



CITY COUNCIL AGENDA

MARCH 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.

- Call to Order and Roll Call
 - 9:05 a.m. - Closed Session, Room 600, City Hall
Absent: Council Member – None.
 - 1:32 p.m. - Regular Session, Council Chambers, City Hall
Absent: Council Member – None.
 - 7:00 p.m. - Public Hearings
Canceled
- Invocation (District 3)
 - Richard Keady, Professor of Comparative Religious Studies at San José State University delivered the invocation.
- Pledge of Allegiance
 - Mayor Gonzales led in the Pledge of Allegiance.
- Orders of the Day
 - Approved.

1 CEREMONIAL ITEMS

2 CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of City Council minutes for:

- (a) Regular meeting of September 4, 2001.

Approved.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 26577 – Rezones certain real property situated on the south side of Payne Avenue approximately 250 feet westerly of San Tomas Aquino Road (4270 Payne Avenue).
PDC 01-09-087

Ordinance No. 26577 adopted.

2 CONSENT CALENDAR

2.2 Final adoption of ordinances. (Cont'd)

Recommendation: Final adoption of ordinances:

- (b) ORD. NO. 26578 – Rezones certain real property situated at the northeasterly terminus of Evans Lane between Almaden Expressway and Route 87.
PDCSH 01-10-096

Ordinance No. 26578 adopted.

- (c) ORD. NO. 26579 – Rezones certain real property situated on the north side of State Route 237, between Zanker Road and Coyote Creek and setting forth the facts constituting the urgency.
PDCSH 01-09-088

Ordinance No. 26579 adopted.

2.3 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 #24, and authorization for the Director of General Services to execute the purchase orders. (General Services)

Approved.

2.4 Authorization for Mayor Gonzales to travel.

Recommendation: Approval of Mayor Gonzales' travel to Washington D.C., March 9-11, 2002, for the 2002 American Public Transportation Association Legislative Conference. Funding: Valley Transportation Authority. (Mayor)
(Rules Committee referral 2/27/02)

Approved.

2.5 Approval of nominations to the Workforce Investment Board of Directors.

Recommendation: Approval of nominations to the Workforce Investment Board of Directors. (Mayor)
(Rules Committee referral 2/27/02)

Council approved the following:

Board of Directors:

Paul L. Krutko, Jr., Director, San Jose Office of Economic Development

Cyril Isnard, General Manager, San Jose Fairmont Hotel

Richard J. Nadzam, President, Nadzam Horgan Associates/Signium International

Peter Herschberger, Director of Employment Advertising, San Jose Mercury News

Youth Council:

Javier Vanga, Operations Manager, Center for Training & Careers

2 CONSENT CALENDAR

2.6 Approval of various actions related to the Municipal Rose Garden West Irrigation Renovation Project

Recommendation:

- (a) Approval of a contingency budget increase in the amount of \$63,000 for a total contingency budget of \$83,000, and approval of Contract Change Order No. 1 in the amount of \$63,000, for a total contract amount of \$261,656, for the Municipal Rose Garden West Irrigation Renovation Project with Boulder Rock Landscape Construction, Inc. CEQA: Exempt.

Approved.

- (b) Adoption of an ordinance making the following amendments to the appropriations ordinance:

- (1) In the Council District 6 Construction and Conveyance Tax Fund, increase the Rose Garden Irrigation - West Project appropriation by \$49,000, and decrease the ending fund balance by \$49,000.
- (2) In the Citywide Construction and Conveyance Tax Fund, increase the Rose Garden Irrigation - West Project appropriation by \$14,000, and decrease the ending fund balance by \$14,000.

Council District 6. (Public Works/City Manager's Office)
(Rules Committee referral 2/27/02)

Ordinance No. 26581 adopted.

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 20, 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 of March 5, 2002 Council Agenda
The Committee approved the March 5, 2002 City Council Agenda.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – February 20, 2002 (Cont'd) Vice Mayor Shirakawa, Jr., Chair

- (b) City Council
 - (2) Add New Items to February 26, 2002 Amended Council Agenda
The Committee added one item to the February 26, 2002 City Council Agenda.

- (c) City Council Committees
 - (1) Amendments to Council Committee Agendas
 - (a) Finance and Infrastructure Committee
 - (b) Economic Development and Environmental Committee
 - (c) Education, Neighborhoods, Youth and Seniors Committee
None Filed.

- (d) Meeting Schedules
 - (1) Approve request to schedule General Plan hearings
The Committee recommended approval to schedule General Plan Hearings on the following dates at 7:00 p.m. in Council Chambers: May 7, 2002, June 4, 2002; September 3, 2002; December 3, 2002; and December 17, 2002 (Note: This meeting is being set in the event that the 2002 Annual Review is not completed on December 3, 2002.)

 - (2) Approve 2002-03 Budget Study Session Schedule
The Committee recommended approval to schedule the following study sessions to review the 2002-03 budget:

<u>Date</u>	<u>Time</u>	<u>Study Session</u>
May 13, 2002	1:30-4:00	Capital Budget
May 15, 2002	8:30-Noon	CSA/Appointee Review
	1:30-4:00	CSA/Appointee Review
May 17, 2002	8:30-Noon	CSA/Appointee Review
May 20, 2002	8:30-Noon	CSA/Appointee Review
May 22, 2002	8:30 Noon	CSA/Appointee Review
May 23, 2002	8:30-noon	CSA/Appointee Review
	1:30-4:00	Redevelopment Agency
May 24, 2002	8:30-Noon	CSA/Appointee Review

- (e) The Public Record
The Committee noted and filed the Public Record.

- (f) Boards, Commissions and Committees
There were none.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – February 20, 2002 (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

(1) Requests to use Council General funds from Council Member Pat Dando

(a) To attend League of California Cities Board of Directors Meeting in Long Beach, CA, January 31-February 2, 2002

(b) To attend National League of Cities Homeland Security Task Force Meeting in Dallas, TX, February 8-10, 2002

(c) To attend National League of Cities Congressional City Conference, Homeland Security Task Force Meeting, and American Public Transportation Association Legislative Conference in Washington, D.C., March 7-13, 2002.

(d) To attend League of California Cities Transportation, Communications & Public Works Policy Committee Meeting in Ontario, CA, March 20-25, 2002

The Committee recommended approval of Council Member Dando's request to use Council General funds to attend the four meetings/conferences as listed in Item H1a-d.

(i) Oral communications
There were none.

(j) Adjournment
The meeting adjourned at 2:10 P.M.

The Rules Committee Report and actions of February 20, 2002 were accepted.

3.3 Report of the Finance and Infrastructure Committee Council Member Dando, Chair No Report.

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 various actions related to the Tully Gardens SRO, Phase II.

Recommendation: Adoption of a resolution:

- (a) Approving business terms for a construction loan of up to \$900,000 to CORE Development, Inc., or its designated partnership.
- (b) Approving an amendment of the Conditional Grant of \$3,781,000 executed on October 31, 2000 to allow the grant to be made to Tully Gardens Phase II L.P., CORE Development Inc., the Emergency Housing Consortium, or each of their designated partnerships, in such allocations as allowed by federal tax regulations and as approved by the Director of Housing, for the development of the Tully Gardens SRO, Phase II, a 153-unit Single Room Occupancy affordable to extremely low-income households on a 1.46-acre site located at 2030 and 2150 Monterey Road north of Tully Road.

Council District 7. (Housing)

Resolution No. 70849 adopted.

4.3 Approval of actions to establish Proposed Maintenance Districts 21 and 22.

Recommendation: Approval of the following actions to establish Proposed Maintenance District 21 (Gateway Place-Airport Parkway), formerly known as Maintenance District 4 and Proposed Maintenance District 22 (Hellyer Avenue-Silver Creek Valley Road), formerly known as Maintenance District 14:

- (a) Adoption of resolutions preliminarily approving the Engineer's Reports.
Resolution No. 70850 adopted.
Resolution No. 70851 adopted.
- (b) Setting public meetings to be held on April 23, 2002 at 1:30 p.m.
- (c) Setting public hearings and tabulation of property owner ballots for April 30, 2002 at 1:30 p.m.
- (d) Directing that the notices of said meetings and hearings and ballots are mailed to the property owners in the proposed districts.

Council Districts 2 and 3. (Public Works)

Public hearings set for April 23, 2002 and April 30, 2002 with staff directed to notice meetings and hearings and mail ballots.

4.4 Approval of agreements for Improvement District No. 99-218SJ, Contract #1 Project.

Recommendation: Approval of three agreements between the City of San José and Pacific Gas and Electric Company for Improvement District No. 99-218SJ, Contract #1 Project in the total amount of \$703,083.67:

- (a) Electric Rule 20C, Piercy Road Agreement in the amount of \$669,578.84.
- (b) Electric Rule 15, Hellyer Avenue Agreement in the amount of \$28,929.73.
- (c) Gas Extension Rule 15 Hellyer Avenue Agreement in the amount of \$4,574.10.

CEQA: Resolution No. 69699. Council District 2. (Public Works)

Approved.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.5 Deferral of the effective date of the Historic Landmark designation of the Farmers Union and Masson Buildings.

Recommendation: Adoption of a resolution amending Resolution Nos. 70736 and 70737, to defer the effective date of the Historic Landmark designation of Farmers Union and Masson Buildings located at 151 and 161 West Santa Clara Street respectively, to July 1, 2002. (City Attorney's Office)
(Rules Committee referral 2/27/02)

Resolution No. 70852 adopted.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – February 21, 2002

Council Member Chavez, Chair

- (a) Presentation on use of Hathaway Park for FUN Softball League
The Committee accepted the staff report with the following directive to staff:
 - (1) **The Programming Study is returned to the March ENYS Committee meeting for strategy discussions.**
 - (2) **On sites where there are agreements, a report showing what the City and the school received as part of the agreement.**
 - (3) **A school-by-school site inspection of field capacity is conducted.**

- (b) Youth Commission Monthly Report – Including proposal for a free concert for youth
The Committee accepted the staff report.

- (c) Skate Park Update
The Committee accepted the staff report with the following directives to staff:
 - (1) **The Report presented is sent to the entire council, with additional information including cost, fenced vs. not fenced, fees vs. no fees, and supervised vs. unsupervised. Council Member Chavez to report out at March 5 City Council meeting.**
 - (2) **Monthly update to the Committee include a matrix showing what skate park areas, by District, are being considered, status and problems/issues, if any.**

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – February 21, 2002 (Cont'd)

Council Member Chavez, Chair

(d) Aquatics Report

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

- (1) **Approval of changes in the Aquatics Fee Resolution is referred to full Council for consideration.**
- (2) **Aquatics program representative will report back to Council Members Dando and Chavez regarding Peter Burnett, Leland and Bret Hart schools' pools availability for summer 2002.**
- (3) **Council Members will be notified early on of any service changes with pools in their District.**
- (4) **Signage is installed at pool sites showing swim lesson and pool hours, along with a telephone number if there are questions.**

See Item 5.2 for Council action taken.

(e) Update report on Guadalupe River and Los Gatos Creek Trails

The Committee accepted the staff report with the following directive:

Council Member Yeager's memo is approved with the following changes:

- (1) **#3-addition of SNI and Arena Study**
- (2) **#4-is a design issue, as the agreement has been reached with the Fire Department to include trail access.**
- (3) **#6-the formation of a TAC for the Los Gatos Creek Trail.**
- (4) **#7-Establish bi-monthly progress reports to the ENYS Committee on City-wide trails beginning in April.**

Deferred to March 12, 2002

(f) Homework Centers Status Report

The Committee accepted the staff report, with the following directives to staff:

- (1) **The uncommitted fund report is sent out early to the Council Members so monies can be redistributed to "high need" areas.**
- (2) **A regional list of "high need" areas is created.**

(g) Update Report from the Airport Ombudsman and Noise Monitoring Center

The Committee accepted the staff report, with the following directives to staff:

- (1) **Report on method to have run ups per month reduced to zero.**
- (2) **The Airport Ombudsman Update report to the Committee list the actual items with updates of the listed item.**

(h) Oral Petitions

None.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – February 21, 2002 (Cont'd) Council Member Chavez, Chair

- (i) Adjournment
The meeting adjourned at 4:25 P.M.

The Education, Neighborhoods, Youth, and Seniors Committee report and actions of February 21, 2002, were accepted with Item 5.1(d) acted upon at 5.2, and Item 5.1(e) deferred to March 12, 2002 Council meeting.

5.2 Approval of various actions related to the Summer Aquatics Report.

Recommendation:

- (a) Approval of the 2001 Summer Aquatics Report.
- (b) Approval of changes in the Aquatics Fee Resolution.
 - (1) Approval of allowance in current fee schedule to include rental and special activity fees at the South Central swimming pool to be opened in fall 2002.

(Parks, Recreations and Neighborhood Services)

[Education, Neighborhoods, Youth and Seniors Committee referral 2/21/02 – Item 5.1(d)]

Deferred to March 12, 2002.

5.3 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 from 2/26/02 – Item 5.2)

Deferred to March 12, 2002.

6 TRANSPORTATION SERVICES

6.1 Approval to reestablish speed limits on a portion of Iris Court.

Recommendation: Adoption of a resolution amending Resolution No. 69136 to decrease the speed limit on Iris Court from Minnesota Avenue to Nevada Avenue to 20 mph. CEQA: Exempt. Council District 6. (Transportation)

Resolution No. 70853 adopted.

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 from 2/26/02 – Item 7.1)

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:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9407	Bounded by 7 th St., 9 th St., and Jackson	3	Pulte Homes	164 units	Multi-Family

- **Open Forum**

Yolanda Reynolds and Elza Theodule addressed Council.

- **Adjournment**

The Council of the City of San Jose adjourned at 1:55 P.M. in memory of Mr. Jack Blackwell. Mr. Blackwell taught his children to be fair to others and to build affordable homes with character. He was a caring and generous man who believed in giving back to the community. Mr. Blackwell supported many charities in San Jose, Berkeley and Pepperdine.

**CITY OF SAN JOSÉ FINANCING AUTHORITY
AGENDA**

1:1:56 P.M.

TUESDAY, MARCH 5, 2002

CHAMBERS

1. **Call to Order**
1:56 P.M.-Absent: Council Member – None.

2. **Adoption of a reimbursement resolution relating to tax-exempt debt to finance the acquisition and construction of public garages.**

Recommendation: Adoption of a resolution of the City of San José Financing Authority stating its intent to issue tax-exempt debt to finance the acquisition and construction of the public garages proposed to be built at:

- (a) The site bounded by Almaden Avenue, San Pedro, and Post Streets; and
- (b) The block bounded by North Almaden Boulevard, Notre Dame Avenue, Saint John, and Carlyle Streets and to reimburse expenditures incurred prior to the issuance of the bonds.

(Finance)

Resolution No. SJFA-52 adopted.

3. **Adjournment**
The San José Financing Authority Adjourned at 2:00 P.M.