



# **CITY COUNCIL AGENDA**

**FEBRUARY 5, 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)**  
  
**1:35 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 Campos, Chavez, Dando, LeZotte.**
- **Invocation (District 2)**  
**Father Jon Pedigo, Pastor of St. Julie’s Parish, delivered the invocation.**
- **Pledge of Allegiance**  
**Mayor Gonzales led in the Pledge of Allegiance.**
- **Orders of the Day**  
**Approved.**

## **1 CEREMONIAL ITEMS**

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- 1.1 Presentation of a commendation to Anthony De Anda, Gardener in the General Services 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 D. Borgsdorf, who introduced the Director of General Services José Obregon, and Landscape Maintenance Manager Randy Turner, and presented the plaque to the honoree in recognition of his exemplary public service and commitment to excellence. Mayor Gonzales congratulated Tony and asked the family and friends of the honoree to stand and be recognized.**

## **2 CONSENT CALENDAR**

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

## 2 CONSENT CALENDAR

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### 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances:

- (a) ORD. NO. 26565 - Amends Chapter 3.36 of Title 3 of the San José Municipal Code to increase the benefits of certain surviving spouses of members of the Police and Fire Department Retirement Plan who retire on or after February 4, 2000, and of certain surviving spouses of members who die on or after February 4, 2000, but prior to retirement.

**Ordinance No. 26565 adopted.**

- (b) ORD. NO. 26566 – Amends Chapter 3.36 of Title 3 of the San José Municipal Code (Police and Fire Department Retirement Plan) by amending Sections 3.36.1920 and 3.36.1930 and adding Section 3.36.1935 to permit family medical insurance coverage for surviving spouses who have been appointed guardians of minor children.

**Ordinance No. 26566 adopted.**

- (c) ORD. NO. 26567 – Rezones certain real property situated on the west side of McCreery Avenue, approximately 190 feet northerly of San Antonio Street. PDC 01-02-016

**Ordinance No. 26567 adopted.**

### 2.3 Approval of appropriations for playground renovations at the Oster Elementary School.

**Recommendation:** Adoption of appropriation ordinance amendments in the Council District 9 Construction and Conveyance Tax Fund in the amount of \$16,900 to provide additional funding for playground renovations at the Oster Elementary School.

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

**Ordinance No. 26572 adopted.**

### 2.4 Approval of an agreement for artwork for the West Valley Branch Library.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement between the City of San José and artist Elizabeth Conner to fabricate and install artwork for the West Valley Branch Library, in an amount not to exceed \$112,800. CEQA: Exempt. Council District 1.

(Conventions, Arts and Entertainment)

**Resolution No. 70825 adopted.**

## 2 CONSENT CALENDAR

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### 2.5 Approval to amend the agreement with Sun Microsystems, Inc.

**Recommendation:** Adoption of a resolution authorizing the Director of General Services to execute a first amendment to the agreement with Sun Microsystems, Inc. for the integration, maintenance and installation of Unix cluster equipment, to allow for the remaining amount of the contract not expended, which is \$112,071.64, to be spent on the final two phases of its agreement and to extend the term of the agreement from December 31, 2001 to June 30, 2002, at no additional cost.

(General Services/Information Technology)

**Resolution No. 70826 adopted.**

### 2.6 Approval of an Employee Suggestion Program award that results in energy saving and an estimated annual savings to the Airport of \$42,980.78.

**Recommendation:** Approval of an Employee Suggestion Program award that results in energy saving and an estimated annual savings to the Airport of \$42,980.78, by the replacement of light fixtures in the Airport Terminal A Parking Structure, to Dennis Barrett, Don Ernst, Donald Kirk, and Larry Snyder in an amount of \$6,447.11

(Employee Suggestion No. 6573J).

(Suggestion Award Commission)

**Approved.**

**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 - Meeting of January 23, 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 5, 2002 Draft Agenda

**The Committee approved the February 5, 2002 City Council Agenda.**

(2) Add New Items to January 29, 2002 Amended Agenda

**There were no additions to the January 29, 2002 City Council Agenda.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee - Meeting of January 23, 2002 – (Cont'd.)

Vice Mayor Shirakawa, Jr., Chair

- (c) City Council Committees
  - (1) Amendments to Council Committee Agendas
    - (a) Finance and Infrastructure Committee  
**None Filed.**
    - (b) Economic Development and Environment Committee  
**None Filed.**
    - (c) Education, Neighborhoods, Youth, and Seniors Committee  
**The Committee recommended an addition to the January 28, 2002 Agenda of the Education, Neighborhoods, Youth and Seniors Committee meeting, entitled: "Update Report From the Airport Ombudsman and Noise Monitoring Center".**
- (d) Meeting Schedules  
**None Presented.**
- (e) The Public Record  
**The Committee noted and filed the Public Record for the period January 9-15, 2002.**
- (f) Boards, Commissions and Committees
  - (1) Project Diversity Screening Committee  
**The Committee recommended appointment of John Andrews, Katie Brown (Incumbent) and Alan Fong (Incumbent) to two-year terms ending December 31, 2003; and directed the City Clerk to place this item on the Rules Committee Agenda of January 30, 2002.**
- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee  
**The Committee referred Council Member Dando's request to the Administration with direction to return to Rules Committee on February 6, 2002 with a report on the workload assessment to draft an ordinance detailing the appropriate placement of utility boxes in the downtown area.**
- (h) Administrative Reviews and Approval  
**None Presented.**
- (i) Oral Communications  
**Peter Campbell informed the Committee that the City Attorney's Office had not yet responded to his request made at January 16, 2002 Rules Committee meeting to have an item placed on an upcoming Council Agenda.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee - Meeting of January 23, 2002 – (Cont'd.)

Vice Mayor Shirakawa, Jr., Chair

(j) Adjournment

The meeting was adjourned at 2:12 p.m.

The Rules Committee Report and actions of January 23, 2002 accepted.

#### Report of the Rules Committee - Meeting of January 30, 2002 – (Partial)

Vice Mayor Shirakawa, Jr., Chair

(f) Boards, Commissions and Committees

(2) Airport Curfew Monitoring Committee

**The Committee recommended appointment of Joseph Pon as the Business Community Representative on the Airport Curfew Monitoring Committee, to serve an indefinite term subject to the pleasure of the City Council.**

(h) Administrative Reviews and Approvals

(1) Approve City Positions on March 2002 State Ballot Propositions

**The Committee (1) directed discussion of Proposition 45 to be continued to the February 6, 2002 Rules Committee Meeting;**

**(2) directed Staff to return to Rules Committee on February 27, 2002 with an analysis of the current two-term limit rule at the local level using the same rationale staff used in recommending support of Proposition 45; and (3) recommended approval of the following City positions for Propositions on the March 2002 State Ballot:**

- **Proposition 40 CA Clean Water, Clear Air, Safe Neighborhood Parks, & Coastal Protection Act of 2002  
Recommended Position: SUPPORT**
- **Proposition 41 Voting Modernization Bond Act of 2002  
Recommended Position: SUPPORT**
- **Proposition 42 Transportation Congestion Improvement Act. Allocation of Existing Motor Vehicle Fuel Sales & Use Tax Revenues for Transportation Purposes Only  
Recommended Position: SUPPORT**
- **Proposition 43 Right to Have Vote Counted  
Recommended Position: SUPPORT**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee - Meeting of January 30, 2002 – (Partial) – (Cont'd.) Vice Mayor Shirakawa, Jr., Chair

- (h) Administrative Reviews and Approvals
  - (1) Approve City Positions on March 2002 State Ballot Propositions – (Cont'd.)
    - **Proposition 44 Chiropractors, Unprofessional Conduct  
Recommended Position: NO POSITION**
    - **Proposition 45 Legislative Term Limits: Local Voter  
Petitions  
Recommended Position: CONTINUED TO 02/06/02**

**The Partial Rules Committee Report and actions of January 30, 2002 accepted.  
Noes: Reed.**

#### 3.3 Report of the Finance and Infrastructure Committee – January 23, 2002 Council Member Dando, Chair

- (a) Consent Items
  - (1) Monthly Investment Report for November 2001
  - (2) November Monthly Report

**The Committee approved the Consent Items.**
- (b) Monthly Financial Report for November 2001
- (c) Findings Report on Bay 101 Conditional Approval of Stock Transfer Agreement for Quarter Ending September 2001  
**The Committee accepted the reports.**
- (d) Wireless Communications Evaluation and Recommendations Report  
**The Committee accepted the report and approved the recommendation to implement a single airport-wide wireless infrastructure.**
- (e) Monthly Financial Statement for November 2001
- (f) Capital Cost Report for November 2001
- (g) Cash Flow Projection
- (h) \$350 Million Tax Allocation Bond Sale  
**Items 3.3(e) through 3.3(h) will be heard by the Redevelopment Agency Board.**
- (i) Oral petitions  
**William J. Garbett spoke on the Airport Wireless Communications issue.**

### **3 STRATEGIC SUPPORT SERVICES**

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**3.3 Report of the Finance and Infrastructure Committee – January 23, 2002 – (Cont'd.)  
Council Member Dando, Chair**

(j) Adjournment

The meeting was adjourned at 3:30 p.m.

The Finance and Infrastructure Committee Report and actions of January 23, 2002 accepted.

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

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

No Report.

### **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.

**5.2 Approval to award a contract for the Cataldi, Capitol, and Melody Parks Play Area  
Renovation Projects.**

**Recommendation:** Report on bids and award of contract for the Cataldi, Capitol, and Melody Parks Play Area Renovation Project to the low bidder, Playgrounds Unlimited, to include the base bid and Add Alternate Nos. 1 through 6, in the amount of \$611,919, and approval of a contingency in the amount of \$62,000. CEQA: Exempt. Council Districts 2, 4, and 5. SNI: Capitol Park-East Valley/680 Community. (Public Works)  
(Deferred from 1/29/02 – Item 5.2)

**Approved.**

**5.3 Approval to award a contract for the Silver Leaf and Murdock Parks Play Area  
Renovation Projects.**

**Recommendation:** Report on bids and award of contract for the Silver Leaf and Murdock Parks Play Area Renovation Project to the low bidder, Playgrounds Unlimited, to include the base bid and Add Alternate Nos. 1 through 4, in the amount of \$550,940, and approval of a contingency in the amount of \$56,000. CEQA: Exempt. Council District 1 and 2. (Public Works)  
(Deferred from 1/29/02 – Item 5.3)

**Approved.**

## 6 TRANSPORTATION SERVICES

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## 7 ENVIRONMENTAL & UTILITY SERVICES

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## 8 AVIATION SERVICES

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## 9 PUBLIC SAFETY SERVICES

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## 10 JOINT COUNCIL/REDEVELOPMENT AGENCY

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- Closed Session Report  
No 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:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9402	E/S of Morrill Ave. 840' S/o Cropley Ave.	4	Ouchida	8 lots	Single Family Detached

- Open Forum
  - (1) Elza Theodule spoke on alleged injustice and cruelty of organizations.

**Following Open Forum, Council recessed at 1:55 p.m. and reconvened at 7:05 p.m., Council Chambers, City Hall.**

# 11 PUBLIC HEARINGS

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## 11.1 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 et al., and 1/22/02 – Item 11.1)

**Continued to 02/19/02.**

## 11.2 Public Hearing on planned development rezoning at North First, Taylor, Miller, and Asbury Streets.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the block bounded by North First, Taylor, Miller, and Asbury Streets, from R-2 Residence and CG Commercial Zoning District to A(PD) Planned Development Zoning District, to allow up to 400 attached residential units and 7,000 square feet of commercial uses on 2.8 gross acres. (Barry Swenson Builder, Owner/Developer). CEQA: Negative Declaration.

PDC 00-09-086 - District 3

(Continued 12/4/01 – Item 11.6 et al., and 1/22/01 – Item 11.3)

**Continued to 02/19/02.**

## 11.3 Public Hearing on planned development rezoning at Almaden Avenue and Oak Street.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southwest corner of Almaden Avenue and Oak Street, from CN Neighborhood Commercial Zoning District to A(PD) Planned Development Zoning District, to allow up to four multi-family attached residential living units on 0.16 gross acre. (ASE Consulting Engineering, Inc., Owner; Luke Bollinger, Developer). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 01-07-080 - District 3

(Continued from 12/18/01 – Item 11.8 and 1/22/02 – Item 11.4)

**Ordinance No. 26573 passed for publication.**

# 11 PUBLIC HEARINGS

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## 11.4 Public Hearing on Conventional Rezoning at the northwest corner of Bassett and San Pedro Streets.

**Recommendation:** PUBLIC HEARING ON CONVENTIONAL REZONING of the property located at the northwest corner of Bassett and San Pedro Streets, from LI Light Industrial Zoning District to CG General Commercial Zoning District, to allow a public eating establishment and banquet facility on 0.18 gross acre. (Trenka, LLC, Owner; Jorge Sanchez, Developer). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). C 01-10-094 - District 3

**Ordinance No. 26574 passed for publication.**

## 11.5 Public Hearing on planned development rezoning at the southeast corner of Bascom Avenue and Camden Avenue.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southeast corner of Bascom Avenue and Camden Avenue, from CP Commercial Pedestrian District to A(PD) Planned Development Zoning District, to allow the addition of a car wash facility to an existing gas station on 0.519 gross acre (Chevron Products Co., Owner/Developer). CEQA: Mitigated Negative Declaration. PDC 01-03-036 - District 9

**Continued to 02/19/02.**

- Open Forum

- Adjournment

**The Council of the City of San José adjourned the meeting at 7:06 p.m. in memory of Miguel Perez, a long-time volunteer and community activist who dealt with both the Latino and AIDS communities; and in memory of Richard Guardino, father of Carl Guardino, Director of the Silicon Valley Manufacturing Group, and a long-time resident of District 1.**