



# **CITY COUNCIL AGENDA**

**DECEMBER 3, 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.**

Agendas and Staff Reports for City Council items may be viewed on the Internet at [www.ci.san-jose.ca.us/cty\\_clk/agenda.htm](http://www.ci.san-jose.ca.us/cty_clk/agenda.htm)

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.

- **Call to Order and Roll Call**
  - 9:30 a.m. - Closed Session, Room 600, City Hall  
**Absent – Council Members: Shirakawa, Jr. (excused)**
  
  - 1:39 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: Dando (excused)**
  
  - 8:06 p.m. – General Plan Hearings, Council Chambers, City Hall  
**Absent – Council Members: Dando (excused)**
  
- **Invocation (Mayor)**

Pastor Dale Weatherspoon of Almaden Hills Methodist Church read a poem entitled “Justice and Peace”.
  
- **Pledge of Allegiance**

Mayor Gonzales led the Pledge of Allegiance.
  
- **Orders of the Day**

Item 3.8 deferred to 12/10/02 and the Orders of the Day approved.

City Manager Del Borgsdorf introduced Jim Helmer as the Director of Transportation. City Manager Borgsdorf stated Helmer has done an outstanding job as the Acting Director for the past 6 months, and his leadership on traffic calming and other key issues, and his commitment to continuous improvement in DOT will help the department to successfully provide excellent service to the City’s customers and regional leadership on transportation issues. Mr. Borgsdorf also introduced Mr. Helmer’s wife, Kathy.

# 1 CEREMONIAL ITEMS

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- 1.1 Presentation of a commendation to the South Bay Fishing in the City Program at Lake Cunningham Regional Park. (Cortese)  
**Mayor Gonzales was joined by Council Member Cortese to present plaque commendations to seven program partners. Representatives of the California Department of Fish and Game Fishing in the City Program, San Jose Unified School District, Rotary International District 5170, Santa Clara County Parks and Recreation, City of San Jose Parks, Recreation and Neighborhood Services, Bay Area Sportsfishers, Santa Clara County Fish and Game Commission accepted the awards. Acting Director Albert Balago accepted on behalf of Parks, Recreation and Neighborhood Services, and Brian Allen of the Rotary Club thanked the Mayor and City Council on behalf of the South Bay Fishing in the City Program.**

# 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. 26776 – Rezones certain real property situated at the southeast corner of Russo Drive and Cherryview Lane to A(PD) Planned Development Zoning District. PDCSH 02-032  
**Ordinance No. 26776 adopted.**
- (b) ORD. NO. 26777 – Rezones certain real property situated on the southeast corner of Payne Avenue and Southwood Avenue to A(PD) Planned Development Zoning District. PDC 02-054  
**Ordinance No. 26777 adopted.**
- (c) ORD. NO. 26778 – Rezones certain real property on 1) that certain block bounded by Hillsdale, Meridian, Foxworthy, and Yucca Avenues, and 2) that certain area located on the west side of Meridian Avenue opposite Koch Lane (commonly known as the “Hacienda Gardens Shopping Centers”). PDC 02-053  
**Ordinance No. 26778 adopted.**
- (d) ORD. NO. 26779 – Rezones certain real property situated on the east side of North White Road, approximately 800 feet southerly of McKee Road to A(PD) Planned Development Zoning District. PDC 02-022  
**Ordinance No. 26779 adopted.**

## 2 CONSENT CALENDAR

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### 2.2 Final Adoption of Ordinances (Continued)

- (e) ORD. NO. 26780 - Rezones certain real property situated on the south side of Umbarger Road, approximately 100 feet easterly of Aiello Drive to LI-Light Industrial Zoning District. C 02-055  
**Ordinance No. 26780 adopted.**
- (f) ORD. NO. 26781 - Rezones certain real property situated on the northeasterly corner of Monterey Highway and Branham Lane to A(PD) Planned Development Zoning District. PDC 02-033  
**Ordinance No. 26781 adopted.**

### 2.3 Approval of fiscal actions related to the Library.

**Recommendation:** Adoption of appropriation ordinance and funding source resolution amendments in the General Fund:

- (a) Increasing the Library Grants appropriation to the Library Department by \$14,751; and
  - (b) Increasing the estimate for Revenue from the State of California by \$14,751.
- CEQA: Not a Project. (City Manager's Office)

**Ordinance No. 26787 adopted.**  
**Resolution No. 71316 adopted.**

### 2.4 Approval of an agreement for the Alviso Ring Levee Wetland Mitigation Project.

**Recommendation:** Approval of the second amendment to the agreement with URS Corporation for consultant services for the Alviso Ring Levee Wetland Mitigation Project, extending the term of the agreement from December 31, 2002 to December 31, 2004, and increasing the compensation by \$37,000, for a total agreement amount not to exceed \$357,000. CEQA: Not a Project. Council District 4. (Public Works)

**Approved.**

### 2.5 Approval to award a contract for the Watson Park Dog Park Project.

**Recommendation:** Report on bids and award of contract for the Watson Park Dog Park Project to the low bidder, Boulder Rock Landscape Construction, Inc., to include the base bid and Add Alternate Nos. 1, 2, 3, 4, and 5 in the amount of \$188,804, and approval of a contingency in the amount of \$18,900. CEQA: Exempt, H02-030. Council District 3. SNI: 13th Street. (Public Works)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.6 Approval of an agreement for construction of roadway improvements.

**Recommendation:** Approval of an agreement with Braddock and Logan Group II, LP, for construction of public improvements in connection with their residential development project on Fleming Avenue that includes City reimbursement in an amount not to exceed \$279,437, for construction of a third eastbound through lane on Story Road at Capitol Expressway. CEQA: Negative Declaration, PDC00-12-126. Council District 5. SNI: East Valley/680 Communities. (Public Works)

**Approved.**

### 2.7 Approval of an agreement with the City of Campbell to provide materials testing and geotechnical services.

**Recommendation:** Approval of an agreement with the City of Campbell to provide materials testing and geotechnical services for the period January 1, 2003 to December 31, 2004, in an amount not to exceed \$250,000. CEQA: Not a Project. (Public Works)

**Approved.**

### 2.8 Approval of actions related to funding for the Winfield Boulevard Project.

**Recommendation:** Adoption of the following appropriation ordinance amendments in the Building and Structure Construction Tax Fund:

(a) Increasing the appropriation to the Department of Transportation for the Winfield Boulevard at Alamitos Creek Project by \$60,000; and

(b) Decreasing the Ending Fund Balance by \$60,000.

CEQA: Exempt, PP02-01-007. Council District 10. (Public Works/City Manager's Office)

**Ordinance No. 26788 adopted. -- Staff directed to reimburse the contractor on a phased basis, and to report back on the accuracy of the Staff report's reference to construction of a bridge over Alamitos Creek, as to whether the bridge which was in the 5-year CIP was approved by City Council or was subsequently removed from the plan.**

### 2.9 Approval of two Community Appointments to the Healthy Neighborhood Venture Fund Committee.

**Recommendation:** Approval of two community appointments to the Healthy Neighborhood Venture Fund Committee. (Mayor)  
(Rules in Lieu referral 11/27/02)

**Deferred to 12/10/02.**

## 2 CONSENT CALENDAR

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### 2.10 Approval of City Attorney Richard Doyle's travel.

**Recommendation:** Approval of City Attorney Richard Doyle's travel to Washington, D.C., from December 15-16, 2002, for a meeting with the FAA. (City Attorney's Office) (Rules in Lieu referral 11/27/02)

**Approved.**

### 2.11 Approval of Council Appointee salary adjustments.

**Recommendation:** Adoption of a resolution approving Council Appointee salary adjustments recommendations. (Mayor) (Orders of the Day)

**Resolution No. 71317 was adopted. Staff directed to report back on the possibility of establishing a SuperCOBRA-type of medical benefits plan for Council appointees, providing the alternative of buying into the City's Health Plan at no cost to the City.**

END OF CONSENT CALENDAR

## 3 STRATEGIC SUPPORT SERVICES

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### 3.1 Report of the Study Session

Mayor Gonzales, Chair

None.

### 3.2 Report of the Rules Committee – November 20, 2002

Vice Mayor Shirakawa, Jr., Chair

(a) Redevelopment Agency items reported out at Redevelopment Agency meeting

(b) City Council

(1) Review December 3, 2002 Draft Agenda

**The Committee recommended approval of the December 3, 2002 City Council Agenda with one addition.**

(2) Add New Items to November 26, 2002 Amended Agenda

**The Committee recommended holding Council Member Reed's request to waive bond requirements for the construction of the Vietnamese Cultural Heritage Foundation's project in Kelly Park until Staff reports the results of a meeting with Mr. Nguyen, President of the Foundation; if the City and the Vietnamese Foundation do not come to an agreement, then Council Member Reed's item will be placed on the December 3<sup>rd</sup> Council Agenda. The Committee recommended five additions to the November 26, 2002 City Council Agenda.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – November 20, 2002

Vice Mayor Shirakawa, Jr., Chair (Continued)

- (b) City Council
  - (3) Review December 3, 2002 General Plan Hearing Agenda  
**The Committee recommended approval of the December 3, 2002 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
  - (1) Approve City Council Meeting Schedule for January – August 2003
  - (2) Approve proposed dates for 2003 General Plan Hearings  
**This item was reported at the November 26, 2002 Council Meeting.**
  
- (e) The Public Record  
**There was no Public Record filed.**
  
- (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  
**There were none.**
  
- (i) Oral communications  
**None were presented.**
  
- (j) Adjournment  
**The Meeting was adjourned at 2:35 p.m.**

**Rules Committee Report and actions of November 26, 2002 accepted.**

#### 3.3 Report of the Finance and Infrastructure Committee

Council Member Dando, Chair

None.

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.4 Adoption of a resolution declaring the results of the General Municipal Election held on November 5, 2002.

**Recommendation:** Adoption of a resolution declaring the results of the General Municipal Election held on November 5, 2002. (City Clerk)

**Resolution No. 71318 adopted.**

#### 3.5 Approval of various fiscal actions related to the Redevelopment Capital Projects.

**Recommendation:**

- (a) Adoption of appropriation ordinance and funding sources resolution amendments in the services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund):
  - (1) Establishing an appropriation to the Office of Economic Development for SNI Consulting Service in the amount of \$99,992.00.
  - (2) Establishing an appropriation to the Department of Transportation for the Gateway Interchange Improvement at Hellyer/101 and Blossom Hill/101 Project in the amount of \$4,000,000; and
  - (3) Increasing the estimate for Earned Revenue by \$4,099,992.
- (b) Adoption of a resolution making certain determinations regarding the related expenditures of Redevelopment Agency funds on certain public improvements in connection with the Gateway Interchange Improvement at Hellyer/101 and Blossom Hill/101 Project, as more specifically described in the memorandum from the Redevelopment Agency, dated October 21, 2002.

CEQA: Exempt, PP02-11-332. Council Districts 2 and 6. (City Manager's Office)

**Deferred to 12/10/02.**

#### 3.6 Approval of various actions related to the capital project contract contingency policy in the Capital Improvement Program.

**Recommendation:** Adoption of a resolution amending the capital project contract contingency policy in the Capital Improvement Program as follows:

- (a) The contingency amount that should be established at the time of the award of a construction contract should be one of the following:
  - (1) Five percent of the total contract amount for street, sidewalk, or park projects;
  - (2) Ten percent of the total contract amount for utilities and building projects;
  - (3) Fifteen percent of the total contact amount for building renovation projects; or
  - (4) Such other amounts as approved by the City Council for a particular project.

CEQA: Not a Project. (Public Works)

(Deferred from 11/5/02 - Item 3.4 and 11/12/02 - Item 3.4)

**Resolution No. 71319 adopted. -- Staff directed to report back on the City's construction contract contingency policy, pertaining to the consistency of the City's contingency allocations to actual contingency expenditures.**

### **3 STRATEGIC SUPPORT SERVICES**

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#### **3.7 Approval of a list of the proposed Collaborative Action Plan and Agreement.**

**Recommendation:** Approval of a list of the proposed Collaborative Action Plan and Agreement (CAP) for the development and operation of joint-trail-related projects.

CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

[Referred from 11/19/02 – Item 3.4(b)(2)]

**Deferred to 12/17/02.**

#### **3.8 Vietnamese Cultural Heritage Gardens – Operations and Maintenance Agreement.**

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an amendment to the agreement with the Vietnamese Cultural Heritage Foundation for the construction of the Vietnamese Cultural Heritage Gardens to waive certain bond requirements and to authorize the City Manager to accept security, acceptable to the Manager, in lieu of the reduced bond amounts. (Reed)

(Rules in Lieu referral 11/27/02)

**Deferred to 1/28/03.**

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

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

**None.**

#### **4.2 Approval of an agreement related to the HomeVenture Fund.**

**Recommendation:** Adoption of a resolution authorizing the Director of Housing to negotiate and execute an amendment to the grant agreement with Neighborhood Housing Services Silicon Valley (NHSSV) in the amount of \$2,000,000 for the HomeVenture Fund to assist first-time low and moderate income homebuyers. CEQA: Not a Project. (Housing)

**Resolution No. 71320 adopted.**

#### **4.3 Approval of various actions related to the Fallen Leaves Apartments.**

**Recommendation:**

(a) Adoption of a resolution:

- (1) Approving a loan of up to \$6,346,148 to Fallen Leaves Apartments, L. P., or its designated affiliate, for the development of the Fallen Leaves Family Apartments, a 160-unit family rental development located at 202 Lewis Road.

*(Item Continued on Next Page)*

## 4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

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### 4.3 Approval of various action related to the Fallen Leaves Apartments.

#### (a) Adoption of a resolution. (Continued)

- (2) Approving a loan of up to \$4,851,747 and a conditional grant of up to \$3,450,000 to ROEM Development Corporation, or its designated affiliate, for the land acquisition for the Fallen Leaves development.  
CEQA: Negative Declaration, PDC02-018. Council District 7. (Housing)  
**Resolution No. 71321 adopted.**

#### (b) Adoption of a resolution:

- (1) Authorizing the issuance of three series of tax-exempt multifamily housing revenue bonds in the aggregate principal amount not to exceed \$18.8 million;
- (2) Approving loans of bond proceeds to Fallen Leaves Apartments, L.P., a California limited partnership, for financing the construction of the Fallen Leaves Apartments development located at 202 Lewis Road in San José; and
- (3) Approving in substantially final form the Bonds, Trust Indenture, Loan Agreement, Junior Subordinate Trust Indenture, Junior Subordinate Financing Agreement, Regulatory Agreement and Declaration of Restrictive Covenants, Bond Purchase Agreement, Bond Placement Agreement and Official Statement; authorizing the Director of Finance and Director of Housing to, as appropriate, negotiate, execute, and deliver these documents and other related documents.

CEQA: Negative Declaration, PDC02-018. Council District 7.  
(Housing/Finance)

**Resolution No. 71322 adopted.**

### 4.4 Approval of various actions related to Kennedy Apartment Homes.

#### **Recommendation:** Adoption of a resolution:

- (a) Authorizing the issuance of tax-exempt multifamily housing revenue bonds in the principal amount not to exceed \$14.0 million;
- (b) Approving a loan of bond proceeds to Lucretia Avenue Partners, L.P., a California limited partnership, for financing the construction of the Kennedy Apartment Homes development located at Lucretia Avenue between Mistflower Drive and Vintage Way in San José; and
- (c) Approving in substantially final form the Bonds, Trust Indenture, Financing Agreement, Regulatory Agreement and Declaration of Restrictive Covenants, Intercreditor Agreement, Bond Purchase Agreement and Official Statement; authorizing the Director of Finance and Director of Housing to, as appropriate, negotiate, execute, and deliver these documents and other related documents.

CEQA: Negative Declaration, PDC-SH 00-10-103. Council District 7. SNI:  
Tully/Senter. (Housing/Finance)

**Resolution No. 71323 adopted.**

## 5 RECREATION & CULTURAL SERVICES

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### 5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – November 18, 2002

#### Council Member Chavez, Chair

- (a) Youth Commission Monthly Report  
The Committee accepted the report with the following directive to staff:
- Committee members receive a copy of the Youth Commission’s work plan for the coming year.
  - Contact RDA to make a presentation on the downtown to the Youth Commission for their input.
- (b) Quarterly Report on new Martin Luther King, Jr. Library  
The Committee accepted the report.
- (c) Status Report on Skate Parks  
The Committee accepted the report.
- (d) Status Report on Pick-up San José  
The Committee accepted the report, with the following directives to staff:
- Return to the February ENYS Committee with the results of negotiations with haulers and landfill owners to have them enforce truckloads being covered and an action plan.
  - Inform Council Offices of who has adopted the “hot spots” in their districts.
- (e) Status Report from the Airport Ombudsman and Noise Monitoring Center  
The Committee accepted the report, with the following directives to staff:
- The Community, Customer and Communications Report is sent out via email to the list established by the Airport.
  - Information that is helpful is emailed to the Council Offices for inclusion into their newsletters.
  - Provide Council Offices with a paragraph on the Flight Tracking Data System Program.
- (f) Status Report on Aging Services Master Plan  
The Committee accepted the report, with the following directives to staff:
- Return to the January ENVS Committee with a report on the budget for the Aging Services Master Plan.
  - Send to all Committee members a copy of the RFQ Outline.
  - Provide Council Members Dando and Yeager a copy of the detailed work plan for the Aging Services Master Plan.
- (g) Oral petitions  
None.

*(Item Continued on Next Page)*

## **5 RECREATION & CULTURAL SERVICES**

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### **5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – November 18, 2002 (Continued) Council Member Chavez, Chair**

- (h) Adjournment  
The Committee adjourned at 3:00 p.m.

**Education, Neighborhoods, Youth, and Seniors Committee Report and Actions of November 18, 2002 accepted.**

### **5.2 Approval of the Stonegate Park Master Plan Amendment to include the addition of a skate park facility.**

**Recommendation:** Approval of the Stonegate Park Master Plan Amendment to include the addition of a skate park facility. CEQA: Negative Declaration, PP02-10-288. Council District 7. (Parks, Recreation and Neighborhood Services)

**Approved.**

### **5.3 Approval to award a contract for the Kirk, Meadows, and Parkview I Play Area Renovations Project.**

**Recommendation:** Report on bids and award of contract for the Kirk, Meadows, and Parkview I Play Area Renovations Project to the low bidder, Community Playground, Inc., for the base bid and Add Alternate Nos. 1 and 2 in the amount of \$670,800, and approval of a contingency in the amount of \$34,000. CEQA: Exempt, PP02-09-264. Council Districts 9 and 10. (Public Works)

**Approved.**

### **5.4 Approval of the Mayfair Strong Neighborhoods Improvement Plan.**

**Recommendation:** Adoption of the Mayfair Strong Neighborhoods Improvement Plan, as the shared vision for revitalization of the area. CEQA: Resolution No. 65469, PP02-10-307. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-0-1). Council District 5. SNI: Mayfair. (Planning, Building and Code Enforcement)

**Approved.**

### **5.5 Approval of the K.O.N.A. Strong Neighborhoods Improvement Plan.**

**Recommendation:** Adoption of the K.O.N.A. Strong Neighborhoods Improvement Plan, as the shared vision for revitalization of the area. CEQA: Resolution No. 65459, PP02-11-330. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0). Council Districts 7 and 8. SNI: K.O.N.A. (Planning, Building and Code Enforcement)

**Approved.**

## 6 TRANSPORTATION SERVICES

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### 6.1 Approval of various actions related to Tow Services Agreements.

**Recommendation:**

- (a) Adoption of a resolution setting fees for Tow Services Agreements effective April 1, 2003;
- (b) Approval of establishment of eight tow zones modified along Police patrol district lines; and,
- (c) Approval of the dispatching of tow requests by Police Communications effective April 1, 2003.

CEQA: Not a Project. (Planning, Building and Code Enforcement)  
(Deferred from 11/19/02 – Item 6.1 and 11/26/02 – Item 6.1)

**Resolution No. 71324 adopted.**

**Council approved the memorandum from Mayor Gonzales and Council Members Dando and Cortese, dated December 2, 2002, recommending approval of the Staff recommendation dated November 14, 2002, with the following modifications and clarifications: Increase Competition – RFP Provisions: (1) Open an RFP process allowing tow companies within a five mile radius of any given zone or merged zones to bid on the city-wide tow service. {Item 1 modified at the Council Meeting to “companies *with yards* within a 5 mile radius”...}; (2) Increase competition by allowing eligible and interested tow companies to bid on more than one zone, limit the total number of zones any one tow company can be awarded to three, and limit the minimum number of tow companies city-wide to no fewer than three; (3) Continue the current boundaries and six tow zones; Dispatch Services: (4) Establish a \$5.00 fee to be charged to each tow company per tow event for Police Dispatch services; (5) Eliminate the requirement of a centralized private communications provider, require each successful bidder to choose their preferred method of driver dispatch as long as not more than one phone number per company is provided to Police Dispatch to use for dispatch services; (6) Direct the Administration to modify the new Computer Aided Dispatch (CAD) system (implementation scheduled spring 2004) to include an overlay of the current tow zones with Police Districts; (7) Direct the Administration, as temporary solution until the new CAD system is running, to establish other monitoring methods to ensure reliable and independent reporting of city-wide tow service data;**

*(Item Continued on Next Page)*

## 6 TRANSPORTATION SERVICES

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### 6.1 Approval of various actions related to Tow Services Agreements. (Continued)

**Fees and Charges:** (8) Revise the fees that may be charged for the storage and release of impounded vehicles from the current \$32.00 fee to \$36.00 per day of storage; (9) Review fee increases as part of the fees and charges review in the budget process; (10) Modify the letter of credit security deposit to \$50,000 and review this provision annually as it relates to current financial audits and the number of violations over that year. {Item 10 modified at the Council Meeting to “security deposit of \$50,000 *per zone*”...}; (11) Approve all other tow fees and charges recommended by the Administration; **Tow Service Contract Provisions:** Direct the Administration to implement the following recommendations to improve contract compliance; (12) Establish clear financial penalties for violations of the new contract and create performance measurements to be used as part of the annual review of rates and charges; (13) Establish and audit financial audits of the City’s tow service providers; (14) Establish the new contract for a five-year term with the option of a single one-year extension.

Council approved the following additional modifications to the recommendations: (1) Staff to adjust the tow zones to provide greater equity, {Mayor’s recommendation #3}; (2) Modify the Letter of Credit requirement to a sliding scale based on the annual percentage of business the tow operator conducts, {Mayor’s recommendation #10}; and (3) Require that the tow yards be located within the City of San José, {Mayor’s recommendation #1}. Noes: Dando, Cortese, Reed; Gonzales.

## 7 ENVIRONMENTAL & UTILITY SERVICES

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### 7.1 Public Hearing and approval of an ordinance related to storm water management.

**Recommendation:**

- (a) PUBLIC HEARING AND APPROVAL OF AN ORDINANCE amending Chapter 20.100, Section 20.100.470 and Section 20.100.480 of Title 20 of the San José Municipal Code to modify the provisions related to storm water management including the requirements for a Storm Water Pollution Prevention Plan (SWPPP) and a notice of intent (NOI). CEQA: Exempt, PP02-10-311. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0). Citywide.

**Ordinance No. 26789 passed for publication.**

- (b) Adoption of a resolution amending the administrative citation fine schedule to increase the fine for violations of Section 20.100.470 from \$25 per event per day to \$500 per event per day and for violations of Section 20.100.480 of the Zoning Code from \$25 per event per day to \$500 per event per day for small sites (one to five acres) and \$2,500 per event per day for large sites (five acres and larger.) (Planning, Building, and Code Enforcement)

## 8 AVIATION SERVICES

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### 8.1 Approval of an agreement for security services at the Airport.

**Recommendation:** Adoption of a resolution authorizing the Director of General Services to:

- (a) Negotiate and execute a one-year agreement with two, one year options with Aviation Safeguards for security guard services at the Norman Y. Mineta San José International Airport, with a total first year compensation not to exceed \$2,200,000; and
- (b) Execute each of the options to renew with compensation adjustments based on the Consumer Price Index, without further City Council action other than the appropriation of necessary funding.
- (c) Execute an amendment with the incumbent supplier, National Securities Industries, Inc., to extend the term of the agreement from January 1, 2003 through January 15, 2003. No additional funds are required.

CEQA: Resolution No. 67380, PP02-08-332. (General Services/Airport)

**Deferred to 12/17/02.**

## 9 PUBLIC SAFETY SERVICES

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## 10 JOINT COUNCIL/REDEVELOPMENT AGENCY

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**REDEVELOPMENT AGENCY BOARD TO CONVENED AT 3:42 P.M. TO CONSIDER ITEM 10.1 IN A JOINT SESSION**

### 10.1 Public Hearing and approval of various agreements for the deferral of assessment payments.

**Recommendation:** PUBLIC HEARING and adoption of a resolution approving the agreements with property owners within Improvement District 99-218SJ (Hellyer-Piercy) boundary for the deferral of assessment payments.

- (a) Timothy and Tena Knea, and William Caprista.
- (b) Mike and Yasuyo Niimoto.
- (c) Margaret Ma, Ann Sebastian, Susan Carter, James Carter, Robert Carter, Tami Carter, and Ann Sebastian, Trustee.
- (d) Thomas and Amy Ting, and Martin and Mei Ting.
- (e) Tony and Eva Mellow (representing two properties).

CEQA: Not a Project. Council District 2. (City Manager's Office/Redevelopment Agency)

**Resolution No. 71326 adopted.**

## 10 JOINT COUNCIL/REDEVELOPMENT AGENCY

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### REDEVELOPMENT AGENCY BOARD PORTION OF THE MEETING ADJOURNED AT 3:46 P.M.

- 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:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9438	N/o Fleming Ave, approximately. 880 feet e/o Romeo Ave.	5	Braddock & Logan LLP	12 Units	SFDR	Approve

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.**

- Open Forum—heard jointly with Redevelopment Agency Public Discussion. Following Open Forum, Council will recess until 7:00 pm.  
(1) **Pete Campbell commented on Legislative Procedures.**

# 11 PUBLIC HEARINGS

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(Heard by the City Council at 7:00 p.m.)

## 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., et al., and 11/19/02 – Item 11.2)

**Dropped.**

## 11.2 Public Hearing on conforming rezoning at South First Street and East Virginia Street.

**Recommendation:** PUBLIC HEARING ON CONFORMING REZONING of the property located at the east side of South First Street approximately 210 feet north of East Virginia Street, from A(PD) Planned Development Zoning District and LI Light Industrial Districts to CN Neighborhood Commercial District to allow commercial uses on 0.59 gross acres. (Vasanti and Viren Patel, Owner/Developer). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C 02-070 - District 3

(Continued from 11/5/02 – Item 11.7 and 11/19/02 – Item 11.8)

**Continued to 12/17/02.**

## 11.3 Public Hearing on planned development rezoning at Tully and Senter Roads.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the south side of Tully Road, approximately 500 feet west of Senter Road, from County to A(PD) Planned Development Zoning District, to allow a maximum of 561 multi-family attached residential units on 11.4 gross acres. (County of Santa Clara, Owner; County of Santa Clara and ROEM, Developer). CEQA: Resolution to be Adopted. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-1-0).

PDC 02-040 - District 7

**Continued to 12/17/02.**

# 11 PUBLIC HEARINGS

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## 11.4 Public Hearing on conforming rezoning at Forest and Ciro Avenues.

**Recommendation:** PUBLIC HEARING ON CONFORMING PREZONING of the property located at the southwest corner of Forest and Ciro Avenues, from County to CO Office Commercial Zoning District, to allow commercial uses on 1.0 gross acre. (Kalman and Judy Cseuz, Owner; Barry Swenson Builder, Developer). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C 02-081 - District 6

**Ordinance No. 26790 passed for publication.**

- **Open Forum**

None.

- **Adjournment**

**The Council of the City of San José Adjourned at 8:06 p.m. to the 2002 Fall Hearing of the General Plan; and immediately following the City Council Meeting to meet in a Joint Special Session of the San José City Council/San José Redevelopment Agency/Santa Clara County Board of Supervisors on Monday, December 9, 2002, 3:30 p.m., in the Santa Clara County Board of Supervisors' Chambers.**