

# CITY COUNCIL AGENDA

## JANUARY 20, 2004

# 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  
TERRY O. GREGORY  
DAVID D. CORTESE  
JUDY CHIRCO  
PAT DANDO, VICE MAYOR

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

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

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

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

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

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

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

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

Agendas and Staff Reports for City Council items may be viewed on the Internet at [www.sanjoseca.gov/clerk/agenda.htm](http://www.sanjoseca.gov/clerk/agenda.htm)

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

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

- **Call to Order and Roll Call**  
9:38 a.m. - Closed Session, Room 600, City Hall  
**Absent Council Members: None.**  
  
1:35 p.m. - Regular Session, Council Chambers, City Hall  
**Absent Council Members: None.**  
  
7:03 p.m. - Public Hearings, Council Chambers, City Hall  
**Absent Council Members: Chavez. (Excused)**
  
- **Invocation (District 1)**  
**Pastor Kim, Korean Baptist Church gave an inspirational prayer of blessing.**
  
- **Pledge of Allegiance**  
**Mayor Gonzales led the Pledge of Allegiance.**
  
- **Orders of the Day**  
**The Orders of the Day and the Amended Agenda were approved, with Ceremonial Item 1.2 heard in the evening.**

## **1 CEREMONIAL ITEMS**

---

- 1.1 Presentation of a commendation to Ed Updegraff for being honored by the Santa Clara County Emergency Manager's Association as the San José Volunteer of the Year for emergency preparedness. (Emergency Services)  
**Mayor Gonzales was joined at the podium by Dr. Frances Winslow, Emergency Preparedness Director to commend Ed Updegraff as the City of San José Volunteer of the Year for Emergency Preparedness by the Santa Clara County Emergency Manager's Association. Mayor Gonzales presented a plaque to Mr. Updegraff for his outstanding service.**

# 1 CEREMONIAL ITEMS

---

- 1.2 Presentation of plaques to Sylvia Alvarez for 2 years service on the Project Diversity Screening Committee; to John Andrews for 1 year 7 months service on the Project Diversity Screening Committee; to Katie Brown for 2 years service on the Project Diversity Screening Committee; to Alan Fong for 2 years service on the Project Diversity Screening Committee; to Marty Peterson for 2 years service on the Project Diversity Screening Committee; and to Ike White for 1 year of service on the Project Diversity Screening Committee. (Mayor)

**Heard in the Evening.**

**Mayor Gonzales recognized the volunteers of the Project Diversity Screening Committee presenting a plaque to each individual in appreciation for the years of service to our community, including John Andrews for 1 year, 7 months service, Katie Brown for 2 years service, Alan Fong for 2 years service, Marty Peterson for 2 years service, Ike White for 1 year service, and Sylvia Alvarez for 2 years service. Ms. Alvarez was not present.**

- 1.3 Presentation of commendations to the Mayor's Gang Prevention Task Force members for over a decade of service in gang prevention to help keep San José the “Safest Big City in America.” (Mayor)

(Rules Committee referral 1/14/04)

**Heard in the Evening.**

**Mayor Gonzales was joined at the podium by Deputy Director Albert Balagso, Parks, Recreation, and Neighborhood Services, and Assistant to the Director Neil Rufino, in order to present a commendation to the Mayor's Gang Prevention Task Force members for their service and dedication. Mayor Gonzales stated having the cooperation and support of the residents is a key resource in defining San José's neighborhoods from crime and violence, and this is one of the groups leading the way by serving over 10 years in preventing gang violence in the community. Mr. Rufino accepted the commendation on behalf of the members of the Task Force, who were in the audience, and thanked Mayor Gonzales, the City Council, and the residents of the community for their support.**

- 1.4 Presentation of commendation to Betty Martinez for her dedication to empowering our youth through her program Adelante Mujer Hispana. (Campos, Chavez)  
(Orders of the Day)

**Heard in the Evening.**

**Mayor Gonzales was joined at the podium by Council Member Campos to recognize Betty Martinez for her efforts and dedication through her program of Adelante Mujer Hispana, and also to the members, who were in the audience. Council Member Campos stated Ms. Martinez is committed to creating avenues for young Latinas Grades 8 through 12, ensuring they have the opportunity to be exposed to different woman in several professions. Mayor Gonzales presented the commendation, on behalf of Council Members Campos and Chavez, and the City Council to Betty Martinez for her dedication to the empowerment of education, and achievement for young Latinas in the Bay Area. Ms. Martinez accepted the commendation.**

## 2 CONSENT CALENDAR

---

### 2.1 Approval of Minutes.

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

- (a) Regular meeting of September 30, 2003
- (b) Joint City Council/Redevelopment Agency Board meeting of September 30, 2003
- (c) Regular meeting of October 7, 2003
- (d) Regular meeting of October 14, 2003
- (e) Joint City Council/Redevelopment Agency Board meeting of October 14, 2003
- (f) Regular meeting of October 21, 2003
- (g) Joint City Council/Redevelopment Agency Board meeting of October 21, 2003

**Approved.**

### 2.2 Final adoption of ordinances.

**There were none.**

### 2.3 Approval to create job classifications, at no additional cost.

**Recommendation:** Adoption of a resolution to create the following job classifications:

- (a) Airport Equipment Mechanic (3246)
- (b) Sr. Airport Equipment Mechanic (3247)
- (c) Administrative Manager (1610)

CEQA: Not a Project. (Employee Services)

**Resolution No. 71924 adopted.**

### 2.4 Approval to purchase Sun Unix Server Cluster Equipment.

**Recommendation:** Approval to award the purchase of Sun Unix Server Cluster Equipment to the low bidder, Helio Solutions Inc., in the amount of \$183,136.90, including installations, sales tax, and initial maintenance and authorize the Director of General Services to execute the purchase order. CEQA: Not a Project. (General Services)

**Approved.**

### 2.5 Approval of the Great Oaks Park Master Plan Update.

**Recommendation:** Approval of the Great Oaks Park Master Plan Update, to include the addition of a skate facility. CEQA: Exempt, PP03-09-273. Council District 2. SNI: Edenvale/Great Oaks. (Parks, Recreation and Neighborhood Services)

**Approved.**

### 2.6 Approval of amendments to the City and Community Events Program Policy.

**Recommendation:** Adoption of a resolution amending the HP Pavilion City and Community Events Policy to encourage further use by the City and Community of the Program, as recommended by the San José Arena Authority Board of Directors. CEQA: Not a Project. (San José Arena Authority)

**Resolution No. 71925 adopted.**

## 2 CONSENT CALENDAR

---

### 2.7 Approval to designate Emerson Court as a one-way street.

**Recommendation:** Approval of an ordinance amending Chapter 11.24 of Title 11 of the San José Municipal Code to designate Emerson Court as a one-way street. CEQA: Exempt, PP03-12-377. Council District 6. (Transportation)

**Ordinance No. 27055 passed for publication.**

### 2.8 Approval of fiscal actions related to the Transportation Fund for Clean Air Grants.

**Recommendation:**

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute a Transportation Fund for Clean Air (TFCA) grant agreement with the Santa Clara Valley Transportation Authority (VTA) to receive grant funding in an amount not to exceed \$315,245 for the following two transportation projects:
- (1) San José Signal Re-timing in an amount not to exceed \$283,000.
  - (2) Downtown San José Bicycle Lanes in an amount not to exceed \$32,245.

**Resolution No. 71926 adopted.**

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

- (1) Establish an appropriation to the Department of Transportation for the Downtown San José Bicycle Lanes Project in the amount of \$32,245.
- (2) Increase the estimate for Earned Revenue by \$32,245.

CEQA: San José Signal Retiming, Exempt, PP03-12-381; Downtown San José Bicycle Lanes, Exempt, PP03-12-382. Council Districts 1, 2, 3, 4, 5, 6, 8, 10. SNI: 13<sup>th</sup> Street, Delmas, Delmas Park, East Valley-680, Market/Almaden, Spartan/Keys, St. James Square, and University. (Transportation/City Manager's Office)

**Ordinance No. 27056 adopted.**

**Resolution No. 71927 adopted.**

### 2.9 Acceptance of City Auditor's reports.

**Recommendation:** Acceptance of the Office of the City Auditor's reports:

- (a) *Report on Sales and Business Tax Audit Results for the Quarter Ended September 30, 2003; and*
- (b) *Monthly Report of Activities and Findings through December 15, 2003.* (City Auditor)  
(Rules Committee referral 1/14/04)

**The Reports were accepted.**

## 2 CONSENT CALENDAR

---

### 2.10 Approval of appointments to the Workforce Investment Network Board of Directors.

**Recommendation:** Approval of appointments to the Workforce Investment Network Board of Directors. (Mayor)

(Rules Committee referral 1/14/04)

**Approved.**

### 2.11 Approval of agreements related to Traffic Signal Unit 01B project.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute the following agreements:

- (a) An agreement with Washington International Insurance Company, the surety for Steve Lacki Electrical Construction on the San José Traffic Signal Unit 01B, for the completion of the project at no additional cost to the City beyond the amount already appropriated for this project; and
- (b) A construction agreement with Signal Electric Construction Inc. for the completion of the San José Traffic Signal Unit 01B project, with the City's share of the costs not to exceed the amount already appropriated for the project.

(City Attorney)

(Rules Committee referral 1/14/04)

**Resolution No. 71928 adopted.**

## 3 STRATEGIC SUPPORT SERVICES

---

### 3.1 Report of the Study Session

Mayor Gonzales, Chair

**No Report.**

### 3.2 Report of the Rules in Lieu Committee – January 7, 2004

Vice Mayor Dando, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
  - (1) Review January 20, 2004 Draft Agenda  
**The Committee recommended approval of the January 20, 2004 City Council Agenda with five additions.**
  - (2) Add New Items to January 13, 2004 Agenda  
**The Committee recommended two additions to the January 13, 2004 City Council agenda.**

**3.2 Report of the Rules in Lieu Committee – January 7, 2004 (Cont'd.)  
Vice Mayor Dando, Chair**

- (b) City Council (Cont'd.)
  - (3) Staff Reports Outstanding  
**The Committee noted and filed the City Manager's report listing three staff reports outstanding for the January 13, 2004 City Council Agenda.**
  
- (c) Legislative Update
  - (1) State  
**There was no report.**
  
  - (2) Federal  
**There was no report.**
  
- (d) Meeting Schedules  
**There were none.**
  
- (e) The Public Record  
**There was no Public Record.**
  
- (f) Boards, Commissions and Committees  
**There were none.**
  
- (g) Council Referrals for Assignment to Administration or Council Appointee  
**There were none.**
  
- (h) Administrative Reviews and Approval  
**There were none.**
  
- (i) Oral Communications  
**None were presented.**
  
- (j) Adjournment  
**The Meeting was adjourned at 11:15 a.m.**

**The Report of the Rules in Lieu Committee Meeting, and the Actions of January 7, 2004, were accepted.**

**3.3 Report of the Making Government Work Better Committee  
Council Member Campos, Chair  
No Report.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

---

### **4.1 Report of the Building Strong Neighborhoods Committee**

**Council Member Chavez, Chair**

**No Report.**

### **4.2 Report of the Driving a Strong Economy Committee**

**Council Member Williams, Chair**

**No Report.**

## **5 RECREATION & CULTURAL SERVICES**

---

### **5.1 Report of the All Children Achieve Committee – January 8, 2004**

**Council Member Yeager, Chair**

- (a) Report on City Partnership with Community-Based Education and Youth Services Partners
  - Priorities of funding services
  - Progress of Service Deliverables to meet City Service Area Goals
- (b) Civic Center Childcare Update
- (c) Presentation and discussion on Youth, and Parks and Recreation Commissions' Recommendations on City Core Services
- (d) Oral petitions
- (e) Adjournment

**The All Children Achieve Committee was cancelled. The January 8, 2004 report will be heard at the February 12, 2004 Meeting.**

### **5.2 Report and action on status of the Animal Care Center Project.**

**Recommendation:** Report on status of the Animal Care Center Project and take appropriate actions based on information in the status report. CEQA: Negative Declaration, H01-01-003. (Public Works)

[Deferred from 1/13/04 – Item 2.3(b)]

**Deferred to 1/27/04.**

## **6 TRANSPORTATION SERVICES**

---

### **6.1 Report of the Building Better Transportation Committee**

**Council Member Cortese, Chair**

**No Report.**

## **7 ENVIRONMENTAL & UTILITY SERVICES**

---

### **7.1 Public Hearing and approval of actions related to the Weed Abatement Program.**

**Recommendation:** Public Hearing on the proposed removal of weeds and refuse from properties and adoption of a resolution:

- (a) Overruling any and all objections to the 2003-2004 Hazardous Vegetation Commencement Report; and
- (b) Directing the Office of the Santa Clara County Fire Marshal to abate the seasonal and/or recurrent public nuisances on those properties identified in the Report pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Agreement between the City of San José and the County of Santa Clara.

CEQA: Exempt, PP04-01-001. (Planning, Building, and Code Enforcement)

**The Public Hearing was held, and there were no speakers.**

**Resolution No. 71929 adopted.**

### **7.2 Approval to award contracts for Sanitary Sewer Rehabilitation Projects.**

**Recommendation:**

- (a) Report on bids and award on contract for the Hester-Naglee Area Sanitary Sewer Rehabilitation Phase I Project to the low bidder, D'Arcy & Harty Construction, Inc., in the amount of \$744,220, and approval of a contingency in the amount of \$74,400. CEQA: Exempt, PP03-08-253. Council District 6. (Public Works)

**Approved.**

- (b) Report on bids and award on contract for the Trimble-Morrill Sanitary Sewer Rehabilitation Project Phase I (Rebid) to the low bidder, S.C. Spiniello Companies, in the amount of \$717,621, and approval of a contingency in the amount of \$72,000. CEQA: Exempt, PP01-09-164. Council District 4. (Public Works)

**Approved.**

## **8 AVIATION SERVICES**

---

### **8.1 Approval of extensions for the Airport Taxicab Concession Agreements.**

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute 180-day extensions to the Airport Taxicab Concession Agreements with Yellow Checker Cab Company, Inc. and United Taxicab Corporation from March 31, 2004 to September 27, 2004, on the same terms as the current concession agreements, to ensure uninterrupted taxicab service provision. CEQA: Resolutions No. 67380 and 71451, PP03-12-372. (Airport/Transportation)

(Deferred from 1/13/04 – Item 8.2)

**Resolution No. 71930 adopted.**

## **9 PUBLIC SAFETY SERVICES**

---

### **9.1 Acceptance of the Annual Review of the impact of Cardroom Gambling.**

**Recommendation:** Acceptance of the Annual Review of the impact of Cardroom Gambling on crime in the City of San José for the period July 1, 2002 to June 30, 2003.  
CEQA: Not a Project. (Police)

**Report Accepted.**

### **9.2 President's Family Justice Center Initiative grant for a proposed Family Justice Center.**

**Recommendation:** Adoption of a resolution authorizing the City Manager to submit an application for funding under the Federal Office On Violence Against Women for the President's Family Justice Center Initiative, and negotiate and execute all related documents necessary to receive the grant, and if awarded accept the grant. (Dando) (Rules Committee referral 1/14/04)

**Resolution No. 71931 adopted.**

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

---

**The Redevelopment Agency Board was convened at 2:10 p.m. to consider Item 10.1 in a Joint Session.**

### **10.1 Approval of a Revenue Generating Policy and direction to draft the ordinance.**

**Recommendation:** Adoption of a resolution by the City Council approving the Revenue Generating Policy and directing the City Attorney to draft an ordinance to amend the San José Municipal Code as necessary to implement the policy, including increasing the City Manager's authority to accept donations and approve sponsorship agreements up to a maximum of \$100,000. CEQA: Not a Project. (City Manager's Office/Redevelopment Agency)

**Resolution No. 71932 adopted.**

**City Attorney directed to develop a draft Council Revenue Generating Policy as proposed by Staff. In addition, the City Attorney directed to return to Council with ideas for a similar policy regarding Council Staff and their fund raising events.**

**The Redevelopment Agency Board portion of the meeting was adjourned at 2:50 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) **William Garbett spoke in regard to City Council Closed Executive Sessions.**
- **Adjournment**  
**The Council of the City of San José adjourned at 2:52 p.m.**

# 11 PUBLIC HEARINGS

---

(Heard by the City Council at 7:03 p.m.)

## 11.1 Public Hearing on planned development rezoning of the property located at 1290 Tully Road.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southwest corner of Tully Road and Highway 101 (1290 Tully Rd.), from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow commercial uses in a portion of an existing industrial complex on a 12.96 gross acre site. (Sfers Real Estate Corp. Cc, Owner). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-1-1).

PDC 03-040 - District 7

**Continued to 2/3/04.**

## 11.2 Public Hearing on planned development rezoning of the property located at 1523 W. San Carlos Street.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northeast corner of San Carlos Street and Buena Vista Avenue (1523 W. San Carlos Street), from LI Light Industrial, R-2 Residence, and R-1-8 Residence Zoning Districts to A(PD) Planned Development Zoning District, to allow up to 95 senior apartments, 32 single-family attached residences, and 4,000 square feet of commercial space on a 2.64 gross acre site. (San Carlos Willard Associates, Owner; CORE Development, Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-1-1).

PDC 02-102 - District 6

**Ordinance No. 27057 passed for publication.**

## 11.3 Public Hearing on planned development rezoning of the property located at 4030 Senter Road.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the east side of Senter Road, approximately 280 feet southerly of Nokomis Drive (4030 Senter Road), from R-1-8 Residence District to A(PD) Planned Development Zoning District, to allow up to 5 single-family detached residences on a 0.56 gross acre site. (Green Valley Corp., Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 02-101 - District 2

**Ordinance No. 27058 passed for publication.**

## **PUBLIC HEARINGS**

---

### **11.4 Public Hearing on planned development rezoning of the property located at 1323 Branham Lane.**

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northeast corner of Branham Lane and Cherry Avenue (1323 Branham Lane), from CP Pedestrian Commercial Zoning District to A(PD) Planned Development Zoning District, to allow up to 3 single-family detached residences on a 0.36 gross acre site. (Paul and Susan L. Lam, Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 03-066 - District 9

**Ordinance No. 27059 passed for publication.**

## **12 GENERAL PLAN PUBLIC HEARINGS**

---

There were no Hearings.

- **Open Forum**

None.

- **Adjournment**

**The Council of the City of San José was adjourned in memory of Harriet Traurig, Public Arts Director having worked for 5 years in the Conventions, Arts and Entertainment Department.**

**The Council of the City of San José was adjourned at 7:20 p.m.**