



CITY COUNCIL AGENDA

APRIL 23, 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 Members-None.

1:30 p.m. Regular Session, Council Chambers, City Hall
Absent: Council Member Diquisto (excused).
- **Invocation (District 4)**
Bishop Brad Garrett, Church of Jesus Christ of Latter-day Saints, Alum
Rock Ward, delivered the invocation.
- **Pledge of Allegiance**
Mayor Gonzales led in the Pledge of Allegiance.
- **Orders of the Day**
Approved.

1 CEREMONIAL ITEMS

- 1.1 **Council Member Chavez presented jean hats and purple ribbons in support of “International Wear Your Jeans to Work Day” and asked city employees to show support for Sexual Assault Awareness Month.**
- 1.2 **Council Member Dando introduced Jim and Carolyn Cogan from New Hampshire, the parents of Jim Cogan, a member of her staff.**
- 1.3 **Mayor Gonzales introduced two Council Members from Akron, Ohio in attendance to observe the Independent Police Auditors findings.**

2 CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of City Council Minutes for:

- (a) Regular meeting of October 16, 2001

Approved.

2.2 Final adoption of ordinances.

None.

2 CONSENT CALENDAR

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

Approved.

2.4 Approval to award a contract to replace a pump at the Water Pollution Control Plant.

Recommendation: Report on bids and award of contract for the construction project for the San José/Santa Clara Water Pollution Control Plant (WPCP), FY 1997/1998 Capital Improvement Program, Nitrification Waste Activated Sludge (WAS) Pump Replacement to the low bidder, F&M Engineering Contractors, Inc., in the amount of \$167,300, and approval of a budget contingency in the amount of \$34,000. CEQA: Exempt, PP 01-03-053.

(Environmental Services)

Approved.

2.5 Approval of an agreement for the POST training program.

Recommendation: Approval of an agreement with the Commission on Peace Officer Standards and Training (POST) related to components of the previously approved POST-reimbursed training program for peace officers in Santa Clara County, for a term July 1, 2001 to June 30, 2002, and total agreement amount of \$156,000. (Police)

Approved.

2.6 Approval to award a contract for street lighting at schools.

Recommendation: Report on bids and award of contract for the Street Lighting At Schools 2002 Project to the low bidder, Pacific Electric Company, in the amount of \$168,494, and approval of a contingency in the amount of \$16,850. CEQA: Exempt, PP01-02-023. Council District 5. (Public Works)

Approved.

2.7 Approval of a City event date for a fundraising concert for the Vietnamese Cultural Heritage Garden and Museum in Kelley Park.

Recommendation: Approval of a proposed City event date at the Compaq Center at San José, for the Vietnamese Cultural Heritage Foundation on September 7, 2002, for a fundraising concert for the Vietnamese Cultural Heritage Garden and Museum in Kelley Park, as provided in the Amended and Restated Management Agreement. (San José Arena Authority)

Approved.

2 CONSENT CALENDAR

2.8 Approval of an ordinance exempting transfers of real property between domestic partners from the City's Real Property Conveyance Tax.

Recommendation: Approval of an ordinance amending Chapter 4.58 of Title 4 of the San José Municipal Code by adding a new Section 4.58.085 to exempt transfers of real property between domestic partners from the City's Real Property Conveyance Tax.

(City Attorney's Office)

(Rules Committee referral 4/17/02)

Ordinance No. 26611 passed for publication.

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 – April 10, 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 April 23, 2002 Draft Agenda

The Committee approved the April 23, 2002 City Council agenda with one addition.

(2) Add New Items to April 16, 2002 Amended Agenda

The Committee recommended the six additions to the April 16, 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.

(d) Meeting Schedules

There were none.

This Item continued on the next page.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – April 10, 2002 (Cont'd)

Vice Mayor Shirakawa, Jr., Chair

(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

(1) Request to agendaize for Council action: Adoption of a resolution supporting HR 3959, Military Standards for Airport Security Screeners Act

The Committee directed staff to return to the Rules Committee on April 24, 2002 with further analysis of HR 3959, *Military Standards of Airport Screeners Act* (Lofgren and 28 co-sponsors).

(h) Administrative Reviews and Approval

There were none.

(i) Oral communications

None were presented.

(j) Adjournment

The meeting adjourned at 2:30 P.M.

The Rules Committee report and actions of April 10, 2002 were accepted.

3.3 Report of the Finance and Infrastructure Committee – April 10, 2002

Council Member Dando, Chair

(a) Consent Items

(1) Monthly Investment Report for February 2002

(2) Minutes from the First Quarter 2002 Investment Committee Meeting

The Committee approved the Consent Items.

(b) Monthly Financial Report for February 2002

The Committee approved the staff report.

(c) Review of Council Appointee Budgets

(1) City Attorney's Office

(a) Annual Report

(2) City Auditor

(3) City Clerk

This Item continued on the next page.

3 STRATEGIC SUPPORT SERVICES

3.3 Report of the Finance and Infrastructure Committee – April 10, 2002 (Cont'd) Council Member Dando, Chair

(c) Review of Council Appointee Budgets

(4) City Manager

(5) Independent Police Auditor

The Committee accepted the Mayor's Recommendations for Council Appointee Budgets with the revisions made to the City Attorney's Budget Proposals/Reductions.

(d) Oral petitions

None.

(e) Adjournment

The meeting was adjourned at 3:25 P.M.

The Finance and Infrastructure Committee report actions were accepted.

3.4 Approval of fiscal actions related to the Services for Redevelopment Capital Projects Fund.

Recommendation:

(a) Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-Side Redevelopment Fund) in the amount of \$1,721,000, for the Story Road and Lido Way Sidewalk Replacement Project, King and Story Road Improvements Project, Japantown Gateway Project, County-wide Orthophoto Project, and the Alameda Sidewalk Replacement Project.

Ordinance No. 26612 adopted.

Resolution No. 70928 adopted.

(b) Adoption of a resolution making certain determinations regarding the related expenditure of the Redevelopment Agency funds on certain public improvements projects, Japan town Gateway Project and Alameda Sidewalk Replacement Project.

Council Districts 3, 5, 6, and 7. (City Manager's Office)

Resolution No. 70929 adopted.

3 STRATEGIC SUPPORT SERVICES

3.5 Approval of an agreement to obtain Utility Users Tax and Franchise Fee compliance and consulting services.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Tax Compliance Services to provide Utility Users Tax and Franchise Fee compliance and consulting services from April 23, 2002 through April 22, 2003, at a cost not to exceed \$146,000, with three (3) one-year options to extend the agreement at a cost not to exceed \$146,000 for each additional option year, for a total compensation not to exceed \$584,000. (Finance)

Resolution No. 70930 adopted.

3.6 Approval of Council Member Ken Yeager's travel.

Recommendation: Approval of Council Member Ken Yeager's travel to Denver, CO, April 27-29, 2002, to meet with Denver City officials regarding the Pepsi Center and to tour the Pepsi Center. Funding: Redevelopment Agency Funds. (Yeager)

Approved.

3.7 Council's Mid-Year Policy Prioritization Session.

Recommendation: Acceptance of staff's report regarding the Mid-Year Policy Prioritization Session. (City Manager's Office)

This Item was dropped.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

**4.1 Report of the Economic Development & Environment Committee – April 8, 2002
Council Member Williams, Chair**

- (a) Monthly Status Report on Housing Production Team Action Items
The Committee unanimously accepted the staff report.
- (b) Monthly Report on Affordable Housing Production
The Committee unanimously accepted the staff report.
- (c) Overview of Workforce Investment Board Responsibilities, Programs, and Services
The Committee unanimously accepted the staff report.
- (d) Urban Runoff Management Plan Implementation
The Committee unanimously accepted the staff report.
- (e) Oral petitions
None.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Economic Development & Environment Committee – April 8, 2002 (Cont'd)

- (f) Adjournment
The meeting was adjourned at 4:05 P.M.

The Economic Development & Environment Committee actions were accepted.

4.2 Public meetings on the formation of Maintenance Districts 21 and 22.

Recommendation: Conduct a public meeting to receive public comment on the formation of:

- (a) Maintenance District 21 (Gateway Place - Airport Parkway).
(b) Maintenance District 22 (Hellyer Avenue - Silver Creek Valley Road).
Council Districts 2 and 3. (Public Works)

Approved.

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 Guadalupe Gardens Master Plan.

Recommendation:

- (a) Approval of the Guadalupe Gardens Master Plan, as presented in the published draft report dated November 2001, subject to the minor revisions recommended in this staff report, and authorize the Director of Aviation to submit the plan for formal approval by the Federal Aviation Administration.
- (b) Approval of a third amendment to the consultant agreement with Cuschieri Horton Architects, Inc. to provide technical and graphics support services for completion of the final Guadalupe Gardens Master Plan report, with an increase in the maximum compensation from \$85,000 to \$110,000, and an extension of the termination date from June 30, 2002 to December 31, 2002.

CEQA: Negative Declaration, PP 02-02-033

(Airport/Parks, Recreation and Neighborhood Services)

Resolution No. 70930.1 adopted.

Approved with recommendations contained in the April 23, 2002 memorandum from Council Members Chavez and Yeager, to incorporate park and landscape development into traffic improvement projects proposed in the area, to explore opportunities to incorporate artistic landscaping into the GRPG as part of the Airport's art program and to continue to work with the FAA on expanding the acceptable uses within the approach zone to broaden future opportunities for Phase II. In addition the recommendations contained in Council Member Cortese's April 23, 2002 memo to investigate other grant opportunities were approved.

5 RECREATION & CULTURAL SERVICES

5.3 Approval of various actions related to the SNI and Community Action Pride Grant Programs.

Recommendation:

- (a) Approval to transfer an additional \$100,000 from the City’s “Special Emphasis” grant targeting Strong Neighborhoods Initiative (SNI) areas to the Community Foundation Silicon Valley agreement;
Approved.
- (b) Approval of an additional transfer of \$200,000 from currently budgeted funds in the Community Action Pride Grant Program (CAP) to the Community Foundation Silicon Valley agreement; and,
Approved.
- (c) Adoption of a resolution authorizing the City Manager to negotiate and execute an amendment to the Community Foundation Silicon Valley agreement to allow Community Foundation Silicon Valley to distribute the \$300,000 in grant funds.
(Parks, Recreation and Neighborhood Services)
Resolution No. 70931 adopted.

5.4 Approval to submit a grant application for the Emma Prusch Memorial Park Improvements Project.

Recommendation:

- (a) Adoption of a resolution approving the submittal of a grant application in the amount of \$1,071,000 to fund the construction of elements of the 1994 Emma Prusch Memorial Park Master Plan, from the Murray-Hayden Urban Parks and Youth Service Program under the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond act of 2000.
Resolution No. 70932 adopted.
- (b) Authorizing the City Manager to negotiate and execute all documents relating to the grant application and funding agreement.
CEQA: Exempt, PP 02-04-072. Council District 5.
(Parks, Recreation and Neighborhood Services)
Approved.

Council approved submittal of the grant application for the Emma Prusch Memorial Park Improvements Project with direction to staff to clarify, (1) whether the community garden is part of the master plan development for the park (2) identify agricultural lease holds, if any; (3) determine if the site is a community garden project, the size of the plots, what is permitted and what exists at the site.

5 RECREATION & CULTURAL SERVICES

5.5 Approval of various actions related to the 2nd Quarter CDBG Monitoring Report.

Recommendation:

- (a) Acceptance of the second quarter report summarizing the status of CDBG projects and recommending corrective actions.
- (b) Approval of an extension of the funding term for six months, from December 31, 2001 to June 30, 2002, for the following project:
 - (1) F67 New Billy DeFrank Lesbian and Gay Community Center - Billy DeFrank Lesbian and Gay Community Center.
- (c) Approval of an extension of the funding term for six months, from June 30, 2002 to December 31, 2002, for the following projects:
 - (1) F73 Sobrato Family Living Center – Emergency Housing Consortium
 - (2) F75 John XXIII HVAC – Catholic Charities of Santa Clara County
- (d) Approval of an extension of the funding term for one year, from June 30, 2001 to June 30, 2002 for the following project:
 - (1) F69 Portuguese Community Center – the Portuguese Organization for Social Services & Opportunities.
- (e) Approval of an extension of the funding term for one year, from June 30, 2002 to June 30, 2003 for the following project:
 - (1) G13 Northside Community Center Expansion Project – Filipino-American Senior Opportunity Development Council, Inc.
- (f) Approval to hold funds in reserve for the G33 Goss Community Facility – Department of Parks, Recreation and Neighborhoods Services, pending the determination of the feasibility of moving the project to Capitol Park and the identification of additional funds to complete the project at this new site.
(Parks, Recreation and Neighborhood Services)

Approved.

6 TRANSPORTATION SERVICES

6.1 Approval to award a contract for traffic signal improvements at various locations.

Recommendation: Report on bids and award of contract for the Traffic Signal Unit 01B Project to the low bidder, Steve Lacki Electrical Construction, in the amount of \$894,947.55, and approval of a contingency in the amount of \$90,000 for traffic signal improvements at Alvin Avenue and Fontaine Road, Blossom Avenue and Santa Teresa Boulevard, Glen Angus Way and Tully Road, and Seventh Street and Tully Road. CEQA: Exempt, PP01-11-193. Council Districts 3, 7, 8, and 10. SNI: West Evergreen. (Public Works)

Approved.

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval of an agreement for the Water Pollution Control Plant's Wet Weather Reliability and Hydraulic Capacity Project.

Recommendation: Approval of an agreement for engineering and environmental consulting services, Carollo Engineers, for the project entitled "San José/Santa Clara Water Pollution Control Plant: Wet Weather Reliability and Hydraulic Capacity Project" for an amount not to exceed \$3,136,000, and for a project contingency of \$314,000 for a total amount not to exceed of \$3,450,000, for the period of May 2002 to December 2006. (Environmental Services)

Approved.

7.2 Acceptance of the status report on the transition of the Recycle Plus! Program.

Recommendation: Acceptance of the status report on the transition of the Recycle Plus! Program. (Environmental Services)

Approved.

Staff directed to return to Council in May 2002 with answers to the street sweeping questions.

7.3 Approval to award a contract for the Trimble-Morrill Sanitary Sewer Rehabilitation Project.

Recommendation: Report on bids and award of contract for the Trimble-Morrill Sanitary Sewer Rehabilitation Project Phase I to the low bidder, Wesco Infrastructure Technologies, in the amount of \$598,340, and approval of a contingency in the amount of \$60,000. CEQA: Exempt, PP01-09-164. Council District 4. (Public Works)

Approved.

7.4 Acceptance of status report on the cooperative efforts with SCVWD.

Recommendation: Acceptance of a status report on the cooperative efforts between the City of San José and the Santa Clara Valley Water District related to development of a plan for the ownership, operation, management, and expansion of the South Bay Water Recycling system; a Parks, Trails, and Open Space Memorandum of Understanding between the City and the District covering acquisition, operation, and expansion of trails park/open within the floodplain areas and along watercourses in the City; and a Master Maintenance Permit between the City and the District for maintenance of City facilities that discharge, cross, or encroach into the creeks. (Environmental Services/City Manager's Office/Parks, Recreation and Neighborhood Services)

Approved.

7 ENVIRONMENTAL & UTILITY SERVICES

7.5 Approval of actions related to AT&T.

Recommendation:

- (a) Acceptance of the report from the City Manager on the status of informal cable franchise renewal negotiations with Heritage Cablevision of California, Inc. (formerly dba TCI of San José, now dba AT&T Broadband); and
- (b) Direction to the Administration and the City Attorney to bring forward for Council consideration on or before May 21, 2002 an ordinance amending and restating Chapter 15.28 establishing regulations pertaining to cable systems and open video systems.
- (c) Direction to the Administration to return to the City Council on or before May 21, 2002 with one of the following for Council consideration and action:
 - (1) Acceptance of the completed ascertainment of the City's cable-related needs and interests, dated October 30, 2001, and direction to the Administration to update and issue a Request For Renewal Proposal, dated November 13th, 2001, for operation of a cable system to provide cable service in the City that would meet and service those identified cable-related needs and interests; or
 - (2) An ordinance granting a cable franchise for the operation of a cable system to provide cable service in the City that would meet and service the cable-related needs and interests of this community.

(City Manager's Office)

(Rules Committee referral 4/17/02)

Council approved actions related to AT&T.

8 AVIATION SERVICES

8.1 Moratorium on authorizations to operate during the curfew period at the Airport.

Recommendation: Adoption of a resolution declaring a moratorium on granting authorizations to operate during the curfew period at the Airport pursuant to Article X(b)(2) of Resolution 57211. CEQA: Resolution No. 67380.

(Airport/City Attorney's Office)

(Rules Committee referral 4/17/02)

Resolution No. 70936 adopted.

9 PUBLIC SAFETY SERVICES

9.1 Presentation of the Independent Police Auditor's 2001 Year End Report.

Recommendation: Presentation of the Independent Police Auditor's 2001-Year End Report. (Independent Police Auditor)

Independent Police Auditors report accepted.

Staff directed to review provisions for 24-hour childcare needs.

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

REDEVELOPMENT AGENCY BOARD CONVENED AT 3:50 P.M. TO CONSIDER ITEM 10.1 IN A JOINT SESSION

10.1 Approval of actions related to improvements in the public right of way on Elden Drive.

Recommendation:

(a) Approval for the City Council and the Redevelopment Agency Board to:

(1) Adopt resolutions authorizing the City Manager and the Redevelopment Agency Executive Director to negotiate and execute an amendment to the cooperation agreement for the Northside Community Center to transfer an additional \$298,000 of Agency funds for the project.

Resolution No. 70933 adopted.

(b) Approval for the City Council to:

(1) Adopt the following appropriation ordinance and funding sources resolution amendments in the General Fund:

(a) Establish an Elden Drive appropriation in the amount of \$298,000.

(b) Increase the estimate of Revenue from Local Agencies by \$298,000.

Ordinance No. 26613 adopted.

Resolution No. 70934 adopted.

(2) Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with First Community Housing for a grant of \$298,000 to offset the cost of construction for improvements in the public right-of-way on Elden Drive in conjunction with the Craig Gardens affordable senior housing project.

(City Manager's Office)

(Deferred from 4/16/02 – Item 2.3)

Resolution No. 70935 adopted.

**REDEVELOPMENT AGENCY BOARD OF THE CITY OF SAN JOSE
ADJOURNED AT 3:51 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**
 1. **Lorrie Freeman commented on Garden Center Building.**
 2. **Ross Signorino discussed the location and Cost of City Hall.**
 3. **Pete Campbell discussed the Tropicana Shopping Center.**
 4. **Ted Scarlett discussed Stadium lighting.**

- **Adjournment**
The Council of the City of San Jose adjourned at 5:05 P.M.