



# **CITY COUNCIL AGENDA**

**JANUARY 23, 2001**

## **SYNOPSIS**

LINDA J. LE ZOTTE  
FORREST WILLIAMS  
CINDY CHAVEZ  
CHUCK REED  
VACANT

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER  
GEORGE SHIRAKAWA, JR.  
DAVID D. CORTESE  
JOHN DIQUISTO  
PAT DANDO

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.**

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: Chavez (excused).**

**Vacant: District 5.**

1:33 p.m. - Regular Session, Council Chambers, City Hall

**Absent: Council Members: None.**

**Vacant: District 5.**

7:00 p.m. - Public Hearings, Council Chambers, City Hall

**Absent: Council Members: None.**

**Vacant: District 5.**

- **Invocation (District 1)**

**Pastor Joseph Wong, The Chinese Church in Christ, delivered the Invocation.**

- **Pledge of Allegiance**

**Mayor Gonzales led the Pledge of Allegiance.**

- **Orders of the Day**

**Approved.**

## **1 CEREMONIAL ITEMS**

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- 1.1** Presentation of plaques to Noemi Baiza, Elias Chamorro, Van Thi Le, Dale Warner, and James Williams for 2 years service on the Project Diversity Screening Committee.  
(Mayor)

**Mayor Gonzales presented plaques to Elias Chamorro, Van Thi Le, Dale Warner, and James Williams for service on the Project Diversity Screen Committee. A plaque will be sent to Noemi Baiza, who was unable to be present.**

## 2 CONSENT CALENDAR

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### 2.1 Final adoption of Ordinance 26278.

**Recommendation:** ORD. NO. 26278 – Rezones certain real property situated approximately 950 feet north of Oakland and Brokaw Roads. C 00-08-072

**Ordinance No. 26278 adopted.**

### 2.2 Final adoption of Ordinance 26279.

**Recommendation:** ORD. NO. 26279 - Rezones certain real property situated at the southeast corner of North First Street and Baypointe Drive. PDC 00-08-080

**Ordinance No. 26279 adopted.**

### 2.3 Final adoption of Ordinance 26280.

**Recommendation:** ORD. NO. 26280 – Authorizes a one-time transfer of \$600,000 from the Anti-Tobacco Master Settlement Agreement Revenue Fund's Anti-Tobacco category to the Education category for Cycle 2 (2001-2002) under Ordinance 26140.

**Ordinance No. 26280 adopted.**

### 2.4 Adoption of an appropriation ordinance amendment in the Federal Drug Forfeiture Fund for the purchase of motorcycle radios.

**Recommendation:** Adoption of appropriation ordinance amendment in the Federal Drug Forfeiture Fund to increase the Police Department's non-personal expenses appropriation and decrease the ending fund balance for expenses related to the purchase of motorcycle radios. (City Manager's Office/Police)

**Ordinance No. 26286 adopted.**

### 2.5 Approval to submit a grant application to the David and Lucile Packard Foundation for multicultural arts development programs.

**Recommendation:** Adoption of a resolution authorizing the City Manager to submit an application to the David and Lucile Packard Foundation for a two-year grant to support multicultural arts development programs, in an amount not to exceed \$100,000, and to accept the grant if awarded. (Conventions, Arts and Entertainment)

**Resolution No. 70131 adopted.**

**Staff was directed to re view means of providing support to non-profits in locating facilities, either through this program or with an expanded support role outside of the proposed grant.**

## 2 CONSENT CALENDAR

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### 2.6 Approval of a consultant agreement to provide assistance with the preparation of a Water Utility Management Plan.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a consultant agreement with PSOMAS for the period February 1, 2001 to December 31, 2001, in an amount not to exceed \$135,000, to provide for assistance to San José Municipal Water System staff in the preparation of a Water Utility Management Plan. (Environmental Services)

**Resolution No. 70132 adopted.**

**Staff was directed to include in the process the following issues: (1) Priority consideration of displaced employees if the operation or management of the system is conveyed to an outside firm, and (2) Implications of the City's competition policy as it relates to the proposed RFP.**

### 2.7 Approval of an agreement for solid waste consulting services.

**Recommendation:** Approval of a third amendment to the agreement with R.W. Beck Inc. for solid waste consulting services, increasing the compensation by \$250,000, from \$450,000 to \$700,000, and expanding the scope of services to include database development, cost modeling, and transition support. (Environmental Services)

**Approved.**

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

**Recommendation:** Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2000-2001 #26, and authorization for the Director of General Services to execute the purchase orders. (General Services)

**Approved.**

### 2.9 Approval to purchase one van for the Department of Streets and Traffic's unit for traffic signal maintenance.

**Recommendation:** Report on bids and award the purchase of one (1) step type van with aerial workbasket to the lowest responsive bidder, Pacific Utility Equipment Co., at a total cost of \$144,033.39, including tax, and authorization for the Director of General Services to execute the purchase order for the:

- (a) Immediate purchase of one (1) unit; and
- (b) Subsequent purchase of additional units at the same bid price, for one (1) year, without further Council action other than the appropriation of necessary funds.

(General Services)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.10 Approval of an agreement to install bird-proofing products in downtown parking garages.

**Recommendation:** Report on Request for Quotation and award the installation of bird-proofing products in downtown parking garages to The Pied Piper Exterminator, Inc., for a total cost of \$103,528, including tax, and authorization for the Director of General Services to execute the service order, and approval of \$10,000 supplemental funds for unforeseen work that may occur. CEQA: Exempt. (General Services)

**Approved.**

### 2.11 Approval to increase compensation for the 1999-00 Street Resurfacing – Measure A/B Funded Project.

**Recommendation:** Approval of Contract Change Order No. 3 for the 1999-00 Street Resurfacing - Measure A/B Funded Project with O’Grady Paving Inc., in an amount not to exceed \$252,370, for a total contract amount of \$5,438,571.50. CEQA: Exempt. (Public Works)

**Approved.**

**Staff was directed to ensure compliance with the contract relative to enforcement of timely materials/debris removal.**

### 2.12 Approval of intent to vacate a portion of Baroni Avenue and to reserve a public service easement over the entire area to be vacated.

**Recommendation:**

(a) Adoption of a resolution of intention to vacate a portion of Baroni Avenue, between Capitol Expressway and Vista Park Drive, consisting of approximately 84,000 square feet, and reserving a public service easement over the entire area to be vacated.

**Resolution No. 70130 adopted.**

(b) Direction to staff to negotiate with the adjacent property owner to dispose of all the City’s interest in the vacated portion of Baroni Avenue at fair market value.

CEQA: Exempt. (Public Works)

**Approved.**

### 2.13 Approval to substitute five subcontractors for the Terminal C South Concourse Restrooms Rebid Project.

**Recommendation:** Approval of substitutions of five subcontractors, Adolph’s Glass, Fabco Specialties, West Valley Plumbing, Elite Plastering, and Culberson Drywall, for the Terminal C South Concourse Restrooms Rebid Project, at no additional cost to the City. CEQA: Resolution No. 67380. (Public Works)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.14 Approval to increase compensation and extend the contract term for the Boulder Drive Sanitary Sewer Emergency Reconstruction Project.

**Recommendation:** Approval of Contract Change Order No. 3 with RGW Construction, Inc., for the Boulder Drive Sanitary Sewer Emergency Reconstruction Project for additional road resurfacing and pavement restriping work, in the amount of \$106,140, for a total contract amount of \$450,084, and a time extension of five (5) working days, for a total of fifty-five (55) working days. CEQA: Exempt. (Public Works)

**Approved.**

### 2.15 Approval of Board of Directors appointments for the Silicon Valley Pollution Prevention Center.

**Recommendation:** Approval of Board of Directors appointments for the Silicon Valley Pollution Prevention Center:

- (a) Governmental Representative for a term ending December 31, 2002.
- (b) Business/Industrial Representative for a term ending December 31, 2001.  
(Environmental Services)  
(Rules Committee referral 1/17/01)

**Approved.**

## 3 STRATEGIC SUPPORT SERVICES

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

### 3.2 Report of the Rules Committee – January 10, 2001 Vice Mayor Shirakawa, Jr., Chair

- (a) Review January 23, 2001 Draft Agenda  
**The Committee approved the January 23, 2001 City Council agenda.**
- (b) Add New Items to January 16, 2001 Amended Agenda  
**The Committee recommended five additions to the January 16, 2001 City Council Agenda.**
- (c) Meeting Schedules  
**City Clerk Patricia L. O’Hearn informed the Committee that Rules-In-Lieu met on December 20, 2000 and approved an evening Council session on January 23, 2001.**
- (d) The Public Record  
**The Committee noted and filed the Public Record.**

### **3 STRATEGIC SUPPORT SERVICES**

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#### **3.2 Report of the Rules Committee – January 10, 2001 (Cont'd.) Vice Mayor Shirakawa, Jr., Chair**

- (e) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee  
**There were none.**
- (f) Oral communications  
**None were presented.**
- (g) Adjournment  
**The meeting was adjourned at 2:05 p.m.**

**Rules Committee report and actions of January 10, 2001 accepted.**

#### **3.3 Report of the Finance and Infrastructure Committee Council Member Dando, Chair No report.**

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

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#### **4.1 Report of the Economic Development & Environment Committee Council Member Williams, Chair No report.**

#### **4.2 Approval of an acquisition/predevelopment loan to Mexican American Community Services Agency for the development of affordable housing for seniors.**

**Recommendation:** Adoption of a resolution approving business terms for:

- (a) An acquisition/predevelopment loan of up to \$1,599,028 to Mexican American Community Services Agency, Inc., (MACSA) for the development of the 50-unit Girasol II Housing Project affordable to extremely low-income seniors on a 1.56 acre portion of a parcel located on the southerly terminus of Kentucky Place, southerly of Alum Rock Avenue.
- (b) An acquisition loan of up to \$271,813.00 to MACSA to acquire the .25 acre portion of a parcel located on the southerly terminus of Kentucky Place, southerly of Alum Rock Avenue, to be sold to a subsequent affordable housing developer.

CEQA: ND. (Housing)

**Resolution No. 70133 adopted.**

**Staff was directed to work the Department of Parks, Recreation and Neighborhood Services on the potential for locating child care in or in close proximity to proposals for senior facilities and report back through the Economic Development and Environment committee.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.3 Approval of an acquisition/predevelopment loan to ROEM Development Corporation for the development of affordable housing for seniors.**

**Recommendation:** Adoption of a resolution approving business terms for an acquisition/predevelopment loan of up to \$2,775,000 to ROEM Development Corporation, or its designated partnership, for the development of the 66-unit Rose Avenue senior housing project with 65 units affordable to very low-income seniors and one unrestricted manager's unit on a 1.35-acre site located at 3071 Rose Avenue, between Capitol Avenue and South White Road. CEQA: ND. (Housing)

**Resolution No. 70134 adopted.**

### **4.4 Public Hearing on the proposed formation of a Community Facilities District.**

**Recommendation:**

- (a) PUBLIC HEARING on the proposed formation of Community Facilities District No. 5 (North Coyote Valley).
- (b) Adoption of a resolution of formation for Community Facilities District No. 5 (North Coyote Valley), authorizing the levy of a Special Tax therein, preliminarily establishing an appropriations limit, and submitting the levy of the Special Tax and the appropriations limit to the qualified electors.
- (c) Adoption of a resolution calling a special election of property owners in the proposed CFD No. 5.

CEQA: Resolution No. 69957. (Public Works)

(Continued from 11/7/00 – Item 10a)

**Continued to 2/13/01.**

## **5 RECREATION & CULTURAL SERVICES**

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### **5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee Council Member Chavez, Chair No report.**

## **6 TRANSPORTATION SERVICES**

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### **6.1 Traffic Calming Advisory Committee (Ad Hoc) Council Member Reed, Chair No report.**

## **7 ENVIRONMENTAL & UTILITY SERVICES**

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## **8 AVIATION SERVICES**

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### **8.1 Discussion of a proposed amendment to the Airport Master Plan.**

#### **Recommendation:**

- (a) Discussion of a resolution approving a Minor Amendment to the Airport Master Plan to modify the description and scheduling of terminal area development projects; and
- (b) Discussion of an ordinance amending Sections 25.04.310 and 25.04.440 of Parts 3 and 4 of Chapter 25.04 of the San José Municipal Code to make technical amendments to conform the description of terminal area improvements in the Master Plan to the Minor Amendments that have been approved to date, and to replace reference to “chapter” with “part” to clarify Council intent to obtain voter approval for amendment of the Airport Traffic Relief provisions specified in Part 4 of Chapter 25.04 of the Code.

CEQA: Resolution No. 67380. (Airport)  
(Deferred from 12/12/00 – Item 9d)

#### **HEARD IN THE EVENING**

**Council heard testimony from 12 individuals on the Administration’s proposed amendment to the Airport Master Plan. Council accepted Mayor Gonzales’ recommendation to defer action on the proposal for a new facility configuration from the scheduled January 30, 2001 date until Staff can return with a Construction Implementation Plan that allows the City to build any new airport facility in compliance with the City’s Airport Traffic Relief Act (ATRA) ordinance. Staff was directed to report back with the implementation plan; to schedule a Council Study Session for review of the construction plans and related issues, including conformance to the ATRA ordinance; and to schedule public outreach meetings in neighborhoods and at the airport on a priority basis.**

**Deferred to a date to be determined.**

## **9 PUBLIC SAFETY SERVICES**

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

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### **CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEM 10.1 IN A JOINT SESSION**

#### **10.1 Approval of various actions to provide transitional housing for fire victims.**

**Recommendation:** Adoption of resolutions by the City Council and Redevelopment Agency Board:

- (a) Approving the transfer of the Redevelopment Agency-owned property located at 937-943 Locust Street to the Housing Department to provide transitional housing for fire victims and others displaced through no fault of their own;
- (b) Authorizing the expenditure of up to \$500,000 in 20% Low and Moderate Income Housing Funds to make necessary repairs to the SRO building;
- (c) Authorizing the City Manager to select a provider to own and manage the property and to negotiate the terms of occupancy; and
- (d) Finding that the use of 20% Housing Funds for the project is of benefit to the Redevelopment Project Areas in San José.

(Fire/Housing)

**Deferred to 2/20/01.**

### **ADJOURN REDEVELOPMENT AGENCY BOARD PORTION OF THE MEETING**

- Closed Session Report
- Open Forum  
Following Open Forum, Council recessed at 2:06 p.m. and reconvened at 7:02 p.m. in Council Chambers, City Hall.

## **11 PUBLIC HEARINGS**

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- Open Forum  
No Oral Communications presented.
- Adjournment  
The Council of the City of San José adjourned at 7:05 p.m., to a Study Session to discuss a proposed amendment to the Airport Master Plan.