

# CITY COUNCIL AGENDA

**MAY 28, 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 Dando, LeZotte (both excused)**  
  
**1:30 p.m. Regular Session, Council Chambers, City Hall**  
**Absent: Council Members Dando, LeZotte (both excused)**
- **Invocation (District 5)**  
**Fifth graders Aubrea Borillo and Joshyua Ayeras from San Antonio Elementary read their award winning poems from the Authors Fair and delivered the invocation.**
- **Pledge of Allegiance**  
**Mayor Gonzales led in the Pledge of Allegiance.**
- **Orders of the Day**  
**Approved.**  
**Noting the passing of Darrell Von Haas, Mayor Gonzales introduced his widow, mother and sister in attendance and announced the adjournment will be in his memory.**

## **1 CEREMONIAL ITEMS**

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- 1.1 Presentation of an award to the City of San José by the Housing Trust of Santa Clara County. (Mayor)  
**Joining Mayor Gonzales at the podium was President and CEO of Silicon Valley Manufacturing Group Carl Guardino who presented the award to the Mayor and City Council and Acting Executive Director of Housing Trust of Santa Clara County Poncho J. Guevara presented an update.**
- 1.2 Presentation of a commendation to Greg Fatovic, Vice President of Programs and General Manager of San José site, in behalf of Pratt and Whitney for its exemplary Health and Safety Program and winning the California-Osha Voluntary Protection Star award, the highest level of safety recognition by a governmental entity. (Williams)  
**Council Members Williams and Cortese joined Mayor Gonzales at the podium to present the commendation and recognized Pratt and Whitney for being 4<sup>th</sup> in the State for safety.**

# 1 CEREMONIAL ITEMS

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- 1.3 Presentation of a commendation to RW French for their hard work and dedication to the community for their project at the First Congregational Church. (Yeager)  
**Council Member Yeager joined the Mayor at the podium to present the commendation to Senior Minister at First Congregational Church, Reverend Nathan Miller, Moderator Julie Horst, Board of Trustees and RW French Coordinator Jon Shoonmaker, President of RW French, Ronald French and General Manager of RW French Mike Rabah.**
- 1.4 Presentation of a commendation to the Lincoln High School Mock Trial Team for their unprecedented success this year in winning back-to-back state championships and placing fourth out of forty-four teams in the national competition. (Yeager)  
(Rules Committee referral 5/22/02)  
**Council Member Yeager who introduced team coaches Kris Morella and Jim Towery who introduced students of the Mock Trial team joined the Mayor at the podium.**
- 1.5 Presentation of a commendation to City of San José Police Officers for their participation in the 20<sup>th</sup> annual Palm Sunday Senior Citizen Breakfast. (Campos)  
(Orders of the Day)  
**Joining Mayor Gonzales at the podium was Council Member Campos and Police Chief Landsdowne who introduced Officer Delgado and Officer Calderon who hosted seniors off duty at the 20<sup>th</sup> Annual Palm Sunday Senior Citizen Breakfast and in addition to 32 off duty Officers who also participated.**

# 2 CONSENT CALENDAR

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## 2.1 Approval of Minutes.

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

- (a) Regular meeting of November 13, 2001  
**Approved.**
- (b) Regular meeting of November 20, 2001  
**Approved.**
- (c) General Plan meeting of November 20, 2001  
**Approved.**
- (d) Regular meeting of November 27, 2001  
**Approved.**
- (e) Joint Council/Redevelopment Agency Board meeting of November 27, 2002  
**Approved.**

## 2 CONSENT CALENDAR

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### 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances:

- (a) ORD. NO. 26633 – Amends Section 3.36.920 of Chapter 3.36 of Title 3 of the San José Municipal Code to limit time in which a person may apply for disability retirement from the Police and Fire Department Retirement Plan after separation from City service.

**Ordinance No. 26633 adopted.**

- (b) ORD. NO. 26634 – Amends Sections 15.16.1380, 15.16.1390, and 15.16.1500 of Chapter 15.16 of Title 15 of the San José Municipal Code and adds a new Section 15.16.1395 to revise provisions related to categorization of premises and determination of charges for use of the Storm Sewer System and to correct a clerical error.

**Ordinance No. 26634 adopted.**

### 2.3 Approval of an ordinance to allow deferred vested persons in the Police and Fire Department Retirement Plan to enroll in medical and dental insurance plans.

**Recommendation:** Approval of an ordinance amending Part 9.5 of Chapter 3.36 of Title 3 of the San José Municipal Code (Police and Fire Department Retirement Plan) to allow deferred vested persons who separated prior to July 5, 1992 to enroll in the Plan's medical and dental insurance plans. (Board of Administration for the Police & Fire Department Retirement Plan)

**Ordinance No. 26641 passed for publication.**

### 2.4 Approval of an ordinance to permit surviving spouses to continue medical coverage for children under a guardianship arrangement that are in the Federated City Employees' Retirement System.

**Recommendation:** Approval of an ordinance amending Section 3.28.1980 of Chapter 3.28 of Title 3 of the San José Municipal Code (Federated City Employees' Retirement System) to permit surviving spouses to continue medical coverage for children under a guardianship arrangement. (Board of Administration for the Federated City Employees' Retirement System)

**Ordinance No. 26642 passed for publication.**

### 2.5 Approval of an ordinance to provide an option for post retirement spousal benefits to persons in the Police and Fire Department Plan.

**Recommendation:** Approval of an ordinance amending Part 9.5 of Chapter 3.36 of Title 3 of the San José Municipal Code (Police and Fire Department Retirement Plan) to provide an option for post retirement spousal benefits. (Board of Administration for the Police & Fire Department Retirement Plan)

**Ordinance No. 26643 passed for publication.**

## 2 CONSENT CALENDAR

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### 2.6 Approval of various fiscal actions for Redevelopment Agency Capital Projects.

**Recommendation:** Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) The Center for Performing Arts Improvements Project and the Bike Barn Demolition and Parking Lot Project, with a net impact to the fund of \$212,000. Council District 3. (City Manager's Office)

**Ordinance No. 26644 adopted.**

**Resolution No. 70983 adopted.**

### 2.7 Approval of various actions related to three Business Improvement Districts.

**Recommendation:**

(a) Preliminary approval of the report as filed by the Willow Glen Business Improvement District Advisory Board, or as modified by Council; and adoption of a resolution of intention to levy the annual assessment for 2002-2003, and set June 11, 2002 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments. Council District 6. (Economic Development)

**Report was tentatively approved.**

**Resolution No. 70984 adopted.**

(b) Preliminary approval of the report as filed by the Japantown Business Improvement District Advisory Board, or as modified by Council; and adoption of a resolution of intention to levy the annual assessment for 2002-03, and set June 11, 2002 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments. Council District 3. SNI: 13<sup>th</sup> Street. (Economic Development)

**Report was tentatively approved.**

**Resolution No. 70985 adopted.**

(c) Preliminary approval of the report as filed by the Downtown Business Improvement District Advisory Board, or as modified by Council; and adoption of a resolution of intention to levy the annual assessment for 2002-03, and set June 11, 2002 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments. Council District 3. SNI: St. James Square, University, Josefa, Auzeais, and Burbank/Del Monte. (Economic Development)

**Report was tentatively approved.**

**Resolution No. 70986 adopted.**

## 2 CONSENT CALENDAR

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### 2.8 Approval to award a contract for modifications in the Computer Control Room at the WPCP.

**Recommendation:** Report on bids and award of contract for the construction project entitled “San José/Santa Clara Water Pollution Control Plant (WPCP), FY 2000/2001 Capital Improvement Program: Computer Control Room Modifications” to the low bidder, Rusciano Construction, Incorporated, in the amount of \$186,269, and approval of a budget contingency in the amount of \$28,000. CEQA: Exempt, PP02-04-077. (Environmental Services)

**Approved.**

### 2.9 Approval to set a hearing for public protest on the cost of sidewalk repairs.

**Recommendation:** Adoption of a resolution setting a public hearing on June 18, 2002 at 1:30 p.m. for the approval of the report of the Directors of Finance and Transportation on the cost of sidewalk repairs. (Finance/Transportation)

**Resolution No. 70987 adopted.**

### 2.10 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 #35, and authorization for the Director of General Services to execute the purchase orders. (General Services)

**Approved.**

### 2.11 Acceptance of donations from the San José Public Library Foundation.

**Recommendation:** Adoption of a resolution accepting donations from the San José Public Library Foundation in an amount not to exceed \$125,000, for the period July 1, 2002 to June 30, 2003. (Library)

**Resolution No. 70988 adopted.**

### 2.12 Approval of fiscal action for the Winfield Acquisition Trust Fund.

**Recommendation:** Adoption of an appropriation ordinance amendment in the Park Trust Fund for the Winfield Park Project in conjunction with the Guadalupe River South Trail, with a net impact to the fund of \$380,000. (Parks, Recreation and Neighborhood Services/City Manager’s Office)

**Ordinance No. 26645 adopted.**

## 2 CONSENT CALENDAR

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### 2.13 Approval of various actions related to the annexation of Sunol No. 64.

**Recommendation:** Adoption of a resolution initiating proceedings and setting June 18, 2002 at 1:30 p.m. as the date for Council consideration of the reorganization of territory designated as Sunol No. 64 which involves the annexation to the City of San José of 0.3 acre of land, located on the west side of Page Street, approximately 260 feet north of Chiechi Avenue and generally bounded by the City of San José Annexation #237 – Sunol No. 6-A and the unincorporated site subject to failed annexation – Buena Vista No. 1, and the detachment of the same from the appropriate special districts including: Sunol Sanitary, Co., County Lighting Service, Central Fire Protection, and the County Library Service Area. CEQA: Exempt, PP# Sunol No. 64. Council District 6. SNI: Burbank. (Planning, Building and Code Enforcement)

**Resolution No. 70989 adopted.**

### 2.14 Approval of actions in the State Drug Forfeiture Fund.

**Recommendation:** Adoption of amendments to the annual appropriation ordinance in the State Drug Forfeiture Fund in Fiscal Year 2001-2002 as follows:

- (a) Increase the Non-Personal/Equipment appropriation for the Police Department in the amount of \$56,700;
- (b) Decrease the Unrestricted Ending Fund Balance in the amount of \$56,700. (Police/City Manager's Office)

**Ordinance No. 26646 adopted.**

### 2.15 Approval of actions in the Supplemental Law Enforcement Services Fund.

**Recommendation:** Approval of appropriation actions in the Supplemental Law Enforcement Services Fund for Fiscal Year 2001-02:

- (a) Establish an appropriation in City-wide Expenses to the Police Department in the amount of \$4,730,922 for Computer-Aided Dispatch System Replacement;
- (b) Decrease the Reserve for Computer Aided Dispatch System Replacement by the amount of \$4,730,922. (Police/City Manager's Office)

**Ordinance No. 26647 adopted.**

### 2.16 Approval of master agreements for appraisal services.

**Recommendation:**

- (a) Approval of master agreements for appraisal services with Carneghi-Bautovich & Partners, Inc., Diaz, Diaz and Boyd, Inc., Hulberg and Associates, Inc., The Reitman Group, Smith & Associates, Inc. and Jonathon R. Strong; each agreement in an amount not to exceed \$250,000.
- (b) Approval of master agreements for appraisal review services with Thomas W. Ryland and Henry Spoto, Jr.; each agreement in an amount not to exceed \$250,000.

*This Item continued on the next page.*

## 2 CONSENT CALENDAR

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### 2.16 Approval of master agreements for appraisal services. (Cont'd)

**Recommendation:**

- (c) Authorization to the Director of Public Works to assign specific appraisal and appraisal review projects to the above-mentioned appraisers up to the amount specified in each individual master agreement.

(Public Works)

**This item was deferred to June 18, 2002.**

### 2.17 Approval to assign agreement obligations for Various Parks and Recreation Projects to Catalyst.

**Recommendation:** Approval of the first amendment to the master agreement with Tom Richman & Associates, Inc. for landscape architectural consultant services for Various Parks and Recreation Projects to assign the obligations of Tom Richman & Associates, Inc. to Catalyst, and to extend the term from June 30, 2002 to June 30, 2003, at no cost to the City. (Public Works)

**Approved.**

### 2.18 Approval to award a contract for the Street Lights Mayfair Project (2002).

**Recommendation:** Report on bids and award of contract for the Street Lights Mayfair 2002 Project to the low bidder, Giacolone Electrical Services Inc., in the amount of \$166,000, and approval of a contingency in the amount of \$16,000. CEQA: Exempt, PP01-02-023. Council District 5. SNI: Plata Arroyo/Mayfair West. (Public Works)

**Approved.**

### 2.19 Approval to waive a minor irregularity in the low bid and award a contract for the construction of the Julian Street Median Island Improvements.

**Recommendation:** Report on bids, waiver of minor irregularity in the low bid, and award of contract for the construction of the Julian Street Median Island Improvements (at Pellier Park) to the low bidder, Bamer Construction Company, Inc., in the amount of \$124,200, and approval of a contingency in the amount of \$12,000. CEQA: Exempt, PP01-11-204. Council District 3. (Public Works)

**Approved.**

### 2.20 Approval of fiscal actions related to environmental management for City-owned closed landfills.

**Recommendation:** Adoption of appropriation ordinance and funding sources resolution amendments to the General Fund for costs related to environmental management for City-owned closed landfills:

- (a) Increase the revenue estimate in the General Fund for Other Revenue by \$50,000; and

*This Item continued on the next page.*

## 2 CONSENT CALENDAR

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### 2.20 Approval of fiscal actions related to environmental management for City-owned closed landfills. (Cont'd)

**Recommendation:** Adoption of appropriation ordinance and funding sources resolution amendments to the General Fund for costs related to environmental management for City-owned closed landfills:

(b) Increase the Methane Monitoring and Control Appropriation by \$50,000.  
(Public Works/City Manager's Office)

**Ordinance No. 26648 adopted.**

**Resolution No. 70990 adopted.**

### 2.21 Approval to reject all proposals for a technology equipment management system.

**Recommendation:** Approval of rejection of all proposals for a technology equipment management system. (General Services/Information Technology)  
(Deferred from 5/21/02 – Item 2.8)

**Approved.**

### 2.22 Approval of lease agreements for office space at 4 North Second Street.

**Recommendation:** Approval of two lease agreements with Cornerstone Properties, LLC, for office space at 4 North Second Street for a combined monthly rent of \$58,444.20 during the first year of the leases, with annual increases of approximately three percent to a maximum rate of \$63,639.24 per month during the fourth and final year of the leases. (Public Works)

(Deferred from 5/21/02 – Item 2.11)

**Approved.**

### 2.23 Approval to submit a revised grant application to the State Resources Agency.

**Recommendation:** Adoption of a resolution authorizing the City Manager to enter into a grant agreement for \$1,270,000 with 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. (Parks, Recreation and Neighborhood Services)

(Rules Committee referral 5/22/02)

**Resolution No. 70991 adopted.**

## 2 CONSENT CALENDAR

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### 2.24 Approval to determine that public use and necessity require the acquisition of certain properties and directing the filing of eminent domain actions.

**Recommendation:** Adoption of a resolution determining that public use and necessity require the acquisition of:

- (a) A right of way and sewer easement and a waterline easement on a portion of property located on Santa Teresa Boulevard in an area bounded by Fisher Creek to the north, Bailey Avenue to the south, Union Pacific Railroad track to the east, and Santa Teresa Boulevard to the west, owned by Coyote Valley Research Park, LLC, a Delaware Limited Liability Company, together with temporary 12 month construction easements on portions of the subject property adjoining the future access road/sanitary sewer and waterline easements, and directing the City Attorney to file an eminent domain action to acquire these interests. CEQA: Final Staff Assessment issued by the California Energy Commission. Council District 2. (Public Works)

**Resolution No. 70992 adopted.**

- (b) A right of way and sewer easement on a portion of property located south of Blanchard Road, approximately 1,800 feet east of Santa Teresa Boulevard, owned by WL Properties, a California General Partnership, together with a temporary 12 month construction easement on an adjacent portion of the subject property adjacent to the proposed easement, and directing the City Attorney to file an eminent domain action to acquire these interests. CEQA: Final Staff Assessment issued by the California Energy Commission. Council District 2. (Public Works)

(Rules Committee referral 5/22/02)

**Resolution No. 70993 adopted.**

**Council approved the recommended action with direction that Staff negotiate to close on the item by June 25, 2002 without eminent domain. If parties are unable to come to an agreement in that period of time, Staff is recommended (and consistent with Resolutions 70992 and 70993) to insure the following: (1) a clear and compelling public purpose can be shown; (2) a clear project is defined; (3) Adequate amount of acreage to implement the project defined;(4) a fair and independent appraisal take place; (5) assurance can be provided that the proposed improvements will ultimately be constructed consistent with City standards for public roads and North Coyote Valley Master Development plan requirements; and (6) acquisition will not jeopardize CVR's entitlements or the use or marketability of the property.**

**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 in Lieu Committee – May 15, 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 May 28, 2002 Draft Agenda

**Action was taken to recommend approval of the May 28, 2002 City Council Agenda.**

#### 3.2 Report of the Rules in Lieu Committee – May 15, 2002 (Cont'd)

(b) City Council

(2) Add New Items to May 21, 2002 Amended Agenda

**The Committee recommended seven additions to the May 21, 2002 City Council Agenda.**

(c) City Council Committees

(1) Amendments to Council Committee Agendas

(a) Finance and Infrastructure Committee  
**None filed.**

(b) Economic Development and Environment Committee

**The Committee recommended adding to the June 3, 2002 Economic and Development and Environment Committee Item h, entitled “Third Quarter Redevelopment Housing Report (Redevelopment Agency)”.**

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

(d) Meeting Schedules

(1) Approve changes to the proposed FY 2002-2003 Budget Calendar

**The Committee recommended approval with the following changes to the proposed FY 2002-2003 Budget Calendar:**

a. **Cancel the May 15 morning study session.**

b. **Cancel the May 17 morning study session.**

c. **Hold a morning study session on May 24, from 8:30 a.m. to 12:00 noon in the Council Chambers.**

d. **Hold an afternoon study session, if needed, on May 24, from 1:30-3:30 p.m. in the Council Chambers.**

### **3 STRATEGIC SUPPORT SERVICES**

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#### **3.2 Report of the Rules in Lieu Committee – May 15, 2002 (Cont'd)**

- (e) The Public Record  
**There was no Public Record filed.**
  
- (f) Boards, Commissions and Committees
  - (1) Deferred Compensation Advisory Committee  
**This item was reported at the May 21, 2002 Council meeting.**
  
- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
  - (1) Request Fire Department to provide stroke education and training to firefighters and paramedics  
**The Committee referred to Council Member Dando's request to the Administration with direction to return to Rules Committee on May 29, 2002 with a report on the workload assessment to provide Stroke Awareness Training.**
  
- (h) Administrative Reviews and Approval  
**There were none.**
  
- (i) Oral communications  
**There were none.**
  
- (j) Adjournment  
**The meeting was adjourned at 1:15 P.M.**

**The Rules in Lieu Committee Report and actions of May 15, 2002 were accepted.**

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

**Council Member Dando, Chair**

**No Report.**

### **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 Acceptance of the report and update on Construction Impact Mitigation.**

**Recommendation:** Acceptance of the report updating the City Council on Best Practices for Construction Impact Mitigation and directing staff to prepare policies and guidelines for implementation of Construction Impact Mitigation Plans for extraordinary projects. (City Manager's Office/Redevelopment Agency)

**The Report was accepted with direction to staff to move forward with the construction impact mitigation plan to come back to council with options for policies and ordinances with an examination of construction mitigation zones and evaluate the way the current program is working and to examine monetary compensation options.**

### **4.3 Public Hearing on the designation of the Arthur Monroe Free House as a historical landmark.**

**Recommendation:** PUBLIC HEARING and adoption of a resolution designating the Arthur Monroe Free House, located at 66 South 14<sup>th</sup> Street as a landmark of special historic, architectural, cultural, aesthetic, or engineering interest or value of a historic nature. Director of Planning, Building, and Code Enforcement recommends approval. CEQA: Exempt. Council District 3. SNI: University. (Planning, Building, and Code Enforcement)

**Resolution No. 70994 adopted.**

### **4.4 Approval to award a contract for the Redmond Avenue Sanitary Sewer Reduction Project (I&I).**

**Recommendation:** Report on bids and award of contract for the Redmond Avenue Sanitary Sewer I&I Reduction Project to the low bidder, Insituform Technologies Inc., in the amount of \$685,515, and approval of a contingency in the amount of \$69,000. CEQA: Exempt, PP01-08-137. Council District 10. (Public Works)

**Approved.**

### **4.5 Final adoption of the Blight Ordinance (Ordinance No. 26619).**

**Recommendation:** Final adoption of Ordinance No. 26619 – Amends and restates 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 and multi-family dwellings and park strips, and to specify storage requirements for certain items in residential zones, and amending Section 20.30.430 of Chapter 20.30 of Title 20 to provide a cross reference to the provisions of Chapter 17.72 of Title 17 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 of this ordinance. (Planning, Building, and Code Enforcement)

**This Item deferred to June 11, 2002 to be heard in the evening.**

## **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.**

- 5.2 Acceptance of staff's quarterly status report on the Parks and Recreation and Branch Library Bond Projects.**

**Recommendation:** Acceptance of staff's quarterly status report on the Parks and Recreation and Branch Library Bond Projects. (City Manager's Office)  
**Approved.**

- 5.3 Approval to award a contract for the Hathaway and Hillview Parks Play Area and Restroom Renovation Project.**

**Recommendation:** Report on bids and award of contract for the Hathaway and Hillview Parks Play Area and Restroom Renovation Project to the low bidder Jensen Corporation Landscape Contractors, to include the base bid and Add Alternate Nos. 1, 2, and 3, in the amount of \$694,994. CEQA: Exempt, PP03-03-048 and PP03-03-047. Council Districts 1 and 5. SNI: Hillview Park-East Valley /680 Community. (Public Works)  
**Approved.**

## **6 TRANSPORTATION SERVICES**

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- 6.1 Approval of a recommendation to perform slurry sealing on residential streets for FY 2002-2003.**

**Recommendation:** Approval of a recommendation to perform slurry sealing on residential streets for FY 2002-2003. (Transportation)

**Motion to approve staff recommendation denied.**

**Noes: Shirakawa, Jr., Campos, Chavez and Reed.**

**Motion to move ahead with the new and improved chip seal program approved.**

**Noes: Cortese, Diquisto, and Gonzales.**

## **6 TRANSPORTATION SERVICES**

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### **6.2 Approval of recommendation to the VTA and BART Board of Directors on the alignment and station locations for proposed BART service in the City of San José.**

**Recommendation:**

- (a) Adoption of resolutions by the City Council and Redevelopment Agency Board approving recommendations to the VTA and BART Board of Directors on the alignment and station locations for proposed BART service in the City of San José.
- (b) Prepare a construction impact mitigation plan by December 2002, working in coordination with the affected community, and to include a study of alternative construction methods for the Downtown stations, ranging from “underground excavation” to “cut and cover”.

(Transportation/Redevelopment Agency)

**This Item renumbered to 10.1**

### **6.3 Approval of staff’s report on the implementation date of the Parking Permit Program.**

**Recommendation:** Approval of staff’s report on the implementation date of the Horace Mann and South University Residential Parking Permit Program. (Transportation)  
(Deferred from 5/28/02 – Item 6.1)

**This Item deferred to June 4, 2002.**

## **7 ENVIRONMENTAL & UTILITY SERVICES**

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### **7.1 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)  
(Deferred from 5/21/02 – Item 7.1)

**Approved.**

## **8 AVIATION SERVICES**

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## **9 PUBLIC SAFETY SERVICES**

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

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**CONVENE REDEVELOPMENT AGENCY BOARD AT 3:45 P.M. TO  
CONSIDER ITEM 10.1 IN A JOINT SESSION**

**10.1 Approval of recommendation to the VTA and BART Board of Directors on the alignment and station locations for proposed BART service in the City of San José.**

**Recommendation:**

- (a) Adoption of resolutions by the City Council and Redevelopment Agency Board approving recommendations to the VTA and BART Board of Directors on the alignment and station locations for proposed BART service in the City of San José.

**Resolution No. 70995 adopted.**

**Redevelopment Agency Board Resolution Adopted.**

- (b) Prepare a construction impact mitigation plan by December 2002, working in coordination with the affected community, and to include a study of alternative construction methods for the Downtown stations, ranging from “underground excavation” to “cut and cover”.

(Transportation/Redevelopment Agency)

**This Item renumbered from 6.2.**

**Approved.**

**ADJOURN REDEVELOPMENT AGENCY BOARD PORTION OF THE  
MEETING AT 3:47 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:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9437	SW/c of Camden Ave. & Vista Loop Dr.	9	The Ridgecrest Group	5 units	SFDR
9346	NE/C of Yerba Buena Rd. & Old Yerba Buena	8	Legacy Partners	8 lots	Industrial

- **Open Forum**  
Joseph Takacs discussed the blight ordinance and redevelopment issues.
- **Adjournment**  
The Council of the City of San Jose adjourned at 4:45 P.M. in memory of Darrell Von Haas, Mail Processor in the Department of General Services.

## **JOINT REDEVELOPMENT AGENCY/COUNCIL**

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**5:02 P.M. Joint Session, Council Chambers, City Hall**  
**Absent Council Members: Dando**

- 7.1 Approval of the second amendment to the lease with The Comedy Club of San Jose, LLC, for an Improv comedy club at 62-64 South Second Street in the San Jose Theatre.**

**Recommendation:**

- (a) Adoption of a resolution by the City Council approving the Second Amendment to the lease of the Agency’s property at 62-64 South Second Street to the Comedy Club of San Jose, LLC, and making certain findings.  
**Resolution No. 70996 adopted.**

## **JOINT REDEVELOPMENT AGENCY/COUNCIL**

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### **7.1 Approval of the second amendment to the lease with The Comedy Club of San Jose, LLC, for an Improv comedy club at 62-64 South Second Street in the San Jose Theatre. (Cont'd)**

#### **Recommendation:**

- (b) Approval by the Agency Board of the Second Amendment to the lease between Comedy Club of San Jose, LLC (Tenant) and the agency (Landlord) for the property located at 62-64 South Second Street, amend the scope of work within the Landlord Improvements to conform with the construction documents and to increase the Landlord Improvement Allowance from \$3,634,583 to \$4,181,340.

**Approved.**

- (c) Adopt a resolution by the Agency Board approving a budget adjustment of \$837,514 to the Agency's Adopted FY 2001-2002 Capital Budget: Century Center: Jose Theatre RFQ/Facility Improvements and Leasing line item increasing the total estimated Agency assistance from \$5,105,731 to \$5,943,245.  
CEQA: Resolution No. 67721 (CENTURY CENTER)

**Redevelopment Agency Board Resolution Adopted.**

### **7.2 Approval of the extension of the Civic Plaza Project Area Committee for one year.**

**Recommendations:** Adoption of a resolution by the City Council approving the extension of the Civic Plaza Project Area Committee for one year, through June 10, 2003.  
(CIVIC PLAZA)

**Resolution No. 70997 adopted.**

**The Joint Redevelopment Agency Council meeting adjourned at 5:06 P.M.**