



CITY COUNCIL AGENDA

FEBRUARY 26, 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 Yeager (excused)

- 1:30 p.m. - Regular Session, Council Chambers, City Hall**
Absent: Council Member Yeager (excused)

- **Invocation (District 2)**
Bob Gill and Sikh Gurdwara led in 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 Principal Roy Shiba of Mt. Pleasant Elementary School. (Campos)**
(Rules Committee referral 2/20/02)
Council Member Campos joined Mayor Gonzales at the podium to present the commendation to Principal Roy Shiba who introduced the staff and members of the Student body of Mt. Pleasant Elementary School.

- 1.2 **Presentation of a commendation to Paul Kramer, Principal of Lowell Elementary School, for his participation as a torch bearer in the Torch Relay for the 2002 Winter Olympics in Salt Lake City. (Chavez)**
(Rules Committee referral 2/20/02)
Council Member Chavez joined Mayor Gonzales at the podium to present Paul Kramer with the commendation.

2 CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
None.

- 2.2 **Final adoption of ordinances.**
None.

2 CONSENT CALENDAR

2.3 Approval to submit an application to the State Water Resources Control Board for the South Bay Water Recycling Silver Creek Pipeline.

Recommendation: Adoption of a resolution authorizing the City Manager or designee to submit a grant application to the State Water Resources Control Board for the South Bay Water Recycling Silver Creek Pipeline. CEQA: Resolution No. 64667. (Environmental Services)

Resolution No. 70845 adopted.

2.4 Approval to terminate a software deposit agreement.

Recommendation: Approval of the termination of the Software Deposit Agreement, Escrow Account # 819-3, between Recall Total Information Systems (formerly National Safe Depository), Ascom Transport Systems (formerly Ascom Trindel Corporation), and the City of San José. (General Services)

Approved.

2.5 Approval of an agreement for the Edenvale Garden Park Phase IV and V.

Recommendation: Approval of an agreement with Cottong & Taniguchi for consultant services for the Edenvale Garden Park Phase IV and V construction documents, from the date of execution of the agreement to June 30, 2003, for basic services in the amount of \$180,000, and additional services in the amount of \$15,000, for a total agreement amount of \$195,000. Council District 2. (Public Works)

Approved.

2.6 Approval to award a contract for the Meadowfair Center Play Area Renovation Project.

Recommendation: Report on bids and award of contract for the Meadowfair Center Play Area Renovation Project to the low bidder, Playgrounds Unlimited, in the amount of \$122,833, and approval of a contingency in the amount of \$12,000. CEQA: Exempt. Council District 8. SNI: Whaley. (Public Works)

Approved.

2.7 Approval of an agreement for the Southside Community Center Addition and Renovation Project.

Recommendation: Approval of an agreement with Sugimura & Associates Architects for consultant architectural services for the Southside Community Center Addition and Renovation Project, from the date of execution through December 30, 2003, for basic services in the amount of \$106,500, and additional services in the amount of \$12,800, for a total agreement amount of \$119,300. Council District 2. (Public Works)

Approved.

2 CONSENT CALENDAR

2.8 Update on a Request for Proposal for energy generation opportunities at the Plant.

Recommendation: Direction to staff to suspend development of a Request for Proposal for energy generation opportunities at the Treatment Plant and to return to Council in one year with an update on whether to resume RFP development. (Environmental Services)

Approved.

END OF CONSENT CALENDAR

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Gonzales, Chair

No Report.

3.2 Report of the Rules Committee – February 13, 2002

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 February 26, 2002 Draft Agenda

The Committee approved the February 26, 2002 City Council Agenda.

(2) Add New Items to February 19, 2002 Amended Agenda

The Committee directed the Administration to return to the Rules Committee on February 27, 2002 with a workload assessment on the issues of layoffs of airport baggage screeners. The Committee added two items to the February 19, 2002 City Council Agenda.

(c) City Council Committees

(1) Amendments to Council Committee Agendas

(a) Finance and Infrastructure Committee

The Committee recommended two additions to the February 27, 2002 Finance and Infrastructure agenda: (1) *Audit of the Rental Dispute Program (Auditor)*; and (2) *Bond Reserve Fund Investment (Agency)*.

(b) Economic Development and Environment Committee

None Filed.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – February 13, 2002 (Cont'd)

Vice Mayor Shirakawa, Jr., Chair

(c) City Council Committees

(1) Amendments to Council Committee Agendas

(c) Education, Neighborhoods, Youth, and Seniors Committee

The Committee recommended changing the date of February's ENYS Committee meeting from February 25 to February 21, 2001.

(d) Meeting Schedules

There were none.

(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

(1) Workload assessment on Item (a) from the Public Record dated January 24, 2002, Pete Campbell's request to address Council

The Committee took no action on this item.

(2) Update report on the City's Sign Ordinance

When staff returns to Council with the sign code revisions, Member Chavez requested a discussion about residential neighborhood signage, a timeline, and an outline of the elements of outreach to general stakeholders. Council Member Dando requested a report on conversations with the County of Santa Clara regarding signage adjacent to County controlled expressways. Council Member Reed, who requested the sign ordinance information two weeks ago, asked that the outstanding issues be brought forward to Council in a timely manner. The Committee noted and filed the report.

(i) Oral communications

Pete Campbell requested clarification of the outcome of Item H1, his suggestion regarding River Corporate Center. Council Member Cortese explained to Mr. Campbell that this request had been given due parliamentary procedure and, due to lack of a motion, no further action would be taken.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – February 13, 2002 (Cont'd)

Vice Mayor Shirakawa, Jr., Chair

(j) Adjournment

The meeting adjourned at 2:35 P.M.

The Rules Committee Report and actions of February 13, 2002 were accepted.

3.3 Report of the Finance and Infrastructure Committee – February 13, 2002

Council Member Dando, Chair

(a) Consent Items

(1) Monthly Investment Report for December 2001

(2) December Monthly Report

(3) Minutes from the Fourth Quarter 2001 Investment Committee Meeting

The Committee approved the Consent Items.

(b) Unfunded Projects Appropriation Report as of December 31, 2001

The Committee accepted the staff report.

(c) Update on e-Government Due Diligence

The Committee accepted the staff report.

(d) Oral petitions

William Garbett, spoke on public outreach and security issues associated with e-Government.

(e) Adjournment

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

Finance and Infrastructure Committee Report and actions of February 13, 2002 were accepted.

3.4 Appointments to the Project Diversity Screening Committee.

Recommendation: Approval of three appointments to the Project Diversity Screening Committee and designation of the committee chair. (Mayor)

(Deferred from 2/19/02 – Item 3.4)

Approved.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Economic Development & Environment Committee

Council Member Williams, Chair

No Report.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.2 Approval of intention to form Maintenance Districts 21 and 22.

Recommendation: Adoption of resolutions of intention to:

(a) Form Maintenance District 21 (Gateway Place - Airport Parkway), formerly known as Maintenance District 4, and

Resolution No. 70846 adopted.

(b) Form Maintenance District 22 (Hellyer Avenue - Silver Creek Valley Road), formerly known as Maintenance District 14.

Council Districts 2 and 3. (Public Works)

Resolution No. 70847 adopted.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee Council Member Chavez, Chair

No Report.

5.2 Approval of various actions related to the Los Lagos Golf Course.

Recommendation:

(a) Adoption of a resolution authorizing the City Manager to negotiate and execute an Operations and Maintenance Agreement between the City of San José and Los Lagos Golf Course, LLC commencing March 1, 2002, for a fifteen year term with an initial management fee of \$132,000 per year, plus an annual incentive fee;

(b) Adoption of a resolution authorizing cost savings of up to \$411,000 realized under the Grow-in Agreement between the City and San José Golf, LLC from equipment purchases, security funding, and grow-in services completed as set forth in the scope of services under the Agreement, shall be allocated as described in this staff report; and,

(c) Adoption of a resolution establishing the initial fees for the Los Lagos Golf Course, and delegating authority to the Director of Parks, Recreation and Neighborhood Services to approve clubhouse rental and food and beverage fees for the course opening, to approve reduced rates for groups and/or promotional packages, and to approve fee changes at Los Lagos Golf Course after the first year of operations.

(Parks, Recreation and Neighborhood Services)

Deferred to March 5, 2002.

5 RECREATION & CULTURAL SERVICES

5.3 Approval to award a contract for the Los Paseos and Shady Oaks Parks Play Area Renovation Projects.

Recommendation:

- (a) Report on bids and award of contract for the Los Paseos and Shady Oaks Parks Play Area Renovation Projects to the low bidder, Boulder Rock Landscape Construction, Inc., to include the base bid and Add Alternate No. 1, in the amount of \$606,076, and approval of a contingency in the amount of \$61,000. Los Paseos/CEQA: Exempt. Shady Oaks/CEQA: Negative Declaration.

Approved.

- (b) Adoption of the following appropriation ordinance amendments:
- (1) In the Park Trust Fund:
- (a) Establish an appropriation of \$121,000 for the Los Paseos Park Renovation Project.
- (b) Decrease the Reserve: Future PDO/PIFO Projects by \$121,000.
- (2) In the District #2 Construction and Conveyance Tax Fund:
- (a) Establish an appropriation of \$29,000 for the Los Paseos Park Playground Project.
- (b) Decrease Ending Fund Balance by \$29,000.

Council District 2. (Public Works/City Manager's Office)

Ordinance No. 26580 adopted.

5.4 Approval to award a contract for the Erikson Park and Huerta Park Play Area Renovation Projects.

Recommendation: Report on bids and award of contract for the Erikson Park and Huerta Park Play Area Renovation Projects to the low bidder, Jensen Corporation, in the amount of \$450,208, and approval of a contingency in the amount of \$45,000. CEQA: Exempt. Council District 9. (Public Works)

Approved.

5.5 Approval of a master agreement for program management services for the City Parks Bond Projects.

Recommendation: Approval of the master agreement for program management services with Gilbane Building Company, Inc. for program management of the City Parks Bond Projects, for a term from February 26, 2002 through December 31, 2009, subject to an appropriation of funds for each fiscal year, in an amount not to exceed \$1,850,000 for the first two years. (Public Works)

Approved.

6 TRANSPORTATION SERVICES

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval to award a contract for the Redmond/Firefly Storm Drain Improvement Project.

Recommendation: Report on bids and award of contract for the Redmond/Firefly Storm Drain Improvement Project to the lowest responsive bidder, Preston Pipelines, Inc., in the amount of \$803,303.09, and approval of a contingency in the amount of \$80,000.

CEQA: Exempt. Council District 10. (Public Works)

Deferred to March 5, 2002.

7.2 Report and recommendation for the Urban Runoff Program.

Recommendation: Authorization for the City Manager to certify and submit revisions to the City's Urban Runoff Management Plan and Fiscal Year 02-03 Urban Runoff Work Plans to the San Francisco Bay Regional Water Quality Control Board (Regional Board). (Environmental Services)

Approved.

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**
Katie Dwyer asked for a status report on the letter she sent to the Clerk's office regarding scheduling of her item on the Council Agenda. Mayor Gonzales informed the speaker that Vice Mayor Shirakawa's office would be handling that request and would get back to her.

- **Adjournment**
The Council of the City of San Jose adjourned at 2:50 P.M.

JOINT REDEVELOPMENT AGENCY/COUNCIL

REDEVELOPMENT AGENCY BOARD CONVENED AT 3:12 P.M. TO CONSIDER ITEM 7.1 IN A JOINT SESSION.

- 7.1 City Council and Agency approval of a Continuation Agreement and First Amendment to the Arena Improvements Agreement by and between the Redevelopment Agency, the City of San Jose, San Jose Arena Management, L.P., and San Jose Sharks, L.P., to extend the deadline for completion of improvements to February 28, 2002.**

Recommendations:

- (a) Adoption of resolutions by the City Council and Agency Board approving a Continuation Agreement and First Amendment to the Arena Improvements Agreement dated February 19, 1999, by and between the Redevelopment Agency of the City of San Jose, the City of San Jose, San Jose Arena Management, L.P., and San Jose Sharks, L.P., to extend the deadline for completion of improvements to February 28, 2002; to eliminate the requirement for the purchase and installation of certain electronic parking signs; and to eliminate Agency funding of \$90,000 for the purchase and installation of the electronic parking signs; and,
Resolution No. 70848 adopted.
Agency Board Resolution No. 5254 adopted.
Vote: 10-0-1-0. Absent: Yeager
- (b) Adoption of a resolution by the Agency Board approving the addition of \$140,000 to the Agency's FY 2001-2002 Capital Budget Arena Enhancements project line and amending the FY 2001-2002 appropriations resolution for the payment of funds due under the Arena Improvements Agreement, as amended.
CEQA: Exempt (JULIAN STOCKTON)
Agency Board Resolution No. 5255 adopted.
Vote: 10-0-1-0. Absent: Yeager

REDEVELOPMENT AGENCY BOARD MEETING WAS ADJOURNED AT 3:15 P.M.