



# **CITY COUNCIL AGENDA**

**MAY 13, 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**  
9:30 a.m. - Closed Session, Room 600, City Hall  
**Absent – Council Members: Campos. (Excused)**  
  
1:30 p.m. - Regular Session, Council Chambers, City Hall  
**Absent – Council Members: Campos. (Excused)**
- **Invocation (District 5)**  
Reverend Jethro Moore II, Emmanuel Baptist Church delivered the innovation.
- **Pledge of Allegiance**  
Mayor Gonzales led the Pledge of Allegiance
- **Orders of the Day**  
Item 10.1 is to be considered in a Joint City Council/Redevelopment Agency Board session.  
  
**Council Member Yeager welcomed and introduced two social studies classes, and teachers Joe Berg and Marlis Metrovich from Willow Glen Middle School as guests touring City Hall.**

## **1 CEREMONIAL ITEMS**

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- 1.1 Presentation of a commendation to City of San José Employees for the 2002 Food Drive. (City Manager's Office)  
**Mayor Gonzales called to the podium David Sandretto, Executive Director of Second Harvest Food Bank, Monika Churchill, Second Harvest Food Drive Coordinator and Joanne DeSa, ESD Employee Coordinator to present a commendation to City Employees for their participation in the 2002 Annual Holiday Second Harvest Food Drive which consists of 35 site coordinators, and commended them for successfully encouraging their colleagues to contribute, and thanked them for their strong commitment to residents in need in the City of San José.**

## CEREMONIAL ITEMS

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- 1.2 Presentation of a proclamation declaring the week of May 18-24, 2003, Public Works Week. (Public Works)  
**Mayor Gonzales called to the podium David Clark, Deputy Director of Public Works, Kevin O'Connor, Steve Willis, Deputy Director of Environmental Services, Randy Turner, Deputy Director of General Services presenting a proclamation declaring the week of May 18-24, 2003 as Public Works Week in recognizing the vital role of Public Works for projects done on time, and on budget and improving the status of our community.**
- 1.3 Presentation of plaque to Helen Richardson-Davis for 2 years 8 months service on the Senior Citizens Commission. (Mayor)  
**Mayor Gonzales presented a plaque to Helen Richardson-Davis for 2 years 8 months service of service on the Senior Citizens Commission. She was unable to attend, and the plaque will be sent.**
- 1.4 Presentation of a commendation to the Youth Anti-Tobacco Collaborative. (Campos)  
(Deferred from 5/6/03 – Item 1.8)  
**Deferred to 5/20/03 to be heard in the evening**
- 1.5 Presentation of commendations to Mexican Heritage Plaza, the English Department of Santa Clara University, and Heyday Books. (Campos)  
(Rules Committee referral 5/7/03)  
**Deferred to 5/27/03.**

## 2 CONSENT CALENDAR

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

### 2.1 Approval of Minutes.

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

- (a) Regular meeting of September 10, 2002
- (b) Joint City Council/Redevelopment Agency Board meeting of September 10, 2002
- (c) Regular meeting of September 17, 2002

**Approved.**

# CONSENT CALENDAR

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## 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances:

- (a) ORD. NO. 26886 – Amends Chapter 11.36 of Title 11 of the San José Municipal Code to add a new Part 3 that authorizes the Director of Transportation to reserve parking spaces for zero emission vehicles in City-owned or operated off-street parking facilities.

**Ordinance No. 26886 adopted.**

## 2.3 Approval of an agreement related to artwork for the Tully Road Branch Library.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement between the City of San José and artist Cliff Garten to fabricate and install an artwork for the Tully Road Branch Library, in an amount not to exceed \$137,484. CEQA: Exempt, PP03-03-086. Council District 7. (Conventions, Arts and Entertainment)

**Resolution No. 71548 adopted.**

## 2.4 Approval of an agreement with the VTA related to maintaining litter modules.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement between the City of San José and the Valley Transportation Authority (VTA) for the collection and maintenance of civic litter modules, beginning July 1, 2003 through June 30, 2004, in an amount not to exceed \$189,993. CEQA: Exempt, PP03-04-140. (Environmental Services)

**Resolution No. 71549 adopted.**

**Staff directed to use same benchmarks used with previous contractor to stay at the same level of customer satisfaction, and to report back on: (1) Customer satisfaction going forward, (2) efforts to utilize conservation corp or other groups to help with CLM's that require extra maintenance, and (3) the City's efforts in searching out to service providers.**

## 2.5 Approval of open purchase orders for the purchase of supplies, materials, equipment, and services.

**Recommendation:** Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2002-2003 #31, and authorization for the Director of General Services to execute the purchase orders. CEQA: See report. (General Services)

**Approved.**

# CONSENT CALENDAR

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## 2.6 Approval to purchase standardized tank components for the Water Pollution Control Plant.

**Recommendation:** Approval of an award for a sole source purchase of eighty flight and related hardware for the East Primary tanks to U.S Filter/Envirex (Pleasanton, CA), for a total cost of \$106,647.90, including tax and delivery, and authorize the Director of General Services to execute the purchase order. CEQA: Not a Project. (General Services)

**Approved.**

## 2.7 Approval of the multifamily housing underwriting eligible list related to the issuance of multifamily housing revenue bonds by the City of San José.

**Recommendation:** Approval of the multifamily housing underwriting eligible list to be used for the selection of investment banking firms for the period April 14, 2003 to December 31, 2004, to provide investment banking, underwriting, and remarketing services related to the issuance of multifamily housing revenue bonds by the City of San José. CEQA: Not a Project. (Finance/Housing)

**Approved.**

## 2.8 Approval of various actions related to the Healthy Neighborhoods Venture Fund.

**Recommendation:**

- (a) Approval of the extension of the funding term for six months, from June 30, 2003 to December 31, 2003, for the San José School Health Center Expansion (EH003) - The Health Trust.
- (b) Approval of the extension of the funding term for one year, from December 31, 2002 to December 31, 2003, for the San José Facility Expansion (SH003) - Easter Seals Bay Area.

CEQA: Exempt, PP03-04-126. Council District 8. SNI: KONA. (Parks, Recreation and Neighborhood Services)

**Approved.**

## 2.9 Approval of an agreement related to structural engineering services for various City projects.

**Recommendation:** Approval of a first amendment to the master agreement with Ahearn, Knox & Hyde, Inc. for structural engineering services for various projects, increasing compensation by \$160,000, for a total contract amount of \$250,000, and extending the contract term from July 1, 2003 to June 30, 2005. CEQA: Not a Project. (Public Works)

**Approved.**

# CONSENT CALENDAR

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## 2.10 Approval of various actions related to the Tully Road Ball Field Development.

**Recommendation:** Approval of a contingency budget increase for the Tully Road Ball Field Development (Phase I) Project in the amount of \$8,746, for a total contingency budget of \$72,746, without any increase in the total project budget. CEQA: Mitigated Negative Declaration, PP02-04-080. Council District 7. (Public Works)

**Approved.**

## 2.11 Approval of an agreement related to the San José Light Rail Transit Signal Re-Timing Project.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a consultant agreement with DKS Associates for support services to implement the San José Light Rail Transit Signal Re-Timing Project for an amount not to exceed \$250,000, from the period of execution through December 31, 2004. CEQA: Exempt, PP02-11-356. Council Districts 2 and 3. SNI: University, 13th Street, and St. James Square. (Transportation)

**Resolution No. 71550 adopted.**

**Approved with direction to Staff to delete reference to District 2 from Staff report, and to report back with process assuring estimates are correct.**

## 2.12 Approval of an agreement with the Santa Clara Valley Water District.

**Recommendation:** Approval of a cooperative agreement with the Santa Clara Valley Water District for the Willow Glen Way Bridge Replacement Project at the Guadalupe River, using Federal Highway Bridge Rehabilitation and Replacement grant funds in the amount of \$1,500,000, and City Traffic Capital funds in the amount of \$142,000. CEQA: Negative Declaration, PP98-01-012. Council District 6. (Transportation)

**Approved with direction to Staff that the City stays involved with the Water District's decision-making process and the neighborhood meetings.**

## 2.13 Approval to amend an agreement related to the banquet facility.

**Recommendation:** Approval of the amended and restated Banquet Facility Agreement with the Rotary Club of San José for use of the banquet facility at the parking garage located at 44 South Fourth Street for no more than 50 Wednesdays and four optional events each year for 35 years. CEQA: Exempt, PP03-04-129. Council District 3. SNI: University. (Conventions, Arts and Entertainment)

(Deferred from 5/6/03 – Item 2.5)

**HEARD WITH ITEM 10.1.**

**Approved.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.1 Report of the Study Session

Mayor Gonzales, Chair

None.

#### 3.2 Report of the Rules Committee

Vice Mayor Dando, Chair

Meeting of April 30, 2003

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

(b) City Council

(1) Review May 13, 2003 Draft Agenda

**The Committee recommended approval of the May 13, 2003 City Council Agenda with one addition.**

(2) Add New Items to May 6, 2003 Amended Agenda

**The Committee recommended six additions to the May 6, 2003 City Council Agenda.**

(3) List of Reports Outstanding

**The Committee noted and filed the City Manager's report listing four Staff reports outstanding for the May 6, 2003 Council Meeting.**

(c) Legislative Update

(1) State

(a) Accept State Legislative Bill Matrix and Bill Status Report

**The Committee accepted the State Legislative Bill Matrix and Bill Status Report and directed Administration to return next week with a new format, which includes a first page "Urgent" bills.**

(2) Federal

**There was no report.**

(d) Meeting Schedules

**There were none.**

(e) The Public Record

**The Committee noted and filed the Public Record.**

(f) Boards, Commissions and Committees

**There were none.**

(g) Council Referrals for Assignment to Administration or Council Appointee

**There were none.**

# STRATEGIC SUPPORT SERVICES

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## 3.2 Report of the Rules Committee Meeting of April 30, 2003 (Cont'd)

- (h) Administrative Reviews and Approval  
**There were none.**
- (i) Oral communications  
**None were present.**
- (j) Adjournment

### Meeting of May 7, 2003

- (c) Legislative Update
  - (1) State  
AB910 (Diaz) Relating to Hospital Community Responsibility  
**The Committee accepted the report on AB 910 (Diaz), recommended a “support” position on AB 910, and directed the Administration to add this bill to the State Legislative Bill Matrix.**
  - (b) Voting Delegate for a Special Meeting of the League of California Cities General Assembly on May 15th  
**The Committee recommended Betsy Shotwell, Director of Intergovernmental Services, as the voting delegate at the May 15, 2003 Special Meeting of the General Assembly for the League of Cities.**

**The Rules Committee Report and actions of April 30, 2003, and partial Report and actions of May 7, 2003 were accepted.**

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

## 3.4 Adoption of a resolution in support of Justice for Janitors.

**Recommendation:** Adoption of a resolution in support of Justice for Janitors. (Campos)  
(Rules Committee referral 5/7/03)  
**Resolution No. 71551 adopted.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.1 Report of the Building Strong Neighborhoods Committee Council Member Chavez, Chair**

**None.**

### **4.2 Report of the Driving a Strong Economy Committee – April 28, 2003 Council Member Williams, Chair**

- (a) Ordinance Amending Signage Regulations in Residential Areas  
**The Committee accepted the Staff report.**

**See item 4.4 for council action taken.**

- (b) Discussion on items PBCE is implementing in the Zucker Implementation Study  
**The Committee accepted the Staff report.**

- (c) Review and discussion of housing production in San José  
**Deferred to 6/23/03.**

- (d) Policy discussion on sale of food and alcohol at gas stations  
**The Committee accepted the Staff report.**

**See item 4.5 for council action taken.**

- (e) Convention Center Recovery Strategy  
**Deferred to 5/29/03.**

- (f) Oral petitions  
**Paul Stewart, Santa Clara County Association of Realtors  
Matt Ravizoni, BP Oil Company  
Tom Robinson, Robinson Oil Company  
Jim Tucker, Sam Jose Silicon Valley Chamber of Commerce  
Denelle Fedor, City of San José, District 10**

- (g) Adjournment  
**Meeting adjourned at 3:30 p.m.**

**The Driving a Strong Economy Committee report and actions of April 28, 2003 were accepted.**

## **ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.3 Public Hearing on final cancellation of land conservation contract for property located on the northeast corner of Fleming Avenue and Warner Drive.**

**Recommendation:** PUBLIC HEARING ON PETITION FOR FINAL CANCELLATION OF LAND CONSERVATION CONTRACT (Williamson Act), for property consisting of 3.5 acres located on the northeast corner of Fleming Avenue and Warner Drive and authorization for the City Clerk to execute a Certificate of Final Partial Cancellation and directing the City Clerk to record the certificate with the County Recorder. (Rolando Loera, Owner). CEQA: Negative Declaration, PDC00-126. (Planning, Building and Code Enforcement)  
Contract No. 71-234 - District 5  
**Deferred to 5/20/03.**

### **4.4 Discussion of and approval of an ordinance related to the Sign Code.**

**Recommendation:** Discussion of and approval of an ordinance amending Title 23, the Sign Code, of the San José Municipal Code as it pertains to signage on residential parcels in all residential, agriculture, and open space zoning districts. CEQA: Exempt, PP02-09-260. (Planning, Building and Code Enforcement)  
[Driving a Strong Economy Committee referral 4/28/03 – Item 4.2(a)]  
**Deferred to 5/20/03.**

### **4.5 Discussion on the concurrent sale of food and alcohol at gasoline service stations.**

**Recommendation:** Discussion on the concurrent sale of food and alcohol at gasoline service stations. CEQA: Not a Project. (Planning, Building and Code Enforcement)  
[Driving a Strong Economy Committee referral 4/28/03 – Item 4.2(d)]

**Council approved memorandum by Vice Mayor Dando and Council Members LeZotte, and Williams, dated May 13, 2003, recommending Council direct the City Attorney to bring back to City Council within 30 days: (1) A list of proposed modifications to Title 20.80.550, which would remove the prohibition on the sale of food and grocery items at gasoline service stations. (2) Staff should also provide the City Council with detailed information regarding the City's current ability to control or limit the sale of alcohol. (3) Staff should also provide the City Council with options for limiting or prohibiting the sale of alcohol at gasoline service stations, similar to those in other municipalities.**

**Additional direction to Staff to report back to Council on: (1) Outlining the City's current ability to control the sale of alcoholic beverages, research loopholes in current policy that need addressing, and recommend actions to enhance the City's current ability to regulate the sale of alcoholic beverages;**

*(Item continued on next page)*

## **ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.5 Discussion on the concurrent sale of food and alcohol at gasoline service stations. (Continued)**

**Recommendation:** Discussion on the concurrent sale of food and alcohol at gasoline service stations. CEQA: Not a Project. (Planning, Building and Code Enforcement) [Driving a Strong Economy Committee referral 4/28/03 – Item 4.2(d)]

(2) Review options and legalities of providing discretion to Council Districts on alcohol policy implementation, review the pertinence of land use policies to alcohol control issues, including CUPs and possible voluntary covenances, and provide information on the kinds of permits granted to gasoline stations; (3) Explain the current process for determining when an area is considered saturated in terms of establishments selling alcohol, what measurement is used and which government agency determines the measurement, (4) Explain the current role of the Alcoholic Beverage Control Bureau (ABC) what oversight ability the City has once licenses are granted and the process for transference on sale of businesses; provide background information on variances between how Council Districts relate to the ABC, and provide strategies to improve the City's relationship with the ABC, (5) Include recommendations from the Police Department on permitting the sale of alcoholic beverages at gasoline stations, report back with Police statistics separated between convenience stores and gasoline stations with mini-marts, (6) Establish a mapping process to identify liquor license locations in the City, and review options for providing economic stimulus to gasoline stations apart from the sale of alcohol.

## **5 RECREATION & CULTURAL SERVICES**

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

None.

### **5.2 Acceptance of the 2003 Public Art Workplan, First Quarter Report, and the Three-Year Plan for Conservation and Maintenance of the City's Public Art Collection.**

**Recommendation:** Acceptance of the 2003 Public Art Workplan, First Quarter Report, and the Three-Year Plan for Conservation and Maintenance of the City's Public Art Collection. CEQA: Not a Project. (Conventions, Arts and Entertainment).

**Approved.**

## RECREATION & CULTURAL SERVICES

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### 5.3 Approval of various actions related to the Evergreen Branch Library Project.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with STUDIOS Architecture for consultant services including project design, preparation of construction documents, and construction administration services for the Evergreen Branch Library Project, for an agreement term from June 1, 2003 to September, 2006, in the amount of \$810,000. CEQA: Exempt, PP03-04-132. Council District 8. (Public Works)

**Resolution No. 71552 adopted.**

### 5.4 Approval of various actions related to the Hillview Branch Library Project.

**Recommendation:**

(a) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with AEDIS Architecture and Planning of San José for consultant services including project design, preparation of construction documents, and construction administration services for the Hillview Branch Library Project and the relocated running track, for an agreement term from June 1, 2003 to January 31, 2007, in the amount of \$798,000.

**Resolution No. 71553 adopted.**

(b) Adoption of the following appropriation ordinance amendments in the Library Bond Projects Fund:

(1) Increase the Hillview Branch Library Project by \$1,008,000.

(2) Decrease the Ending Fund Balance by \$1,008,000.

CEQA: Exempt, PP03-04-133. Council District 5. SNI: East Valley/680 Communities. (Public Works/City Manager's Office)

**Ordinance No. 26891 adopted.**

### 5.5 Approval to award a contract for the Le Fevre Residence and Barn Rehabilitation Project.

**Recommendation:** Report on bids and award of contract for the Le Fevre Residence and Barn Rehabilitation Project to the low bidder, Tinney Construction Corporation, to include the base bid and Add Alternates Nos. 1, 3, 4, 5, and 6 in the amount of \$1,020,880, and approval of a contingency in the amount of \$153,132. CEQA: Exempt, PP02-04-091. Council District 5. (Public Works)  
(Rules Committee referral 5/7/03)

**Approved.**

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

None.

## 6 TRANSPORTATION SERVICES

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- 6.1 **Report of the Building Better Transportation Committee**  
Council Member Cortese, Chair  
None.

## 7 ENVIRONMENTAL & UTILITY SERVICES

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- 7.1 **Presentation on the status of the Salt Pond Acquisition and Restoration Process.**

**Recommendation:** Acceptance of a presentation from the U.S. Fish and Wildlife Service on the status of the State and Federal Acquisition and Restoration Process in the South Bay. CEQA: Not a Project. Council District 4. (Environmental Services)  
**Approved.**

- 7.2 **Approval to award a contract for the Trimble-Morrill Sanitary Sewer Rehabilitation Project, Phase II.**

**Recommendation:** Report on bids and award of contract for the Trimble-Morrill Sanitary Sewer Rehabilitation Phase II Project to the low bidder, Gelco Services, Inc. in the amount of \$845,760, and approval of a contingency in the amount of \$85,000. CEQA: Exempt, PP02-11-345. Council District 4. (Public Works)  
**Approved.**

- 7.3 **Approval of various actions related to Integrating Customer, Management, and Billing Systems.**

**Recommendation:** Acceptance of the report on the status of the development of a Request for Proposal (RFP) for a Utility Billing System that integrates Customer Service and Hauler Contract Management for Recycle Plus and the Municipal Water System. CEQA: Not a Project. (Environmental Services/Finance/Information Technology) (Deferred from 5/6/03 – Item 7.1)

**Council approved memorandum by Council Member Chavez, dated May 12, 2003, recommending Council accept Staff report with the following additional direction on the development of a Request for Proposal (RFP) for a Utility Billing System (UBS) that integrates Customer Service and Hauler Contract Management: (1) Incorporate a billing system that allows customers to add additional funding towards the Healthy Neighborhoods Venture Fund (HNVF) or other appropriate entity. (2) Provide customers with an opportunity to select the HNVF category of their choice. (3) Include three funding options for customers to choose from; [a] Round-up their bills to the next highest dollar, with the additional revenue going to HVNF, and [b] Contribute a monthly amount to HNVF, and [c] Make a one-time contribution to HNVF.**

*(Item continued on next page)*

## **ENVIRONMENTAL & UTILITY SERVICES**

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### **7.3 Approval of various actions related to Integrating Customer, Management, and Billing Systems. (Continued)**

**Recommendation:** Acceptance of the report on the status of the development of a Request for Proposal (RFP) for a Utility Billing System that integrates Customer Service and Hauler Contract Management for Recycle Plus and the Municipal Water System. CEQA: Not a Project. (Environmental Services/Finance/Information Technology) (Deferred from 5/6/03 – Item 7.1)

**Staff additionally directed to review the projected costs of administering and marketing a program to allow customers to donate to the HNVF in their utility bills, with a detailed financial model including startup and on-going costs for the program, with funding sources broken down proportionally, and develop performance measures for the proposed UBS system, for report to Council with the draft RFP on the Consent Calendar of the 5/27/03 agenda.**

## **8 AVIATION SERVICES**

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## **9 PUBLIC SAFETY SERVICES**

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

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**Redevelopment Agency Bboard convened at 3:35 p.m. to consider item 10.1 in a Joint Session**

### **10.1 Approval of an agreement relating to contribution of funds and naming rights regarding the 4th and San Fernando Garage.**

**Recommendation:** Approval of an Amended and Restated Agreement to Contribute Funds by and among the Redevelopment Agency of the City of San José, the Rotary Club of San José and the San José Rotary Club Endowment to modify the Endowment's contribution to the Redevelopment Agency, to specify certain naming rights regarding the 4<sup>th</sup> and San Fernando Garage and to add the City of San José as a party. (City Attorney's Office)

(Orders of the Day)

**Approved with direction to Staff to provide who will be maintaining the Rotary Endowment Fund.**

**Redevelopment Agency Board portion of the meeting adjourned at 3:44 p.m.**

- Closed Session Report
- Notice of City Engineer’s Pending Decision on Final Maps  
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

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>
9446	W/s of Keyes St. 155 feet N’ly Keyes St.	7	Fairfield Residential LLC	176	Multi-Family

- Open Forum—Heard jointly with Redevelopment Agency Public Discussion.
- Adjournment

The Council of the City of San José adjourned at 3:50 p.m.

**The following resolutions were adopted at the Joint City Council/Redevelopment Agency meeting on Tuesday, May 13, 2003**

**7.1 Approval of a Cooperation Agreement between the City and the Agency relating to real property conveyances at the Second and Santa Clara Streets parking lot site.**

**Recommendation:**

(a) Approval of Cooperation Agreement between the City and the Agency authorizing the City Manager and Executive Director to negotiate, execute, accept and record all necessary documents required to convey the property interests and implement the actions described in the Agreement; and,

**Approved.**

(b) Adoption of resolutions by the City Council and Agency Board authorizing the City Manager and Executive Director to negotiate and execute reciprocal easement agreements with other property owners regarding access easements, and the use and maintenance of common areas and other shared interest in the property consistent with the terms outlined in the approved Disposition and Development Agreement with CIM Group for the development of mixed-use infill projects in the Downtown core.

CEQA: Resolution No. 71039.1,RCP02-012, 013 and 014 [CENTURY CENTER]

**Resolution No. 71554 adopted.**

**RDA Resolution No. 5404 adopted.**

**Approved with direction to Staff that the easements for pedestrians and customers come back in the form of a map as development of project moves forward.**