



CITY COUNCIL AGENDA

JUNE 4, 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**
9:35 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 Roger Jones, Unitarian University Fellowship of Sunnyvale, delivered the invocation.

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

- **Orders of the Day**
Approved.

1 CEREMONIAL ITEMS

- 1.1 Presentation of commendations by John Diquisto and Mayor Gonzales to Lawrence Campbell and Bruce Kegg, who have donated time and money, getting the first fire steam engine in the City of San José, a 1890 Amoskeg, refurbished and donated to the San José Fire Department Muster Team.**
(Diquisto)
Joining Mayor Gonzales at the Podium were Council Member Diquisto, Battalion Chief Joshua Weggeland, special guests Retired Battalion Fire Chief Lawrence Campbell, Bruce Kegg, the individual responsible for finding the steam engine in Central California, acquiring the fire apparatus and donating a significant amount of time and resources to restore the equipment. Mayor Gonzales presented the commendations to the honored guest. Chief Weggeland acknowledged the efforts of Leonard McKay, Retired Captains Dennis M. Madigan and Sam Seibert, and others who were significant participants in returning the equipment to San Jose; and invited all to attend the celebration at Fire Station #3, on Wednesday, June 5th, honoring Chief Campbell.
- 1.2 City Manager, Del D. Borgsdorf, introduced newly weds Douglas Borgsdorf and bride Stacey, who are spending time on the West Coast before returning to Michigan. Mayor Gonzales asked the guests to stand and be recognized.**

2 CONSENT CALENDAR

2.1 Approval of Minutes.

None.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 26635 – Amends Section 19.08.440 of Chapter 19.08, repealing Section 19.12.085 of Chapter 19.12, and adds new sections to Chapter 19.40, all of Title 19 of the San José Municipal Code, to amend the lot line adjustment process and establish a lot line correction process.
Ordinance No. 26635 adopted.
- (b) ORD. NO. 26636 – Rezones certain real property situated at the southeast corner of Bascom Avenue and Camden Avenue. PDC 01-03-036
Ordinance No. 26636 adopted.
- (c) ORD. NO. 26637 – Rezones certain real property situated on the north side of Patterson Street, approximately 120 feet east of South Third Street.
PDC 01-08-085
Ordinance No. 26637 adopted.
- (d) ORD. NO. 26638 - Rezones certain real property situated at the east side of Roberts Avenue, approximately 340 feet southeast of Story Road.
PDC 01-02-010
Ordinance No. 26638 adopted.
- (e) ORD. NO. 26639 - Rezones certain real property situated at the east side of North First Street, approximately 250 feet southerly of Burton Avenue (1100 North First Street). C 02-015
Ordinance No. 26639 adopted.
- (f) ORD. NO. 26640 – Prezones certain real property situated on the west side of South First Street, approximately 50 feet north of Martha Street.
C 02-026
Ordinance No. 26640 adopted.

2.3 Approval of amendment to legal services agreement.

Recommendation: Adoption of a resolution authorizing the City Attorney to negotiate and execute a fifth amendment to the legal services agreement with Curiale, Dellaverson, Hirschfeld, Kraemer, & Sloan, LLP, extending the term through June 30, 2003, at no additional cost to the City.

(City Attorney's Office)

Resolution No. 70998 adopted.

2 CONSENT CALENDAR

2.4 Approval of amendment to legal services agreement.

Recommendation: Adoption of a resolution authorizing the City Attorney to negotiate and execute a third amendment to the agreement for legal services with Sonnenschein Nath & Rosenthal, to increase the amount of total compensation by \$25,000, to a total amount not to exceed \$225,000. (City Attorney's Office)

Resolution No. 70999 adopted.

2.5 Approval to establish parking rates, charges, and fees at the Airport.

Recommendation: Adoption of a resolution to establish parking rates, charges and fees at Norman Y. Mineta San José International Airport and repealing Resolution No. 67585. (Airport)

Resolution No. 71000 adopted.

2.6 Approval of open purchase orders for the purchase of supplies, materials, equipment, and services.

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2001-2002 #36, and authorization for the Director of General Services to execute the purchase orders. (General Services)

Approved.

2.7 Approval to accept a \$10,000 donation from the Friends of the San José Main Library.

Recommendation: Adoption of a resolution accepting \$10,000 in donations from the Friends of the San José Main Library for the Summer Reading Program. (Library)

Resolution No. 71001 adopted.

2.8 Approval of various grant actions related to the new Berryessa and Tully branch libraries.

Recommendation: Adoption of resolutions:

- (a) (1) Authorizing the City Manager to submit a grant application to the California State Library under the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000 for the new Berryessa Branch Library; to execute all documents related to the application; to accept the grant if awarded; and
- (2) Making the certification regarding funding for this project as required by the Public Library Construction and Renovation Bond Act of 2000.
- (3) Authorizing the City Manager to negotiate and execute a joint use cooperative agreement with the Berryessa Union School District for shared programming within the new Berryessa Branch Library; and

CEQA: Berryessa - ND, H02-02-007.

Resolution No. 71002 adopted.

2 CONSENT CALENDAR

2.8 Approval of various grant actions related to the new Berryessa and Tully branch libraries. (Cont'd.)

Recommendation: Adoption of resolutions:

- (b) (1) Authorizing the City Manager to submit a grant application to the California State Library under the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000 for the new Tully Branch Library; to execute all documents related to the application; to accept the grant if awarded; and
- (2) Making the certification regarding funding for this project as required by the Public Library Construction and Renovation Bond Act of 2000.
- (3) Authorizing the City Manager to negotiate and execute a joint use cooperative agreement with the Franklin-McKinley School District for shared programming within the new Tully Branch Library.

CEQA: Tully Road – Mitigated Negative Declaration, PP 02-04-080.
Council Districts 4 and 7. SNI: Rockspring/Tully-Senter. (Library)

Deferred to 06/11/02.

2.9 Approval of various actions related to the City's Urban Service Area.

Recommendation: Adoption of a resolution pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 approving application to the Santa Clara County Local Agency Formation Commission to amend the City's Urban Service Area in 4 locations to include approximately 42 acres as noted below, and authorizing the Director of Planning, Building and Code Enforcement to provide and execute related application documents required by LAFCO:

- (a) Area A: 17-acre site located at the terminus of Dixon Landing Road and west of Highway 880. CEQA: Resolution No. 70965; and
- (b) Area B: 7.95-acre site located on the northeasterly side of Murillo Avenue, opposite Groesbeck Hill Drive. CEQA: Negative Declaration; and
- (c) Area C: 8-acre site located approximately 1,070 feet east of Murillo Avenue and 380 feet northerly of Quimby Road. CEQA: Negative Declaration; and
- (d) Area D: 9-acre site located at the northeast side of Piercy Road, approximately 400 feet westerly of Tennant Avenue. CEQA: Negative Declaration.

Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

Council Districts 2, 4, and 8. (Planning, Building and Code Enforcement)

Resolution No. 71003 adopted.

2 CONSENT CALENDAR

2.10 Approval to set a public hearing to vacate a portion of land located on Kentucky Place.

Recommendation: Adoption of a resolution setting a public hearing to consider the vacation of a 2,643 square foot portion of Kentucky Place on June 25, 2002 at 1:30 p.m.
CEQA: Negative Declaration. Council District 5. SNI: Mayfair. (Public Works)
Resolution No. 71004 adopted.

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 – May 22, 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 4, 2002 Draft Agenda
The Committee recommended approval of the June 4, 2002 City Council Agenda with two additions.
 - (2) Add New Items to May 28, 2002 Amended Agenda
The Committee recommended three additions to the May 28, 2002 City Council Agenda.
 - (3) Review June 4, 2002 General Plan Hearing Agenda
The Committee recommended approval of the June 4, 2002 General Plan Hearing Agenda with one change: For Item 1.2(a) and (b), delete “Recommend Continuance to 09/03/02”.
- (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.**

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – May 22, 2002 – (Cont'd.)

Vice Mayor Shirakawa, Jr., Chair

- (d) Meeting Schedules
None Presented.

- (e) The Public Record
The Committee noted and filed the Public Record for the period May 8-14, 2002.

- (f) Boards, Commissions and Committees
 - (1) Airport Commission
The Committee recommended appointment of Catherine Tompkison-Graham and Donald Simpson to terms ending June 30, 2006.

 - (2) Arts Commission
The Committee recommended appointment of Jill Arnone, David Eisbach, Sharon Gustafson, Natalie Hala (Incumbent), and Eugene Sakai to terms ending June 30, 2005.

 - (3) Child Care Commission
The Committee recommended appointment of Anne Moses to a term ending June 30, 2006, and directed the City Clerk to readvertise the remaining vacant positions.

 - (4) Community Development Block Grant Steering Committee
The Committee recommended appointment of Candelario Franco (representing District 5), and Freddie Sidbury, Jr. (representing District 7), to terms ending June 30, 2006, and Maria Lopez (representing District 7), to an unexpired term ending June 30, 2004.

 - (5) Disability Advisory Commission
The Committee recommended appointment of Harold Cole (Incumbent), Colette Krinock, Srinivasan Mandyam, and Mary Vaneski-Hunter to terms ending June 30, 2006; and Susan Espinoza and Mary Jo Melia to unexpired terms ending June 30, 2005.

 - (6) Disadvantaged Business Development Commission
The Committee recommended appointment of Carolyn Shadle to an unexpired term ending December 31, 2004, and directed the City Clerk to readvertise the remaining vacant position.

 - (7) Historic Landmarks Commission
The Committee recommended appointment of Justine Leong to a term ending June 30, 2006, and directed the City Clerk to readvertise the remaining vacant position.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – May 22, 2002 – (Cont'd.) Vice Mayor Shirakawa, Jr., Chair

- (f) Boards, Commissions and Committees – (Cont'd.)
 - (8) Library Commission
The Committee recommended appointment of Raj Bhandt, Melinda Hoppe, and Mark Pettinger to terms ending June 30, 2006; and directed the City Clerk to readvertise the remaining vacant positions.
 - (9) Mobile Home Commission
The Committee directed the City Clerk to readvertise for both the landlord and tenant positions.
 - (10) Parks and Recreation Commission
The Committee recommended appointment of G. M. Harding, Carol Martinez, and Cheryl Wessling to terms ending June 30, 2006; and Mary Ann Ruiz to an unexpired term ending June 30, 2005.
 - (11) Senior Citizens Commission
The Committee recommended appointment of John Ahern, Jr., Doreen Morgan, Fred Orillaneda (Incumbent), Correnne Sarbaugh, and Ron Schwartz to terms ending June 30, 2006.
 - (12) Traffic Appeals Commission
The Committee recommended appointment of Denelle Fedor and Craig Ferguson to terms ending June 30, 2006.
- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
The Committee directed the City Auditor to return to Rules Committee with (1) an in-depth audit of Hayes Renaissance, LPs' compliance with the provisions of its lease agreement with the City; and (2) a review of the adequacy of the City's system to monitor and enforce all provisions of the lease agreement. The Committee also directed the City Auditor to return to Rules Committee on May 29, 2002 with a workload assessment to complete the audit.
 - (1) Changes to Project Diversity Commission Term Limits
The Committee directed the City Clerk to return to Rules Committee on June 5, 2002 with a workload assessment to change term limits for members of the City's Commissions under Project Diversity.
- (h) Administrative Reviews and Approval
None Presented.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – May 22, 2002 – (Cont'd.) Vice Mayor Shirakawa, Jr., Chair

- (i) Oral Communications
None Presented.
- (j) Adjournment
The meeting was adjourned at 2:40 p.m.

The Rules Committee Report and actions of May 22, 2002 accepted.

3.3 Report of the Finance and Infrastructure Committee – May 22, 2002 Council Member Dando, Chair

- (a) Consent Items
 - (1) April Monthly Report
The Committee approved the Consent Items.
- (b) Revisions to the City Council's Delegation Authority to the City Administration for Negotiating and Executing Agreements and Contracts Associated with Financing for Affordable Housing Development
The Committee accepted the staff report.

See Item 3.5 for Council action taken.
- (c) Review Multifamily Housing Revenue Bond Financing Policy
The Committee accepted the staff report with the request that Staff provide a status report to the Finance & Technology Committee in one year.

See Item 3.6 for Council action taken.
- (d) Guaranteed Investment Agreements Pilot Program Evaluation
The Committee accepted the staff report.

See Item 3.7 for Council action taken.
- (e) Fundraising Activity for the San José State University/City of San José Joint Library
The Committee accepted the staff report.
- (f) Monthly Financial Statement for April 2002
- (g) Capital Cost Report for April 2002
- (h) Cash Flow Projection
- (i) Bond Reserve Investment Review
Items 3.3(f)-(i) to be discussed by the Redevelopment Agency Board.

3 STRATEGIC SUPPORT SERVICES

3.3 Report of the Finance and Infrastructure Committee – May 22, 2002 – (Cont'd.) Council Member Dando, Chair

- (j) Oral petitions
None Presented.
- (k) Adjournment
The Committee adjourned at 5:00 p.m.

The Finance and Infrastructure Committee Report and actions of May 22, 2002 accepted with Items 3.3(b), 3.3(c), and 3.3(d) acted upon at Items 3.5, 3.6, and 3.7, respectively.

3.4 Interview of applicants and appointment to fill four vacancies on the Planning Commission.

Recommendation: Interview of applicants and appointments to fill four vacancies on the Planning Commission, three applicants to be appointed to four-year terms, ending June 30, 2006, and one applicant to be appointed to an unexpired term ending June 30, 2004. (City Clerk)

Council interviewed fourteen (14) applicants to fill four vacancies on the Planning Commission.

On the first ballot Council reappointed Incumbent Robert Levy. On the second ballot none of the remaining candidates received the minimum number of votes to qualify for appointment.

On the third ballot Council appointed Xavier Campos and James Zito, and appointed Christopher Platten to fill the unexpired term ending 06/30/04.

Disqualified: Council Member Campos.

3.5 Approval of changes to contract authority for Affordable Housing Development.

Recommendation: Approval of an ordinance amending Chapter 5.06 of Title 5 of the San Jose Municipal Code to make changes to contract authority for development of affordable housing, providing additional authority to the City Manager, the Director of Housing, and the Director of Finance.

(Housing/Finance)

[Finance and Infrastructure Committee referral 5/22/02 – Item 3.3(b)]

Deferred to 06/11/02.

3.6 Approval of the Multifamily Housing Revenue Bond Financing Policy.

Recommendation: Approval of the Multifamily Housing Revenue Bond Financing Policy. (Housing/Finance)

[Finance and Infrastructure Committee referral 5/22/02 – Item 3.3(c)]

Deferred to 06/11/02.

3 STRATEGIC SUPPORT SERVICES

3.7 Approval of changes to the City's Investment Policy

Recommendation: Adoption of a resolution revising the City's Investment Policy to allow the use of investment agreements for the investment of bond proceeds. (Finance)
[Finance and Infrastructure Committee referral 5/22/02 – Item 3.3(d)]

Resolution No. 71005 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

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

No Report.

4.2 Approval of various actions related to the refunding of bonds for four improvement districts.

Recommendation: Adoption of resolutions related to the City of San José Limited Obligation Refunding Bonds, Reassessment District No. 02-219SJ (2002 Consolidated Refunding), Bond Series 24R:

(a) Resolution declaring preliminary intention to refund the following: Improvement District No. 85-193SJ (Blossom Hills-Coniston), Series 23W; Improvement District No. 91-207 (Senter-Burke), Series 24G; Improvement District No. 93-213SJ (Capitol-Copperfield), Series 24L; and Improvement District No. 98-216SJ (Silver Creek 1998 Refunding), Series 24P (collectively the "Prior Bonds"), and directing the Director of Public Works to prepare and file with the City Clerk a Reassessment Report.

Resolution No. 71006 adopted.

(b) Resolution approving and confirming the report on levy of reassessments and the refunding of the Prior Bonds.

Resolution No. 71007 adopted.

(c) Resolution authorizing the issuance of City of San José Limited Obligation Refunding Bonds, Reassessment District No. 02-219SJ, (2002 Consolidated Refunding), Bonds Series 24R (the "Refunding Bonds"); approving an Official Notice of Sale, approving an Official Statement, approving a Fiscal Agent Agreement, approving a Refunding Escrow Agreement, approving a Continuing Disclosure Agreement, and authorizing related actions with respect to the issuance and sale of the Bonds, including authorizing the Director of Finance to award the Bonds to the lowest bidder as determined through a competitive bid process.

Council District 7, 8, and 9. (Finance/Public Works)

Resolution No. 71008 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.3 Approval to award a contract for the San José Animal Care Center.

Recommendation: Report on bids and award of a contract for the San José Animal Care Center - Building and Site Improvements, Revised Project, to the low bidder, Dennis J. Amoroso, Inc., for the base bid and Add Alternates Nos. 1 and 2 in the amount of \$9,579,000, and approval of a contingency in the amount of \$480,000. CEQA: Negative Declaration, H01-01-003. (Public Works)

Approved with Staff directed to provide Council with periodic reports on the progress of the project.

4.4 Approval of the Mayor's recommendations on the Mayor's Rental Housing Task Force.

Recommendation: Approval of:

- (a) The Mayor's recommendations regarding the Rental Housing Task Force Report. **Council approved the recommendations on the Rental Housing Task Force Report, Attachment A, as proposed in the May 23, 2002 memorandum from Mayor Gonzales and Council Member Cortesé, with the Administration directed to (1) create a mediation service available to landlords and tenants who wish to resolve eviction disputes voluntarily, and (2) to adjust the fees charged to landlords under the rent control ordinance in order to recover the City's costs for the additional services or enforcement that will be required as a result of the proposed amendments to the Rent Control Ordinance.**
- (b) An ordinance amending Chapter 23 of Title 17 of the San José Municipal Code by: (1) adding requirements that owners of units covered by the Rental Dispute Ordinance provide the City with certain notices of eviction and information related to the tenancy; (2) limiting the ability of a property owner to pass through as rent the cost of an equity refinance except in cases of extreme hardship to landlord; (3) increasing civil penalties for owners who violate the Rental Dispute Ordinance; (4) creating a civil cause of action under the Rental Dispute Ordinance for illegally evicted tenants; and, (5) requiring property owners to disclose to potential buyers that a building is subject to rent control; and (6) creating a right for the recovery of attorneys' fees by any prevailing party in a civil action brought under the Rental Dispute Ordinance.

(Mayor)

Ordinance No. 26649 passed for publication.

- (1) **Council directed the City Attorney to review the section regarding the notices that are given to the City and the disclosure of potential personal information related to tenants, and to report back to Council at the final adoption of the ordinance.**
- (2) **Regarding Recommendation No. A2 of the Task Force Report, Staff was directed to identify the monitoring mechanism to be used to ensure compliance.**

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – May 20, 2002

Council Member Chavez, Chair

- (a) Youth Commission Monthly Report
The Committee accepted the report and directed Staff to ensure the June Youth Commission Monthly Report contains recommendations on different ideas to stagger Commissioner appointments.

- (b) Skate Park Update
The Committee accepted the report and directed Staff to ensure (1) the June Skate Park Update includes [a] an assessment comparing costs between San José and other cities for the building of skate parks; [b] a report on the popularity of skate parks in cities that have had them for a number of years – dropping, staying the same, or increasing; (2) a meeting is scheduled with Chair Chavez to discuss additional skate parks for District 3; and (3) an agreement for a skate park is pursued with VTA for the Tamien Light Rail Station property.

- (c) Update Report from the Airport Ombudsman and Noise Monitoring Center
The Committee accepted the report and directed Staff (1) to submit a report at the June 17, 2002 ENYS Committee meeting on Staff’s contacts with each of the airlines regarding curfew non-compliance, and to include in the report what the airlines are doing proactively to prevent non-compliance in the future; (2) to submit a report at the June 17, 2002 ENYS Committee meeting on the process that communicated to all tenants the reasons for the moratorium imposed by City Council, and to include reactions/questions from the tenants; (3) ensure an approval process for new routes and routes being reinstated are electronically mailed to the ENYS Committee; (4) submit a report at the June 17, 2002 ENYS Committee meeting on flood control work relating to the Guadalupe Expressway as it interfaces with the entire Airport to H/101; (5) ensure future Quarterly Airport Ombudsman reports include (a) new flight approvals, including arrival and landing times; (b) next steps for installing air quality monitors in airport-area residential neighborhoods; (c) a timeline for determining whether the neighborhood wants permit parking for the short term and a timeline to work with the neighborhood once the Automated People Mover is installed; (d) number of calls, nature of calls, and the results of inquiries/complaints from the 24-hour Airport Noise Hotline; (e) under Status/Expected Completion “on going” be changed to a workplan and a trajectory for the end results; (f) “Next Steps” when due dates cross fiscal years; and (g) a workplan and a trajectory with key benchmarks for airlines leases renegotiations in 2007, including policy discussions with Council Members.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – May 20, 2002 – (Cont'd.)

Council Member Chavez, Chair

- (d) San José B.E.S.T.
Cycle XI Mid-year Evaluation
Cycle XII Allocation Report

The Committee accepted the report and directed Staff to ensure (1) the Final Evaluation Report FY 2001-2002, BEST Cycle XI include identifying new sources of funding and graduation statistics for the last 5 years, including the amount of money that is lost to schools through truancy; and (2) attendance of Police Department personnel at the September 16, 2002 ENYS Committee meeting and a report on the 24% increase in gang-related crimes and the budgetary decision to close TABS; also include TABS statistics for the last year and a half including numbers, repeat offenders, what occurred when offenders were picked up three or more times, i.e., counseling, reasons for truancy – alcohol, drugs, boredom, home problems?

- (e) Implementation of Expanded Books for Little Hands
The Committee accepted the report and directed Staff to (1) organize a workshop for childcare providers with District 10 as the host, and invite Districts 2 and 9 to participate; and (2) schedule a presentation of the “Implementation of Expanded Books for Little Hands” for the May 29, 2002 Child Care Meeting.
- (f) Oral Petitions
None Presented.
- (g) Adjournment
The meeting was adjourned at 4:00 p.m.

The Education, Neighborhoods, Youth, and Seniors Committee Report and actions of May 20, 2002 accepted.

5.2 Naming of Public Facilities.

Recommendation: Consideration of the Parks and Recreation Commission’s recommendation to name the swimming pool complex at Bacchus Drive near Crucero Drive the “San José Recreational Swim Center.” Council District 7. (City Clerk/Parks and Recreation Commission)

Deferred to 06/11/02.

5 RECREATION & CULTURAL SERVICES

5.3 Approval of the Penitencia Creek Park Chain Reach 2 Master Plan.

Recommendation: Approval of the Penitencia Creek Park Chain Reach 2 Master Plan. CEQA: Mitigated Negative Declaration, PP01-03-062. Council District 4. (Parks, Recreation and Neighborhood Services)

Council approved the Staff recommendation for the Plan with the following modifications and directions for phasing of work: (1) The first priority is getting a revised joint use agreement completed with the Santa Clara Valley Water District and Santa Clara County as soon as possible; (2) the second priority is removing the gates that block access to the existing trail along the creek from the east and from the west and removing fences that block access elsewhere around the percolation ponds; (3) focus time and money on making the existing trail through Reach 2 usable; and (4) move the bridge between Ponds 1 and 2 from Phase I Implementation into Phase II Implementation.

5.4 Approval of the Tully-Senter Strong Neighborhoods Initiative, Neighborhood Improvement Plan.

Recommendation: Approval of the Tully-Senter Strong Neighborhoods Initiative, Neighborhood Improvement Plan as the shared vision for the revitalization of the area. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-1). Council District 7. SNI: Tully-Senter. (Planning, Building and Code Enforcement)

Approved.

6 TRANSPORTATION SERVICES

6.1 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 5/21/02 – Item 6.1 and 5/28/02 – Item 6.3)

Approved.

7 ENVIRONMENTAL & UTILITY SERVICES

8 AVIATION SERVICES

8.1 Approval of an agreement making certain adjustments to the concession fee and operational provisions of the agreement.

Recommendation: Approval of a second amendment and continuation agreement to Newsstand and General Merchandise Agreement and Lease with DFS Group L.P. (“DFS”), continuing and extending the term of the agreement from November 1, 2000 to October 31, 2007, with minimum annual guaranteed concession revenues to the City of \$1,200,000, and making certain adjustments to the concession fee and operational provisions of the agreement. CEQA: Resolution No. 67380. (Airport)

Deferred to 06/11/02.

8.2 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 to 06/11/02.

9 PUBLIC SAFETY SERVICES

9.1 Approval to waive a minor irregularity and award the purchase of a pumper apparatus for the Fire Department.

Recommendation: Report on bids, waive a minor irregularity, and award the purchase of one 1500 gallons-per-minute custom pumper apparatus, for the Fire Department, to the lowest responsive bidder, Kovatch Mobile Equipment Corporation, KME, (Nesquehoning, PA), at a total cost of \$384,030.95, including tax, and authorizing the Director of General Services to execute the purchase order for the:

- (a) Immediate purchase of one 1500 gallons-per-minute pumper apparatus; and
- (b) Subsequent purchase of additional apparatus at the same bid price without further Council action other than the appropriation of necessary funds.

Approved.

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

REDEVELOPMENT AGENCY BOARD CONVENED AT 9:05 P.M. TO CONSIDER ITEM 10.1 IN A JOINT SESSION

10.1 Approval of the recommendations contained in the Downtown Access and Circulation Report.

Recommendation: Approval of the recommendations contained in the Downtown Access and Circulation Report. CEQA: Mitigated Negative Declaration.

(City Manager's Office/Redevelopment Agency)

Council approved the recommended projects and strategies as contained in the Downtown Circulation and Access Study Report with additional direction to staff to (1) create an implementation plan for the recommendations that also identifies the potential resources from the Traffic Calming Program, Strong Neighborhood Initiative budget for those streets within SNI project areas, Downtown Redevelopment efforts, and potential developer off-site improvements; and (2) initiate the study and environmental review of the conversion of Third and Fourth Streets through the Downtown Core.

REDEVELOPMENT AGENCY BOARD MEETING WAS ADJOURNED AT 9:35 P.M.

- **Closed Session Report**
No Report.

- **Notice of City Engineer's Pending Decision on Final Maps**
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:
None.

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:
None.

- **Open Forum**
 - (1) **Ross Signorino commented on the Blight Ordinance and its affect on property owners.**
- **Following Item 3.4, Planning Commission Interviews, Council recessed at 6:31 p.m. and reconvened at 7:05 p.m.**

11 PUBLIC HEARINGS

11.1 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 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. PDC 01-05-063 - District 9
(Continued from 5/7/02 – Item 11.10)
Continued to 06/18/02.

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. PDC 02-01-011 - District 8
(Continued 4/16/02 – Item 11.6 et al., and 5/21/02 – Item 11.5)
Continued to 06/18/02.

11.3 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 and 5/21/02 – Item 11.6)
Continued to 06/18/02.

11 PUBLIC HEARINGS

11.4 Public Hearing on planned development rezoning at Page Street and Chiechi Avenue.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the west side of Page Street, approximately 260 feet north of Chiechi Avenue, to A(PD) Planned Development Zoning District, to allow up to four multi-family attached residential units on 0.31 gross acres. (Mladen Bubic, Owner/Developer). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 01-03-039 - District 6

Ordinance No. 26650 passed for publication.

11.5 Public Hearing on planned development rezoning at State Route 85 and Monterey Highway.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northerly side of State Route 85, westerly of Monterey Highway, from IP-Industrial Park Zoning District, to allow approximately 1,494,700 square feet of industrial/research and development uses, including communication service exchange facilities, a back-up, emergency power generation facility, electrical substation, commercial support uses, recreational facilities for the employees, and associated surface parking and garage parking facilities on approximately 79 gross acres. (iSTAR San José, LLC, Owner; Equinix, Developer). CEQA: Resolution No. 70021. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-0).

PDCSH 01-09-093 - District 2

Ordinance No. 26651 passed for publication.

11.6 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

Continued to 06/18/02.

11 PUBLIC HEARINGS

11.7 Public Hearing on conforming rezoning at 119 Rainier Street.

Recommendation: PUBLIC HEARING ON CONFORMING REZONING of the property located at the northwest corner of Rainier Street and Luther Avenue (119 Rainier Street), from R-1-8 Residence Zoning District to R-2 Residence Zoning District, to allow construction of a duplex on 0.18 gross acre. (Luciano & Ersilla Iacomini, Owner/Developer). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.
C 02-001 - District 6

Ordinance No. 26652 passed for publication.

11.8 Public Hearing on conforming rezoning at 1050 and 1054 Park Avenue.

Recommendation: PUBLIC HEARING ON CONFORMING PREZONING of the properties located at the south side of Park Avenue, approximately 500 feet easterly of Race Street (1050 and 1054 Park Avenue), from unincorporated County to CP Commercial Pedestrian Zoning District on 0.26 gross acre. (Ravindra Kumar, Owner/Developer). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.
C 02-012 - District 6

Ordinance No. 26653 passed for publication.

11.9 Public Hearing on conforming rezoning at the southeast corner of Meridian and Auzerais Avenues.

Recommendation: PUBLIC HEARING ON CONFORMING REZONING of the property located at the southeast corner of Meridian Avenue and Auzerais Avenue, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to increase the number of single-family attached residential units from 233 units to 257 units on 6.22 gross acres. (KB Home Southbay Inc., Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

PDC 02-030 - District 6

Ordinance No. 26654 passed for publication.

- **Open Forum**

- (1) **Joseph Takacs spoke in opposition to eminent domain in redevelopment areas.**
- (2) **Scott Soper commented on an appropriate use of the Airport People Mover system.**
- (3) **Elza Theodule spoke on various societal issues.**

- **Adjournment**

The Council of the City of San José adjourned at 10:30 p.m. to convene again on Monday, June 10, 2002, 7:00 p.m., Council Chambers for the Final Public Hearing on the Proposed Budgets and Fees and Charges Report.

This meeting is adjourned in memory of Timothy A. Stryko, Captain in the Fire Department.

**CITY OF SAN JOSÉ PARKING AUTHORITY
AGENDA**

1:30 P.M.

TUESDAY, JUNE 4, 2002

CHAMBERS

1 CALL TO ORDER AND ROLL CALL

**6:29 p.m. - Regular Session, Council Chambers, City Hall
Absent: Council Members – None.**

2 APPROVAL OF MINUTES

- a. Minutes of June 5, 2001
 Approved.

3 OLD BUSINESS

None.

4 NEW BUSINESS

None.

5 ADJOURNMENT

The Parking Authority of the City of San José adjourned at 6:30 p.m.