



# CITY COUNCIL AGENDA

**APRIL 30, 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**  
**Canceled.**
  
- 1:30 p.m. - Regular Session, Council Chambers, City Hall**  
**Absent: Council Member Diquisto (excused).**
  
- **Invocation (District 4)**  
**Chairman of the Vietnamese-American Community of Northern California, Hung Pham, delivered the invocation and presented information regarding Fall of Saigon Day. Mayor Gonzales introduced Vietnamese-Americans who fought for peace.**
  
- **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 an Outstanding Employee Award and commendation to Diane Milowicki, Human Resources Manager in the Department of Transportation.**  
**(City Manager's Office)**  
**City Manager, Del D. Borgsdorf joined Mayor Gonzales at the podium to present Diane Milowicki with the commendation.**
  
- 1.2 Presentation of a Special Commendation Award for the City of San José Green Building Program from the 2002 Business Environmental Awards in the Sustainable Built Environment category. (LeZotte)**  
**Council Member LeZotte and Director of Environmental Services, Carl W. Mosher joined Mayor Gonzales at the podium to present Mary Tucker with the commendation.**
  
- 1.3 Presentation of a commendation to Barbara Zahner, recently retired Executive Director of Sacred Heart Community Service Center, for 15 years of dedicated service to the community. (Chavez)**  
**(Orders of the Day)**  
**Council Member Chavez joined Mayor Gonzales at the podium to present Barbara Zahner with the commendation.**

## 2 CONSENT CALENDAR

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### 2.1 Approval of Minutes.

**Recommendation:** Approval of City Council Minutes for:

- (a) Regular meeting of October 23, 2001

**Approved.**

- (b) Joint Council/Redevelopment Agency Board meeting of October 23, 2001

**Approved.**

### 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances:

- (a) ORD. NO. 26606 – Prezones certain real property situated along Dove Hill Road easterly of Highway 101 approximately 2000 feet northerly of Hellyer Avenue.  
C 02-02-019

**Ordinance No. 26606 adopted.**

- (b) ORD. NO. 26607 - Prezones certain real property situated at the southwest corner of Fleming Avenue and Palomino Drive.

C 01-02-024

**Ordinance No. 26607 adopted.**

- (c) ORD. NO. 26608 – Rezones certain real property situated at the northwest corner of Cunningham Avenue and Cunningham Court.

C 01-03-044

**Ordinance No. 26608 adopted.**

- (d) ORD. NO. 26609 - Rezones certain real property situated at the northeast corner of Aborn Road and Altamara Avenue.

PDC 02-01-013

**Ordinance No. 26609 adopted.**

- (e) ORD. NO. 26610 – Amends Chapter 11.48 of Title 11 of the San José Municipal Code to add a Horace Mann and a South University Residential Permit Parking Program, and to limit the number of residential parking permits available to three (3) for each eligible residence in the Horace Mann and South University Permit Parking Areas.

**Ordinance No. 26610 adopted.**

## 2 CONSENT CALENDAR

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### 2.3 Approval to apply for a grant from the FAA for various security projects at the Airport.

**Recommendation:** Adoption of a resolution authorizing the City Manager to apply for, and execute upon receipt, a grant from the Federal Aviation Administration to be used to defray the cost of implementing various security projects at the Norman Y. Mineta San José International Airport, in an amount in excess of the City Manager's contract authority of \$100,000. CEQA: Resolution No. 67380. (Airport)

**Resolution No. 70937 adopted.**

### 2.4 Approval of an agreement for the upgrade of the Human Resources/Payroll System.

**Recommendation:** Approval of the second amendment to the consulting services agreement with Acuent, Inc. for the upgrade of the Human Resources/Payroll System, to increase contract deliverables, extend project support by four weeks, and increase compensation by \$147,200, for a total contract amount not to exceed \$1,098,400, by re-allocation of funds from existing project resources.

(Finance/City Manager's Office/Information Technology)

**This item deferred to May 7, 2002.**

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

**Approved.**

### 2.6 Approval of actions related to Building and Structure Construction Taxes.

**Recommendation:**

- (a) Approval of an ordinance amending Chapter 4.46 of Title 4 of the San José Municipal Code to add a new section to suspend the collection of Building and Structure Construction Taxes imposed for the construction of special incentive industrial use tenant improvements.

**Ordinance No. 26614 passed for publication.**

- (b) Approval of direction to implement a Special Express Plan Check Review process allowing for plan check fee collection deferral until permit issuance for tenant improvements for industrial and research and development uses in currently existing vacant buildings.

(Planning, Building and Code Enforcement)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.7 Approval of a MOU for the Automated Fingerprint Identification System.

**Recommendation:** Approval of the Memorandum of Understanding with local law enforcement agencies regarding the operation of the Automated Fingerprint Identification System and to provide access to the California Identification System. (Police)

**Approved.**

### 2.8 Approval of various actions related to the SLES Spending Plan and Fund.

**Recommendation:**

(a) Approval of the proposed additions to the 2000-02 Spending Plan for the Supplemental Law Enforcement Services (SLES) Fund; and adoption of the following amendments to the annual appropriation ordinance and the annual funding sources resolution in the Supplemental Law Enforcement Services Fund (Fund 414) for Fiscal Year 2001-02:

- (1) Increase the SLES Non-Personal/Equipment appropriation for the Police Department in the amount of \$196,933.
- (2) Increase the Earned Revenue by \$196,933.

**The additions to the 2000-2002 Spending Plan were approved.**

**Ordinance No. 26615 adopted.**

**Resolution No. 70938 adopted.**

(b) Approval of the proposed 2001-03 Spending Plan for the Supplemental Law Enforcement Services (SLES) Fund; and adoption of the following amendments to the annual appropriation ordinance and the annual funding sources resolution in the Supplemental Law Enforcement Services Fund (Fund 414) for Fiscal Year 2001-02:

- (1) Establish a SLES Grant 2001-03 appropriation for the Police Department in the amount of \$1,837,577.
- (2) Increase the Earned Revenue by \$1,837,577.

(Police/City Manager's Office)

**Ordinance No. 26616 adopted.**

**Resolution No. 70939 adopted.**

### 2.9 Approval of an agreement for office space for the Department of Environmental Services.

**Recommendation:** Approval of a lease agreement with La Familia, LP, for office space at 777 North First Street for the Department of Environmental Services, for a monthly rent of \$2,865 per month during the first year of the lease, with annual increases of approximately 3 percent to a maximum rate of \$3,224.56 per month during the fifth and final year of the lease. (Public Works)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.10 Approval to amend an agreement related to the South Central Swim Center Project.

**Recommendation:** Approval of the first amendment to the agreement with MPA Design, Inc. for consultant services for the South Central Swim Center Project, to increase reimbursable expenses by \$40,000, from \$272,000 to \$312,000, for a total agreement amount of \$525,000. Council District 7.

SNI: Rock Spring/Tully/Senter/Santee/Kennedy. (Public Works)

**Approved.**

### 2.11 Approval to award a contract for the Butcher Park Play Area Renovation Project.

**Recommendation:** Report on bids and award of contract for the Butcher Park Play Area Renovation Project to the low bidder, HRB Construction, Inc. to include the base bid and Add Alternative No. 1, in the amount of \$272,525, and approval of a contingency in the amount of \$28,000. CEQA: Exempt, PP02-02-013. Council District 9. (Public Works)

**Approved.**

### 2.12 Acceptance of the San José Arena Authority Ticket Distribution Program Report.

**Recommendation:** Acceptance of the First Quarter 2002 San José Arena Authority Ticket Distribution Program Report. (San José Arena Authority)

**San Jose Arena Authority Report Accepted.**

### 2.13 Approval of actions for the Lake Cunningham Overflow Parking Lot Phase II Project.

**Recommendation:**

(a) Approval of a contingency budget increase for the Lake Cunningham Overflow Parking Lot Phase II Project in the amount of \$25,000, for a total contingency budget of \$56,000, and approval of a design and construction management budget increase in the amount of \$20,000.

**Approved.**

(b) Approval of Contract Change Order No. 4 with Galeb Paving, Inc. in the amount of \$15,000, for a total contract amount of \$355,993. CEQA: Negative Declaration, PP99-10-199.

**Approved.**

(c) Adoption of the following appropriation ordinance amendments in the Lake Cunningham Fund:

(1) Increase the Lake Cunningham Overflow Parking Lot Phase II Project by \$45,000.

(2) Decrease the Ending Fund Balance by \$45,000.

Council District 8. (Public Works/City Manager's Office)

(Rules Committee referral 4/24/02)

**Ordinance No. 26617 adopted.**

## 2 CONSENT CALENDAR

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### 2.14 Approval of an agreement with Hanson, Bridgett, Marcus, Vlahos, Rudy LLP.

**Recommendation:** Adoption of a resolution authorizing the City Attorney to negotiate and execute an agreement with Hanson, Bridgett, Marcus, Vlahos, Rudy LLP, to provide investigation services as the Evaluator to the Ethics Board in an amount not to exceed \$20,000. (City Attorney's Office)  
(Rules Committee referral 4/24/02)

**Resolution No. 70940 adopted.**

**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 – April 17, 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 30, 2002 Draft Agenda

**The Committee approved the April 30, 2002 City Council agenda with one addition.**

(2) Add New Items to April 23, 2002 Amended Agenda

**The Committee recommended the three additions to the April 23, 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.**

(e) The Public Record

**The Committee noted and filed the Public Record.**

### **3 STRATEGIC SUPPORT SERVICES**

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#### **3.2 Report of the Rules Committee – April 17, 2002(Cont'd)**

**Vice Mayor Shirakawa, Jr., Chair**

(f) Boards, Commissions and Committees

**There were none.**

(g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee

(1) Proposed modifications to the San José Municipal Code, Section 13.28.130, *Pruning-Tree Removal*

**The Committee referred to the Economic Development and Environment Committee Council Member Cortese's request to modify Section 13.28.130 of the Municipal Code entitled, "Tree Trimming-Removal."**

(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 30, 2002 were accepted.**

#### **3.3 Report of the Finance and Infrastructure Committee**

**Council Member Dando, Chair**

**No Report.**

#### **3.4 Adoption of a resolution in support of SB S. 1042.**

**Recommendation:** Adoption of a resolution in support of United States Senate Bill S. 1042, the Filipino Veterans Benefits Improvement Act of 2001, to improve benefits to our Filipino Veterans of World War II, so that they are provided the same benefits as other veterans of World War II. (Reed)

**Resolution No. 70941 adopted.**

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

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#### **4.1 Report of the Economic Development & Environment Committee**

**Council Member Williams, Chair**

**No Report.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.2 Public Hearing on the 2002-2003 Draft Consolidated Plan Annual Action Plan.**

**Recommendation:** Adoption of the 2002-2003 Draft Consolidated Plan Annual Action Plan, including FY 2002-2003 proposed recommendations for the Community Development Block Grant (CDBG) Program, the HOME Investment Partnership Program (HOME), the Housing Opportunities for People with HIV/AIDS (HOPWA) Program, and the Emergency Shelter Grant (ESG) Program.  
(Housing/Parks, Recreation and Neighborhood Services)  
(Continued from 4/2/02 – Item 4.6)

**The Draft ConPlan was adopted.**

**Direction to staff to continue to follow recommendations put forth in the memorandum from Mayor Gonzales and Council Members Dando and Chavez dated April 30, 2001 for the Consolidated Plan Annual Action Plan for 2002-2003 and to continue to pursue opportunities to make housing affordable for public employees.**

### **4.3 Public Hearings on the formation of Maintenance Districts 21 and 22.**

**Recommendation:**

- (a) Conduct a public hearing for the formation of Maintenance District 21 (Gateway Place - Airport Parkway), and at the close of the public hearing direct the City Clerk to tabulate the property owner ballots and report the results. If approved by property owners, adoption of a resolution approving the Engineer's Report and approving and imposing the respective assessments.

**Resolution No. 70943 adopted.**

**The results of the tabulation for Maintenance District Number 21 are: Property owners to be assessed in the amount of \$55,235.54 have returned ballots in support of the Assessment. Property owners to be assessed in the amount of \$3,065.56 have returned ballots in opposition to the Assessment. 94.74% voted in favor of the formation of Maintenance District 21.**

## 4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

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### 4.3 Public Hearings on the formation of Maintenance Districts 21 and 22. (Cont'd)

**Recommendation:**

- (b) Conduct a public hearing for the formation of Maintenance District 22 (Hellyer Avenue - Silver Creek Valley Road), and at the close of the public hearing direct the City Clerk to tabulate the property owner ballots and report the results. If approved by property owners, adoption of a resolution approving the Engineer's Report and approving and imposing the respective assessments.

Council Districts 2 and 3. (Public Works)

(Continued from 4/23/02 – Item 4.2)

**Resolution No. 70944 adopted.**

**The results of the tabulation for Maintenance District Number 22 are: Property owners to be assessed in the amount of \$28,950.30 have returned ballots in support of the Assessment. Property owners to be assessed in the amount of \$16,063.30 have returned ballots in opposition to the Assessment. 64.3% voted in favor of the formation of Maintenance District 22.**

### 4.4 Approval of various actions related to proposed housing developments located on Branham Lane and Monterey Road and 12<sup>th</sup> Street and Keyes Street.

**Recommendation:** Adoption of a resolution:

- (a) Authorizing the Director of Housing to enter into exclusive negotiations with JSM Enterprises on behalf of the City to develop approximately 125 units of family apartments, affordable to low- and very-low income households, on a 5.05 acre City-owned site located on the northeast corner of Branham Lane and Monterey Road; and
- (b) Authorizing the Director of Housing to enter into exclusive negotiations with ROEM Development Corporation on behalf of the City to develop approximately 66 units of family apartments, affordable to low- and very-low income households, on a 1.64-acre City-owned site located on the southeast corner of 12<sup>th</sup> Street and Keyes Street. SNI: Spartan/Keyes.

Council Districts 2 and 3. (Housing)

**Resolution No. 70942 adopted.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.5 Approval of Contract Change Order No. 7 for the Improvement District 99-218SJ (Hellyer-Piercy) Contract #1 Project.**

#### **Recommendation:**

- (a) Approval of Contract Change Order No. 7 with Graniterock Company dba Pavex Construction Division for the Improvement District 99-218SJ (Hellyer-Piercy) Contract #1 Project in the amount of \$2,336,750, for a total contract amount of \$16,041,265.10, and an increase of the contingency from \$2,015,000 to \$3,700,000 to cover this Contract Change Order amount.

**Approved.**

- (b) Approval of revised contract time and liquidated damages:
- (1) Add additional 152 working days and revise liquidated damages to \$5,000 per working day for Phase II.
- (2) Revise liquidated damages to \$1,000 per working day for Phase III.

CEQA: Resolution Nos. 69699 and 64667. Council District 2. (Public Works)

**Approved.**

### **4.6 Approval of actions related to the proposed Delmas Park Apartments.**

#### **Recommendation:**

- (a) Adoption of appropriation ordinance and funding sources resolution amendments in the HOME Investment Partnership Program Fund:

- (1) Increasing the Rental Rehabilitation Program Projects appropriation by \$300,000.
- (2) Increasing the Earned Revenue by \$300,000.

**Ordinance No. 26618 adopted.**

**Resolution No. 70945 adopted.**

- (b) Adoption of a resolution:

- (1) Approving business terms for a conditional grant of up to \$2,800,000 and an acquisition/predevelopment loan of up to \$1,993,000 to CORE Development, Inc., or its designated affiliate for the proposed development of the 134-unit Delmas Park Apartments affordable to extremely low- and low-income households on a .82 acre site located at the southeast corner of Bird Avenue and West San Carlos Street.

**Resolution No. 70946 adopted.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.6 Approval of actions related to the proposed Delmas Park Apartments. (Cont'd)**

- (b) Adoption of a resolution:
- (2) Approving business terms for an acquisition/predevelopment bridge loan of up to \$650,000 of Rental Rehabilitation Program Funds to CORE Development, Inc., or its designated affiliate (“Developer”), for the portion of the site intended for commercial uses.

Council District 3. SNI: Delmas Park. (Housing/City Manager’s Office)  
(Rules Committee referral 4/24/02)

**Direction to staff to (1) evaluate appropriateness of classroom space as part of the project as proposed, (2) look at the opportunity to expand the project overall and for the developers to work with the Redevelopment Agency on some land issues that exist next to this site for opportunities either for open space or for an expanded the project, (3) work with the neighborhood needs to locate community rooms, neighborhood signage and traffic calming.**

## **5 RECREATION & CULTURAL SERVICES**

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### **5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – April 15, 2002**

**Council Member Chavez, Chair**

- (a) Youth Commission Monthly Report  
**The Committee accepted the staff report.**
- (b) Skate Park Status Report  
**The Committee accepted the staff report with the following directive to staff:**
- **A new format for the monthly report listing sites with a trajectory/timeline.**
- (c) Status Report on Pick-Up San José  
**The Committee accepted the staff report with the following directive to staff:**
- **A report back on the success of April 20 is brought before the June 17 ENYS Committee.**
  - **Report on availability of grants from Federal or State Programs be brought before the June 17 ENYS Committee.**
- (d) Status Report on Citywide Trail Projects  
**The Committee accepted the staff report with the following directive to staff:**
- **Report back to the June 17 ENYS Committee the following:**
    - ✓ **Outline of the trail connections showing each trial section and how staff would proceed, including timetable.**
    - ✓ **Additional information once the anticipated completion by July 1 of a Joint Use Agreement with the Santa Clara Valley Water District.**

## 5 RECREATION & CULTURAL SERVICES

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### 5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – April 15, 2002 (Cont'd)

**Council Member Chavez, Chair**

- (d) Status Report on Citywide Trail Projects
- ✓ Tracking system-a report will be given for each trail section, indicating responsible department, targets, and progress so the Council can make informed decision on what they would like to do in moving the project forward.
  - ✓ An informational package on “safety of trails” for community discussions.
    - Discussions are held with Council Members regarding trails in their areas prior to June report.
- (e) Status Report from the Airport Ombudsman and Noise Monitoring Center  
The Committee accepted the staff report with the following directive to staff:
- The Airport Ombudsman Update report return to the May 20 ENYS Committee with:
    - ✓ A new format showing the items of information requested from memos dated June 25, 2001, November 12, 2001 and Council Member Yeager’s memo dated January 28, 2002. Items are to be listed individually, with status on each item following the listed item. All future reports should use the same format.
    - ✓ Report on Airline renegotiations becomes part of Airport Ombudsman’s Quarterly Report to ENYS.
- (f) Presentation of Draft Blight Ordinance  
Chair Chavez motioned to have the Committee take action on each recommendation separately. Following is the action taken on each recommendation:
- The Committee recommended that the Council approve the attached Ordinance revisions and additions to Chapter 17.71, Title 17 of the San Jose Municipal Code and repeal of Section 20.30.430 of Chapter 20.30 of Title 20 of the San Jose Municipal Code.
  - The Committee accepted the recommendation on the expansion of duplex/multi-family residential landscape coverage standards from 50% to 100% to be consistent with proposed single-family residential landscape coverage standards.
  - The Administrative Citation Schedule of Fines is amended in order to realign the Schedule with the new and renumbered sections of the Blight Code. In doing so, there will be a measure of outreach.
  - The Committee requested staff to present to the Committee the current criteria for signage as a means of enforcement for improper RV Storage.

See Item 5.3 for Council action taken.

## **5 RECREATION & CULTURAL SERVICES**

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### **5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – April 15, 2002 (Cont'd)**

**Council Member Chavez, Chair**

- (g) Digital Divide Blueprint Strategic Goals and Action Plan Update  
**The Committee accepted the staff report.**
  
- (h) Quarterly Report on new Martin Luther King, Jr. Library  
**The Committee accepted the staff report with the following directive to staff:**
  - **Future quarterly reports include information on programming and on programming that will happen as it relates to the library.**
  
- (i) Presentation from Director of Environmental Services Department and Representatives from Waste Disposal Companies regarding Anti-Graffiti efforts  
**The Committee accepted the staff report with the following directive to staff:**
  - **A report be returned to the June 17 ENYS Committee including the following:**
    - ✓ **A program that is consistent with the Anti-Graffiti Program.**
    - ✓ **Procedures for a trial in a two or three block area where graffiti is particularly bad, including cameras and outreach to educate the owners.**
  
- (j) Report on Child Care Strategies  
**The Committee accepted the staff report with the following directive to staff:**
  - **Invitations are sent for the May 10 meeting to private childcare providers for profit and non-profit, in home providers, larger employers and P-Track. Also, contacts made with the Santa Clara Manufacturing Group and the Silicon Valley Chamber of Commerce for suggestions of additional employers to invite.**
  
- (k) Oral petitions  
**None.**
  
- (l) Adjournment  
**The meeting was adjourned at 4:50 P.M.**

**The Education, Neighborhoods, Youth, and Seniors Committee Report and actions were accepted.**

## 5 RECREATION & CULTURAL SERVICES

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### 5.2 Acceptance of the 2002 Public Art Workplan First Quarter Report and Maintenance and Repair Report for Public Artworks.

**Recommendation:** Acceptance of the 2002 Public Art Workplan First Quarter Report and Maintenance and Repair Report for Public Artworks. (Conventions, Arts and Entertainment)

**The report was accepted with direction to staff to (1) define what the review process is for final decision of artwork and/or designs and, (2) define what communities of interest were included in the outreach efforts.**

### 5.3 Approval of a Blight Ordinance.

**Recommendation:**

- (a) Approval of a draft ordinance amending and restating Chapter 17.72 of Title 17 of the San José Municipal Code, property blight, in order to reorganize the Chapter, to make clarifying changes, to specify landscaping requirements for single family dwellings and parkstrips, to amend existing landscape requirements for multifamily dwellings, and to specify storage requirements for single family dwellings and parkstrips and to specify storage requirements for certain items in residential zones and amending Section 20.30.430 to provide a cross reference to the provisions of Chapter 17.72 of Title 17 of the Municipal Code and to move certain provisions from Section 20.30.430 regarding the parking and storage of motor vehicles on the front setback of lots located in residential districts to an uncodified section.

**Ordinance No. 26619 passed for publication. Noes: Reed.**

**Council approved the recommendations with direction to staff to (1) contact retailers regarding restricted use of canopies in the City (2) define “visible from the street” to give guidance to Code Enforcement (3) discuss with Tri-County Apartment Association acceptable options for landscaping (4) have Code Enforcement and RV owners work together for acceptable home storage options and staff to return to Council on May 30<sup>th</sup> for the second reading of the Ordinance.**

- (b) Adoption of a resolution to amend the Administrative Citation Schedule of Fines in order to realign the Schedule with the new and renumbered sections of the Blight Code.

CEQA: Exempt, PP02-03-063. (Planning, Building and Code Enforcement)

[Education, Neighborhoods, Youth and Seniors Committee referral 4/15/02 – Item 5.1(f)]

**Resolution No. 70947 adopted. Noes: Reed.**

## 5 RECREATION & CULTURAL SERVICES

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### 5.4 Approval of various actions related to the Guadalupe River Trail South and Los Gatos Creek Trails.

#### **Recommendation:**

- (a) Adoption of a resolution authorizing the City Manager to:
- (1) Submit a revised grant application for \$730,000 to the State Resources Agency to fund the acquisition of land along Winfield Boulevard from the Valley Transportation Authority (VTA) to allow for the future development of the Guadalupe River South Trail from State Route 85 to Chynoweth Avenue, contingent upon receipt of the grant funds from the State Resources Agency.
  - (2) Submit a revised grant application for \$1,200,000 to the State Resources Agency to fund the design and construction of the Guadalupe River South Trail in Reach 12 and a spur trail from Guadalupe River South Trail to the intersection of Chynoweth Avenue and Winfield Boulevard.
  - (3) Negotiate and execute the acquisition of the VTA property referenced above for a purchase price, not to exceed \$1,200,000, subject to receipt of the grant funds and appropriation of any additional necessary funds.

Council Districts 9 and 10. CEQA: Exempt, PP02-04-089 and PP02-04-090.  
(Parks, Recreation and Neighborhood Services)

**Resolution No. 70948 adopted.**

- (b) Adoption of a resolution authorizing the City Manager to negotiate and execute Joint Use Agreements with the Santa Clara Valley Water District for:
- (1) The Gregory Street Pedestrian/Bicycle Bridge Project and related trail improvements along the Los Gatos Creek Trail.  
CEQA: ND, PP01-02-019.
  - (2) The Upper Guadalupe Pedestrian/Bicycle Bridge project at the headwaters of the Guadalupe River and related trail improvements.
  - (3) Trail improvements along Reach 12 of the Guadalupe River between Blossom Hill Road and Chynoweth Avenue.  
CEQA: Exempt, PP02-04-090.

Council Districts 6, 9, and 10. (Parks, Recreation and Neighborhood Services)

**Resolution No. 70949 adopted.**

## 6 TRANSPORTATION SERVICES

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### 6.1 Approval of an agreement related to the Route 87 interchange at Skyport Drive.

**Recommendation:**

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute a cooperative agreement with Equity Office (property owner) and the California Department of Transportation for the construction of improvements at the Route 87 interchange at Skyport Drive, and authorizing the Director of Public Works to execute any documents necessary to effectuate the transfer of property related to such improvements.

**Resolution No. 70950 adopted.**

- (b) Adoption of the following appropriation ordinance and funding sources resolution amendments in the Building and Structure Construction Tax Fund:

- (1) Establish an appropriation to the Department of Transportation for the Route 87: Equity Office/Caltrans Project in the amount of \$950,000.  
(2) Increase the estimate for Earned Revenue by \$950,000.

CEQA: Resolution Nos. 65071 and 69421.

Council District 3. (Transportation/City Manager's Office)

**Ordinance No. 26620 adopted.**

**Resolution No. 70951 adopted.**

### 6.2 Report on street sealing programs in other Bay Area and California cities.

**Recommendation:** Report on Council's direction to the Director of the Department of Transportation to provide additional information on street sealing programs in other Bay Area and California cities, alternatives to the City's current slurry and chip sealing programs, comparative cost information, and street resurfacing, rehabilitation, and reconstruction needs. (Transportation)

**Council accepted the report with direction to staff to return to Council on May 28, 2002 with additional information regarding the use of chip seal versus slurry seal. Council Member Dando to provide staff with the additional information gathered by her staff.**

## 7 ENVIRONMENTAL & UTILITY SERVICES

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### 7.1 Approval of a contract for the East Primary Tanks Sluice Gates Replacement.

**Recommendation:** Report on bids and award of contract for the construction project entitled "San José /Santa Clara Water Pollution Control Plant, FY 2000/2001 Capital Improvement Program; East Primary Tanks Sluice Gates Replacement," to the low bidder, Anderson Pacific Engineering Construction, Incorporated, in the amount of \$940,000, and approval of a budget contingency in the amount of \$140,000, for a total amount not to exceed of \$1,080,000. CEQA: Exempt, PP01-03-052.

(Environmental Services)

**Approved.**

## **7 ENVIRONMENTAL & UTILITY SERVICES**

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### **7.2 Report on the status of the Muni Water RFP process.**

**Recommendation:** Report on the status of the Muni Water RFP process. (City Manager's Office)

**This Item deferred to May 21, 2002.**

## **8 AVIATION SERVICES**

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### **8.1 Approval of an agreement for the Automated People Mover Projects at the Airport.**

**Recommendation:** Approval of an agreement with Lea+Elliott, Inc. for consultant services for the Automated People Mover Projects at the Norman Y. Mineta San José International Airport in the amount of \$650,000, for a term from the date of execution through April 30, 2007. (Public Works/Airport)

**This Item deferred to May 7, 2002.**

## **9 PUBLIC SAFETY SERVICES**

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## **10 JOINT COUNCIL/REDEVELOPMENT AGENCY**

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- 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. **William Garbett discussed RV's and blight.**
2. **Michael Adams discussed the parking situation in San Jose.**
3. **Michael Pettier discussed street and sidewalk painting.**
4. **Ross Signorino discussed violence against women.**

- **Adjournment**

**The Council of the City of San Jose adjourned at 6:10 P.M. in memory of Neil Christie, a long time community leader and AIDS activist.**