



# CITY COUNCIL AGENDA

**MAY 15, 2001**

## **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.**

Agendas and Staff Reports for City Council items may be viewed on the Internet at [www.ci.san-jose.ca.us/cty\\_clk/agenda.htm](http://www.ci.san-jose.ca.us/cty_clk/agenda.htm)

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**  
9:30 a.m. - Closed Session, Room 600, City Hall  
Absent: Council Member Chavez, Dando (both excused)  
  
1:30 p.m. - Regular Session, Council Chambers, City Hall  
Absent: Council Member Chavez (excused)  
  
7:00 p.m. - Public Hearings, Council Chambers, City Hall  
Absent: Council Member Chavez (excused)
  
- **Invocation (District 5)**  
Seven Members of the Filipino Youth Coalition, a Community Based Organization, performed cultural dances.
  
- **Pledge of Allegiance**  
Mayor Gonzales led in the Pledge of Allegiance.
  
- **Orders of the Day**  
Approved.

## **1 CEREMONIAL ITEMS**

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- 1.1** Presentation of a proclamation declaring the week of May 13-19, 2001 as “Preservation Week” and presentation of plaques to individuals and organizations deserving special thanks for their efforts to preserve San José History. (LeZotte)  
**Mayor Gonzales was joined by Council Member LeZotte for presentation of a proclamation to Courtney Damkroger, Historic Preservation Officer, and**

*This item continued on the next page.*

# 1 CEREMONIAL ITEMS

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- 1.1 Presentation of a proclamation declaring the week of May 13-19, 2001 as “Preservation Week” and presentation of plaques to individuals and organizations deserving special thanks for their efforts to preserve San José History. (LeZotte) – (Cont’d.)

**presentation of plaques to owners/representatives of San José Historic Landmarks in special recognition of efforts to preserve San José’s history. Accepting the proclamation was Susan Quirolo, City Staff to the Historic Landmarks Commission, Council Member Chuck Reed for the Alviso City Hall, Gregory Gray for the Wart & Sherward Buildings, Colleen Hodgen for the Live Oak Adult Day Care Center, and Pasquale Casalino for the John Webb House.**

- 1.2 Presentation of a commendation to the California Quake Wheelchair Rugby Team for attaining a national standing by winning the national title at the United States Wheelchair Rugby Championship. (Parks, Recreation and Neighborhood Services)

**This Item Heard in the Evening.**

**Mayor Gonzales was joined by Adam Elix, Recreation Leader with the San José Office of Therapeutic Services for presentation of a commendation to Steve Davis, member of the California Quake Wheelchair Rugby Team in recognition of outstanding accomplishment in taking First Place in a field of over 50 teams.**

- 1.3 Presentation of a commendation to The Pre-College Programs (PCP) for their model learning center project in collaboration with the Alum Rock Elementary School District. (Campos)

(Rules Committee referral 5/9/01)

**Council Member Campos joined Mayor Gonzales for presentation of a commendation to Priscilla Peebles, Pre-College Program Coordinator, and Frank Castillo, Associate Director of the Pre-College Program at San José State University, and acknowledged the achievements of the educators and their model learning centers in District 5.**

- 1.4 Presentation of a proclamation declaring May 14-18, 2001, as Norwegian Week in the City of San José. (Mayor)

(Rules Committee referral 5/9/01)

**This Item Heard in the Evening.**

**Mayor Gonzales presented the proclamation to Janie Kelly, President of the Sons of Norway, in commemoration of the anniversary of Norwegian independence and the triumph of Constitutional Government in 1814, when the Norwegian-American community annually joins with the Norwegian community worldwide to celebrate Norway’s National Day.**

## 2 CONSENT CALENDAR

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**Notice to the public:** There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

### 2.1 Approval of Minutes.

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

- (a) Regular meeting of February 20, 2001  
**Approved.**
- (b) San José 2020 General Plan meeting of February 20, 2001  
**Approved.**

### 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances:

- (a) ORD. NO. 26353 – Amends Section 3.28.030 of Chapter 3.28 of Title 3 of the San José Municipal Code to change the definition of final compensation to highest average annual compensation earnable during any twelve-month period for members of the Federated City Employees Retirement System who retire or otherwise leave City service on or after July 1, 2001.  
**Ordinance No. 26353 adopted.**
- (b) ORD. NO. 26354 – Amends Section 2.08.130 and Part 10 of Chapter 2.08 of Title 2 of the San José Municipal Code to provide that the Council shall remove members of the Board of Administration for Federated City Employees Retirement System only for cause and to increase the membership of the Board of Administration for the Federated City Employees Retirement System from five to seven.  
**Ordinance No. 26354 adopted.**
- (c) ORD. NO. 26355 – Amends Chapter 3.28 of Title 3 of the San José Municipal Code to provide for the limited reemployment of retired members of the Federated City Employees Retirement System without suspension of the retirement allowance.  
**Ordinance No. 26355 adopted.**
- (d) ORD. NO. 26356 – Amends Chapter 11.52 of Title 11 of the San José Municipal Code to modify the regulations applicable to regular freight loading zones and special loading/unloading permits, and to authorize the establishment of special freight loading zones to accommodate unique loading needs of Large Live Entertainment Venues; and establishes new Chapters 11.51 and 11.54.  
**Ordinance No. 26356 adopted.**

## 2 CONSENT CALENDAR

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### 2.2 Final adoption of ordinances. (Cont'd.)

- (e) ORD. NO. 26357 – Rezones certain real property situated at the east side of Sunol Street, approximately 140 feet north of Park Avenue. PDC 00-11-116  
**Ordinance No. 26357 adopted.**

### 2.3 Approval to extend agreements related to Phases 4 & 5 of the Acoustical Treatment Program.

**Recommendation:**

- (a) Approval of a fourth amendment and continuation agreement with Anderson Brule Architects, Inc. for consultant services related to Phase 4 of the Acoustical Treatment Program, to extend the time for completion from December 31, 2000, to September 30, 2001, with no increase in total compensation. CEQA: Resolution No. 67380.  
**Approved.**
- (b) Approval of a third amendment and continuation agreement with Anderson Brule Architects, Inc. for consultant services related to Phase 5 of the Acoustical Treatment Program, to extend the time for completion from December 31, 2000, to December 31, 2001, with no increase in total compensation. CEQA: Resolution No. 67380.

(Airport)

**Approved.**

### 2.4 Approval of an ordinance amending eligibility criteria and triggers for repayment for deferral of assessment installments.

**Recommendation:** Approval of an ordinance amending Chapter 14.22 of Title 14 of the San José Municipal Code:

- (a) To allow parcels owned by a trust and used as the primary residence of a beneficiary of the trust to be eligible for deferral of the assessment installments when the parcel is located in an eligible assessment district;
- (b) To except transfers of residential property to a property owner's child or children from the definition of a transfer that requires the repayment of deferred assessments to the City.

(City Attorney's Office)

**Ordinance No. 26385 passed for publication.**

## 2 CONSENT CALENDAR

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### 2.5 Approval to set a public hearing on the FY 2001-02 Annual Sanitary Sewer Service and Use and Storm Sewer Service Charge Reports.

**Recommendation:** Adoption of a resolution setting a public hearing on August 7, 2001, at 1:30 p.m. for the FY 2001-02 Annual Sanitary Sewer Service and Use and Storm Sewer Service Charge Reports of the Director of Finance and direction to the City Clerk to publish notice of the time and place of the hearing. (Finance)

**Resolution No. 70342 adopted.**

### 2.6 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 2000-2001 #42, and authorization for the Director of General Services to execute the purchase orders. (General Services)

**Approved.**

### 2.7 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 2000-2001 #43, and authorization for the Director of General Services to execute the purchase orders. (General Services)

**Approved.**

### 2.8 Approval of the sole source purchase of replacement electric carts for the Water Pollution Control Plant.

**Recommendation:** Award the purchase of seven (7) replacement Taylor Dunn electric carts for the Water Pollution Control Plant to Toyota Material Handling (Hayward) as a sole source purchase, for a total cost of \$105,008.40, including tax and delivery, and authorization for the Director of General Services to execute the purchase order. (General Services)

**Approved.**

### 2.9 Approval to purchase servers and software upgrades for the Water Pollution Control Plant.

**Recommendation:** Award the purchase of six (6) NT servers and twenty-five (25) NT client software upgrades for the Water Pollution Control Plant to ABB Automation, Inc., for the total cost of \$254,534.40, including tax, as a sole source purchase and authorization for the Director of General Services to execute the purchase order. (General Services)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.10 Approval to purchase replacement motorcycles for the Police Department.

**Recommendation:** Report on bids and award the purchase of ten (10) high performance replacement motorcycles for the Police Department to the low bidder, Burbank Kawasaki, at a total cost of \$106,915.60, including tax and freight, and authorization for the Director of General Services to execute the purchase order for the:

- (a) Immediate purchase of ten (10) units; and
- (b) Subsequent purchase of additional units at the same bid price, without further Council action other than the appropriation of necessary funds.

(General Services)

**Approved.**

### 2.11 Approval to purchase replacement cabs and chassis for the Parks Maintenance Division.

**Recommendation:** Report on bids and award the purchase of two (2) replacement 12,500-pound cabs and chassis with maintenance type bodies for the Parks Maintenance Division to the lowest responsive bidder, Pacific Utility Equipment Company, at a total cost of \$ 118,716.40, including tax, and authorization for the Director of General Services to execute the purchase order for the:

- (a) Immediate purchase of two (2) units.
- (b) Subsequent purchase of additional units at the same bid price without further Council action other than the appropriation of necessary funds.

(General Services)

**Approved.**

### 2.12 Approval of the acquisition of land and improvements for the Las Mariposas housing development.

**Recommendation:** Adoption of a resolution determining that public use and necessity require the acquisition of land and improvements owned by Lyman and Florence Bigelow at 2191 Alum Rock Avenue for the Las Mariposas affordable housing development and directing the City Attorney to file an eminent domain action to acquire the property.

CEQA: ND. Council District 5. (Housing)

**Resolution No. 70343 adopted.**

## 2 CONSENT CALENDAR

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### 2.13 Approval to amend the City Pay Plan for various job classifications.

**Recommendation:** Adoption of a resolution to:

- (a) Amend the City Pay Plan to create job classifications for Division Manager, Public Safety and Landscape Architect I (Unregistered) and Landscape Architect I (Registered).
- (b) Change job classification titles for Assistant Landscape Architect, Assistant Landscape Architect II, and Employee Relations Manager.
- (c) To delete various obsolete job classifications.
- (d) To revise the salary range for Principal Accountant.  
(Human Resources)

**Resolution No. 70344 adopted.**

### 2.14 Approval of an agreement for the Meadowfair Park Phase 2 Improvements Project.

**Recommendation:** Approval of the first amendment to the agreement with DDA Studio, Inc., dba Dillon Design Associates, for consultant services for the Meadowfair Park Phase 2 Improvements Project, extending the term from October 31, 2001 to April 30, 2002, and increasing total compensation by \$18,000, from \$73,000 to a total agreement amount up to \$91,000. Council District 8. (Public Works)

**Approved.**

### 2.15 Approval of various actions for the Underground Utility District at King Road.

**Recommendation:** Adoption of a resolution to consider the establishment of an Underground Utility District at King Road, from Story Road to Marsh Street, and setting a public hearing on June 12, 2001 at 1:30 p.m. CEQA: Exempt. Council District 7. (Public Works)

**Resolution No. 70345 adopted.**

### 2.16 Approval of intention to vacate a portion of Skyway Drive and to set a public hearing.

**Recommendation:** Adoption of a resolution of intention to vacate a portion of Skyway Drive north of Houndshaven Way and setting a public hearing on June 5, 2001 at 1:30 p.m. CEQA: Resolution No. 65245. Council District 2. (Public Works)  
(Deferred from 5/8/01 – Item 2.13)

**Resolution No. 70346 adopted.**

**Disqualified: Reed, affect on source of income for last year.**

## 2 CONSENT CALENDAR

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### 2.17 Approval of an agreement for the operation of telecommunications facilities.

**Recommendation:** Approval of a five-year property use agreement, with one five-year option, with Sprint PCS, allowing for the construction, installation, maintenance, and operation of telecommunications facilities at 1661 and 2077 Airport Boulevard, at an annual base rent of \$60,000 plus \$55 per square foot per year for floor and shelf space, with yearly increases in base and square foot charges at the greater of 4% or the rise in the Consumer Price Index. CEQA: Exempt. Council District 3. (Public Works)  
(Deferred from 5/8/01 – Item 2.14)

**Deferred to 05/22/01.**

**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 – May 2, 2001 Vice Mayor Shirakawa, Jr., Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting  
**The Redevelopment Agency items referred to Redevelopment Agency Board for action.**
  
- (b) City Council
  - (1) Review May 15, 2001 Draft Agenda  
**The Committee approved the May 15, 2001 City Council Agenda with three additions.**
  
  - (2) Add New Items to May 8, 2001 Amended Agenda  
**The Committee recommended five additions to the May 8, 2001 City Council Agenda.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – May 2, 2001 – (Cont'd.) Vice Mayor Shirakawa, Jr., Chair

- (c) City Council Committees
  - (1) Amendments to Council Committee Agendas
    - (a) Finance and Infrastructure Committee  
**The Committee recommended an addition to the May 9, 2001 Finance and Infrastructure Committee agenda entitled, “An Audit of the Pretreatment Source Control Inspection Program (Auditor/Environmental Services Department).”**
    - (b) Economic Development and Environment Committee  
**None Presented.**
    - (c) Education, Neighborhoods, Youth, and Seniors Committee  
**None Presented.**
    - (d) Ad Hoc Traffic Calming Advisory Committee  
**None Presented.**
- (d) Meeting Schedules
  - (1) Request to cancel a budget study session  
**The Committee recommended cancellation of the Budget Study Session scheduled for May 21, 2001 at 8:30 a.m.**
- (e) The Public Record  
**The Committee noted and filed the Public Record for the period April 18-24, 2001.**
- (f) Boards, Commissions and Committees
  - (1) Appoint two community representatives to the Airport Noise Monitoring Committee  
**The Committee deferred this item to the May 9, 2001 Rules Committee meeting.**
- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee  
**None Presented.**
- (h) Administrative Reviews and Approval  
**None Presented.**
- (i) Oral communications  
**None Presented.**

### **3 STRATEGIC SUPPORT SERVICES**

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**3.2 Report of the Rules Committee – May 2, 2001 – (Cont'd.)  
Vice Mayor Shirakawa, Jr., Chair**

- (j) Adjournment  
**The meeting was adjourned at 2:25 p.m.**

**The Rules Committee Report and actions of May 2, 2001 accepted.**

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

**3.4 Approval of an ordinance implementing recent charter changes for public works construction contracts and purchases of supplies, materials, and equipment, and streamlining City contracting procedures.**

**Recommendation:** Approval of an ordinance amending various chapters and titles in the San Jose Municipal Code:

- (a) Implementing a City Charter amendment to change the bid requirement for public works construction contracts from \$50,000 to \$100,000.
- (b) Implementing a second City Charter amendment to remove from the Charter direct regulation of the purchase of supplies, materials and to set the bid requirement for such purchases in the San José Municipal Code at \$100,000; and to allow for publication of the notices of bid invitations for such purchases on the internet as an alternative to publication in a newspaper, and to set forth the procedures for the procurement of supplies, materials, and equipment and to streamline existing procedures, and to make other minor technical changes.
- (c) Increasing the contract authority of Council Appointees (City Manager, City Attorney, City Auditor, Independent Police Auditor, City Clerk, and certain department heads) to \$100,000;
- (d) Expanding the authority of the City Manager to approve minor amendments to contracts previously approved by the City Council which involve no increase in compensation: to extend the term up to 6 consecutive months, to make minor revisions to scopes of services and to make clerical corrections and to approve assignments of contracts; and to make it an explicit code requirement that all City contracts be in writing;

*This item continued on the next page.*

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.4 Approval of an ordinance implementing recent charter changes for public works construction contracts and purchases of supplies, materials, and equipment, and streamlining City contracting procedures. (Cont.)

**Recommendation:** Approval of an ordinance amending various chapters and titles in the San Jose Municipal Code:

- (e) Delegating to the City Manager the authority to approve amendments to leases where the City is a tenant to provide for tenant improvements in an amount up to \$100,000 during the lease term; and to sign tenant estoppel certificates on behalf of the City;
- (f) Amending the authority of the Director of Public Works to issue change orders to public works construction contracts to allow for extensions of the term of contract by a cumulative total of up to 6 months.
- (g) Delegating to the Director of Public Works the authority to approve final tract maps and tract improvement agreements, and subcontractor substitutions;
- (h) Amending the authority of the Director of Public Works to waive performance bonds for contracts up to \$100,000, and the authority of the City Council and the Director of Public Works to waive payment bonds on projects up to \$25,000.

(City Attorney's Office)

**Ordinance No. 26386 passed for publication.**

#### 3.5 Approval of various financial actions related to the General Obligation Bonds Series 2001.

**Recommendation:**

Adoption of a resolution:

- (a) Authorizing the issuance of City of San José General Obligation Bonds, Series 2001 (Libraries and Parks Project) in the not-to-exceed aggregate principal amount of \$71,000,000, to be sold at a competitive sale and allowing for proceeds from the Bonds, in the amounts of \$31,000,000 and \$40,000,000, will be issued for the initial Measure O (Library) and Measure P (Parks) approved projects, respectively.
- (b) Authorizing and directing the execution of certain financing documents, including the Fiscal Agent Agreement and other related documents and directing certain related actions in connection with the financing of the Measure O and Measure P projects through the issuance of the Bonds.
- (c) Approving the forms and approving the use of a Notice Inviting Bids and the Official Statement in connection with the competitive sale of the Bonds, and other related actions.
- (d) Authorizing the Director of Finance to enter into a guaranteed investment agreement for the investment of bond proceeds for the Series 2001 GO Bonds, which would be in addition to the two projects approved by Council on August 1, 2000 as part of the guaranteed investment agreement pilot program.

*This item continued on the next page.*

### **3 STRATEGIC SUPPORT SERVICES**

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**3.5 Approval of various financial actions related to the General Obligation Bonds Series 2001 - (Cont'd.)**

- (e) Authorizing the City Manager to negotiate and execute an agreement with Public Resources Advisory Group for financial advisory services from March 12, 2001 through September 30, 2001, in an amount not to exceed \$75,000.

(Finance)

**Resolution No. 70347 adopted.**

**3.6 Clarification of the appointment process for members of the Downtown Parking Board.**

**Recommendation:** Approval of an ordinance amending Part 36 of Chapter 2.08 of Title 2 of the San José Municipal Code to clarify the appointment process for members of the Downtown Parking Board. (Redevelopment Agency)

(Rules Committee referral 5/9/01)

**Ordinance No. 26387 passed for publication.**

**Council directed the City Clerk to prepare and submit to Council via Rules Committee an informational report on the term limits of the City's Boards and Commissions, and to include Policy recommendations to standardize terms.**

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

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

**No Report.**

**4.2 Approval of various actions related to the Almaden Family Housing Development.**

**Recommendation:** Adoption of a resolution:

- (a) Authorizing the Director of Housing to file an application with California Debt Allocation Committee (CDLAC) for an allocation of up to \$35,000,000 in private activity bonds to finance the construction of up to a 225-unit family rental housing development located at 1525-1585 Almaden Road (Almaden Family Housing Development).
- (b) Authorizing the Director of Housing to negotiate and execute a Deposit and Escrow Agreement with Simpson Housing Solutions, L.L.C., or an affiliated entity, for the CDLAC Application for the Development.

Council District 7. (Finance/Housing)

**Resolution No. 70348 adopted.**

## 4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

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### 4.3 Approval of various actions related to the Almaden Senior Apartments Development.

**Recommendation:** Approval of the following actions regarding the Almaden Senior Apartments Development:

- (a) Hold the TEFRA Hearing for the issuance of up to \$8,000,000 in tax-exempt multifamily housing revenue bonds.

**TEFRA Public Hearing Held.  
No Public Testimony Presented.**

- (b) Adoption of a resolution:

- (1) Expressing its intent to issue up to \$8,000,000 in multifamily tax-exempt revenue bonds to finance the construction of a 66-unit senior rental housing project located on the west side of Almaden Road approximately 100 feet south of Willow Glen Way.
- (2) Authorizing the Director of Housing to file an application with California Debt Allocation Committee (CDLAC) for an allocation of up to \$8,000,000 in private activity bonds.
- (3) Authorizing the Director of Housing to negotiate and execute a Deposit and Escrow Agreement with Simpson Housing Solutions, LLC, or its designated affiliate, in connection with the Development.

Council District 6. (Finance/Housing)

**Resolution No. 70349 adopted.**

### 4.4 Approval of various actions related to the North White Road Family Apartments Development.

**Recommendation:** Approval of the following actions regarding the North White Road Family Apartments Housing Development:

- (a) Hold the TEFRA Hearing for the issuance of up to \$20,000,000 in tax-exempt multifamily housing revenue bonds.

- (b) Adoption of a resolution:

- (1) Expressing its intent to issue up to \$20,000,000 in multifamily tax-exempt revenue bonds to finance the construction of a 157-unit family rental housing project located in the 400 block of North White Road.
- (2) Authorizing the Director of Housing to file an application with California Debt Allocation Committee (CDLAC) for an allocation of up to \$20,000,000 in private activity bonds.
- (3) Authorizing the Director of Housing to negotiate and execute a Deposit and Escrow Agreement with North White Road Associates, L.P., an affiliate of JSM Enterprises, for the CDLAC Application for the Development.

Council District 5. (Finance/Housing)

**TEFRA Public Hearing Opened.  
No Public Testimony Presented.**

**Council Action Deferred to 05/22/01.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.5 Approval of various actions related to the Roberts Avenue Family Apartments Development.**

**Recommendation:** Approval of the following actions regarding the Roberts Avenue Family Apartments Development:

- (a) Hold the TEFRA Hearing for the issuance of up to \$14,000,000 in tax-exempt multifamily housing revenue bonds.

**TEFRA Public Hearing Held.**

**No Public Testimony Presented.**

- (b) Adoption of a resolution:

- (1) Expressing its intent to issue up to \$14,000,000 in multifamily tax-exempt revenue bonds to finance the construction of a 100-unit family rental housing project located at Vintage Way and Lucretia Avenue.

- (2) Authorizing the Director of Housing to negotiate and execute a Deposit and Escrow Agreement with Community Home Builders & Associates, or its affiliate, in connection with this Development.

**Resolution No. 70350 adopted.**

### **4.6 Approval of various actions related to the Roberts Avenue Senior Apartments Development.**

**Recommendation:** Approval of the following actions regarding Roberts Avenue Senior Apartments Development:

- (a) Hold the TEFRA Hearing for the issuance of up to \$11,000,000 in tax-exempt multifamily housing revenue bonds.

**TEFRA Public Hearing Held.**

**No Public Testimony Presented.**

- (b) Adoption of a resolution:

- (1) Expressing its intent to issue up to \$11,000,000 in multifamily tax-exempt revenue bonds to finance the construction of a 100-unit senior rental housing project located on Roberts Avenue at Vintage Way.

- (2) Authorizing the Director of Housing to file an application with California Debt Allocation Committee (CDLAC) for an allocation of up to \$11,000,000 in private activity bonds.

- (3) Authorizing the Director of Housing to negotiate and execute a Deposit and Escrow Agreement with Roberts Avenue Associates, L.P., an affiliate of Roberts Avenue Inc., and Bridge Housing, for the CDLAC Application for the Development.

Council District 7. (Finance/Housing)

**Resolution No. 70351 adopted.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.7 Approval of various actions related to the Villa de Guadalupe Apartments Development.**

**Recommendation:** Approval of the following actions regarding the Villa de Guadalupe Apartment Development:

- (a) Hold the TEFRA Hearing for the issuance of up to \$7,500,000 in tax-exempt multifamily housing revenue bonds.

**TEFRA Public Hearing Held.**

**No Public Testimony Presented.**

- (b) Adoption a resolution:

- (1) Expressing its intent to issue up to \$7,500,000 in multifamily tax-exempt revenue bonds to finance the acquisition and rehabilitation of a 101-unit senior rental apartment development located at 2151 Plaza Guadalupe.
- (2) Authorizing the Director of Housing to file an application with California Debt Allocation Committee (CDLAC) for an allocation of up to \$7,500,000 in private activity bonds.
- (3) Authorizing the Director of Housing to negotiate and execute a Deposit and Escrow Agreement with AIMCO Equity Services, an affiliate of AIMCO, for the CDLAC Application for the Development.

Council District 5. (Finance/Housing)

**Resolution No. 70352 adopted.**

### **4.8 Approval of various actions related to the Hellyer-Piercy Improvement District No. 99-218SJ.**

**Recommendation:**

Adoption of a resolution:

- (a) Authorizing the issuance of limited obligation improvement bonds in the aggregate principal amount of not to exceed \$27,595,000, to be sold at a competitive sale in connection with Improvement District 99-218SJ (Hellyer-Piercy).
- (b) Approving the forms and authorizing the execution of the Fiscal Agent Agreement and certain other related financing documents, and directing and authorizing certain other related actions.
- (c) Approving the forms and approving the use of the Official Notice of Sale and the Official Statement in connection with the competitive sale of the bonds, and directing and authorizing certain other related actions.
- (d) Confirming the Amended Engineer's Report and the assessments.
- (e) Authorizing the City Manager to negotiate and execute a continuation agreement with E. Wagner & Associates, Inc., for financial advisory services, to extend the term of the agreement to December 31, 2001, and to increase the compensation by \$40,000, which includes appraisal services, to an amount not to exceed \$105,000.

*This item continued on the next page.*

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.8 Approval of various actions related to the Hellyer-Piercy Improvement District No. 99-218SJ – (Cont’d.)**

**Recommendation:**

- (f) Authorizing the City Attorney to negotiate and execute the first amendment to the agreement with the Law Offices of Leslie M. Lava, for bond counsel for this transaction, to increase compensation by \$28,500, to an amount not to exceed \$95,000.

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

**Resolution No. 70353 adopted.**

## **5 RECREATION & CULTURAL SERVICES**

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### **5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee Council Member Chavez, Chair No Report.**

## **6 TRANSPORTATION SERVICES**

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### **6.1 Traffic Calming Advisory Committee (Ad Hoc) Council Member Reed, Chair No Report.**

## **7 ENVIRONMENTAL & UTILITY SERVICES**

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### **7.1 Approval of various actions related to the 5<sup>th</sup> Street Sanitary Sewer and Storm Drain Relocation Project.**

**Recommendation:**

- (a)
  - (1) Adoption of a resolution making certain determinations regarding the expenditure of Redevelopment Agency funds on certain public improvements pursuant to Section 33445 of the Health and Safety Code.
  - (2) Approval of a cooperation agreement with the Redevelopment Agency regarding the 5<sup>th</sup> Street Sanitary Sewer and Storm Drain Relocation and Improvement Project of Sanitary and Storm Drain Facilities in the Civic Plaza Redevelopment Area.
  - (3) Adoption of appropriation ordinance amendments in the Sewer Service and Use Charge Capital Fund to establish an appropriation in the amount of \$5,500,000, for the 5<sup>th</sup> Street Sewer and Storm Relocation and Improvement Project, and reduce the ending fund balance in the same amount.
  - (4) Acceptance of the report on bids and award of contract for the 5<sup>th</sup> Street Sanitary Sewer and Storm Drain Relocation Project to the low bidder, Mountain Cascade Inc., in the amount of \$5,271,127, and approval of a contingency in the amount of \$527,000.
- (b) Adoption of a resolution by the Agency Board approving a cooperation agreement with the City regarding the 5<sup>th</sup> Street Sanitary Sewer and Storm Drain Relocation and Improvement Project.

CEQA: Exempt. Council District 3. (City Manager's Office/Redevelopment Agency)

**This Item Renumbered to Item 10.1**

**See Item 10.1 for Council action taken.**

### **7.2 Resolution regarding preservation of the Coyote Valley greenbelt.**

**Recommendation:** Adoption of a resolution to reaffirm the City's commitment to the preservation of the Coyote Valley greenbelt. (Mayor)

(Deferred from 5/8/01 – Item 7.3)

**Deferred to 05/22/01.**

### **7.3 Urgency Ordinance to address standby energy generation facilities.**

**Recommendation:**

- (a) Adoption of an urgency ordinance amending Title 20 of the San José Municipal Code establishing regulations for electrical power generation.

**Urgency Ordinance No. 26388 adopted.**

## **7 ENVIRONMENTAL & UTILITY SERVICES**

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### **7.3 Urgency Ordinance to address standby energy generation facilities – (Cont'd.)**

**Recommendation:**

- (b) Direction to staff to return in 90 days with a regular ordinance readopting the provisions of the ordinance, with such amendments, additions or changes, if any, as appropriate.

CEQA: Exempt. (Mayor)

(Rules Committee referral 5/9/01)

**Council directed Staff to return in 90 days with a regular ordinance for adoption.**

**Council approved the recommendations contained in memoranda from Mayor Gonzales, dated May 11, 2001, and Director of Planning, dated May 10, 2001, with direction to Staff to present to Council at the adoption of the regular ordinance clearly delineated provisions for the length of time generators are permitted before renewal of the CUP is necessary, and criteria for granting exemptions.**

## **8 AVIATION SERVICES**

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### **8.1 Approval to issue a Request for Proposals for Taxicab Services at San José International Airport.**

**Recommendation:** Approval of report on staff's intent to issue Request for Proposals for Taxicab Services at San José International Airport. (Airport)

(Deferred from 5/8/01 – Item 8.1)

**Approved.**

**Council approved recommendations contained in memoranda from Mayor Gonzales and Council Member Diquisto, dated 05/14/01, and Director of Aviation, dated 05/02/01, and suggestions made by industry speakers regarding the use of “alternative fuels” and six-month review of liquidated damages for short fares.**

## **9 PUBLIC SAFETY SERVICES**

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### **9.1 Independent Police Auditor's 2000 Year End Report and Police Department's response.**

**Recommendation:**

- (a) Acceptance of the Independent Police Auditor's 2000 Year End Report.  
(Independent Police Auditor)  
**Report Accepted.**
  
- (b) Acceptance of the Police Department's response to the Independent Police Auditor's 2000 Year End Report. (Police)  
**Report Accepted.**

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

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### **REDEVELOPMENT AGENCY BOARD CONVENED AT 4:25 P.M. TO CONSIDER ITEM 10.1 IN A JOINT SESSION**

### **10.1 Approval of various actions related to the 5<sup>th</sup> Street Sanitary Sewer and Storm Drain Relocation Project.**

**Recommendation:**

- (a) (1) Adoption of a resolution making certain determinations regarding the expenditure of Redevelopment Agency funds on certain public improvements pursuant to Section 33445 of the Health and Safety Code.  
**Resolution No. 70354 adopted.**
  
- (2) Approval of a Cooperation Agreement with the Redevelopment Agency regarding the 5<sup>th</sup> Street Sanitary Sewer and Storm Drain Relocation and Improvement Project of Sanitary and Storm Drain Facilities in the Civic Plaza Redevelopment Area.  
**Approved.**
  
- (3) Adoption of appropriation ordinance amendments in the Sewer Service and Use Charge Capital Fund to establish an appropriation in the amount of \$5,500,000 for the 5<sup>th</sup> Street Sewer and Storm Relocation and Improvement Project, and reduce the ending fund balance in the same amount.  
**Ordinance No. 26389 adopted.**

## 10 JOINT COUNCIL/REDEVELOPMENT AGENCY

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### 10.1 Approval of various actions related to the 5<sup>th</sup> Street Sanitary Sewer and Storm Drain Relocation Project. – (Cont'd.)

**Recommendation:**

- (4) Acceptance of the report on bids and award the contract for the 5<sup>th</sup> Street Sanitary Sewer and Storm Drain Relocation Project to the low bidder, Mountain Cascade Inc., in the amount of \$5,271,127, and approval of a contingency in the amount of \$527,000.

**Bid report accepted and contract approved.**

- (b) Adoption of a resolution by the Agency Board approving a Cooperation Agreement with the City regarding the 5<sup>th</sup> Street Sanitary Sewer and Storm Drain Relocation and Improvement Project.

CEQA: Exempt. Council District 3. (City Manager's Office/Redevelopment Agency)

**This Item Renumbered From Item 7.1**

**Redevelopment Agency Board Resolution adopted.**

**REDEVELOPMENT AGENCY BOARD RECESSED AT 4:26 P.M.**

## CLOSED SESSION REPORT

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**Disclosure of Closed Session Action of 2001 submitted by City Attorney, J. Richard Doyle:**

**A. Authority to Enter Litigation Cases as *Amicus Curiae***

**1. Case Name: City of Los Angeles v. Superior Court (Brandon)**

**Adverse Party or Parties: Superior Court (Brandon)**

**Substance of Litigation: This is an action for discovery of police personnel records where the criminal defendant is seeking records of an internal affair investigation in excess of 5 years before the incident.**

**Council Vote:      Ayes:      Campos, Cortesé, Diquisto, LeZotte,  
Reed, Shirakawa, Jr., Williams, Yeager,  
Gonzales.**

**Noes:      None.**

**Absent:      Chavez, Dando.**

**Disqualified:      None.**



# 11 PUBLIC HEARINGS

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(To be heard by the City Council at 7:00 p.m.)

## 11.1 Public hearing on the naming of a private street at the southerly side of Piercy Road.

**Recommendation:** PUBLIC HEARING ON STREET NAMING to allow the naming of a private street at the southerly side of Piercy Road, approximately 1,200 feet southeasterly of Silver Creek Valley Road, "Optical Court." (Mission West Properties, Owner/Developer). CEQA: Resolution No. 70021. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (7-0-0).  
District 2

**Resolution No. 70355 adopted.**

## 11.2 Public hearing on planned development rezoning on Skyway Drive.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the easterly terminus of Skyway Drive, from (A) PD Planned Development Zoning District and R-1:B-6 Residence District to (A) PD Planned Development Zoning District, to allow: (1) secondary access to Diamond Heights Drive; (2) an increase in the maximum number of students from 1200 to 1400; (3) hard court and parking uses on areas previously designated for open space, and (4) deletion of the requirement to implement a busing program; and (5) combination of the previously approved portions of an existing high school and church campus under one Planned Development Zoning District on 52.68 gross acres. (Valley Christian Schools and South Valley Christian Church, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 00-08-065 - District 2

(Continued from 12/12/00 – Item 15k et al., and 4/17/01 – Item 11.2)

**Continued to 06/05/01.**

## 11.3 Public hearing on planned development rezoning at 1135 Auzerais Street.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northeast corner of Auzerais and Race Streets (1135 Auzerais Street), from M-1 Manufacturing Zoning District to (A) PD Planned Development Zoning District, to allow for the relocation of a billboard on 2.86 gross acres. (Chester C. Lehmann, Owner/Developer). CEQA: Exempt.

PDC 00-08-082 - District 6

(Continued from 12/12/00 – Item 15n et al., and 4/17/01 – Item 11.3)

**Continued to 06/19/01.**

# 11 PUBLIC HEARINGS

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## 11.4 Public Hearing on planned development rezoning at North White Road.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the east side of North White Road, approximately 450 feet north of McKee Road, from County to A(PD) Planned Development Zoning District, to allow 157 affordable multiple family attached residential units. (Owner, Joe Leach, JSM Enterprises). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 01-01-002 - District 5

(Continued from 5/1/01 – Item 11.4)

**Public Hearing Opened.**

**No Public Testimony Presented.**

**Continued to 05/22/01.**

## 11.5 Public Hearing on planned development rezoning at Blackford and Saratoga Avenues.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southeast corner of Blackford Avenue and Saratoga Avenue, from RM Residence Zoning District to A(PD) Planned Development Zoning District, to allow an addition of up to 84 multi-family attached residential units to an existing apartment complex on 1.1 gross acres. (R&B Realty Group and Moreland School District, Owners; R&B Realty Group, Developer). CEQA: Negative Declaration.

PDC 00-09-089 - District 1

**Continued to 06/19/01.**

## 11.6 Public Hearing on planned development rezoning at Interstate 280 and Northrup Street.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southwest corner of Interstate 280 and Northrup Street, from County to A(PD) Planned Development Zoning District, to allow construction of up to eight single-family attached residences on 0.70 gross acre. (Blackwell Brothers Development Company, Owner; Blackwell Brothers Construction, Developer). CEQA: Negative Declaration. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 00-08-071 – District 6

**Ordinance No. 26390 passed for publication.**

**Council approved the rezoning with additional condition to install 4-way stop at the intersection of Paula and Northrup.**

# 11 PUBLIC HEARINGS

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## 11.7 Public Hearing on planned development rezoning at Magliocco Drive and Huff Avenue.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northwestern corner of Magliocco Drive and Huff Avenue, from CP Pedestrian Commercial Zoning District to A(PD) Planned Development Zoning District, to allow up to 48 single family attached residential units on 0.79 gross acre. (Mark Migdal, Two Towers Group, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 01-01-008 – District 6

**Ordinance No. 26391 passed for publication.**

## 11.8 Public Hearing on planned development rezoning on Clemence Avenue.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the east side of Clemence Avenue, approximately 310 feet southerly of Owsley Avenue, from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District, to allow up to 61 attached affordable senior housing units on a 1.56 gross acre site. (Amalia Battaglia, Trustee of the Joseph A. Battaglia Trust and Robert H. Gere and Patricia J. Gere, Trustees of the Gere Family Trust, Owners; Robert Emami, ROEM Corporation, Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDCSH 01-02-022 - District 7

**Ordinance No. 26392 passed for publication.**

## 11.9 Public Hearing on conventional rezoning of certain properties on the west side of North 5<sup>th</sup> Street.

**Recommendation:** PUBLIC HEARING ON CONVENTIONAL REZONING INITIATED BY THE DIRECTOR OF PLANNING of the properties located at the west side of North 5<sup>th</sup> Street, 140 feet northerly of East Santa Clara Street, from R-M Residence Zoning District to CP Commercial Zoning District, on 0.43 gross acre. CEQA: Resolution No. 65459.

C 01-04-055 - District 3

**Continued to 06/05/01.**

## **11 PUBLIC HEARINGS**

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### **11.10 Public Hearing on a planned development rezoning on North First Street.**

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the east side of North First Street, 250 feet southerly of Burton Avenue, from CN Neighborhood Commercial Zoning District to A(PD) Planned Development Zoning District, to allow a reduction in parking requirements for existing restaurant uses on 0.36 gross acres. (Cortese, Owner; Tafreshi, Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 01-02-013 - District 3

(Continued from 4/3/01 – Item 11.7 et al., and 5/8/01 – Item 4.6)

**Continued to 06/05/01.**

## **OPEN FORUM**

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## **ADJOURNMENT**

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**The Council of the City of San José adjourned at 8:10 p.m.**