

CITY COUNCIL AGENDA

MARCH 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**
9:00 a.m.- Closed Session, Room 600, City Hall
Absent: Council Members Chavez, Vice Mayor Shirakawa, Jr.
(both excused).

- 1:30 p.m.- Regular Session, Council Chambers, City Hall**
Absent: Council Members Chavez, Vice Mayor Shirakawa, Jr.
(both excused).

- **Invocation (District 3)**
Council Member Campos introduced the Reverend Michael-Ray Mathews of the Grace Baptist Church of San José who read the *Farmworker's Prayer* followed by two Horace Mann Elementary School 5th grade students, Elizabeth Alvarez and Maria Loya, who read a poem in Spanish and English to commemorate Cesar E. Chavez.

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

- **Orders of the Day**
Approved.

1 CEREMONIAL ITEMS

- 1.1 Presentation of the Golden Harvest Award and the Golden Award to the City from the 2nd Harvest Food Bank. (City Manager's Office)
Joining Mayor Gonzales at the podium were representatives from Second Harvest Food Bank Executive Director David Sandretto, Food Drive Coordinator Monika Churchill and City employee Joanna DeSa to receive the Golden Harvest Award.

- 1.2 Presentation of a commendation to Chavez Family Vision, Inc., of San José to acknowledge realization of their vision to proclaim a city holiday in honor of Cesar E. Chavez. (Chavez)
(Rules Committee referral 3/20/02)
Mayor Gonzales and Council Member Campos were joined at the podium with three members of the Chavez family to receive the commendation and proclamation.

2 CEREMONIAL ITEMS

- 1.3 Presentation by The Hispanic Association of City Employees of a 5-minute video highlighting the life of Cesar E. Chavez. (Chavez)
(Rules Committee referral 3/20/02)
Mayor Gonzales introduced the video.
- 1.4 Presentation of a proclamation declaring April 1, 2002, as “Cesar Chavez Day of Service and Learning” in the City of San José. (Mayor)
(Rules Committee referral 3/20/02)
Mayor Gonzales proclaimed April 1, 2002 to be “Cesar Chavez Day of Service and Learning”.
- 1.5 Presentation of a commendation to George Gund III for his commitment to the San José community through the San José Sharks. (Mayor)
(Orders of the Day)
This Item was deferred to April 2, 2002.
- 1.6 **Mayor Gonzales recognized students from St. Stevens School who were in attendance.**

2 CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of City Council Minutes for:

- (a) Regular meeting of September 25, 2001
Approved.

2.2 Final adoption of ordinances.

- (a) ORD. NO. 26589 – Rezones certain real property situated at the southwest corner of Stevens Creek and South Winchester Boulevards (Santana Row).
PDCSH 02-01-005
Ordinance No. 26589 adopted.

2.3 Approval of the City Manager’s travel.

Recommendation: Approval of the City Manager’s travel to Kansas City, Missouri, April 17-18, 2002, to attend a symposium on Management and the American City.
(City Manager’s Office)
Approved.

2 CONSENT CALENDAR

2.4 Approval of various fiscal actions for Redevelopment Agency Capital Projects.

Recommendation: Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the Fallon Statue Public Art Project with a net impact to the fund of \$256,000. Council District 3. (Public Works/City Manager's Office)

Ordinance No. 26590 adopted.

Resolution No. 70889 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 #26, and authorization for the Director of General Services to execute the purchase orders. (General Services)

Approved.

2.6 Approval of actions related to the integration of the City's Geographic Information Systems.

Recommendation:

(1) Adoption of the following appropriation ordinance amendments in the General Fund to:

- (a) Establish an appropriation for the Geographic Information Systems Integration Project in the amount of \$115,275.
- (b) Decrease the Geographic Information Systems Improvements earmarked reserve by the amount of \$115,275.

Ordinance No. 26591 adopted.

(2) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Gartner Group, Inc. for consulting services on the integration of Geographic Information Systems, for a term up to June 30, 2002, at a total cost not to exceed \$115,275.

(Information Technology/Planning, Building and Code Enforcement/City Manager's Office)

Resolution No. 70890 adopted.

2 CONSENT CALENDAR

2.7 Approval of actions related to the Tully Road Sports Field Development.

Recommendation: Adoption of appropriation ordinance and funding sources resolution amendments in the Council District 7 Construction and Conveyance Tax Fund:

(a) Establish an appropriation for the Tully Road Sports Field Development for \$1,500,000.

(b) Increase the Earned Revenue estimate by \$1,500,000.

Council District 7. (Parks, Recreation and Neighborhood Services/City Manager's Office)

Ordinance No. 26592 adopted.

Resolution No. 70891 adopted.

2.8 Approval of actions related to the Packard Foundation Child Care Facilities Expansion.

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

(a) Increase the revenue estimate for Revenue from Local Agencies by \$1,059,584.

(b) Establish a Citywide appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$1,059,584 for Packard Foundation Child Care Facilities Expansion.

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

Ordinance No. 26593 adopted.

Resolution No. 70892 adopted.

2.9 Approval to submit a grant application to the Alcoholic Beverage Commission.

Recommendation: Adoption of a resolution authorizing the City Manager to submit a grant application to the state Alcoholic Beverage Commission (ABC) in the maximum amount of \$100,000, for grant assistance to local law enforcement agencies, to accept the grant if awarded, and to execute all related documents. CEQA: ND. (Police)

Resolution No. 70893 adopted.

2.10 Approval to file an application for funding for the Bailey Avenue Extension.

Recommendation: Adoption of a resolution providing for filing of an application for funding from the State Grade Separation Program for the Bailey Avenue Extension over Union Pacific Railroad, and authorizing the City Manager to execute any necessary application documents. CEQA: Resolution No. 68705. Council District 2.

(Public Works)

Resolution No. 70894 adopted.

2 CONSENT CALENDAR

2.11 Approval of an agreement for the Fourth Major Interceptor, Phase V/VA.

Recommendation: Approval of a second amendment to the agreement for consultant services for the Fourth Major Interceptor, Phase V/VA with Brown and Caldwell, Inc., extending the term of the agreement from June 30, 2002 to June 30, 2003, and increasing the amount of compensation for basic services by \$139,383, and additional services by \$100,000, for a total agreement amount not to exceed \$2,204,909. CEQA: Resolution No. 60197. (Public Works)

Approved.

2.12 Approval to submit an application for a FEMA 2002 Firefighters grant.

Recommendation: Adoption of a resolution authorizing the City Manager to submit a grant application, in the amount of \$855,000, to the FEMA 2002 Firefighters Grant Program. (Fire/City Manager's Office)
(Rules Committee referral 3/20/02)

Resolution No. 70895 adopted.

Council directed staff to return to Council with the status report on the FEMA grant and the cost of a second set of fire retardant overcoats (turnouts).

2.13 Approval of an agreement for the Almaden Winery Center Conversion Project.

Recommendation: Approval of an agreement with Garcia Teague Architecture and Interiors for architectural consultant services for the Almaden Winery Center Conversion Project for the period from the date of full execution of the agreement to June 30, 2004, in the amount of \$200,000. Council District 10. (Public Works)
(Rules Committee referral 3/20/02)

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- March 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.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee- March 13, 2002 (Cont'd)

(b) City Council

(1) Review March 26, 2002 Draft Agenda

The Committee referred the memorandum from Mayor Gonzales and Council Members Chavez and Cortese to staff with direction to return to the Rules Committee on March 27, 2002 with a workload assessment to develop an analysis of Civic Center alternative scenarios, with specific direction that any sites or buildings to be evaluated must first meet the following criteria:

- **The Property or buildings must have a willing seller.**
- **They must be large enough to accommodate the entire program that has been approved by the City Council for the 4th and Santa Clara site.**
- **The ability of other alternatives to meet Council-approved goals that include improved public service, operational efficiencies, and redevelopment strategies.**

And those criteria added by Council Member Chavez:

- **Assessment of infrastructure costs.**
- **Ability to spur private development opportunities.**
- **Consider the entirety of the project, i.e., public spaces, rotunda as an exhibition space, areas for Council meetings, Community meetings and activities, celebrations, etc.**

The Committee approved the March 26, 2002 City Council agenda.

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

The Committee added two items to the March 19, 2002 City Council Agenda.

(c) City Council Committees

(1) Amendments to Council Committee Agendas

(a) Finance and Infrastructure Committee

The Committee recommended an addition to the March 27, 2002 Finance and Infrastructure Committee agenda entitled, “*Audit of the San Jose Arena Management Corporations’ compliance with the San Jose Arena Management Agreement (Auditor).*”

(b) Economic Development and Environment Committee
None Filed.

(c) Education, Neighborhoods, Youth, and Seniors Committee
None Filed.

(d) Meeting Schedules

There were none.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee- March 13, 2002 (Cont'd)

- (e) The Public Record
The Committee noted and filed the Public Record for the Period of February 20 – March 5, 2002.
- (f) Boards, Commissions and Committees
There were none.
- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
Refer to discussion under Item 3.2 (b)(1).
- (h) Administrative Reviews and Approval
There were none.
- (i) Oral communications
Pete Campbell expressed concern regarding language changes on documents related to the renaming of the airport.
- (j) Adjournment
The meeting was adjourned at 2:45 P.M.

The Rules Committee report and actions of March 13, 2002 were accepted.

3.3 Report of the Finance and Infrastructure Committee – March 13, 2002 Council Member Dando, Chair No Report. Meeting Canceled

3.4 Adoption of a resolution declaring the results of the General Municipal Election.

Recommendation:

- (a) Adoption of a resolution declaring the results of the General Municipal Election held on March 5, 2002, and calling for a General Municipal Election to be held on November 5, 2002. (City Clerk)
This Item was deferred to April 2, 2002.
- (b) (1) Approval of various actions related to the Buena Vista annexation. (Planning, Building, and Code Enforcement)
Dropped - 3.4 (b)(1)
- (2) Adoption of a resolution further extending from April 1, 2002 to June 1, 2002, the period of time within which the filing of a certificate of completion of certain annexation proceedings, commonly known as Buena Vista No. 1, can occur. (City Attorney's Office)
Resolution No. 70896 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

- 4.1 Report of the Economic Development & Environment Committee
Council Member Williams, Chair
No Report.**

- 4.2 Public Hearing and approval of an ordinance to clarify construction hours limitations.**

Recommendation:

- (a) PUBLIC HEARING and approval of an ordinance amending Section 20.100.450 of Chapter 20.100 of Title 20 of the San José Municipal Code to clarify the requirement to comply with construction hours limitations set forth in the Zoning Code or contained in a planning permit or approval, as applicable.

Ordinance No. 26594 passed for publication.

Council directed staff to specify construction hour limitations in job specifications issued by Public Works.

- (b) Adoption of a resolution amending the Administrative Citation Schedule of Fines to set forth an administrative fine of \$2,500.00 for a violation of the construction hours limitations set forth in Section 20.100.450.

CEQA: Exempt. (City Attorney's Office)

Resolution No. 70897 adopted.

- 4.3 Public Hearing and approval of an ordinance to modify the maximum height allowance, size, and quantity for attached signs.**

Recommendation: PUBLIC HEARING and approval of an ordinance modifying Section 23.04.020 of Chapter 23.04 of Title 23 of the San José Municipal Code to increase the maximum allowed height of an attached sign in Commercial and Industrial Zoning Districts and Neighborhood Business districts, to no higher than the finished floor elevation of the fourth floor of a building, establish a size allowance for third-story signs, and prohibit signage for third-story occupancies in the Commercial Office (CO) Zoning District. CEQA: Exempt. (Planning, Building and Code Enforcement)

This Item continued to April 2, 2002.

- 4.4 Public Hearing and approval of an ordinance to establish an urban mixed-use development area sign zone.**

Recommendation: PUBLIC HEARING and approval of an ordinance amending Title 23 of the San José Municipal Code to establish an urban mixed-use development area sign zone and to provide regulations governing amount, type, and placement of signs within that zone. CEQA: Resolution No. 65459.

(Planning, Building and Code Enforcement)

This Item continued to April 2, 2002.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.5 Public Hearing and approval of an ordinance to modify and streamline the tree removal permit process.

Recommendation: PUBLIC HEARING and approval of an ordinance amending Title 13 of the San José Municipal Code to modify and streamline the current permit process to remove a dead or live ordinance size tree, and to clarify some of the language related to multi-trunk trees, injury to tree, topping, excessive pruning, and Certified Arborist and direction to staff and the City Attorney to prepare an ordinance amending Title 20 to include the appropriate cross references to Title 13, and setting forth the language to include such approvals within a Development Permit pursuant to Title 20. CEQA: Exempt. (Planning, Building and Code Enforcement)

Ordinance No. 26595 passed for publication.

Council direct staff to include in the application for tree removal a provision requiring verification that no nests or nesting birds exist in the tree.

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 the assignment of an amended and restated arena management agreement.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a Consent to Assign the Amended and Restated Arena Management Agreement from San José Arena Management LP to San José Arena Management LLC, and the Hockey Use Agreement from San José Sharks LP to San José Sharks LLC.
(City Attorney's Office)
(Rules Committee referral 3/20/02)

This Item deferred to April 2, 2002.

6 TRANSPORTATION SERVICES

7 ENVIRONMENTAL & UTILITY SERVICES

8 AVIATION SERVICES

8.1 Authorization to submit updated Noise Exposure Maps to the FAA.

Recommendation: Adoption of a resolution authorizing the City Manager to submit the updated Noise Exposure Map to the FAA for its approval pursuant to Federal Aviation Regulations Part 150 to enable the City to remain eligible for future federal funding for noise mitigation in connection with the ongoing ACT Program. CEQA: Exempt.
(Airport)

This Item deferred to April 16, 2002 to be heard in the evening.

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

REDEVELOPMENT AGENCY BOARD CONVENED AT 2:45 P.M. TO CONSIDER ITEM 10.1 IN A JOINT SESSION

10.1 Public Hearing on the Mayor's Budget Message.

Recommendation: PUBLIC HEARING and adoption of the Mayor's Budget Message for FY 2002-03. (Mayor)
(Deferred from 3/19/02 – Item 10.1)

Approved with direction to staff to identify funding to maintain the condition of City streets in accordance with City standards.

REDEVELOPMENT AGENCY BOARD ADJOURNED AT 3:25 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:
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
- Adjournment
The Council of the City of San Jose adjourned at 3:30 P.M.