



# **CITY COUNCIL AGENDA**

**OCTOBER 23, 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: Vice Mayor Shirakawa, Jr. (excused)**  
  
**1:30 p.m. - Regular Session, Council Chambers, City Hall**  
**Absent: Vice Mayor Shirakawa, Jr. (excused)**
- **Invocation (District 9)**  
**Father Stout, San José Fire Department Chaplain, delivered the invocation.**
- **Pledge of Allegiance**  
**Mayor Gonzales led in the Pledge of Allegiance.**
- **Orders of the Day**  
**Approved.**

## **1 CEREMONIAL ITEMS**

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## **2 CONSENT CALENDAR**

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- 2.1 Approval of Minutes.**  
**None.**
- 2.2 Final adoption of ordinances.**  
**None.**
- 2.3 Approval to amend an agreement with Spectrum Gaming Group related to cardrooms.**

**Recommendation:** Adoption of a resolution authorizing the City Attorney to negotiate and execute a second amendment to the agreement for consultant services with Spectrum Gaming Group to extend the term of the agreement through September 30, 2002, and to increase the amount of total compensation by \$116,692.50, to a total amount not to exceed \$210,000. (City Attorney's Office)

**Resolution No. 70672 adopted.**

## 2 CONSENT CALENDAR

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### 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 #9, and authorization for the Director of General Services to execute the purchase orders. (General Services)

**Approved.**

### 2.5 Approval to award a contract for The Alameda at Cleaves Improvements Project.

**Recommendation:** Report on bids and award of contract for The Alameda at Cleaves Improvements Project to the low bidder, Bellicitti & Pellicciotti Construction, in the amount of \$251,600, and approval of a contingency in the amount of \$25,000. CEQA: Exempt. Council District 6. (Public Works)

**Approved.**

### 2.6 Approval of an agreement to purchase a parcel of land, obtain right of entry and a temporary construction easement.

**Recommendation:** Approval of an agreement with Armand and Joan Kunde, husband and wife, and Al Kunde for the purchase of a parcel of land, a right of entry, and a temporary construction easement for property abutting the south side of Colleen Drive, between Evangeline Drive and Shadelands Drive, in the amount of \$245,000, and authorization for the Director of Public Works to execute the necessary documents to complete the transaction. CEQA: ND. Council Districts 2, 10. (Public Works)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.7 Approval of the guidelines and three proposed City Events at the Compaq Center at San José.

**Recommendation:**

- (a) Approval of the guidelines for use of the City and Community Events Program Fund as approved by the Arena Authority Board of Directors. (City Manager's Office)

**Approved.**

- (b) Approval of three proposed City Events, as provided in the San José Management Agreement, for use at the Compaq Center at San José on:

- (1) November 6, 2001, for a men's basketball game featuring Santa Clara University and the Olympic Club.
- (2) November 7, 2001, for a San José Sports Hall of Fame Induction Ceremony.
- (3) November 14, 2001, for the SharkByte Art Auction, with proceeds benefiting various nonprofit charities.

(San José Arena Authority)

**Approved.**

### 2.8 Approval of the San José Arena Authority Board of Directors Compaq Center Management's Advertising Plan.

**Recommendation:** Approval of the San José Arena Authority Board of Directors Compaq Center Management's Advertising Plan. (San José Arena Authority)

**Approved.**

END OF CONSENT CALENDAR

## 3 STRATEGIC SUPPORT SERVICES

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### 3.1 Report of the Study Session

Mayor Gonzales, Chair

**No Report.**

### 3.2 Report of the Rules Committee

Vice Mayor Shirakawa, Jr., Chair

Meeting of October 10, 2001

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting  
**The Redevelopment Agency items to be reported out at Redevelopment Agency Board meeting.**

### 3 STRATEGIC SUPPORT SERVICES

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

Meeting of October 10, 2001

Vice Mayor Shirakawa, Jr., Chair

- (b) City Council
  - (1) Review October 23, 2001 Draft Agenda  
**The Committee approved the October 23, 2001 City Council agenda with two additions.**
  - (2) Add New Items to October 16, 2001 Amended Agenda  
**The Committee recommended four additions to the October 16, 2001 City Council Agenda.**
- (c) City Council Committees
  - (1) Amendments to Council Committee Agendas
    - (a) Finance and Infrastructure Committee  
**The Committee recommended one addition to the October 24, 2001 agenda, *Proposed 2002-03 Budget Calendar (Manager)*.**
    - (b) Economic Development and Environment Committee  
**The Committee recommended one addition to the November 5, 2001 agenda, *Annual Report of the First Source Employment Program (Redevelopment Agency)*.**
    - (c) Education, Neighborhoods, Youth, and Seniors Committee  
**None Filed.**
- (d) Meeting Schedules  
**There were none.**
- (e) The Public Record  
**There was no Public Record Filed.**

### 3 STRATEGIC SUPPORT SERVICES

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

Vice Mayor Shirakawa, Jr., Chair

Meeting of October 10, 2001

- (f) Boards, Commissions and Committees  
**There were none.**
  
- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee  
**There were none.**
  
- (h) Administrative Reviews and Approval
  - (1) Approve voting delegate for 2001 National League of Cities Annual Business Meeting  
**This item was reported at the October 16, 2001 Council meeting.**
  
- (i) Oral communications  
**William Garbett commented on the City Council acting as the Redevelopment Agency Board.**
  
- (j) Adjournment  
**The meeting adjourned at 2:10 P.M.**

**The Rules Committee Report and actions of October 10, 2001 accepted as amended.**

#### Meeting of October 17, 2001 – (Partial)

- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
  - (2) Direct the City Manager to work with cultural organizations and businesses to identify and streamline processes to support new endeavors as part of the “Reunite with Friends, Reconnect with San José” campaign  
**The Committee directed Administration to work with cultural organizations and business to identify and streamline processes to support new endeavors and to encourage economic activity in San Jose as part of the “Reunite with Friends, Reconnect with San Jose” campaign which will develop specific action plans no later than October 30, 2001.**

**See Item 4.2 for Council action taken**

#### 3.3 Report of the Finance and Infrastructure Committee – October 10, 2001

Council Member Dando, Chair

- (a) Consent Items
  - (1) Monthly Investment Report for August 2001
  - (2) August Monthly Report
  - (3) Sales and Business Tax for Quarter Ending June 2001  
**The Committee approved the Consent Items.**

### 3 STRATEGIC SUPPORT SERVICES

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- (b) Monthly Financial Report for August 2001  
**The Committee accepted the staff report.**
- (c) Report on Due Diligence Work Performed on e-Government Initiatives  
**The Committee accepted the staff report with modifications to the recommendations.**
- (d) Oral petitions  
**William Garbett spoke about the City's financial shortfalls and about his lack of access to the Internet.**
- (e) Adjournment  
**The Committee adjourned at 3:45 P.M.**

**The Finance and Infrastructure Committee Report and actions of October 10, 2001 accepted with modifications to Item 3.3 (c) to change the Request for Proposal to a Request For Qualifications.**

#### 3.4 Presentation of the Community Survey and Employee Survey results.

**Recommendation:**

- (a) Acceptance of the Community Survey results.
- (b) Acceptance of the Employee Survey results.  
(City Manager's Office)  
**Council accepted the reports with staff directed to include in its next presentation responses to the comments and concerns expressed by Council Members.**

#### 3.5 City's position on the Open Space Authority ballot measure.

**Recommendation:** Approval of the City's position on the Open Space Authority ballot measure. (Mayor)  
**Deferred to 10/30/01.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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

- 4.2 Direction to the City Manager to support the “Reunite with Friends, Reconnect with San José” campaign.**

**Recommendation:** Direct the City Manager to work with cultural organizations and businesses to identify and streamline processes to support new endeavors as part of the “Reunite with Friends, Reconnect with San José” campaign.

[Rules Committee referral 10/17/01 – Item 3.2(g)(2)]

**The Rules Committee Report (Partial) and action of October 17, 2001  
accepted with the direction to the City Manager to work with cultural  
organizations and businesses approved.**

## **5 RECREATION & CULTURAL SERVICES**

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- 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 Happy Hollow Park & Zoo Interim  
Infrastructure Improvements.**

**Recommendation:** Report on bids and award of contract for the Happy Hollow Park & Zoo Interim Infrastructure Improvements to the low bidder, HRB Construction, Inc., to include the base bid and Add Alternate Nos. 1 and 2 in the amount of \$518,205, and approval of a contingency in the amount of \$78,000. CEQA: Resolution No.66098.

SNI: Tully/Senter. (Public Works)  
(Rules Committee referral 10/17/01)

**Approved.**

## **5 RECREATION & CULTURAL SERVICES**

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### **5.3 Approval to submit a grant application to the State Department of Parks and Recreation for Mayfair Park renovations.**

**Recommendation:** Adoption of a resolution:

- (a) Approving an application to the State Department of Parks and Recreation for a grant to renovate Mayfair Park.
- (b) Authorizing the City Manager to negotiate and execute all documents relating to the grant application and the associated funding agreement.
- (c) Direct the Department of the Parks, Recreation and Neighborhood Services to complete the grant application and to submit it to the State Department of Parks and Recreation by the November 1, 2001 deadline.

Council District: 5. (Parks, Recreation and Neighborhood Services)  
(Rules Committee referral 10/17/01)

**Resolution No. 70673 adopted.**

## **6 TRANSPORTATION SERVICES**

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## **7 ENVIRONMENTAL & UTILITY SERVICES**

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### **7.1 Adoption of a resolution supporting clean up of toxic materials at the former Almaden Air Force Station.**

**Recommendation:** Adoption of a resolution supporting the efforts of the Midpeninsula Regional Open Space District to obtain Federal funding for the clean up of all toxic materials at the former Almaden Air Force Station at Mount Umunhum. (Dando)  
(Rules Committee referral 10/17/01)

**Resolution No. 70674 adopted.**

## **8 AVIATION SERVICES**

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## **9 PUBLIC SAFETY SERVICES**

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### **9.1 Report back on security assessment.**

**Recommendation:** Report back on security assessment. (Office of Emergency Services, Fire, Police)  
(Council referral 10/16/01 – Item 9.2)

**Report accepted with no further Council action necessary.**

## **10 JOINT COUNCIL/REDEVELOPMENT AGENCY**

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### **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 et al., and 10/9/01 – Item 10.1)

**Deferred to 10/30/01.**

### **ADJOURN REDEVELOPMENT AGENCY BOARD PORTION OF THE MEETING**

- 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 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>
9179	Aborn Rd (S/s) 600 feet w/o	8	Shapell Industries	97 units	SFAU
9395	E/s of US 101 eastern terminus of Coyote Creek Golf Drive	2	Castle and Cooke Corporation	6 lots	Environmental Subdivision

- **Open Forum—To be heard jointly with Redevelopment Agency Public Discussion.**

- **Adjournment**

**The Council of The City of San Jose adjourned at 3:49 p.m. to reconvene on Thursday, October 25, 2001, 8:00 a.m., Council Chambers, for a Council meeting on Council Policy Priority Setting and continue to Friday, October 26, 2001, 8:00 a.m., Council Chambers, for a Council meeting on the same topic.**

**This meeting is adjourned in memory of Katherine O’Hearn, mother of City Clerk Patricia O’Hearn.**

## **REDEVELOPMENT AGENCY/CITY COUNCIL ITEM**

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The following resolution was adopted at the Joint City Council/Redevelopment Agency meeting on Tuesday, October 23, 2001.

- 7.2 Approval of the DDA with CIM California Urban Real Estate Fund L.O., for the development of the Twohy building, including approximately 32 residential live-work units, with ground floor retail use, and acceptance of the 33433 Summary Report and Re-Use Appraisal.**

**Recommendation:** Adoption of resolutions:

- (a) By the City Council approving the disposition of the Twohy building located at 210 S. First Street, between San Fernando and San Carlos Streets, to CIM California Urban Real Estate Fund L.P., accepting the 33433 Summary Report and Re-Use Appraisal, and finding that the disposition of the property will assist in the elimination of blight, is consistent with the Implementation Plan for the San Antonio Plaza Redevelopment Project Area and that the consideration for the property is not less than the fair reuse value for the proposed use, with the covenants and conditions and development costs authorized by the Disposition and Development Agreement (DDA).

**Resolution No. 70675 adopted.**

**Vote: 9-0-2-0. Absent: Chavez, Shirakawa, Jr.**

- (b) By the Agency Board approving the addition of \$1.8 million to the Adopted FY 2001-2002 Capital Budget Twohy building DDA project line in the San Antonio Redevelopment Area and amending the FY 2001-2002 Agency appropriation resolution.
- (c) By the Agency Board approving the proposed FY 2001-02 capital rebudget for the San Antonio Plaza, Twohy building (DDA) project.
- (d) By the Agency Board approving the DDA and authorizing the Executive Director to execute ancillary documents contemplated by the DDA and to close escrow and convey the Property subject to compliance with the terms of the DDA, and to negotiate and execute amendments to the DDA substantially in conformance with the intent of the DDA as reasonably necessary to conform to lender requirements.

**CEQA: Resolution No. 68839 (SAN ANTONIO PLAZA)**

**Redevelopment Agency Board Resolution adopted.**

**Vote: 9-0-2-0. Absent: Chavez, Shirakawa, Jr.**