



# **CITY COUNCIL AGENDA**

**JUNE 26, 2001**

**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  
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.**

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: Chavez (excused).**  
  
1:38 p.m. - Regular Session, Council Chambers, City Hall  
**Absent - Council Members: None.**  
  
7:07 p.m. - Public Hearings, Council Chambers, City Hall  
**Absent - Council Members: None.**
- **Invocation (District 6)**  
**Stephanie Keller and Adam Campbell from the Children's Montgomery Theater, under the direction of the Executive Director Jennifer Sandretto Hull, performed an aria from West Side Story, singing as a duet the beautiful song entitled :“Tonight”.**
- **Pledge of Allegiance**  
**Mayor Gonzales led the Pledge of Allegiance.**
- **Orders of the Day**  
**Item 2.47 was deferred to 8/7/01.**

## **1 CEREMONIAL ITEMS**

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- 1.1** Presentation of a commendation to Gil Garcia and Wendy Teague of Garcia Teague Architecture & Interiors in recognition of their award for the design of the Biblioteca Latinoamericana. (Chavez)  
**Council Member Chavez joined Mayor Gonzales at the podium for presentation of a commendation to Gil Garcia and Wendy Teague in recognition of Garcia Teague Architecture & Interiors receiving a design award for the Biblioteca Latinoamericana. Gil Garcia accepted the commendation and thanked the Mayor and Council Members for their vision in making the Biblioteca Latinoamericana a reality.**

# 1 CEREMONIAL ITEMS

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- 1.2 Presentation of a Commendation to The Community Service Area 1 Team who received the PRNS *Director's Challenge Award* for their part in the opening of a new community center serving the constituents of District One. (LeZotte)

**Deferred to 8/7/01.**

- 1.3 **Mayor Ron Gonzales and City Manager Del D. Borgsdorf presented a commendation to Jim Derryberry, Director of the Department of Planning, Building and Code Enforcement, on the occasion of his retirement from City Service. The Mayor and City Manager Borgsdorf commended Director Derryberry for his many accomplishments in his years of service and for professional leadership as part of the Senior Management of the City of San Jose. Director Derryberry thanked the Mayor and City Manager for the recognition and commended the staff of the Department of Planning, Building and Code Enforcement for their exemplary commitment to public service.**

- 1.4 **Mayor Gonzales and City Clerk Patricia L. O'Hearn presented a floral bouquet to Doris Casey, Legislative Secretary, on the occasion of her coming retirement in August, 2001, and commended her work both in the Office of the City Clerk and at numerous meetings of the San José City Council.**

**COUNCIL CONVENED THE REDEVELOPMENT AGENCY BOARD AT 2:01 P.M. TO HEAR THE REDEVELOPMENT AGENCY'S JUNE 26, 2001 AGENDA**

# 2 CONSENT CALENDAR

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- 2.1 **Final adoption of ordinances.**

**Recommendation:** Final adoption of ordinances:

- (a) ORD. NO. 26410 – Grants a Commercial Solid Waste and Recyclables Collection Franchise to All Points Roll Off, Inc.  
**Ordinance No. 26410 adopted.**

- (b) ORD. NO. 26411 – Establishes an Underground Utility District at King Road, from Story Road to Marsh Street.  
**Ordinance No. 26411 adopted.**

- (c) ORD. NO. 26412 – Authorizes a one-time transfer of \$442,510 from the Anti-Tobacco Master Settlement Agreement Revenue Fund's Anti-Tobacco Category to the Education Category for Cycle 2 (2001-2002) under Ordinance No. 26140.  
**Ordinance No. 26412 adopted.**

## 2 CONSENT CALENDAR

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### 2.1 Final adoption of ordinances. (Cont.)

**Recommendation:** Final adoption of ordinances:

- (d) ORD. NO. 26416 – Amends Chapter 3.36 of Title 3 of the San José Municipal Code to establish a separate Medical Benefits Account in the Police and Fire Department Retirement Fund for medical and dental benefits and to provide for reimbursement of Police and Fire retirees for certain Medicare Part B payments.  
**Ordinance No. 26416 adopted.**
  
- (e) ORD. NO. 26417 – Amends Chapter 3.44 of Title 3 of the San José Municipal Code to provide a flat 3% cost-of-living adjustment effective February 1, 2002, for persons retired from the Police and Fire Department Retirement Plan and for survivors of members or retirees.  
**Ordinance No. 26417 adopted.**
  
- (f) ORD. NO. 26419 – Amends Title 9 of the San José Municipal Code by adding a new Chapter 9.54 to restrict the discing of vegetation on certain lands.  
**Ordinance No. 26419 adopted.**
  
- (g) ORD. NO. 26422 – Amends Sections 14.25.520 and 14.25.530 of Chapter 14.25 of Title 14 of the San José Municipal Code and amends Sections 19.38.520 and 19.38.530 of Chapter 19.38 of Title 19 to extend both the suspension of the low income unit exemption and the voucher payment procedure from July 1, 2001 to July 1, 2004.  
**Ordinance No. 26422 adopted.**
  
- (h) ORD. NO. 26423 – Rezones certain real property situated on the northeasterly terminus of Skyway Drive, extending to the southwesterly corner of Senter Road and Diamond Heights Drive. PDC 00-08-065  
**Ordinance No. 26423 adopted.**
  
- (i) ORD. NO. 26424 - Rezones certain real property situated at the northwest corner of Union Avenue and State Route 85. PDC 01-01-009  
**Ordinance No. 26424 adopted.**
  
- (j) ORD. NO. 26425 - Rezones certain real property situated on the south side of University Avenue approximately 170 feet easterly of the Alameda. PDC 01-02-030  
**Ordinance No. 26425 adopted.**
  
- (k) ORD. NO. 26426 - Rezones certain real property situated on the west side of Lone Hill Road, 350 feet northerly of Los Gatos-Almaden Road. PDC 00-08-076  
**Ordinance No. 26426 adopted.**

## 2 CONSENT CALENDAR

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### 2.1 Final adoption of ordinances. (Cont.)

**Recommendation:** Final adoption of ordinances:

- (l) ORD. NO. 26427 - Rezones certain real property situated at the easterly side of Winchester Boulevard opposite Olin and Olsen Drives. PDCSH 01-02-023  
**Ordinance No. 26427 adopted.**
  
- (m) ORD. NO. 26428 - Rezones certain real property situated on both sides of McCarthy Boulevard, at the westerly terminus of Dixon Landing Road. PDC 99-09-078  
**Ordinance No. 26428 adopted.**
  
- (n) ORD. NO. 26429 - Rezones certain real property situated at the north side of Berryessa Road, approximately 50 feet easterly of Mabury Road (929 Berryessa Road). PDC 00-12-124  
**Ordinance No. 26429 adopted.**
  
- (o) ORD. NO. 26430 - Rezones certain real property situated on the east side of Pamela Avenue, approximately 130 feet south of McKee Road. PDC 00-09-093  
**Ordinance No. 26430 adopted.**
  
- (p) ORD. NO. 26431 - Rezones certain real property situated on the southeasterly corner of Willow Street and Delmas Avenue. PDC 01-02-031  
**Ordinance No. 26431 adopted.**
  
- (q) ORD. NO. 26432 - Rezones certain real property situated on the west side of South Autumn Street, approximately 90 feet north of West San Fernando Street (91 S. Autumn Street). C 01-03-033  
**Ordinance No. 26432 adopted.**
  
- (r) ORD. NO. 26433 - Rezones certain real property situated on the north side of Julian Street, approximately 70 feet west of Montgomery Street. C 01-03-035  
**Ordinance No. 26433 adopted.**
  
- (s) ORD. NO. 26434 - Rezones certain real property situated on the east side of Monterey Road, approximately 1000 feet north of Tully Road. PDC 01-05-059  
**Ordinance No. 26434 adopted.**
  
- (t) ORD. NO. 26435 - Rezones certain real property situated on the north side of Blossom Hill Road, between Santa Teresa Boulevard and Winfield Boulevard. PDC 00-09-088  
**Ordinance No. 26435 adopted.**

## 2 CONSENT CALENDAR

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### 2.1 Final adoption of ordinances. (Cont.)

**Recommendation:** Final adoption of ordinances:

- (u) ORD. NO. 26436 – Approves and adopts the ninth amended West San Carlos Street Redevelopment Plan which extends the eminent domain authority of the Agency through December 31, 2010; and making certain findings.

**Ordinance No. 26436 adopted.**

- (v) ORD. NO. 26437 - Approves and adopts the tenth amended The Alameda Redevelopment Plan which extends the eminent domain authority of the Agency, including over residential property, through December 31, 2010; and making certain findings.

**Ordinance No. 26437 adopted.**

### 2.2 Approval to amend the lease agreement with United Airlines for Terminal C office space.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a first amendment to the lease agreement for airport premises with United Airlines Inc. for Terminal C office space, to extend the term from August 1, 2001 to November 30, 2007, with projected annual revenue to the City in the amount of \$10,000/FY00-01. CEQA: Resolution No. 67380. (Airport)  
(Deferred from 6/12/01 – Item 2.6)

**Council approved the Staff recommendation and approved Airline Noise Mitigation measures recommended in memorandum dated June 25, 2001, by Mayor Gonzales and Council Members Yeager and Chavez.  
Resolution No. 70461 adopted.**

### 2.3 Approval of award of contract for the Central Service Yard Emergency Generator Project.

**Recommendation:** Adoption of a resolution authorizing the City Manager to award a contract for the Central Service Yard Emergency Generator Project to the low bidder, Steiny and Co., Inc., in the amount of \$270,620, and approval of a contingency in the amount of \$30,000. CEQA: ND. (Public Works)  
(Deferred from 6/5/01 – Item 2.14)

**Deferred to 8/7/01.**

### 2.4 Approval to amend an agreement for legal services.

**Recommendation:** Adoption of a resolution authorizing the City Attorney to execute the sixth amendment to the legal services agreement with Ogden, Gibson, White, and Brooks to increase compensation by \$120,000, from \$565,000 to a total amount not to exceed \$685,000. (Board of Administration for the Police & Fire Department Retirement Plan)

**Resolution No. 70462 adopted.**

## 2 CONSENT CALENDAR

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### 2.5 Approval of Municipal Health Services Program provider agreements.

**Recommendation:** Adoption of a resolution authorizing the City Attorney to negotiate and execute:

- (a) A third amendment to the agreement with Gardner Family Health Network, Inc. for participation in the San José Municipal Health Services Program, to extend the term through June 30, 2005;
- (b) An agreement with the County of Santa Clara for participation in the San José Municipal Health Services Program, for the period of January 1, 2000 through June 30, 2005.

(City Attorney's Office)

**Resolution No. 70463 adopted.**

### 2.6 Approval of amendment to legal services agreement.

**Recommendation:** Adoption of a resolution authorizing the City Attorney to negotiate and execute a third amendment to the legal services agreement with Curiale, Dellaverson, Hirschfeld, Kelly & Kraemer, extending the term through December 31, 2001, and increasing compensation by \$30,000, to a total amount not to exceed \$180,000. (City Attorney's Office)

**Resolution No. 70464 adopted.**

### 2.7 Approval of an agreement for legislative representation in Washington, D.C.

**Recommendation:** Approval of an agreement with John Montgomery, for the provision of services as the City's legislative representative in Washington, D.C., for the period July 1, 2001 through June 30, 2002, in an amount not to exceed \$117,267. (City Manager's Office)

**Approved.**

### 2.8 Approval of various actions related to the SharkByte Art exhibit.

**Recommendation:** Adoption of a resolution:

- (a) Permitting the installation of the SharkByte Art temporary exhibit on city sidewalks.
- (b) Authorizing the City Manager to negotiate and execute an agreement with the San José Downtown Association regarding design review, liability coverage, required conditions, permits, and approvals for the exhibit.
- (c) Granting San José Downtown Association a \$20,000 sponsorship to be used to cover project expenses.

CEQA: Exempt. Council District 3. (Conventions, Arts and Entertainment)

**Resolution No. 70465 adopted.**

## 2 CONSENT CALENDAR

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### 2.9 Approval of a grant agreement with the Tech Museum of Innovation for public improvements.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a grant agreement with the Tech Museum of Innovation for completing miscellaneous public improvements, for a total amount not to exceed \$115,000. (Conventions, Arts and Entertainment)

**Resolution No. 70466 adopted.**

### 2.10 Approval of an agreement with the Hispanic Chamber of Commerce.

**Recommendation:** Approval of an agreement with the Hispanic Chamber of Commerce to provide business services for the period July 1, 2001 to June 30, 2002, in an amount not to exceed \$104,000. (Economic Development)

**Approved.**

### 2.11 Approval of an agreement to administer a Home Energy Assistance Program for low-income residents.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Economic and Social Opportunities Inc. for an amount not to exceed \$1,000,000, to establish and administer a program for the period July 1, 2001 through June 30, 2002 providing:

- (a) Financial assistance for energy bill payments to eligible residents of San José as defined by the California Low Income Home Energy Assistance Program guidelines;
- (b) Energy efficiency education, audits, and improvements to eligible San José residents as defined by the City of San José Community Development Block Grant guidelines.

(Environmental Services)

**Renumbered to Item 7.10**

### 2.12 Approval to extend an agreement for Advanced Regulatory Analysis at the Water Pollution Control Plant.

**Recommendation:** Approval of a second amendment to the consultant agreement with EOA, Inc. to continue to perform Advanced Regulatory Analysis, extending the term of the agreement by one year, from June 30, 2001 to June 30, 2002, at no additional cost to the City. (Environmental Services)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.13 Approval to amend the agreement for waste oil and oil filter collection pilot program.

**Recommendation:** Approval of the seventh amendment to the agreement with GreenTeam of San José for Multi-Family Integrated Waste Management Services, to expand the Recycle Plus multi-family waste oil and oil filter collection pilot to a City-wide collection program, to revise the pilot program compensation for FY 2001-02 to a minimum of \$5,000 per month and a total not to exceed \$120,000, and to extend the term of the oil recycling program by twelve months, from July 1, 2001 to June 30, 2002. (Environmental Services)

**Approved.**

### 2.14 Approval to amend the agreement for environmental research projects.

**Recommendation:** Approval of a fourth amendment to the agreement with San José State University Foundation for environmental research projects to revise the scope of work and schedule of performance, increase compensation by \$45,000, from \$215,000, for a total amount not to exceed \$260,000, and extend the term of the agreement by four months, from March 1, 2002 to June 30, 2002. CEQA: Exempt. (Environmental Services)

**Approved.**

### 2.15 Approval to extend the agreement for research on the use of municipally generated yard waste and food waste products.

**Recommendation:** Approval of a time extension to the consultant agreement with the Regents of the University of California on behalf of the University of California Cooperative Extension, Santa Clara for research on the use of municipally generated yard waste and food waste products, extending the term by twelve months, from August 1, 2001 through August 1, 2002, with no increase in compensation. (Environmental Services)

**Approved.**

### 2.16 Approval to amend the agreement for the Ultra-Low Flush Toilet Installation Retrofit Program.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a second amendment to the agreement with Conservation Retrofitter, Inc., DBA California Water Conservation Company, to extend each of the three program elements by one month, from June 30, 2002 to July 31, 2002, and to delay the beginning and ending dates of the small multi-family dwelling program element's Optional Extended Services Period by the same time period of one month, to begin on August 1, 2001 and end on September 30, 2002, at no additional cost to the City. (Environmental Services)

**Resolution No. 70467 adopted.**

## 2 CONSENT CALENDAR

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**2.17 Approval to amend the agreement for the Countywide Household Hazardous Waste Collection Program.**

**Recommendation:** Approval of a first amendment to the agency agreement with the County of Santa Clara for the countywide household hazardous waste collection program to update the Emergency Collection Plan, provide the program event schedule for FY 2001-02, and to provide greater operational detail, at no cost to the City. (Environmental Services)

**Approved.**

**2.18 Approval to amend the agreement for facilitation services for the Santa Clara Basin Watershed Management Initiative.**

**Recommendation:** Approval of a first amendment to the agreement with Moore Iacofano Goltsman, Inc. to provide facilitation services for the Santa Clara Basin Watershed Management Initiative, extending the term of the agreement by one year, from June 30, 2001 to June 30, 2002, and revising the schedule of compensation, at no additional cost to the City. (Environmental Services)

**Approved.**

**2.19 Approval to amend an agreement for construction of South Bay Water Recycling projects.**

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a fourth amendment to the agreement with the City of Milpitas to secure additional funding for construction of South Bay Water Recycling projects, increasing the maximum amount payable by \$348,622, from \$12,155,631 to a total not to exceed \$12,504,253, and extending the term of the agreement by nine months, from December 31, 2002 to September 30, 2003. CEQA: Resolution No. 64667. (Environmental Services)

**Resolution No. 70468 adopted.**

**2.20 Approval to amend the general banking services agreement with Bank of America.**

**Recommendation:** Approval of the third amendment to the general banking services agreement with Bank of America to extend the term of the agreement on a month-to-month basis, not to exceed a period of three months at existing rates. (Finance)

**Approved.**

## 2 CONSENT CALENDAR

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**2.21 Approval to amend the agreement for general financial advisory services related to the Airport Master Plan.**

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute the first amendment to the agreement with Fullerton & Friar, Inc. and Public Resources Advisory Group, for general financial advisory services related to the Airport Master Plan, to extend the term of the agreement from July 1, 2001 to June 30, 2002, and to increase the maximum amount of compensation from \$300,000 to \$610,000.

(Finance/Airport)

**Resolution No. 70469 adopted.**

**2.22 Approval of an agreement to provide a comprehensive Wellness Program for the Fire Department.**

**Recommendation:** Approval of an agreement with Club One, Inc. to provide a comprehensive Wellness Program for the San José Fire Department in an amount not exceed \$211,100, for the period July 1, 2001 to June 30, 2002. (Fire)

**Approved. Staff was directed to develop performance measures for the contractor for the Fire Department's Wellness Program.**

**2.23 Approval of an agreement for a Medical Director of the Fire Department's EMS Program.**

**Recommendation:** Approval of an agreement with Howard E. Michael, M.D. to serve as Medical Director of the Fire Department EMS Program for the period July 1, 2001 to June 30, 2002, in an amount not to exceed \$84,304. (Fire)

**Approved.**

**2.24 Approval of open purchase orders for the purchase of supplies, materials, equipment, and services for FY 2000-2001.**

**Recommendation:** Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2000-2001 #49, and authorization for the Director of General Services to execute the purchase orders. (General Services)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.25 Approval of open purchase orders for the purchase of supplies, materials, equipment, and services for FY 2001-2002.

**Recommendation:**

- (a) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2001-2002 #1, and authorization for the Director of General Services to execute the purchase orders. (General Services)
- (b) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2001-2002 #2, and authorization for the Director of General Services to execute the purchase orders. (General Services)

**Approved.**

### 2.26 Approval of an agreement to acquire an integrated departmental database software program.

**Recommendation:** Adoption of a resolution authorizing the Director of General Services to:

- (a) Execute an agreement for the acquisition of an integrated departmental database software program for the Housing Department with Housing & Development Software, Inc., at a total cost of \$141,800, including tax, installation, integration, data conversion, and training; and
- (b) Execute change orders in an amount not to exceed \$50,000 for unanticipated requirements which may arise during the installation and integration of the various software modules.

(General Services)

**Resolution No. 70470 adopted.**

### 2.27 Approval to donate one sedan and one pickup truck to the San José Conservation Corps.

**Recommendation:** Adoption of a resolution authorizing the Director of General Services to execute all documents necessary for the donation of one (1) sedan and one (1) pickup truck with a total estimated value of \$3,250 to the San José Conservation Corps.

(General Services)

**Resolution No. 70471 adopted.**

### 2.28 Approval of the sale of one fire vehicle to Fire Brigade #38, Paradise Park Masonic Club.

**Recommendation:** Adoption of a resolution authorizing the Director of General Services to execute all documents necessary for the sale of one (1) fire vehicle with a total sales price of \$1,500 to Fire Brigade #38, Paradise Park Masonic Club. (General Services)

**Resolution No. 70472 adopted.**

## 2 CONSENT CALENDAR

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### 2.29 Approval to donate one surplus Police bomb van to the City of Mexicali, Mexico.

**Recommendation:** Adoption of a resolution authorizing the Director of General Services to execute all documents necessary for the donation of one surplus Police bomb van with a total estimated value of \$1,700 to the City of Mexicali, Mexico. (General Services)

**Resolution No. 70473 adopted.**

### 2.30 Approval to designate Pacific, Gas and Electric Co. as the supplier for the purchase of natural gas.

**Recommendation:** Adoption of a resolution authorizing the Director of General Services to designate Pacific, Gas and Electric Co., under the Core Rate Schedule, as the supplier for the purchase of natural gas for the Water Pollution Control Plant and the Convention, Arts & Entertainment Department. (General Services)

**Resolution No. 70474 adopted.**

### 2.31 Approval to award the purchase of one replacement street sweeping truck.

**Recommendation:** Report on bids and award the purchase of one (1) mechanical broom-type street sweeping truck for the Transportation Department to the lowest responsive bidder, Ricker Machinery, at a total cost of \$186,455.22, 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 without further Council action other than the appropriation of necessary funds.

(General Services)

**Approved.**

### 2.32 Approval to create, change, and delete various job classifications.

**Recommendation:**

Adoption of a resolution to:

- (a) Amend the City Pay Plan to create job classifications for Senior Carpenter, Airport Operations Specialist, Senior and Airport Operations Specialist, Senior PT.
- (b) Change job classification titles for Airport Operations Specialist II and Airport Operations Specialist II PT.
- (c) Delete various obsolete job classifications.

(Human Resources)

**Resolution No. 70475 adopted.**

## 2 CONSENT CALENDAR

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### 2.33 Approval of an agreement with Pacific Bell Telephone Company for 311 non-emergency service.

**Recommendation:** Adoption of a resolution, amending Resolution No. 70072, to revise the City Manager's authorization to execute an agreement (modification #1) between Pacific Bell Telephone Company and the City of San José, for 311 service, for a total cost not to exceed \$137,700, for the period July 1, 2000 to January 3, 2002. (Information Technology)

**Resolution No. 70476 adopted.**

### 2.34 Approval to submit a joint grant application with the San José Conservation Corps to the Urban Streams Restoration Program.

**Recommendation:** Adoption of a resolution authorizing the City Manager to submit a joint application with the San José Conservation Corps for a grant amount of \$167,570 for services performed by the San José Conservation Corps at Alum Rock Park under the Urban Streams Restoration Program and if awarded, negotiate and execute a grant agreement with the State of California, Department of Water Resources, for the period July 1, 2001 to June 30, 2002. (Parks, Recreation and Neighborhood Services)

**Resolution No. 70477 adopted.**

### 2.35 Approval of various agreements for Parks, Recreation and Neighborhood Services programs for Fiscal Year 2001-02.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute agreements for Parks, Recreation and Neighborhood Services programs consistent with the amounts budgeted for these programs in the adopted budget for Fiscal Year 2001-02, and to accept grant funds from the County for provision of mental health services and senior nutrition programs, and accept funds from the City of Milpitas for animal services in amounts consistent with budgeted amounts, and on terms and conditions determined reasonable by the City Manager. (Parks, Recreation and Neighborhood Services)

**Resolution No. 70478 adopted.**

## 2 CONSENT CALENDAR

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### 2.36 Approval to submit a grant application to the State Department of Parks and Recreation for the Plugged In Program.

**Recommendation:** Adoption of a resolution requesting grant funding in the amount of \$100,000 to replicate the Plugged In Program in San José by:

- (a) Approving an application to the State Department of Parks and Recreation for a grant to replicate the Plugged In Program in San José.
- (b) Authorizing the City Manager to negotiate and execute all documents relating to the grant application and the associated funding agreement.
- (c) Direction to the staff of the Parks, Recreation and Neighborhood Services to complete the grant application and to submit it to the State Department of Parks and Recreation.

Council District 5. (Parks, Recreation and Neighborhood Services)

**Resolution No. 70479 adopted.**

### 2.37 Approval of an agreement for urban design services for the East Gardner Specific Plan.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a consultant agreement, for a maximum compensation of \$82,500, with the ROMA Design Group for urban design services to be included in the preparation of the East Gardner Specific Plan. (Planning, Building and Code Enforcement)

**Resolution No. 70480 adopted.**

### 2.38 Approval to initiate and refer General Plan amendments to the 2001 Annual General Plan Review.

**Recommendation:**

- (a) Initiate and refer to the 2001 Annual Review of the General Plan, eleven land use amendments to the San Jose 2020 General Plan Land Use/Transportation Diagram to strengthen San Jose's industrial land base.
- (b) Initiate and refer to the 2001 Annual Review of the General Plan, text amendments to strengthen pedestrian and related policies as recommended by the Pedestrian Issues Task Force.

(Planning, Building and Code Enforcement)

**Staff recommendation approved, as amended by Council Member Reed to (1) Include in the fall General Plan Review, language that would facilitate light and industrial uses and like-uses--critical suppliers for the high-technology industry--to be allowed in Industrial Park, Research And Development, and Campus Industrial General Plan designations; (2) Analyze the impact to social service agencies of the staff recommendations to withdraw the Mixed Industrial Overlay on certain areas; and (3) When Staff comes back to Council, provide analysis of changes needed in the zoning code to facilitate allowing light industrial users to locate in other areas.**

## 2 CONSENT CALENDAR

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### 2.39 Approval to continue an agreement for the Riparian Restoration Action Plan.

**Recommendation:** Approval of a continuation to a consultant agreement with Jones & Stokes Associates increasing compensation by \$5,000, to \$60,000; amending the scope of services to include delivery of an electronic version of the *Riparian Restoration Action Plan*; amending Exhibit D, Compensation, to state that the final \$6,000 of compensation is to be paid upon receipt of final product; and extending the term to September 30, 2001 with all other provisions of the agreement remaining in effect. (Planning, Building and Code Enforcement)

**Approved.**

### 2.40 Reorganization and annexation of territory designated as Edenvale No. 22.

**Recommendation:** Adoption of a resolution authorizing the reorganization of territory designated as Edenvale No. 22, which involves the annexation to the City of San José of 43.7 acres of land, located at the north side of Hillsdale Avenue opposite Vistapark Drive, and the detachment of the same from the Central Fire District and the Santa Clara County Library Services Area. CEQA: Resolution No. 70194. (Planning, Building and Code Enforcement)

**Resolution No. 70481 adopted.**

### 2.41 Approval of an agreement for the completion of a Future Police Services Delivery Strategies Study.

**Recommendation:**

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute a consulting agreement with the consultant team of Marcy Li Wong and Associates and Ekona Planning and Architecture for the preparation of a Future Police Services Delivery Strategies study for the period June 26, 2001 to July 31, 2002, in an amount not to exceed \$250,000.

**Staff directed to include in study an analysis of the effectiveness of the City's 311 phone number, to review distribution of resources to accommodate peak time, and to track when other non-City public safety personnel are in the area.**

**Resolution No. 70482 adopted.**

- (b) Acceptance of the workplan for the Future Police Service Delivery Strategies study.

(Police)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.42 Approval to accept the “Domestic Violence Grant—Making the Technical Connection” Grant.

**Recommendation:**

- (a) Adoption of a resolution authorizing the City Manager to accept the Office of Criminal Justice Planning grant award in the amount of \$110,000 for one year for a Domestic Violence grant, and to execute all related documents.

**Resolution No. 70483 adopted.**

- (b) Adoption of related appropriation ordinance and funding sources resolution amendments in the General Fund for Fiscal Year 2001-2002 in the net amount of \$110,000.

(Police/City Manager’s Office)

**Ordinance No. 26438 adopted.**

**Resolution No. 70484 adopted.**

### 2.43 Approval to appropriate the Ending Fund Balance of the Supplemental Law Enforcement Services Fund for communications equipment.

**Recommendation:**

- (a) Approval of the addition of \$370,000 for communications equipment to the Police Department's Spending Plan for the Supplemental Law Enforcement Services Fund.

**Approved.**

- (b) Adoption of amendments to the annual appropriation ordinance in the Supplemental Law Enforcement Services Fund for Fiscal Year 2001-02 in the amount of \$370,000.

(Police/City Manager’s Office)

**Ordinance No. 26439 adopted.**

### 2.44 Approval to lease office space for the City’s Animal Control Dispatch Facility.

**Recommendation:** Approval of a one-year lease agreement with Kinco Mercado Real, LLC for 3,420 square feet of office space to transition control of the Animal Control Dispatch Facility from South Bay Animal Control to the City. (Public Works)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.45 Approval of an agreement for the Evergreen Industrial Development.

**Recommendation:** Approval of an agreement with Yerba Buena, OPCO, LLC, Whitehall Street Real Estate Limited Partnership XIII, Whitehall Parallel Real Estate Limited Partnership XIII, DLJ Real Estate Capital Partners and Walton Evergreen Partners III, LLC for funding and investigation of the feasibility of providing public financing for the acquisition and construction of public infrastructure improvements required for the Evergreen Industrial Development. Council District 8. (Public Works)

**Deferred to 8/7/01**

### 2.46 Approval to amend the lease agreement for property located at 800 N. First Street.

**Recommendation:** Approval of an amendment to the lease agreement with Luxport Properties for 6600 square feet of office space located at 800 North First Street, replacing the name of Luxport Properties to the name of its successor, 800 N. First Street, LLC and extending the term of the agreement by an additional three (3) years from 60 months to 96 months with a rental rate of \$22,770 per month during the first year of the three (3) year extended term, increasing to \$23,628 per month and \$24,618 per month during the second and third year of the extended term respectively. (Public Works)

**Approved.**

### 2.47 Approval of property use agreements for placement of telecommunications equipment on City facilities and in the San José International Airport.

**Recommendation:** Adoption of a resolution approving rate schedules and standardized non-exclusive property use agreements for placement of telecommunications equipment on City and Airport Property and authorizing the City Manager to execute such use agreements in the future if they are submitted for signature without substantive amendment. CEQA: Exempt. (Public Works)

**Deferred to 8/7/01.**

### 2.48 Approval to amend the agreement for the Gardner Neighborhood Community Center & Biebrach Park Master Plan Project.

**Recommendation:** Approval of the first amendment to the agreement with Sugimura & Associates, Architects for architectural services for the Gardner Neighborhood Community Center & Biebrach Park Master Plan Project, increasing compensation by \$139,500, from \$49,500 to a total agreement amount of \$189,000. Council District 3. (Public Works)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.49 Approval to award the contract for the Scott Street Sidewalk Improvement Project.

**Recommendation:** Report on bids and award of contract for the Scott Street Sidewalk Improvement Project to the low bidder, Bellicitti and Pelliciotti Construction, Inc., in the amount of \$209,545, and approval of a contingency in the amount of \$21,000. CEQA: ND. Council District 6. (Public Works)

**Approved.**

### 2.50 Approval to award the contract for the Traffic Signal Unit 00D Project.

**Recommendation:** Report on bids and award of contract for the Traffic Signal Unit 00D Project to the low bidder, Brown & Fesler Inc., in the amount of \$279,771, and approval of a contingency in the amount of \$14,000. CEQA: Exempt. Council District 8. (Public Works)

**Approved.**

### 2.51 Approval to award the contract for the University Alleyway Improvement Project.

**Recommendation:** Report on bids and award of contract for the University Alleyway Improvement, a CDGB funded project, to the low bidder, Wattis Construction, Inc., in the amount of \$179,070, and approval of a contingency in the amount of \$18,000. CEQA: Exempt. Council District 3. (Public Works)

**Approved.**

### 2.52 Approval of additional work for the Street Lights Crackdown 99 Project.

**Recommendation:** Approval of Contract Change Order No. 6 with Pacific Electric Company for the Street Lights Crackdown 99 Project in the amount of \$13,478, for a total contract amount of \$226,626.37. CEQA: Exempt. (Public Works)

**Approved.**

### 2.53 Approval to reject all bids and re-advertise for three Streetlighting Improvement Projects.

**Recommendation:** Approval to reject all bids for the Hensley Historic District, West San Carlos, and East Santa Clara Pedestrian Streetlighting Improvement Project, and authorization for the Director of Public Works to re-advertise and re-bid the project. CEQA: Exempt. Council Districts 3 and 6. (Public Works)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.54 Approval to award a contract for the Police Department's Communications Building Re-Roof Project.

**Recommendation:** Report on bids and award of contract to the low bidder for the Communications Building Re-roof Project to the low bidder, Best Roofing and Waterproofing, Inc., in the amount of \$424,838, and approval of a contingency in the amount of \$45,000. CEQA: Exempt. Council District 3. (Public Works)

**Approved.**

### 2.55 Approval to grant an easement to the San José Water Company.

**Recommendation:** Approval of the grant of an easement to the San José Water Company for the placement of an 8 inch waterline and backflow preventor off of Senter Road near its intersection with Umbarger Road, to provide water for a fire hydrant situated on City owned property that has been leased to the San José Conservation Corps. (Public Works)

**Dropped.**

### 2.56 Approval to continue an agreement for the Seismic Upgrade of the North Wing of the Police Administration Building Project.

**Recommendation:** Approval of the continuation agreement with OLMM Consulting Engineers for consultant services for the Seismic Upgrade of the North Wing of the Police Administration Building Project, increasing the compensation by \$30,000, from \$150,000 to \$180,000, and extending the term of the agreement from December 31, 2000 to December 31, 2002. Council District 3. (Public Works)

**Approved.**

### 2.57 Approval of various agreements for Hellyer-Piercy Improvement District.

**Recommendation:**

- (a) Approval of a consultant agreement with HMH Inc. for post design and construction related services in an amount not to exceed \$400,000, for the term extending from July 1, 2001 to December 31, 2002;
- (b) Approval of a consultant agreement with Earth Tech for hazardous material testing services in an amount not to exceed \$157,000, for the term extending from July 1, 2001 to July 31, 2002;
- (c) Approval of a consultant agreement with Basin Research Associates for archaeological monitoring services in an amount not to exceed \$72,000, for the term extending from July 1, 2001 to July 31, 2002; and
- (d) Approval of a consultant agreement with Live Oak Associates for permitting, survey and monitoring services in an amount not to exceed \$43,000, for the term extending from July 1, 2001 to July 31, 2002.

Council District 2. (Public Works)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.58 Approval to vacate Public Utility Easements.

**Recommendation:** Adoption of a resolution summarily vacating the Public Utility Easements that were reserved with the vacations of portions of Eighth and Mission Streets by Resolution Nos. 58046 and 56801, respectively. CEQA: ND. Council District 3. (Public Works)

**Resolution No. 70485 adopted.**

### 2.59 Approval to amend agreements for the preparation of various Project Study Reports.

**Recommendation:** Approval of agreement amendments with each of the following consultants for the preparation of Project Study Reports, at no additional cost to the City:

- (a) Rajappan and Meyer Consulting Engineers, Inc. for the upgrade of the Route 101 interchange at De La Cruz Boulevard, extending the term from July 1, 2001 to December 31, 2001.
- (b) Brian Kangas Foulk for the upgrade of the Route 101 interchange at Tully Road, extending the term from July 1, 2001 to December 31, 2002.
- (c) Parsons Transportation Group, Inc. (formerly De Leuw, Cather & Co.) for the upgrade of the Route 880 at Coleman Avenue and Route 87 interchanges, extending the term from July 1, 2001 to December 31, 2001.

Council Districts 3, 4, and 7. (Transportation)

**Approved. Disqualified: LeZotte on 2.59(a).**

### 2.60 Approval of an agreement for transportation planning support services.

**Recommendation:** Approval of an agreement with Fehr & Peers Associates, Inc. for transportation planning support services in an amount not to exceed \$250,000. (Transportation)

**Approved.**

### 2.61 Approval of a grant agreement for the Downtown Area Shuttle Program.

**Recommendation:** Approval of a grant agreement with the San José Downtown Association for a Downtown Area Shuttle Program, to be provided by the Santa Clara Valley Transportation Authority, for the period July 1, 2001 to June 30, 2002, and in an amount not to exceed \$135,000. Council District 3. (Transportation)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.62 Approval of Minutes.

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

- (a) Regular Meeting of April 3, 2001
- (b) Regular Meeting of April 10, 2001
- (c) Joint Council/Redevelopment Agency Meeting of April 10, 2001
- (d) Regular Meeting of April 17, 2001

**Approved.**

### 2.63 Approval to reject all bids and re-advertise for the Brigadoon Park Renovation Project.

**Recommendation:** Approval to reject all bids for the Brigadoon Park Renovation Project, and authorization for the Director of Public Works to re-advertise and re-bid the project. CEQA: Exempt. Council District 8. (Public Works)  
(Deferred from 6/19/01 – Item 2.17)

**Approved.**

### 2.64 Appointment of City Auditor.

**Recommendation:** Appointment of Gerald A. Silva as City Auditor for a four year term beginning July 1, 2001, and approval of an employment agreement with Gerald A. Silva to provide services as City Auditor. (Mayor)  
(Rules Committee referral 6/20/01)

**Approved.**

### 2.65 Approval of Council Member Yeager's travel.

**Recommendation:** Approval of Council Member Ken Yeager's travel to:

- (a) Portland, OR, on July 18-20, 2001, to attend the 2001 N.O.I.S.E. Summer Conference and Aviation Noise Symposium. Funding: Airport.
- (b) Monterey, CA, on July 25-27, 2001, to attend the League of California Cities Mayors and Council Members Executive Forum. Funding: Council General.

(Yeager)

(Rules Committee referral 6/20/01)

**Approved.**

### 2.66 Approval of amendment to legal services agreement to increase compensation.

**Recommendation:** Adoption of a resolution authorizing the City Attorney to negotiate and execute a third amendment to the legal services agreement with Rankin, Landsness, Lahde, Serverian & Stock, to increase the total amount of compensation by \$8,000, to a total amount not to exceed \$183,000. (City Attorney's Office)

(Rules Committee referral 6/20/01)

**Resolution No. 70486 adopted.**

## 2 CONSENT CALENDAR

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### 2.67 Approval of an agreement to provide support for the Silicon Valley Football Classic.

**Recommendation:** Approval of a grant agreement with Silicon Valley Football Classic, Inc., to provide support to the Silicon Valley Football Classic Bowl Game, in the amount of \$150,000. (City Manager's Office)

(Rules Committee referral 6/20/01)

**Approved.**

### 2.68 Approval to initiate and refer a General Plan amendment regarding the purpose of the Urban Reserve triggers and to begin a comprehensive General Plan Update.

**Recommendation:** Direction to the Administration to:

- (a) Initiate, and refer to the 2001 Annual Review of the General Plan, a General Plan text amendment modifying the purpose of the Urban Reserve triggers;

**Approved---as amended by Mayor Gonzales' June 21, 2001,  
recommendations for modification of planning triggers applicable to  
the Central Coyote Valley and not to South Almaden.**

- (b) Direct the Administration to prepare a work plan and budget for a comprehensive update of the General Plan for the Fiscal Year 2001-02 Mid-Year Budget and FY 2002-03 Operating Budget; and

**Not approved.**

- (c) Begin to consider the composition of a representative Task Force to participate in the preparation of the General Plan Update, with the intent of appointing the Task Force in FY 2001-02, to start work on a "vision" for the General Plan Update.

**Not Approved.**

(Planning, Building and Code Enforcement)

(Rules Committee referral 6/20/01)

**HEARD CONCURRENTLY WITH ITEMS 4.11 AND 4.17**

### 2.69 Approval of an agreement for the Tuers-Capitol Golf Course Project.

**Recommendation:** Approval of an amendment to the agreement for consultant services with Heinbuch Golf, LLC to continue providing construction management services for the Tuers-Capitol Golf Course Project, and increasing compensation by \$200,000, for a total maximum compensation of \$725,000. Council District 7. (Public Works)

(Rules Committee referral 6/20/01)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.70 Approval of various actions recommended for full Council action by the Rules Committee at its June 20, 2001 meeting.

**Recommendation:**

- (a) Approval of the staff report in response to CR #8-22-00-7c(7) regarding: Expanded Intergovernmental Relations Services. (City Manager's Office)  
[Rules Committee referral 6/20/01 – Item g(1)]
- (b) Approval of the League of California Cities proposed bylaws amendment to increase dues to implement League Grassroots Network. (City Manager's Office)  
[Rules Committee referral 6/20/01 – Item h(1)]
- (c) Approval of the staff's report and adoption of revised Council Policy 0-12, "Council Referral System." (City Manager's Office)  
[Rules Committee referral 6/20/01 – Item h(3)]

**Approved.**

### 2.71 Authorization for the Mayor to sign and forward a letter on behalf of the City related to the preparation of the Habitat Conservation Plan, contingent upon a negotiated easement agreement with the County.

**Recommendation:** Authorization for the Mayor to sign and forward a letter to the United States Fish and Wildlife Service and California Department of Fish and Game, on behalf of the City of San José, expressing the City's approval of the preparation of the Habitat Conservation Plan/Natural Communities Conservation Plan, contingent upon the City and County negotiating terms of an easement in the County's Coyote Creek Park. (City Manager's Office)

(Orders of the Day)

**Approved, with the stipulation that the latest terms put forth by the County are unacceptable and the Mayor is authorized to negotiate an appropriate transaction on behalf of the Council.**

### 2.72 Approval of the plans, final map, contract, and water main extension for Tract No. 9316.

**Recommendation:** TRACT NO. 9316 – Southeast corner of San Felipe and Delta Roads – Brookfield Madison LLC, a Delaware Corporation (Developer) – 54 single family detached residential units. Adoption of resolutions approving the plans, final map, contract, and water main extension for Tract No. 9316. CEQA: ND. Council District 8. (Public Works)

**Resolution Nos. 70487-70490 adopted. Disqualified: Cortese.**

## 2 CONSENT CALENDAR

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### 2.73 Designation of the Director of Planning, Building and Code Enforcement as the "Certifying Officer" recognized by HUD for certifying all NEPA clearances.

**Recommendation:** Adoption of a resolution designating the Director of Planning, Building and Code Enforcement as the Certifying Officer recognized by Housing and Urban Development as having authority to certify all clearances under the National Environmental Policy Act. (Department of Planning, Building and Code Enforcement) (Orders of the Day)

**Resolution No. 70491 adopted.**

END OF CONSENT CALENDAR

## 3 STRATEGIC SUPPORT SERVICES

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### 3.1 Report of City Council Study Sessions

**Mayor Gonzales, Chair**

- (a) Joint City Council/Redevelopment Agency Study Session of March 27, 2001
  - (1) Greater Downtown Development Strategy

**The City Council and Redevelopment Agency Board discussed the presentations and information given, referred to Staff the issues raised by the Council and Agency Board, and determined the need for a further Study Session.**

- (b) City Council Study Session of April 17, 2001
  - (1) Traffic Calming

**Council accepted the Staff report and directed Staff to continue to develop the City's Traffic Calming Program and report back at regular intervals on the status of the implementation process, make recommendations on new strategies and emerging technologies, and report on staffing and funding requirements**

**Study Session reports and actions of March 27, 2001, and April 17, 2001 accepted.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee - Meeting of June 13, 2001 Vice Mayor Shirakawa, Jr., Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
  - (1) Review June 26, 2001 Draft Agenda

**For Item 9.1, *Acceptance of the Fire Department Strategic Plan*, the Committee directed the Administration to provide both the Master Plan and Strategic Plan documents to Council in a timely manner prior to the June 26<sup>th</sup> Council meeting. The Committee approved the June 26, 2001 City Council agenda with four additions and two changes.**

- (2) Add New Items to June 19, 2001 Amended Agenda  
**The Committee requested Administration to provide Council, in a timely manner, the report for Item 7.5, *Report on the San José Municipal Water System Request for Proposals*. The Committee recommended eight additions to the June 19, 2001 City Council agenda.**

#### (c) City Council Committees

- (1) Amendments to Council Committee Agendas
  - (a) Finance and Infrastructure Committee  
**The Committee recommended three additions to the June 27, 2001 agenda: (1) *Audit of Building Division's cash handling and refund process (Auditor)*; (2) *Findings report on Bay 101 conditional approval of stock transfer agreement for quarter ending December 31, 2000 (Auditor)*; and (3) *Redevelopment Agency Debt Profile (Agency)*.**
  - (b) Economic Development and Environment Committee
  - (c) Education, Neighborhoods, Youth, and Seniors Committee
  - (d) Ad Hoc Traffic Calming Advisory Committee  
**None filed.**

#### (d) Meeting Schedules

**The Committee recommended cancellation of the June 27, 2001 Rules Committee meeting.**

#### (e) The Public Record – May 30 to June 5, 2001

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

#### (f) Boards, Commissions and Committees

**There were none.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee (Cont'd.)

Vice Mayor Shirakawa, Jr., Chair

Meeting of June 13, 2001

- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
- (1) Report back on request to study rental and tenant housing issues  
**The Committee directed the Administration to prepare a draft/status report on rental and tenant housing issues for the August 7, 2001 Economic Development and Environment (EDE) Committee meeting, to be followed by a more complete report at the September EDE Committee meeting.**
- (h) Administrative Reviews and Approval
- (1) Accept staff report on:
- Senate Bill 106 (Sher), relating to abandoned vehicle service authority
  - Assembly Bill 730 (Diaz), relating to parks and recreation and City of San José property exchange
  - Assembly Bill 1477 (Hertberg), relating to state non-emergency telephone number system
  - May 2001 Legislative Bill Matrix
- The Committee recommended accepting the Staff report on Senate Bill 106 and Assembly Bills 730 and 1477, and the May 2001 legislative bill matrix.**
- (i) Oral communications  
**None presented.**
- (j) Adjournment  
**The meeting was adjourned at 2:40 p.m.**

**Rules Committee report and actions of June 13, 2001 accepted.**

#### 3.2 Report of the Rules Committee - Meeting of June 20, 2001

Vice Mayor Shirakawa, Jr., Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
- (1) Review July 3, 2001 Draft Agenda  
**DROP – JULY RECESS**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee - Meeting of June 20, 2001 (Cont'd.)

Vice Mayor Shirakawa, Jr., Chair

(b) City Council

(2) Add New Items to June 26, 2001 Amended Agenda

**The Committee deferred Item 9.1, *Acceptance of the Fire Department Strategic Plan*, to a study session to be held in late August, 2001 and directed the Administration to provide Council with relevant documents two weeks prior to the study session. The Committee recommended sixteen additions to the June 26, 2001 City Council Agenda.**

(c) City Council Committees

(1) Amendments to Council Committee Agendas

(a) Finance and Infrastructure Committee

**The Committee recommended one addition to the June 27, 2001 agenda: *Audio Broadcasting of Council Committee over the Web. (Information Technology)***

(b) Economic Development and Environment Committee

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

(d) Ad Hoc Traffic Calming Advisory Committee

**None filed.**

(2) Approve Council Committee workplans for the period July – December 2001

**The Committee recommended approval of the Council Committee workplans for the period August through December 2001 as submitted by the Mayor and Chairs of each committee.**

(3) Review Council Committee distribution lists

**The Committee recommended acceptance of Staff's report on the distribution lists and requested Council Members provide Administration with contacts and/or organizations that should be added to the Council Committee distribution lists by July 27, 2001.**

(d) Meeting Schedules

**The Committee recommended cancellation of the August 1, 2001 Rules Committee meeting and that a Rules-in-Lieu Committee meeting be held on the same day.**

(e) The Public Record – June 6 to June 12, 2001

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

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee - Meeting of June 20, 2001 (Cont'd.)

##### Vice Mayor Shirakawa, Jr., Chair

(f) Boards, Commissions and Committees

- (1) Response to CR #5-15-01-3.6: Single term limits for Boards and Commissions

**The Committee noted and filed the City Clerk's report.**

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

- (1) Staff report in response to CR #8-22-00-7c(7) regarding: Expanded Intergovernmental Relations Services

**The Committee recommended acceptance of Staff's report regarding proposed changes to current intergovernmental relations' processes that result in a more proactive approach in handling the City's regional, state and federal legislative priorities.**

**SEE ITEM 2.70(a) FOR COUNCIL ACTION TAKEN**

(h) Administrative Reviews and Approval

- (1) League of California Cities proposed bylaws amendment to increase dues to implement League Grassroots Network

**The Committee directed this item be cross-referenced on the June 26, 2001 Council agenda consent calendar and recommended that Council:**

- (a) **Accept Staff recommendation to approve the California League of Cities (LCC) bylaws amendment which will implement a statewide Grassroots Network with intended goals to protect local control and city revenues, and**
- (b) **Agree to the City's share of this effort, which will mean additional dues of \$13,637 for the last half of 2001. In addition, there will be an increase in League annual dues paid by the City of \$30,443, from \$51,950 to a total amount for 2002 of \$82,393.**

**SEE ITEM 2.70(b) FOR COUNCIL ACTION TAKEN**

- (2) Approve City Auditor's Workplan for 2001-2002

**The Committee recommended approval of the proposed City Auditor's 2001-02 Audit Workplan and directed the City Auditor to present a finalized 2001-02 Audit Workplan to the Rules Committee in August.**

### **3 STRATEGIC SUPPORT SERVICES**

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#### **3.2 Report of the Rules Committee - Meeting of June 20, 2001 (Cont'd.) Vice Mayor Shirakawa, Jr., Chair**

- (h) Administrative Reviews and Approval
  - (3) Approval of Staff's report and adoption of revised Council Policy 0-12, "Council Referral System"

**SEE ITEM 2.70(c) FOR COUNCIL ACTION TAKEN**

- (i) Oral communications  
**None.**
- (j) Adjournment  
**The Committee adjourned at 2:50 p.m.**

**Rules Committee report and actions of June 20, 2001 accepted.**

#### **3.3 Report of the Finance and Infrastructure Committee – June 13, 2001 Council Member Dando, Chair**

- (a) Consent Items
  - (1) Monthly Investment Report for April 2001
  - (2) Investment Committee Minutes for May 29, 2001**The Committee approved the Consent Items.**

- (b) Monthly Financial Report for April 2001  
**The Committee accepted the Staff report.**

- (c) Convention Center Refunding  
**Heard by Council on 6/19/01**

- (d) Proposed Changes to Investment Policy  
**The Committee accepted the Staff report.**

**SEE ITEM 3.10 FOR COUNCIL ACTION TAKEN**

- (e) General Airport Revenue Bonds, Series 2001A – Plan of Finance  
**The Committee accepted the Staff report.**

**SEE ITEM 8.4 FOR COUNCIL ACTION TAKEN**

- (f) Annual Capital Project Completion Status Report  
**The Committee deferred the report to September 26, 2001.**

- (g) Oral petitions  
**Bill Garbett spoke on airport runway construction.**

### **3 STRATEGIC SUPPORT SERVICES**

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**3.3 Report of the Finance and Infrastructure Committee – June 13, 2001  
Council Member Dando, Chair**

(h) Adjournment

**The Committee adjourned at 3:35 p.m.**

**Finance & Infrastructure Committee report and actions of June 13, 2001 accepted.**

**3.4 Approval of a Memorandum of Agreement with the Municipal Employees Federation, Local 101, American Federation of State, County, and Municipal Employees.**

**Recommendation:** Adoption of a resolution approving the terms of a Memorandum of Agreement with the Municipal Employees Federation, Local 101, American Federation of State, County, and Municipal Employees, AFL-CIO, subject to ratification, and authorizing the City Manager to execute the agreement with a term of July 1, 2001 through June 30, 2004. (City Manager's Office)

**Resolution No. 70492 adopted.**

**3.5 Approval of the Memorandum of Agreement with International Association of Firefighters.**

**Recommendation:** Adoption of a resolution approving the terms of a Memorandum of Agreement between the City of San José and the International Association of Firefighters, Local 230, subject to ratification, and authorizing the City Manager to execute the Agreement with a term of July 5, 2000 through June 30, 2003. (City S/R

**Resolution No. 70493 adopted.**

**3.6 Adoption of a resolution to provide general increases for Management, unrepresented, and AEA employees, and authorizing the execution of agreements.**

**Recommendation:** Adoption of a resolution to provide general increases for Management (Unit 99) and Association of Engineers and Architects (AEA), unrepresented employees, performance based increases for specified management employee groups and to authorize the City Manager to enter into and execute agreements with Association of Maintenance Supervisory Personnel (AMSP) and City Association of Management Personnel (CAMP), subject to ratification by the respective unit's membership. (City Manager's Office)

**Resolution No. 70494 adopted.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.7 Approval to purchase several Citywide insurance policies.

**Recommendation:**

- (a) Approval of purchase of a Citywide property insurance policy, from Allianz Insurance Company, for the period July 1, 2001 through June 30, 2002, and in an amount not to exceed \$657,500.
- (b) Approval of purchase of various Citywide insurance policies, for the period July 1, 2001 to June 30, 2002, in an amount not to exceed \$891,955.

(Finance)

**Approved.**

#### 3.8 Approval of an agreement to provide sales and use tax compliance and consulting services.

**Recommendation:** Adoption of resolutions:

- (a) Authorizing the City Manager to negotiate and execute an agreement with MBIA MuniServices Company to provide, during the period of June 26, 2001 to June 30, 2002:
  - (1) Sales tax revenue compliance services, compensated on a percentage basis and capped at a total amount not to exceed \$400,000 for claims successfully made; and
  - (2) Consulting services, in an amount not to exceed \$145,000, with three one-year options to extend the term at the same rate of compensation for each additional option year, and with a completion services period to end not later than June 30, 2008, in order for MBIA to resolve claims identified during the term.

**Resolution No. 70495 adopted.**

- (b) Designating MBIA Muni-Services Company as a representative of the City authorized to examine all sales and use tax records of the California State Board of Equalization.

**Resolution No. 70496 adopted.**

- (c) Authorizing the City Manager, the City Auditor, the Budget Director, and the Director of Finance, and any other officer or employee of the City designated in writing by the City Manager, to examine all sales and use tax records of the California State Board of Equalization.

(Finance)

**Resolution No. 70497 adopted.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.9 Initiation of a General Plan Commercial Text Amendment.

**Recommendation:** City Council refer to the 2001 Annual Review of the General Plan, a text amendment to the River Commercial designation in Alviso to be less specific in terms of uses and more directed at the appropriate orientation of office and retail buildings to the river frontage. (Reed)

**Approved.**

#### 3.10 Adoption of a resolution approving proposed changes to Section II.B. of the City's Investment Policy.

**Recommendation:** Adoption of a resolution approving proposed changes to Section II.B. of the City's Investment Policy. (Finance)

[Finance and Infrastructure Committee referral 6/13/01 – Item 3.3(d)]

**Resolution No. 70498 adopted.**

#### 3.11 Approval of Cesar Chavez Day as an official City holiday.

**Recommendation:** Approval of Cesar Chavez Day as an official City holiday. (Mayor)  
(Rules Committee referral 6/20/01)

**Approved.**

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

**Recommendation:**

(a) Approval of Mayor's Biennial Ethics Review Recommendations.

**Approved, with issues relating to Items D and E of the Mayor's June 22, 2001 memo referred back to the Campaign Finance Review and Ethics Board.**

(b) Approval of an ordinance amending Chapter 2.08 of Title 2 of the San Jose Municipal Code to add a new Section 2.08.1615 designating an attorney as one of the members of the Ethics Board, reorganizing and clarifying the provisions in Title 12 of the San Jose Municipal Code by renumbering, adding, and consolidating Ethics Board provisions in Chapter 12.16, amending and reorganizing Chapter 12.06 by deleting obsolete informational provisions and provisions relating to exploratory campaigns and making other clarifying and technical changes to Chapter 12.06.

**Ordinance No. 26440 passed for publication.**

*(Cont'd next page)*

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.12 Mayor's Biennial Review of the City's Code of Ethics (Cont'd.)

**Recommendation:**

- (c) Adoption of a resolution amending the Regulations and Procedures for the Ethics Board to provide for investigations to be conducted by the attorney member of the Board in the absence of a Board investigator.

(Mayor) (Rules Committee referral 6/20/01)

**Resolution not adopted; issue was referred back to Campaign Finance Review and Ethics Board.**

**The Mayor's Biennial Ethics Review Recommendations dated June 22, 2001, were approved, as amended to refer to the Campaign Finance Review and Ethics Board the issues of (a) prohibiting an attorney from sitting on the Board who has advised a candidate or a seated official; (b) prohibiting an attorney who is a Board member from conducting investigations; (c) prohibition on accepting contributions from lobbyists, as defined in the City's campaign finance ordinance; and Ordinance No. 26440 passed for publication.**

#### 3.13 Initiation of General Plan Amendments pertaining to Youth Sports Fields on School District property in South Almaden Valley.

**Recommendation:**

- (a) Initiate and refer to the 2001 Annual Review, General Plan amendments associated with proposed youth sports fields on San José Unified School District Property in the South Almaden Valley Urban Reserve.
- (b) Refer to the Administration a request for a funding source and proposed timeline for an Environmental Impact Report for this General Plan amendment, and report to City Council in August.

(Dando)

(Rules Committee referral 6/20/01)

**Approved.**

### **3 STRATEGIC SUPPORT SERVICES**

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#### **3.14 Initiation of General Plan Amendment pertaining to Alviso.**

**Recommendation:**

- (a) Initiate and refer to the 2001 Annual Review, General Plan amendment to change the land use designation from Private Open Space with Solid Waste Overlay to Light Industrial on property in the Alviso Planning Area, located at the westerly terminus of Dixon Landing Road, north of the Newby Island Recyclery, and immediately south of Coyote Creek, and commonly referred to as the “D” shaped parcel, and to bring it within the Urban Service Area.
- (b) Direction to the City Attorney to prepare an amendment of Section 18.30.220 to allow consideration of a minor modification of the Urban Growth Boundary in the Alviso Planning Area under limited circumstances, and to bring it back for Council consideration in August.

(Reed) (Rules Committee referral 6/20/01)

**Approved.**

#### **3.15 Adoption of a resolution approving benefits for eligible City employee/military reservists called to active duty.**

**Recommendation:** Adoption of a resolution:

- (a) Approving salary and benefits provided by Resolution No. 68890 for eligible City employee/military reservists called to active duty after November 27, 1999 because of the Kosovo Conflict and extending the end date for eligibility for salary and benefits to December 31, 2002.
- (b) Delegating authority to the City Manager to sign agreements detailing the repayment requirements of the supplementary benefits with affected employees.

(City Manager’s Office)

(Rules Committee referral 6/20/01)

**Resolution No. 70499 adopted.**

### **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 the Convention Center and other related facilities’ rate schedule.**

**Recommendation:** Adoption of a resolution setting forth the rate schedule for the Convention Center and other related facilities and repealing Resolution No. 69792.

(Conventions, Arts and Entertainment)

**Resolution No. 70500 adopted.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.3 Public Hearings to establish Maintenance Districts 19 and 20.**

#### **Recommendation:**

- (a) PUBLIC HEARING for the formation of Maintenance District 19 (River Oaks Area Landscaping), and at the close of the public hearing direct the City Clerk to tabulate the property owner ballots and report the results at the August 7, 2001 Council meeting.

**Public Hearing opened; no property owner ballots were submitted; the Public Hearing was closed and the City Clerk directed to tabulate the total property owner ballots received for Maintenance District 19 and report the results August 7, 2001.**

- (b) PUBLIC HEARING for the formation of Maintenance District 20 (Renaissance - North First Landscaping), and at the close of the public hearing direct the City Clerk to tabulate the property owner ballots and report the results at the August 7, 2001 Council meeting.

Council District 4. (Public Works)

**Public Hearing opened; no property owner ballots were submitted; the Public Hearing was closed and the City Clerk directed to tabulate the total property owner ballots received for Maintenance District 20 and report the results August 7, 2001.**

### **4.4 Public Hearings to modify and reauthorize Maintenance Districts 4, 9, and 11.**

#### **Recommendation:**

- (a) PUBLIC HEARING for the reauthorization and modification of Maintenance District 4 (Gateway Place - Airport Parkway), and at the close of the public hearing direct the City Clerk to tabulate the property owner ballots and report the results at the August 7, 2001 Council meeting.

**Public Hearing opened; no property owner ballots were submitted; the Public Hearing was closed and the City Clerk directed to tabulate the total property owner ballots received for Maintenance District 4 and report the results August 7, 2001.**

- (b) PUBLIC HEARING for the reauthorization and modification of Maintenance District 9 (Santa Teresa - Great Oaks), and at the close of the public hearing direct the City Clerk to tabulate the property owner ballots and report the results at the August 7, 2001 Council meeting.

**Public Hearing opened; no property owner ballots were submitted; the Public Hearing was closed and the City Clerk directed to tabulate the total property owner ballots received for Maintenance District 9 and report the results August 7, 2001.**

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## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.4 Public Hearings to modify and reauthorize Maintenance Districts 4, 9, and 11 (Cont'd.)**

**Recommendation:**

- (c) PUBLIC HEARING for the reauthorization and modification of Maintenance District 11 (Brokaw Road from Junction Avenue to Old Oakland Road), and at the close of the public hearing direct the City Clerk to tabulate the property owner ballots and report the results at the August 7, 2001 Council meeting.

Council Districts 2, 3, and 4. (Public Works)

**Public Hearing opened; no property owner ballots were submitted; the Public Hearing was closed and the City Clerk directed to tabulate the total property owner ballots received for Maintenance District 11 and report the results August 7, 2001.**

### **4.5 Approval to expand the Housing Rehabilitation Program.**

**Recommendation:** Adoption of a resolution to expand the Housing Rehabilitation Program to enhance the potential opportunity for private-property improvements in the Strong Neighborhoods Initiative:

- (a) Revising and expanding the Housing Rehabilitation Program's grants for repairs.
- (b) Jointly implement the Housing Rehabilitation Program and the Airport's Acoustical Treatment Program in the Guadalupe-Washington neighborhood.
- (c) Authorization for City Administration to pursue the possibility of partnering the Housing Rehabilitation Program with historic restoration and other program initiatives that are identified in the Strong Neighborhoods planning process.

(Housing/Parks, Recreation and Neighborhood Services/Airport)

**Resolution No. 70501 adopted.**

**Council (1) Directed Staff to develop formal reporting strategy coordinating the ACT and similar neighborhood services with the SNI program; (2) Directed Staff to review strategies to provide tools that allow Code violations to be pursued without creating homelessness or other undesirable outcomes; and (3) Referred to the Rental Task Force being established the issue of addressing the impacts to rents from providing City grants or loans to property owners.**

## 4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

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### 4.6 Approval of various actions for the Sixth and Martha Apartments - Phase II Development.

#### **Recommendation:**

(a) Adoption of a resolution authorizing the issuance of tax-exempt multifamily housing revenue bonds in the principal amount not to exceed \$9.0 million and approving a loan of bond proceeds to 985 South Sixth Street Associates, L.P., a California limited partnership created by JSM Enterprises, Inc., for financing the construction of the Sixth and Martha Apartments - Phase II development including:

- (1) Approving in substantial form the Bonds, Trust Indenture, Financing Agreement, Regulatory Agreement and Declaration of Restrictive Covenants, Multifamily Note, Mortgage, Assignment of Mortgage Loan, Bond Purchase Agreement, Official Statement and Remarketing Agreement; authorizing the Director of Finance and Acting Director of Housing to execute and, as appropriate, to negotiate these documents and other related documents as necessary.
- (2) Approval to allow the proceeds of the Bonds and the repayment of the Mortgage Loan to be invested in one or more investment agreements with an institution(s) whose participation in the financing will not adversely affect the expected rating on the Bonds, as approved by the Director of Finance.

(Finance/Housing)

**Resolution No. 70502 adopted.**

(b) Adoption of a resolution approving the following fiscal actions for 985 South Sixth Street Associates, L.P., or its affiliate, for the development of an 88-unit housing project affordable to low and very low-income families on a 2.12-acre site located on the west side of 6<sup>th</sup> Street, northerly of Bestor Street:

- (1) Business terms for a construction loan of up to \$5,227,000.
- (2) A permanent loan of up to \$5,646,000.

Council District 3. (Housing)

**Resolution No. 70503 adopted, with Staff authorized to accept the \$150,000 offer from the developer, JSM Enterprises, Inc., for a local park.**

## 4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

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### 4.7 Approval of various actions related to the Lenzen Housing Development.

#### Recommendation:

- (a) Adoption of a resolution authorizing the issuance of two series of tax-exempt multifamily housing revenue bonds comprised of the Series 2001B Senior Bonds (the “Senior Bonds”) and the Series 2001B Subordinate Bonds (the “Subordinate Bonds”) (together the “Bonds”), in the principal amount not to exceed \$9.75 million, and approving a loan of bond proceeds to Lenzen Housing, L.P., a California limited partnership created by Core Development, Inc., for financing the construction of the Lenzen Housing project including:
- (1) Approving in substantially final form the Senior Bonds, Trust Indenture, Financing Agreement, Regulatory Agreement and Declaration of Restrictive Covenants, Senior Bond Purchase Agreement, and Preliminary Official Statement.
  - (2) Approving in substantially final form the Subordinate Bond Purchase Agreement, Subordinate Indenture, Subordinate Loan Agreement, and related Bond Purchase Agreement.
  - (3) Authorizing the Director of Finance and the Acting Director of Housing to execute and, as appropriate, to negotiate, execute, and deliver these documents and other related documents as necessary.
  - (4) Approval to allow the proceeds of the Bonds and the repayment of the Mortgage Loan to be invested in one or more investment agreements with an institution(s) whose participation in the financing will not adversely affect the expected rating of the Bonds, as approved by the Director of Finance.

(Finance/Housing)

**Resolution No. 70504 adopted.**

- (b) Adoption of a resolution approving business terms for:
- (1) A construction loan of up to \$4,161,000 to Lenzen Housing, L.P., a California Limited Partnership, or its designated partnership, for the development of an 88-unit housing project with 69 units affordable to low-income households and 18 units affordable to very low-income households that will be targeted to teachers and one unrestricted unit on a 1.61-acre site located at on the south side of Lenzen Avenue, 210 feet west of Stockton Avenue (“Project”).
  - (2) A permanent loan of up to \$4,674,337 to Lenzen Housing, L.P. for the Project.
  - (3) A bridge loan of up to \$3,322,000 to Lenzen Housing, L.P. during the construction and lease-up phases for construction costs of the Project.
  - (4) A bridge loan of up to \$1,100,000 to an affiliate of Lenzen Housing, L.P. during the construction and lease-up phases for construction costs for the Project.

Council District 6. (Housing)

**Resolution No. 70505 adopted.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.8 Approval of various actions related to the Villages Parkway Senior Apartments Development.**

#### **Recommendation:**

- (a) Adoption of a resolution authorizing the issuance of tax-exempt multifamily housing revenue bonds in the principal amount not to exceed \$6.8 million and approving a loan of bond proceeds to Villages Parkway Associates, L.P., a California limited partnership created by JSM Enterprises, Inc., for financing the construction of the Villages Parkway Senior Apartments development including:
- (1) Approving in substantial form the Bonds, Trust Indenture, Financing Agreement, Regulatory Agreement and Declaration of Restrictive Covenants, Multifamily Note, Mortgage, Assignment of Mortgage Loan, Bond Purchase Agreement, Official Statement and Remarketing Agreement; authorizing the Director of Finance and Acting Director of Housing to execute and, as appropriate, to negotiate these documents and other related documents as necessary.
  - (2) Approval to allow the proceeds of the Bonds and the repayment of the Mortgage Loan to be invested in one or more investment agreements with an institution(s) whose participation in the financing will not adversely affect the expected rating on the Bonds, as approved by the Director of Finance.

(Finance/Housing)

**Resolution No. 70506 adopted.**

- (b) Adoption of a resolution approving the following actions for Villages Parkway Associates, L.P., or its affiliate, for the development of a 79-unit housing project affordable low- and very low-income seniors on a 1.96-acre site located at the northeast corner of The Villages Parkway and Ashley Way:
- (1) Business terms for construction loan of up to \$4,134,000.
  - (2) A permanent loan of up to \$4,383,000.

Council District 8. (Housing)

**Resolution No. 70507 adopted.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.9 Approval of various actions for the San José Lutheran Senior Apartments Development.**

**Recommendation:** Adoption of a resolution authorizing the issuance of a single series of tax-exempt multifamily housing revenue bonds in a not-to-exceed principal amount of \$5,000,000, and approving a loan of the proceeds to a limited partnership created by Corporation for Better Housing for financing the construction of the San José Lutheran Senior Apartments Development including:

- (a) Approving, in substantially final form, the Bonds, Trust Indenture, Financing Agreement, Regulatory Agreement and Declaration of Restrictive Covenants, Multifamily Note, Mortgage, Assignment of Mortgage Loan, and Bond Purchase Contract.
- (b) Authorizing the Director of Finance and the Acting Director of Housing to execute and, as appropriate, to negotiate, execute and deliver these documents and other related documents as necessary.
- (c) Approval to allow the proceeds of the Bonds to be invested in one or more investment agreements with an institution(s) whose participation in the financing will not adversely affect the expected ratings on the Bonds, as approved by the Director of Finance.

Council District 6. (Finance/Housing)

**Resolution No. 70508 adopted.**

### **4.10 Approval of an agreement with the Humane Society of Santa Clara for animal services.**

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement among the Humane Society of Santa Clara Valley and the cities of San José and Milpitas for animal services with San José's share of compensation not to exceed \$1,875,835, for the period July 1, 2001 through June 30, 2002. (Parks, Recreation and Neighborhood Services)

**Resolution No. 70509 adopted.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

### **4.11 Acceptance of staff's report on Housing Production Team Recommendations Nos. 6, 8, and 9.**

**Recommendation:**

- (a) Acceptance of the report regarding the status of the prerequisite conditions for the Coyote Valley and South Almaden Valley Urban Reserves (Housing Production Team Recommendation Numbers 8 and 9).

**Report accepted, with the amendments in Mayor Gonzales' June 21, 2001 recommendations, including modifying the planning triggers for the Central Coyote Urban Reserve only.**

- (b) Approval to initiate, and refer to the 2001 Annual Review of the General Plan, a text amendment to the San José 2020 General Plan which would:
- (1) Retain an Annual Review of the General Plan for consideration of major Citywide policies and significant land use amendments with Citywide implications.
  - (2) Schedule two additional amendment hearings.
  - (3) Reserve a fourth amendment hearing opportunity for the Council to schedule as necessary (Housing Production Team Recommendation Number 6).

(Planning, Building and Code Enforcement)

**HEARD CONCURRENTLY WITH ITEMS 2.68 AND 4.17**

**Approved.**

### **4.12 Approval to award the contract for Improvement District No. 99-218SJ (Hellyer-Piercy).**

**Recommendation:** Adoption of a resolution authorizing the City Manager to award the contract for Improvement District No. 99-218 San José (Hellyer-Piercy) Contract #1 to the low bidder, Granite Rock Company dba Pavex Construction Division, in the amount of \$13,433,163, and approval of a contingency in the amount of \$2,015,000. CEQA: Resolution No. 69699.

Council District 2. (Public Works)

**Resolution No. 70510 adopted.**

### **4.13 Approval to award the contract for the Fourth Major Interceptor Phase V/VA Project.**

**Recommendation:** Report on bids and award of contract for the Fourth Major Interceptor Phase V/VA Project to the low bidder, Mountain Cascade, Inc., in the amount of \$21,687,958, and approval of a contingency in the amount of \$ 2,169,000. CEQA: Resolution No. 60197. Council District 4. (Public Works)

**Approved.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.14 Approval to award the contract for the San José Animal Care Center Project.**

**Recommendation:** Adoption of a resolution authorizing the City Manager to determine the lowest responsive bidder and to award a contract for the site grading and utility work for the San José Animal Care Center Project to the lowest responsive bidder, in an amount not to exceed \$650,000, with a ten percent contingency. CEQA: Negative Declaration. (Public Works)

**Resolution No. 70511 adopted.**

### **4.15 Approval of award of contract for the West San Carlos Sidewalk Replacement Project.**

**Recommendation:**

(a) Report on bids and award of contract to the low bidder for the West San Carlos Sidewalk Replacement Project to the low bidder, Golden Bay Construction, Inc., to include the base bid and Add Alternate No. 1 in the amount of \$446,280, and approval of a contingency in the amount of \$50,000. (Public Works)

**Approved.**

(b) Adoption of 2001-2002 appropriation ordinance and funding sources resolution amendments in the services for Redevelopment Capital Projects Fund (City-side Redevelopment fund) for the West San Carlos Street Sidewalk Replacement Project with a net impact to the fund of \$500,000 and adoption of a resolution making certain determinations regarding the expenditure of agency funds on certain public improvements. (City Manager's Office)

(Deferred from 6/19/01 – Item 4.7)

**Ordinance No. 26441 adopted.**

**Resolution No. 70512 adopted.**

### **4.16 Approval of a contract for the Walnut Grove Area Site Improvements Project (Phase II).**

**Recommendation:** Approval of award of contract for the Walnut Grove Area Site Improvements Project (Phase II) to the lowest bidder, Grade Tech Inc., in the amount of \$764,900, with a 10% contingency fund in the amount of \$76,500, and \$11,000 for Project Permit and Testing Fees. Council District 7. (Planning, Building and Code Enforcement)

(Rules Committee referral 6/20/01)

**Approved.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.17 Approval of various actions related to affordable housing**

**Recommendation:** Direct staff to bring forward necessary actions to:

- (a) Maintain the triggers for the Central Coyote Urban Reserve, but make the planning triggers zoning triggers which would allow a Specific Plan to be developed. The Specific Plan Task Force shall be directed to include a requirement in the specific plan that would mandate 20 percent of all units be “deed restricted below market rate units.”

**Approved.**

- (b) Forward to the Rules Committee the following:
  - (1) Direct staff to continue a study of an inclusionary zoning ordinance.
  - (2) Direct staff to develop a fund to provide funds to a regional pool, matching funds put forward by any other Santa Clara County cities’ Redevelopment Agency above their 20% requirement.
  - (3) Direct staff to meet with stakeholders to gather input and review the positive and negative effects of a “just-cause” ordinance.
  - (4) Direct staff to draft a policy that anytime we receive notification of a conversion of Federal affordable housing projects, that we would review the history of the project to determine if there were any other affordability restrictions placed upon the project at time of City approval to attempt to maintain the units as affordable.
  - (5) Authorize the Mayor to appoint a Task Force who would work for six months to develop recommendations related to a myriad of rental housing issues for the City Council’s review.
  - (6) Direct staff to develop a Rental Public Education and Outreach Program.
  - (7) Direct the City Attorney to develop an ordinance and a fee schedule to impose statutory penalties on landlords that illegally evict tenants solely to raise rent. Code enforcement and public education would be a large component of this.
  - (8) Authorize the Mayor to convene a community task force to look at alternative funding mechanisms for affordable housing countywide.
  - (9) Establish an internal task force of city departments to aggressively target and prosecute slumlords to improve housing conditions and safety in San José.

(Mayor) (Orders of the Day)

**HEARD CONCURRENTLY WITH ITEMS 2.68 AND 4.11**

**Council approved Mayor Gonzales’ recommendations dated June 21, 2001, with Item 4.17(b) referred directly to Staff; and Staff directed to review and report on the feasibility of fiscal neutrality fees, provide data from the City’s rental dispute program, and referred to the Renter Housing Task Force the feasibility of establishing an anonymous hotline for renter complaints.**

## 5 RECREATION & CULTURAL SERVICES

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### 5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – June 18, 2001

#### Council Member Chavez, Chair

- (e) Request for direction and approval of proposed ordinance amending Chapter 17.72 of the San José Municipal Code as to the definition of blight (SJMC 17.72), minimum property maintenance standards on two-family and multi-family property, commercial and industrial property landscape requirements, and enforcement remedies, and request for direction and comments on landscape maintenance standards for single-family residential property.

**SEE ITEM 5.9 FOR COUNCIL ACTION TAKEN**

### 5.2 Acceptance of staff's status report on the Neighborhood Libraries and Parks Bonds Projects.

**Recommendation:** Acceptance of staff's status report on the Neighborhood Libraries (Measure O) and Parks (Measure P) Bonds Projects. (City Manager's Office)

**Approved. Staff directed to coordinate projects on the Almaden Community Center and Library.**

### 5.3 Approval of a Memorandum of Understanding with the Bay Area Sports Organizing Committee.

**Recommendation:** Approval of a Memorandum of Understanding with the Bay Area Sports Organizing Committee regarding use of the Convention Center for the 2012 Summer Olympic Games. (Conventions, Arts and Entertainment)

**Approved.**

### 5.4 Approval to fund various arts and cultural programs, projects, grants, and activities.

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

- (a) Allocate funds to the Office of Cultural Affairs for FY 2001-02 arts and cultural programs, projects, grants, and activities, in a total amount not to exceed \$6,016,227; and

**Approved.**

- (b) Adopt a resolution authorizing the City Manager to negotiate and execute FY 2001-02 grant agreements as follows:

- (1) Festival, Parade and Celebration Grant Agreements with 30 organizations for 38 events, in a total amount not to exceed \$559,215; and
- (2) Arts Grant Agreements with 58 organizations, in a total amount not to exceed \$3,964,612.

(Conventions, Arts and Entertainment)

**Resolution No. 70513 adopted.**

## 5 RECREATION & CULTURAL SERVICES

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### 5.5 Approval of various actions related to the new Alviso Community Center.

**Recommendation:**

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Santa Clara Unified School District, in the amount of \$4,017,860, to design, construct, and jointly operate a new Alviso Community Center for a period of twenty years commencing on the date of the District's Board of Education's final acceptance of project construction with the right to renew the term for three successive five-year terms;

**Council made findings of overriding considerations;**

**Resolution No. 70514 adopted.**

**CEQA Resolution No. 70514.1 adopted.**

- (b) Accept donations in the total amount of \$2,500,000 to develop the Alviso Community Center; from Cisco Systems, in the amount of \$1,000,000; Legacy Partners, in the amount of \$1,000,000; and Devcon Construction, Inc., in the amount of \$500,000; and

**Approved.**

- (c) Adoption of the Fiscal Year 2000-01 appropriation ordinance and funding sources resolution amendments in the General Fund in the amount of \$2,500,000.

CEQA: SCUSD Resolution No. 01-08, and additional CEQA resolution to be adopted. Council District 4. (Parks, Recreation and Neighborhood Services/City Manager's Office)

**Ordinance No. 26442 adopted.**

**Resolution No. 70515 adopted.**

### 5.6 Approval to amend the Park Impact and Parkland Dedication Ordinances fees.

**Recommendation:** Adoption of a resolution amending the fees imposed under the Park Impact and Parkland Dedication Ordinances in order to establish a transition period for residential projects subject to Park Impact Ordinance after July 1, 2001. CEQA:

Exempt. Council Districts 3 and 6. (Parks, Recreation and Neighborhood Services)

**Council amended the Staff recommendation to (1) Not to exempt the core but to treat the core the same as the frame in the next phase of the project; and (2) Replace the \$6,000 fee in Districts 3 and 6 with a graduated fee of \$1500, effective for 18 months after which the fee would become equal to the rest of the zone.**

**Resolution No. 70516 adopted.**

## 5 RECREATION & CULTURAL SERVICES

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### 5.7 Approval of recommendations for Use of the Open Space Authority's 20% Funding Program.

**Recommendation:** Adoption of a resolution authorizing the City to submit the four candidate sites for possible acquisition under the 20 Percent Funding Program to the Santa Clara County Open Space Authority. CEQA. Exempt. Council Districts 4 and 5. (Parks, Recreation and Neighborhood Services)

**Resolution No. 70517 adopted.**

### 5.8 Acceptance of an Irrevocable Offer of Dedication of Park Site and approval of a Parkland Agreement.

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

- (a) An irrevocable offer of dedication of parkland from Cahill South L.L.C., for park purposes.
- (b) A Parkland Agreement with Cahill South L.L.C. for Planned Development Zoning 98-03-027.

CEQA: Resolution No. 69355. Council District 6. (Parks, Recreation and Neighborhood Services)

**Resolution No. 70518 adopted.**

### 5.9 Approval of an ordinance amending Chapter 17.72 of the San José Municipal Code.

**Recommendation:** Approval of an ordinance amending Chapter 17.72 of the San José Municipal Code as to the definition of blight, minimum property maintenance standards for two-family and multi-family property, commercial and industrial property landscape requirements, and enforcement remedies. CEQA: Exempt. (Planning, Building and Code Enforcement)

[Education, Neighborhoods, Youth and Seniors Committee referral 6/18/01 - Item 5.1(e)]

**Education, Neighborhoods, Youth and Seniors Committee report and actions on Item 5.1(e) accepted. Staff directed to conduct outreach efforts and report back through the Education, Neighborhoods, Youth and Seniors Committee on feasibility of applying the landscape requirement to single-family residences and include the feasibility of instituting end-dates for removing holiday lights.**

**Ordinance No. 26443 passed for publication.**

### 5.10 Adoption of a resolution approving the renaming of the San Jose Ice Centre, Logitech Ice at San Jose.

**Recommendation:** Adoption of a resolution approving the proposed renaming of the San Jose Ice Centre, Logitech Ice at San Jose. (City Manager's Office)

(Rules Committee referral 6/20/01)

**Resolution No. 70519 adopted.**

## 6 TRANSPORTATION SERVICES

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### 6.1 Traffic Calming Advisory Committee (Ad Hoc) – June 14, 2001 Council Member Reed, Chair

- (a) Report on Downtown Walkability  
**The Committee accepted the Staff report.**
- (b) Informational Status Report on One-way Couplet Streets  
**The Committee accepted the Staff report.**
- (c) Review of NASCOP Program  
**The Committee accepted the Staff report and agreed unanimously that community meetings or other public processes that demonstrate substantial support for NASCOP can be used in lieu of the petitioning process, and agreed to make 35 mph streets eligible for NASCOP if the Police Department and City engineers believe it will work.**
- (d) Review of Draft Traffic Calming Policy  
**The Committee accepted the Staff report, provided recommended changes are made; and recommended the item be cross-referenced for Council action on June 26, 2001.**

**SEE ITEM 6.11 FOR COUNCIL ACTION TAKEN**

- (e) Oral Petitions  
**None.**
- (f) Adjournment  
**The Committee adjourned at 4:45 p.m.**

**Traffic Calming Advisory Committee report and actions of June 14, 2001 approved, with Staff directed to review the feasibility of dispersing the NASCOP vehicles in the four quadrants of the City and report back with a proposed plan.**

### 6.2 Approval to award a contract for the Traffic Signal Unit 00A Project.

**Recommendation:** Report on bids and award of contract for the Traffic Signal Unit 00A Project to the low bidder, Brown & Fesler Inc., in the amount of \$1,144,016. CEQA: Exempt. Council Districts 1, 5, 7, and 8. (Public Works)  
**Approved.**

### 6.3 Approval to award a contract for the Traffic Signal Unit 00B Project.

**Recommendation:** Report on bids and award of contract for the Traffic Signal Unit 00B Project to the low bidder, Brown & Fesler, Inc. in the amount of \$996,290. CEQA: Exempt. Council Districts 5, 6 and 9. (Public Works)  
**Approved.**

## **6 TRANSPORTATION SERVICES**

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### **6.4 Public Hearing and action to vacate a portion of Bush Street.**

**Recommendation:** PUBLIC HEARING and adoption of a resolution conditionally vacating a portion of Bush Street. CEQA: Resolution No. 69355. Council District 6. (Public Works)

**Resolution No. 70520 adopted.**

### **6.5 Public Hearing and action to vacate a portion of White Street.**

**Recommendation:** PUBLIC HEARING and adoption of a resolution vacating a portion of White Street and reserving a public service easement. CEQA: Resolution No. 69355. Council District 6. (Public Works)

**Resolution No. 70521 adopted.**

### **6.6 Public Hearing and action to vacate a portion of a light and air easement at Bascom Avenue and Elden Drive.**

**Recommendation:** PUBLIC HEARING and adoption of a resolution vacating the light and air easement (building setback line) on Bascom Avenue and Elden Drive that lies within Parcel A (formerly lots 7, 8, 9, 10 and a portion of lot 6 of Tract No. 164). CEQA: ND. Council District 9. (Public Works)

**Resolution No. 70522 adopted.**

### **6.7 Approval to increase parking rates at the San José McEnery Convention Center Parking Garage.**

**Recommendation:** Adoption of a Parking Rate Resolution increasing parking rates at the San José McEnery Convention Center parking garage. Council District 3. (Transportation)

**Deferred to 8/7/01.**

### **6.8 Approval to prohibit commercial vehicles in excess of 5 tons on a portion of Cape Buffalo Drive.**

**Recommendation:** Approval of an ordinance amending Section 11.96.070 of Chapter 11.96 of Title 11 of the Municipal Code to add Cape Buffalo Drive, between Berryessa Road and Commodore Drive, to the list of streets upon which commercial vehicles in excess of five (5) tons are prohibited. CEQA: Exempt. (Transportation)

**Ordinance No. 26444 passed for publication.**

## 6 TRANSPORTATION SERVICES

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### 6.9 Approval of an agreement for consultant services related to the Smart Intersections Program and for the Traffic Management Center at the new Civic Center.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement for consultant services with Kimley-Horn & Associates for an amount not to exceed \$460,000 for the development of plans, specifications, and engineer's estimates and construction assistance for the Smart Intersections Program and design assistance for the new Traffic Management Center at the new Civic Center with a term ending June 30, 2003, and authorizing the Director of Transportation to extend the term for up to an additional 180 days, if necessary. CEQA: Exempt. (Transportation)

**Resolution No. 70523 adopted. Staff directed to coordinate with the Smart Parking Signage being implemented in the Downtown.**

### 6.10 Approval of a contract for the 2000-2001 Street Resurfacing Measure A/B funded project.

**Recommendation:** Report on bids and award of contract for the 2000-2001 Street Resurfacing Measure A/B funded project to the low bidder, O'Grady Paving, Inc., in the amount of \$10,340,849. CEQA: Exempt. (Public Works)  
(Rules Committee referral 6/20/01)

**Approved.**

### 6.11 Acceptance of the Traffic Calming Policy.

**Recommendation:** Adoption of a resolution approving a new Traffic Calming Policy to replace the existing Traffic Calming Policy for residential neighborhoods, adopted by Resolution No. 69541.

[Traffic Calming Advisory Committee (Ad Hoc) referral 6/14/01 – Item 6.1(d)]

**Resolution No. 70524 adopted.**

**Staff directed to review for report back to Council issues of adequate staffing and resource levels for the projected timelines, working with Council offices on the petition process, monitoring costs associated with school safety efforts, and including the goal of building strong neighborhood associations, with status reports on effectiveness of the program.**

## 7 ENVIRONMENTAL & UTILITY SERVICES

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### 7.1 Report on a Cooperation Agreement with Calpine/Bechtel.

#### **Recommendation:**

- (a) Adoption of a resolution approving a cooperation agreement with Calpine/Bechtel in connection with the proposed Metcalf Energy Center power plant, including authority for the City Manager to approve certain construction agreements for the construction of recycled water and Municipal Water improvements.

**Resolution No. 70536 adopted. Noes: Williams.**

**Staff directed to revise the monitoring schedule to comply with the that of the California Energy Commission and agreed to by Calpine/Bechtel.**

- (b) Approval of an ordinance amending Sections 15.16.830 and 15.16.840 of Chapter 15.16 of the San José Municipal Code to permit Council approval of agreements for the installment payment of Sanitary Sewer Connection Fees and Sewage Treatment Plant Connection Fees under limited circumstances.

CEQA: California Energy Commission Final Staff Assessment; Resolution No. 69957.  
(City Manager's Office/City Attorney's Office)

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

**Ordinance No. 26447 passed for publication. Noes: Williams.**

### 7.2 Acceptance of a report on the Master Plan process for the expansion of the South Bay Water Recycling System.

#### **Recommendation:**

- (a) Acceptance of the recommendations for Phase 2a expansion of the South Bay Water Recycling (SBWR) system, as presented in the Summary Report entitled "South Bay Water Recycling Near-Term Development Plan."

**Approved. Noes: Dando.**

- (b) Adoption of a resolution authorizing the City Manager to negotiate with Santa Clara Valley Water District to develop a joint funding proposal for implementation of the recommendations contained in the Summary Report.

(Environmental Services)

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

**Resolution No. 70537 adopted. Noes: Dando.**

**Staff directed to provide analysis of current sales in the existing system and of recycled water use on the Water Pollution Control Plant properties to be reported to the Treatment Plant Advisory Committee and to Council August 14, 2001; to review the proposal by the Silicon Valley Toxics Coalition to do testing on the Endocrine Disrupters Research agenda and make recommendations whether the City should participate, and to review the proposal for a testing plan or provide a rationale for not conducting tests.**

## **7 ENVIRONMENTAL & UTILITY SERVICES**

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### **7.3 Approval of an agreement for implementation of an Ultra-Low Flush Toilet Distribution Event Program.**

**Recommendation:** Approval of an agreement with ExPERT, Inc., for implementation of an Ultra-Low Flush Toilet Distribution Event Program for the period July 1, 2001 to September 10, 2002, in an amount not to exceed \$1,475,000. (Environmental Services)  
**Approved.**

### **7.4 Approval of an agreement to provide services and assistance for the Recycle Plus 2002 transition.**

**Recommendation:** Approval of an agreement with ICF Associates, Inc., to provide advertising/public relations services and assist the City of San José with a smooth transition to Recycle Plus 2002, for the period July 1, 2001 through December 31, 2002, in an amount not to exceed \$800,000. (Environmental Services)  
**Approved.**

### **7.5 Approval to shorten the review periods for environmental documents prepared under CEQA for all power plant facilities.**

**Recommendation:** Adoption of a resolution shortening the review periods to seven days for environmental documents prepared under the California Environmental Quality Act for power plants not subject to the jurisdiction of the California Energy Resources Conservation and Development Commission that are proposed to be on-line by the summer of 2001. CEQA: Exempt. (Planning, Building and Code Enforcement)

**Council amended the Staff report to require that if the location of a proposed power plant is within 1000 feet of a residence, that the review period not be shortened.**

**Resolution No. 70525 adopted. Noes: Dando, LeZotte, Williams.**

### **7.6 Approval of agreements for Phase No. 2 of the Countywide Orthophoto Project.**

**Recommendation:**

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute a cooperation agreement for Phase No. 2 of the Countywide Orthophoto Project with the City of San José, County of Santa Clara, and the Santa Clara Valley Water District with City contributing an amount not to exceed \$368,000, and authorizing the Director of Public Works to execute amendments to add Additional Partners.

**Resolution No. 70526 adopted.**

## 7 ENVIRONMENTAL & UTILITY SERVICES

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### 7.6 Approval of agreements for Phase No. 2 of the Countywide Orthophoto Project.

**Recommendation:**

- (b) Adoption of a resolution authorizing the City Manager to negotiate and execute the following Phase No. 2 agreements after the cooperation agreement with the County of Santa Clara and the Santa Clara Valley Water District is fully executed and adequate funds are deposited with the City:
  - (1) An agreement with Triathlon, Inc. to provide orthorectified photos for a maximum amount of \$983,000; and
  - (2) A consultant agreement with HJW GeoSpatial, Inc. to provide quality control services in an amount not to exceed \$144,000.

**Resolution No. 70527 adopted.**

- (c) Adoption of the following appropriation ordinance and funding sources resolution amendments in the Construction Excise Tax Fund to recognize funds deposited by the County of Santa Clara and Santa Clara Valley Water District for payment of orthophoto related services:
  - (1) Increase the Earned Revenue Estimate by \$700,000.
  - (2) Increase the Ortho Photo Project appropriation by \$700,000.

(Public Works/City Manager's Office)

**Ordinance No. 26445 adopted.**

**Resolution No. 70528 adopted.**

### 7.7 Approval to award the contract for the Forest - Rosa Sanitary Sewer Supplement Rehabilitation Phase III Project.

**Recommendation:** Report on bids and award of contract for the Forest - Rosa Sanitary Sewer Supplement Rehabilitation Phase III Project to the lowest responsive bidder, Gelco Services, Inc., in the amount of \$1,247,088, and approval of a contingency in the amount of \$125,000. CEQA: Exempt. Council District 6. (Public Works)

**Approved.**

### 7.8 Approval for the City Manager to negotiate for energy generation opportunities on selected City properties.

**Recommendation:**

- (a) Direction to the City Manager to begin negotiations related to energy generation opportunities on City of San José lands and/or facilities with the following companies and return to Council in August with proposed agreements:
  - (1) For a conventional power plant:
    - (a) **Calpine Corporation** for a potential power generation opportunity of 90 MW at the Las Plumas site and 180-270 MW on Treatment Plant Lands.
    - (b) **Rolls Royce Power Ventures Inc.**, for a potential peaking power generation opportunity of 90 MW on Treatment Plant Lands.

*(Cont'd next page)*

## 7 ENVIRONMENTAL & UTILITY SERVICES

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### 7.8 Approval for the City Manager to negotiate for energy generation opportunities on selected City properties.

#### Recommendation:

- (a) Direction to the City Manager to begin negotiations related to energy generation opportunities on City of San José lands and/or facilities with the following companies and return to Council in August with proposed agreements: (Cont'd.)
  - (2) For Renewable Energy Systems:
    - (a) **Powerlight Corporation** – For various facilities and locations as identified within the RFQ using a variety of solar PV systems: roof top, parking shade structures, and single-axis tracking systems (ground mounted) for a potential total of 7MW.
    - (b) **Duke Solar**- for Treatment Plant lands (7MW), Singleton landfill (100 kW), for a hybrid power plant combining waste heat and solar peaking service, and other sites as determined for electricity displacement with solar powered absorption chillers.
    - (c) **Schott Applied Solar** – for the Treatment Plant (2 MW-ground mount solar system), Municipal Stadium (750 kW-parking shade) and Central Yard (500kW roof mount).
    - (d) **Global Solar** – Phase I could involve the use of various solar system technologies for the Treatment Plant (400 kW to 1.2 MW), Singleton Landfill (300-400 kW), and Lake Cunningham (300-400 kW), and the Story Road Landfill (100 kW). Phase II would utilize roof mounted and parking cover mounted systems for the other sites as listed in the RFQ (West Yard, Mabury Service Yard, Market Street Parking Garage, and Compaq Sports Arena).
    - (e) **Kyocera Solar** – Installations of 100kW increments for all of the sites identified in the RFQ using solar shade structures, ground mounted tracking systems, and fixed arrays.
- (b) Direction to the City Manager to discontinue activities related to land leases for transportable peaker power plants due to lack of response, availability, and related environmental issues.
- (c) Direction to the City Manager to develop and release a Request for Proposal (RFP) by September 2001 for a large power plant (500+ MW) in Treatment Plant Lands and explore potential RFP partnership opportunities with Silicon Valley Power.

(Environmental Services) (Deferred from 6/19/01 – Item 7.3)

**Council approved recommendations by Mayor Gonzales and Council Members Campos, Chavez and Reed, dated June 22, 2001, directing the Administration to:**

**(1) Pursue further negotiations with qualified renewable energy generation companies; (2) Not proceed with the Staff recommendation to direct the City Manager to begin negotiations related to energy generation opportunities on City of San José lands and/or facilities for conventional power plants; and (3) Proceed with the following activities on the Water Pollution Control Plant Property: Site Analysis, Community Outreach, and RFP Preparations, as specified therein.**

## **7 ENVIRONMENTAL & UTILITY SERVICES**

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### **7.9 Report on the San José Municipal Water System Request for Proposals.**

**Recommendation:** Acceptance of staff's report and direction to staff to proceed with the San José Municipal Water System Request for Proposals for the long term lease or operation of the System. (City Manager's Office)

(Deferred from 6/19/01 – Item 7.5)

#### **HEARD LAST**

**Council approved the Staff recommendation and the recommendations dated June 25, 2001 by Mayor Gonzales and Council Members Reed, Cortese, Chavez and Campos, with the amendment that the recommendation pertaining to labor peace include a neutrality agreement, and directed Staff to consult other cities and the City's competition policy team as part of the assessment process, to review alternatives to requiring audited financials from responders. Noes: Yeager, LeZotte**

### **7.10 Approval of an agreement to administer a Home Energy Assistance Program for low-income residents.**

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Economic and Social Opportunities Inc. for an amount not to exceed \$1,000,000, to establish and administer a program for the period July 1, 2001 through June 30, 2002 providing:

- (a) Financial assistance for energy bill payments to eligible residents of San José as defined by the California Low Income Home Energy Assistance Program guidelines;
- (b) Energy efficiency education, audits, and improvements to eligible San José residents as defined by the City of San José Community Development Block Grant guidelines.

(Environmental Services)

**RENUMBERED FROM ITEM 2.11**

**Resolution No. 70529 adopted.**

## **8 AVIATION SERVICES**

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### **8.1 Approval to amend the agreement for Airport Bus Service with the Santa Clara Valley Transportation Authority.**

**Recommendation:** Approval of the third amendment to the agreement for Airport Bus Service with the Santa Clara Valley Transportation Authority, extending the term of the agreement from July 1, 2001 to June 30, 2002, in an amount not to exceed \$1,500,000.

CEQA: Resolution No. 67380. (Airport)

**Approved.**

## 8 AVIATION SERVICES

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### 8.2 Approval to amend the agreement for acoustical treatment for the Guadalupe/Washington Area.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a first amendment to the agreement with Corlett, Skaer & DeVoto Architects, Inc., for consultant services for the initial assessment and acoustical treatment design of approximately 300 dwellings in the Guadalupe/Washington area, increasing compensation by \$1,400,000, from \$983,500 to an amount not to exceed \$2,383,500.

CEQA: Resolution No. 67380. (Airport)

**Resolution No. 70530 adopted.**

### 8.3 Approval of an agreement for maintenance services for the Airport Parking Revenue Control Equipment.

**Recommendation:** Adoption of a resolution authorizing the Director of General Services to:

- (a) Execute a three (3) year agreement, with Ascom Transport Systems for maintenance services for the Airport Parking Revenue Control Equipment, for a total first year cost of \$400,000, and subsequent two years with compensation adjustments based on the Consumer Price Index, not to exceed 7% per year and contingent upon Council appropriation of the funds each year;
- (b) Execute two (2) two year options to renew with compensation adjustments based on the Consumer Price Index not to exceed 7% per year and contingent upon Council appropriation of the funds for each year.

CEQA: Resolution No. 67380. (Airport/General Services)

**Resolution No. 70531 adopted.**

### 8.4 Approval of various actions for Series 2001 A Bonds to fund Runway 30R and Runway 30L improvements.

**Recommendation:**

- (a) Adoption of a resolution by the City Council:
  - (1) Authorizing the issuance of tax-exempt, fixed-rate City of San José General Airport Revenue Bonds (the “Series 2001A Bonds”) in the not-to-exceed aggregate principal amount of \$170 million to be sold through a negotiated sale to fund the costs associated with improvements to Runway 30R and Runway 30L at San José International Airport.
  - (2) Authorizing and directing the execution of certain financing documents, including the Master Trust Agreement and other related documents, authorizing the negotiation of the sale of bonds and the execution of the Bond Purchase Agreement, approving the Preliminary Official Statement, and authorizing and directing certain related actions in connection with the issuance of the Series 2001A Bonds.

*(Cont'd next page)*

## 8 AVIATION SERVICES

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### 8.4 Approval of various actions for Series 2001 A Bonds to fund Runway 30R and Runway 30L improvements.

**Recommendation:**

- (a) Adoption of a resolution by the City Council (Cont'd.):
  - (3) Authorize the Director of Finance to enter into one or more guaranteed investment agreements for the investment of bond proceeds for the Series 2001A Bonds, which would be in addition to the three projects approved by Council on September 12, 2000 as part of the guaranteed investment agreement pilot program.
  - (4) Authorizing the City Manager to negotiate and execute the first amendment to the agreement with Fullerton & Friar, Inc. and Public Resources Advisory Group for financial advisory services related to the issuance of the Series 2001A Bonds, to increase the compensation by \$45,000, to an amount not to exceed \$205,000.

**Resolution No. 70532 adopted.**

- (b) Adoption of a resolution by the City Council authorizing the Director of Finance to appoint Bankers Trust as successor Issuing and Paying Agent for the Airport's Commercial Paper program adopted by the City Council on November 2, 1999. (Finance/Airport) [Finance and Infrastructure Committee referral 6/13/01 – Item 3.3(e)]  
**Resolution No. 70533 adopted.**

### 8.5 Approval to amend a consultant agreement for the Airport Master Plan.

**Recommendation:** Approval of the sixth amendment to the consultant agreement with PB Aviation, Inc. for the program management, construction management, design management, and runway design for the Airport Master Plan, increasing the compensation by \$11,100,000, from \$18,450,000 to a total agreement amount not to exceed \$29,550,000, and extending the term of the agreement by one (1) year from February 1, 2003 to February 1, 2004. CEQA: Resolution No. 67380. (Public Works/Airport)

**Approved.**

### 8.6 Approval to amend the agreement for the Runway 30L Reconstruction Project.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a first amendment to the agreement with Kimley-Horn and Associates, Inc. for design services for the Runway 30L Reconstruction Project at the San José International Airport, increasing the compensation by \$1,150,000, from \$3,000,000 to an amount not to exceed \$4,150,000, and extending the term of the agreement from December 31, 2001 to December 31, 2002. CEQA: Resolution No. 67380. (Public Works/Airport)

**Resolution No. 70534 adopted.**

## 9 PUBLIC SAFETY SERVICES

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### 9.1 Acceptance of the Fire Department Strategic Plan.

**Recommendation:** Acceptance of the Fire Department Strategic Plan for use as a foundation for current and future Fire Department service improvements and related funding decisions. (Fire)

(Deferred from 6/5/01 – Item 9.1)

**Deferred to August 2001.**

## 10 JOINT COUNCIL/REDEVELOPMENT AGENCY

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- Closed Session Report

City Attorney Doyle disclosed the following Closed Session actions of June 26, 2001:

A. Authority to File an Appeal in Litigation::

1. Case Name: Simpson v. City of San José, et al.  
Adverse party or parties: Simpson  
Substance of litigation: Civil rights action for an alleged unlawful detention.  
Council Vote: Ayes: Campos, Cortese, Dando, Diquisto, LeZotte, Reed, Shirakawa, Jr., Williams, Yeager; Gonzales.  
Noes: None.  
Absent: Chavez.  
Abstain: None.

- Open Forum—Heard jointly with Redevelopment Agency Public Discussion. Following Open Forum, Council recessed until 7:00 p.m.

# 11 PUBLIC HEARINGS

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(To be heard by the City Council at 7:00 p.m.)

## 11.1 Public Hearing on the reorganization and annexation of territory designated as Riverside No. 49.

**Recommendation:** PUBLIC HEARING and adoption of a resolution authorizing the reorganization of territory designated as Riverside No. 49, which involves the annexation to the City of San José of 10.47 acres of land, located at the westerly side of Monterey Highway, between Metcalf and Blanchard Roads, and the detachment of the same from the Central Fire Protection District and County Library Service Area. CEQA: Resolution No. 65459. (Planning, Building, and Code Enforcement)

**Resolution No. 70535 adopted. Noes: Williams.**

## 11.2 Public Hearing on conforming rezoning of 1633 Oakland Road.

**Recommendation:** PUBLIC HEARING ON CONFORMING REZONING of the property located at the west side of Old Oakland Road, approximately 400 feet southerly of Brokaw Road (1633 Oakland Road), from HI-Heavy Industrial Zoning District to IP-Industrial Park and OS-Open Space Zoning District, to allow industrial uses and open space uses on 17.98 gross acres. (Markovitz & Fox, Owner/Developer). CEQA: Negative Declaration.

C 01-04-050 - District 4

**Ordinance No. 26446 passed for publication.**

## 11.3 Public Hearing on conforming rezoning of 216 N. Fifth Street.

**Recommendation:** PUBLIC HEARING ON CONFORMING REZONING of the property located at the east side of N. Fifth Street, approximately 50 feet north of E. Saint James (216 N. Fifth Street), from CG General Commercial Zoning District to R-2 Residence Zoning District, to allow the use of a duplex for residential purposes on 0.13 gross acres. (Barry Nowak, Owner; San José Redevelopment Agency, Developer). CEQA: Resolution No. 65459.

C 01-06-064 - District 3

**Dropped.**

- **Open Forum**

- (1) **Gregory Nichols spoke about parking irregularities.**
- (2) **Pete Campbell spoke on traffic related issues.**
- (3) **Omar Chatley spoke about transit related concerns in South San José.**

- **Adjournment**

**The Council of the City of San José adjourned at 11:58 p.m.**

**The following resolution was adopted at the Joint City Council/Redevelopment Agency meeting on Tuesday, June 26, 2001:**

**7.1 Approval of a lease with The Comedy Club of San José, LLC, for an Improv comedy club at 62-64 South Second Street in the Jose Theatre.**

**Recommendation:**

- (a) Adoption of a resolution by the City Council accepting the summary of costs and findings of the Summary 33433 Report and the Estimated Reuse Valuation for the lease of approximately 14,000 square feet at 62-64 South Second Street to Comedy Club of San José, LLC, making certain findings, and approving the lease; and,

**Resolution No. 70460 adopted.**

- (b) Approval of a lease with the Comedy Club of San José, LLC, for the property located at the 62-53 South Second Street, for a ten year term and two automatic options for an additional ten years; and,
- (c) Adoption of a resolution by the Agency Board approving a budget adjustment of \$200,000 to the Agency's Adopted FY 2001-2001 Capital Budget; Century Center: Jose Theatre RFQ/Facility Improvements and Leasing line item.

**(CENTURY CENTER)**

**Agency Resolution adopted.**