

CITY COUNCIL AGENDA

AUGUST 24, 2004

AMENDED AGENDA

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
TERRY O. GREGORY
DAVID D. CORTESE
JUDY CHIRCO
PAT DANDO, VICE MAYOR

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/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**
9:30 a.m. - Closed Session, Room 600, City Hall
[See Separate Agenda](#)
1:30 p.m. - Regular Session, Council Chambers, City Hall
- **Invocation (District 7)**
Tabia African-American Theatre Ensemble will present an educational and entertaining performance that showcases the contributions and culture of African-Americans.
- **Pledge of Allegiance**
- **Orders of the Day**

Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

THERE WILL BE A JOINT CITY COUNCIL/SAN JOSE FINANCING AUTHORITY MEETING FOLLOWING THE REGULAR SESSION OF THE COUNCIL MEETING.

ADJOURNMENT: This meeting will be adjourned in memory of Nancy Gable Heckman, wife of Ray Heckman.

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

- * **See New Item 1.3**, Presentation of a commendation to Tabia African-American Theatre Ensemble.

1 CEREMONIAL ITEMS

- 1.1 Annual Redevelopment Agency Employee Recognition Awards. (Redevelopment Agency)
(Deferred from 8/3/04 – Item 1.2)
- 1.2 Presentation of a commendation to Joe Walter for his many years of service, dedication, and commitment to the children of Willow Glen and the Lincoln Glen Little League. (Yeager)
- 1.3 Presentation of a commendation to Tabia African-American Theatre Ensemble for its 17 years of promoting cultural enrichment in the Santa Clara Valley through high quality productions that celebrate and explore the African-American experience. (Gregory)
* (Orders of the Day)

2 CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

- 2.1 **Approval of Minutes.**
- 2.2 **Final adoption of ordinances.**

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 27220 – Amends Section 25.04.610 of Chapter 25.04 of Title 25 of the San José Municipal Code consolidating the functions of the Curfew Monitoring Committee into the Airport Noise Advisory Committee and establishes the functions and membership of the consolidated Airport Noise Advisory Committee.
- (b) ORD. NO. 27221 – Amends Chapter 12.12 of Title 12 of the San José Municipal Code to amend and restate the City of San José Municipal Lobbying Ordinance.
- (c) ORD. NO. 27222 – Rezones certain real property situated on the north side of Willow Glen Way, approximately 250 feet from Bird Avenue, to A(PD) Planned Development Zoning District. PDC 04-042
- (d) ORD. NO. 27224 - Rezones certain real property situated on the east side of White Road, approximately 160 feet northerly of Alum Rock Avenue, to CP Commercial Pedestrian Zoning District. C 04-023

2 CONSENT CALENDAR

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (e) ORD. NO. 27225 - Rezones certain real property situated on the northwest corner of Santa Teresa Boulevard and Cahalan Avenue (6095 Cahalan Avenue), to CN Commercial Neighborhood Zoning District. C 04-027
- (f) ORD. NO. 27226 - Prezones certain real property situated on the east side of Monterey Road, approximately 280 feet northwesterly of Fehren Drive (3382 Monterey Road), to CN Commercial Neighborhood Zoning District. C 04-056
- * (g) ORD. NO. 27223 – Prezones a described portion and rezones a described portion of that certain real property situated on the north side of Curtner Avenue opposite the terminus of Joseph Avenue, to R-1-8 to Single-family Residence Zoning District. C 03-092

2.3 [Approval to amend agreements for shuttle bus services at the Airport.](#)

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

- (a) Execute the fourth amendment to the agreement for Management of the Airport Common Use Rental Car Bus System with Shuttleport California LLC to allow payment of invoices on a semi-monthly basis and to change the calculation of the annual rate adjustment to the Consumer Price Index (CPI) because of change in the publication of the rates.
- (b) Execute the third amendment to the agreement for Management of the Airport Shuttle Bus Scheduling with Shuttleport California LLC to allow payment of invoices on a semi-monthly basis and to change the calculation of the annual rate adjustment to the Consumer Price Index and to amend the basic rate of compensation effective July 11, 2004.

CEQA: Resolution Nos. 67380 and 71451, PP04-08-225. (Airport/General Services)

2.4 [Approval to apply for a grant for the prevention and clean-up of illegal dumping activities.](#)

* **Recommendation:** Adoption of a resolution authorizing the City Manager to apply to the State of California Integrated Waste Management Board for a \$500,000 per year grant, to accept the grant award, and to negotiate and execute any necessary documents in connection with the grant. The grant will enable the City of San Jose to coordinate and manage the prevention and clean-up of illegal dumping activities in the city and is designed to cover the period beginning fall 2004 through September 2007. CEQA: Not a Project. SNI: Blackford, Winchester, Edenvale/Great Oaks, Spartan/Keyes, Burbank/Del Monte, Washington, Thirteenth Street, Gateway East, East Valley 680, Tully/Senter Road, and West Evergreen. (Parks, Recreation and Neighborhood Services)

2 CONSENT CALENDAR

2.5 [Approval to apply for a grant for the Weed and Seed Program.](#)

Recommendation: Adoption of a resolution authorizing the City Manager to apply to the United States Department of Justice for Weed and Seed Program funding for the East San José neighborhood in an amount not to exceed \$175,000, for the period June 1, 2005 through May 31, 2006, to accept the grant if awarded, and to execute all related documents. CEQA: Not a Project. Council Districts 5 and 8. SNI: East Valley/680 Communities and K.O.N.A. (Parks, Recreation and Neighborhood Services/Police)

2.6 [Approval of an agreement to provide CAD data query services.](#)

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

- (a) Execute a renewal of a service agreement with Corona Software, Inc dba Corona Solutions to provide near real-time CAD data query services, extending services through March 31, 2005, and increasing the compensation over a two year period to a cumulative total of \$135,000; and
- (b) Exercise one-year renewal options without further Council action other than the appropriation of funding, not to exceed 5 years.

CEQA: Not a Project. (Police)

2.7 [Approval to award a contract for the Lake Cunningham Pathway Repair Project.](#)

Recommendation: Report on bids and award of contract for the Lake Cunningham Pathway Repair Project to the low bidder, Grade Tech, Inc., to include the base bid and Add Alternate No.1 in the amount of \$182,800, and approval of a contingency in the amount of \$18,000. CEQA: Exempt, PP04-06-190. Council District 8. (Public Works/Parks, Recreation and Neighborhood Services)

2.8 [Approval to award a contract for the Saratoga Creek Park Irrigation Renovation Project.](#)

- * **Recommendation:** Report on bids and award of contract for the Saratoga Creek Park Irrigation Renovation Project to the low bidder, Planned Environments, Inc., to include the base bid and Add Alternate No. 1 in the amount of \$386,456.14, and approval of a contingency in the amount of \$20,000. CEQA: Exempt, PP04-03-122. Council District 1. (Public Works/Parks, Recreation and Neighborhood Services)

2 CONSENT CALENDAR

2.9 Approval of agreements for the Light Rail Transit Projects.

- * **Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute the following amendments to Cooperative Agreements with the Santa Clara Valley Transportation Authority relating to pavement maintenance along Capitol Avenue, with no net increase in City's contribution:
- (a) A first amendment to the agreement for the Tasman East Light Rail Transit Project, in an additional amount not to exceed \$152,800, for a total City contribution of \$552,800.
 - (b) A second amendment to the agreement for the Capitol Light Rail Transit Project, decreasing the total additional City contribution authorized in the first amendment by \$152,800, for a total additional City contribution of \$147,200.
- CEQA: Exempt, PP01-03-061, PP03-03-076. Council Districts 4 and 5. SNI: East Valley/680. (Transportation)

2.10 Approval of actions to allow the conversion of Southwest Expressway between Bascom Avenue and Stokes Street.

Recommendation: Approval of an ordinance to repeal Section 11.24.430 of the San José Municipal Code to allow for the conversion of Southwest Expressway between Bascom Avenue and Stokes Street from a one-way street to a two-way street as part of the Vasona Light Rail Transit Project. CEQA: Exempt, PP03-01-006. Council District 6. (Transportation)

3 STRATEGIC SUPPORT SERVICES

3.1 **Report of the Study Session** **Mayor Gonzales, Chair**

3.2 Report of the Rules Committee – August 11, 2004

Vice Mayor Dando, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review August 24, 2004 Draft Agenda
 - (2) Add New Items to August 17, 2004 Amended Agenda
 - Mayor and Council Member Requests
 - City Manager Requests
 - City Attorney Requests
 - City Clerk Requests
 - (3) List of Reports Outstanding
- (c) Legislative Update
 - (1) State
 - (2) Federal

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – August 11, 2004 (Cont'd)

Vice Mayor Dando, Chair

- (d) Meeting Schedules
- (e) The Public Record
- (f) Appointment to Boards, Commissions and Committees
 - (1) Report on Commission Vacancies and Incumbents Eligible for Re-Appointment
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) High-Rise Safety Regulation Review
 - (2) Request review of Expansion of Small Business Development Commission Functions, Powers and Duties
- (h) Oral communications
- (i) Adjournment

3.3 Report of the Making Government Work Better Committee Council Member Campos, Chair

3.4 [Acceptance of the Dolce Hayes Mansion Progress Report.](#)

Recommendation: Acceptance of the Dolce Hayes Mansion Progress Report. (Finance)

3.5 Approval of actions for the New City Hall Project.

[Supplemental](#)

* **Recommendation:** Adoption of a resolution:

- (a) Finding that solicitation of bids for the installation of tenant improvement security system equipment work for the New City Hall Project would be an idle act under the City's Municipal Code, Section 14.04.170; and,
- (b) Authorizing the City Manager to execute a contract change order to Rosendin Electric, Inc., for the installation of security system equipment in the amount of \$715,000.

CEQA: Resolution No. 68905, PP98-03-072. (Public Works)
[Deferred from 8/17/04 – Item 3.6(b)]

3.6 [Accept City Manager's follow-up report on the process for a Converged Data Network and Telephony System for the New City Hall.](#)

* **Recommendation:** Accept the City Manager's follow-up report on the process for a Converged Data Network and Telephony System for the New City Hall (NCH). (City Manager's Office)
(Rules Committee referral 8/18/04)

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

**4.1 Report of the Building Strong Neighborhoods Committee
Council Member Chavez, Chair**

**4.2 Report of the Driving a Strong Economy Committee
Council Member Williams, Chair**

5 RECREATION & CULTURAL SERVICES

**5.1 [Report of the All Children Achieve Committee – August 12, 2004](#)
Council Member Yeager, Chair**

- (a) Presentation on FIRST 5 Programs
- (b) Report on Blueprint for Bridging the Digital Divide for FY 2003-04 Action Plan
- (c) Report on High School Program Initiatives
- (d) San José BEST Cycle XIII Mid-Year Evaluation Report and BEST Cycle XIV Report
- (e) Oral petitions
- (f) Adjournment

5.2 [Approval to award a contract for the Coyote Creek/River Oaks Levee Trail Project \(Reach 3A/3B\).](#)

[Supplemental](#)

*** Recommendation:**

- (a) Report on bids and award of contract for the Coyote Creek/River Oaks Levee Trail Reach 3A/3B Project to the lowest responsive bidder, GradeTech, Inc., for the base bid in the amount of \$508,800, and approval of a contingency in the amount of \$25,000; and
- (b) Adoption of the following appropriation ordinance amendments in the City-wide Parks Construction and Conveyance Tax Fund:
 - (1) Increase the appropriation to the Department of Parks, Recreation and Neighborhood Services for the River Oaks/Coyote Creek Trail project in the amount of \$17,000;
 - (2) Increase the appropriation to the Department of Conventions, Arts and Entertainment for the River Oaks/Coyote Creek Public Art Project by \$6,000; and
 - (3) Decrease the Ending Fund Balance by \$23,000.

CEQA: Exempt, PP03-07-230. Council District: 4. SNI Area: NA. (Public Works/Parks, Recreation and Neighborhood Services/City Manager's Office)

5 RECREATION & CULTURAL SERVICES

5.3 Recommendation to name two new parks.

Recommendation:

- (a) Recommendation to name a new park located at the intersection of Tully Road and Kenoga Drive as Tully Community Ballfields.
- (b) Recommendation to name a new park located at the intersection of Lone Bluff Avenue and Pinto Drive as Lone Bluff Park.

(Parks and Recreation Commission)

* **RECOMMEND DEFERRAL TO 8/31/04**

5.4 Approval to enter into Phase 2 of the master agreement for the Happy Hollow Park & Zoo Parks Bond Project.

Recommendation: Approval to enter into Phase 2 of the master agreement for the Happy Hollow Park & Zoo Parks Bond Project. CEQA: Not a Project. (Public Works/Parks, Recreation and Neighborhood Services)

RECOMMEND DEFERRAL TO 8/31/04

6 TRANSPORTATION SERVICES

6.1 [Report of the Building Better Transportation Committee](#) – August 9, 2004 Council Member Cortese, Chair

- (a) Expansion and Improvement of Transit and Transportation Systems
 - (1) Discussion on Transportation Technology Industry Development Opportunities
- (b) Traffic Relief/Safe Streets
 - (1) Report on Urban Area Security Initiative (UASI) Transportation Security Issues Project
 - (2) Traffic Calming – Private Development Monitoring Status Report
- (c) Supporting Smart Growth
 - (1) Report and Discussion on the Transit Oriented Development Policy & Program
- (d) Regional Relationships/Funding/Policy
 - (1) Receive status report on State, Federal, and Local Legislative Positions
- (e) Oral petitions
- (f) Adjournment

7 ENVIRONMENTAL & UTILITY SERVICES

8 AVIATION SERVICES

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

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

None.

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9614	S/W corner of Barnes Ln/Almaden Road	10	Robson Homes LLC	26	Single Family Detached
9625	NE corner Vera Ln. and Azucar Avenue	2	L G Developers, LP	6 lots	Single Family Detached and Attached

- Open Forum—To be heard jointly with Redevelopment Agency Public Discussion.
- Adjournment
This meeting is adjourned in memory of Nancy Gable Heckman, wife of Ray Heckman.

**JOINT CITY COUNCIL/SAN JOSÉ FINANCING AUTHORITY
AGENDA**

1:30 P.M.

TUESDAY, AUGUST 24, 2004

CHAMBERS

1. Call to Order
2. **Approval of actions for property located at 1125 Coleman Avenue. (Economic Development Strategy Initiative)**

Recommendation:

- (a) Adoption of a resolution by the City Council:
 - (1) Approving a Purchase Agreement with FMC Corporation for the purchase of no less than 51.54 acres of property located at 1125 Coleman Avenue at a price of twenty-five dollars (\$25.00) per square foot or \$56,242,500.
 - (2) Approving the terms of a loan of Airport funds not to exceed \$3,735,000 for annual debt service payments on the Section 108 loan, for a term from January 1, 2005 to June 30, 2018, with interest payable by the City to Airport funds accruing on a monthly basis at the City's rate of return on its invested pool of funds.
 - (3) Authorizing the City Manager to:
 - (a) Exercise authority on behalf of the City to complete the acquisition of up to 23.23 additional acres of the property pursuant to the Purchase Agreement, for up to 25 months following the close of escrow, for a total additional price not to exceed \$25,297,475; and
 - (b) Execute Covenants, Conditions and Restrictions (CC&Rs) for the property located at 1125 Coleman Avenue at the close of escrow for the purchase of the property; and

**JOINT CITY COUNCIL/SAN JOSÉ FINANCING AUTHORITY
AGENDA**

2. **Approval of actions for property located at 1125 Coleman Avenue. (Economic Development Strategy Initiative)**
- (c) Negotiate and execute a Right of Entry Agreement and Easement for all portions of the property located at 1125 Coleman Avenue acquired by the City pursuant to this Purchase Agreement for purpose of permitting continued access by FMC to perform environmental remediation; and
 - (d) Execute all documents and agreements necessary to secure a Section 108 loan for the purchase of the additional 23.23 acres of the property, including a Note and Contract with the Secretary of the United States Department of Housing and Urban Development.
 - (e) Negotiate and execute all other documents and agreements necessary to complete this transaction.
- (4) Directing staff to proceed with the development of the bond financing documents for the issuance of lease revenue bonds to finance the acquisition of the Property.
- (b) Adoption of the following 2004-2005 appropriation ordinance amendments in the General Fund:
- (1) Establish a City-Wide appropriation to the Office of the City Manager in the amount of \$563,000 for the FMC Property Deposit.
 - (2) Reduce General Fund Contingency Reserve by \$563,000.
- (c) Adoption of a resolution of the City of San José Financing Authority stating its intent to issue debt to finance the acquisition of 51.54 acres of land located at 1125 Coleman Avenue.
- CEQA: Resolution No. 71716, PDC98-12-104. (Economic Development/Airport/City Manager's Office)
(Referral from 8/17/04)
3. Adjourn the San José Financing Authority
(Deferred from 8/17/04)