



CITY COUNCIL AGENDA

JUNE 18, 2002

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
GEORGE SHIRAKAWA, JR.
DAVID D. CORTESE
JOHN DIQUISTO
PAT DANDO

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

- **Call to Order and Roll Call**
9:30 a.m. - Closed Session, Room 600, City Hall
Absent: Council Members – None.

- 1:30 p.m. - Regular Session, Council Chambers, City Hall**
Absent: Council Members – None.

- 7:00 p.m. - Public Hearings, Council Chambers, City Hall**
Absent: Council Members – None.

- **Invocation (District 6)**
The Reverend Art Mills, Willow Glen Stone Church, delivered the invocation.

- **Pledge of Allegiance**
Mayor Gonzales led in the Pledge of Allegiance.

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- **Orders of the Day**
Approved with the following addition: Defer Item 4.1 to 06/25/02.

1 CEREMONIAL ITEMS

2 CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of City Council Minutes for:

- (a) Regular meeting of December 18, 2001
Approved.

- (b) Joint Council/Redevelopment Agency Board meeting of December 18, 2001
Approved.

2 CONSENT CALENDAR

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 26649 – Amends Chapter 17.23 of Title 17 of the San José Municipal Code by creating a new Section 17.23.030 to require landlords to provide the City with copies of certain notices to quit; amending Section 17.23.440 and creating a new Section 17.23.451 to prohibit landlords from passing through to tenants in rent increases the costs of certain equity refinances except in cases of hardship to landlord; amending Section 17.23.505 to increase the applicable penalties under this ordinance to the greater of \$2500 per day per occurrence or \$10,000; creating a new Section 17.23.550 to create a civil cause of action for tenants who have been evicted in violation of this ordinance; and creating Section 17.23.560 to require owners of rent controlled properties to disclose to a potential buyer that such properties are covered by this Chapter.

Ordinance No. 26649 adopted.

- (b) ORD. NO. 26650 – Prezones certain real property situated on the west side of Page Street, approximately 260 feet north of Chiechi Avenue. PDC 01-03-039

Ordinance No. 26650 adopted.

- (c) ORD. NO. 26651 - Rezones certain real property situated on the northerly terminus of Great Oaks Boulevard, westerly of Monterey Highway and northerly of State Route 85. PDCSH 01-09-093

Ordinance No. 26651 adopted.

- (d) ORD. NO. 26652 - Rezones certain real property situated on the northwest corner of Rainier Street and Luther Avenue. C 02-001

Ordinance No. 26652 adopted.

- (e) ORD. NO. 26653 - Rezones certain real property situated on the south side of Park Avenue, 500 feet easterly of Race Street. C 02-012

Ordinance No. 26653 adopted.

- (f) ORD. NO. 26654 - Rezones certain real property situated on the southeast corner of Meridian Avenue and Auzerais Avenue. PDC 02-030

Ordinance No. 26654 adopted.

2 CONSENT CALENDAR

2.3 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.

Approved.

- (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.

Approved.

- (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.

CEQA: Exempt, PP02-06-152.

(Public Works)

(Deferred from 5/28/02 – Item 2.16)

Approved.

2.4 Approval to extend the term of a financial feasibility agreement for the Airport's Master Plan projects.

Recommendation:

- (a) Exercise the first option to extend the term of the agreement for consultant services between the City of San José and Landrum & Brown, Inc. for one year at no additional compensation.

Approved.

- (b) Adoption of a resolution authorizing the City Manager to exercise the remaining two one-year options to extend the agreement, at no additional compensation.

CEQA: Resolution No. 67380.

(Airport)

Resolution No. 71046 adopted.

2.5 Approval of a commercial air cargo operating agreement for the Airport.

Recommendation: Approval of a first amendment to the commercial air cargo operating agreement with United Parcel Service, Inc. extending the term of the agreement from August 1, 2002 through July 31, 2007, with an estimated annual revenue to the City of \$342,055. CEQA: Resolution No. 67380. (Airport)

Deferred to 06/25/02.

2 CONSENT CALENDAR

2.6 Approval to amend agreements for the Acoustical Treatment Program.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute a third amendment to the agreement with Charles M. Salter Associates for consultant services needed to redesign and provide Acoustical Treatment Program construction administration for eligible homes in the Ryland-Vendome and Rosemary Gardens area of San José, increasing the compensation by \$392,746, from \$1,886,000 to \$2,278,746, and extending the term of the agreement from December 31, 2002 to December 30, 2004. Council District 3.

Resolution No. 71047 adopted.

- (b) Adoption of a resolution authorizing the City Manager to negotiate and execute a second amendment to the agreement with Corlett, Skaer and DeVoto Architects Inc. for consultant services related to the expanded Acoustical Treatment Program in the Guadalupe/Washington area, increasing the compensation by \$1,161,225, from \$2,383,500 to \$3,544,725, and extending the term of the agreement from June 30, 2002 to December 30, 2004. Council District 3. SNI: Guadalupe/Washington.

CEQA: Resolution No. 67380. (Airport)

Resolution No. 71048 adopted.

2.7 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) for the Monterey/South First Street Tree Planting Project and the Story Road Median Island Improvement in the amount of \$1,825,000. CEQA: Not a project. Council Districts 3 and 7. (City Manager's Office)

Ordinance No. 26664 adopted.

Resolution No. 71049 adopted.

2.8 Acceptance of the Public Art Workplan for the Library and Parks Bond Projects.

Recommendation: Acceptance of the Public Art Workplan for the Library (Measure O, 2000) and Parks (Measure P, 2000) Bond Projects. CEQA: Not a project. (Conventions, Arts and Entertainment)

Council accepted the workplan for the bond projects with the following directives to Staff: (1) Using the four goals in the *Workplan* that seek to develop artworks, provide Council with additional information on the results of the artist approval process related to the design and fabrication contracts. (2) On pages 6 and 7 of the *Public Art Workplan For Measure O&P Projects* chart, include a category to identify the socio-demographics of the artists as

This item continued on the next page.

2.8 Acceptance of the Public Art Workplan for the Library and Parks Bond Projects

Recommendation: Acceptance of the Public Art Workplan for the Library (Measure O, 2000) and Parks (Measure P, 2000) Bond Projects. CEQA: Not a project. **(Cont'd.)**

either *Local or Regional*. (3) Identify “benchmarks” for success related to the “integrating into diverse communities” process, as specified in the *Workplan, Item #2*. (4) Provide Council with a report incorporating the summer Workshop schedule, identifying outreach efforts, and containing the number of attendees for each session. (5) Conduct community meetings prior to the selection of artists for artworks projects. (6) On page 5 of the *Public Art Workplan For Measure O&P Projects* chart and the *Neighborhood Park Projects* category, expand the participants to include “*PRNS and other City Staff and Council Offices*” to identify appropriate parkland sites.

2.9 Approval of actions related to SharkByte Art auction proceeds.

Recommendation:

(a) Adoption of appropriation ordinance and funding source resolution amendments in the Convention and Cultural Affairs Fund:

(1) Increasing the Office of Cultural Affairs Non-Personal appropriation by \$35,737;

(2) Increasing the Earned Revenue by \$35,737; and
Ordinance No. 26665 adopted.+++
Resolution No. 71050 adopted.

(b) Adoption of a resolution accepting SharkByte Art auction proceeds in the amount of \$35,737.

CEQA: Not a project.

(Conventions, Arts and Entertainment/City Manager’s Office)

Resolution No. 71051 adopted.

2.10 Approval of an ordinance to implement technical corrections to the City's deferred compensation plans.

Recommendation: Approval of an ordinance amending Sections 3.48.030, 3.48.040 and 3.35.030 of the San José Municipal Code to implement technical corrections to the City's deferred compensation plans, in conformance with federal Job Creation and Worker Assistance Act of 2002. CEQA: Exempt, PP02-06-154. (Deferred Compensation Advisory Committee)

Ordinance No. 26666 passed for publication.

2 CONSENT CALENDAR

2.11 Approval to amend an agreement related to Total Maximum Daily Loads for South San Francisco Bay.

Recommendation: Approval of an amendment to the agreement with Tetra Tech, Inc. for technical studies and analyses related to Total Maximum Daily Loads (TMDLs) for South San Francisco Bay, to extend the term of the agreement from June 30, 2002 to June 30, 2004, and to modify the scope of services to obtain consultant service in support of discharge permit development, special studies, and implementation planning for discharge permit requirements, at no additional cost to the City. CEQA: Not a project. (Environmental Services)

Approved.

2.12 Approval to award a contract for a Filter Influent Pump at the Water Pollution Control Plant.

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: Filter Influent Pump Station Variable Frequency Drive No. 5 Replacement Project" to the low bidder, Tri-Mode Incorporated, in the amount of \$159,926, and approval of a budget contingency in the amount of \$32,000. CEQA: Exempt, PP02-04-077. (Environmental Services)

Approved with Staff directed to include in future reports on bids and recommendation for contract awards an explanation for the contingency amount when it exceeds five percent (5%).

2.13 Approval to reject bids for the East Primary Tanks Effluent Channel Repair and to re-bid at a future date.

Recommendation: Rejection of all bids for the construction project entitled "San José/Santa Clara Water Pollution Control Plant, FY 2002/2003 Capital Improvement Program, East Primary Tanks Effluent Channel Repair," and approval for the project to be re-bid at a future date. CEQA: Exempt, PP01-03-052. (Environmental Services)

Approved.

2.14 Approval to amend an agreement to include a telephone survey on residential garbage and recycling services.

Recommendation: Approval of the third amendment to the consultant agreement with GLS Research to extend the term of service from June 30, 2002 to June 30, 2003, expand the scope of service to include conducting a telephone survey on residential garbage and recycling services, and increase compensation by \$35,000, for a total agreement amount not to exceed \$138,825. CEQA: Not a project. (Environmental Services)

Approved.

2 CONSENT CALENDAR

2.15 Approval of an ordinance revising the definition of cover material for the purpose of the Disposal Facility Tax.

Recommendation: Approval of an ordinance amending Section 4.78.020 of Chapter 4.78 of Title 4 of the San José Municipal Code revising the definition of cover material for the purpose of the Disposal Facility Tax (DFT). CEQA: Exempt, PP02-06-155. (Environmental Services)

Ordinance No. 26667 passed for publication.

2.16 Approval to award a contract for the Digester-Gas Holder Rehabilitation Project.

Recommendation: Report on bids and award of contract for the construction project entitled “San José /Santa Clara Water Pollution Control Plant (Plant), FY 2000-2001 Capital Improvement Program, Digester-Gas Holder Rehabilitation Project” to the low bidder, Anderson Pacific Engineering Construction, Inc., in the amount of \$537,000; and approval of a budget contingency in the amount of \$80,000. CEQA: Exempt, PP01-03-052. (Environmental Services)

Approved.

2.17 Approval to award a contract for Scheduled/Emergency Repairs and Installation of Potable and Non-Potable Water Services and Mains.

Recommendation: Report on bids and award of contract to the low bidder, R.W. French Construction, Inc., in the amount of \$807,916.50 for Scheduled/Emergency Repairs and Installation of Potable and Non-Potable Water Services and Mains. CEQA: Exempt, PP85-8-183 and PP 91-07-173. (Environmental Services)

Approved.

2.18 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 #38, and authorization for the Director of General Services to execute the purchase orders. CEQA: Not a project. (General Services)

Approved.

2.19 Approval to extend a lease agreement for 14 Toyota RAV4 electric vehicles.

Recommendation: Adoption of a resolution authorizing the Director of General Services to execute all necessary documents to extend the current lease for 14 Toyota RAV4 electric vehicles from Toyota Motor Sales, USA, Inc., for a total of \$54,558 including taxes, for one additional year. CEQA: Not a project. (General Services)

Resolution No. 71052 adopted.

2 CONSENT CALENDAR

2.20 Approval of actions related to the City's Pay Plan.

Recommendation: Adoption of a resolution to:

- (a) Amend the City of San José Pay Plan to provide general increases for Executive Staff employees in the amounts of 3% effective June 23, 2002, and 3% effective June 22, 2003.
- (b) Authorize Appointing Authorities to grant no general increase to any Executive Staff employee who receives an overall performance evaluation rating that is below "Satisfactory."

CEQA: Not a project.

(Human Resources)

Resolution No. 71053 adopted.

2.21 Approval to amend an agreement related to the East Gardner Specific Plan.

Recommendation: Approval of a first amendment to the agreement with ROMA Design Group for expanded urban design services and technical services for the preparation of the East Gardner Specific Plan, and additional compensation of \$70,000, for a total agreement amount not to exceed \$152,500. CEQA: Exempt. PP02-06-156. Council District 3. SNI: Spartan Keys. (Planning, Building and Code Enforcement)

Approved.

2.22 Approval of the annexation of Sunol No. 64 to the City of San José.

Recommendation: Adoption of a resolution authorizing 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. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. Council District 6. SNI: Burbank. (Planning, Building and Code Enforcement)

Resolution No. 71054 adopted.

2 CONSENT CALENDAR

2.23 Approval of determination 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 property, located at 1495 Stone Creek Drive, owned by David W. Mattos and John R. Mattos II, together with a temporary 12-month construction easement on a portion of the Mattos' adjoining property in the amount of \$785,527, and directing the City Attorney to file an eminent domain action to acquire these interests. CEQA: Negative Declaration, PP 87-05-128. Council District 4. (Public Works)

Resolution No. 71055 adopted.

Council approved the proposed actions and directed the City Attorney to delay filing of eminent domain actions for 30-60 days and continue negotiations with property owners to achieve acceptable purchase price.

2.24 Approval of a purchase agreement for land located at the south side of Hillsdale Avenue between Narvaez Avenue and Canoas Creek.

Recommendation: Approval of an agreement with Paul Villareal and Roberta L. Villareal for the purchase of a parcel of land on the south side of Hillsdale Avenue, between Narvaez Avenue and Canoas Creek, in the amount of \$62,600. CEQA: Exempt, PP00-08-119. Council District 7. (Public Works)

Approved.

2.25 Approval of the Library Benefit Assessment District Annual Report for FY 2002-2003.

Recommendation: Adoption of a resolution approving, confirming, and adopting the City of San José Library Benefit Assessment District Annual Report for Fiscal Year 2002-2003 and levying the assessments. CEQA: Not a project. (Public Works)

Resolution No. 71056 adopted.

2.26 Approval of the FY 2002-2003 Annual Budget Reports for various Maintenance Districts.

Recommendation: Adoption of resolutions approving, confirming, and adopting the Annual Budget Reports for Fiscal Year 2002-03 for City of San José Maintenance Districts 1, 2, 5, 8, 9, 11, 13, 15, 18, 19, and 20 and levying the assessments therein. CEQA: Not a project. Council Districts 2, 4, and 8. (Public Works)

Resolution Nos. 71057-71067 adopted.

2 CONSENT CALENDAR

2.27 Approval of an agreement related to the Airport - Skyport Drive Grade Separation Project.

Recommendation: Approval of an agreement with San José Water Company for relocation of existing water facilities for the Norman Y. Mineta San José International Airport - Skyport Drive Grade Separation Project, from the date of execution to January 31, 2003, for a total amount not to exceed \$368,840.00. CEQA: Resolution No. 67380, PP 02-05-118. (Public Works)

Approved.

2.28 Approval to award a contract for the Boggini Park Restroom and Tot Lot Development Project.

Recommendation: Report on bids and award of contract for the Boggini Park Restroom and Tot Lot Development Project to low bidder, Beacon Construction, Inc., in the amount of \$311,281, and approval of a contingency in the amount of \$16,000. CEQA: Exempt, PP02-02-014. Council District 8. (Public Works)

Approved.

2.29 Approval to award a contract for the Doerr Park Restroom Replacement Project.

Recommendation:

(a) Report on bids and award of contract for the Doerr Park Restroom Replacement Project to the low bidder, Jagco Pacific, in the amount of \$203,100, and approval of a contingency in the amount of \$11,000.

Approved.

(b) Adoption of amendments to the 2001-02 appropriation ordinance to establish an appropriation for Doerr Park in the amount of \$147,000, in the District 9 Construction and Conveyance Tax Fund, and reduce the District 9 Construction and Conveyance Tax Fund ending fund balance by \$147,000.

CEQA: Exempt, PP01-12-215. Council District 9.
(Public Works/City Manager's Office)

Ordinance No. 26668 adopted.

2.30 Approval of an agreement for the Guadalupe River South Reach 12 (Phase 1).

Recommendation: Approval of an agreement for consultant services with Callander Associates Landscape Architecture, Inc. for the Guadalupe River South Reach 12 Phase 1 construction documents, from the date of execution to July 31, 2004, in the amount of \$130,000, and additional services in the amount of \$20,000, for a total agreement amount of \$150,000. CEQA: Exempt, PP02-04-090, PP02-04-089. Council District 10.
(Public Works)

Approved.

2 CONSENT CALENDAR

2.31 Approval to award a contract for a restroom at Calabazas Park.

Recommendation: Report on bids and award of contract for the Calabazas Park Restroom Project to the lowest responsive bidder, Beacon Construction, Inc., in an amount of \$218,217, and approval of a contingency in an amount of \$11,000. CEQA: Exempt, PP02-05-097. Council District 1. (Public Works)

Approved.

2.32 Approval to reject the sole bid for the Southside Community Center Tot Lot Renovation Project.

Recommendation: Approval to reject the sole bid for the Southside Community Center Tot Lot Renovation Project, and authorization for the Director of Public Works to re-advertise and re-bid the project. CEQA: Exempt, PP02-02-028. Council District 2. (Public Works)

Approved.

2.33 Approval to award a contract for the Turtle Rock Park Play Area Renovation Project.

Recommendation: Report on bids and award of contract for Turtle Rock Park Play Area Renovation Project to the low bidder, HRB Construction, Inc., to include the base bid and Add Alternate Nos. 1, 2, 3, and 4, in the amount of \$242,303, and approval of a contingency in the amount of \$12,000. CEQA: Exempt, PP02-05-099. Council District 7. SNI: Tully/Senter. (Public Works)

Approved.

2.34 Approval of an agreement for the King Road Bridge at Penitencia Creek Project.

Recommendation: Approval of the second amendment to the agreement with Creegan + D'Angelo for consultant services for the King Road Bridge at Penitencia Creek Project, expanding the scope of the services at an additional cost of \$143,600, for a total agreement amount of \$432,500. CEQA: Exempt, PP02-06-157. Council District 4. (Public Works)

Approved.

2 CONSENT CALENDAR

2.35 Approval of an agreement for a Storm Drain Infrastructure Needs Assessment Study.

Recommendation: Approval of an agreement for consultant services with A-N West, Inc., for a Storm Drain Infrastructure Needs Assessment Study in an amount not to exceed \$220,000, for a term from the date of execution to December 31, 2003. CEQA: Exempt, PP02-06-158. (Public Works)

Approved.

Noes: Reed, because Alviso not included in Storm Drain Infrastructure Needs Assessment Projects.

2.36 Approval to award a contract for the 2002 Street Lights Backlog Project.

Recommendation: Report on bids and award of contract for the Street Lights Backlog 2002 Project to the low bidder, Pacific Electric Company, in the amount of \$350,371.90, and approval of a contingency in the amount of \$35,000. CEQA: Exempt, PP01-02-023. SNI Areas: Plata Arroyo/Mayfair West, Winchester, Washington, Five Wounds/Brookwood Terrace. (Public Works)

Approved.

Council approved the award of contract and directed the Administration to (a) delineate the area referred to as “Plata Arroyo/Mayfair West”, and (b) to prepare a status report on the developing of criteria for “Historic Conservation” areas and identifying the elements of a “conservation district” and to submit same for Council consideration.

2.37 Approval to award a contract for the 2002 Street Lights Citywide Project.

Recommendation: Report on bids and award of contract for the Street Lights Citywide 2002 Project to the low bidder, Pacific Electric Company, in the amount of \$668,385, and approval of a contingency in the amount of \$67,000. CEQA: Exempt, PP01-02-023. SNI Areas: Spartan/Keyes, Washington, Burbank/Del Monte, Five Wounds/Brookwood Terrace, Tully/Senter. (Public Works)

Approved.

2.38 Approval of a contract change order for the Traffic Signal Unit Project (98C).

Recommendation: Approval of Contract Change Order No. 10 with Brown & Fesler, Inc. for the Traffic Signal Unit 98C Project in the amount of \$22,502.54, for the total amount of \$1,576,666.05, an extension of 10 working days, for a total contract time of 192 working days, and an increase in the contingency amount by \$15,000. CEQA: Exempt, PP 99-01-009, PP 98-01-001, PP 96-05-087, PP 99-02-032. Council Districts 2, 3, 4, 5, 6, and 7. (Public Works)

Approved.

2 CONSENT CALENDAR

2.39 Approval of two agreements to convert overhead facilities to underground facilities.

Recommendation: Approval of two agreements with Pacific Gas & Electric Company for conversion of overhead facilities to underground facilities within the:

- (a) Rule 20B Underground Utility District at King Road, from Story Road to Marsh Street, in the amount of \$351,098.
- (b) Rule 20C Undergrounding Project at King Road, from Story Road to Lido Way, including Lido Way from King Road to Tennyson Lane, in the amount of \$274,563.

CEQA: Exempt, PP01-03-059. Council District 7. SNI: King Ocala. (Public Works)
Approved.

2.40 Approval to award a contract for the construction of the Berryessa Road Median Island Improvements.

Recommendation: Report on bids and award of contract for the construction of the Berryessa Road Median Island Improvements to the low bidder, Blossom Valley Construction Company, Inc., to include the base bid and Add Alternate No. 1 in the amount of \$432,530, and approval of a contingency in the amount of \$22,000. CEQA: Exempt, PP02-03-038. Council District: 4. (Public Works)

Approved.

2.41 Approval to award a contract for the 2002 Smart Intersections Program Communications System Project (Phase 1 Package A).

Recommendation: Report on bids and award of contract for Smart Intersections Program Communications System Constructions 2002 Phase 1, Package A Project to the lowest responsive bidder, Prism Engineering, Inc., in the amount of \$887,939.75, and approval of a contingency in the amount of \$89,000. CEQA: Exempt, PP 02-04-092. SNI Areas: East Valley/ 680 Communities; Edenvale/Great Oaks; Santee/Kennedy; Spartan/Keyes; Tropicana/ Lanai; Tully/Senter; Washington/Guadalupe. (Public Works)

Approved.

2 CONSENT CALENDAR

2.42 Approval to award a contract for the Union/Foxworthy Sidewalk Replacement Project.

Recommendation:

- (a) Report on bids and award of contract for the Union/Foxworthy Sidewalk Replacement Project to the low bidder, Wattis Construction Company, in the amount of \$279,972, and approval of a contingency in the amount of \$20,000. CEQA: Exempt, PP02-05-113.

Approved.

- (b) Adoption of an appropriation ordinance amendment to increase the appropriation by \$345,000, from the San José Redevelopment Agency Capital Projects Fund. Council District 9. (Public Works/City Manager's Office)

Ordinance No. 26669 adopted.

2.43 Adoption of a resolution to amend the Master Parking Rate Schedule.

Recommendation: Adoption of a resolution to amend the Master Parking Rate Schedule by the following actions:

- (a) Establish new parking rates for City off-street parking facilities effective July 1, 2002.
- (b) Authorize the Director of Transportation to set monthly rates and maximum visitor daily rates for City parking facilities within an established range based upon the facility location and occupancy percentages.
- (c) Authorize the Director of Transportation to add parking facilities, at the prevailing rate for other parking facilities in the same zone, and remove parking facilities from the Master Parking Rate Schedule as facilities are deleted from the parking inventory.
- (d) Revise the "Under-Utilized Municipal Off-Street Parking Facility" program to provide reduced monthly parking rates to a broader set of customers when there is under-utilization of a parking facility.
- (e) Establish new parking rates for on-street parking meters within the Downtown meter zone, effective July 1, 2002.

CEQA: Not a project. Council District 3. (Transportation)

Resolution No. 71068 adopted.

2 CONSENT CALENDAR

2.44 Approval of two utility agreements for the City's sanitary sewer system, located under Route 87, north of Hedding Street.

Recommendation:

(a) Approval of a Phase 1 utility agreement with Caltrans providing for Caltrans to perform certain work on the City's sanitary sewer system, located under Route 87 north of Hedding Street, and to reimburse the City in the amount of \$80,000, for
Approved.

(b) Approval of a Phase 2 utility agreement with Caltrans providing for the City to design and construct certain improvements to the City's sanitary sewer system located under Route 87 north of Hedding Street, and for Caltrans to reimburse the City in the amount of \$4,970,000 for the work.

CEQA: Resolution No. 65071, PP94-1-15. Council District 3. (Transportation)
Approved.

2.45 Approval of an agreement for the purchase of a parcel of land located at 75 South White Road.

Recommendation: Approval of an agreement with Charles E. Fraser, Arleen C. Fraser, Betty B. Fraser, and Edmund S. Fraser for the purchase of a parcel of land located at 75 South White Road for the Alum Rock Branch Library in the amount of \$1,500,000, and authorization for the Director of Public Works to execute the necessary documents to complete the transaction. CEQA: Exempt, PP02-06-147. Council District 5. SNI: East Valley/680 Community. (Public Works)
(Deferred from 6/11/02 – Item 2.13)

Approved.

2.46 Approval to reject all bids for the Wooster Avenue Bridge Project and authorization for the City Manager to award the Project in July 2002.

Recommendation:

(a) Approval to reject all bids for the Wooster Avenue Bridge Project over Silver Creek, and authorization for the Director of Public Works to re-advertise and re-bid the project.

Approved.

(b) Adoption of a resolution authorizing the City Manager to award the project in July 2002 to the lowest responsive bidder in an amount not to exceed \$1,700,000, as necessary in order to construct the project in the current construction season. CEQA: Negative Declaration, PP 97-06-156. Council District 3. SNI: Five Wounds/Brookwood Terrace.

(Public Works)

(Deferred from 6/11/02 – Item 2.14)

Resolution No. 71069 adopted.

2 CONSENT CALENDAR

2.47 Approval of Ethics Board ordinances and procedures.

Recommendation:

- (a) Approval of an ordinance amending Section 2.08.1630 of Chapter 2.08 of the San José Municipal Code to designate an attorney as one of the five members of the Campaign Finance Review and Ethics Board (Ethics Board).

Ordinance No. 26670 passed for publication.

- (b) Adoption of a resolution amending the regulations and procedures of the Ethics Board to provide for the attorney member of the Ethics Board to review or investigate a complaint if the Ethics Board Evaluator is unable to conduct an investigation and to provide that in such case, the attorney member may not participate in the Ethics Board's hearing and review of the complaint.

Resolution No. 71070 adopted.

- (c) Approval of an ordinance reappointing Chair and attorney Alex Stuart to a temporary term on the Ethics Board until a replacement attorney member is appointed prior to December 31, 2002.

CEQA: Not a project.

(City Attorney's Office)

(Rules Committee referral 6/12/02)

Ordinance No. 26671 passed for publication.

2.48 Approval of an ordinance repealing the Saturday Night Special/Junk Gun Ordinance.

Recommendation: Approval of an ordinance repealing Sections 10.32.112 and 10.32.115 of Chapter 10.32 and Chapter 10.33 of Title 10 of the San José Municipal Code, the Saturday Night Special/Junk Gun Ordinance and accompanying trigger lock and safe storage literature requirements, in order to make consistent with state law.

CEQA: Not a project. (City Attorney's Office)

Ordinance No. 26672 passed for publication.

2.49 Acceptance of the Aviation Security and Technology Blue Ribbon Task Force Final Report.

Recommendation: Acceptance of the Aviation Security and Technology Blue Ribbon Task Force Final Report. (Mayor)

(Orders of the Day)

Council accepted the final report of the Blue Ribbon Task Force on Aviation Security and Technology, as recommended in the 06/14/02 memorandum from Mayor Gonzales.

END OF CONSENT CALENDAR

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Gonzales, Chair

No Report.

3.2 Report of the Rules Committee – June 5, 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 June 18, 2002 Draft Agenda
The Committee recommended approval of the June 18, 2002 City Council Agenda with two changes.
 - (2) Add New Items to June 11, 2002 Amended Agenda
The Committee recommended one addition to the June 11, 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
The Committee recommended approval of a Redevelopment Agency Board evening session in Council Chambers on June 25, 2002 regarding the Story/King Retail Project.
- (e) The Public Record
The Committee noted and filed the Public Record for the period May 22-28, 2002.
- (f) Boards, Commissions and Committees
None Presented.
- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
 - (1) Request for rental dispute data
The Committee directed the Administration to return to Rules Committee on June 19, 2002 with a workload assessment to research and document cases of illegal rent increases and retaliatory evictions.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – June 5, 2002 – (Cont'd.)

Vice Mayor Shirakawa, Jr., Chair

- (h) Administrative Reviews and Approval
 - (1) Workload assessment to change Project Diversity commission term limits
The Committee deferred this item to June 12, 2002 Rules Committee meeting.
- (i) Oral Communications
None Presented.
- (j) Adjournment
The meeting was adjourned at 2:25 p.m.

The Rules Committee Report and actions of June 5, 2002 accepted.

3.3 Report of the Finance and Infrastructure Committee

Council Member Dando, Chair

No Report.

3.4 Approval of various budget actions for Fiscal Year 2001-2002.

Recommendation:

- (a) Adoption of amendments to the annual appropriation ordinance and funding sources resolution for various operating and capital funds to reflect estimated FY 2001-2002 revenue receipts, expenses, and encumbrances.

Ordinance No. 26673 adopted

Resolution No. 71071 adopted.

Council approved the proposed amendments and directed Staff to continue working on adjustments to underground utility fees and to report to Council during Mid-Year Budget Review.

- (b)
 - (1) Adoption of amendments to the annual appropriation ordinance and funding sources resolution amendments for various Capital Funds to reflect estimated FY 2001-2002 available resources, changes in project expenditure estimates or schedules, technical adjustments, and the addition of new Capital projects;
 - (2) Adoption of a resolution making certain determinations regarding the expenditure of Redevelopment Agency funds on certain public improvements.

CEQA: Not a project. (City Manager's Office)

Dropped – Item 3.4(b)(1) & (2).

3 STRATEGIC SUPPORT SERVICES

3.5 Approval of various budget actions for Fiscal Year 2002-2003.

Recommendation:

- (a) Adoption of the Annual Appropriation Ordinance, including transfers and loans for Fiscal Year 2002-2003 and the Manager's Final Budget Addenda.
Ordinance No. 26674 adopted.

- (b) Adoption of the Annual Funding Sources Resolution for Fiscal Year 2002-2003 and the Manager's Final Budget Addenda.
Resolution No. 71072 adopted.

- (c) Adoption of a resolution in compliance with Article XIII B of the Constitution of the State of California and as modified by Proposition 111 and SB 99 electing the population and inflation factors and establishing the Fiscal Year 2002-2003 Appropriation Limit.
CEQA: Not a project. (City Manager's Office)
Resolution No. 71073 adopted.

3.6 Approval of the Statement of Policy and Council Questions related to the selection of a new PRNS Director.

Recommendation: Adoption of the Statement of Policy and City Council Questions related to the selection of a new Parks, Recreation, and Neighborhood Services Director (PRNS) described in the staff report, in compliance with City Charter Section 411.1.

CEQA: Not a project.

(City Manager's Office)

(Rules Committee referral 6/12/02)

Council adopted the Statement of Policy as amended to replace the phrase "people with disabilities" with "persons with disabilities."

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Economic Development & Environment Committee – June 3, 2002 Council Member Williams, Chair

- (a) Further Discussion of Group Home Ordinance and Reasonable Accommodation
TO BE REPORTED OUT IN AUGUST 2002
SEE ITEM 4.2 FOR COUNCIL ACTION TO BE TAKEN
 - (b) San José Permits On-Line (IDTS) System Demonstration
 - (c) Street Tree Pruning and Replacement Process
 - (d) Monthly Status Report on Housing Production Team Action Items
 - (e) Monthly Report on Affordable Housing Production
 - (f) Five Year Homeless Plan
 - (g) Status Report on Implementation Efforts of Green Building Policies
 - (h) Third Quarter Redevelopment Housing Report
 - (i) Oral petitions
 - (j) Adjournment
- Deferred to 06/25/02.**

4.2 Approval of Group Home and Reasonable Accommodations Ordinance.

Recommendation: Approval of Report on reasonable accommodation with recommendation to take the following actions:

- (a) Direct that the reasonable accommodation process continue to consider the business aspects of proposed uses on a case-by-case basis focusing on the impacts of those aspects in the zoning district.
- (b) Direct that the reasonable accommodation process continue to consider the appropriate number of residents for each proposed use on a case-by-case basis.
- (c) Direct the Administration to discuss with Santa Clara County the possibility of setting minimum operational standards, which may include limiting the number of residents at facilities and obtain City input on facilities under contract with the County or subject to County certification.
- (d) Direct the City Attorney and the Administration to draft amendments to the Zoning Code to make the changes in procedure as follows:
 - (1) Eliminate an initial notice that has not undergone any analysis
 - (2) Refine what must be included in the application.
 - (3) Expand the noticing requirement to 300 feet, with direction to go to a greater noticing radius (500 or 1000 feet) to ensure that a sufficient number of adjacent property owners receive notice.
 - (4) Request a meeting with staff to go over the application and request a meeting for neighbors to attend.
 - (5) Issue the proposed decision stating that there will be an informal conference on site with staff and interested neighbors to discuss what is going on.

This item continued on the next page.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.2 Approval of Group Home and Reasonable Accommodations Ordinance. (Cont'd)

Recommendation: Approval of Report on reasonable accommodation with recommendation to take the following actions:

- (d) Direct the City Attorney and the Administration to draft amendments to the Zoning Code to make the changes in procedure as follows: - **(Cont'd.)**
 - (6) At the Director's hearing the focus should summarize the issues discussed and resolved.
 - (7) Director's decision becomes effective 15 days after issuance if there is no appeal filed.
 - (8) If on Appeal to the Planning Commission, the Planning Commission cannot come to a decision, then the Director's decision stands.
- (e) Direct the Administration to thoroughly keep records of the location of all residential facilities by licensing, certification, type, number of residents, date of establishment, zoning district, Council district; and to amend the reasonable accommodation guidelines to consider other residential care and service facilities and other reasonable accommodations granted within 300 feet of a proposed facility.
- (f) Direct the City Manager to appoint a central person or system as a clearinghouse of all complaints to determine whether or not they have been resolved.

[Economic Development and Environment Committee 6/3/02 – Item 4.1(a)]
(Rules Committee directive 6/5/02)

Deferred to August 2002.

4.3 Public Hearing on the vacation on Fifth Street between Santa Clara and San Fernando Streets for the New San José Civic Center Project.

Recommendation: PUBLIC HEARING and adoption of a resolution approving the vacation of a 0.743-acre segment on Fifth Street between Santa Clara and San Fernando Streets. CEQA: Resolution No. 68905. Council District 3. (Public Works)

Resolution No. 71074 adopted.

4.4 Approval to award the Civic Center Shoring and Mass Excavation Project.

Recommendation: Adoption of a resolution authorizing the City Manager to award the San José Civic Center Shoring and Mass Excavation Project to the lowest responsive bidder, and approval of a ten percent contingency. CEQA: Resolution No. 68905. Council District 3. SNI: University. (Public Works)

Deferred to 06/25/02.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.5 Approval of various actions related to the Pollard Plaza Apartments (formerly Story Plaza Apartments).

Recommendation:

- (a) Adoption of a resolution:
- (1) Authorizing the issuance of tax-exempt multifamily housing revenue bonds in the principal amount not to exceed \$14.0 million.
 - (2) Approving a loan of bond proceeds to Story Plaza Apartments, L.P., a California limited partnership, for financing the construction of the Pollard Plaza Apartments development located at 1178 McLaughlin Avenue in San José.
 - (3) Approving in substantially final form the Bonds, Trust Indenture, Financing Agreement, Regulatory Agreement and Declaration of Restrictive Covenants, Intercreditor Agreement, Bond Purchase Agreement, Official Statement and Remarketing Agreement; authorizing the Directors of Finance and Housing to execute and, as appropriate, to negotiate, execute, and deliver these documents and other related documents as necessary.
 - (4) Approving an exception to the City's Investment Policy to allow the proceeds of the Bonds and the repayment of the Mortgage Loan to be invested in an investment agreement with an institution with minimum ratings of "AA" from Standard & Poor's and whose participation in the financing will not adversely affect the expected rating on the Bonds, as approved by the Director of Finance.

Council District 7. SNI: Tully/Senter. (Finance/Housing)

Resolution No. 71075 adopted.

- (b) Adoption of a resolution approving business terms for a construction loan of up to \$10,305,051 and a permanent loan of up to \$7,909,734 to Story Plaza Apartments, LP, an affiliate of Story LIH, LLC, for the development of the Pollard Plaza Apartments (formerly Story Plaza Apartments), a 130-unit development affordable to very low and low-income households, on a total of 1.98 acres located on the east side of McLaughlin Avenue, southerly of Story Road, and on a separate but contiguous parcel located at 1178 McLaughlin Avenue. Council District 7. SNI: Tully/Senter. (Housing)

CEQA: Exempt, PP02-06-159.

(Deferred from 6/11/02 – Item 4.3)

Resolution No. 71076 adopted.

5 RECREATION & CULTURAL SERVICES

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

5 RECREATION & CULTURAL SERVICES

5.2 Acceptance of the Bay Trail Master Plan.

Recommendation: Acceptance of the Bay Trail Master Plan. CEQA: Mitigated Negative Declaration, PP01-08-150 and Addendum to Negative Declaration, PP02-05-116. (Parks, Recreation and Neighborhood Services)
Deferred to 06/25/02.

5.3 Approval of the proposed Parks, Trails, and Open Space Memorandum of Understanding with the Santa Clara Valley Water District.

Recommendation: Approval of the proposed Parks, Trails, and Open Space Memorandum of Understanding between the City of San José and the Santa Clara Valley Water District. CEQA: Not a project. (Parks, Recreation and Neighborhood Services)
Approved.

Council approved the proposed MOU and directed the City Attorney to investigate legal ramifications allowing/prohibiting public access to Water District areas for recreational water sports, and to report to appropriate Council Committee in August 2002.

5.4 Approval of the Strong Neighborhood Initiative, Spartan Keyes Neighborhood Improvement Plan.

Recommendation: Approval of the Strong Neighborhood Initiative, Spartan Keyes Neighborhood Improvement Plan, as the shared vision for the revitalization of the area. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-0). CEQA: Resolution No. 65459. Council District 3. (Planning, Building and Code Enforcement)

This Item Heard in the Evening.
Approved.

6 TRANSPORTATION SERVICES

6.1 Public Hearing and approval of the Report of the Directors of Finance and Transportation on the cost of sidewalk repairs.

Recommendation: Public Hearing and adoption of a resolution approving the Report of the Directors of Finance and Transportation on the cost of sidewalk repairs, confirming as amended the assessments contained in the Report, and directing the recording of liens. CEQA: Not a project. (Finance/Transportation)

Resolution No. 71007 adopted.

6 TRANSPORTATION SERVICES

6.2 Approval of a resolution to establish and reestablish speed limits on certain roadways within the City.

Recommendation: Adoption of a resolution amending Resolution No. 69136 to:

- (a) Establish speed limits on the following roadways within the City of San José:
 - (1) Cisco Way, from Tasman Drive to River Oaks Parkway, 35 mph.
 - (2) Junction Avenue, from Rogers Avenue to Junction Court, 30 mph.
 - (3) Junction Avenue, from Junction Court to East Brokaw Road, 35 mph.
 - (4) Holger Way, from Zanker Road to Headquarters Drive, 35 mph.
- (b) Reestablish speed limits with changes to the following roadways within the City of San José:
 - (1) Fontanoso Way, from Hellyer Avenue to Silver Creek Valley Road, from 40 mph to 35 mph.
 - (2) S. Monroe Street, from Stevens Creek Blvd. to Tisch Way, from 35 mph to 30 mph.

CEQA: Exempt, PP02-05-129. Council Districts 2, 4 and 6. (Transportation)

Resolution No. 71078 adopted.

6.3 Approval of an ordinance to prohibit commercial vehicles in excess of 5 tons on certain streets.

Recommendation: Approval of an ordinance amending Section 11.96.070 of Chapter 11.96 of Title 11 of the San José Municipal Code to add a prohibition of commercial vehicles in excess of 5 tons on the following streets:

- (a) Mc Kay Drive, between Ringwood Avenue and Oakland Road.
- (b) Wayne Avenue, between Ringwood Avenue and Oakland Road.
- (c) Hicks Avenue, between Minnesota Avenue and Curtner Avenue.

CEQA: Exempt, PP02-05-130. Council Districts 4 and 6. (Transportation)

Ordinance No. 26675 passed for publication.

6 TRANSPORTATION SERVICES

6.4 Approval of a report from the San José Taxicab Advisory Team.

Recommendation: Approval of the report from the San José Taxicab Advisory Team (“Team”) and:

- (a) Direction to the City Manager and San José Redevelopment Agency Director to work with the Team to identify the funding needed to support the marketing and customer evaluation components of their recommendations;
- (b) Direction to the Chief of Police to approve the proposed pilot temporarily suspending the issuance of permits to additional taxicab companies not licensed as of July 1, 2002; and,
- (c) Amend the Taxicab Rate, Fares and Tariffs Resolution to increase the current per mile rate of \$2.25 per mile (.25 per 1/9 mile) to \$2.50 (.25 per 1/10), amending the flag drop from \$2.00 (including 1/9 mile) to \$2.00 per 1/10 mile), and maintain the same wait time calculation of \$.20/36 secs (\$20 hour).

(City Manager’s Office/San José Taxicab Advisory Team)

(Rules Committee referral 6/12/02)

Deferred to 06/25/02.

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval of various actions related to the Recycle Plus service rates.

Recommendation: Adoption of a resolution revising Recycle Plus (RP) service rates for services beginning July 1, 2002, as follows:

- (a) Add a single-family dwelling (SFD) 20-gallon garbage cart base rate of \$14.50 per month and related RP rates as outlined in Attachment A of the staff report;
- (b) Add a yard trimmings subscription cart rate for 32-, 64-, and 96-gallon carts at \$1.00 per month;
- (c) Adopt the new customer rate structure for the multi-family dwelling (MFD) bin program as outlined in Attachment B of the staff report; and
- (d) Shift two 96-gallon cart rates from the MFD program to the SFD program to allow shared cart service for those service recipients switching to the SFD program:
 - (1) One 96-gallon shared cart - \$38.63 per month.
 - (2) Two 96 gallon shared carts - \$57.47 per month.

CEQA: Not a project. (Environmental Services)

Resolution No. 71079 adopted.

7 ENVIRONMENTAL & UTILITY SERVICES

7.2 Public Hearing and approval of the establishment of an Underground Utility District (Rule 20A).

Recommendation: Public Hearing and, at its conclusion, approval of an ordinance establishing a Rule 20A Underground Utility District on Fourth, Fifth, and Six Streets, from Saint John to Santa Clara Streets, Seventh Street from Saint John and San Fernando Streets, Santa Clara and San Fernando Streets from Sixth to Seventh Streets, and Saint John Street from Third to Seventh Streets. CEQA: Exempt, PP98-01-025. Council District 3. SNI: Saint James Square. (Public Works)

Ordinance No. 26676 passed for publication.

7.3 Approval to amend the 2002 Recycle Plus contracts.

Recommendation: Approval of the first amendment to the agreements with Norcal Waste Systems of San José, Inc. and GreenTeam of San José for Integrated Waste Management Services, and to the agreements with Norcal Waste Systems of San José, Inc. and Green Waste Recovery, Inc. for yard trimmings collection and residential street sweeping services, to provide adjustments due to economic, programmatic, and legislative changes which will reduce the cost to the City by \$128,500. CEQA: Exempt, PP02-05-125. (Environmental Services)

(Deferred from 6/11/02 – Item 7.2)

Deferred to 06/25/02.

8 AVIATION SERVICES

8.1 Approval of various actions related to the Airport Food and Beverage Concession Agreement.

Recommendation: Approval of a third amendment to the Airport Food and Beverage Concession Agreement with Host International (“Host”), Inc., to:

- (a) Reimburse Host for the cost of constructing certain improvements to correct unanticipated structural defects and to bring several of the concession spaces into compliance with the fire requirements of the Uniform Building Code, increasing the already-approved total reimbursement of \$250,000 for concession improvements constructed by Host by \$139,400, for a total not to exceed reimbursement amount of \$389,400; and
- (b) Add two new concession locations to the agreement, which will serve the upcoming Interim Federal Inspection Service Facility (“FIS”), with expected additional annual revenue to the City of \$60,000; and
- (c) Authorize reimbursement to Host for utility stub-outs and “vanilla shell” construction for the new FIS locations, in an amount not to exceed \$230,000; and
- (d) Temporarily modify the rent structure for one of the new FIS locations by authorizing an initial rent of 8% of gross revenues per month, to increase to 12% of gross revenues once Host’s total gross revenues in Terminal A achieve a threshold of \$11,500,000 in any 12-month period.

CEQA: Resolution No. 67380. (Airport)

(Deferred from 6/4/02 – Item 8.2 and 6/11/02 – Item 8.2)

Deferred to 06/25/02.

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

REDEVELOPMENT AGENCY BOARD CONVENED AT 3:10 P.M. TO CONSIDER ITEM 10.1 IN A JOINT SESSION

10.1 Adoption of resolutions pertaining to the FY 2002-2003 Agency Budget and FY 2003-2007 Capital Improvement Program (CIP).

Recommendation: Adoption of resolutions by the City Council and Agency Board pertaining to the Agency's annual budgets, CIP, and public improvements as follow:

- (a) Adoption by the Agency Board of the Fiscal Year 2002-2003 Revenue and Appropriation Resolutions for the Operating and Capital Budgets; and making certain determinations regarding the expenditure of Agency funds to eradicate graffiti.

Redevelopment Agency Board Resolution No. 5316 adopted.

- (b) Adoption of a resolution by the Agency Board approving amendments to the FY 2001-2002 Appropriations Resolution to reflect various modifications to the FY 2001-2002 Capital Budget.

Redevelopment Agency Board Resolution No. 5317 adopted.

Redevelopment Agency Board Resolution No. 5318 adopted.

- (c) Adoption of resolutions by the City Council and Agency Board making certain determinations regarding the expenditure of Agency funds on public improvements; and

Resolution No. 71080 adopted.

Redevelopment Agency Board Resolution No. 5319 adopted.

- (d) Adoption of resolutions by the City Council and Agency Board authorizing the City Manager and Executive Director to negotiate and execute the FY 2002-2003 cooperation agreements between the City and the Agency for the Merged Area Redevelopment Project for Capital Improvements, and the agreement regarding operating expenses.

CEQA: Not a project. (Redevelopment Agency)

Resolution No. 71081 adopted.

Redevelopment Agency Board Resolution No. 5320 adopted.

REDEVELOPMENT AGENCY BOARD ADJOURNED AT 3:11 P.M.

- Closed Session Report

None.

- **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>
9390	NE/C of Naglee Ave. & Park Ave.	6	Classic Communities	26 units	Single Family
9391	SE/C of Winchester Blvd. & Stevens Creek Blvd.	6	Federal Realty Investment Trust	1 lot	Condominium Map

- **Open Forum**
 - **None Presented.**

The Council recessed at 3:12 p.m. and reconvened at 7:05 p.m., Council Chambers, City Hall.

11 PUBLIC HEARINGS

11.1 Public Hearing on a street renaming.

Recommendation: PUBLIC HEARING ON STREET RENAMING of a proposed frontage road running parallel to the east of State Highway 87, between the northerly line of West Hedding Street and southerly line of Coleman Avenue to Guadalupe Road. CEQA: Exempt. Historical Landmarks Commission and Director of Planning, Building and Code Enforcement recommend renaming to El Pueblo Viejo. Planning Commission recommends renaming to Guadalupe Parkway Frontage Road (7-0-0).

District 3

(Continued from 12/4/01 – Item 11.1 et al., and 5/21/02 – Item 11.1)

Continued to 08/06/02.

11.2 Public Hearing on conforming planned development rezoning at Highway 101 and Hellyer Avenue.

Recommendation: PUBLIC HEARING ON CONFORMING PLANNED DEVELOPMENT REZONING of the property located on the easterly side of Highway 101, approximately 1,000 feet northerly of Hellyer Avenue, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to reconfigure a previously approved 550 unit residential subdivision and an 18-hole public golf course to avoid the relocation of public utilities facilities on a 579.4 gross acre site. (Cerro Plata Associates, LLC, Owner, William Lyon Homes, Developer). CEQA: Resolution No. 64913. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

PDC 02-01-011 - District 8

(Continued 4/16/02 – Item 11.6 et al., and 6/4/02 – Item 11.2)

Ordinance No. 26677 passed for publication.

11.3 Public Hearing on planned development rezoning at Samaritan Drive and Samarita Place.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northwest corner of Samaritan Drive and Samarita Place, from CP Commercial Pedestrian and CO Commercial Office Zoning Districts to A(PD) Planned Development Zoning District, to allow a 49,000 square foot addition and freestanding heliport to an existing hospital on 19.1 gross acres. (Good Samaritan Hospital, L.P., c/o William Picho, CEO: Owner/Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-0).

PDC 01-05-063 - District 9

(Continued from 5/7/02 – Item 11.10 and 6/4/02 – Item 11.1)

Ordinance No. 26678 passed for publication.

Staff directed to report to Council on San José's ability to meet medical emergency needs of residents, to identify the ratio of hospital beds to population, and the relationship to National standards.

11 PUBLIC HEARINGS

11.4 Public Hearing on planned development rezoning at San Pedro and West St. James Streets.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the west side of San Pedro Street, 130 feet northerly of West St. James Street, from CG Commercial Zoning District to A(PD) Planned Development Zoning District, to allow up to 109 multi-family attached dwelling units on 0.77 gross acres. (Green Valley Corporation, Owner; Barry Swenson Builder, Developer). CEQA: Resolution No. 68839.

PDC 01-11-100 - District 3

(Continued from 5/7/02 – Item 11.7 et al., and 6/4/02 – Item 11.3)

Dropped.

11.5 Public Hearing on planned development rezoning at Stockton Avenue, between Cinnabar Street and Lenzen Avenue.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the westerly side of Stockton Avenue, between Cinnabar Street and Lenzen Avenue, from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District, to allow demolition of existing buildings and construction of up to 245 multi-family units and an approximately 0.61 acre park on a 4.19 gross acre site. (John Serpa, Owner, Seven Hills Property, Developer). CEQA: Resolution to be adopted.

PDCSH 01-03-038 - District 6

(Deferred from 6/4/02 – Item 11.6)

Continued to 08/06/02.

11.6 Public Hearing on planned development rezoning at Alum Rock and McCreery Avenues.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southeast corner of Alum Rock Avenue and McCreery Avenue, from R-1-8 Residence and CG Commercial Zoning District to A(PD) Planned Development Zoning District, to allow up to 93 multiple-family attached residential units, 12 single-family attached residential units, and 8,175 square feet of commercial use on 2.49 gross acres. (Green Valley Corporation, Owner; Community Housing Developers, Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-0-1).

PDC 02-029 - District 5

Ordinance No. 26679 passed for publication.

11 PUBLIC HEARINGS

11.7 Public Hearing on planned development rezoning at North Capitol and Autumnvale Avenues.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the east side of North Capitol Avenue, approximately 100 feet northerly of Autumnvale Avenue, from R-1-8 Residential Zoning District to A(PD) Planned Development Zoning District, to allow up to 17 attached and detached residential units on 1.2 gross acres. (Hudson Industrial Equities, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-1).
PDC 02-031 - District 4

Ordinance No. 26680 passed for publication.

Council approved the proposed rezoning with the conditions recommended by Staff and the Planning Commission with the modifications to the Development Standards as contained in the June 17, 2002 memorandum from Council Member Reed: (1) Landscaping along the property lines with adjacent residences shall be increased to provide additional privacy screening. (2) The internal side-to-side dimensions between buildings shall be a minimum of 8 feet to allow the side setback for the unit on the northeast corner of the property to be increased to 14 feet. (3) Along North Capitol Avenue, buildings shall have a 10-foot minimum setback from the back of the public sidewalk. (4) Along North Capital Avenue, a 6-foot high sound attenuation wall may be placed no closer than 10 feet from the back of the public sidewalk. (5) The two units adjacent to North Capitol Avenue shall incorporate sound attenuation construction techniques, as recommended by Staff, in addition to the sound walls. (6) The area between the sound walls and the sidewalk shall be landscaped.

11.8 Public Hearing on planned development rezoning at West Virginia Street and Bird Avenue.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southwestern corner of West Virginia Street and Bird Avenue, from CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District, to allow up to 22 single-family attached residential units on 1.5 gross acres. (Lawrence Silva, Daryla Silva, Donald Silva, Ana Silva, Harriet Mannina and Shaheen Trust, Owners; Greg Blackwell, Blackwell Brothers, Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-0).
PDC 01-019 - District 6

Ordinance No. 26681 passed for publication.

11 PUBLIC HEARINGS

11.9 Public Hearing on planned development rezoning of 300 Curtner Avenue.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southwest corner of Monterey Road and Curtner Avenue (300 Curtner Avenue), from the R-1-8 Residence, LI-Light Industrial, and HI-Heavy Industrial Zoning District to A(PD) Planned Development Zoning District, for the master planning of Oak Hill Memorial Park, to allow up to 68,781 square feet for additional mortuary space and 8,900 square feet of administrative offices on 165.3 gross acres. (Service Corporation International – California Funeral Services, c/o David J. Reynolds, Owner/Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-0).

PDC 01-03-048 - District 7

Ordinance No. 26682 passed for publication.

Council approved the proposed rezoning with the additions contained in the June 5, 2002 memorandum from the Historic Preservation Officer: (1) Use the Secretary of the Interior’s Standards for the Treatment of Historic Properties. (2) Encourage the owners to apply for City Landmark designation. (3) Request that the project is returned to the Commission at the PD Permit Development stage for review and comment on the final plans. (4) Request that the applicant submit projects to the Historic Landmarks Commission Design Review Subcommittee early in the design development stage. (5) Historic Landmarks Commission support the historic and archeological resource environmental mitigation measures as included in the Development Standards on the Land Use Plan.

11.10 Public Hearing on planned development rezoning at Branham Lane and Vista Park Drive.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southwest corner of Branham Lane and Vista Park Drive, from CP-Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District, to allow 81 single-family detached residences on 8.80 gross acres. (Myra Reinhard Pepper Lane-Branham, LLC, Owner; Summerhill Homes, Developer). CEQA: Resolution adopted. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-0).

PDC 01-04-052 - District 10

Ordinance No. 26683 passed for publication.

**Council approved the Statement of Overriding Considerations.
CEQA Resolution No. 71082 adopted.**

11 PUBLIC HEARINGS

11.11 Public Hearing on planned development rezoning of 3080 Dow Drive.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the east side of Dow Drive, approximately 250 feet northerly of Farm Drive (3080 Dow Drive), from A-Agricultural Zoning District to A(PD) Planned Development Zoning District, to allow 16 single-family attached residences on 4.3 gross acres. (Cordie May Sharp Trust, Owner; Pinn Brothers, Inc., Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-0)
PDC 02-01-008 - District 6

Ordinance No. 26684 passed for publication.

11.12 Public Hearing on planned development rezoning at Saratoga and Kiely Avenues.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the east side of Saratoga Avenue, approximately 400 feet southerly of Kiely Avenue, from R-M Residence and CO Commercial Office Zoning Districts to A(PD) Planned Development Zoning District, to allow demolition of 36 multi-family attached residential units and an approximately 3,000 square foot commercial building and construction of up to 76 multi-family attached residential units on 2.7 gross acres. (Sobrato Development Company, Owner/Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-0).
PDC 02-010 - District 1

Ordinance No. 26685 passed for publication.

11.13 Public Hearing on planned development rezoning at North First Street and East Gish Road.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northeast corner of North First Street and East Gish Road, from CN Commercial Neighborhood Zoning District to PD Planned Development Zoning District, to allow a mixed use development of 3,230 square feet of ground floor commercial use and 22 multi-family attached residential units on 0.5 gross acre. (The Southland Corporation, Owner; BEC, Inc., Developer). CEQA: Negative Declaration.

PDC 02-014 - District 3

Continued to 08/06/02.

11 PUBLIC HEARINGS

11.14 Public Hearing on planned development rezoning at Lewis Road and Wall Street.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southwest corner of Lewis Road and Wall Street, from LI Light Industrial Park Zoning District to A(PD) Planned Development Zoning District, to allow 160 multi-family attached and 16 single-family attached residential units on a 4.31 gross acre site. (Richard R. Rolla, Genevieve C. Rolla, Daniel J. Caputo, Jr., Dorothy J. Caputo, Owner; ROEM Development Corporation, Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-0).
PDC 02-018 - District 7

Ordinance No. 26686 passed for publication.

11.15 Public Hearing on planned development rezoning at Foxworthy Avenue and Old Almaden Road.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the south side of Foxworthy Avenue, approximately 500 feet easterly of Old Almaden Road, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow up to 83 single-family detached residential units on 6.7 gross acres. (D & J Hillview LLC, Owner; Summerhill Homes, Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-0).
PDC 02-025 - District 6

Ordinance No. 26687 passed for publication.

11.16 Public Hearing on conforming planned development rezoning at Aborn Road and future Murillo Avenue.

Recommendation: PUBLIC HEARING ON CONFORMING PLANNED DEVELOPMENT REZONING of the property located at the northwest corner of Aborn Road and future Murillo Avenue, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow up to 72 single-family attached or detached residential units on 10.31 gross acres. (Alliance Title Co./Maxxum Management Co., Owners; Summerhill Homes, Developer). CEQA: Evergreen Specific Plan Resolution No. 63179. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.
PDC 02-043 - District 8

Ordinance No. 26688 passed for publication.

11 PUBLIC HEARINGS

11.17 Public Hearing on planned development rezoning at Winchester Boulevard and Neal Avenue.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the west side of Winchester Boulevard, approximately 200 feet northerly of Neal Avenue, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow up to 194 multi-family attached residential units on 4.3 gross acres. (801 Associates LLC, Owner/Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

PDC 02-044 - District 1

Ordinance No. 26689 passed for publication.

11.18 Public Hearing on conforming rezoning at South Ninth and Keyes Streets.

Recommendation: PUBLIC HEARING ON CONFORMING REZONING of the property located on the east side of S. Ninth Street, approximately 100 feet south of Keyes Street, from LI Light Industrial Zoning District to R-2 Residence Zoning District, to allow two attached residential units on 0.14 gross acre. (Sam Tu, Owner/Developer). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C 02-037 - District 3

Ordinance No. 26690 passed for publication.

11.19 Public Hearing on conforming planned development rezoning of 566 and 576 East Reed Street.

Recommendation: PUBLIC HEARING ON CONFORMING PLANNED DEVELOPMENT REZONING of the property located at the south side of East Reed Street, 80 feet easterly of South 12th Street (566 and 576 East Reed Street), from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District, to allow single-family residential uses on 0.178 gross acre. The proposed rezoning will allow subdivision of an existing parcel developed with two single-family dwellings. Following rezoning and subdivision, each dwelling will occupy its own lot. No new construction or modification of the existing dwellings is currently proposed. (Suzanne Muzzio, Owner/Developer). CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

PDC 02-045 - District 3

Ordinance No. 26691 passed for publication.

11 PUBLIC HEARINGS

11.20 Public Hearing on conforming rezoning at Ringwood Avenue and McKay Drive.

Recommendation: PUBLIC HEARING ON CONFORMING REZONING of the property located on the west side of Ringwood Avenue, approximately 120 feet southerly of McKay Drive, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow construction of a duplex on 0.25 gross acre. (William Seet, Owner; Chuan Liu, Developer). CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

PDC 02-049 - District 4

Ordinance No. 26692 passed for publication.

- **Open Forum**

Ken Brundage announced his intention to park on two private roads within his community, and submitted for the public record packets of material for Mayor Gonzales and each Council Member.

- **Adjournment**

The Council of the City of San José adjourned at 8:15 p.m.