

# CITY COUNCIL AGENDA

**AUGUST 26, 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**  
9:35 a.m. - Closed Session, Room 600, City Hall  
**Absent Council Members: None.**  
  
1:35 p.m. - Regular Session, Council Chambers, City Hall  
**Absent Council Members: None.**
- **Invocation (District 7)**  
**Sister Miriam Daniel Fahey, Mission Guadalupana de Santee, an affiliate of the Saint Maria Goretti Parish gave an inspiring speech both in English, and Spanish.**
- **Pledge of Allegiance**  
**Mayor Gonzales led the Pledge of Allegiance.**
- **Orders of the Day**  
**The Orders of the Day were approved.**  
**The Council of the City of San José adjourned in memory of Laura Lemon Murray.**

## **1 CEREMONIAL ITEMS**

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- 1.1** Presentation of a posthumous commendation to the family of Miguel Diaz Ramos to recognize his contributions to the community. (Chavez)  
(Rules Committee referral 8/20/03)  
**Mayor Gonzales was joined at the podium by Council Member Chavez to present a posthumous commendation to the family of Miguel Diaz Ramos to honor his life and contributions, and his commitment to public service and the improvement of the lives of all San José residents. Mr. Ramos served as a life long community activist, dedicated to improving the lives of working families and underserved communities. As an employee of Sunsweet Packing Company for 25 years, Mr. Ramos served as Executive Board Member and Union Steward for the International Long Shore and Warehouse Union Local 11 and successfully led the women’s pay equity struggle by addressing women’s issues in a male dominated work place. Mr. Ramos was a member of the Mexican-American Political Association and organized community coalitions.**

# 1 CEREMONIAL ITEMS

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- 1.2 Presentation of a commendation to Mary J. Andrade, co-publisher and editor of *La Oferta*, to recognize her for her three first place awards for her bilingual book, *Through the Eyes of the Soul, Day of the Dead in Mexico-Pueblo, Tlaxcala, San Luis Potosi, Hidalgo* and her continuous dedication to the Hispanic community in San José. (Chavez) (Rules Committee referral 8/20/03)

**Mayor Gonzales was joined at the podium by Council Members Chavez, and Reed to present a commendation to Mary J. Andrade for her contributions to the community as it related to her writing and work. Ms. Andrade, co-publisher and editor of *La Oferta*, received first place awards for best travel, best photography and best cover design for her bilingual books. In 1987 Ms. Andrade began her research in Mexico and through her exhibits, has created a vivid testimony of the strong influence of the pre-Hispanic tradition of El Dia de los Muertos, and in the beliefs and lives of its people. Ms. Andrade's photographic collections have been exhibited in museums, galleries, universities, colleges, libraries, and cultural centers in cities throughout the United States, Mexico, Equador, Chile, Egypt, and Germany. Ms. Andrade presented a copy of her book *La Oferta* to Mayor Gonzales and each of the Council Members.**

# 2 CONSENT CALENDAR

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## 2.1 Approval of Minutes.

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

- (a) Regular meeting of February 4, 2003
- (b) Mayor's State of the City Address of February 5, 2003
- (c) Regular meeting of February 11, 2003
- (d) Regular meeting of February 18, 2003
- (e) Regular meeting of February 25, 2003

**Approved.**

## 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances:

- (a) ORD. NO. 26952 – Grants a Commercial Solid Waste and Recyclables Collection Franchise to Recycling and Waste Services, Inc.  
**Ordinance No. 26952 adopted.**
- (b) ORD. NO. 26953 – Grants a Commercial Solid Waste and Recyclables Collection Franchise to Sunrise Consolidated, Inc.  
**Ordinance No. 26953 adopted.**
- (c) ORD. NO. 26957 – Rezones certain real property situated on the west side of Camden Avenue at the westerly terminus of Kooser Road to CN Commercial Neighborhood Zoning District.  
**Ordinance No. 26957 adopted.**

## 2 CONSENT CALENDAR

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

**Recommendation:**

- (a) Report on bids and award of contract for the Alum Rock Park Entrance Project to the low bidder, HRB Construction, Inc. in the amount of \$554,325, and approval of a contingency in the amount of \$55,500.

**Approved.**

- (b) Adoption of the following appropriation ordinance and funding source resolution amendments in the City-Wide Construction and Conveyance Tax Fund:

- (1) Increase the appropriation to the Department of Parks, Recreation and Neighborhood Services for the Alum Rock Park Penitencia Creek Entrance Project by \$603,000.
- (2) Increase the Beginning Fund Balance Estimate by \$525,000.
- (3) Reduce the Ending Fund Balance by \$78,000.

CEQA: Exempt, PP02-08-213. Council Districts 4 and 5. (Public Works/City Manager's Office)

(Deferred from 6/24/03 – Item 2.42 and 8/12/03 – Item 2.3)

**Ordinance No. 26961 adopted.**

**Resolution No. 71718 adopted.**

### 2.4 Approval of recommended changes to the Bail Schedule.

**Recommendation:** Approval of recommended changes to the City of San José Bail Schedule and direction to the City Attorney to submit the recommended changes in the Bail Schedule to the Superior Court Bail Committee. (City Attorney's Office)

**Approved.**

### 2.5 Acceptance of the Office of the City Auditor's monthly *Report of Activities and Findings through July 15, 2003*.

**Recommendation:** Acceptance of the Office of the City Auditor's monthly *Report of Activities and Findings through July 15, 2003*. (City Auditor)

**Report Accepted.**

### 2.6 Approval for the City Manager to travel.

**Recommendation:** Approval for the City Manager to travel to Charlotte, North Carolina, September 21-24, 2003, for ICMA's 89<sup>th</sup> Annual Conference, costs to be paid by the City Manager's Office. CEQA: Not a Project. (City Manager's Office)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.7 Approval to accept funds from the Santa Clara County's Operational Area share.

**Recommendation:**

- (a) Approval for the City Manager to accept program funds for the FY 2002 supplemental appropriations grant for Citizen Corps and Cert, the FY 2002 supplemental appropriations grant for Emergency Operations Planning, the FY 2002 State Domestic Preparedness Grant program, and the FY 2003 Emergency Management Performance Grant from the Santa Clara County's Operational Area share, in an amount not to exceed \$750,000.

**Approved.**

- (b) Adoption of the following appropriation ordinance and funding source resolution amendments in the General Fund to do the following:

- (1) Increase the Citywide Appropriation of \$750,000 to the City Manager's Office for the Metropolitan Medical Task Force.
- (2) Increase the Revenue from the Federal Government by \$750,000.

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

**Ordinance No. 26962 adopted.**

**Resolution No. 71719 adopted.**

### 2.8 Approval for the San José Conservation Corps to carry out Community Improvement Activities.

**Recommendation:** Adoption of a resolution authorizing the City Manager to execute a project approval form pursuant to the FY 2003-04 Master Agreement with the San José Conservation Corps to carry out Community Improvement Activities in an amount not to exceed \$115,000, for the period September 2, 2003 to June 30, 2004, for the stenciling of approximately 10,000 public right-of-way storm drain inlets. CEQA: Exempt, PP03-07-241. (Environmental Services)

**Resolution No. 71720 adopted.**

### 2.9 Approval of various actions related to lease space for Parks, Recreation and Neighborhood Services.

**Recommendation:** Approval of the first amendment to office space lease with Menara Corporation, reducing the leased area from 4,900 rentable square feet to 4,500 usable square feet, reducing the monthly rent from \$13,879.25 to \$8,735.00, and increasing the amount of notification required to cancel the lease from 60 days to 90 days. CEQA: Exempt, PP03-08-257. (General Services)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.10 Approval of various fiscal actions related to the Coyote Creek Trail Study.

**Recommendation:** Adoption of the following appropriation ordinance and funding source resolution amendments in the Council District 3 Construction and Conveyance Tax Fund:

- (a) Increase the appropriation to the Parks, Recreation and Neighborhood Services Department for the Coyote Creek Trail Study by \$144,000.
- (b) Increase the Earned Revenue estimate by \$144,000.

CEQA: Exempt, PP03-07-236. Council District 3. (Parks, Recreation and Neighborhood Services/City Manager's Office)

**Ordinance No. 26963 adopted.**

**Resolution No. 71721 adopted.**

### 2.11 Approval of various fiscal actions related to the Local Law Enforcement Block Grant Fund.

**Recommendation:**

- (a) Approval of the proposed revisions to the 2001-03 Spending Plan for the Local Law Enforcement Block Grant (LLEBG) Fund.

**Approved.**

- (b) Adoption of the following amendments to the annual appropriation ordinance and the annual funding sources resolution in the Local Law Enforcement Services Fund (Fund 415) for Fiscal Year 2003-04:

- (1) Increase the LLEBG 2001-03 appropriation for the Police Department in the amount of \$27,278.

- (2) Increase the Earned Revenue by \$27,278.

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

**Ordinance No. 26964 adopted.**

**Resolution No. 71722 adopted.**

### 2.12 Approval of various fiscal actions related to the State Drug Forfeiture Fund.

**Recommendation:** Adoption of the following amendments to the annual appropriation ordinance in the State Drug Forfeiture Fund (Fund 417) for Fiscal Year 2003-04:

- (a) Increase the Personal Services appropriation for the Police Department in the amount of \$51,000.

- (b) Increase the Non-personal and Equipment appropriation for the Police Department in the amount of \$279,200.

- (c) Decrease the Ending Fund Balance by \$330,200.

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

**Ordinance No. 26965 adopted.**

## 2 CONSENT CALENDAR

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### 2.13 Approval of a Contract Change Order for the Airport's Runway 30L Reconstruction Project.

**Recommendation:** Approval of Contract Change Order No. 19 for the Norman Y. Mineta San José International Airport- Runway 30L Reconstruction Project with R & L Brosamer, Inc., in the credit amount of \$16,241, and no change in contract time. CEQA: Resolution Nos. 76380 and 71451, PP03-08-256. (Public Works)

**Approved.**

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

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

**Report Accepted.**

### 2.15 Approval to declare property as surplus and to set a date for opening of bids and a verbal auction.

**Recommendation:** Adoption of a resolution: (1) declaring nine (9) parcels of City-owned property located in Council Districts 4, 5, 6, 9, and 10, surplus to the needs of the City; and (2) setting the time and date for the opening of sealed bids and an oral auction of the nine properties for 7:00 p.m., Monday, October 20, 2003. CEQA: Exempt, PP00-02-023. Council Districts 2, 4, 5, 6, 9, and 10. (General Services)  
(Deferred from 8/12/03 – Item 2.8 and 8/19/03 – Item 2.11)

**Resolution No. 71723 adopted.**

### 2.16 Adoption of a signature resolution for financial assistance.

**Recommendation:** Adoption of a resolution to enable specific City staff members to apply for and receive Federal financial assistance for disaster relief and emergency planning and management purposes to conform to current Federal law. CEQA: Not a Project. (Emergency Services)  
(Rules Committee referral 8/20/03)

**Resolution No. 71724 adopted.**

## 3 STRATEGIC SUPPORT SERVICES

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### 3.1 Report of the Study Session Mayor Gonzales, Chair No Report.

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – August 13, 2003

##### Vice Mayor Dando, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
  - (1) Review August 26, 2003 Draft Agenda  
**The Committee recommended approval of the August 26, 2003 City Council agenda with one change.**
  - (2) Add New Items to August 19, 2003 Agenda  
**The Committee recommended one addition to the August 19, 2003 City Council agenda.**
  - (3) List of Reports Outstanding  
**The Committee noted and filed the City Manager’s report listing two staff reports outstanding for the August 19, 2003 Council agenda.**
  - (4) Add New Items to August 19, 2003 General Plan Agenda  
**There were no items added.**
- (c) Legislative Update
  - (1) State  
**There was no report.**
  - (2) Federal
    - (a) Federal Lobbyist Monthly Report  
**The Committee accepted the Federal Lobbyist Monthly Report for June 2003.**
- (d) Meeting Schedules
  - (1) Approval of:
    - (a) Five City Council Study Sessions on “Getting Families Back to Work”
    - (b) Special Driving Strong Economy Committee Meeting
    - (c) Cancellation of City Council Evening Session
    - (d) Cancellation and rescheduling of General Plan Hearings**The Committee recommended approval of the following:**
    - **Five City Council Study Sessions on “Getting Families Back to Work” to be held August 21, 22, 25, 27, and 28, 2003.**
    - **A special Driving Strong Economy Committee meeting on August 25, 2003, 10 a.m. to 12 noon at City Hall in Room 204.**
    - **Cancellation of the City Council evening session on October 7, 2003 and scheduling an evening session on September 30, 2003.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – August 13, 2003 (Cont'd.) Vice Mayor Dando, Chair

- (d) Meeting Schedules (Cont'd.)
  - (1) Approval of:
    - (d) Cancellation and rescheduling of General Plan Hearings
      - **Cancellation of the General Plan hearing set for November 18, 2003 and scheduling General Plan hearings on December 2, 2003 and December 16, 2003 at 7:00 p.m.**
- (e) The Public Record  
**The Committee noted and filed the Public Record.**
- (f) Boards, Commissions and Committees
  - (1) Suggestion Award Commission  
**This item was reported during the August 19, 2003 City Council Meeting.**
- (g) Council Referrals for Assignment to Administration or Council Appointee  
**There were none.**
- (h) Administrative Reviews and Approval
  - (1) Request from Vice Mayor Dando to use Council General funds to attend the League of California Cities' Transportation, Communications & Public Works Policy Committee Meeting in Ontario, CA, July 26-30, 2003  
**The Committee approved the use of Council General funds by Vice Mayor Dando to attend the League of California Cities' Transportation, Communications & Public Works Policy Committee Meeting in Ontario, California, June 26-30, 2003.**
  - (2) Request from Council Member LeZotte to use Council General Funds to attend the League of California Cities Transportation Policy Committee Meeting in Ontario, CA, June 27, 2003  
**The Committee approved the use of Council General funds by Council Member LeZotte to attend the League of California Cities' Transportation Policy Committee Meeting in Ontario, California, June 27, 2003.**
  - (3) Oral report on status of the Hayes Mansion RFQ  
**Deputy City Manager Kay Winer reviewed the Hayes Mansion Conference Center RFI and RFP process. The Committee noted and filed the timetable.**

### **3 STRATEGIC SUPPORT SERVICES**

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#### **3.2 Report of the Rules Committee – August 13, 2003 (Cont'd.) Vice Mayor Dando, Chair**

- (h) Administrative Reviews and Approval (Cont'd.)
  - (4) Approve City Auditor's 2003-04 Workplan  
**The Committee recommended approval of the City Auditor's 2003-04 Audit Work Plan.**
- (i) Oral communications  
**None were presented.**
- (j) Adjournment  
**The meeting was adjourned at 2:30 p.m.**

**The Rules Committee Meeting Report and the Actions of August 13, 2003 were accepted.**

#### **3.3 Report of the Making Government Work Better Committee – August 13, 2003 Council Member Campos, Chair**

- (a) Review of Strong Neighborhoods Initiative Performance Measurements Memorandum  
**The Committee accepted the Staff Report.**
- (b) Neighborhood Development Center Audit Report  
**The Committee accepted the Staff Report.**
- (c) Environmentally Preferable Procurement Report  
**No Committee Action taken. This item was deferred to September.**
- (d) Follow-up Report on the Targeted Neighborhood Clean-up Program  
**The Committee accepted the Staff Report.**
- (e) Oral petitions  
**William Garbett spoke on the Strong Neighborhoods Initiative and the Neighborhood Clean Up program.**
- (f) Adjournment  
**The Committee was adjourned at 3:20 p.m.**

**The Making Government Work Better Committee Report and the Actions of August 13, 2003 were accepted.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.4 Public Hearing on the FY 2003-2004 General Fund Rebalancing Plan.

**Recommendation:** Public Hearing on the:

- (a) Approval of the 2003-2004 General Fund Rebalancing Plan recommended in the memorandum and detailed in Attachments A and B of the report.
- (b) Consistent with prior direction, unfreeze 26 of the 28 General Fund capital projects previously placed on hold pending resolution of the State budget as detailed in Attachment C, and approve the elimination of two of the frozen General Fund capital projects as part of the above-described rebalancing strategy.
- (c) Direct staff to return with appropriation ordinance and funding sources resolution amendments and amendments to applicable fee resolutions necessary to implement the above actions.

(City Manager's Office)

**Public Hearing Only. No Council Action Required At This Time.**

**Direction to Staff to return to Council with the following before the September 2, 2003 Council Meeting:**

- (1) **Impact details pertaining to Parks, Recreation, and Neighborhood Services Department's level of service in regard to the elimination of three (3) maintenance positions, including how each District is impacted, and which parks are affected.**
- (2) **Information on which Districts will be impacted in regard to the elimination of three (3) Library Staffing positions.**
- (3) **Reissue a schedule with a timeline forecast for the Operating and Maintenance impacts of the Capital Projects indicated on Attachment C of General Fund Rebalancing Plan, dated August 13, 2003.**

#### 3.5 Mayor's Biennial Review of the City's Code of Ethics.

**Recommendation:** Approval of Mayor's Biennial Ethics Review Recommendations.

(Mayor)

(Rules Committee referral 8/20/03)

**Approved.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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

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

**4.3 Discussion of the City’s current prohibition of the combined uses of gasoline service stations and the retail sale of food, grocery items, and alcoholic beverages.**

**Recommendation:** Discussion and direction to the Administration and the City Attorney’s Office regarding possible revision to the City’s current prohibition of the combined uses of gasoline service stations and the retail sale of food, grocery items, and alcoholic beverages contained at Section 20.80.550 of Title 20 of the San José Municipal Code. (City Attorney’s Office)  
(Deferred from 6/17/03 – Item 4.9)  
**Deferred to 9/2/03.**

**4.4 Approval of various actions related to the New Civic Center Project.**

**Recommendation:** Adoption of a resolution:

- (a) Finding that solicitation of bids for the following work for the New Civic Center Project would be an idle act under the City’s Municipal Code, Section 14.04.170: tenant improvements to mechanical, electrical, fire protection, and plumbing systems; and,
- (b) Delegating authority to the City Manager to negotiate and execute contract change orders to the following contracts to add tenant improvements to mechanical, electrical, fire protection, and plumbing systems: ACCO Mechanical, Rosendin Electric, Transbay, and KDS Plumbing, so long as the sum of all construction contract and change orders for the New Civic Center Project does not exceed the Project Budget of \$192 million, as stated in Resolution No. 71204.

CEQA: Resolution No. 68905, PP03-08-259. (Public Works)

**Resolution No. 71725 adopted.**

## **5 RECREATION & CULTURAL SERVICES**

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### **5.1 Report of the All Children Achieve Committee – August 14, 2003 Council Member Yeager, Chair**

- (a) Youth Commission Report  
**The Committee accepted the Report.**
- (b) Continuation of Discussion on the Early Care and Education Strategic Workplan  
**The Committee accepted the Report.**
- (c) Report on School Traffic Safety Program  
**The Committee accepted the Report.**  
**SEE ITEM 6.2 FOR COUNCIL ACTION TAKEN**
- (d) Oral petitions  
**None.**
- (e) Adjournment  
**The meeting was adjourned at 3:52 p.m.**

**The All Children Achieve Committee Report and the Actions of August 14, 2003 were accepted.**

### **5.2 Approval to develop a Prioritization Process to strategically implement the City's Trail Program.**

**Recommendation:** Approval to develop a Prioritization Process to strategically implement the City's Trail Program utilizing the two supporting processes:

- (a) An Annual Work Plan to accomplish Greenprint strategic goals.
- (b) A strategy for developing a Grant-Seeking Work Plan that supports delivery of the Annual Work Plan.

(Parks, Recreation and Neighborhood Services)

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

(Deferred from 6/24/03 – Item 4.9 and 8/12/03 – Item 4.3)

**Approved.**

### **5.3 Approval of the Mabury Park/Penitencia Creek Trail Reach 6 Master Plan.**

**Recommendation:** Approval of the Mabury Park/Penitencia Creek Trail Reach 6 Master Plan. CEQA: Mitigated Negative Declaration, PP03-04-134. Council District 4. (Parks, Recreation and Neighborhood Services)

**Approved.**

**Staff to address the “noisy scooter” problem in an environmentally sensitive area of South San José, at a future date.**

## **5 RECREATION & CULTURAL SERVICES**

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### **5.4 Approval of various actions related to the SNAP allocation process.**

**Recommendation:**

- (a) Adoption of a resolution authorizing the City Manager to immediately begin the process of re-opening the Strong Neighborhoods Action and Pride (SNAP) special emphasis grant allocation process for Cycle 17, as approved at the May 6, 2003 City Council meeting.

**Resolution No. 71726 adopted.**

- (b) Approval to award SNAP grants of up to \$198,842, and recommendation that the remaining SNAP funds of at least \$130,000 be held to mitigate possible additional funding reductions.

CEQA: Resolution No. 71042, PP03-08-258. Council Districts 1, 3, 5, 6, 7, 8, and 10.  
SNI: Blackford, Burbank/Del Monte, Delmas Park, East Valley/680, Gateway East, Greater Gardner, Hoffman/Via Monte, KONA, Spartan/Keyes, Tully/Senter, and Winchester. (Parks, Recreation and Neighborhood Services)

**Approved.**

## **6 TRANSPORTATION SERVICES**

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

**No Report.**

### **6.2 Presentation on School Traffic Safety Program.**

**Recommendation:** Presentation on School Traffic Safety Program. (Transportation)  
[All Children Achieve Committee referral 8/14/03 – Item 5.1(c)]

**Presentation Only. No Council Action Required.**

## **7 ENVIRONMENTAL & UTILITY SERVICES**

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## **8 AVIATION SERVICES**

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## 9 PUBLIC SAFETY SERVICES

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### 9.1 Approval of a sole source purchase of portable radios and batteries.

**Recommendation:** Approval of a sole source purchase of 567 Motorola XTS3000 portable radios and 300 batteries from Motorola C & E, Inc., (San Mateo, CA) for a total cost not to exceed \$1,111,403.56, including tax and delivery, and authorization for the Director of General Services to execute the purchase order. CEQA: Not a Project. (General Services)

**Approved.**

### 9.2 Approval to award a contract for the Fire Station No. 4 Upgrade Project.

**Recommendation:** Report on bids and award of contract for the Fire Station No. 4 Upgrade Project to the low bidder, D.L. Falk Construction, Inc., in the amount of \$754,813, and approval of a contingency in an amount of \$113,222. CEQA: Exempt, PP02-12-389. Council District 6. SNI: Burbank/Del Monte. (Public Works/Fire)

**Approved.**

### 9.3 Pilot Volunteer Crossing Guard Program in Council District 5.

**Recommendation:** Pilot Volunteer Crossing Guard Program in Council District 5. (Campos)  
(Rules Committee referral 8/20/03)

**Approved.**

## 10 JOINT COUNCIL/REDEVELOPMENT AGENCY

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- Closed Session Report  
**No Report.**

### Notice of City Engineer's Pending Decision on Final Maps

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9520	S/e corner of Jackson St. & 8 <sup>th</sup> St.	3	Pulte Homes	6 units	MFA	Approve

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

**None.**

- **Open Forum**  
**(1) Gregory Colburn spoke on the issue of retaining card room employees.**

- **Adjournment**  
**The Council of the City of San José adjourned at 3:40 p.m. in memory of Laura Lemon Murray, a devoted mother, dedicated community advocate, resident of District 7, an exemplary educator at K.R. Smith Elementary School, and a nurturing friend to all.**

**The Council of the City of San José adjourned at 3:40 p.m. to Thursday, August 28, 2003, 9:00 a.m., for a Special Meeting at the San José McEnery Convention Center, Room B.**

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

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The Council of the City of San José convened at 5:53 p.m. to hear Items 7.1 and 7.2 in a Joint Session with the Redevelopment Agency.

### **7.1 Acceptance of the biannual progress report on the Downtown PMP.**

**Recommendation:** It is recommended that the City Council and Agency Board accept the biannual progress report on the Downtown Parking Management Plan (PMP).

**[MERGED]**

**Report Accepted.**

- (1) Staff is directed to continue to follow up on how the recommendations contained in the Downtown Parking Management Plan Progress Report connect to the Diridon Study.**
- (2) In regard to pursuing the expansion of the Downtown Free Parking Program to include Market and Balbach, Staff is directed to continue to communicate with the neighborhood that has been extremely tolerant of the lot, and not to digress from the strategy of partnering with them.**

### **7.2 Approval of the Downtown Historic District Guidelines.**

**Recommendation:** Adoption of Resolutions by the City Council and Agency Board approving the Downtown Historic District Guidelines. CEQA: Except, PP03-01-010 (Deferred 8/19/03), Item 7.1) **[MERGED]**

**Resolution No. 71727 adopted.**

**Direction to Staff to amend the draft historic district design guidelines as follows and bring back to the Board for approval:**

- (1) Redefine the boundaries to include only the Downtown Commercial National Register Historic District.**
- (2) Delete reference to specific ground floor uses, focus on the historic design issues associated with uses, and refer to zoning code and other applicable ordinances for allowable uses.**
- (3) Direct Staff to include references in the design guidelines in the revised Downtown Zoning Ordinance currently under development by Agency and City Staff. References should clearly outline how the guidelines will be used in the evaluation of projects in the Downtown Commercial National Register Historic District, new and/or expanded historic districts, adjacent areas, and throughout the Downtown.**
- (4) Direct Planning Staff to return to Board/Council within 60 days with:**
  - Methods on how the guidelines could be incorporated into the zoning code to evaluate projects in the Downtown Commercial National Register Historic District, new and/or expanded historic districts, adjacent areas, and throughout the Downtown,**
  - A workplan for outreach to impacted communities, including historic preservationists, downtown property owners and developers, and other groups as appropriate.**

**Agency Resolution No. 5429 adopted.**