



# **CITY COUNCIL AGENDA**

**NOVEMBER 27, 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 Member Dando (excused)**
  
- 1:30 p.m. - Regular Session, Council Chambers, City Hall**  
**Absent: Council Member Dando (excused)**
  
- **Invocation (District 10)**  
**Justin Dennison, South Hills Church, delivered the invocation.**
  
- **Pledge of Allegiance**  
**Mayor Gonzales led in the Pledge of Allegiance.**
  
- **Orders of the Day**  
**Approved with Item 3.4 deferred to 12/4/01.**

## **1 CEREMONIAL ITEMS**

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- 1.1** Presentation of a proclamation declaring November 29, 2001, as a day of celebration acknowledging the Founding of El Pueblo de San José de Guadalupe on November 29, 1777, as the first Spanish civil settlement in Alta California and recognizing the leadership of the Alcaldes. (Conventions, Arts and Entertainment)  
**Joining Mayor Gonzales at the podium were Council Member Reed, Fernando Zazueta, Chair of the Mexican Heritage Corporation Board of Directors, David Crossen, President of the History San Jose, Richard Alahandro, President of the Mexican Heritage Corporation. Council Member Reed and Fernando Zazueta accepted the proclamation which was presented by Mayor Gonzales, declaring November 29, 2001 as “San Jose Founders Day 2001” and in recognition and celebration of the founding of El Pueblo de San Jose de Guadalupe.**
- 1.2** Presentation of a commendation thanking Fernando R. Zazueta for his contributions to the community including his work with the Mexican Heritage Plaza. (Conventions, Arts and Entertainment)  
**Mayor Gonzales presented Fernando R. Zazueta with the commendation for his efforts in the community.**
- 1.3** Presentation of proclamation declaring December 1, 2001 as World AIDS Day in San José. (Disability Advisory Commission)  
**Joining Mayor Gonzales at the podium were Disability Advisory Commissioners Lila Kraai and Carl Vidt who accepted the proclamation commemorating December 1, 2001 as World AIDS Day in San Jose.**

# 1 CEREMONIAL ITEMS

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- 1.4 Presentation of a commendation to Grade Tech Incorporated for their ability to be flexible, understanding of complex issues in the Santee Neighborhood, and the intricate working relationships of community leaders, property owners and managers, public agencies, and elected officials, to successfully complete the five alleyways ahead of schedule. (Shirakawa, Jr.)

**Joining Mayor Gonzales at the podium was Council Member Shirakawa, Jr. who presented the commendation to a representative of Grade Tech Incorporated, Salifu Yakubu of Planning, Building and Code Enforcement Department, and Joe Horwedel, Director of Planning, Building and Code Enforcement.**

# 2 CONSENT CALENDAR

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- 2.1 **Approval of Minutes.**

None.

- 2.2 **Final adoption of ordinances.**

**Recommendation:** Final adoption of ordinances:

- (a) ORD. NO. 26516 – Amends Section 25.04.300 of Title 25 to conform terminal building square footage and rental car ready and return spaces to make them consistent with the adopted 1997 Airport Master Plan; Section 25.04.310 to conform the Municipal Code to the 1997 Airport Master Plan as amended and to expressly reference provisions of Part 4 of Chapter 25.04 pertaining to transportation planning for the Airport, and to modify construction phasing in order to rebuild existing passenger gates into a centralized terminal facility in conjunction with planning and designing transportation improvements at the Airport; Section 25.04.350 to conform to recent changes in federal law regarding competition plans at airports; and making a technical correction to Section 25.04.440.

**Ordinance No. 26516 adopted.**

- 2.3 **Approval of an agreement for artwork for the Animal Shelter.**

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with artist Lewis deSoto to fabricate and install an artwork for the Animal Shelter in an amount not to exceed \$127,400. CEQA: Exempt. Council District 7. (Conventions, Arts and Entertainment)

**Resolution No. 70721 adopted.**

## 2 CONSENT CALENDAR

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### 2.4 Approval of an amendment to the Foreign Trade Zone Operating Agreement.

**Recommendation:** Approval of an amendment to the Foreign Trade Zone Operating Agreement with San José Distribution Services to move the Foreign Trade Zone General Purpose Zone to 2055 South Seventh Street. Council District 7. (Economic Development)

**Approved.**

### 2.5 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 #14, and authorization for the Director of General Services to execute the purchase orders. (General Services)

**Approved.**

### 2.6 Approval of fiscal action for the Supplemental Law Enforcement Services Fund.

**Recommendation:** Adoption of amendments to the annual appropriation ordinance in the Supplemental Law Enforcement Services Fund for Fiscal Year 2001-02, in the amount of \$60,000. (Police/City Manager's Office)

**Ordinance No. 26522 adopted.**

### 2.7 Approval to determine that public use and necessity require the acquisition of certain property and directing the filing of eminent domain action.

**Recommendation:** Adoption of a resolution determining that public use and necessity require the acquisition of certain property owned by Hilltop Manor, Inc., located at 790 Ironwood Drive, and directing the filing of eminent domain action. CEQA: ND. Council District 6. (Public Works)

**Deferred to 12/18/01.**

### 2.8 Approval to declare a parcel of City-owned land surplus to the needs of the City, and authorizing its sale.

**Recommendation:** Adoption of a resolution declaring an 832 square foot parcel of City-owned land, located on the east side of Alameda Way, between Sherwood Avenue and The Alameda, surplus to the needs of the City, and authorizing its sale to Steven Behrens and Gina Daul for \$16,640. Council District 3. (Public Works)

**Resolution No. 70722 adopted.**

**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 – November 14, 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 November 27, 2001 Draft Agenda

**The Committee approved the November 27, 2001 City Council agenda.**

(2) Add New Items to November 20, 2001 Amended Agenda

**The Committee recommended two additions to the November 20, 2001 City 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

**The Committee directed staff to schedule a Rules-in-Lieu meeting for Wednesday, November 21, 2001.**

(e) The Public Record

**There was no Public Record filed.**

(f) Boards, Commissions and Committees

(1) Airport Curfew Monitoring Committee

**The Committee deferred this item to November 28, 2001.**

(g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee

**There were none.**

(h) Administrative Reviews and Approval

**There were none.**

### **3 STRATEGIC SUPPORT SERVICES**

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#### **3.2 Report of the Rules Committee – November 14, 2001 (Cont'd) Vice Mayor Shirakawa, Jr., Chair**

- (i) Oral communications  
**None were presented.**
- (j) Adjournment  
**The meeting adjourned at 2:10. P.M.**

**The Rules Committee report and actions of November 14, 2001 accepted.**

#### **3.3 Report of the Finance and Infrastructure Committee – November 14, 2001 Council Member Dando, Chair**

- (a) Consent Items
  - (1) Monthly Investment Report for September 2001
  - (2) Minutes from the Third Quarter 2001 Investment Committee Meeting  
**The Committee approved the Consent Items.**
- (b) Monthly Financial Report for September 2001  
**The Committee accepted the staff report.**
- (c) Annual Capital Project Status Report  
**The Committee accepted the staff report, including the recommendation that the next report be changed to the CSA Format.**
- (d) External Quality Control Review (including Activities and Accomplishments of the Office of the City Auditor July 1999-June 2001)  
**The Committee accepted the staff report.**
- (e) Oral petitions  
**None.**
- (f) Adjournment  
**The Committee adjourned at 4:00 P.M.**

**The Finance and Infrastructure Committee report and actions of November 14, 2001 accepted.**

### **3 STRATEGIC SUPPORT SERVICES**

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#### **3.4 Results of Employee Election and appointments to various Boards and Commissions.**

**Recommendation:** Appoint candidates to the following Boards and Commissions:

- (a) Appoint one employee/member to the Federated City Employees Retirement System Board of Administration to a term which expires November 30, 2005.
- (b) Appoint one Police Department employee/member to the Police and Fire Department Retirement Plan Board of Administration to a term which expires November 30, 2005.
- (c) Interview and appoint one candidate to the Civil Service Commission to a term which expires December 1, 2005.
- (d) Appoint two employees and an alternate employee to the Suggestion Award Commission to terms, which expire November 20, 2003.

(City Clerk)

**Deferred to 12/4/01.**

### **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 Approval of various actions related to the Gadberry Court housing development.**

**Recommendation:** Adoption of a resolution approving business terms for a construction/permanent loan of up to \$1,800,000 to ROEM Development Corporation, or its designated partnership, for the development of the 55-unit Gadberry Court housing development with 54 units affordable to very low- and extremely low-income senior households and one unrestricted manager's unit on a 1.07-acre site located on the north side of Alum Rock Avenue, on the block bounded by Highway 680 and Alexander Avenue. Council District 5. (Housing)

**Resolution No. 70723 adopted.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.3 Approval of various actions related to the Rose Gardens senior housing development.**

**Recommendation:** Adoption of a resolution approving business terms for a construction and permanent loan of up to \$2,775,000 to ROEM Development Corporation, or its designated partnership, for the development of the 66-unit Rose Gardens senior housing development with 65 units affordable to very low-income households and one unrestricted manager's unit on a 1.35-acre site located at 3071 Rose Avenue, between Capitol Avenue and South White Road. Council District 5. SNI: 680 East Valley Communities. (Housing)

**Resolution No. 70724 adopted.**

### **4.4 Public Hearing on the vacation of an easement along Silver Creek Road.**

**Recommendation:** PUBLIC HEARING and adoption of a resolution approving the vacation of a roadway easement along Silver Creek Road between Yerba Buena Road and Silver Creek Valley Road, reserving a public service easement over the area. CEQA: Resolution No. 61784. Council District 8. (Public Works)

**Continued to 12/4/01.**

## **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.**

## **6 TRANSPORTATION SERVICES**

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## **7 ENVIRONMENTAL & UTILITY SERVICES**

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### **7.1 Approval to amend the agreement for the Bay Trail Master Plan Environmental Feasibility Study.**

**Recommendation:** Approval of the second amendment to the agreement with Thomas Reid Associates for consultant services for the Bay Trail Master Plan Environmental Feasibility Study, extending the term of the agreement by one year to December 31, 2002, and increasing the maximum amount of compensation by an amount not to exceed \$6,000, for a total agreement amount not to exceed \$176,000. (Public Works)

**Approved.**

## 8 AVIATION SERVICES

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## 9 PUBLIC SAFETY SERVICES

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### 9.1 Acceptance of the 2001-2002 Weed Abatement Report.

**Recommendation:** Adoption of a resolution:

- (a) Accepting the 2001-2002 Weed Abatement Report (County of Santa Clara's 2001-2002 Hazardous Vegetation Commencement Report) compiled by the Office of the Santa Clara County Fire Marshal.
- (b) Declaring that those certain noxious or dangerous 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 nuisance.
- (c) Directing the Office of the Santa Clara County Fire Marshall to mail notices of a public hearing, on December 18, 2001 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 between the City of San José and the County of Santa Clara.

(Planning, Building and Code Enforcement)

**Resolution No. 70725 adopted.**

## 10 JOINT COUNCIL/REDEVELOPMENT AGENCY

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- 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:  
**None received.**
- Open Forum
  - (1) **Francine Linde, Kim Lyman and Thelma Deal, representing Hilltop Manor, spoke against Eminent Domain action proposed in Item 2.7.**
  - (2) **Pete Campbell spoke in favor of making the Executive Director of Redevelopment an elected position.**

- **Adjournment**

The Council of the City of San Jose recessed at 2:30 P.M. and reconvened at 3:00 P.M. for a joint session with the Redevelopment Agency, then adjourned at 3:05 P.M.

## **JOINT REDEVELOPMENT /COUNCIL ACTION**

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### **7.1 City Council and Agency Board actions related to issuance of Merged Area Redevelopment Project Revenue Bonds Series 2002 in an amount not to exceed \$350,000,000.**

#### **Recommendation:**

- (a) Adoption of a resolution by the Agency Board:
  - (1) Authorizing the issuance of Merged Area Redevelopment Project Tax Allocation Bonds Series 2002 in a principal amount not to exceed \$350,000,000; and approving in substantially final form the Fifth Supplemental Indenture of Trust with Union Bank, as Trustee; and
  - (2) By the Agency Board approving in substantially final form the Notice of Sale and Preliminary Official Statement (POS), and authorizing the distribution of the Notice Inviting Bids and POS; and,
  - (3) By the Agency Board authorizing the Executive Director to award the Bonds to the lowest bidder, based on a true interest cost not to exceed six percent, with underwriter fees not to exceed three percent of the par amount; and,
  - (4) By the Agency Board authorizing all officers, agents and employees to take such actions and execute such documents necessary and desirable to accomplish issuance of the Bonds; and
  - (5) By the Agency authorizing Stone & Youngberg, the Agency's Financial Advisor, to bid on the sale of the Bonds; and,
  - (6) By the Agency Board authorizing the Executive Director to qualify the Bonds for municipal bond insurance and to purchase a surety bond.

**Redevelopment Agency Board Resolution Adopted.**  
**Vote: 9-0-2-0. Absent: Dando, Yeager.**
  
- (b) Adoption of a resolution by the City Council approving the issuance of Merged Area Redevelopment Project Tax Allocation Bonds Series 2002 in a principal amount not to exceed \$350,000,000.

**Resolution No. 70726 adopted.**  
**Vote: 9-0-2-0. Absent: Dando, Yeager.**