



CITY COUNCIL AGENDA

MARCH 13, 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: Dando, LeZotte, Williams (all excused)
Vacant - District 5.

1:30 p.m. - Regular Session, Council Chambers, City Hall
Absent - Council Members: Dando, LeZotte, Williams (all excused).
Council Member-Elect Nora Campos attended the afternoon session of the Council meeting, following unanimous appointment to fill the vacant District 5 seat.
- **Invocation (District 3)**
Reverend Gerald Sakamoto, San José Buddhist Church Betsuin, gave the Invocation.
- **Pledge of Allegiance**
Mayor Gonzales led the Pledge of Allegiance.
- **Orders of the Day**
Approved.

1 CEREMONIAL ITEMS

- 1.1** Presentation of a commendation to Fire Department personnel who displayed courage, determination and dedication in response to a residential fire that occurred on January 21, 2001. (Chavez)
(Deferred from 2/27/01 – Item 1.1)
- Mayor Gonzales was joined by Council Members Diquisto and Chavez for presentation of a commendation to Fire Chief Manny Alarcan, recognizing San José firefighters who responded to a catastrophic fire in the downtown on January 21, 2001, and under the leadership of Battalion Chief Kevin Conant, the Incident Commander, performed acts of bravery in the line of duty, in efforts to extinguish the fire and to search for and rescue residents trapped in the home. Council Member Chavez read the commendation on**

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behalf of Mayor Gonzales and Council Member Diquisto and the entire City Council, commending San José firefighters for great heroism in aiding in the evacuation and resuscitation of those overcome, and whose quick actions and coordinated efforts were directly responsible for saving the lives of residents who would otherwise have suffered great harm. Fire Chief Alarcan accepted the commendation on behalf of the San José Fire Department and introduced Battalion Chief Kevin Conant, who recognized Dispatcher Dan Hendricks; Engine 3A—Captain Jimenez and crew; Truck 3A—Captain Barry Franchi and Crew; Engine and Truck #1 Crew; Engine 30A—Captain John Laurent and Crew; Engine 8A—Captain Philip Croyle and Crew; and the Rapid Intervention Team led by Captain Rodney Villa, and others. As a retired fire captain, Council Member Diquisto stated, and Mayor Gonzales thanked all involved in the extraordinary event, for their continued service to the people of San José.

- 1.2 Presentation by Gary Giannini and Dennis Brach, of the Rotary Club of San José, to the City of San José and the San José Redevelopment Agency for their efforts in establishing a multiuse community banquet facility for the City of San José in conjunction with construction of the 4th and San Fernando Garage. (Redevelopment Agency)

Mayor Gonzales was joined at the podium by Rotary Club representatives Gary Giannini and Dennis Brach, who presented a check for \$100,000 to the City of San José and Redevelopment Agency as their first contribution toward the construction of the 4th and San Fernando Garage. Mayor Gonzales accepted and thanked the Rotary Club for their support of the accompanying multiuse community banquet facility.

- 1.3 Appointment and swearing in of Nora Campos to the City Council to fill the vacancy in Council District 5. (Mayor)

(Rules Committee referral 3/7/01)

(Renumbered from Item 3.5)

Council Member-Elect Nora Campos was unanimously appointed Council Member for District 5, to serve an unexpired term ending December 31, 2002. Mayor Gonzales welcomed Council Member Campos to the City Council and acknowledged her family in the audience, after which she joined the City Council on the dais representing District 5, for the remainder of the Council meeting.

2 CONSENT CALENDAR

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 Final adoption of Ordinance 26305.

Recommendation: ORD. NO. 26305 – Amends Section 20.50.100 of Chapter 20.50 of Title 20 of the San José Municipal Code amending Table 20-110 to correct a typographical error and clarify that vehicle wrecking uses are conditional uses within the HI Heavy Industrial Zone and to provide and clarify that the development regulations applicable to properties zoned CG General Commercial and within the area bounded by Route 87, Julian Street, Fourth Street, and Interstate 280 shall be those development regulations set forth in Part 12 of Chapter 20.28 of the San José Municipal Code in effect on February 18, 2001.

Ordinance No. 26305 adopted.

2.2 Final adoption of Ordinance 26307.

Recommendation: ORD. NO. 26307 – Amends Section 11.40.050 of Chapter 11.40 of Title 11 of the San José Municipal Code to include additional parking meter zones in Downtown and Japantown.

Ordinance No. 26307 adopted.

2.3 Approval of agreement for legal services for the Airport.

Recommendation: Approval of a first amendment to the legal services agreement for the Airport with Shaw Pittman to allow Shaw Pittman to retain experts on the City's behalf and at the City's request, and to provide for the reimbursement by City for the cost of such experts, at no increase in total compensation. (City Attorney's Office)

Approved.

2.4 Authorization for the City Manager to travel.

Recommendation: Authorization for the City Manager to travel to Washington, D.C., March 24 through 25, 2001, to present "Serving the Public Good in an Information Society: Campus/City Library Collaboration" at the American Association for Higher Education Conference. (City Manager's Office)

Approved.

2 CONSENT CALENDAR

2.5 Approval to submit a grant application to the California Integrated Waste Management Board's Reuse Assistance Grant Program for a school recycling program.

Recommendation: Adoption of a resolution authorizing the Director of the Environmental Services Department to submit an application to the California Integrated Waste Management Board's, Reuse Assistance Grant Program, in the amount of \$50,000, to execute all documents related to the application, and to accept funds on behalf of the City of San José. (Environmental Services)

Resolution No. 70195 adopted.

2.6 Approval of agreements relating to the issuance of General Airport Revenue bonds.

Recommendation:

(a) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Fullerton & Friar, Inc. and Public Resources Advisory Group for financial advisory services related to the issuance of General Airport Revenue Bonds in an amount not to exceed \$160,000, with a term retroactive from February 6, 2001 to December 31, 2001.

Resolution No. 70196 adopted.

(b) Adoption of a resolution authorizing the City Attorney to negotiate and execute an agreement with Orrick, Herrington and Sutcliffe LLP for bond counsel services related to the issuance of General Airport Revenue Bonds in an amount not to exceed \$148,000, with a term retroactive from February 6, 2001 to December 31, 2001.

(Finance/Airport)

Resolution No. 70197 adopted.

2.7 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 #32, and authorization for the Director of General Services to execute the purchase orders. (General 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 #33, and authorization for the Director of General Services to execute the purchase orders. (General Services)

Approved.

2 CONSENT CALENDAR

2.9 Approval to purchase skimmer blade assemblies for the Water Pollution Control Plant.

Recommendation: Approval of award of the sole source purchase of 70 skimmer blade assemblies for the Department of Environmental Services/Water Pollution Control Plant, to U.S. Filter/Envirex for the total cost of \$80,892, including tax, and authorization for the Director of General Services to execute the purchase order. (General Services)

Approved.

2.10 Approval of an agreement to purchase land.

Recommendation: Approval of a purchase agreement with Ionics Ultrapure Water Corporation for the purchase of land required for the extension of Hellyer Avenue located at 5900 Silver Creek Valley Road in San José, APN # 678-93-014, in the amount of \$1,500 plus related closing costs, and authorization for the Director of Public Works to execute any additional documents necessary to complete the transaction. CEQA: Resolution No. 69699. Council District 2. (Public Works)

Approved.

2.11 Approval of an agreement to purchase land.

Recommendation: Approval of a purchase and sale agreement with Carolyn Jennifer Posada and Garrett Matthew Gonzales for the purchase of a slope easement for the extension of Hellyer Avenue located at 6521 Alyssa Court in San José, APN #678-24-072, in the amount of \$4,100 plus related closing costs, and authorization for the Director of Public Works to execute the related necessary documents to complete the transaction. CEQA: Resolution No. 69699. Council District 2. (Public Works)

Approved.

2.12 Approval of a contract for the 2000-01 Wheelchair Ramps Project.

Recommendation: Report on bids and award of contract for the Construction of the 2000-01 Wheelchair Ramps Project Unit 1 to the low bidder, Sposeto Engineering, Inc., in the amount of \$199,325. CEQA: Exempt. (Public Works)

Approved.

Staff directed to work with Council Members Cortese and Reed regarding needs for wheelchair ramps in Districts 4 and 8.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session, Mayor Gonzales, Chair

No report.

3.2 Report of the Rules Committee – February 28, 2001

Vice Mayor Shirakawa, Jr., Chair

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

(b) City Council

(1) Review March 13, 2001 Draft Agenda

The Committee approved the March 13, 2001 City Council agenda with one addition.

(2) Add New Items to March 6, 2001 Amended Agenda

The Committee recommended four additions to the March 13, 2001 City Council agenda.

(c) City Council Committees

(1) Amendments to Council Committee Agendas

(a) Finance and Infrastructure Committee

The Committee approved the March 21, 2001 Draft agenda for the Finance and Infrastructure Committee.

(b) Economic Development and Environment Committee

There were no amendments presented.

(c) Education, Neighborhoods, Youth, and Seniors Committee

There were no amendments presented.

(d) Ad Hoc Traffic Calming Advisory Committee

The Committee recommended approval of a Study Session on April 17, 2001 on Traffic Calming.

(d) Meeting Schedules

(1) FY 2001-2002 Budget Study Session Meeting Schedule

The Committee approved the 2001-2002 Budget Study Sessions.

(2) Traffic Calming Study Session, April 17, 2001 (8:00-12:00 p.m.)

The Committee recommended approval of a Study session on Traffic Calming.

(e) The Public Record for the period February 14-21, 2001

The Committee noted and filed the Public Record.

(f) Appointments to Project Diversity Screening Committee

Continued to 3/7/01.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – February 28, 2001 (Cont'd.)

Vice Mayor Shirakawa, Jr., Chair

- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee

None.

- (h) Oral communications

None.

- (i) Adjournment

The Committee adjourned at 2:30 p.m.

Rules Committee report and actions of February 28, 2001 accepted.

3.3 Report of the Finance and Infrastructure Committee - February 28, 2001

Council Member Dando, Chair

- (a) Monthly Financial Statement for January 2001

- (b) Capital Cost Report for January 2001

- (c) Cash Flow Projection

Items (a) through (c) heard by the Redevelopment Agency.

- (d) January Monthly Report

The Committee accepted the Staff report.

- (e) Major Information Technology Projects Update

The Committee accepted the Staff report.

- (f) Findings Report on Bay 101 Conditional Approval of Stock Transfer Agreement for Quarter Ending September 30, 2000

The Committee accepted the Staff report.

- (g) Oral petitions

None.

- (h) Adjournment

The Committee adjourned at 4:20 p.m.

Finance and Infrastructure Committee report of February 28, 2001.

3 STRATEGIC SUPPORT SERVICES

3.4 Travel Authorization.

Recommendation: Approval of Council Member Ken Yeager's travel to Seattle, WA, March 31-April 2, 2001, to attend the American Public Transportation Association Commuter Rail Conference. Funding: Valley Transportation Authority funds. (Yeager)
Approved.

3.5 Appointment to District 5 City Council seat.

Recommendation: Appointment of Nora Campos to the City Council to fill the vacancy in Council District 5. (Mayor)
(Rules Committee referral 3/7/01)
See Item 1.3 for Council action taken.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

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

4.2 Adoption of an urgency ordinance extending the temporary restriction of certain new ground floor uses in the Downtown Core.

Recommendation: Adoption of an urgency ordinance updating and extending for 60 days Ordinance No. 26277, adopted on December 19, 2000, imposing a moratorium on certain new ground floor uses within a portion of the Downtown Core bounded by St. John Street, Fourth Street, San Salvador Street, and the east side of Almaden Boulevard.
Ordinance No. 26320 adopted.

4.3 Approval to provide grants for lead-based paint abatement under the Housing Rehabilitation Program.

Recommendation: Adoption of a resolution authorizing the Director of Housing to make grants for costs associated with implementing U.S. Department of Housing and Urban Development regulations on lead-based paint abatement, under the Housing Rehabilitation Program. (Housing)
(Rules Committee referral 3/7/01)
Resolution No. 70198 adopted.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – February 26, 2001

Council Member Chavez, Chair

- (1) Youth Commission Monthly Report
The Committee accepted the Staff report with the direction that items from all Council Districts be added to the Workplan.
- (2) Comprehensive Citywide Anti-Graffiti Strategy Update
The Committee accepted the Staff report with the direction that Department of Parks, Recreation and Neighborhood Services return in 60 days with a follow-up report.
- (3) Citywide Aquatics Report for the 2000 Summer Program
**The Committee accepted the Staff report.
See Item 5.3 for Council action taken.**
- (4) Oral petitions
None.
- (5) Adjournment
The Committee adjourned at 2:55 p.m.

Education, Neighborhoods, Youth and Seniors Committee report and actions of February 26, 2001 accepted, with Council action on 5.1(3) taken under Item 5.3.

5.2 Approval of various actions related to the operations of the San José Family Camp.

Recommendation:

- (a) Approval of the report of 2000 Family Camp operations; and
Approved.
- (b) Approval of the continued operation of Family Camp in 2001 with a goal of achieving direct cost recovery; and
Approved.
- (c) Adoption of a resolution setting the schedule of charges to be paid by persons at San José Family Camp.
(Conventions, Arts and Entertainment)
Resolution No. 70199 adopted.

5 RECREATION & CULTURAL SERVICES

5.3 Adoption of a resolution approving a change in the Aquatics Fee Schedule.

Recommendation: Adoption of a resolution approving a change in the Aquatics Fee Schedule to allow adjustments based on attendance. (Parks, Recreation and Neighborhood Services) [Education, Neighborhoods, Youth, and Seniors Committee referral 2/26/01 – Item 5.1(3)]

Resolution No. 70200 adopted.

Staff directed to revise language pertaining to a “subsidy” to denote the collaborative nature of the project.

5.4 Naming of a public park.

Recommendation: Consideration of Parks and Recreation Commission recommendation to name a park at North First Street near Tasman “Moitozo Park.” (Parks and Recreation Commission/City Clerk)
(Rules Committee referral 3/7/01)

Approved.

6 TRANSPORTATION SERVICES

6.1 Traffic Calming Advisory Committee (Ad Hoc) Council Member Reed, Chair

No report.

6.2 Approval of various actions related to the proposed formation of a Community Facilities District.

Recommendation: Adoption of the following resolutions in connection with the formation of Community Facilities District No. 6 (Great Oaks - Route 85):

(a) A resolution of intention to form Community Facilities District No. 6 (Great Oaks - Route 85), to authorize the levy of special taxes pursuant to the City of San José Community Facilities District Financing Procedure, setting a public hearing on March 27, 2001 at 1:30 p.m., and to:

- (1) Authorize the City Manager to execute a joint community facilities agreement with the California Department of Transportation and to negotiate and execute agreements with E. Wagner & Associates for financial advisory services in an amount not to exceed \$95,000, for the term of January 1, 2000 to December 31, 2001, and with Berryman & Henigar, Inc. for special tax consulting services in an amount not to exceed \$50,000, for the term of August 15, 2000 to December 31, 2001.
- (2) Authorize the City Attorney to negotiate and execute an agreement with Quint & Thimmig for bond counsel services in an amount not to exceed \$70,000, for the term of August 15, 2000 to December 31, 2001.

Resolution No. 70201 adopted.

6 TRANSPORTATION SERVICES

6.2 Approval of various actions related to the proposed formation of a Community Facilities District (Cont'd.)

- (b) A resolution of intention to incur bonded indebtedness of the Proposed Community Facilities District No. 6 (Great Oaks - Route 85) pursuant to the City of San José Community Facilities District Financing Procedure in an amount not to exceed \$15,600,000.

CEQA: Resolution No. 69699. (Public Works/Finance)

(Deferred from 2/20/01 – Item 6.2 and 3/6/01 – Item 6.2)

Resolution No. 70202 adopted.

7 ENVIRONMENTAL & UTILITY SERVICES

8 AVIATION SERVICES

8.1 Approval of a contract for the San José International Airport's New Airfield Lighting Regulator Vault Project.

Recommendation: Report on bids and award of contract for the San José International Airport - New Airfield Lighting Regulator Vault Project to the low bidder, Vellutini Corporation dba Royal Electric Company, in the amount of \$1,878,200, and approval of a contingency amount of \$190,000. CEQA: Resolution No. 67380. (Public Works)

Approved.

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

- Closed Session Report
None.
- Open Forum—To be heard jointly with Redevelopment Agency Public Discussion.
None presented.

- **Adjournment**

The Council of the City of San José adjourned at 2:22 p.m. to a Joint Session with the Redevelopment Agency.

The following resolution was adopted at the Joint City Council/Redevelopment Agency meeting on Tuesday, March 13, 2001:

Agency Agenda Item:

7.1 Approval of actions related to construction of a fence at the Luther Burbank School.

Recommendation: Adoption of resolutions:

(a) By the Agency Board approving modifications to the Façade Improvement program making public and private properties and structures eligible; and,
Agency Resolution adopted.

(b) By the City Council making certain determinations required under California Health and Safety Code Section 33445 related to the Burbank School Fence Project; and,
Resolution No. 70203.

(c) By the Agency Board approving an agreement, in the amount of \$100,000, for the construction of a fence at the Luther Burbank School's frontage on West San Carlos Street, and establishing a construction contingency in the amount of \$10,000.

(WEST SAN CARLOS)

Agency Resolution adopted.