



CITY COUNCIL AGENDA

OCTOBER 15, 2002

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**
9:05 a.m. - Closed Session, Room 600, City Hall
Absent: Council Members – Vice Mayor Shirakawa, Jr. (excused)

1:35 p.m. - Regular Session, Council Chambers, City Hall
Absent: Council Members – None.

7:05 p.m. - Public Hearings, Council Chambers, City Hall
Absent: Council Members – Vice Mayor Shirakawa, Jr. (excused)
- **Invocation (District 9)**
During the evening session, the three-member Color Guard – Austin Adamski, Ben Beaman, and Jeffrey Ewing – from Cub Scout Pack #224, Den 3, under the direction of the Cambrian/Camden Area Den Leader, Sheryl Taylor, posted the National and State Colors.
- **Pledge of Allegiance**
Cub Scout Pack #224 Color Guard led in the Pledge of Allegiance.
- **Orders of the Day**
Approved with one addition: Item 3.6 deferred to 10/29/02.

1 CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to the members of the Human Resources/Payroll Upgrade Team. (Dando)**
Chair of the Finance and Infrastructure Committee Council Member Dando, and Finance Committee Member Council Member Reed joined Mayor Gonzales at the Podium to acknowledge the dynamic team effort of 11 individuals from three City Departments for their outstanding accomplishments in producing a new system for Human Resources and Finance, which has resulted in the streamlining of Human Resource and Payroll System procedures. Mayor Gonzales presented commendations to Damian Beatty (Finance), Mayumi DeHaan (ITD), Sandra Hoelz (Employee Services), Ofelia Hsieh (Finance), Dan Kadamoto (Finance), Carolyn Landon (Human Resources), and Mark Matthiessen, Amanda Ramos, Kathleen Rooney, and Jamie Salandanan of ITD, and applauded the outstanding services of the inter-departmental team dedicated to implementing innovative and effective ways to deliver quality service by the City of San José. Andy Heath (Finance) was unable to attend the ceremony.

1 CEREMONIAL ITEMS

- 1.2 Presentation of plaque to Tanya C. Young for 4 years 10 months service on the Civil Service Commission. (Mayor)

Mayor Gonzales acknowledged the contributions of Tanya Young, who was unable to attend the ceremony, and stated the plaque would be mailed to the honoree.

2 CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of City Council Minutes for:

- (a) Regular meeting of March 12, 2002
Approved.
- (b) Regular meeting of March 19, 2002
Approved.
- (c) Regular meeting of March 26, 2002
Approved.
- (d) Joint Council/Redevelopment Agency Board meeting of March 26, 2002
Approved.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 26743 – Amends Section 4.78.020 of Chapter 4.78 of Title 4 of the San José Municipal Code to revise the definition of “cover material” for purposes of the Disposal Facility Tax.
Ordinance No. 26743 adopted.
- (b) ORD. NO. 26744 – Amends Chapter 11.48 of Title 11 of the San José Municipal Code to add a College Park Residential Permit Parking Program.
Deferred to 10/22/02.
- (c) ORD. NO. 26749 – Rezones certain real property situated on the south side of Curtner Avenue, approximately 700 feet easterly of Highway 87 to A(PD) Planned Development Zoning District. PDC 02-042
Ordinance No. 26749 adopted.
- (d) ORD. NO. 26750 – Prezones certain real property situated at the southeast corner of Fehren Drive and Monterey Highway to CG Commercial General Zoning District. C 02-065
Ordinance No. 26750 adopted.

2 CONSENT CALENDAR

2.3 **Approval of a Concession Agreement to provide foreign currency services, pre-paid long distance telephone cards, and travel insurance at the Airport.**

Recommendation: Approval of a first amendment to the Concession Agreement with Lenlyn Limited, d/b/a ICE Currency Services to provide foreign currency services, pre-paid long distance telephone cards, and travel insurance at the Norman Y. Mineta San José International Airport, for an additional five-year term beginning November 1, 2002 and not to extend beyond October 31, 2007, with a minimum annual revenue to the City of \$15,600. CEQA: Resolution No. 67380, PP 02-09-266. (Airport)

Approved.

2.4 **Approval of a resolution establishing fees and charges for airline use of the new Interim Federal Inspection Services Facility at the Airport.**

Recommendation: Adoption of a resolution establishing fees and charges for airline use of the new Interim Federal Inspection Services Facility at the Norman Y. Mineta San José International Airport and repealing Resolution No. 61958. CEQA: Resolution No. 67380, PP02-09-270. (Airport)

Resolution No. 71251 adopted.

2.5 **Approval of leases related to the new Interim Federal Inspection Services Facility.**

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute an eleventh amendment to the Scheduled Airline Terminal Building Lease with American Airlines, Inc., to provide for the reallocation of gates in connection with the opening of the new Interim Federal Inspection Services Facility, with monthly revenue to the City of \$245,371.
 - (b) Adoption of a resolution authorizing the City Manager to negotiate and execute a Lease of Airport Premises with American Airlines, Inc., for the new Interim Federal Inspection Services Facility, with annual revenue to the City of \$77,345.
- CEQA: Resolution No. 67380, PP 02-09-252. (Airport)

Deferred to 10/22/02.

2.6 **Approval of change orders to the purchase orders for custom pumper apparatus.**

Recommendation: Authorization for the Director of General Services to execute change orders to the purchase orders of four 1500 gallons-per minute custom pumper apparatus from Kovatch Mobile Equipment Corporation, KME, (Nesquehoning, PA) for a total collective increase of \$10,435.32, including tax. CEQA: Not a Project.
(General Services)

Approved.

2 CONSENT CALENDAR

2.7 Approval to award a purchase of Wemco pumps.

Recommendation: Approval to award the purchase of 10 rebuilt Wemco pumps to LMH Municipal, Inc., Roseville, CA, as a sole source purchase for a total cost of \$179,716.65 including tax and delivery, and authorization for the Director of General Services to execute the purchase order. CEQA: Not a Project. (General Services)

Approved.

2.8 Approval of an agreement for the San José Animal Services Center Project.

Recommendation: Approval of a second amendment to the agreement with George Miers & Associates, for construction management services for the San José Animal Services Center Project, extending the term of the agreement to December 31, 2003, and increasing the compensation by \$85,000, from \$956,000 to an amount not to exceed \$1,041,000. CEQA: Negative Declaration, H01-01-003. (Public Works)

Approved.

2.9 Approval of an agreement for the Winchester Boulevard Median Improvement Project.

Recommendation: Approval of an agreement with Bellecci & Associates, Inc. for consultant services for the Winchester Boulevard Median Improvement Project (Moorpark Avenue to Impala Drive), from the date of execution to March 31, 2004, in an amount of \$208,000. CEQA: Exempt, PP 02-09-241. Council Districts 1 and 6. SNI: Winchester. (Public Works)

Approved.

2.10 Approval to award a contract for the Boynton Avenue and Williams Road Sidewalk Improvement Project.

Recommendation: Report on bids and award of contract for the Boynton Avenue and Williams Road Sidewalk Improvement Project to the low bidder, Golden Bay Construction, Inc., to include the base bid and Add Alternate No. 1 in the amount of \$121,843.50, and approval of a contingency in the amount of \$12,000. CEQA: Exempt, PP02-01-001. Council District 1. (Public Works)

Approved.

2.11 Approval of the Fiscal Year 2002-2003 HP Pavilion at San José Capital Repairs and Replacements Budget.

Recommendation: Approval of the Fiscal Year 2002-2003 HP Pavilion at San José Capital Repairs and Replacements Budget submitted by Compaq Center Management. CEQA: Not a Project. (San José Arena Authority)

Deferred to 11/05/02.

2 CONSENT CALENDAR

2.12 Approval to award purchase of Herman Miller modular furniture.

Recommendation: Approval of award of purchase of Herman Miller modular furniture for the Police Department from the authorized dealer, Pivot Interiors (San José, CA) for a total cost of \$190,105.25 including tax and delivery and authorization for the Director of General Services to execute the necessary purchase agreements. CEQA: Not a Project.
(General Services)
(Deferred from 10/8/02 – Item 2.5)

Approved.

2.13 Approval of the Statement of Policy and City Council Questions related to the selection of a new Transportation Director.

Recommendation: Adoption of the Statement of Policy and City Council Questions related to the selection of a new Transportation Director, in compliance with City Charter Section 411.1. CEQA: Not a Project.
(City Manager's Office)
(Rules Committee referral 10/9/02)

Approved.

2.14 Approval of the Statement of Policy and City Council Questions related to the selection of a new Employee Services Director.

Recommendation: Adoption of the Statement of Policy and City Council Questions related to the selection of a new Employee Services Director, in compliance with City Charter Section 411.1. CEQA: Not a Project.
(City Manager's Office)
(Rules Committee referral 10/9/02)

Approved.

2.15 Approval of the City Manager's travel.

Recommendation: Approval of City Manager Del D. Borgsdorf's travel to Phoenix, Arizona, from October 17 – 18, 2002, to participate in the City-to-City program, to discuss expansion of convention center, downtown retail, and housing initiatives, and city hall construction. CEQA: Not a Project.
(City Manager's Office)
(Rules Committee referral 10/9/02)

Approved.

2 CONSENT CALENDAR

2.16 Approval to submit an application and to negotiate and execute a grant agreement with California 21st Century Community Learning Centers.

Recommendation: Adoption of a resolution authorizing the City Manager to submit a grant application to the State Department of Education and to negotiate and execute a grant agreement, if awarded, with the California 21st Century Community Learning Centers, providing after school programs in an amount not to exceed \$1.5 million per year, for the period between January 1, 2003 and June 30, 2007. CEQA: Exempt, PP 02-10-289. (Parks, Recreation and Neighborhood Services/City Manager's Office)
(Rules Committee referral 10/9/02)

Resolution No. 71252 adopted.

2.17 Approval of an ordinance revising notification procedures for street tree removal.

Recommendation: Approval of an ordinance revising Section 13.28.140-of Chapter 13.29 of Title 13 of the San José Municipal Code that increases notifications to adjacent property owners to a proposed street tree removal by requiring posting to property owners on both sides of the street for a distance of one hundred fifty feet on each side of the street tree. CEQA: Exempt, PP 02-10-292. (Transportation)
(Rules Committee referral 10/9/02)

Ordinance No. 26754 passed for publication.

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 – Meeting of October 2, 2002 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 15, 2002 Draft Agenda
The Committee recommended approval of the October 15, 2002 Council Agenda with two additions.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – Meeting of October 2, 2002 – (Cont'd.)

Vice Mayor Shirakawa, Jr., Chair

- (b) City Council
 - (2) Add New Items to October 8, 2002 Amended Agenda
The Committee recommended three additions to the October 8, 2002 Council Agenda.

- (c) City Council Committees
 - (1) Amendments to Council Committee Agendas
 - (a) Finance and Infrastructure Committee
 - (b) Economic Development and Environment Committee
 - (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 11-24, 2002.

- (f) Boards, Commissions and Committees
None Presented.

- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
None Presented.

- (h) Administrative Reviews and Approval
 - (1) Workload assessment to establish an ad hoc City Council/Santa Clara Valley Water District committee to discuss all unresolved policy issues relating to trails
Member Chavez requested and the Committee to direct the Administration to include in the October 9, 2002 workload assessment the following:
 - (a) **a list of all outstanding issues between the City of San José and the Santa Clara Valley Water District (SCVWD) relating to trails;**
 - (b) **current status of the trail projects timeline agreed upon by the City and SCVWD; and**
 - (c) **pre-approved, one-week report to Council on the workload assessment.**

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – Meeting of October 2, 2002 – (Cont'd.)

Vice Mayor Shirakawa, Jr., Chair

(h) Administrative Reviews and Approval – (Cont'd.)

- (2) Request from Council Member Ken Yeager to use Council General funds to attend the 79th National League of Cities Congress of Cities & Exposition 2002 in Salt Lake City, Utah, December 1-8, 2002

The Committee recommended approval for Council Member Yeager to use Council General funds to attend the 79th National League of Cities Congress of Cities & Exposition 2002 in Salt Lake City, Utah, December 1-8, 2002.

(i) Oral Communications

Pete Campbell submitted two letters dated October 2, 2002: One expressed concern about banners installed along Saratoga Avenue; and the other requested answers to a list of questions concerning the Redevelopment Agency.

(j) Adjournment

The meeting was adjourned at 2:20 p.m.

The Rules Committee Report and actions of October 2, 2002 accepted.

3.2 Report of the Rules Committee – Meeting of October 9, 2002 (Partial)

Vice Mayor Shirakawa, Jr., Chair

(h) Administrative Reviews and Approval

- (1) Workload assessment to establish an ad hoc City Council/Santa Clara Valley Water District committee to discuss all unresolved policy issues relating to trails

The Committee recommended that the original request from Council Members Reed and Yeager be placed on the October 15, 2002 Council Agenda, as follows:

- (1) **Appoint an ad hoc Council committee of two or three Council Members to be tasked with meeting with a similar committee from the Santa Clara Valley Water District.**

- (2) **Direct the Administration to seek scheduling a joint meeting with a committee of board members from the Santa Clara Valley Water District during the month of October 2002 to discuss all policy issues relating to trails that have not been resolved by the two staffs, and come up with joint recommendations for action for the Council and the Board.**

See Item 3.6 for Council action taken.

3 STRATEGIC SUPPORT SERVICES

**3.2 Report of the Rules Committee – Meeting of October 9, 2002 (Partial) – (Cont’d.)
Vice Mayor Shirakawa, Jr., Chair**

(h) Administrative Reviews and Approval

(3) Approve City positions on November 2002 State ballot

The Committee approved the recommended City positions for six of the seven statewide ballot propositions set for the November 2002 General Election, and directed the Administration to change the recommended City position on Proposition 52 to “Support”.

The Partial Rules Committee report and actions of October 9, 2002 were accepted with Item 3.2(h)(1) acted upon at Item 3.6 and Item 3.2(h)(3) removed from the Report and acted upon separately, as follows:

Council unanimously approved the recommended City positions for Propositions 46, 47, 48, 49, 50, & 51 as contained in Mayor Gonzales’ October 14, 2002 memorandum.

Proposition 52	-	-	Election Day Voter Registration
Recommended City Position			SUPPORT
			Vote: 6-5-0-0.
			Noes: Dando, Diquisto, Reed, Williams; Gonzales.

**3.3 Report of the Finance and Infrastructure Committee
Council Member Dando, Chair**

No Report.

3.4 Approval of various actions in City operating and capital funds to implement 2001-2002 Annual Report recommendations and provide for appropriate technical adjustments.

Recommendation:

- (a) Acceptance of the 2001-2002 City Manager’s Annual Report of the Finances and Administrative Activities of the City of San José, pursuant to the City Charter Section 701(f).

Council approved the City Manager’s recommendations contained in the 2001-2002 Annual Report with the following directives to Staff:

- **Develop in *Section III. Appropriation/Cleanup Adjustment Actions* a separate section/description of those things that are neither technical nor rebudgets, but where funds are shifted in a substantive manner within a fund.**
- **Explain discrepancy between Construction & Conveyance Tax Fund – District 9 – \$69,493 as contained in the *Letter of Transmittal – Certification* (Pg XX) and \$66,493 *Ending Fund Balance* on Page 152.**

3 STRATEGIC SUPPORT SERVICES

3.4 Approval of various actions in City operating and capital funds to implement 2001-2002 Annual Report recommendations and provide for appropriate technical adjustments. – (Cont'd.)

Recommendation:

- (b) Adoption of appropriation ordinance and funding sources resolution amendments in various operating and capital funds to implement 2001-2002 Annual Report recommendations and provide for appropriate technical adjustments.

Ordinance No. 26755 adopted.

Resolution No. 71253 adopted.

- (c) Adoption of a resolution making certain determinations regarding the expenditure of Redevelopment Agency funds on certain public improvements (as detailed in the Appendix of this report).

CEQA: Not a Project. (City Manager's Office)

Resolution No. 71254 adopted.

3.5 Approval of an agreement for the Guadalupe River South Reach 12 Phase 1 Project.

Recommendation:

- (a) Approval of a first amendment to the agreement with Callander Associates Landscape Architecture, Inc. for consultant services for the Guadalupe River South Reach 12 Phase 1 Project, increasing the total compensation by \$112,000, for a total agreement amount of \$262,000, and revising the scope of services and the schedule of performance. CEQA: Not a Project.

Approved.

- (b) Adoption of the following appropriation ordinance amendments in the Subdivision Park Trust Fund:

(1) Establish the Winfield Park Development Project for \$125,000.

(2) Reduce the Reserve: Future PDO/PIFO by \$125,000.

CEQA: Not a Project. Council District 10. (Public Works/City Manager's Office)

Ordinance No. 26756 adopted.

3.6 Approval of actions related to trail projects.

Recommendation:

- (a) Appoint an ad hoc Council Committee of two or three Council Members to be tasked with meeting with a similar committee from the Santa Clara Valley Water District.

This item continued on the next page.

3 STRATEGIC SUPPORT SERVICES

3.6 Approval of actions related to trail projects. – (Cont'd.)

Recommendation:

- (b) Direct Administration to seek scheduling a joint meeting with a committee of Board Members from the Santa Clara Valley Water District during the month of October to discuss all policy issues relating to trails that have not been resolved by the two staffs, and come up with joint recommendations for action for the Council and the Board.

[Rules Committee referral 10/9/02 – Item 3.2H(1)]

Deferred to 10/29/02.

3.7 Appointment of members to the Joint Council/Water District Ad Hoc Subcommittee on Trails.

Recommendation: Appointment of members to the Joint Council/Water District Ad Hoc Subcommittee on Trails. (Mayor)
(Orders of the Day)

Deferred to 10/29/02.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Economic Development & Environment Committee Council Member Williams, Chair

No Report.

4.2 Public hearing on petition for tentative partial cancellation of land conservation contract.

Recommendation: PUBLIC HEARING ON PETITION FOR TENTATIVE PARTIAL CANCELLATION OF LAND CONSERVATION CONTRACT (Williamson Act), for property consisting of 3.5 acres located on the northeast corner of Fleming Avenue and Warner Drive (Rolando Loera, Owner). CEQA: Negative Declaration. Director of Planning, Building, and Code Enforcement recommends approval.

No Planning Commission action required.

Contract No. 71-234 - District 5

(Continued from 8/20/02 – Item 11.3 et al., and 9/17/02 – Item 4.4)

Resolution No. 71255 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.3 Approval of the policy recommendations included in the FY 2002-07 Five-Year Housing Investment Plan.

Recommendation: Adoption of a resolution approving the recommendations included in the FY 2002-07 Five-Year Housing Investment Plan to revise current City Housing Policies discussed in the Plan, and accepting the remainder of the report. CEQA: Not a Project.

(Housing)

[Referred from General Plan Agenda 9/3/02 – Item 2.10 (c)]

(Deferred from 10/1/02 – Item 4.5)

Resolution No. 71256 adopted.

Council directed Staff to use the 2000 Census data to identify the average household size by Census Block in each Council District in the City of San José, and to provide Council with copies of the actual changes/revisions to the Policy document since October 1, 2002.

4.4 Public Hearing on the Historical Property Contract for the Charles O. Bocks Residence.

Recommendation: PUBLIC HEARING on Historical Property Contract for the Charles O. Bocks Residence, City Landmark No. HL02-141, located at the southwest corner of The Alameda and Randol Avenue (1645 The Alameda) on 0.34 gross acre. (Jim Blair, Eaglecreek Associates II, Owner). CEQA: Exempt.

(Planning, Building, and Code Enforcement)

MA 02-002 - District 6

(Continued from 10/8/02 – Item 4.2)

Resolution No. 71256.1 adopted.

4.5 Public Hearing on the Historical Property Contract for the Hotel Metropole.

Recommendation: PUBLIC HEARING on the Historical Property Contract for the Hotel Metropole, City Landmark No. HL88-46 and the Sunol Building, City Landmark No. HL02-129 located at the northwest corner of South Market and Post Streets (35 South Market St.) on 0.33 gross acre. (Florin II LTD, William B. Mitchell G.P., Owner). CEQA: Exempt.

(Planning, Building, and Code Enforcement)

MA 02-003 - District 3

(Continued from 10/8/02 – Item 4.3)

Deferred to 10/22/02.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.6 Approval of various actions related to the purchase of a park site associated with Cinnabar Commons family rental development.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute a real property purchase and sale agreement that includes an irrevocable offer of transfer with Lenzen Associates LLC, or an affiliated entity, for property at the southwest corner of Stockton Avenue and Lenzen Avenue, comprising approximately 19,750 square feet of land for park purposes and further authorizing the Director of Public Works to execute acceptance of the deed, as well as any and all other documents necessary to complete the transaction.

Resolution No. 71257 adopted.

- (b) Adoption of the following appropriation ordinance and funding sources resolution amendments in the Park Trust Fund:

(1) Establish an appropriation for the Cinnabar Commons Parkland Acquisition Project for \$1,531,250.

(2) Increase the estimate for Earned Revenue by \$1,531,250.

CEQA: Resolution No. 71174. Council District 6. (Parks, Recreation and Neighborhood Services/Public Works/City Manager's Office))

(Rules Committee referral 10/9/02)

Ordinance No. 26757 adopted.

Resolution No. 71258 adopted.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee Council Member Chavez, Chair

No Report.

5.2 Approval to award a contract for the Stonegate and Watson Parks Play Area and Restroom Renovation Project.

Recommendation: Report on bids and award of contract for the Stonegate and Watson Parks Play Area and Restroom Renovation Project to the low bidder, and approval of a five percent contingency. Stonegate Park CEQA: Exempt, PP02-06-172. Watson Park CEQA: Exempt, PP02-06-171. Council Districts 3 and 7. Watson Park SNI: 13th Street. (Public Works)

(Deferred from 10/1/02 – Item 5.4)

Deferred to 10/22/02.

5 RECREATION & CULTURAL SERVICES

5.3 Approval of the Blackford Strong Neighborhoods Initiative, Neighborhoods Improvement Plan.

Recommendation: Approval of the Blackford Strong Neighborhoods Initiative, Neighborhoods Improvement Plan as the shared vision of revitalization of the area. CEQA: Resolution No. 65459, PP02-09-269. Director of Planning, Building and Code Enforcement and Planning Commission recommend that the City Council: (1) approve the Strong Neighborhoods Initiative *Blackford Neighborhood Improvement Plan* as the City/community vision for the future of the Blackford area, (2) authorize the Administration to direct the City Departments and Agencies with implementation responsibilities to begin their respective activities, including the general oversight of the implementation of the *Plan* by the Redevelopment Agency, and (3) encourage the Blackford area property owners, residents and community members to dedicate their time, energy, and resources to implement the recommendations of the *Plan* and continue with their community building activities (6-0-1). Council District 1. SNI: Blackford. (Planning, Building and Code Enforcement)

This Item Heard in the Evening.

Council unanimously approved the Blackford Strong Neighborhoods Initiative, Neighborhoods Improvement Plan.

6 TRANSPORTATION SERVICES

6.1 Approval of a report from the San José Taxicab Advisory Team.

Recommendation: Approval of the report from the San José Taxicab Advisory Team (“Team”) and:

- (a) Direction to the City Manager and San José Redevelopment Agency Director to work with the Team to identify the funding needed to support the marketing and customer evaluation components of their recommendations;
- (b) Direction to the Chief of Police to approve the proposed pilot temporarily suspending the issuance of permits to additional taxicab companies not licensed as of July 1, 2002; and,
- (c) Amend the Taxicab Rate, Fares and Tariffs Resolution to increase the current per mile rate of \$2.25 per mile (.25 per 1/9 mile) to \$2.50 (.25 per 1/10), amending the flag drop from \$2.00 (including 1/9 mile) to \$2.00 per 1/10 mile), and maintain the same wait time calculation of \$.20/36 seconds (\$20 hour).

(City Manager’s Office/San José Taxicab Advisory Team)

(Deferred from 6/18/02 – Item 6.4 et al., and 9/17/02 – Item 6.1)

Dropped.

6 TRANSPORTATION SERVICES

6.2 Approval of resolutions related to the establishment of speed limits.

Recommendation: Adoption of a resolution establishing speed limits in the City of San José including the following:

- (a) Establishing new speed limits on the following roadways within the City of San José:
 - (1) Ridder Park Drive - from Brokaw Road to Fox Lane, 30 mph.
 - (2) Rio Robles - from Tasman Drive to North First Street, 35 mph.
- (b) Re-establishing speed limits with changes to the following roadways within the City of San José:
 - (1) Hicks Avenue - from Curtner Avenue to Minnesota Avenue, from 30 mph to 25 mph.
 - (2) Shasta Avenue - from San Carlos Street to Park Avenue, from 30 mph to 25 mph.
 - (3) Stokes Street - from Bascom Avenue to St. Elizabeth Drive, from 35 mph to 30 mph.

CEQA: Exempt, PP02-09-246. Council Districts 4 and 6.
(Transportation)

Resolution No. 71259 adopted.

7 ENVIRONMENTAL & UTILITY SERVICES

8 AVIATION SERVICES

8.1 Approval of an amendment to the Scheduled Airline Operating Agreement regarding compliance with the City's Airport Noise Control Program.

Recommendation: Approval of a fifth amendment to the Scheduled Airline Operating Agreement between the City of San José and American Airlines, Inc., to add provisions regarding compliance with the City's Airport Noise Control Program, with annual revenue to the City in excess of \$4,000,000. CEQA: Resolution No. 67380, PP 02-09-276. (Airport)

Deferred to 10/22/02.

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

REDEVELOPMENT AGENCY BOARD CONVENED AT 3:10 P.M. TO CONSIDER ITEMS 10.1 AND 10.2 IN A JOINT SESSION

10.1 Approval of various actions related to Public Works and Redevelopment Agency Construction Projects.

Recommendation:

- (a) Approval of an ordinance amending Title 14 of the San José Municipal Code to add a new Chapter 14.06 setting forth dispute avoidance and dispute resolution procedures for City public works construction projects.
- (b) Adoption of a resolution by the Redevelopment Agency to implement the same dispute avoidance and dispute resolution procedures for RDA construction projects, to the extent that they do not conflict with the requirements of State law applied to RDA construction projects.

CEQA: Exempt, PP 02-10-278. (City Manager's Office/Redevelopment Agency)

Deferred to 10/22/02.

10.2 City Council and Redevelopment Agency Board actions on Gateway/Community Gateway/Identification Signage and approval of an agreement for sign design to the Downtown Signage Program.

Recommendation:

- (a) Adoption of a resolution by the City Council amending Council Policy 9-3, enacted in 1972, to allow Gateway/Community Gateway/Identification Signs for the greater downtown Area; and,

Resolution No. 71260 adopted.

- (b) Approval by the Redevelopment Agency Board of the first amendment to the agreement with Bohannon Eberts Design, LLC, in the amount of \$72,257, for a total contract amount not to exceed \$547,257, adding architectural and graphic design services for downtown gateway sign design to the Downtown Signage Program.

CEQA: Resolution No. 68839.

(Redevelopment Agency/City Manager's Office)

Approved.

Council approved the recommended actions related to signage with direction to Staff to report to Council within 30 to 60 days via Economic and Neighborhood Development Committee regarding (1) timelines and workplans for neighborhood and gateway signs; (2) plans identifying geographic equity areas outside the Downtown Core; (3) how the work is to be integrated into the master plan; and (4) a schedule of dates and locations where community outreach meetings were held.

REDEVELOPMENT AGENCY BOARD ADJOURNED AT 3:26 P.M.

- **Closed Session Report**
No 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:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9429	E/s Coastland Ave., 100 feet e/o Ardis Dr.	6	Mike Chen	5 units	SFDR	Approved

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>
9457	S/s Cypress Ave. 300 feet w/o Stevens Creek Blvd	1	Grayson Hanson	3 units	SFAR
9456	S/s Foxworthy Ave. at Rubino Drive	9	Summerhill Homes	83 units	Detached Townhomes

- **Open Forum**

- (1) **Pete Campbell commented on the use of City property to convey personal opinions about citizens of San José, and the necessity for appropriate disciplinary action.**
- (2) **Gregory Colburn commented on the loss of tax revenue to the City of San José resulting from the loss of employment by cardroom employees, and retraining opportunities for displaced workers.**

- **Following Open Forum, Council convened in Joint Session with the San José Financing Authority; after which, in Joint Session with the Redevelopment Agency; and adjourned to 7:00 p.m., to consider land use items.**

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

3:30 P.M

TUESDAY, OCTOBER 15, 2002

CHAMBERS

1. Call to Order

Absent: Council Member Diquisto (excused).

2. Approval of various actions related to the New Civic Center Project.

Recommendation:

- (a) Adoption of a resolution of the City of San José Financing Authority:
 - (1) Authorizing the issuance of City of San José Financing Authority Lease Revenue Bonds, Series 2002B, Series 2002C and Series 2002D (Civic Center Project) (collectively, the “Bonds”) in the not to exceed aggregate principal amount of \$425,000,000, to be sold through negotiated sales subject to certain limitations; and
 - (2) Approving in substantially final form, the Bonds, Indenture of Trust, Site Lease, Project Lease, Standby Bond Purchase Agreement, Preliminary Official Statements, Purchase Contract for the Series 2002B Bonds, Purchase Contract for the Series 2002C Bonds, Purchase Contract for the Series 2002D Bonds, Remarketing Agreement for the Series 2002C Bonds, and Remarketing Agreement for the Series 2002D Bonds; authorizing the Treasurer to execute and, as appropriate, to negotiate, and deliver these documents and other related financing documents and to take other actions as necessary in connection with the issuance of the Bonds.
Resolution No. SJFA-59 adopted.

- (b) Adoption of an ordinance by the City Council approving, authorizing, and directing the execution of the Project Lease.
Ordinance No. 26758 adopted.

- (c) Adoption of a resolution by the City Council:
 - (1) Approving in substantially final form and authorizing the execution of the Project Lease, Site Lease, Preliminary Official Statements, Standby Purchase Agreement, Bond Purchase Agreements, Continuing Disclosure Certificate and authorizing the Director of Finance to execute and, as appropriate, to negotiate, and deliver these documents and other related financing documents and to take other actions as necessary in connection with the issuance of the Bonds;

This item continued on the next page.

2. Approval of various actions related to the New Civic Center Project – (Cont'd.)

Recommendation:

(c) Adoption of a resolution by the City Council:

(2) Authorizing the City Manager to negotiate and execute an agreement with the Public Resources Advisory Group for financial advisory services in an amount not to exceed \$320,000; and

(3) Authorizing the City Attorney to negotiate and execute an agreement with Jones Hall for bond counsel services in an amount not to exceed \$300,000.

(Finance/Public Works)

(Deferred from 10/8/02 – Item 2)

Resolution No. 71261 adopted.

3. The San José Financing Authority Board adjourned at 3:45 p.m.

11 PUBLIC HEARINGS

11.1 Public Hearing on planned development rezoning at North First Street and East Gish Road.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northeast corner of North First Street and East Gish Road, from CN Commercial Neighborhood Zoning District to PD Planned Development Zoning District, to allow a mixed use development of 3,230 square feet of ground floor commercial use and 22 multi-family attached residential units on 0.5 gross acre. (The Southland Corporation, Owner; BEC, Inc., Developer). CEQA: Negative Declaration. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 02-014 - District 3

(Continued from 6/18/02 – Item 11.13 et al., and 10/1/02 – Item 11.2)

Continued to 10/29/02.

11.2 Public Hearing on planned development rezoning at Almaden Expressway and McAbee Road.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southwest corner of Almaden Expressway and McAbee Road, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow the addition of a drive-through lane and pick-up window to an existing fast food restaurant on 5.31 gross acres. (Moitozo, Owner; Henley/McDonald's, Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement recommend approval of a staff alternative design. Planning Commission recommends denial (4-3-0).

PDC 00-06-049 - District 10

(Continued from 8/6/02 – Item 11.4 et al., and 9/17/02 – Item 11.5)

Dropped – Withdrawn by Applicant.

11.3 Public Hearing on planned development rezoning at Floyd Street and Lick Avenue.

PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northeastern corner of Floyd Street and Lick Avenue, from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District, to allow up to 16 single-family attached residences on 0.67 gross acre. (John Previtara, Owner; Chris Neale, CORE Development, Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 02-051 - District 3

Ordinance No. 26759 passed for publication.

11 PUBLIC HEARINGS

11.4 Public Hearing on planned development rezoning at Russo Drive and Cherryview Lane.

PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southeast corner of Russo Drive and Cherryview Lane, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow up to 126 senior housing units and 24 single family courthome units on 4.18 gross acres. (John E. Giacomazzi, Owner; Roem Development c/o Anthony Ho, Developer).

CEQA: Mitigated Negative Declaration.

PDCSH 02-032 - District 9

Continued to 11/05/02.

11.5 Public Hearing and approval of a single family house permit for 6295 McAbee Road.

Recommendation: PUBLIC HEARING ON SINGLE FAMILY HOUSE PERMIT for a project located at the southwest corner of McAbee Road and Deb Court (6295 McAbee Road), on a 0.46 gross acre site in the R-1-5 Residence Zoning District, to allow the demolition of one single family residence and the construction of a 2,713 square foot single family residence with a height of 33 feet 7 inches. (Betty Brown, Owner/Developer). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval with conditions (6-0-1).

SF 02-016 - District 10

Resolution No. 71262 adopted.

Council approved the subject single-family house permit with the condition that the site plan be modified to “shift” the proposed house design to reflect a minimum side setback of “five (5) feet”.

- **Open Forum**

None Presented.

- **Adjournment**

The Council of the City of San José adjourned at 7:30 p.m.