



CITY COUNCIL AGENDA

AUGUST 22, 2000

SYNOPSIS

LINDA J. LE ZOTTE
CHARLOTTE POWERS
CINDY CHAVEZ
VACANT
MANNY DIAZ

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

FRANK FISCALINI
GEORGE SHIRAKAWA, JR.
ALICE WOODY
JOHN DIQUISTO
PAT DANDO

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

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.

1 CALL TO ORDER AND ROLL CALL

9:35 a.m. - Closed Session, CANCELED

**1:34 p.m. - Regular Session, Council Chambers, City Hall
Absent - Council Members: None.**

2 INVOCATION

3 PLEDGE OF ALLEGIANCE

Mayor Gonzales led the Pledge of Allegiance.

4 ORDERS OF THE DAY

5 CEREMONIAL ITEMS

- a. Presentation of commendation and award of the Outstanding Employee Recognition Award to Vanessa Rogier, Senior Recreation Leader in the Department of Conventions, Arts and Entertainment Department. (City Manager's Office)
Mayor Gonzales was joined at the podium by City Manager Del Borgsdorf and Conventions, Arts and Entertainment Director Nancy Johnson for presentation of a commendation and the Outstanding Employee Recognition Award to Vanessa Rogier for her work at the Happy Hollow Zoo. Director Johnson praised her commitment and passion for the Happy Hollow Park and Zoo and for her efforts in promotion of the facility.
- b. **Council Member Woody introduced Katie Greco, 10 years old student at Evergreen School, who won the Miss Northern California America Sweetheart title and will compete in November 2000 at the American Co-Education State Pageant at Walt Disney World. The pageant's motto is "*Youth—Pride of the Present, and Hope of the Future.*"**
- c. **Mayor Gonzales welcomed to the City Council meeting a delegation of business leaders from the Haidian District of Beijing, China, who are here to initiate a relationship between their District and the City of San José.**

6 CONSENT CALENDAR

a. Minutes for Approval

- (1) Adjourned Regular Meeting of June 12, 2000
Approved.

b. Ordinances for Final Adoption

- (1) ORD. NO. 26171 – Amends Chapter 1.17 of Title 1 of the San José Municipal Code to add generally applicable, standard provisions for the payment of obligations to the City of San José, amends various Chapter of Titles 4 and 9 to standardize the penalties and interest applicable to the late payment of delinquent obligations and amends Title 4 to permit certain service suppliers to remit the taxes to the City on a quarterly basis and makes technical changes clarifying the administration of the tax.
Ordinance No. 26171 adopted.

c. Public Hearings Set by Council None.

d. Plans and Specifications

- (1) TRACT NO. 9212 - Within the Evergreen Specific Plan Area (ESP) and more specifically located on the north side of Aborn Road and Altamara Avenue - Citation Homes Central (Developer) - 71 single family detached residential units. Approval of a parkland agreement and adoption of resolutions approving the plans, final map, contract, and water main extension for Tract No. 9212. CEQA: Resolution No. 63179. District 8. (Public Works)
Resolution Nos. 69846-69849 adopted.
- (2) TRACT NO. 9240 - Silver Creek Road, 400 feet south of Yerba Buena Road (Silver Ridge Phase II) - Ryland Homes of California, Inc., a Delaware Corporation (Developer) - 123 single family detached residential units. Adoption of resolutions approving the plans, final map, contract, and water main extension for Tract No. 9240. CEQA: Negative Declaration. District 8. (Public Works)
Deferred to 8/29/00.

e. Contracts/Agreements

- (1) Report on bids and approval of award of contract for the construction project entitled “San José/Santa Clara Water Pollution Control Plant, FY 2000-2001 Capital Improvement Program, Roof Replacement Project-Water Pollution Control Plant at 700 Los Esteros Road” to the low bidder, Universal Coatings, Inc., in the amount of \$127,000 and approval of a contingency in the amount of \$30,000. (Environmental Services)
Approved.

6 CONSENT CALENDAR

e. Contracts/Agreements

- (2) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2000-2001 #7, and authorization for the Director of General Services to execute the purchase orders. (General Services)
Approved.
- (3) Report on bids and award of contract for the Kirk Community Center HVAC Phase II Project to the low bidder, Tucker Construction Inc., for the base bid and Add Alternate No. 1 in the amount of \$266,000, and approval of a contingency in the amount of \$26,000. CEQA: Exempt. (Public Works)
Approved.
- (4) Approval of an agreement with Kenneth Y. Kai and Tae K. Kai for the purchase of a parcel of land and a use agreement for property located at 2710 McKee Road, in the amount of \$134,000, and authorization for the City Manager to execute the necessary documents to complete the transaction. CEQA: ND. (Public Works)
Approved.
- (5) Approval of a five (5) year lease agreement with Menara Corporation for 4,900 rentable square feet of office space at its building located at 43 E. Gish Road for the Department of Parks, Recreation and Neighborhood Services' Youth Employment Services and Anti-Tobacco Program, at a monthly rental rate of \$13,965 per month during the first year of the lease with annual increases to \$16,337.07 during the final year of the lease. (Public Works)
Approved.

f. Routine Legislation

- (1) (a) Adoption of a resolution accepting a \$72,000 gift from the Happy Hollow Corporation for the renovation of the Jaguar Exhibit at Happy Hollow Park and Zoo.
Resolution No. 69850 adopted.
- (b) Adoption of appropriation ordinance and funding sources resolution amendments in the Gift Trust Fund.
(Conventions, Arts and Entertainment/City Manager's Office)
[Deferred from 8/8/00 – Item 6f(3)]
Ordinance No. 26183 adopted.
Resolution No. 69851 adopted.
- (2) Adoption of an ordinance ratifying final expenditures in various appropriations for FY 1999-2000. (City Manager's Office)
Ordinance No. 26184 adopted.

6 CONSENT CALENDAR

f. Routine Legislation

- (3) Adoption of appropriation ordinance and funding sources resolution amendments in Construction and Conveyance Tax funds and the General Fund for various parks and recreation projects. (City Manager's Office)
Ordinance No. 26185 adopted.
Resolution No. 69852 adopted.
- (4) Adoption of a resolution accepting dedication of real property from Investment Development Services (IDS) as the site for construction of a 4-million-gallon water tank to serve development within the Evergreen Specific Plan Area and the Evergreen Campus Industrial Area. CEQA: Resolution to be adopted. (Public Works)
Dropped.
- (5) Approval of Council Member Alice Woody's travel to Houston, Texas, August 19-21, 2000, for a Police and Fire Retirement Fund visit to investment property. Funding: Police and Fire Retirement Fund. (Woody)
(Rules Committee referral 8/16/00)
Approved.

END OF CONSENT CALENDAR

7 COMMISSION, COMMITTEE, AND STANDING REPORTS

a. Report of the Study Session – June 12, 2000

Mayor Gonzales, Chair

- (1) Final Proposed Budget Modifications
The Mayor's Final Budget Modification Message for the Capital and Operating Budget for FY 2000-2001 was present, followed by Council discussion; no Council action taken.

Study Session report and actions of June 12, 2000 accepted.

b. Report of the Rules Committee – August 9, 2000

Vice Mayor Fiscalini, Chair

- (1) Review August 22, 2000 Draft Agenda
The Committee approved the August 22, 2000 City Council Agenda.
- (2) Add New Items to August 15, 2000 Amended Agenda
The Committee recommended four additions to the August 15, 2000 City Council Agenda.

7 COMMISSION, COMMITTEE, AND STANDING REPORTS

b. Report of the Rules Committee – August 9, 2000 (Cont'd.)

Vice Mayor Fiscalini, Chair

- (3) Meeting Schedules
The Committee recommended approval of the following Special Council meetings related to the Tobacco Settlement Funds:
August 19, 2000, 9-11 a.m., Shirakawa Community Center
August 22, 2000, 7-9 p.m., Roosevelt Community Center
August 26, 2000, 9-11 a.m., Willows Senior Center
August 29, 2000, 7 p.m. , Council Chambers.
- (4) The Public Record
The Committee noted and filed the Public Record.
- (5) Request to use Council General Funds to attend League of California Cities Annual Conference in Anaheim, CA, September 7-9, 2000
The Committee approved the use of Council General funds by Council Member Shirakawa, Jr., to attend the League of California Cities' Annual Conference in Anaheim, CA, September 7-9, 2000.
- (6) Approve appointment of 2000 League of California Cities Voting Delegate and Alternate at the Annual Business Meeting
This Item heard by Council on 8/15/00.
- (7) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
 - (a) Report back on request for a Study Session on Smart Growth
The Committee deferred this item to the August 16, 2000 Rules Committee meeting.
 - (b) Report back on request to redefine a City ordinance to include prohibiting storage of RV's in the front setback of a residence
The Committee directed Staff to re view the existing enforcement policy to consider including recreational vehicles, such as motor homes, to address the issue of residential traffic visibility; and to provide Council with the revised policy through an informational memorandum.
- (8) Oral communications
None presented.
- (9) Adjournment
The meeting was adjourned at 2:10 p.m.

Rules Committee report and actions of August 9, 2000 accepted.

7 COMMISSION, COMMITTEE, AND STANDING REPORTS

c. Report of the Finance and Technology Committee – August 9, 2000

Council Member Woody, Chair

- (1) Monthly Investment Report for May 2000
The Committee accepted the Staff report.
- (2) Monthly Investment Report for June 2000
The Committee accepted the Staff report.
- (3) Monthly Activity Report for June 2000
The Committee accepted the Staff report.
- (4) The San José-Santa Clara Water Pollution Control Plant's Progress Toward Meeting Effluent Limitations
The Committee accepted the Staff report.
- (5) Auditor's Workplan
The Committee accepted the Auditor's Workplan.
- (6) Report on Wells Fargo Bank Securities Custody Agreement
The Committee accepted the Staff report.

SEE ITEM 9c FOR COUNCIL ACTION TAKEN

- (7) 2000 Legislative Priorities and Policy Guidelines
The Committee accepted the recommendation that the Rules Committee discuss the possibility of removing the legislative component from its agenda and adding it as a separate item to the Council agenda.

Council referred this issue to the Administration for review and recommendation to Council next year as a component of an annual review and prioritization of Administrative work projects.

- (8) Oral petitions
Bill Chew spoke on televised broadcasting of Council Committee meetings. William Garbett spoke on the audit of the Water Pollution Control Plant.
- (9) Adjournment
The meeting was adjourned at 11:20 p.m.

Finance and Technology Committee report and actions of August 9, 2000 accepted, with Item 7c(7) referred to the Administration for review and report to Council.

7 COMMISSION, COMMITTEE, AND STANDING REPORTS

d. Report of the Economic and Community Development Committee– August 14, 2000 Council Member Diaz, Chair

- (1) Discussion on the Proposed Revisions to the Sign Ordinance
The Committee referred those recommendations (Nos. 1, 2, 9, 10, 11, 12 and 20) that do not require further study to be cross referenced for Council action at the August 29, 2000 meeting, and the remaining recommendations that will require additional Staff analysis will be brought back to the Economic and Community Development Committee meeting on September 11, 2000.
(Note: Subsequent action at the Rules Committee of August 16, 2000 referred the recommendations that do not require additional Staff analysis to the Council meeting of August 22, 2000).

Council accepted corrections to the Committee Minutes and Executive Summary to indicate that the Committee referred only Recommendation Nos. 8, 9, 10, 11 and 20 for Council consideration on August 22, 2000, and that no additional items pertaining to the sign ordinance were referred for Council action on August 29, 2000.

SEE ITEM 9h FOR COUNCIL ACTION TAKEN

- (2) Oral Petitions
None presented.
- (3) Adjournment
The meeting was adjourned at 3:20 p.m.

Economic and Community Development Committee partial report and actions.of August 14, 2000, accepted

e. Report of the Transportation and Environment Committee – August 10, 2000 Council Member Powers, Chair

- (1) Consent Calendar
No items on Consent Calendar.
- (2) Report on 2000-2001 Traffic Signal Location – Update
The Committee accepted the report.
- (3) Report on Downtown Rail Transit Alignment Studies
The Committee accepted the report.
- (4) Report on Valley Transportation Plan 2020
The Committee accepted the report.
- (5) Report on Green Power Options

The Committee continued the report to September.

7 COMMISSION, COMMITTEE, AND STANDING REPORTS

e. Report of the Transportation and Environment Committee – August 10, 2000 Council Member Powers, Chair

(6) 2000 Legislative Priorities and Policies Guidelines
The Committee referred this item back to Rules Committee.

(7) Oral petitions
None presented.

(8) Adjournment
The meeting was adjourned at 4:05 p.m.

Transportation and Environment Committee report and actions of August 10, 2000 accepted.

f. Report of the Education, Neighborhoods, Youth, and Seniors Committee Council Member Shirakawa, Jr., Chair

No report.

8 LAND USE AND DEVELOPMENT

9 GENERAL GOVERNMENT

a. Report on bids and award of contract for the Berryessa Creek Park Irrigation Renovation Rebid 2 Project to the low bidder, Karleskint-Crum, Inc., for the base bid and Add Alternates Nos. 1, 2, 3, and 4 in the amount of \$320,610, and approval of a contingency in the amount of \$32,000. CEQA: Exempt. (Public Works)
[Deferred from 6/27/00 – Item 6e(62) and 8/1/00 – Item 6e(1)]
Approved.

b. Approval of an agreement with Corlett, Skaer & DeVoto Architects, Inc., to provide the consultant services needed for the design, bid and construction administration of acoustical treatment for the Center for Employment Training at 701 Vine Street and the Sacred Heart School at 310 Edwards Avenue in San José for the period August 22, 2000 to June 30, 2002, in an amount not to exceed \$983,500. CEQA: Resolution No. 67380. (Airport)
Approved.

c. (1) Approval of an agreement with Wells Fargo Bank for securities custody services for the period September 5, 2000 to June 30, 2003, in an annual amount not to exceed \$50,000, with options to extend the term for up to two (2) additional years with an increase in compensation based upon the consumer price index. (Finance)
Approved. *Item continued on next page*

9 GENERAL GOVERNMENT

- c. (2) Adoption of appropriation ordinance and funding sources resolution amendments in the General fund to support the agreement with Wells Fargo Bank for securities custody services. (City Manager's Office)
[Finance and Technology referral 8/9/00 – Item 7c(6)]
Ordinance No. 26186 adopted.
Resolution No. 69853 adopted.
- d. Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with San José Unified School District to provide funding in an amount not to exceed \$700,000 for renovation and development of a Community Center at the historic Hoover Building for use by the City and the public for a period of 25 years. CEQA: Exempt. (Parks, Recreation and Neighborhood Services)
Resolution No. 69854 adopted.
- e. Direction to staff:
(1) To issue a follow-up report on the Stormwater NPDES Permit after the Regional Water Quality Control Board issues the Draft Permit Order, now scheduled for release in September 2000.
(2) To provide City Council with the Efficiency Study on the Urban Runoff Program after the impacts of any new regulations are analyzed and in time for discussion early in the FY 2001-02 budget process.
(Environmental Services)
(Deferred from 8/15/00 – Item 9b)
Council approved the direction to Staff, and requested such reports in the future come to Council through the Transportation and Environment Committee .
- f. Discussion of changing Parks and Recreation Commission terms from one four-year term to two three-to-four year terms. [Rules Committee referral 8/2/00 – Item 7b(6)(a)]
(Deferred from 8/15/00 – Item 9d)
Council tabled the request of the Parks and Recreation Commission and referred to Staff for future study term limits for Board and Commission Members and the Project Diversity process and criteria currently used for the recruitment and selection of Board and Commission Members to determine the effectiveness of the current system.
- g. Discussion of changing Senior Citizens Commission terms from one four-year term to two three-to-four year terms. [Rules Committee referral 8/2/00 – Item 7b(6)(b)]
(Deferred from 8/15/00 – Item 9e)
Council tabled the request of the Senior Citizens Commission and referred to Staff for future study term limits for Board and Commission Members and the Project Diversity process and criteria currently used for the recruitment and selection of Board and Commission Members to determine the effectiveness of the current system.

9 GENERAL GOVERNMENT

- h. Approval of an ordinance for the City of San Jose, amending several sections of Title 23 of the San Jose Municipal Code, to implement certain recommendations of the Signage Advisory Committee. (City Manager's Office)
[Economic and Community Development Committee referral 8/14/00 – Item 7d(1)]
Ordinance No. 26187 passed for publication.

10 FISCAL AFFAIRS

- a. (1) Adoption of a resolution amending Resolution No. 68721, The Master Parking Rate Resolution, to establish monthly and/or incremental parking rates at the Market/Balbach Surface Lot.
Resolution No. 69855 adopted.
- (2) Approval of a Property Use Agreement between the City of San José and the Redevelopment Agency, granting to the City the exclusive right to use the Market/Balbach Surface Lot for purposes of operating a public parking facility for a period not to exceed three (3) years.
(Streets and Traffic)
(Deferred from 8/8/00 – Item 10a)
Approved.

11 JOINT CITY COUNCIL/REDEVELOPMENT AGENCY ITEMS

Council convened the Redevelopment Agency Board at 2:25 p.m. to consider Item 11a in a Joint Session.

- a. (1) Approval of Council Policy 12-1, which establishes a consistent and uniform approach for estimating and reporting construction project costs and establishing construction project budgets.
- (2) Approval of Redevelopment Agency Policy, which establishes a consistent and uniform approach for estimating and reporting construction project costs and establishing construction project budgets.
(City Manager's Office/Redevelopment Agency)
(Deferred from 6/27/00 – Item 11a et al., and 8/15/00 – Item 11a)
Approved. Noes: Diaz.

The Redevelopment Agency Board recessed at 3:05 p.m., to meet again immediately following the City Council meeting.

12 PERMITS AND LICENSES

13 PUBLIC SAFETY AND WELFARE

14 CLOSED SESSION REPORT

15 ORAL COMMUNICATIONS

William Garbett spoke about election procedures.

16 ADJOURNMENT

Council recessed at 3:07 p.m. to meet again at 7:00 p.m., in the Roosevelt Community Center, 901 East Santa Clara Street, for a public hearing on the Healthy Neighborhoods Venture Fund.

The following resolutions were adopted at the Joint City Council/Redevelopment Agency meeting on Tuesday, August 22, 2000:

- 8a Adoption of a resolution by the Agency Board determining that the public interest and necessity require the acquisition by eminent domain of the properties listed below and authorizing the General Counsel to file a suit in eminent domain with respect to such properties:
- (1) Of the real property owned by C & J Leone, Inc., and located at 190, 180-184 & 154 East Santa Clara Street; 13, 19, 21 South 5th Street; and 16 South 4th Street (APN 467-23-013, 017, 074, 075, 076, 077); and,
 - (2) Of the real property owned by Pieter Smith, and located at 35, 36, 37, 38, 43, and & 47 South 5th Street; 33 & 37 South 6th Street; and a portion of 55 – 75 South 6th Street (APN 467-23-020-, 021, 022; and APN 467-24-002, 003, 004, 015); and,
 - (3) Of the real property owned by Emergency Housing Consortium, Inc., located at 26 and 28 South 5th Street (APN 467-24-017); and,
[8a(3) DEFERRED TO 09/26/00]
 - (4) Of the real property owned by Shuk Chun Wong, Chi Kin Hui, and Pui Ling Hui, located at 210 East Santa Clara Street (APN 467-24-020); and,
 - (5) Of the real property owned by Marshall R. & Stuart C. Hall; Howard W. Campen, as Trustee; Tressie V. Campen, Trustee; David H. Campen, Trustee; and Carolyn A. Campen, Trustee; and located at 250 East Santa Clara Street (APN 467-24-001).
CEQA: Resolution No. 68905 [CIVIC PLAZA]
Redevelopment Agency Resolution adopted. Noes: LeZotte, Woody.
- 8b Adoption of resolutions by the City Council and Agency Board approving a Cooperative Agreement and the transfer of rights, title and interest in the Washington United Youth Center and the Biblioteca Latinoamericana facilities to the City of San Jose, and authorizing the City Manager and Executive Director to sign all necessary documents.
[MONTEREY CORRIDOR]
Redevelopment Agency Resolution adopted.
City Council Resolution No. 69856 adopted.