



CITY COUNCIL AGENDA

JANUARY 8, 2002

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
GEORGE SHIRAKAWA, JR.
DAVID D. CORTESE
JOHN DIQUISTO
PAT DANDO

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Economic and Neighborhood Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Recreation and Cultural Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Aviation Services** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

- **Call to Order and Roll Call**
9:30 a.m. - Closed Session, Room 600, City Hall
Absent: Council Member Dando (Excused)

- 1:30 p.m. - Regular Session, Council Chambers, City Hall**
Absent: None.

- 7:00 p.m. - Public Hearings, CANCELLED**

- **Invocation (District 1)**
Pastor Rushing, Church of Nazareth, delivered the invocation.

- **Pledge of Allegiance**
Mayor Gonzales led in the Pledge of Allegiance.

- **Orders of the Day**
Approved.

1 CEREMONIAL ITEMS

- 1.1** Presentation of a commendation to Nora Rodriguez, Analyst II in the Library Department, for the City of San José's Outstanding Employee Award. (City Manager's Office)
Joining Mayor Gonzales at the podium was City Manager Del Borgsdorf and City Librarian Jane Light to present Analyst II Nora Rodriguez the commendation for the City of San Jose's Outstanding Employee Award.
- 1.2** Presentation of plaques to Robert LaMere for 2 years 5 months service on the Disadvantaged Business Development Commission; to Beverly Miles for 4 years service on the Disadvantaged Business Development Commission; to Elizabeth Gellene and Florence Prevost for 4 years service each on the Housing Advisory Commission; to Stephen Sanger for 2 years service on the Housing Advisory Commission; to Rita Tercero for 3 years 8 months service on the Housing Advisory Commission; to Geri Nave for 7 years service on the Mobile Home Advisory Commission; to Ken Wright for 6 years service on the Suggestion Award Commission; and to James Talbott for 2 years service on the Suggestion Award Commission. (Mayor)
Mayor Gonzales presented commendations to Beverly Miles for 4 years service on the Disadvantaged Business Development Commission, Florence Prevost for 4 years service on the Housing Advisory Commission, Rita Tercero for 3 years 8 months service on the Housing Advisory Commission and Ken Wright for 6 years service on the Suggestion Award Commission. Recipients who could not attend will have their plaques mailed to them.

2 CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of City Council Minutes for:

- (a) Regular meeting of June 26, 2001
Approved.
- (b) Joint Council/Redevelopment Agency Board meeting of June 26, 2001
Approved.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 26546 – Rezones certain real property situated at the northeast corner of Capitol Expressway and Vistapark Drive. PDC 01-02-028
Ordinance No. 26546 adopted.
- (b) ORD. NO. 26547 - Rezones certain real property situated at the northwest corner of Monterey Road and Capitol Expressway. PDC 01-05-058
Ordinance No. 26547 adopted.
- (c) ORD. NO. 26548 – Rezones certain real property situated at the southwest corner of Camden Avenue and Vista Loop. PDC 01-03-041
Ordinance No. 26548 adopted.
- (d) ORD. NO. 26549 – Rezones certain real property situated at the southeast corner of Leigh Avenue and Foxworthy Avenue. PDC 01-9-090
Ordinance No. 26549 adopted.
- (e) ORD. NO. 26550 – Rezones certain real property situated at the north side of West Alma Avenue between Belmont Way and Minnesota Avenue.
PDC 99-07-066
Ordinance No. 26550 adopted.
- (f) ORD. NO. 26551 – Rezones certain real property situated at the east side of Fleming Avenue opposite Warner Drive. PDC 00-12-126
Ordinance No. 26551 adopted.
- (g) ORD. NO. 26552 – Rezones certain real property situated at the east side of McLaughlin Avenue, approximately 140 feet southerly of Story Road. PDC 01-09-089
Ordinance No. 26552 adopted.
- (h) ORD. NO. 26553 – Rezones certain real property situated at the northwestern corner of Magliocco Drive and Huff Avenue.
Ordinance No. 26553 adopted.

2 CONSENT CALENDAR

2.3 Approval to reject all proposals and approval of an agreement related to an Integrated Airport Accounts Receivable and Property Management System.

Recommendation:

- (a) Approval to reject all proposals for an integrated airport accounts receivable and property management system, and authorization for the Director of General Services to re-solicit new proposals. (General Services)

Approved.

- (b) Approval of a third amendment and continuation agreement with KPMG Consulting, Inc., for services in connection with the selection and implementation of an Integrated Airport Accounts Receivable and Property Management System, to modify the scope of services, revise the hourly rate schedule, increase compensation by \$33,000, from \$300,000 to \$333,000, consent to the assignment of the agreement from KPMG Consulting, LLC to KPMG Consulting, Inc., and to continue and extend the term of the agreement from June 30, 2001 to June 30, 2003. (Airport)

Approved.

2.4 Approval to increase the Library Department's grants appropriation.

Recommendation: Adoption of appropriation ordinance and funding sources resolution amendments in the General Fund increasing the Library grants appropriation to the Library Department by \$99,647. (City Manager's Office)

Ordinance No. 26554 adopted.

Resolution No. 70782 adopted.

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

Approved.

2.6 Approval of business terms for a loan for replacement of a single-family residence located at 277 North 6th Street.

Recommendation: Adoption of a resolution approving business terms for a loan up to \$240,567 to Manuel and Cornelia Batres for the replacement of their single-family residence located at 277 North 6th Street. Council District 3. SNI: 13th Street. (Housing)

Resolution No. 70783 adopted.

2 CONSENT CALENDAR

2.7 Acceptance of an offer of dedication of parkland for park purposes and approval of a turnkey parkland agreement.

Recommendation:

- (a) Adoption of a resolution accepting an offer of dedication of parkland from Equity Office Properties – EPO – Skyport Land, LLC, for park purposes.

Resolution No. 70784 adopted.

- (b) Approval of a turnkey Parkland Agreement with Equity Office Properties – EOP – Skyport Land, LLC, for Planned Development Zoning Permit No. PDC99-07-060.

CEQA: Resolution No. 69421. Council District 3. (Parks, Recreation and Neighborhood Services)

Approved.

2.8 Approval of various actions related to the Department of Justice Weed and Seed Grant.

Recommendation:

- (a) Adoption of appropriation ordinance and funding sources resolution amendments in the General Fund for the Department of Justice Weed and Seed Grant funds to support efforts in the Washington Neighborhood:

- (1) Increase the revenue estimate for Revenue from the Federal Government by \$225,000, and;
- (2) Establish a City-wide appropriation for the Parks, Recreation and Neighborhood Services Department in the amount of \$200,000, and;
- (3) Establish a City-wide appropriation for the Police Department in the amount of \$25,000.

Ordinance No. 26555 adopted.

Resolution No. 70785 adopted.

- (b) Authorize the following positions for the term of the grant (as required by the grantor):

- (1) 1.00 FTE (Full-time) Community Activity Worker and 0.50 FTE (Part-time) D-benefited Staff Analyst.

(Parks, Recreation and Neighborhood Services/Police/City Manager's Office)

Approved.

2 CONSENT CALENDAR

2.9 Adoption of a resolution approving the reorganization and annexation of San José North No. 13.

Recommendation: Adoption of a resolution ordering the reorganization of territory and annexation of 7.27 acres of land designated as San José North No. 13, located on the northeast corner of State route 237 and Great America Parkway, and the detachment of the same from the Central Fire Protection District and County Library Service Area. CEQA: Exempt. Council District 4. (Planning, Building and Code Enforcement)

Resolution No. 70786 adopted.

2.10 Approval of an agreement for the purchase of a portion of a property and a right of entry located at 550 Sunol Street.

Recommendation: Approval of an agreement with Gerald R. Graham, Sr., in his capacity as Trustee under Agreements dated 12/27/73 and 12/04/68, for the purchase of a portion of a property and a right of entry located at 550 Sunol Street, in the amount of \$264,000, and authorization for the Director of Public Works to execute any additional documents necessary to complete the transaction. CEQA: ND. Council District 6. SNI: Burbank/Del Monte. (Public Works)

Approved.

2.11 Approval of a Memorandum of Understanding with the County of Santa Clara regarding the relocation of the Spartan Little League Complex.

Recommendation: Approval of a Memorandum of Understanding with the County of Santa Clara regarding the relocation of the Spartan Little League Complex. Council District 7. (Parks, Recreation and Neighborhood Services)

Approved.

2.12 Approval of various actions related to the Santa Clara County Abandoned Vehicle Abatement Service Authority.

Recommendation:

Adoption of a resolution that:

- (a) Requests the extension of the Santa Clara County Abandoned Vehicle Abatement Service Authority (AVASA) for another 10 year term beginning May 1, 2002;
- (b) Authorizes the City Manager's continued participation as a member of the Santa Clara County AVASA; and
- (c) Approves the continuation of the City's participation in the existing "Agreement for Santa Clara County Abandoned Vehicle Abatement Service Authority" and the collection, by the Department of Motor Vehicles, of a one dollar (\$1.00) vehicle registration fee for this purpose.

(Planning, Building and Code Enforcement)

Resolution No. 70787 adopted.

2 CONSENT CALENDAR

2.13 Approval to accept title to the frontage of the south side of Skyport Drive from Route 87 to North First Street.

Recommendation: Adoption of a resolution authorizing the Director of Public Works to accept title to the frontage of the south side of Skyport Drive from Route 87 to North First Street from Equity Offices, Inc. (formerly Spieker Properties, L.P.). Council District 3. (Public Works)

Resolution No. 70788 adopted.

2.14 Approval of Appointments to the following Boards and Committees:

(Mayor)

(Rules in Lieu Committee Referral 1/2/2002)

Recommendation:

(a) A member and alternate to the Santa Clara County Policy Advisory Board for the Comprehensive County Expressway Planning Study.

Appointments of Council Member Dando as the City's primary representative and Council Member LeZotte as the City's alternate representative to the Santa Clara County Policy Advisory Board were approved.

(b) A member to the Caltrain Lenzen Maintenance Yard Facility Oversight Committee.

Appointment of Council Member Yeager as the City's representative to the Caltrain Lenzen Maintenance Yard Facility Oversight Committee was approved.

2.15 Approval of Council Appointee salary adjustment.

Recommendation: Adoption of a resolution approving Fiscal Year 2001-2002 salary adjustment for City Clerk Patricia L. O'Hearn. (Mayor)

(Rules in Lieu Committee Referral 1/2/2002).

Resolution No. 70789 adopted.

2.16 Approval of the City Manager's travel to attend the ICMA's Large Cities Executive Forum.

Recommendation: Approval of the City Manager's travel to Phoenix, Arizona, January 9 through January 12, 2002, to attend the International City and County Management Association's Large Cities Executive Forum. (City Manager)

(Rules in Lieu Committee Referral 1/2/2002)

Approved.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair

3.2 Report of the Rules Committee – December 19, 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 January 15, 2001 Draft Agenda
The Committee approved the January 15, 2002 City Council agenda.
 - (2) Review January 8, 2001 Draft Agenda
The Committee approved the January 8, 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.
 - (2) Approve Council Committee workplans for the period January – June 2002
The Committee recommended approval of workplans for the period January through June 2002 for the following Committees: Rules; Finance & Infrastructure; Economic Development & Environment; Education, Neighborhoods, Youth and Seniors.
- (d) Meeting Schedules
The Committee recommended a Rules-in Lieu meeting to be held on January 2, 2002.
- (e) The Public Record
The Committee noted and filed the Public Record for the period November 28- December 11, 2001.
- (f) Boards, Commissions and Committees
There were none.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – December 19, 2001 (Cont'd)

Vice Mayor Shirakawa, Jr., Chair

- (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 adjourned at 2:10 P.M.

The Rules Committee Report and actions of December 19, 2001 were accepted.

3.3 Report of the Finance and Infrastructure Committee – December 12, 2001

Council Member Dando, Chair

- (a) Consent Items

(1) November Monthly Report

(2) Monthly Investment Report for October 2001

The Committee approved the Consent Items.

- (b) Monthly Financial Report for October 2001

The Committee accepted the staff report.

- (c) Major Information Technology Projects Update (Including IT Master Plan Quarterly Status Report)

The Committee accepted the status report.

- (d) Oral petitions

None.

- (e) Adjournment

The Committee was adjourned at 3:50 P.M.

The Finance and Infrastructure actions of December 12, 2001 were accepted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Economic Development & Environment Committee

Council Member Williams, Chair

No report.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – December 17, 2001

Council Member Chavez, Chair

- (a) Youth Commission Monthly Report

The Committee accepted the staff report with the following directive to staff:

A proposal for a free concert for youth should be considered by the ENYS Committee on February 25, 2002.

- (b) Blueprint for Bridging the Digital Divide – 1st Year Action Plan

The Committee accepted the staff report with the stipulation that where there is a contradiction between the staff report and the Mayor’s report, the Mayor’s report be used.

- (c) Skate Park Update

The Committee accepted the staff report.

- (d) Oral petitions

None.

- (e) Adjournment

The Committee was adjourned at 2:45 P.M.

The Education, Neighborhoods, Youth and Seniors Committee report and actions of December 17, 2001 were accepted.

6 TRANSPORTATION SERVICES

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval of an ordinance amending Chapter 9.10 of the San José Municipal Code to exempt specific types of projects from the Construction and Demolition Diversion Deposit Program.

Recommendation: Approval of an ordinance amending Chapter 9.10 of the San José Municipal Code to exempt specific types of projects from the Construction and Demolition Diversion Deposit Program deposit requirement and to reschedule the start date of the deposit for specified roofing projects. (Environmental Services)

Ordinance No. 26556 passed for publication.

8 AVIATION SERVICES

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

- 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.

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—
Dennis Beacham spoke about the Paving Ordinance in his neighborhood.
- Adjournment
The Council of the City of San Jose adjourned at 2:10 P.M. in memory of Julia Stout, mother of Council Member Pat Dando; in memory of Joan Powers, long time City employee and administrative assistant to Council Member Linda J. LeZotte; and in memory of Gordon N. Chan, a leader in the Chinese American community.

11 PUBLIC HEARINGS

11.1 Public Hearing on conditional use permit appeal for a project at 1500 Leigh Avenue.

Recommendation: PUBLIC HEARING ON CONDITIONAL USE PERMIT APPEAL of the Planning Commission's decision to approve a Conditional Use Permit for a project located at the east side of Leigh Avenue, approximately 450 feet northerly of Hamilton Avenue (1500 Leigh Avenue) on a 2.91 gross acre site in the R-1-8 Zoning District, to allow up to 450 students at a proposed private school and for the construction of a 29,376 square foot building for classroom use on an existing church site. (Trinity Evangelical Lutheran Church, Owner; Valley Christian School, Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval with conditions (6-1-0):

- (a) Revise landscape plan to include additional trees along the southerly project boundary of a size and variety that will not interfere with the softball field, in the school play areas and/or along the project frontage.
- (b) Remove the two basketball courts, relocate the lunchtime eating area to the current general location of the basketball courts maintaining a minimum 40-foot setback from the residential property line and add landscaping between the lunch area and the eastern site boundary.
- (c) Revised plans should provide ADA compliant pedestrian access from the drop-off area as close to the existing church building as possible. Pedestrian access gate/s should be clearly delineated.
- (d) Provide a soundwall detail with a decorative finish on both sides.
- (e) Revise plans to provide signage prohibiting left turns out of the existing and proposed driveways.
- (f) Revise the plan set to include a second parking lot driveway located to the north of the proposed driveway. Reconfigure the parking layout to achieve a minimum of 50 parking spaces.

CP 01-06-047 - District 6

CONTINUED TO 1/22/02.

11.2 Public Hearing on planned development rezoning at McCreery Avenue.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the east side of McCreery Avenue, approximately 190 feet northerly of San Antonio Street, from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District, to allow the construction of 2 single-family detached residences on a 0.41 gross acre site. (Robert Fowle and Cortland Lanning; Owner/Developer). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 01-02-016 - District 5

CONTINUED TO 1/22/02.

11 PUBLIC HEARINGS

11.3 Public Hearing on a street renaming.

Recommendation: PUBLIC HEARING ON STREET RENAMING of a proposed frontage road running parallel to the east of State Highway 87, between the northerly line of West Hedding Street and southerly line of Coleman Avenue to Guadalupe Road.

CEQA: Exempt.

District 3

(Continued from 12/4/01 – Item 11.1 and 12/18/01 – Item 11.1)

CONTINUED TO 1/22/02.