



CITY COUNCIL AGENDA

NOVEMBER 7, 2000

SYNOPSIS

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

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

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

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

1 CALL TO ORDER AND ROLL CALL

9:30 a.m. - Closed Session, Room 600, City Hall

Absent: Council Member Diaz (excused)

Vacant: District 4

1:30 p.m. - Regular Session, Council Chambers, City Hall

Absent: Council Member Diaz (excused)

Vacant: District 4

2 INVOCATION

Associate Pastor Dale Weatherspoon, Almaden Hills United Methodist Church, delivered the invocation. (District 10)

3 PLEDGE OF ALLEGIANCE

Mayor Gonzales led in the Pledge of Allegiance.

4 ORDERS OF THE DAY

Approved.

5 CEREMONIAL ITEMS

- a. **Presentation of plaque to William Farr for 2 years 5 months service on the Library Commission. (Mayor)**

The plaque for William Farr will be mailed, as the Commissioner was unable to attend the Council Meeting.

5 CEREMONIAL ITEMS

- b Presentation of a commendation to Thom Chivers, Gwendolyn Lum, and Diane Johnson from the Code Enforcement Division for their excellent planning and organization of Council District 2 Community Cleanups over the years. (Powers)
Council Member Powers acknowledged the commitment and hard work of the Code Enforcement Division employees, and Mayor Gonzales presented the commendation to the honorees.

6 CONSENT CALENDAR

a. Minutes for Approval

- (1) Regular Meeting of September 26, 2000
Approved.

b. Ordinances for Final Adoption

- (1) ORD. NO. 26219 – Amends Chapter 9.10 of Title 9 of the San José Municipal Code to establish the Construction and Demolition Diversion Deposit Program.
Ordinance No. 26219 adopted.
- (2) ORD. NO. 26221 – Rezones certain real property situated on both sides of Santa Teresa Boulevard, southerly of Tulare Hill and northerly of Bailey Avenue to A(PD) Planned Development Zoning District, to allow approximately 6.6 million square feet of Campus Industrial uses on approximately 689 gross acres.
PDCSH 99-06-053
Ordinance No. 26221 adopted.
Disqualified: Dando.
- (3) ORD. NO. 26222 – Approves the development agreement between the City of San José and Coyote Valley Research Park LLC relative to the development of property in North Coyote Valley.
PDCSH 99-06-053
Ordinance No. 26222 adopted.
Disqualified: Dando.
- (4) ORD. NO. 26223 – Provides for the establishment of the North Coyote Valley Fire and Flood Control Incentive Zone to allow the deferral of certain fees and taxes imposed for construction within the North Coyote Valley Fire and Flood Control Incentive Zone.
Ordinance No. 26223 adopted.
Disqualified: Dando.

6 CONSENT CALENDAR

c. Public Hearings Set by Council

- (1) Adoption of a resolution initiating proceedings and setting a date for Council consideration of the reorganization of territory designated as Buena Vista No. 1 which involves the annexation to the City of San José of 38.0 acres of land, bounded by West San Carlos Avenue, Scott Street, Chiechi Avenue, Meridian Avenue, and both sides of Buena Vista Avenue, and the detachment of the same from the Sunol Sanitary District, Burbank Sanitary District, County Lighting District, and Central Fire District. CEQA: Resolution No. 65459. (Planning, Building and Code Enforcement)
[Deferred from 8/3/99 – Item 6c(1) et al., and 10/31/00 – Item 6c(1)]
Deferred to 11/14/00.

d. Plans and Specifications

- (1) TRACT NO. 9257 - North side of Fleming Avenue, opposite of Mahoney Avenue - Santa Clara Development (Developer) - 6 single family detached residential units. Approval of a parkland agreement and adoption of resolutions approving the plans, final map, and contract for Tract No. 9257. CEQA: ND. District 5. (Public Works)
Parkland Agreement Approved.
Resolution Nos. 69990–69992 adopted.

e. Contracts/Agreements

- (1) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2000-2001 #17, and authorization for the Director of General Services to execute the purchase orders. (General Services)
Approved.
- (2) Adoption of a resolution authorizing the Director of General Services to execute an amendment to the agreement with Master Cleaning System, Inc. for park restroom maintenance, extending the contract on a month-to-month basis through January 15, 2001, at a monthly cost of \$20,000, increasing the maximum compensation by \$50,000, from \$207,943.46 to a total agreement amount not to exceed \$257,943.46. (General Services)
Resolution No. 69993 adopted.

6 CONSENT CALENDAR

e. Contracts/Agreements

- (3) Report on bids and award the purchase of two (2) 11,000-pound trucks with dump type bodies and attached cranes for the Department of Streets and Traffic to the low bidder, Melrose Ford, at a total cost of \$90,847.66, including tax, and authorization for the Director of General Services to execute the purchase order for the:
- (a) Immediate purchase of two (2) units.
 - (b) Subsequent purchase of additional units at the same bid price, for one (1) year, without further Council action other than the appropriation of necessary funds.
- (General Services)
Approved.
- (4) Report on bids and award the purchase of two (2) 15,000-pound trucks with maintenance type bodies and aerial workbaskets for the Department of Streets and Traffic to the lowest responsive bidder, Pacific Utility, at a total cost of \$156,376.54, including tax, and authorization for the Director of General Services to execute the purchase order for the:
- (a) Immediate purchase of two (2) units; and
 - (b) Subsequent purchase of additional units at the same bid price, for one (1) year, without further Council action other than the appropriation of necessary funds.
- (General Services)
Approved.
- (5) Adoption of a resolution authorizing the City Manager to execute an agreement with Printrak International, Inc. for hardware and software maintenance on twelve (12) Livescan devices installed in twelve (12) remote locations throughout the County of Santa Clara, for the period March 16, 2000 to September 30, 2001, and at a total cost, including tax, of \$279,165. (Police)
Resolution No. 69994 adopted.
- (6) Report on bids and award of contract for the Windmill Springs Park Play Area Renovation to the low bidder, Playgrounds Unlimited, for the base bid and Add Alternate Nos. 1 and 2 in the amount of \$149,276, and approval of a contingency in the amount of \$15,000. CEQA: Exempt. (Public Works)
Approved.

6 CONSENT CALENDAR

e. Contracts/Agreements

- (7) Report on bids and award of contract for the Mise Park Tot Lot Renovation Project to the low bidder, Playgrounds Unlimited, for the base bid and Add Alternate No.1 in the amount of \$107,247.17, and approval of a contingency in the amount of \$10,000. CEQA: Exempt. (Public Works)

Approved.

- (8) (a) Approval of Contract Change Order (CCO) No. 2 for the 1999-00 Street Resurfacing – Measure A/B Funded Project with O’Grady Paving Inc., in an amount not to exceed \$100,000. CEQA: Exempt. (Public Works)

Approved.

- (b) Adoption of appropriation ordinance amendments in the general fund to provide \$110,000 for the Spring Street Repairs Project.
(City Manager’s Office)

(Rules Committee referral 11/1/00)

Ordinance No. 26226 adopted.

f. Routine Legislation

None.

END OF CONSENT CALENDAR

7 COMMISSION, COMMITTEE, AND STANDING REPORTS

a. Report of the Study Session

Mayor Gonzales, Chair

No Report.

b. Report of the Rules Committee – October 25, 2000

Vice Mayor Fiscalini, Chair

- (1) Review November 7, 2000 Draft Agenda
The Committee approved the November 7, 2000 City Council Agenda with two additions.
- (2) Add New Items to October 31, 2000 Amended Agenda
The Committee recommended three additions to the October 31, 2000 City Council Agenda.

7 COMMISSION, COMMITTEE, AND STANDING REPORTS

b. Report of the Rules Committee – October 25, 2000 – (Cont'd.)

Vice Mayor Fiscalini, Chair

- (3) Meeting Schedules
None Presented.
- (4) The Public Record
The Committee noted and filed the Public Record for the period October 11-17, 2000.
- (5) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
 - (a) Status report on request to add a retiree to the Federated Retirement Board
Director of Employee Relations, Alex Gurza informed the Committee that the issue of adding a retiree representative to the Federated Retirement Board is subject to the meet-and-confer process with the unions that participate in the Federated Retirement Plan; when the discussions have achieved closure, Mr. Gurza will report to Council via Closed Session disclosure. In response to Chair Fiscalini's concern that the issue be resolved prior to yearend 2000, Mr. Gurza responded in the affirmative.
- (6) Oral communications
None Presented.
- (7) Adjournment
The meeting was adjourned at 2:10 p.m.

The Rules Committee Report and actions of October 25, 2000 accepted.

c. Report of the Finance and Technology Committee – October 25, 2000

Council Member Woody, Chair

- (1) Audited Financial Statements
- (2) Monthly Financial Statement for September 2000
- (3) Capital Cost Report for September 2000
- (4) Cash Flow Projection
- (5) Unfunded Projects Appropriation Report as of September 30, 2000
- (6) Report on Parking Garage at 4th and San Fernando Street
- (7) Report on Hayes Mansion Phase III
- (8) Parks Project Delivery
- (9) Oral petitions
- (10) Adjournment
Meeting Cancelled.

7 COMMISSION, COMMITTEE, AND STANDING REPORTS

- d. **Report of the Economic and Community Development Committee
Council Member Diaz, Chair
No Report.**
- e. **Report of the Transportation and Environment Committee – October 26, 2000
Council Member Powers, Chair**
- (1) Consent Calendar
 - (a) Clean Bay Strategy Status Report
The Committee accepted the status report on Consent Calendar item.
 - (2) City Council Policy on Use of San José/Santa Clara Water Pollution Control Plant Lands
The Committee recommended adoption of the Policy and forwarded it to Council for consideration under General Government at the November 7, 2000 Meeting.

See Item 9a for Council action taken.
 - (3) Status Report on Streamflow Augmentation Pilot
The Committee recommended acceptance of the report and adoption of the goals of the streamflow augmentation program, with the addition under Section B, that Staff conduct a community meeting and work with the Technical Advisory Committee
 - (4) Report on Modification to Edenvale Area Development Policy
The Committee recommended acceptance of the report.

See Item 9b for Council action taken.
 - (5) Approval of Staff Report on Employee Parking at City-Owned Property on North San Pedro Street between West Mission and Asbury Streets
The Committee recommended approval of the Staff Report.
 - (6) Oral petitions
None Presented.
 - (7) Adjournment
The meeting was adjourned at 3:17 p.m.

The Transportation and Environment Committee Report and actions of October 26, 2000 accepted.

7 COMMISSION, COMMITTEE, AND STANDING REPORTS

f. Report of the Education, Neighborhoods, Youth, and Seniors Committee – October 16, 2000

Council Member Shirakawa, Jr., Chair

- (1) Strong Neighborhood Initiative Update
- (2) Youth Commission Monthly Reports for June/August and September 2000
- (3) Fire Recruitment Annual Report
- (4) Annual Report on Library Usage
- (5) Update on Joint Library Operational Planning and Construction
- (6) Parks Project Delivery Update
- (7) Report on San José Public Library Foundation Donations for FY 1999/00
- (8) Oral petitions
- (9) Adjournment

Council Heard This Item On 10/31/00.

8 LAND USE AND DEVELOPMENT

9 GENERAL GOVERNMENT

- a. Adoption of the City Council Policy on Use of San José/Santa Clara Water Pollution Control Plant Lands. CEQA: Resolution No. 68577. (Environmental Services)
[Transportation and Environment Committee referral 10/26/00 – Item 7e(2)]
Council adopted the Policy with direction to Staff to revise Item #5 of the Analysis on Page 2 to replace the word “ensure” with appropriate language.
- b. Acceptance of the report on proposed modification to the Edenvale Area Development Policy.
[Transportation and Environment Committee referral 10/26/00 – Item 7e(4)]
Dropped.
- c. Report on the City’s efforts to assist fire victims and recommendations to address this issue in the long-term. (Fire/Housing)
Deferred to 11/14/00.
- d. Approval of the Community Development Block Grant Fourth Quarter Monitoring Report for the 1999-2000 Program Year. (Parks, Recreation and Neighborhood Services)
Approved.

9 GENERAL GOVERNMENT

- e. (1) Approval of the Rehabilitation Grant agreements with Walnut Grove property owners to provide the City the right-of-entry and construction to the Walnut Grove site; and,
- (2) Report on bids and award of contract for the Walnut Grove Area Site Improvements Project to the lowest bidder, Grade Tech Inc., in the amount of \$844,600, including a 10% contingency fund in the amount of \$76,000, and \$11,000 for Project Permit and Testing Fees. CEQA: ND.
(Planning, Building and Code Enforcement)
Approved.
- f. Adoption of a resolution:
- (1) Accepting the 2000-2001 Weed Abatement Report (County of Santa Clara's 2000-2001 Hazardous Vegetation Commencement Report) compiled by the Office of the Santa Clara County Fire Marshal.
- (2) Declaring that those certain noxious or hazardous seasonal and recurrent weeds, growing or likely to be growing, and refuse, situated or likely to be situated, on those properties identified in the Report are a public nuisance.
- (3) Directing the Office of the Santa Clara County Fire Marshal to mail notices of a public hearing on December 12, 2000 at 1:30 p.m. before the City Council on the Report to property owners of affected real properties pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Agreement with the County of Santa Clara.
(Planning, Building and Code Enforcement)
Resolution No. 69995 adopted.
- g. Public Hearing and adoption of a resolution to implement the 2000-02 Federal Local Law Enforcement Block Grant Program and adoption of related appropriation ordinance and funding sources resolution amendments in the Local Law Enforcement Block Grant Fund and General Fund for the use of \$1,128,904 in Block Grant funds and \$125,434 in City matching funds. (Police/City Manager's Office)
Resolution No. 69996 adopted.
Ordinance No. 26227 adopted.
Resolution No. 69997 adopted.
- h. Report on bids and award of contract for the construction of the Median Island Landscape Improvements - Phase 2 for Cottle, Meridian, Yerba Buena, and Branham to the low bidder, Terra-Cal Construction, Inc. in the amount of \$611,307, and approval of a \$61,000 contingency. CEQA: Exempt. (Public Works)
Approved with direction to Staff to provide Council with a list of improvement projects scheduled in Phase I.

9 GENERAL GOVERNMENT

- i. Acceptance of the follow-up report for the 2002 Recycle Plus Program, which forecasts that existing garbage rates can be maintained until FY 2005-06 with the service enhancements contained in the proposals previously approved by Council, and report on labor peace issues related to the Request for Proposals. (Environmental Services)
(Deferred from 10/31/00 – Item 9d)
Deferred to 11/14/00.
- j. Adoption of a resolution:
- (1) Approving business terms for loans aggregating up to \$1,000,000 to Neighborhood Housing Services Silicon Valley to assist in the acquisition, rehabilitation, and resale of properties in connection with the Mayfair Neighborhood Acquisition/Rehabilitation Pilot Program.
 - (2) Approving business terms for converting up to \$1,000,000 of the loan to NHSSV to finance second mortgages for qualified moderate-income households.
 - (3) Authorizing the Director of Housing to negotiate and execute a contract with NHSSV for acquisition and loan financing services, for a contract amount not to exceed \$100,000.
 - (4) Authorizing the Director of Housing to approve loans resulting in a combined loan to value ratio of up to 120% of after rehabilitation value.
 - (5) Authorizing as an exception to current policy, incomes of up to 120% of area median income, by household size, as qualifying for home-purchase assistance in conjunction with the Pilot Program.
 - (6) Finding that the use of 20% Housing Funds to capitalize the Mayfair Acquisition Rehabilitation Pilot Program and to underwrite expenses by NHSSV to administer the program are a benefit to redevelopment project areas in San Jose.
 - (7) Authorizing the Director of Housing to negotiate and execute all necessary documents on behalf of the City.
- (Housing)
(Deferred from 10/24/00 – Item 9d and 10/31/00 – Item 9i)
Deferred to 11/14/00.
- k. (1) Approval of the consultant's final report entitled "City of San José, California, Tow Company Rate Study" dated May 24, 2000.
- (2) Direction to staff to prepare the analysis for a Request for Proposal (RFP) which would include:
- (a) Revision of two (2) zones.
 - (b) Revised rate structure including a proportionate model based on a fixed return to the City and the City's revenue requirements.
 - (c) An updated survey of comparable cities' rates and services provided.
- (Planning, Building and Code Enforcement)
(Deferred from 10/24/00 – Item 9f and 10/31/00 – Item 9k)
Deferred to 11/14/00.

9 GENERAL GOVERNMENT

- l. Adoption of a resolution authorizing the City Manager to negotiate and execute a first amendment to lease with RNM First Street Center, LP for 10,211 square feet of additional office space to accommodate Airport Department staff for the period November 15, 2000 to January 31, 2006, with rental payments and operating expenses for this additional space not exceeding \$483,680.63 during Fiscal Year 2000-2001, ongoing rentals and charges contingent upon appropriation of funds each year and all lease payments and charges to be made solely from Airport funds. (Airport)
(Rules Committee referral 11/1/00)

Resolution No. 69998 adopted.

- m. Report on Requests for Quotes and award of contract for a Customer Service System for the Customer (Service) Call Center to the most advantageous quote and adoption of a resolution authorizing the City Manager to negotiate and execute the agreement. (City Manager's Office)
(Rules Committee referral 11/1/00)

Deferred to 11/14/00.

- n. Adoption of a resolution approving business terms for a construction loan of up to \$4,435,000 and a permanent loan of up to \$4,790,000 to Craig Gardens, L. P., or its affiliate for the development of a 90-unit housing project affordable to very low- and extremely low-income seniors on a 1.47 acre site located on the northeast corner of Bascom Avenue and Elden Drive. (Housing)
(Rules Committee referral 11/1/00)

Resolution No. 69999 adopted.

- o. Adoption of a resolution to:

- (1) Convert a conditional grant of \$1,389,000 to a City loan and increasing the total City loan from \$8,148,000 to \$8,400,000 to Willow Glen Housing Partners, L.P., or its designated partnership, for the development of a 133-unit housing project with 132 units affordable to very low-income seniors and one unrestricted unit on a 1.8-acre site located at 461 Willow Glen Way, at the intersection of Northern Road, and on a 1.3-acre site located at 1701 and 1717 Almaden road at the intersection of Willow Glen Way.
- (2) Approve business terms for a construction loan of up to \$8,400,000 and a permanent loan of up to \$9,072,000 for the project.

(Housing)

Resolution No. 70000 adopted.

10 FISCAL AFFAIRS

- a. (1) PUBLIC HEARING on the proposed formation of Community Facilities District No. 5 (North Coyote Valley).
- (2) Adoption of a Resolution of Formation for CFD No. 5, authorizing the levy of a Special Tax therein, preliminarily establishing an appropriations limit, and submitting the levy of the Special Tax and the appropriations limit to the qualified electors.
- (3) Adoption of a resolution calling a special election of property owners in the proposed CFD No. 5.

CEQA: Resolution No. 69957. (Public Works)

Public Hearing Opened.

No Public Testimony Presented.

Public Hearing Continued to 12/12/00.

Disqualified: Dando.

11 JOINT CITY COUNCIL/REDEVELOPMENT AGENCY ITEMS

12 PERMITS AND LICENSES

13 PUBLIC SAFETY AND WELFARE

14 CLOSED SESSION REPORT

15 ORAL COMMUNICATIONS

16 ADJOURNMENT

The Council of the City of San José adjourned at 2:05 p.m.