



# CITY COUNCIL AGENDA

OCTOBER 9, 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.**

- **Call to Order and Roll Call**  
**9:30 a.m. - Closed Session, Room 600, City Hall**  
**Absent: Council Members – None.**
  
- 1:35 p.m. - Regular Session, Council Chambers, City Hall**  
**Absent: Council Members – None.**
  
- 7:05 p.m. - Evening Session, Council Chambers, City Hall**  
**Absent: Council Members – None.**
  
- **Invocation (District 9)**  
**Gary Lee, Chinese Baptist Church, delivered the invocation.**
  
- **Pledge of Allegiance**  
**Mayor Gonzales led in the Pledge of Allegiance.**
  
- **Orders of the Day**  
**Approved.**

## **1 CEREMONIAL ITEMS**

---

- 1.1** Presentation of a proclamation declaring Saturday, October 13, 2001 as Keiro-Kai Day in the City of San José (a national holiday in Japan to honor and pay tribute to the elderly citizens of their nation). (Chavez)  
 (Rules Committee referral 10/3/01)  
**Joining Mayor Gonzales at the Podium were Council Member Chavez and Susan Sakai-McClure, Supervising Public Safety Dispatcher, who accepted the proclamation and thanked the City for recognizing Japan’s national holiday and the tribute to the elderly citizens of the nation.**
- 1.2** Presentation of commendations to Mrs. Toku Ono, 102 years old, and Mrs. Hisako Yamamoto, 101 years old, in recognition of their work with Keiro Kai, and their extraordinary lives. (Chavez)  
 (Rules Committee referral 10/3/01)  
**Joining Mayor Gonzalez at the Podium, Council Member Chavez presented the commendation to the honorees, which was accepted by Supervisor Susan Sakai-McClure, in recognition of the honorees’ life-long work with Keiro Kai.**
- 1.3** **Special acknowledgement of Fire Prevention Week in the City of San José, October 7, 2001 through October 13, 2001, and the anniversary of the Great Chicago Fire of October 9, 1871, commemorated with the national theme “To Cover All Bases and Strike Out Fires”. Mayor Gonzales invited all citizens to participate in the open house festivities scheduled at Fire Stations 13 and 16.**

## 2 CONSENT CALENDAR

---

### 2.1 Approval of Minutes.

None.

### 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances:

- (a) ORD. NO. 26485 – Amends Ordinance No. 26382 to change the name of a commercial solid waste and recyclables collection franchisee from Waste Management, Inc., dba Hollister Disposal to USA Waste of California, Inc.  
**Ordinance No. 26485 adopted.**

### 2.3 Approval to submit a Passenger Facility Charges application to the FAA.

**Recommendation:** Adoption of a resolution authorizing the City Manager to submit a Passenger Facility Charges application to the Federal Aviation Administration to amend the Noise Attenuation Project to use PFCs at the current \$4.50 PFC level to treat the new areas included in the Calendar Year 2000 Measured 65 dB CNEL Noise Contour.

CEQA: Resolution No. 67380. (Airport)

**Resolution No. 70652 adopted.**

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

**Recommendation:** Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2001-2002 #8, and authorization for the Director of General Services to execute the purchase orders. (General Services)

**Approved.**

### 2.5 Approval to amend an agreement for the purchase of six additional library customer self-service checkout systems.

**Recommendation:** Adoption of a resolution authorizing the Director of General Services to execute a first amendment to the agreement with Minnesota Mining and Manufacturing Company (3M) for the purchase of six additional self-check systems for the Library at a total cost of \$146,910, including tax and installation. (General Services)

**Resolution No. 70653 adopted.**

## 2 CONSENT CALENDAR

---

### 2.6 Approval to initiate proceedings for the reorganization of territory designated as Sunol No. 63.

**Recommendation:** Adoption of a resolution initiating proceedings and setting November 13, 2001 at 1:30 p.m. as the date for Council consideration of the reorganization of territory designated as Sunol No. 63 which involves the annexation to the City of San José of 1.17 acres of land, located on the west side of Northrup Street at Interstate 280, approximately 85 feet north of Paula Street and generally bounded by the City of San José Annexation #2,395 – Sunol No. 48, the City of San José Annexation #2,428 – Sunol No. 49, the City of San José Annexation #2,466 – Sunol 53, and the City of San José Annexation #623 – Sunol No. 14, and the detachment of the same from the appropriate special districts including the Central Fire Protection District, County Library Service Area, and Santa Clara Valley County Water. CEQA: ND. Council District 6. (Planning, Building and Code Enforcement)

**Resolution No. 70654 adopted.**

### 2.7 Approval to accept a grant for local enforcement of Tobacco Control Laws.

**Recommendation:** Adoption of a resolution to accept a \$250,000 grant from the California State Department of Health Services for local enforcement of Tobacco Control Laws and adoption of related appropriation ordinance and funding sources resolution amendments in the General Fund. (Police/City Manager's Office)

**Resolution No. 70655 adopted.**

**Ordinance No. 26489 adopted.**

**Resolution No. 70656 adopted.**

### 2.8 Approval to accept a grant from the Office of Criminal Justice Planning for the 2001-02 Anti-drug Abuse Program.

**Recommendation:** Adoption of a resolution to accept an award for an Office of Criminal Justice Planning 2001-02 Anti-drug Abuse Grant in the amount of \$142,167 and adoption of a separate appropriation ordinance and funding sources resolution in the General Fund to establish an appropriation to the Police Department for expenses related to the grant. (Police/City Manager's Office)

**Resolution No. 70657 adopted.**

**Ordinance No. 26490 adopted.**

**Resolution No. 70658 adopted.**

### 2.9 Adoption of a resolution of intention to vacate the public sidewalk easement in the north end of La Crescent Place and setting a public hearing.

**Recommendation:** Adoption of a resolution of intention to vacate the public sidewalk easement in the north end of La Crescent Place, and setting a public hearing on October 30, 2001 at 1:30 p.m. CEQA: Exempt. Council District 9. (Public Works)

**Resolution No. 70659 adopted.**

## 2 CONSENT CALENDAR

---

### 2.10 Report on the East Side Union High School District's intent to dispose of a piece of surplus property.

**Recommendation:** Report on the East Side Union High School District's intent to dispose of a 13.08 acre piece of surplus property located at the southwest corner of Quimby Road and Arcade Avenue, and adoption of a resolution declaring interest in the acquisition of a portion of that property, and authorizing the City Manager to negotiate the acquisition. (Planning, Building and Code Enforcement)

(District 8)

(Deferred from 10/2/01 – Item 2.7)

**Council accepted the report.**

**Resolution No. 70660 adopted.**

### 2.11 Approval of Independent Police Auditor's travel.

**Recommendation:** Approval of Independent Police Auditor's, Teresa Guerrero-Daley, travel to Denver, Colorado, October 10-13, 2001, to speak at the National Association on Civilian Oversight of Law Enforcement (NACOLE) on the topic of "Implementing Civilian Oversight: Striking a Balance." Funding: Office of the Independent Police Auditor. (Independent Police Auditor)

(Rules Committee referral 10/3/01)

**Approved.**

### 2.12 Approval of various actions related to shuttle buses at San José International Airport.

**Recommendation:**

(a) Adoption of a resolution

(1) Authorizing the Director of General Services to execute the second amendment to the Agreement for Management of Airport Common Use Rental Car Bus System to add provisions for alternate compensation to the contractor for schedule interruptions and CPI increase for curbside monitors; and;

(2) Authorizing the Director of General Services to execute the first amendment to the Agreement for Management of Airport Shuttle Bus Transportation Personnel and Shuttle Bus Scheduling to add provisions for alternate compensation to the contractor for schedule interruptions.

CEQA: Resolution No. 67380. (Airport)

(Rules Committee referral 10/3/01)

**Resolution No. 70661 adopted.**

**Council approved the recommended action as modified by Staff to exclude the CPI increase for curbside monitors (Item 2.12(a)(1)).**

**END OF CONSENT CALENDAR**

### 3 STRATEGIC SUPPORT SERVICES

---

#### 3.1 Report of the Study Session

Mayor Gonzales, Chair

No Report.

#### 3.2 Report of the Rules Committee – September 26, 2001

Vice Mayor Shirakawa, Jr., Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting  
**The Redevelopment Agency items to be reported out at Redevelopment Agency Board meeting.**
  
- (b) City Council
  - (1) Review October 9, 2001 Draft Agenda
    - (a) Additions  
**The Committee approved the October 9, 2001 City Council Agenda.**
  
  - (2) Add New Items to October 2, 2001 Amended Agenda  
**The Committee recommended four additions to the October 2, 2001 City Council Agenda.**
  
- (c) City Council Committees
  - (1) Amendments to Council Committee Agendas
    - (a) Finance and Infrastructure Committee  
**The Committee recommended an addition to the Finance and Infrastructure Committee Agenda for October 10, 2001 entitled, “Report on Due Diligence Work Performed on – Government Initiatives (Information Technology).”**
  
    - (b) Economic Development and Environment Committee  
**None Filed.**
  
    - (c) Education, Neighborhoods, Youth, and Seniors Committee  
**None Filed.**
  
- (d) Meeting Schedules  
**None Presented.**
  
- (e) The Public Record  
**The Committee noted and filed the Public Record for the period September 12-18, 2001**
  
- (f) Boards, Commissions and Committees  
**None Presented.**

### 3 STRATEGIC SUPPORT SERVICES

---

#### 3.2 Report of the Rules Committee – September 26, 2001 – (Cont'd.)

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

- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
  - (1) Report from Administration on workload assessment to provide discounted parking rates in regional parks for seniors, veterans, and people with disabilities  
**The Committee accepted the recommendation on a discounted parking rate program in regional parks for seniors, veterans, and persons with disabilities and directed Staff to present the required documentation to implement this program to Council for action on November 6, 2001.**
- (h) Administrative Reviews and Approval  
**None Presented.**
- (i) Oral communications  
**None Presented.**
- (j) Adjournment  
**The meeting was adjourned at 2:15 p.m.**

**The Rules Committee Report and actions of September 26, 2001 accepted.**

#### 3.3 Report of the Finance and Infrastructure Committee – September 26, 2001

##### Council Member Dando, Chair

- (a) Consent Items
  - (1) Monthly Investment Report for July 2001
  - (2) July Monthly Report  
**The Committee accepted the reports and approved the Consent Items.**
- (b) Wireless Contractual Services at the Airport
- (c) Major Information Technology Projects Update  
**The Committee accepted the reports.**
- (d) Comprehensive Annual Financial Report for Year Ended 2000-01  
**The Committee accepted the CAFR report.**
- (e) Monthly Financial Statement for August 2001
- (f) Capital Cost Report for August 2001
- (g) Cash Flow Projection  
**These items to be reported out at Redevelopment Agency Board meeting.**

### **3 STRATEGIC SUPPORT SERVICES**

---

**3.3 Report of the Finance and Infrastructure Committee – September 26, 2001 –  
(Cont'd.)**

**Council Member Dando, Chair**

- (h) Oral petitions  
**William J. Garbett spoke on the IT investments and the new auditing firm.**
  
- (i) Adjournment  
**The Committee adjourned at 4:55 p.m.**

**The Finance and Infrastructure Committee Report and actions of September 26, 2001 accepted.**

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

---

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

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

---

**4.2 Review of Smart Growth, Land Use, and Transportation Policies and Strategies.**

**Recommendation:** Review and discussion of Smart Growth, Land Use, and Transportation Policies and Strategies.

(Planning, Building, and Code Enforcement/Transportation)

**Renumbered from Item 6.1.**

**This Item Heard in the Evening.**

**Council accepted the report on Smart Growth principles and directed the Administration to include an additional component to the reporting process: “The Reason For and the Benefits Derived From Smart Growth in the City of San José”.**

### **5 RECREATION & CULTURAL SERVICES**

---

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

## 6 TRANSPORTATION SERVICES

---

### 6.1 Review of Smart Growth, Land Use, and Transportation Policies and Strategies.

**Recommendation:** Review and discussion of Smart Growth, Land Use, and Transportation Policies and Strategies.

(Planning, Building, and Code Enforcement/Transportation)

**This Item Heard in the Evening.**

**This Item Renumbered to item 4.2**

## 7 ENVIRONMENTAL & UTILITY SERVICES

---

### 7.1 Recycle Plus! Program: Next steps and the transition process.

**Recommendation:**

- (a) Acceptance of the status report on the preparations for transition to the 2002 Recycle Plus Program.
- (b) Acceptance of the Integrated Waste Management Efficiency Review.
- (c) Approval of the customer rate structure for the Recycle Plus Multi-Family Dwelling Bin<sup>2</sup> Program beginning July 1, 2002.
- (d) Approval of the following Recycle Plus rates for services beginning July 1, 2002:
  - (1) Set the rate for the new 20-gallon mini garbage cart at \$12.95 per month; and,
  - (2) Set the optional yard trimmings cart subscription rate at \$2.00 per month.

(Environmental Services)

(Deferred from 9/20/01 – Item 7.1 and 9/25/01 – Item 7.4)

**Council approved recommendation as contained in 10/05/01 memorandum from Mayor Gonzales, Vice Mayor Shirakawa, Jr., and Council Members Chavez, Dando and Yeager which (1) approved the customer rate structure for the Recycle Plus Multi-Family Dwelling Bin Program to begin service 07/01/02; and (2) approved the Recycle Plus rates for services, beginning 07/01/02 to (a) set the rate for the new 20-gallon mini garbage cart at \$14.50 per month, and (b) to set the optional yard trimmings cart subscription rate at \$1.00 per month; and (3) provide Council with a status report and contingency plan in the event the permits for Norcal's new facility are not issued. Noes: Cortesé, LeZotte, Reed.**

## **7 ENVIRONMENTAL & UTILITY SERVICE**

---

### **7.2 Approval of an agreement to convert overhead facilities to underground facilities at Almaden Road/Alma Avenue.**

**Recommendation:** Approval of an agreement with Pacific Gas & Electric Company for conversion of overhead facilities to underground facilities within the In-Lieu Fee (Rule 20B) Underground Utility District at Almaden Road/Alma Avenue, in the amount of \$516,868. CEQA: Exempt. Council District 7. SNI: Washington/Guadalupe. (Public Works)

**Approved.**

## **8 AVIATION SERVICES**

---

## **9 PUBLIC SAFETY SERVICES**

---

### **9.1 Public Hearing and approval to implement the 2001-03 Federal Local Law Enforcement Block Grant Program.**

**Recommendation:**

(a) Public Hearing and adoption of a resolution to implement the 2001-03 Federal Local Law Enforcement Block Grant Program;

**Resolution No. 70662 adopted.**

(b) Adoption of appropriation ordinance and funding sources resolution amendments in the Local Law Enforcement Block Grant Fund and General Fund for the use of \$1,126,700 in Block Grant funds and \$125,189 in City matching funds.

(Police/City Manager's Office)

**Ordinance No. 26491 adopted.**

**Resolution No. 70663 adopted.**

## 10 JOINT COUNCIL/REDEVELOPMENT AGENCY

---

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

#### 10.1 Adoption of resolutions by the City Council and Redevelopment Agency Board relative to the Civic Center Plaza Project.

**Recommendation:** Adoption of resolutions by the City Council and Redevelopment Agency Board approving fiscal actions relative to the Civic Center Plaza Project:

- (a) Adoption of resolutions by City Council and Agency Board approving the first amendment to the cooperation agreement between the City and Agency relative to the Civic Center Project providing for the repayment of the Agency by the City for the Civic Center site and Civic Center garage site;
- (b) Adoption of a resolution by the Agency Board approving the reduction of \$5,850,000 to the Adopted FY 2001-2002 Capital Budget Civic Center Plaza – Infrastructure project line in the Civic Plaza Redevelopment Area; and
- (c) Adoption of a resolution by the Agency Board amending the FY 2001-2002 Agency appropriations resolution to reflect the reduction of the \$5,850,000.

(City Attorney's Office)

(Deferred from 9/25/01 – Item 10.1 and 10/2/01 – Item 10.1)

**Deferred to 10/23/01.**

### ADJOURN REDEVELOPMENT AGENCY BOARD PORTION OF THE MEETING

- **Closed Session Report**  
**None Filed.**
- **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 Filed.**

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>
9375	SW/c Hedding Street and Park Avenue	6	Rose Garden, LLC	11 Lots	SFDR

- **Open Forum**
  - (1) **Pete Campbell spoke on the acquisition of the River Corporate Center for the purpose of consolidating all government offices.**
  - (2) **Ross Signorino asked Council to retain City Hall at the current location, and build high-density housing on the proposed site in the Downtown.**

**Following Open Forum, the City Council recessed at 3:20 p.m. and reconvened at 7:05 p.m. to consider Item 4.2 - Smart Growth, Land Use, and Transportation Policies and Strategies**

- **Adjournment**

**The Council of the City of San José adjourned at 9:00 p.m.**