance at the Rancho Del Pueblo Golf Course.**

## 5 RECREATION & CULTURAL SERVICES

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### 5.3 Approval to submit a grant application to the Land and Water Conservation Program.

**Recommendation:** Adoption of a resolution authorizing the City Manager to submit a grant application in an amount not to exceed \$500,000, to the National Park Service's Land and Water Conservation Fund Program for the acquisition of land associated with the Willow Glen Spur Trail and to return to Council to accept the funds with an identified source of funding for the City's required dollar-for-dollar match. CEQA: Exempt, PP02-12-370. Council District 6. (Parks, Recreation and Neighborhood Services)

**Resolution No. 71533 adopted.**

**Staff's recommendation was modified to read: (Staff) to return to Council to accept the funds with an identified source of funding for the *City's required 50% match.***

## 6 TRANSPORTATION SERVICES

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

### 6.2 Approval to award a contract for the FY 2002-2003 Slurry Seal Project.

**Recommendation:** Report on bids and award of contract for the FY 2002-03 Slurry Seal 2003 project to the low bidder, Graham Contractors, Inc. in the amount of \$996,660, plus a 10% contingency in the amount of \$99,666, for a total award amount not to exceed \$1,096,326. CEQA: Exempt, PP03-04-104. (Transportation)

**Approved, with the condition that if Council Members have issues within their districts after meeting with Director of DOT, those districts be returned to Council for resolution; and Staff directed to report back with information on the length of time that contractor work is usually guaranteed, and to address road re-striping issues during the budget process.**

### 6.3 Approval of various actions related to Capitol Avenue pavement maintenance.

**Recommendation:** Approval of the following actions to provide pavement maintenance along Capitol Avenue:

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute cooperation agreements with the Santa Clara Valley Transportation Authority in an amount not to exceed \$700,000; and

**Resolution No. 71534 adopted.**

*(Item Continued on Next Page)*

## 6 TRANSPORTATION SERVICES

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### 6.2 Approval of various actions related to Capitol Avenue pavement maintenance. (Cont'd.)

- (b) Adoption of the following appropriation ordinance amendments in the Construction Excise Tax Fund:
- (1) Increase the appropriation to the Department of Transportation for the "Street Maintenance: TCRP Project" by \$700,000; and
  - (2) Reduce the Reserve for TCRP- Street Maintenance by \$700,000.
- CEQA: Exempt, PP01-03-061, PP03-03-076. (Transportation)  
**Ordinance No. 26885 adopted.**

## 7 ENVIRONMENTAL & UTILITY SERVICES

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### 7.1 Approval of various actions related to the San José Municipal Water System rates.

**Recommendation:** Authorize the City Manager to conduct a study of San José Municipal Water System rates and forward rate recommendations to the 2004-05 budget process.  
CEQA: Not a Project. (City Manager's Office)  
(Referred from 3/18/03 – Item 7.1 and deferred 4/1/03 – Item 7.4 and 4/15/03 – Item 7.1)  
**Deferred to 5/6/03.**

### 7.2 Approval to award a contract for a project at the San José/Santa Clara Water Pollution Control Plant.

**Recommendation:** Report on bids and award of contract for the construction project entitled, "San José/Santa Clara Water Pollution Control Plant (Plant), FY 2002/2003 Capital Improvement Program; East Primary Tanks Effluent Channel Repair Project," to the low bidder, Anderson Pacific Engineering Construction, Inc., in the amount of \$613,600; and approval of a contingency in the amount of \$92,000, for a total not to exceed amount of \$705,600. CEQA: Exempt, PP01-03-052. (Environmental Services)  
**Deferred to 5/6/03.**

## 7 ENVIRONMENTAL & UTILITY SERVICES

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### 7.3 Approval of various actions related to the Clean-Fuel Vehicle Incentive Program.

**Recommendation:**

- (a) Adoption of a resolution amending the Master Parking Rate Resolution to extend the clean-air vehicle free parking pilot program at City parking facilities and on-street parking meters for an additional two years expiring on April 30, 2005, and expand the program to include free parking for all hybrid vehicles purchased through a licensed auto dealership in the City of San José, and authorizing the Director of Transportation to extend the program annually thereafter and extend to vehicles using other emerging alternative fuel technology.

**Resolution No. 71535 adopted.**

**Staff to provide Council with a list of the dealers that will be providing alternative fuel uses.**

- (b) Approval of an ordinance amending Chapter 11.36 of Title 11 of the San José Municipal Code to authorize the Director of Transportation to reserve parking spaces for Zero Emission Vehicles in City-owned or operated off-street parking facilities.

CEQA: Exempt, PP03-04-115. (Transportation)

**Ordinance No. 26886 passed for publication.**

## 8 AVIATION SERVICES

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### 8.1 Approval of various actions related to the Airport.

**Recommendation:**

- (a) (1) Adoption of a resolution approving a major amendment to the Airport Master Plan for the Norman Y. Mineta San José International Airport to redesignate a vacant west side parcel from Air Carrier to General Aviation use.

**Resolution No. 71536 adopted.**

- (2) Approval of a sixth amendment to the Ground Lease with San José Jet Center to expand its leasehold, extend the term from June 30, 2035 to 35 years from the possession date of the additional premises, with one 10-year option to extend, with the first year's interim construction rent on the additional premises commencing at notice to proceed, in the amount of \$100,419.74, and full rent on the additional premises commencing when the City has issued an Occupancy Permit at an annual rate of \$401,678.97, subject to annual Consumer Price Index increases, and subject to increase by appraisal every five (5) years during the term of the lease.

Planning Commission recommends approval (7-0-0). CEQA: Resolution No. 67380 and 71451, PP 03-04-107. (Airport)

**Approved.**

*(Item Continued on Next Page)*

## 8 AVIATION SERVICES

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### 8.1 Approval of various actions related to the Airport. (Cont'd.)

- (b) Approval of a ground lease with ACM Aviation, LLC (ACM) for the construction and operation of a new Fixed Base Operation on the southwest side of Norman Y. Mineta San José International Airport, for a 30 year term with one 10 year option, with the first year's interim construction rent commencing at notice to proceed, in the amount of \$86,339, and in the second year of construction in the amount of \$172,679, and subsequent annual rents in the amount of \$345,359, subject to annual Consumer Price Index increases, and subject to increase by appraisal every 5 years during the term of the lease. CEQA: Resolution No. 67380, PP 00-12-180. (Airport)  
(Deferred from 4/1/03 – Item 2.3 and 4/15/03 – Item 2.3)

**Approved.**

**Council approved the ground lease agreements, which includes provisions that (a) Fixed Base Operations (FBO) and their subtenants agree to abide by the Airport Noise Control Program and shall continue to do so even if the Airport Noise Control Program is changed or is terminated at any time during the lease. (b) Failure of the Fixed Base Operations and subtenants to comply with Airport Noise Control Program shall be deemed to be an event of default; with direction for Staff to add provision that the Fixed Base Operations report annually to the Airport Curfew Monitoring Committee on all operations that occur during the curfew, and that they will develop a curfew awareness education program to be reported bi-annually to the Airport Curfew Monitoring Committee; and directing the City Attorney to continue to pursue imposing fees and penalties on itinerant operators who violate the curfew. Staff additionally to provide a copy of original EIR to Council.**

## 9 PUBLIC SAFETY SERVICES

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### 9.1 Approval to purchase mobile radios and remote control cables for the Police Department.

**Recommendation:** Approval of an award to purchase 160 Motorola Astro-Spectra W4 mobile radios and remote control cables from Motorola C & E, Inc. (San Mateo, CA) for a total cost not to exceed \$454,030.39, including tax and delivery, and authorize the Director of General Services to execute the purchase order. CEQA: Not a Project.  
(General Services)

**Approved.**

## 9 PUBLIC SAFETY SERVICES

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### 9.2 Approval of various actions related to Supplemental Law Enforcement Services Fund Spending Plans.

#### **Recommendation:**

- (a) Approval of the following action related to the 2001-2003 Supplemental Law Enforcement Services Fund Spending Plan:
  - (1) Approval of the proposed additions to the 2001-03 Spending Plan for the Supplemental Law Enforcement Services (SLES) Fund; and  
**Approved.**
  - (2) Adoption of the following amendments to the annual appropriation ordinance and the annual funding sources resolution in the Supplemental Law Enforcement Services Fund (Fund 414) for fiscal year 2002-03:
    - (a) Increase the SLES 2001-03 Grant appropriation for the Police Department in the amount of \$131,627; and
    - (b) Increase the Earned Revenue by \$131,627.  
**Ordinance No. 26887 adopted.**  
**Resolution No. 71537 adopted.**
- (b) Approval of the following action related to the 2002-2004 Supplemental Law Enforcement Services Fund Spending Plan:
  - (1) Approval of the proposed 2002-04 Spending Plan for the Supplemental Law Enforcement Services (SLES) Fund; and  
**Approved.**
  - (2) Adoption of the following amendments to the annual appropriation ordinance and the annual funding sources resolution in the Supplemental Law Enforcement Services Fund (Fund 414) for fiscal year 2002-03:
    - (a) Establish a SLES Grant 2002-04 appropriation for the Police Department in the amount of \$1,823,431; and
    - (b) Increase the Earned Revenue by \$1,823,431.  
CEQA: Not a Project. (Police/City Manager's Office)  
**Ordinance No. 26888 adopted.**  
**Resolution No. 71538 adopted.**

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

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### **REDEVELOPMENT AGENCY BOARD CONVENED AT 4:24 P.M. TO CONSIDER ITEM 10.1 IN A JOINT SESSION**

#### **10.1 Approval of an amendment to the agreement between the City and the Agency for the Merged Area regarding Parkland Dedication Ordinance Fees.**

**Recommendation:** Approval of a first amendment to the 2002-03 Cooperation Agreement between the City of San José and the Redevelopment Agency of the City of San José for the Merged Area Redevelopment Project clarifying the Agency's obligation to pay the actual amount of in lieu fees for affordable units under the Parkland Dedication Ordinance and that the obligation will carry over to next fiscal year. (Redevelopment Agency)

(Rules Committee referral 4/23/03)

**Approved. Staff to review and recommend a process to designate parkland fees at the same time an affordable housing project is approved.**

### **REDEVELOPMENT AGENCY BOARD PORTION OF THE MEETING ADJOURNED AT 4:40 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:  
**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:  
**None.**
  
- **Open Forum—Heard jointly with Redevelopment Agency  
Public Discussion.**
  
- **Adjournment**  
**The Council of the City of San José adjourned at 4:48 p.m.**

## **7 JOINT REDEVELOPMENT AGENCY/COUNCIL**

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**THE FOLLOWING ITEM WAS HEARD AT THE JOINT REDEVELOPMENT/CITY COUNCIL MEETING OF APRIL 29, 2003.**

**7.1 Approval of DDA with Regis Homes of Northern California, for the development of residential units at 320 North First Street and acceptance of the 33433 Summary Report and Re-Use Appraisal.**

**Recommendation:** Adoption of Resolutions:

(a) By the City Council approving the disposition of the real property located at 320 North First Street (APN 249-44-101) to Regis Homes of Northern California, accepting the 33433 Summary Report and Re-Use Appraisal, and finding that the disposition of the property will assist in the elimination of blight, is consistent with the 13<sup>th</sup> Street SNI Redevelopment Project Area objectives and that the consideration for the property is not less than the fair reuse value for the proposed use, with the covenants and conditions and development costs authorized by the Disposition and Development Agreement (DDA); and,

**Resolution No. 71539 adopted.**

(b) By the Agency Board approving the DDA and authorizing the Executive Director to execute ancillary documents contemplated by the DDA and to close escrow and convey the Property subject to compliance with the terms of the DDA, and to negotiate and execute amendments to the DDA substantially in conformance with the intent of the DDA as reasonably necessary.

CEQA: Resolution No. 68839 PDC02-077 [SNI: 13<sup>th</sup> Street]

**Redevelopment Agency Resolution adopted.**