

# CITY COUNCIL AGENDA

**JUNE 24, 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: None.**  
  
1:30 p.m. - Regular Session, Council Chambers, City Hall  
**Absent – Council Members: None.**
- **Invocation (District 6)**  
**Hoover Middle School Band members Tim Howell, Vanessa Williams and Rachel Van Dussen and their teacher Jenny Anderson performed a trumpet trio.**
- **Pledge of Allegiance**  
**Mayor Gonzales led the Pledge of Allegiance.**  
  
**Council Member Reed acknowledged the presence of his parents.**
- **Orders of the Day**  
**Approved with Item 7.1 recommended for continuance to be heard by Council.**

**ITEMS 10.1 AND 10.2 ARE TO BE CONSIDERED IN A JOINT CITY COUNCIL/REDEVELOPMENT AGENCY BOARD SESSION.**

# 1 CEREMONIAL ITEMS

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- 1.1 Presentation of a certificate for 64% diversion by Integrated Waste Management Board. (Environmental Services)  
**Mayor Gonzales was joined at the podium by Environmental Services Director Carl W. Mosher, and Steven R. Jones a member of the California Integrated Waste Management Board in presenting to the City Council with special recognition related to the City recycling program and the 64 percent diversion of waste into landfills and also acknowledging former Council Members Judy Stabile, Trixie Johnson, Margie Matthews and Shirley Lewis, former Environmental Director Michelle Yesney, Office of Environmental Management Richard Gurtman who designed the first curb side recycling program, former Environment Director Greg Larson, and former Environmental Services employee Eileen Larson, and current Staff who were instrumental in the start of the program.**
- 1.2 Presentation of a proclamation declaring July 6-12, 2003 as National Therapeutic Recreation Week. (LeZotte)  
**Mayor Gonzales was joined at the podium by Council Member LeZotte, and Parks, Recreation and Neighborhoods Services Director Sara L. Hensley in presenting a proclamation declaring July 16-23, 2003 as National Therapeutic Recreation Week and honoring every one working at the Therapeutic Recreation Center which provides recreational and therapeutic services to persons with disabilities that help eliminate barriers to leisure, life enhancing skills, and enhancing the quality of life for all residents.**
- 1.3 Presentation of a proclamation declaring July 2003 as Recreation and Parks Month. (Parks, Recreation and Neighborhood Services)  
**Mayor Gonzales was joined at the podium by Parks, Recreation and Neighborhoods Services Director Sara L. Hensley in presenting a proclamation declaring the month of July 2003 as Parks, Recreation and Neighborhood Services.**
- 1.4 Presentation of a commendation to Father Bill Muller, president of Bellarmine Preparatory, for his service to the community. (Yeager)  
**Mayor Gonzales was joined at the podium by Council Members Yeager and Dando in presenting a proclamation to Father Bill Muller, President of Bellarmine Preparatory, honoring his years of service and for his outstanding commitment to the students and families.**
- 1.5 Presentation of commendations to the Healthy Neighborhood Venture Fund Community Members and Staff for their hard work. (Dando)  
(Rules Committee referral 6/18/03)  
**Mayor Gonzales was joined by Vice Mayor Dando and Council Members Chavez and Yeager in presenting commendations to Community Members Cora Tomalinas, Adolph Quilici and Patricia Jensen of the Healthy Neighborhood Venture Fund, and Staff in recognition of all their hard work.**

# 1 CEREMONIAL ITEMS

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- 1.6 Presentation of a commendation to Sprint for their dedication to working with the City of San José, KaBOOM!, and the community to find creative ways to improve the quality of life for the residents of San José. (Chavez)  
(Rules Committee referral 6/18/03)  
**Mayor Gonzales was joined by Council Member Chavez in presenting a commendation to Melanie Barnes from KaBoom and Caroline Semerdjian from Sprint in recognition of their work in the community to finding creative ways to improve the quality of life for the residents of San José.**
- 1.7 Presentation of a commendation to Harriet Traurig for her dedication to her work on the San José Public Art Program and for receiving a national award from the Public Art Network. (Williams)  
(Orders of the Day)  
**Mayor Gonzales was joined by Council Member Williams to present a commendation to Harriet Traurig in recognition of receiving a national award from the Public Art Network, and the City will recognize each year an individual with the Harriet Traurig award to honor her achievements, and in her absence Jim McBride accepted the commendation.**

# 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:

- (a) Regular meeting of October 22, 2002
- (b) Joint City Council/Redevelopment Agency Board meeting of October 22, 2002
- (c) Regular meeting of October 29, 2002
- (d) Joint City Council/Redevelopment Agency Board meeting of October 29, 2002
- (e) Regular meeting of November 5, 2002
- (f) Regular meeting of November 12, 2002

**Approved.**

## 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances:

- (a) ORD. NO. 26913 – Amends Ordinance No. 15879 as amended by Ordinance No. 21676, which granted a franchise for the sale of gas within the City of San José to Pacific Gas & Electric Company, to allow a credit in the event of overpayments.

**Ordinance No. 26913 adopted.**

## 2 CONSENT CALENDAR

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### 2.2 Final adoption of ordinances. (Cont'd.)

- (b) ORD. NO. 26914 – Amends Ordinance No. 15880 as amended by Ordinance No. 21677, which granted a franchise for the transmission and distribution within the City of San José to Pacific Gas & Electric Company, to allow a credit in the event of overpayments.  
**Ordinance No. 26914 adopted.**
- (c) ORD. NO. 26915 – Grants a Commercial Solid Waste and Recyclables Collection Franchise to Redwood Services Inc. dba Redwood Debris Box.  
**Ordinance No. 26915 adopted.**
- (d) ORD. NO. 26917 - Amends Chapter 4.80 of Title 4 of the San José Municipal Code to add a new Part to establish the Federal Local Law Enforcement Block Grant Fund.  
**Ordinance No. 26917 adopted.**
- (e) ORD. NO. 26918 – Amends Section 3.28.030.05 of Chapter 3.28 of Title 3 of the San José Municipal Code to include anti-terrorist training incentive pay in the definition of compensation in the Federated City Employees Retirement System.  
**Ordinance No. 26918 adopted.**
- (f) ORD. NO. 26919 – Amends Section 11.96.070 of Chapter 11.96 of Title 11 of the San José Municipal Code to add a prohibition of commercial vehicles in excess of 5 tons on Fifth Street between Hedding Street and Taylor Street, Sixth Street between Hedding Street and Taylor Street, and on Mission Street, between Fourth Street and Seventh Street.  
**Ordinance No. 26919 adopted.**
- (g) ORD. NO. 26920 – Amends Part 46 of Chapter 4.80 of Title 4 of the San José Municipal Code to replace the Housing and Homeless Fund by establishing the City of San José Housing Trust Fund.  
**Ordinance No. 26920 adopted.**
- (i) ORD. NO. 26923 - Rezones certain real property situated east side of McKean Road, approximately 5500 feet south of Bailey Avenue. PDC 02-107  
**Ordinance No. 26923 adopted.**
- (j) ORD. NO. 26924 - Prezones and rezones certain real property situated at the westerly side of Alum Rock Avenue, approximately 200 feet northerly of Marian Lane (4600, 4601, and 4609 Hyland Avenue, and 4609 Alum Rock Avenue) to A(PD) Planned Development. PDC 01-082  
**Ordinance No. 26924 adopted.**

## 2 CONSENT CALENDAR

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### 2.2 Final adoption of ordinances. (Cont'd.)

- (k) ORD. NO. 26925 - Rezones certain real property situated at the southeast corner of S. Twelfth and Keyes Streets to A(PD) Planned Development. PDC 03-018  
**Ordinance No. 26925 adopted.**
- (l) ORD. NO. 26926 - Rezones certain real property situated located at the southeastern corner of Willowbrae Avenue and Willow Oaks Drive. PDC 02-073  
**Ordinance No. 26926 adopted.**
- (m) ORD. NO. 26927 - Rezones certain real property situated at the southeast corner of S. Tenth and Keyes Streets to CP Pedestrian Commercial. C 03-026  
**Ordinance No. 26927 adopted.**
- (n) ORD. NO. 26928 - Rezones certain real property situated at the west side of South First Street, approximately 150 feet southerly of East Virginia Street. C 03-030  
**Ordinance No. 26928 adopted.**
- (o) ORD. NO. 26929 - Prezones certain real property situated on the east side of Meridian Way, approximately 300 feet northerly of Pedro Street, to R-M Residence. C 03-037  
**Ordinance No. 26929 adopted.**
- (p) ORD. NO. 26930 - Rezones certain real property situated on the westerly side of Silver Creek Valley Road opposite Beaumont Canyon Drive, to A(PD) Planned Development. PDC 03-001  
**Ordinance No. 26930 adopted.**
- (q) ORD. NO. 26931 - Rezones certain real property situated on the south side of Quimby Road, approximately 1,700 feet easterly of Ruby Avenue, to A(PD) Planned Development. PDC 03-009  
**Ordinance No. 26931 adopted.**
- (r) ORD. NO. 26932 - Rezones certain real property situated at the southeast corner of W. San Carlos Street and Bird Avenue to A(PD) Planned Development. PDC 03-016  
**Ordinance No. 26932 adopted.**
- (s) ORD. NO. 26933 - Rezones certain real property situated on the northwest corner of Capitol Expressway and Timberloop Drive to A(PD) Planned Development. PDC 03-017  
**Ordinance No. 26933 adopted.**
- (t) ORD. NO. 26934 - Rezones certain real property situated on the south side of Balbach Street, 200 feet westerly of South Market Street. PDC 03-028  
**Ordinance No. 26934 adopted.**

## 2 CONSENT CALENDAR

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### 2.2 Final adoption of ordinances. (Cont'd.)

- (u) ORD. NO. 26935 - Rezones certain real property situated at the south side of Nevada Avenue, approximately 500 feet westerly of Lincoln Avenue to R-1-8 Residence. C 03-033

**Ordinance No. 26935 adopted.**

- (v) ORD. NO. 26936 - Rezones certain real property situated at the west side of North 5th Street, approximately 390 feet southerly of East Empire Street to R-2 Residence. C 03-04

**Ordinance No. 26936 adopted.**

### 2.3 Approval of an agreement related to the ACT Program.

#### **Recommendation:**

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Corlett, Skaer and DeVoto Architects Inc. (CSDA) for consultant services related to the acoustical treatment of Lafayette-Americana Condominiums, 79 homes and Lake Santa Clara Clubhouse as part of the Airport's Acoustical Treatment (ACT) Program, for the period July 1, 2003 to June 30, 2005, in an amount not to exceed \$586,722. CEQA: Resolution No. 67380 and 71451, PP 03-05-182. (Airport)

**Resolution No. 71645 adopted.**

- (b) Adoption of a resolution authorizing the City Manager to negotiate and execute the fourth amendment to the consultant agreement with Corlett, Skaer & DeVoto Architects, Inc. for architectural and construction administration services related to Phase 6 of the Acoustical Treatment (ACT) Program, extending the time for completion from June 30, 2003 to December 31, 2003, with no increase in total compensation. (Airport)

**Resolution No. 71646 adopted.**

### 2.4 Approval of an ordinance to authorize towing of vehicles parked in violation of Airport parking prohibitions.

**Recommendation:** Approval of an ordinance amending Chapter 25.16 of Title 25 of the San José Municipal Code (Airport) to authorize towing of vehicles parked in violation of Airport parking prohibitions or parked at any portion of the Airport parking facilities which is restricted or otherwise prohibited pursuant to applicable Federal law and regulations. CEQA: Resolution Nos. 67380 and 71451, PP 03-05-177. (Airport)

**Ordinance No. 26937 passed for publication.**

## 2 CONSENT CALENDAR

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### 2.5 Adoption of a resolution to establish Compressed Natural Gas fueling rates, charges, and fees at the Airport.

**Recommendation:** Adoption of a resolution to establish Compressed Natural Gas (CNG) fueling rates, charges, and fees at Norman Y. Mineta San José International Airport.

CEQA: Resolution Nos. 67380 and 71451, PP 03-05-191. (Airport)

**Resolution No. 71647 adopted.**

### 2.6 Approval to amend the agreement for technical, financial, and operational services for the Airport Master Plan.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute the second amendment to the agreement with AvAirPros, Inc. for consulting services related to technical, financial, and operational issues during implementation of the Master Plan, increasing compensation by \$100,000, from \$150,000, for a total agreement amount not to exceed \$250,000, and extending the term of the agreement from June 30, 2003 to June 30, 2004. CEQA: Resolution Nos. 67380 and 71451, PP03-06-201. (Airport)

**Resolution No. 71648 adopted.**

### 2.7 Approval to amend agreements with Chevron U.S.A.

**Recommendation:** Approval of:

- (a) The eleventh amendment to the lease agreement with Chevron U.S.A., Inc. for the lease of Airport Lot 8 for storage and distribution of aviation petroleum products, extending the term of the lease for five years from July 1, 2003 through June 30, 2008, with annual revenue to the City of approximately \$6,125.
- (b) The first amendment to Revocable License Agreement with Chevron U.S.A., Inc. for the operation of one jet fuel dispensing station at the Airport fuel rack, extending the term of the License from August 21, 2003 through June 30, 2008.

CEQA: Resolution Nos. 67380 and 71451, PP 03-06-196. (Airport)

**Approved.**

### 2.8 Approval to amend the agreement for environmental consultant services at the Airport.

**Recommendation:** Approval of a second amendment to the agreement with The Source Group, for environmental consultant services at the Norman Y. Mineta San José International Airport, extending the term of the agreement from June 30, 2003 to June 30, 2004. CEQA: Resolution No. 67380, PP02-68-221. (Airport)

**Approved.**

AMENDED PAGE

## 2 CONSENT CALENDAR

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### 2.9 Adoption of an urgency ordinance extending a nonexclusive franchise to Gill Industries, Inc.

**Recommendation:** Adoption of an urgency ordinance approving an extension of the terms of Ordinance No. 22128, granting a Nonexclusive Cable Television Franchise to Gill Industries, Inc., dba Gill Cable, from June 30, 2003 to January 31, 2004. (City Attorney's Office)

**Ordinance No. 26938 adopted.**

### 2.10 Approval of the City Manager's travel request.

**Recommendation:** Approval for City Manager Del D. Borgsdorf to travel to Vancouver, BC, July 17-19, 2003 to attend the Large Cities Executive Forum. CEQA: Not a Project. (City Manager's Office)

**Approved.**

### 2.11 Approval of various fiscal actions for Redevelopment Agency Capital Projects.

**Recommendation:**

- (a) Adoption of an appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for various projects with a net impact to the fund of \$542,336. CEQA: Not a Project. Council Districts 2 and 3. SNI: Edenvale. (City Manager's Office)

**Ordinance No. 26939 adopted.**

**Resolution No. 71649 adopted.**

- (b) Adoption of an appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for various projects with a net impact to the fund of \$531,980. CEQA: Not a Project. (City Manager's Office)

**Ordinance No. 26940 adopted.**

**Resolution No. 71650 adopted.**

- (c) Adoption of a resolution making certain determinations regarding the expenditure of Redevelopment Agency funds on public improvements for the 880/Coleman Project.

**Resolution No. 71651 adopted.**

**This item refers back to the Council memorandum of Item 10.1 on the June 17, 2003 agenda.**

AMENDED PAGE

## 2 CONSENT CALENDAR

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### 2.12 Approval to amend the Parking Premises Agreement.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute the first amendment to the Parking Premises Agreement with Walton San José Investors III, LLC, to allow Walton San José Investors III, LLC upon the prior written approval of the Director of Conventions, Arts and Entertainment to sublease parking spaces to rental car agencies, and to clarify that the City will begin billing Walton San José Investors III, LLC, for the use of their parking spaces commencing on June 1, 2003. CEQA: Exempt, PP03-06-219. CEQA: Not a Project. Council District 3. (Conventions, Arts and Entertainment/Transportation)

**Resolution No. 71652 adopted.**

### 2.13 Approval of an agreement with San José Sports Authority.

**Recommendation:** Approval of an agreement with the San José Sports Authority for the period July 1, 2003 to June 30, 2007, in an amount not to exceed \$610,812 for FY 2003-2004. CEQA: Not a Project. (Economic Development)

**Approved.**

### 2.14 Approval to amend the City's Pay Plan.

**Recommendation:** Adoption of a resolution to:

- (a) Create the following job classifications:
  - (1) Legal Analyst I PT (2128).
  - (2) Legal Analyst II PT (2118).
  - (3) Nurse Practitioner (5128) and PT (5129).
  - (4) Library Aide PT (6217).
- (b) Change the job classification titles of:
  - (1) Legal Secretary I C PT (1153) to Legal Administrative Assistant I C PT.
  - (2) Legal Secretary II C PT (1154) to Legal Administrative Assistant II C PT.
  - (3) Legal Secretary Trainee C (1165) to Legal Administrative Assistant Trainee C.
- (c) Change salary ranges for the classifications of:
  - (1) Nurse (5122) and PT (5123).

CEQA: Not a Project. (Employee Services)

**Resolution No. 71653 adopted.**

## 2 CONSENT CALENDAR

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### 2.15 Approval of agreements for the Countywide Household Hazardous Waste Collection Program.

**Recommendation:**

- (a) Approval of an agreement with the County of Santa Clara for reauthorization of the Countywide AB 939 Implementation Fee for a three year term from July 1, 2003 to June 30, 2006, and to increase this fee \$0.55 per ton, for a total fee of \$3.35 per ton, to fund countywide household hazardous waste services and other AB 939 compliance activities; and
- (b) Approval of an agreement with the County of Santa Clara for the Countywide Household Hazardous Waste Collection Program for the term July 1, 2003 through June 30, 2006, at no cost to the City.

CEQA: Exempt, PP03-05-172. (Environmental Services)

**Approved.**

### 2.16 Approval to amend an agreement for composting research.

**Recommendation:** Approval of the fourth amendment to the consultant agreement with the University of California Cooperative Extension, Santa Clara, (UCCE) for research on the use of municipally generated yard waste and food waste products, as well as composting of on-site business waste, to extend the term from August 1, 2003 through August 1, 2004, and increase the maximum compensation by \$30,000, for a total amount not to exceed \$151,000. CEQA: Not a Project. (Environmental Services)

**Approved.**

### 2.17 Approval to amend an agreement for graphic design services.

**Recommendation:** Approval of the second amendment to the consultant agreement with Fortune<sup>2</sup> Design extending the term of the agreement from June 30, 2003 to June 30, 2004, and increasing compensation by \$71,500, from \$87,000, for a total amount not to exceed \$158,500. CEQA: Not a Project. (Environmental Services)

**Approved.**

### 2.18 Approval to amend an agreement with the City of Milpitas to implement portions of the SBWR Program.

**Recommendation:** Approval of the sixth amendment to the agreement with the City of Milpitas for implementation of portions of the South Bay Water Recycling (SBWR) Program, to make additional contingency funding available for construction of infill projects M-2, M-3, and M-4 at no increase in the overall cost of the agreement, and to extend the term of the original agreement by three months, from September 30, 2003 to December 31, 2003. CEQA: Resolution No. 64667; PP00-11-219. (Environmental Services)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.19 Approval to amend an agreement for survey and focus group services related to garbage and recycling services.

**Recommendation:** Approval of the fourth amendment to the consultant agreement with GLS Research to extend the agreement term from June 30, 2003 to June 30, 2004, expand the scope of service to include conducting a telephone survey and six focus groups on residential garbage and recycling services, and increase compensation by \$80,000, from \$138,825, for a total amount not to exceed \$218,825. CEQA: Not a Project. (Environmental Services)

**Approved.**

### 2.20 Approval to amend an agreement for program development research services for the Environmental Services Department.

**Recommendation:** Approval of the second amendment to the agreement with Fairbank, Maslin, Maullin & Associates (FMM&A) for market research services to evaluate the effectiveness of outreach efforts and improve service delivery for the Environmental Services Department (ESD), increase compensation by \$42,000, from \$81,630 to an amount not to exceed \$123,630, and extend the term of the agreement from June 30, 2003 through June 30, 2004. CEQA: Not a Project. (Environmental Services)

**Approved.**

**With direction to Staff to include haulers at an earlier phase with opportunity to review the survey with a collaborative effort with haulers to include a focus group; survey broad enough to point out problems, and be prepared with a plan that addresses all issues and opportunity to educate with outreach.**

### 2.21 Approval of an agreement for engineering services for the SBWR Program.

**Recommendation:** Approval of an agreement with Raines, Melton & Carella, Inc., to provide professional engineering services for the South Bay Water Recycling Program, including evaluation of system reliability and design of identified improvements; evaluation and reporting on need for security improvements; and provision of regulatory support and community outreach for a total agreement amount not to exceed \$1,136,000, including \$60,000 for additional services, for the period of July 1, 2003 through March 31, 2005. CEQA: Not a Project. (Environmental Services)

**Approved.**

### 2.22 Approval to extend the agreement with the Santa Clara County Central Fire Protection District.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a tenth amendment to the agreement for fire protection with Santa Clara County Central Fire Protection District, extending the term through November 18, 2003, at no cost to the City, over the revenue received under the agreement. CEQA: Not a Project. (Fire)

**Resolution No. 71654 adopted.**

## 2 CONSENT CALENDAR

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

**Recommendation:**

- (a) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2002-2003 #36, and authorization for the Director of General Services to execute the purchase orders. CEQA: Not a Project. (General Services)
- (b) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2002-2003 #37, and authorization for the Director of General Services to execute the purchase orders. CEQA: Not a Project. (General Services)
- (c) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2003-2004 #1, and authorization for the Director of General Services to execute the purchase orders. CEQA: Not a Project. (General Services)
- (d) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2003-2004 #2, and authorization for the Director of General Services to execute the purchase orders. CEQA: Not a Project. (General Services)

**Approved.**

### 2.24 Approval to amend an agreement for processing and collection of parking citations.

**Recommendation:** Adoption of a resolution authorizing the Director of General Services to execute an amendment to the agreement with Turbo Data Systems Inc., (Orange, CA) to continue to provide services for an additional six months, to allow sufficient time to complete the request for proposal process. CEQA: Not a Project. (General Services/Transportation)

**Resolution No. 71655 adopted.**

### 2.25 Approval to purchase twenty school radar display signs.

**Recommendation:** Approval to award a sole source purchase of twenty school radar display signs to Fortel Traffic, Inc., (Hollister, CA) for a total cost of \$147,220 including tax and delivery, and authorization for the Director of General Services to execute the purchase order. CEQA: Exempt, PP02-11-327. (General Services)

**Approved.**

**With direction to Staff to provide list of locations where radar display signs will be posted.**

## 2 CONSENT CALENDAR

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### 2.26 Approval to purchase tops for recycling receptacles for the Public Area Recycling Program.

**Recommendation:** Report on a bid and award the purchase of 720 fabricated metal receptacle tops to Thorp Equipment, Inc. (Thorp, Wisconsin), at a total cost of \$241,880.94, including tax, and authorization for the Director of General Services to execute the purchase order for the immediate purchase of 720 fabricated metal receptacle tops. CEQA: Not a Project. (General Services)

**Approved.**

### 2.27 Approval to lease office space for the City Auditor's Office.

**Recommendation:** Adoption of a resolution authorizing the City Manager to enter into an Office Space Lease with 800 N. 1<sup>st</sup> Street, LLC. for 6,600 rentable square feet of office space for the City Auditor, at 800 N. 1<sup>st</sup> Street in San José. CEQA: Exempt,

**Resolution No. 71656 adopted.**

### 2.28 Approval to purchase a fire technician van.

**Recommendation:**

(a) Report on bid and award the purchase of one fire technician van to The Mattman Company (San Marcos, CA) at a total cost of \$158,818.87, including tax, and authorization for the Director of General Services to execute the purchase order for the:

- (1) Immediate purchase of one fire technician van; and
- (2) Subsequent purchase(s) of additional units at the same bid price without further Council action other than the appropriation of necessary funds, for a maximum period of twelve months from the date of Council approval.

**Approved.**

(b) Adoption of the following appropriation ordinance amendments in the Fire Construction and Conveyance Tax Fund:

- (1) Increase the SCBA Technician Service Vehicle Project by \$9,000.
- (2) Decrease the Ending Fund Balance by \$9,000.

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

**Ordinance No. 26941 adopted.**

**With direction that items 2.28 (b)(1) & (2) go back to Making Government Work Better Committee and Staff provide a report prior to purchase of additional vehicles.**

## 2 CONSENT CALENDAR

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### 2.29 Approval of various actions regarding the jetbridge and baggage conveyor systems at the Airport.

**Recommendation:**

- (a) Report on RFQ and approval to reject all quotes on Jetbridge and Baggage Conveyor Maintenance.

**Approved.**

- (b) Adoption of a resolution authorizing the Director of General Services to execute an amendment to the agreement with Airport Group International (Glendale, CA), to pay for services for four months for a total compensation not to exceed \$200,000, so that the services can be brought in house.

CEQA: Resolution Nos. 67380 and 71451, PP03-02-050. (General Services)

**Resolution No. 71657 adopted.**

### 2.30 Approval of an agreement for the maintenance of the Transit Mall.

**Recommendation:** Report on Request for Proposal (RFP) and adoption of a resolution authorizing the Director of General Services to:

- (a) Execute a one-year agreement with Full Service Maintenance, Inc. d.b.a. Universal Maintenance (Campbell, CA) for the maintenance of the Transit Mall for the period July 1, 2003 to June 30, 2004, with a total first year compensation not to exceed \$528,120 including tax; and
- (b) Execute four one-year options to renew without further City Council action other than the appropriation of necessary funding. CEQA: Not a Project.

(General Services)

**Resolution No. 71658 adopted.**

**With direction to Staff ensure that the Downtown Association was contacted during survey data collection.**

### 2.31 Approval of various actions regarding River Street Development Group.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute the following agreements:

- (a) An amendment to the lease ("Lease") with River Street Development Group, dated June 4, 1996, covering the City of San José's Historic Enclave located in the River Street Historic District on the east side of the Guadalupe River near the intersection of West Julian Street and Pleasant Street to:
- (1) Reflect acknowledgement and approval of the change in the structure and membership of the River Street Development Group Partnership;
  - (2) Change the conditions triggering commencement of the lease and retroactively commence the Lease as of June 1, 2002;
  - (3) Make such changes as are necessary to reflect the current relationship between the City and the River Street Development Group; and

*(Item continued on next page.)*

## 2 CONSENT CALENDAR

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### 2.31 Approval of various actions regarding River Street Development Group. (Cont'd.)

- (b) A "Recognition Agreement" with Heritage Bank of Commerce (Heritage Bank) consenting to Heritage Bank's acquisition of an interest in the lease which Recognition Agreement may affect the Lease by:
- (1) Requiring City to notice Heritage Bank at any time that the River Street Development Group is in breach of the lease;
  - (2) Allowing Heritage Bank additional time to cure breaches to the lease that may be committed and not cured by the River Street Development Group;
  - (3) Requiring the City to replace the existing Lease with a new lease between City and Heritage Bank, on the same terms and conditions, if Heritage Bank succeeds River Street Development Group as the lessor;
  - (4) Requiring City to provide estoppel certificates from time to time on behalf of the Heritage Bank; and
  - (5) Allowing Heritage Bank, if it succeeds the River Street Development Group as lessee, to assign the Lease to a third party with the reasonable consent of the City.

CEQA: Not a Project. Council District 3. (General Services)

**Resolution No. 71659 adopted.**

### 2.32 Acceptance of the East Downtown Frame Historic Resources Survey.

**Recommendation:** Acceptance of the East Downtown Frame Historic Resources Survey.

CEQA: Not a Project. (Historic Landmarks Commission)

**Approved.**

### 2.33 Approval of an operations and maintenance agreement with the Santa Clara Valley Water District.

**Recommendation:** Approval of the operations and maintenance agreement with the Santa Clara Valley Water District for the Guadalupe River Park located between Interstate 880 and Grant Avenue/Woz Way. CEQA: Resolution No. 71373, PP03-05-192. Council District 3. (Parks, Recreation and Neighborhood Services)

**Approved.**

### 2.34 Approval to negotiate and execute several PRNS agreements and accept grant funds for mental health services and senior nutrition programs.

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

- (a) Negotiate and execute agreements for Parks, Recreation and Neighborhood Services Department programs consistent with the amounts budgeted for these programs in the adopted budget for 2003-2004, and

*(Item continued on next page.)*

## 2 CONSENT CALENDAR

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### 2.34 Approval to negotiate and execute several PRNS agreements and accept grant funds for mental health services and senior nutrition programs. (Cont'd.)

- (b) Accept grant funds from the County of Santa Clara (County) for provision of mental health services and senior nutrition programs, in amounts consistent with budgeted amounts, and on terms and conditions determined reasonable by the City Manager, the City Manager is also authorized to enter into a three-month extension of the Senior Nutrition Agreement into 2004-2005, and to accept grant funds for that period in amounts consistent with budgeted amounts, until a new agreement for 2004-2005 is finalized with the County.

CEQA: Exempt, PP03-06-193. (Parks, Recreation and Neighborhood Services)

CEQA: Not a Project. Council District 3. (General Services)

**Resolution No. 71660 adopted.**

### 2.35 Approval to amend the agreement with Easter Seals of the Bay Area.

**Recommendation:** Adoption of a resolution authorizing the City Manager to execute a fourth amendment with Easter Seals of the Bay Area (Easter Seals) to:

- (a) Provide aquatic services to City of San José Office of Therapeutic Services' (OTS) participants; and
- (b) Continue the use of the gym and storage space for therapeutic recreation programs, increasing the payment in 2002-2003 by \$27,400, to a total of \$173,400 for a term ending date of June 28, 2003.

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

**Resolution No. 71661 adopted.**

### 2.36 Approval of an agreement to operate a Smart Start San José Early Care and Learning Center.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Kokab Gholarmipour of K's Quality Children's Center in an amount not to exceed \$180,000, to renovate and expand an existing structure located at 15063 Union Avenue in San José, to operate as a Smart Start San José Early Care and Learning Center. CEQA: Exempt, CP02-054. Council District 9. (Parks, Recreation and Neighborhood Services)

**Resolution No. 71662 adopted.**

### 2.37 Approval to amend the agreement with the Police Activities League.

**Recommendation:** Adoption of a resolution authorizing the City Manager to execute a second amendment to the license agreement between the City of San José and San José Police Activities League (PAL) for the use of the J.R. Blackmore PAL Sports Center located in Emma Prusch Memorial Park for a six month extension to commence on July 26, 2003, and end no later than January 25, 2004. CEQA: Not a Project. Council District 5. SNI: Mayfair. (Parks, Recreation and Neighborhood Services)

**Resolution No. 71663 adopted.**

## 2 CONSENT CALENDAR

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### 2.38 Approval of an ordinance establishing signage standards in the Capitol Expressway Auto Mall Sign Zone Area.

**Recommendation:** Approval of an ordinance to create signage regulations in Title 23 of the San José Municipal Code for the Capitol Expressway Auto Mall Sign Zone Area. CEQA: Resolution No. 65459, PP03-06-198. Council District 6. (Planning, Building and Code Enforcement)

**Ordinance No. 26942 passed for publication.**

### 2.39 Approval of an agreement to prepare a Fiscal Impact Study.

**Recommendation:**

(a) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Strategic Economics for the preparation of a Fiscal Impact Study, in an amount not to exceed \$150,000.

**Resolution No. 71664 adopted.**

(b) Adoption of a resolution designating Strategic Economics and Urban Explorer as representatives of the City, authorized to examine all sales and use tax records of the California State Board of Equalization for an Office of Economic Development retail analysis project, and authorizing the City Manager to negotiate and execute agreements with Strategic Economics and Urban Explorer for such purpose.

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

**Resolution No. 71665 adopted.**

**With direction to Staff to work with City Attorney to review interview process with consultants during study process.**

### 2.40 Approval to amend an agreement for urban design services for the Martha Gardens Specific Plan.

**Recommendation:** Approval of a continuation agreement with the ROMA Design Group extending the term of the agreement for urban design services for the Martha Gardens Specific Plan from January 1, 2003 through December 31, 2003, at no additional cost to the City. CEQA: Not a Project. Council District 3. SNI: Spartan/Keyes. (Planning, Building and Code Enforcement)

**Approved.**

### 2.41 Approval to award a contract for the 2003 Street Lights Citywide Project.

**Recommendation:** Report on bids and award of contract for the Street Lights Citywide 2003 Project to the low bidder, Pacific Electric Company, in the amount of \$347,127, and approval of a contingency in the amount of \$34,700. CEQA: Exempt, PP01-02-023. (Public Works)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.42 Approval to award a contract for the Alum Rock Park Entrance Project.

**Recommendation:** Report on bids and take appropriate action based on the evaluation of bids for the Alum Rock Park Entrance Project. CEQA: Exempt, PP02-08-213. Council Districts 4 and 5. (Public Works)

**Deferred to 8/12/03.**

### 2.43 Approval to award a contract for the Alum Rock Park Storm Damage Repair Project (1998, Phase II).

**Recommendation:**

- (a) Report on bids and award of contract for the Alum Rock Park 1998 Storm Damage Repair to the low bidder, AIS Construction, in the amount of \$220,000,  
**Approved.**
- (b) Adoption of the following appropriation ordinance amendments in the City-Wide Construction and Conveyance Tax Fund:
  - (1) Increase the Alum Rock Park Flood Damage (1998) Project by \$73,000.
  - (2) Decrease the Alum Rock Park Penitencia Creek Trail Project by \$73,000.

CEQA: Negative Declaration, PP01-11-195. Council Districts 4 and 5. (Public Works/City Manager's Office)

**Ordinance No. 26943 adopted.**

### 2.44 Approval to purchase property and easements for Hellyer-Piercy Improvement District (99-218SJ).

**Recommendation:** Approval of a purchase and sale agreement with County of Santa Clara for the City purchase of a portion of property as well as a public service easement and slope easement for the Improvement District 99-218SJ (Hellyer-Piercy) Project located on the northwest corner of Silicon Valley Boulevard and Hellyer Avenue in San José, APN 678-08-029, in the amount of \$30,471, plus related closing costs; and authorization for the Director of Public Works to execute the related documents necessary to complete the transaction. CEQA: Resolution Nos. 69699 and 70021, PP 03-05-189. Council District 2. (Public Works)

**Approved.**

### 2.45 Approval to award a contract for the Evergreen Community Center Expansion Project.

**Recommendation:** Report on bids and take appropriate action based on the evaluation of bids for the Evergreen Community Center Expansion Project. CEQA: Exempt, PP02-05-103. Council District 8. (Public Works)

**Deferred to 8/12/03.**

## 2 CONSENT CALENDAR

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### 2.46 Approval to award a contract for the Guadalupe River Bridge at Almaden Lake Project.

**Recommendation:** Adoption of a resolution authorizing the City Manager to award the Guadalupe River Bridge at Almaden Lake Project to the lowest responsive bidder, and approval of a contingency in the amount of 10% of the construction cost. CEQA: Mitigated Negative Declaration, PP03-04-110. Council District 10. (Public Works)

**Resolution No. 71666 adopted.**

### 2.47 Approval to award a contract for the Parkview II Park Play Area Renovation Project.

**Recommendation:**

(a) Report on bids and award of contract for the Parkview II Park Play Area Renovation Project to the low bidder, Jensen Corporation, to include the base bid and Add Alternate No. 1 in the amount of \$760,833, and approval of a contingency in the amount of \$38,000. Funding for this contract is included in the 2003-2004 Capital Budget.

**Approved.**

(b) Adoption of the following 2003-2004 appropriation ordinance amendments in the Parks and Recreation Bond Projects Fund (Fund 471):

- (1) Establish the Parkview II Park Play Area Renovation project for \$192,000.
- (2) Increase the Beginning Fund Balance by \$192,000.

CEQA: Exempt, PP03-03-099. Council District 10. (Public Works/City Manager's Office)

**Ordinance No. 26944 adopted.**

### 2.48 Approval to award a contract for the Saratoga Creek and Wallenberg Parks Play Area and Restroom Renovation Projects.

**Recommendation:** Report on bids and award of contract for the Saratoga Creek and Wallenberg Parks Play Area and Restroom Renovation Projects to the low bidder, JFC Construction, Inc., to include the base bid and Add Alternates No. 1 and 2, in the amount of \$676,710, and approval of a contingency in the amount of \$100,000. CEQA: Saratoga Creek Park: Exempt, PP03-05-160. Wallenberg Park: Exempt, PP03-05-161. Council Districts 1 and 6. (Public Works)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.49 Approval to award a contract for the Tully Road Ball Field Development Project (Phase III).

**Recommendation:** Report on bids and award of contract for the Tully Road Ball Field Development Phase III Project to the low bidder, John Clay General Engineering Corporation, Inc., to include the base bid and Add Alternate No.5 in the amount of \$2,447,500, and approval of a contingency in the amount of \$250,000. CEQA: Mitigated Negative Declaration, PP02-04-080. Council District 7. (Public Works)

**Approved.**

### 2.50 Approval to award a contract for the McKee/Toyon Underground Utility District Project.

**Recommendation:**

- (1) Report on bids and adoption of a resolution authorizing the City Manager to award a contract for the McKee/Toyon Underground Utility District Project to the lowest responsive bidder and approval of a contingency, subject to the existence of an appropriation for such expenditures.

**Resolution No. 71667 adopted.**

- (2) Adoption of the following appropriation ordinance amendments in the Underground Utility Fund:
  - (a) Increase Underground Utility Program appropriation by \$300,135.
  - (b) Decrease Ending Funding Balance by \$300,135.

CEQA: Exempt, PP98-10-214. Council District 5. (Public Works)

**Ordinance No. 26945 adopted.**

### 2.51 Approval of agreements for conversion of overhead facilities to underground facilities.

**Recommendation:**

- (a) Approval of an agreement with Pacific Gas and Electric Company (PG&E) for conversion of overhead facilities to underground facilities within the In-Lieu Fee (Rule 20B) Underground Utility District at McKee Road and Toyon Avenue in an amount not to exceed \$204,956. CEQA: Exempt, PP98-10-214. Council District 5. (Public Works)

**Approved.**

- (b) Approval of an agreement with Pacific Gas and Electric Company for conversion of overhead facilities to underground facilities within the In-Lieu Fee (Rule 20B) Underground Utility District at Senter Road in an amount not to exceed \$340,527. CEQA: Exempt, PP97-11-235. Council District 7. SNI: Tully/Senter. (Public Works)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.52 Approval to award a contract for the Story Road Mitigation Project.

**Recommendation:** Report on bids and award of contract for the Story Road Mitigation Project to the low bidder, Galeb Paving, Inc., to include the base bid and Add Alternate No. 1, in the amount of \$211,465, and approval of a contingency in the amount of \$11,000. CEQA: Exempt, PP03-03-077. Council District 7. SNI: Spartan/Keyes. (Public Works)

**Approved.**

### 2.53 Approval to award a contract for the White Road Median Island Improvements Project.

**Recommendation:** Report on bids and award of contract for the construction of the White Road Median Island Improvements Project, Penitencia Creek Road to Mabury Road to the low bidder, Indio's Construction, Inc., to include the base bid and Add Alternate No. 1 in the amount of \$385,770, and approval of a contingency in the amount of \$19,000. CEQA: Exempt, PP03-04-113. Council Districts 4 and 5. (Public Works)

**Approved.**

### 2.54 Approval to award a General Maintenance Contract for the Airport.

**Recommendation:** Report on bids and award of contract for the Norman Y. Mineta San José International Airport - General Maintenance Contract to the low bidder, O'Grady Paving, Inc. with a bid of 11.90 percent overhead and profit in an amount not to exceed \$500,000, and approval of a 10 percent contingency. CEQA: Resolution No. 67380, PP 02-12-384. (Public Works)

**Approved.**

### 2.55 Approval to award a contract for the Terrell & T.J. Martin Parks Play Area Renovation Projects.

**Recommendation:** Report on bids and award of contract for the Terrell & T.J. Martin Parks Play Area Renovation Projects to the low bidder, HRB Construction, Inc., in the amount of \$442,062, and approval of a contingency in the amount of \$22,000. CEQA: Terrell: Exempt; PP03-02-051. T.J. Martin: Exempt; PP03-02-052. Council Districts 9 and 10. (Public Works)

**Approved.**

### 2.56 Approval of various actions related to the 5<sup>th</sup>/6<sup>th</sup> Street Alley Improvement Project.

**Recommendation:** Report on bids and recommendation to waive a minor irregularity in the bid and award the contract for the 5th/6th Street Alley Improvement - a CDBG Funded Project - to the low bidder, Bay Price Construction, in the amount of \$205,346, and approval of a contingency in the amount of \$20,500. CEQA: Exempt, PP02-09-245. NEPA: Exempt, GPR G32, April 21, 2000. Council District 3. SN: University. (Public Works)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.57 Approval to use the San José Arena for a Community Event.

**Recommendation:** Approval of one proposed Community Event, as provided in the San José Management Agreement, for use at the San José Arena on July 19, 2003, for the Eighth Annual Summer Concert. (San José Arena Authority)

**Approved.**

### 2.58 Approval of a resolution related to parking penalties.

**Recommendation:** Approval to rescind Resolution No. 69125 and set forth by resolution a new schedule of parking penalties to include a one tier late payment penalty of \$30.00 for payments that are delinquent after 30 days of the mailing of the notice of delinquency for parking violations, effective July 1, 2003. CEQA: Exempt. (Transportation)

**Resolution No. 71668 adopted.**

### 2.59 Approval to amend an agreement regarding the Silicon Valley Smart Corridor ITS (SV-ITS) Enhancement Project.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a second amendment to the agreement for consultant services with DKS Associates, for the development of the Silicon Valley Smart Corridor ITS (SV-ITS) Enhancement Project, to amend the scope of services, extend the term of the agreement from June 30, 2004 to December 31, 2004, and increase the maximum compensation by \$213,455, from \$1,300,470 to a total amount not to exceed \$1,513,925. CEQA: Exempt, PP03-06-214. (Transportation)

**Resolution No. 71669 adopted.**

### 2.60 Approval of an agreement for the construction of median island landscaping on South Bascom Avenue.

**Recommendation:** Approval of a cooperative agreement with the County of Santa Clara for the construction of median island landscaping on South Bascom Avenue between Parkmoor Avenue and West San Carlos Street using County and Federal grant funds in the amount of \$716,700, and City funds in the amount of \$33,300. CEQA: Exempt, PP03-06-208. Council District 6. SNI: Burbank/Del Monte. (Transportation)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.61 Approval of agreements related to the 880/Coleman Interchange Improvement Project.

**Recommendation:**

- (a) Approval of an agreement with the Santa Clara Valley Transportation Authority (VTA) to design and construct approximately 3900 Linear Feet (1200 LM) of 20-inch recycled water line in conjunction with Valley Transportation Authority's construction plan for improvement of the Coleman Avenue/I-880 interchange, including construction of a new I-880 overpass and improvements to Coleman Avenue and Newhall Road, for a total cost to the City not to exceed amount of \$1,100,000. (Environmental Services)

**Approved.**

- (b) Adoption of a resolution authorizing the Director of Public Works to negotiate and execute a cooperative agreement and deeds of easement conveyance documents with the Santa Clara Valley Transportation Authority for the implementation of the Route 880/Coleman interchange improvement project. (Transportation)

CEQA: Resolution No. 71488, PP03-02-071. Council District 3.

**Resolution No. 71670 adopted.**

### 2.62 Approval to award a contract for the Julian-Sunol Sanitary Sewer Rehabilitation Project (Phase III).

**Recommendation:** Waive the failure to return a signed addendum as a minor irregularity and award the contract for the Julian-Sunol Sanitary Sewer Rehabilitation Phase III Project to the low bidder, J. W. Ebert Corporation (Ebert/Stacy & Witbeck) in the amount of \$916,122, and approval of a contingency in the amount of \$92,000. CEQA: Exempt, PP02-03-049. Council District 3. (Public Works)  
(Deferred from 6/17/03 – Item 2.25)

**Approved.**

### 2.63 Approval of agreement, as to form, for Convention Center Utility Services Agreement.

**Recommendation:** Adoption of a resolution approving as to form a Utility Service Agreement (“Agreement”) for the purposes of contracting with service providers for electrical, compressed air, water, and drain connections (collectively, “utility services”) to be provided to clients using the San José McEnery Convention Center, Civic Auditorium, and Parkside Hall (collectively, “Convention Facilities”), and authorizing the Director of Conventions, Arts and Entertainment (“Director”) to execute the form Agreement with utility service providers. (Conventions, Arts and Entertainment)  
(Deferred from 6/17/03 – Item 2.32)

**Resolution No. 71671 adopted.**

## 2 CONSENT CALENDAR

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### 2.64 Approval of various actions related to Street Smarts public education traffic safety campaign.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a second amendment to the agreement for consultant services between the City of San José and Liquid Agency, Inc. for continued implementation of the Street Smarts public education program for pedestrian and motorist safety, to extend the term of the agreement to September 30, 2004, and to increase compensation by \$250,000, for a total amount not to exceed \$1,095,394. CEQA: Not a Project. (Transportation/Police) (Deferred from 6/17/03 – Item 6.2)

**Resolution No. 71672 adopted.**

**With direction to Staff to provide report in August with survey study results and to include breakdown of fund allocation.**

### 2.65 Approval of an appointment to the Downtown Parking Board.

**Recommendation:** Approval of an appointment to the Downtown Parking Board.

(Mayor)

(Rules Committee referral 6/18/03)

**Approved.**

### 2.66 Scheduling of August Study Sessions on “Getting Families Back to Work.”

**Recommendation:** Direct the City Manager to schedule a series of Study Sessions in August regarding “Getting Families Back to Work.”

(Campos/Chavez/Dando/Reed/Mayor)

(Rules Committee referral 6/18/03)

**Approved.**

### 2.67 Approval of a Memorandum of Agreement with the San José Police Officers’ Association (SJPOA).

**Recommendation:** Adoption of a resolution approving the terms of a Memorandum of Agreement with the San José Police Officers’ Associations, subject to ratification, and authorizing the City Manager to execute the agreement with a term of July 1, 2003 through February 29, 2004. (Employee Relations)

(Rules Committee referral 6/18/03)

**Resolution No. 71673 adopted.**

## 2 CONSENT CALENDAR

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### 2.68 Approval of a Memorandum of Agreement with the International Association of Firefighters, Local 230 (IAFF).

**Recommendation:** Adoption of a resolution approving the terms of a Memorandum of Agreement with the International Association of Firefighters, Local 230, subject to ratification, and authorizing the City Manager to execute the agreement with a term of July 1, 2003 through February 29, 2004. (Employee Relations)  
(Rules Committee referral 6/18/03)

**Resolution No. 71674 adopted.**

### 2.69 Approval of actions related to unrepresented employees' salary increases.

**Recommendation:** Adoption of a resolution to:

- (a) Amend the City of San José Pay Plan to provide general salary increases of 3% for employees in Executive Management (Unit 99), Architects and Engineers (AEA) and Other Unclassified Non-Management, effective June 22, 2003.
- (b) Amend the City of San José Pay Plan to provide 0% general increases for Senior and Executive Staff and Mayor and City Council Staff, effective June 22, 2003.

(Employee Services)

(Rules Committee referral 6/18/03)

**Resolution No. 71675 adopted. Noes: Chavez, Gregory**

### 2.70 Approval of a Contract Change Order for the Mise Park Restroom Replacement Project.

**Recommendation:**

- (a) Approval of Contract Change Order No. 1 with Beacon Construction, Inc. for the Mise Park Restroom Replacement Project in the amount of \$15,585, for a total contract amount of \$199,835.

**Approved.**

- (b) Adoption of the following appropriation ordinance amendments in the Parks and Recreation Bond Projects Fund:

- (1) Increase the Mise Park Restroom Project by \$16,000.

- (2) Decrease the Ending Fund Balance by \$16,000.

CEQA: Exempt, PP02-10-297. Council District 1. (Public Works/City Manager's Office)

(Rules Committee referral 6/18/03)

**Ordinance No. 26946 adopted.**

## 2 CONSENT CALENDAR

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### 2.71 Approval of various actions related to the Animal Care Center - Building and Site Improvements.

**Recommendation:**

- (a) Approval of Contract Change Order No. 12 with Dennis J. Amoroso Construction for the Animal Care Center - Building and Site Improvements in the amount of \$599,000, for a total contract amount of \$10,330,800, and extending the term of the contract from October 8, 2003 to November 7, 2003.
- (b) Approval of an increase in the construction contingency in the amount of \$650,000, increasing the total contingency from \$480,000 to \$1,130,000.

CEQA: Negative Declaration, H01-01-003. (Public Works/Parks, Recreation and Neighborhood Services)

(Rules Committee referral 6/18/03)

**Approved.**

### 2.72 Approval of various actions related to the Fiscal Year 2003-2004 Annual Sanitary Sewer Service and Use and Storm Sewer Service Charge Reports.

**Recommendation:** Adoption of a resolution:

- (a) Repealing City of San José Resolution No. 71607 setting a public hearing on the Annual Sewer Service and Use Charge and Storm Sewer Service Charge Reports of the Director of Finance; and
- (b) Setting a public hearing on Tuesday, August 12, 2003, at 1:30 p.m. for the Fiscal Year 2003-2004 Annual Sanitary Sewer Service and Use and Storm Sewer Service Charge Reports of the Director of Finance and direct the City Clerk to publish notice of the time and place of the hearing.

CEQA: Not a Project. (Finance)

(Rules Committee referral 6/18/03)

**Resolution No. 71676 adopted.**

### 2.73 Suspension of the Street Tree Disclosure Ordinance.

**Recommendation:** Adoption of an urgency ordinance suspending the operation of the Street Tree Disclosure Ordinance until August 1, 2003. (City Attorney's Office)

(Rules Committee referral 6/18/03)

**Ordinance No. 26947 adopted.**

## 2 CONSENT CALENDAR

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### 2.74 Approval to accept a grant from the State of California for a bicycle and pedestrian trail in Guadalupe River Park.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a program supplement to the master grant agreement with the California Department of Transportation to allow the City to accept a \$500,000 grant for the purpose of construction of a bicycle and pedestrian trail within the Guadalupe River Park and to authorize the City Manager to negotiate and execute all documents necessary to the grant. CEQA: Resolution No. 71373. (Parks, Recreation and Neighborhood Services)

(Redevelopment Agency referral 6/10/03 – Item 5.2)  
(Orders of the Day)

**Resolution No. 71677 adopted.**

### 2.75 Approval of appointments to the Silicon Valley Workforce Investment Network Board of Directors.

**Recommendation:** Approval of appointments to the Silicon Valley Workforce Investment Network Board of Directors. (Mayor)  
(Orders of the Day)

**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 June 11, 2003

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

(b) City Council

(1) Review June 24, 2003 Draft Agenda

**The Committee recommended approval of the June 24, 2003 City Council agenda with three additions.**

(2) Add New Items to June 17, 2003 Amended Agenda

**The Committee recommended eight additions to the June 24, 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 June 17, 2003 Council agenda.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee Meeting of June 11, 2003 (Cont'd.) Vice Mayor Dando, Chair

- (c) Legislative Update
  - (1) State
    - (a) Recommend adoption of a position in regard to Senate Bill 60 (Cedillo), Vehicles: Social Security Account Number: Drivers Licenses: Identification Cards (Council Referral 6/10/03 – Item 3.6)  
**The item was reported during the June 17, 2003 Council meeting.**
  - (2) Federal  
**There was no report.**
- (d) Meeting Schedules  
**There were none.**
- (e) The Public Record  
**There were none.**
- (f) Boards, Commissions and Committees  
**There were none.**
- (g) Council Referrals for Assignment to Administration or Council Appointee  
**There were none.**
- (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 June 11, 2003 were accepted.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee

Vice Mayor Dando, Chair

Meeting of June 18, 2003

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
  - (1) Review July 1 2003 Draft Agenda  
**DROP – Legislative Recess**
  - (2) Add New Items to June 24, 2003 Amended Agenda  
**The Committee recommended thirteen additions to the June 24, 2003 City Council agenda.**
  - (3) List of Reports Outstanding  
**The Committee noted and filed the City Manager’s report listing thirteen Staff reports outstanding for the June 24, 2003 Council agenda.**
- (c) Legislative Update
  - (1) State
    - (a) Accept June 12, 2003 Legislative Bill Matrix  
**The Committee accepted the June 12, 2003 State Legislative Bill Matrix.**
    - (b) Recommend adoption of a position on SB 20 (Sher), Solid waste: hazardous electronic waste recovery, reuse and recycling  
**The Committee recommended support of SB 20 (Sher) with the following amendments:**
      - **Provide adequate financial resources to the City to ensure the adequate disposal of hazardous electronic devices including legacy and orphaned products;**
      - **That funding for the program be made available to local governments through a direct reimbursement process based on collection volumes. This is similar to the funds currently received through the State as part of bottle deposits.**
  - (2) Federal
    - (a) Federal Lobbyist Monthly Report  
**The Committee accepted the Federal Lobbyist Monthly Report for May 2003.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee Meeting of June 18, 2003 (Cont'd.) Vice Mayor Dando, Chair

- (d) Meeting Schedules
  - (1) Approve City Council Meeting Schedule for August-December 2003  
**The Committee approved the City Council Meeting scheduled for the period August 2003 to December 2003, noting there is no Council meeting on August 5, 2003. The Committee directed the City Clerk to schedule a Rules-in-Lieu on August 6, 2003, with regular weekly Rules Committee meetings commencing on August 13, 2003.**
  
- (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.**
  
- (h) Administrative Reviews and Approval
  - (1) Approve Council Committee Workplans
    - (a) All Children Achieve  
**The Committee recommended approval of the All Children Achieve Committee workplan for the period July through December 31, 2003 and setting its meeting schedule on the second Thursday of each month at 1:30 p.m. in Room 204.**
  
    - (b) Building Strong Neighborhoods  
**The Committee deferred this item to August 13, 2003.**
  
    - (c) Building Better Transportation  
**The Committee recommended approval of the Building Better Transportation workplan for the period August through December 31, 2003 and setting its meeting schedule on the first Monday of each month at 1:30 p.m. in Room 203. Committee Chair Cortese stated he would review the workplan further with Staff for possible amendments in August.**
  
    - (d) Driving a Strong Economy  
**The Committee recommended approval of the Driving a Strong Economy workplan for the period August through December 31, 2003 and setting its meeting schedule on the fourth Monday of each month at 1:30 p.m. in Room 204.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee Meeting of June 18, 2003 (Cont'd.)

##### Vice Mayor Dando, Chair

- (h) Administrative Reviews and Approval
  - (1) Approve Council Committee Workplans (**Cont'd.**)
    - (e) Making Government Work Better  
**The Committee recommended approval of the Making Government Work Better workplan for the period August through December 31, 2003 and setting its meeting schedule on the Second Wednesday of each month at 2:30 p.m. in Room 204.**
    - (f) Rules  
**The Committee recommended approval of the Rules Committee workplan for the period August through December 31, 2003 and setting its meeting schedule each Wednesday of the month at 2:00 p.m. in Room 204.**
  - (2) Report from City Attorney assessing the City's existing policy as to what qualifies as a community event and how the policy might affect the allocation of grant funds to religious groups  
**The Committee noted and filed the City Attorney's report.**
- (i) Oral communications  
**Jim Tucker, San José Silicon Valley Chamber of Commerce, thanked the Committee for placing "Getting Families Back to Work" on next week's Council agenda.**
- (j) Adjournment  
**The meeting adjourned at 2:35 p.m.**

**The Rules Committee Report and Actions June 18, 2003 were accepted with the following actions:**

- (1) Approve memorandum from Council Members LeZotte, Chavez, Chirco and Cortese dated June 24, 2003, recommending Council: (a) Accept Staff report on SB20 recommending a "SUPPORT-with-amendments" position and adding two amendments, and (b) Direct ESD to work with the bill author as the bill progresses through the legislative process to incorporate amendments principles (cost implication to City operations) discussed in the Staff report, and communicate the City's position to state legislators to meet the upcoming Assembly Committee hearing dates; and
- (2) Add the following amendment to the City's "SUPPORT-with-amendments" position on SB20: *"Any phase out of electronic waste should track the RoHS Directive presently being implemented in the European Union to create international consistency.*
- (3) Provide outreach to the manufacturing community involving the Office of Economic Development to protect jobs and the environment.

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.3 Report of the Making Government Work Better Committee – June 11, 2003

##### Council Member Campos, Chair

- (a) Follow-up on Memorandum on Internal Controls (role clarification: City/WIA Board oversight roles)  
**The Committee accepted the Staff report.**
- (b) Report on Call Center's Service Delivery  
**The Committee accepted the Staff report.**
- (c) Transportation Cycle Times Audit Report  
**No Committee action. This item deferred to August.**
- (d) San José Fire Department Bureau of Fire Prevention Audit Report  
**No Committee action. This item deferred to August.**
- (e) City Clerk One-Stop Shop  
**The Committee accepted the Staff report with the request that Staff return in October with an update that would include the results of contacts with other cities regarding use of laptops for taking minutes.**
- (f) Oral petitions  
**None.**
- (g) Adjournment  
**The Committee was adjourned at 3:30 p.m.**

**Making Government Work Better Committee Report and Actions of June 11, 2003 were accepted.**

#### 3.4 Approval of various actions for FY 2002-2003.

##### **Recommendation:**

- (a) Adoption of amendments to the annual appropriation ordinance and funding sources resolution for various operating and capital funds to reflect estimated FY 2002-2003 revenue receipts, expenses, and encumbrances. CEQA: Not a Project. (City Manager's Office)  
(Deferred from 6/17/03 – Item 3.4)  
**Ordinance No. 26948 adopted.**  
**Resolution No. 71678 adopted.**
- (b) Adoption of amendments to the annual appropriation ordinance for the City Clerk's Office to reflect estimated 2002-2003 expenses. (City Clerk's Office/City Manager's Office)  
**Ordinance No. 26949 adopted. Noes: Gonzales, Gregory.**

### 3 STRATEGIC SUPPORT SERVICES

---

#### 3.5 Approval to extend Hayes Mansion Lease and Line of Credit Agreements.

**Recommendation:** Adoption of a resolution by the City Council authorizing the City Manager to negotiate and execute amendments to the Line of Credit Agreement and the Third Amended and Restated Lease Agreement with Hayes Renaissance, L.P. (HRLP), extending availability and repayment of advances under the Line of Credit Agreement, and deferral of rent and repayment of deferred rent and outstanding line of credit loans, to a date not later than December 31, 2003. The proposed amendment to the Lease is subject to the approval of Comerica Bank. CEQA: Negative Declaration.

(Finance/Economic Development/City Manager's Office)

(Deferred from 6/17/03 – Item 3.6)

**Resolution No. 71679 adopted.**

**Council approved memorandum from Council Member Cortese dated June 24, 2003, as revised at the Council meeting, to recommend Council: (1) Adopt a resolution authorizing the City Manager to negotiate and execute amendments to the Line of Credit Agreement and the Third Amended and Restated Lease Agreement with Hayes Renaissance L.P. with the same terms and conditions stated in the memorandum from the City Manager's Office with the following timeline modifications: *Extend the availability and repayment of advances under the Line of Credit Agreement and deferral of rent and repayment of deferred rent and outstanding line of credit loans for up to two one-month extensions to a date no later than August 24, 2003, with month to month extensions afterwards to a point in time no later than December 31, 2003,* (2) Direct Staff to present to the City Council on August 19, 2003 an analysis of the cost for the City of San José to take over management of the facility including any additional management options that would achieve fiscal stability, and to include financial actuals showing the fiscal condition of the facility with projections; and (3) Provide an update and status report of the RFQ process at the Rules Committee meeting of August 13, 2003.**

### 4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

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#### 4.1 Report of the Building Strong Neighborhoods Committee – June 16, 2003 Council Member Chavez, Chair

- (a) Neighborhoods and Community Policing Programs  
**This is an informational report and no formal action was taken**
  
- (b) Review City's Volunteer Programs  
**This is an informational report and no formal action was taken**
  
- (c) Strong Neighborhoods Initiative Update  
**The Building Strong Neighborhoods (BSN) Committee Work Plan will reflect the report schedule for SNI Business Plan.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.1 Report of the Building Strong Neighborhoods Committee – June 16, 2003 Council Member Chavez, Chair (Cont'd.)**

- (d) Trails Update  
**SEE ITEM 4.9 FOR COUNCIL ACTION TAKEN**

**The Committee accepted the Staff report with direction to Staff to report in August with the following included:**

- **Project inventory**
- **Grant inventory**
- **Interim trails update on status of agreements**
- **Outline on what the trails report card would look like**
- **Trail Enhancement grant status for signage; and**
- **Trail web-site improvements.**

- (e) Oral petitions  
**None.**

- (f) Adjournment  
**The meeting adjourned at 3:08 p.m.**

**Building Strong Neighborhoods Committee Report and Actions of June 16, 2003 were accepted.**

### **4.2 Report of the Driving a Strong Economy Committee Council Member Williams, Chair None.**

### **4.3 Approval of various fiscal actions regarding the Somerset Park Apartments.**

**Recommendation:** Adoption of a resolution in connection with the delivery of a new credit facility for, and remarketing of, the Variable Rate Demand Multifamily Housing Revenue Bonds (Somerset Park Apartments) 1987 Issue A (the "Bonds"):

- (a) Approving in substantially final form the First Supplemental Indenture of Trust, Amended and Restated Indenture of Trust, Amended and Restated Loan Agreement, First Amendment to Regulatory Agreement, and Intercreditor Agreement;
- (b) Authorizing the Director of Finance and Director of Housing to execute and, as appropriate, to negotiate, execute, and deliver these bond documents and other related bond documents as necessary.

CEQA: Not a Project. Council District 4. (Finance/Housing)

**Resolution No. 71680 adopted.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.4 Approval of various actions regarding Keyes Family Apartments.**

**Recommendation:** Adoption of a resolution:

- (a) Approving a funding commitment of up to \$4,265,000 to ROEM Development Corporation, or an affiliated entity, for the development of the 79-unit 12<sup>th</sup> and Keyes Family Apartments.
- (b) Authorizing the Director of Housing to negotiate and execute an Option Agreement for the purchase of property for \$2,075,000 by ROEM Development Corporation, or an affiliated entity, from the City of San José.

CEQA: Mitigated Negative Declaration PDC-03-018. Council District 3. SNI: Spartan-Keyes. (Housing)

**Resolution No. 71681 adopted.**

### **4.5 Approval of actions for Coyote Valley Specific Plan, Habitat Conservation Plan.**

**Recommendation:** Approval of the following actions to establish 2003-2004 funding for the preparation of the Coyote Valley Specific Plan, Habitat Conservation Plan, and related environmental documents:

- (a) Approval of a funding agreement with Coyote Housing Group, LLC for the work associated with the preparation of the Coyote Valley Specific Plan, Habitat Conservation Plan, and related environmental documents in an amount of approximately \$10.9 million, for a term from June 24, 2003 to December 31, 2005.

**Approved.**

- (b) Adoption of 2003-2004 appropriation ordinance and funding sources resolution amendments in the General Fund as follows:
  - (1) Establish a City-Wide appropriation for the Coyote Valley Specific Plan in the total amount of \$379,000;
  - (2) Increase earned revenue from Other Revenue by \$3790,000.

**Ordinance No. 26950 adopted.**

**Resolution No. 71682 adopted.**

- (c) Delegate the authority of approving minor amendments to the funding agreement to the Director of Planning, Building and Code Enforcement to account for increases in funding received from Coyote Housing Group, LLC, and minor schedule or task changes that remain consistent with the information contained in the goals identified in this memorandum, and delegate to the Director the authority to extend the term of this agreement for up to 18 months and to approve certain consultants previously hired by Coyote Housing Group, LLC related to this planning effort.

CEQA: Exempt, PP03-06-211. Council District 2. (Planning, Building and Code Enforcement/City Manager's Office)

**Approved.**

## 4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

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### 4.6 Approval of an agreement regarding the Edenvale Sanitary Sewer Supplement Project (Phase V).

**Recommendation:** Approval of a consultant agreement with HMH Engineers for consultant services including project design, preparation of construction documents, and construction support services for the Edenvale Sanitary Sewer Supplement Phase V Project, for the period June 24, 2003 to December 31, 2007, in an amount not to exceed \$1,375,000. CEQA: Exempt, PP 01-03-055. Council District 2. (Public Works)

**Approved.**

### 4.7 Public Hearing and approval of actions related to Branham Lane Family Apartments.

**Recommendation:** Public Hearing and adoption of a resolution approving a Disposition and Development Agreement (DDA) between the City of San José and JSM Enterprises (JSM), or an affiliated entity, for the development of the Branham Lane Family Apartments, a 175-unit development on a 5.05-acre City-owned property, located on the northeast corner of Branham Lane and Monterey Highway. CEQA: Mitigated Negative Declaration, PDC 02-033. Council District 2. (Housing)  
(Deferred from 6/17/03 – Item 4.5)

**Resolution No. 71683 adopted.**

### 4.8 Approval of various actions related to Housing Revenue Bonds for Cinnabar Commons.

**Recommendation:** Adoption of a resolution of the City Council:

- (a) Authorizing the issuance of tax-exempt multifamily housing revenue bonds designated as "City of San José Multifamily Housing Revenue Bonds (Cinnabar Commons) Series 2003C" in an aggregate principal amount not to exceed \$25,900,000 (the "Bonds");
- (b) Approving a loan of bond proceeds to Cinnabar Commons, L.P., a California limited partnership, for financing the construction of the Cinnabar Commons Project located at 891-945 Cinnabar Street in San José;
- (c) Approving in substantially final form the Bonds, Trust Indenture, Financing Agreement, Regulatory Agreement and Declaration of Restrictive Covenants, Intercreditor Agreement, Bond Purchase Agreement and Official Statement; and
- (d) Authorizing the Director of Finance and Director of Housing to execute and, as appropriate, to negotiate, execute, and deliver these documents and other related documents as necessary.
- (e) Approving a modification to the interest rate for the previously approved City loan to Cinnabar Commons, L.P.

CEQA: Resolution No. 71174, PDC 01-038. Council District 6. (Finance/Housing)  
(Deferred from 6/17/03 – Item 4.6)

**Resolution No. 71684 adopted.**

## 4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

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### 4.9 Review and discussion of the prioritization process of Trails.

**Recommendation:** Review and discussion of the prioritization process of Trails. (Parks, Recreation and Neighborhood Services)

[Building Strong Neighborhoods Committee referral 6/16/03 – Item 4.1(d)]

**Deferred to 8/12/03.**

## 5 RECREATION & CULTURAL SERVICES

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### 5.1 Report of the All Children Achieve Committee – June 12, 2003 Council Member Yeager, Chair

(a) Status on the Early Care and Education Master Plan

**The Committee accepted the report, with the directive that Staff report back on the following:**

- **Criteria used for dividing the 750 spaces among the different categories of a childcare facility: center-based or non-exempt?**
- **Status of childcare modulars at elementary schools and the status of childcare operations that were in them.**
- **Status of 57 new graduates – where are they now and how do you track those individuals (report back in four months).**
- **Last year's goals. Chart out what have been accomplished and how these goals were accomplished.**
- **First 5 and WestEd Institute follow-up.**
- **How much of \$10M from Redevelopment funds has been spent; also include an outline of projects with costs associated of all the outstanding Smart Start sites.**
- **Status of success with coordination of efforts in training and classes.**
- **Childcare facility near or at New City Hall – what is the status of providing this service when the building opens?**

(b) Report on Blueprint for Bridging the Digital Divide for FY 2003-2004 Action Plan

Youth Education Programs

Anti-Gang At-Risk Youth Services

Youth Training Programs

Children's Health (including Healthy Neighborhoods Venture Fund)

Youth Arts Education

**The Committee accepted the report, with the directive that Staff report back in September on the following:**

- **Incorporate evaluation of Healthy Venture Neighborhood Fund (HNVF) funded agencies and their efforts.**
- **Last year's goals and what have we accomplished. What is the budget for this effort?**

## 5 RECREATION & CULTURAL SERVICES

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### 5.1 Report of the All Children Achieve Committee – June 12, 2003 (Cont'd.) Council Member Yeager, Chair

- (c) San José BEST Cycle XII Mid-year Evaluation Report and Cycle XIII Allocation Report  
**The Committee accepted the report, with the directive that Staff report back on truancy, pregnancy rate, drop-out, juvenile crime, gang-related activities, and school police activities statistics, possibly chart according to high schools.**
- (d) Update on Joint-Use Agreements with School Districts, including City/School Collaborative  
**The Committee accepted the report, with the directive that Staff report back on the following:**
- **Develop a graph that shows the priorities/allocation of dollars by school districts.**
  - **Check with school districts to see if there are other areas missed in the survey.**
  - **Develop chart that shows survey results from superintendents and principals side by side with the parent groups. Break down areas to show elementary, middle and high schools.**
  - **Develop a recommended strategy for the City/Schools Collaborative, which should include an action plan, strategy and staffing plan.**
- (e) Oral petitions  
**None.**
- (f) Adjournment  
**The meeting adjourned at 3:00 p.m.**

**All Children Achieve Committee Report and Actions of June 12, 2003 were accepted.**

### 5.2 Approval of various actions regarding arts and cultural programs.

**Recommendation:** Approval of Arts Commission recommendation to:

- (a) Allocate funds to the Office of Cultural Affairs for FY 2003-04 arts and cultural programs, projects, grants, and activities, in a total amount not to exceed \$3,604,824; and  
**Approved.**

*(Item continued on next page.)*

## 5 RECREATION & CULTURAL SERVICES

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### 5.2 Approval of various actions regarding arts and cultural programs. (Cont'd.)

- (b) Adoption of a resolution authorizing the City Manager to negotiate and execute FY 2003-04 grant agreements as follows:
  - (1) Festival, Parade and Celebration Grant Agreements with 37 organizations for 47 events, in a total amount not to exceed \$370,982; and
  - (2) Arts Grant Agreements with 52 organizations, in a total amount not to exceed \$2,375,663.

CEQA: Not a Project. (Conventions, Arts and Entertainment)

**Resolution No. 71685 adopted.**

**With direction to Staff to review criteria for grant application process.**

### 5.3 Approval to submit funding applications to the Santa Clara County Open Space Authority.

**Recommendation:** Adoption of a resolution authorizing the City Manager to submit applications to the 20 Percent Open Space Funding Program and to negotiate and execute the agreements and all necessary documents to effectuate funding with the Santa Clara County Open Space Authority (OSA) for:

- (a) Funding in the amount of \$1,000,000 to augment the City's effort in acquiring the Union Pacific Railroad's Willow Glen Spur Line from Coe Avenue to Minnesota Street in Council District 6.
- (b) Funding in the amount of \$600,000 to augment the City's efforts in developing Selma Olinder Park in Council District 3.

CEQA: Exempt, PP03-05-175; Negative Declaration, PP00-10-147. Council Districts 3 and 6. SNI: Five Wounds/Brookwood Terrace. (Parks, Recreation and Neighborhood Services)

**Resolution No. 71686 adopted.**

### 5.4 Approval of the response to the 2002-2003 Santa Clara County Civil Grand Jury Report.

**Recommendation:**

- (a) Acceptance of the Parks, Recreation and Neighborhood Services Department's response to the 2002-2003 Santa Clara County Civil Grand Jury Report entitled "*Inquiry into Hiring Practices for Youth Sports Coaches.*" CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)
- (b) Acceptance of the City Attorney's Response to 2002-2003 Santa Clara County Civil Grand Jury Report entitled "*Inquiry Into San José City Council Decision Making and Voting Processes.*" (City Attorney's Office)  
(Rules Committee referral 6/18/03)

**Approved.**

## 5 RECREATION & CULTURAL SERVICES

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### 5.5 Approval to amend an agreement regarding Coyote-Alamitos Canal Trail.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a first amendment to the Coyote-Alamitos Canal Trail grant agreement between the State of California, State Coastal Conservancy, and the City of San José in order to revise the scope of work so that an alternative trail connection between the Coyote Creek Parkway and Santa Teresa County park in San José can be evaluated.

CEQA: Not a Project. Council Districts 2 and 10.

(Parks, Recreation and Neighborhood Services)

**Resolution No. 71687 adopted.**

### 5.6 Approval of various actions related to the dedication of parkland.

**Recommendation:** Adoption of a resolution to:

- (a) Authorize the City Manager to accept an irrevocable offer of dedication of parkland from Cahill North, Limited Liability Corporation (L.L.C.) and Cahill South, Limited Liability Corporation (L.L.C.), respectively, for park purposes.
- (b) Authorize the City Manager to negotiate and execute a parkland agreement with Cahill North L.L.C. and South Cahill L.L.C. for Planned Development Zoning 98-03-027 as revised by Planned Development Permit Amendments PDA01-007-01. CEQA: EIR Resolution No. 69355. Council District 6. SNI: Burbank/Del Monte.

(Parks, Recreation and Neighborhood Services)

**Resolution No. 71688 adopted.**

### 5.7 Approval of land use revisions to the Child Care Policy.

**Recommendation:** Adoption of a resolution approving the land use revisions to the Child Care Policy. CEQA: Resolution No. 65459, PP03-06-200. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval. (7-0-0). (Planning, Building and Code Enforcement/Parks, Recreation and Neighborhood Services)

**Resolution No. 71689 adopted.**

**Council directed Staff to refer to the Child Care Commission the following issues: (1) review as a guideline the threshold of feasibility for a developer to include child care facilities, (2) review design elements financially conducive to child care operators, and (3) review requiring a 5-year compliance review with the 10-year permit renewal provision.**

## 5 RECREATION & CULTURAL SERVICES

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### 5.8 Approval to award a contract for the Guadalupe River Trail Project (Reach 12 Phase 1).

**Recommendation:** Adoption of a resolution authorizing the City Manager to award the Guadalupe River Trail Reach 12 Phase 1 Project to the lowest responsive bidder, Stevens Creek Quarry, in the amount of \$909,500 upon receipt of required construction permits and acquisition of necessary property rights, and approval of a contingency in the amount of \$91,000. CEQA: Mitigated Negative Declaration, PP03-03-092. Council District 10. (Public Works)

**Resolution No. 71690 adopted.**

## 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 Public Hearing on a Commercial Solid Waste and Recyclables Collection Franchise.

**Recommendation:** PUBLIC HEARING on the Commercial Solid Waste and Recyclables Collection Franchise application of Waste and Recycling Services, Inc., and approval of the staff recommendation to deny the application. CEQA: Not a project. (Environmental Services)

**Item recommended for continuance but item was heard by Council.  
Council directed Staff to process the application to come forward with the recommendation for an ordinance on August 12, 2003 conditioned upon receiving complete information including the list of vehicles.**

### 7.2 Approval of the revised Pollution Prevention Policy.

**Recommendation:** Adoption of a resolution approving an amended "Pollution Prevention Policy" designed to reduce from City operations the use of pollutant-containing products, the generation of hazardous waste, and the release of pollutants that could lead to water quality impairment and air pollution. CEQA: Not a Project. (Environmental Services)

**Resolution No. 71691 adopted.**

## 7 ENVIRONMENTAL & UTILITY SERVICES

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### 7.3 Approval of actions regarding Potable/Non-Potable Water Services

**Recommendation:** Report on bids and approval of award of contract to the low bidder, San José Water Company, in an amount not to exceed of \$300,000, for Installation of Potable/Non-Potable Water Services and Mains in 2003-2004. CEQA: Exempt, PP 85-8-183 and PP 91-07-173. Council District 2,4,7, and 8. (Environmental Services)

**Approved.**

## 8 AVIATION SERVICES

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### 8.1 Approval to amend an agreement with the VTA for Airport Bus Service.

**Recommendation:** Approval of the fifth amendment to the agreement for Airport Bus Service with the Santa Clara County Valley Transportation Authority (VTA):

- (a) Extending the term of the agreement from July 1, 2003 to June 30, 2005, with a first year amount not to exceed \$1,550,000 and;
- (b) Annually adjusting the hourly compensation rate in accordance with the Consumer Price Index (CPI).

CEQA: Resolutions Nos. 76380 and 71451, PP 03-05-190. (Airport)

**Approved.**

### 8.2 Approval of lease agreements for office space for the Airport.

**Recommendation:** Approval of the following agreements for the lease of 27,867 square feet of additional office space located at 1732 North First Street and a reduction in rent of \$540,895 for FY 2003-2004, to accommodate Airport Department staff:

- (a) A second amendment to Office Lease with RNM First Street Center, LP (“RNM”) to extend the term from January 31, 2006 to December 31, 2009, to reduce the current rental rate effective July 1, 2003, to add 18,213 square feet of office space for the period December 1, 2003 through December 31, 2009, to add 9,654 square feet of office space for the period February 1, 2009 through December 31, 2009, with rental payments and operating expenses for this additional space not exceeding \$2,699,759 during Fiscal Year 2003-2004, with ongoing rentals and charges contingent upon appropriation of funds each year, and with all lease payments and charges to be made solely from Airport funds.

**Approved.**

## 8 AVIATION SERVICES

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### 8.2 Approval of lease agreements for office space for the Airport.

- (b) Adoption of a resolution authorizing the City Manager to negotiate and execute a sublease agreement with Infineon for 5,712 square feet of office space for the period July 1, 2003 through November 30, 2003, and 9,654 square feet of office space for the period July 1, 2003 through January 31, 2009, with rental payments and operating expenses for this additional space not exceeding \$252,714 during Fiscal Year 2003-2004, with ongoing rentals and charges contingent upon appropriation of funds each year, and with all lease payments and charges to be made solely from Airport funds.

CEQA: Resolution Nos. 67380 and 71451, PP 03-06-194 and PP 03-06-195. (Airport)  
**Resolution No. 71692 adopted.**

### 8.3 Extension of the moratorium on authorizations granted under the Airport Noise Control Program.

**Recommendation:** Adoption of a resolution extending the moratorium on authorizations granted under Article X(B)(2) of the Airport Noise Control Program (Resolution No. 57211) to operate during the curfew hours of 11:30 p.m. to 6:30 a.m. at the Norman Y. Mineta San José International Airport, for an additional period of ninety (90) days from July 20, 2003, pending further investigation and study of requests to operate during such period, the potential effects of such requests, and a study of alternatives for restructuring the Airport Noise Control Program. (City Attorney's Office)  
(Rules Committee referral 6/18/03)

**Resolution No. 71693 adopted.**

## 9 PUBLIC SAFETY SERVICES

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### 9.1 Approval of various actions related to an ordinance to enhance fire safety during construction of large wood-frame buildings.

**Recommendation:**

- (a) Approval of staff's recommendation related to an ordinance and administrative guidelines to enhance fire safety during construction of large wood-frame buildings; and
- (b) Direction to the City Attorney's Office to draft the ordinance and return it to Council for approval of the ordinance within 90 days.

CEQA: Exempt, PP03-06-212. (Planning, Building and Code Enforcement/Fire)  
(Deferred from 6/17/03 – Item 9.1)

**Approved.**

**With direction to Staff provide additional information on the surveys conducted with other Cities and jurisdictions.**

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

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### **REDEVELOPMENT AGENCY BOARD CONVENED AT 5:32 P.M. TO CONSIDER ITEMS 10.1 AND 10.2 IN A JOINT SESSION**

#### **10.1 Approval of cooperation agreements between the City and the Agency for the Merged Area Redevelopment Project for Capital Improvements.**

**Recommendation:** Adoption of resolutions by the City Council and Agency Board approving the FY 2003-2004 Cooperation Agreements between the City and the Agency for the Merged Area Redevelopment Project for Capital Improvements and the agreement regarding operating expenses, and authorizing the City Manager and Executive Director to execute them. CEQA: Resolution No. 65459, PP03-06-199. (Redevelopment Agency)

**Resolution No. 71694 adopted.**

**Redevelopment Agency Resolution adopted.**

#### **10.2 Approval of a change in the affordability mix of the Vintage Tower Apartments.**

**Recommendation:** Adoption of resolutions by the City Council and Redevelopment Agency Board approving a change in the affordability mix of the Vintage Tower Apartments, a 59-unit mid-rise apartment building located at 235 East Santa Clara Street. CEQA: Exempt, PP03-03-090. Council District 3. (City Manager's Office/Redevelopment Agency)  
(Orders of the Day)

**Resolution No. 71695 adopted.**

**Redevelopment Agency Resolution adopted.**

**The Redevelopment Agency Board portion of the meeting adjourned at 5:35 p.m.**

#### **● Closed Session Report**

**Disclosure of Closed Session Action of June 24, 2003 submitted by City Attorney, J. Richard Doyle:**

##### **A. Authority to Initiate Litigation:**

**Authority to initiate litigation was given in three (3) matters. The names of the actions and the defendants as well as the substance of the litigation shall be disclosed to any person upon injury once the action is formally commenced.**

**Council Vote:Ayes: Campos, Chavez, Chirco, Cortese, Dando, Gregory, LeZotte Reed, Williams, Yeager; Gonzales.**

**Noes: None.**

**Absent: None.**

**Disqualified: None.**

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

| <u>Tract</u> | <u>Location</u>   | <u>Council District</u> | <u>Developer</u>         | <u>Lots/Units</u> | <u>Type</u>  | <u>Proposed Decision</u> |
|--------------|---|-------------------------|--------------------------|-------------------|--------------|--------------------------|
| 9373         | NE/c of West San Fernando St. and Bush St.                            | 6                       | Cahill South LLC         | 60 units          | Multi-family | Approve                  |
| 9459         | E/S of Roberts Ave, 340 feet s/o Story Rd                             | 7                       | Greater Bay Construction | 16 units          | SFA          | Approve                  |
| 9490         | Southerly terminus of Hampton Falls Pl., 360 feet south of Branham Ln | 10                      | Richard Henry            | 4 units           | SFA          | Approve                  |
| 9498         | N terminus of Silence Dr., s/o Pleasant Knoll Dr.                     | 8                       | Robson Homes LLC         | 6 lots            | SFD          | Approve                  |
| 9510         | SE corner of Cherryview Lane and Russo Drive                          | 9                       | ROEM Development         | 26 lots           | SFD          | Approve                  |
| 9334         | E side of Bonita Avenue, N of Herald Avenue                           | 3                       | Bonita Condos, LLC       | 31 units          | Residential  | Approve                  |

In accordance with Sec. 19.16.140d of the San José 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> |
|--------------|---|-------------------------|-------------------------|-------------------|-------------|
| 9502         | Floyd & Lick (NE/c                        | 3                       | Core Dev                | 16 units          | SFA         |
| 9508         | N/S Michaelangelo Dr. E/S of Voltaire St. | 8                       | Shapell Industries, Inc | 20 units          | SFA         |

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

- 1. Assemblyman Manny Diaz asked Council for their support on a proposal that will be voted on in Sacramento on June 26, 2003, a balanced approach to raise revenue.**
- 2. Ross Signarino spoke on a societal issue.**
- 3. Rich De La Rosa from the Hispanic Chamber of Commerce of Silicon Valley thanked Council Member Campos and her Staff for their help in assisting the Chamber with a fund raising carnival getting done at Story and King.**

- **Adjournment**

**The City Council of the City of San José adjourned at 6:43 p.m.**

**THE FOLLOWING ACTIONS WERE TAKEN AT THE JOINT CITY  
COUNCIL/REDEVELOPMENT AGENCY MEETING ON TUESDAY, JUNE 24, 2003**

- 7.1** Approval of a Cooperation Agreement between the City and the Agency transferring the rights, title and interest in the Fallon House Gift Shop and parking area, and the Confluence East Tennis Courts.

**Adopted.**