

CITY COUNCIL AGENDA

FEBRUARY 17, 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

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**

9:32 a.m. - Closed Session, Room 600, City Hall
Absent Council Members: Gonzales. (Excused)

1:33 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: None.

7:04 p.m. - Public Hearings, Council Chambers, City Hall
Absent Council Members: Gonzales. (Excused)

Mayor Gonzales thanked the residents and the employees of the City of San José for the hundreds of “well wishes”, speeding him to recovery. Mayor Gonzales thanked the Council Members for their support, especially Vice Mayor Dando, and Council Member Chavez for attending meetings in Washington, D.C. in his stead.

- **Invocation (District 2)**

Fenella Nguyen from Oak Grove High School performed the song, “The Voice Within”.

City Manager Del Borgsdorf introduced the City of San José’s new Fire Chief, Jeff Clet.

- **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.

1 CEREMONIAL ITEMS

- 1.1 Recognition of West Valley Branch Library by the U.S. Green Building Council for achieving Leadership in Energy and Environmental Design Certification (LEED), the City's first project and the nation's first library to be certified. (LeZotte)
Mayor Gonzales was joined at the podium by Council Member LeZotte to recognize the West Valley Branch Library by the U.S. Green Building Council for the City's first Green project. Council Member LeZotte introduced the President and CEO of the U.S. Green Building Council, Christine Ervin. Ms. Ervin commended the City of San José for its use of the Green Building Guidelines, and remarked that the West Valley Branch Library is the first certified library in the world. She congratulated the Mayor and the City Council on behalf of the U.S. Green Building Council, and presented the plaque to the City of San José for the West Valley Branch Library. Ms. Ervin also presented certificates to the Rob Wellington Quigley, Architects, Maryanne Welton, Project Manager; West Bay Builders, General Contractor; Lynn Simon, Founding Board Member for the Council of Simon & Associates; Miriam Landman, Green Building Consultants; Public Works Department Associate Architect Domenic Onorato; Wayne Disher and Pam Crider, West Valley Branch Library; Environmental Services Program Manager Mary Tucker; Director of Public Works Katy Allen; Library Director Jane Light, and Director of Environmental Services Carl Mosher, for their contributions to the project.
- 1.2 Presentation of a commendation to the Fontanetti Yankees baseball team for representing San José at the SuperSeries Winter National Championships in Glendale, Arizona from December 27, 2003 -January 2, 2004. (Dando)
(Orders of the Day)
Heard in the evening.
Vice Mayor Dando introduced Coach Larry Walkley and seven members of the Fontanetti Yankees baseball team, Larry Walkley, Jr., Jordan Talbot, Conner Jauch, David Rosas, Rafael Garcia, Connor Morrison, and Kevin Zhang, and Coaches John Talbot, and Jack Fordyce; the team members not present included Joey Shulman, Grant Appelgren, Clark Appelgren, Jake Raynaud, and Alec Naki. Vice Mayor Dando stated the Fontanetti Yankees baseball team remained undefeated last season, and through their hard work, won the SuperSeries Qualifiers which earned them the honor of representing California in the SuperSeries Winter National Championship in Glendale, Arizona. On behalf of Mayor Gonzales, and the Council Members, Vice Mayor Dando recognized and commended the Yankees for their commitment to teamwork, and positive attitude. The Yankees presented a baseball signed by the team members to Vice Mayor Dando for Mayor Gonzales, and the Council Members.

2 CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of City Council Minutes for:

- (a) Special meeting of August 28, 2003
- (b) Regular meeting of December 16, 2003
- (c) Joint Council/Redevelopment Agency Board meeting of December 16, 2003
- (d) Regular meeting of January 13, 2004
- (e) Joint Council/Redevelopment Agency Board meeting of January 13, 2004
- (f) Joint Council/San José Financing Authority meeting of January 13, 2004

Approved.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 27063 – Rezones certain real property situated at the southwest corner of Tully Road and Highway 101 (1290 Tully Road) to A(PD) Planned Development Zoning District. PDC 03-040
Ordinance No. 27063 adopted.
- (b) ORD. NO. 27064 – Rezones certain real property situated at the north side of Ringwood Court, approximately 900 feet northerly of McKay Drive, to IP(PD) Planned Development Zoning District. PDC 03-079
Ordinance No. 27064 adopted.
- (c) ORD. NO. 27065 - Rezones certain real property situated at the southwest corner of Meridian Avenue and Curci Drive to A(PD) Planned Development Zoning District. PDC 03-084
Ordinance No. 27065 adopted.
- (d) ORD. NO. 27066 - Rezones certain real property situated on both sides of Delmas Avenue between San Fernando Street and Santa Clara Street to A(PD) Planned Development Zoning District. PDC 02-046
Ordinance No. 27066 adopted.
- (e) ORD. NO. 27067 – Rezones certain real property situated at the southeast corner of Winchester Boulevard and Neal Avenue to A(PD) Planned Development Zoning District. PDC 02-071
Ordinance No. 27067 adopted.
- (f) ORD. NO. 27054 – Rezones certain real property situated at the southwest corner of McKee Road and Jose Figueras Avenue to CN Commercial Neighborhood Zoning District. C 03-085
Ordinance No. 27054 adopted.

2 CONSENT CALENDAR

2.3 Acceptance of the Office of the City Auditor's monthly *Report of Activities and Findings through January 15, 2004.*

Recommendation: Acceptance of the Office of the City Auditor's monthly *Report of Activities and Findings through January 15, 2004.* (City Auditor)

Report Accepted.

2.4 Approval of fiscal actions for Library grants.

Recommendation: Adoption of the following appropriation ordinance and funding source resolutions amendments in the General Fund:

(a) Increase the Library Grants appropriation by \$82,177.

(b) Increase the estimate for Revenue from the State of California by \$82,177.

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

Ordinance No. 27070 adopted.

Resolution No.71956 adopted.

2.5 Approval of fiscal actions for the 2003-05 Spending Plan for the Supplemental Law Enforcement Services (SLES) Fund.

Recommendation:

(a) Approval of the proposed 2003-05 Spending Plan for the Supplemental Law Enforcement Services (SLES) Fund.

Approved.

(b) Adoption of the following amendments to the annual appropriation ordinance and the annual funding sources resolution in the Supplemental Law Enforcement Services Fund (Fund 414) for Fiscal Year 2003-04:

(1) Establish a SLES Grant 2003-04 appropriation for the Police Department in the amount of \$1,377,911;

(2) Increase the Earned Revenue by \$1,377,911.

CEQA: Items included on the 2003-05 Spending Plan are not a project. (City Manager's Office/Police)

Ordinance No. 27072 adopted.

Resolution No. 71962 adopted.

2.6 Approval of an agreement for the "San José/Santa Clara Water Pollution Control Plant: WPCP Electrical System Improvement Study."

Recommendation: Approval of the first amendment to the agreement with the consulting firm, YEI Engineers Inc., for the "San José/Santa Clara Water Pollution Control Plant: WPCP Electrical Systems Improvement Study," increasing the total compensation by \$77,200, from \$314,068 for a total maximum compensation amount not to exceed \$391,268, and extending the term of the agreement for nine months, from September 2004 to June 2005. CEQA: Not a Project. (Environmental Services)

Approved.

2 CONSENT CALENDAR

2.7 Approval to set a public hearing on the cost of sidewalk repairs.

Recommendation: Adoption of a resolution setting a public hearing on March 30, 2004 at 1:30 p.m. for the approval of the report of the Directors of Finance and Transportation on the cost of sidewalk repairs. CEQA: Not a Project. (Finance/Transportation)

Resolution No. 71963 adopted.

Staff requested to provide percentage rate of collections.

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

Recommendation:

- (a) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2003-2004 #13, and authorization for the Director of General Services to execute the purchase orders. CEQA: See memo for CEQA designation(s). (General Services)
- (b) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2003-2004 #14, and authorization for the Director of General Services to execute the purchase orders. CEQA: See memo for CEQA designation(s). (General Services)

Approved.

2.9 Approval of actions related to Mayfair Park.

Recommendation: Adoption of a resolution granting a Temporary Construction Easement (TCE) to the Santa Clara Valley Water District (SCVWD) over a portion of Mayfair Park for the purpose of widening and improving the existing flood control channel and parkland improvements, and delegating authority to the Director of General Services to execute all documents necessary to complete transfer of the Easements, including 3 permanent easements included for Flood Control over street rights-of-way, which do not impact the park. CEQA: Negative Declaration, PP03-09-294. Council District 5. SNI: Mayfair. (General Services)

Resolution No. 71957 adopted.

2 CONSENT CALENDAR

2.10 Approval of fiscal actions for Guadalupe Gardens Irrigation and the Guadalupe Gardens Open Turf Play Area Projects.

Recommendation: Adoption of the following appropriation ordinance and funding sources resolution amendments in the Parks City-Wide Construction and Conveyance Tax Fund to:

- (a) Establish the Guadalupe Gardens Irrigation Project for \$1,000,000 to the Parks, Recreation and Neighborhood Services Department;
- (b) Establish the Guadalupe Gardens Open Turf Play Area Project for \$308,000 to the Parks, Recreation and Neighborhood Services Department;
- (c) Increase the Earned Revenue estimate by \$190,000; and
- (d) Decrease the Ending Fund Balance by \$1,118,000.

CEQA: Mitigated Negative Declaration, PP02-02-033. (Parks, Recreation and Neighborhood Services/City Manager's Office)

Ordinance No. 27071 adopted.

Resolution No. 71958 adopted.

2.11 Approval of an agreement for Smart Start San José spaces.

Recommendation: Adoption of a resolution increasing the prior authorization given to the City Manager to negotiate and execute an agreement with San José Unified School District on behalf of Almaden Elementary School from a prior amount not to exceed \$336,000, to a new agreement amount not to exceed \$672,000, to expand the number of Smart Start San José spaces. CEQA: Exempt; PP03-04-124. Council District 9. (Parks, Recreation and Neighborhood Services)

Resolution No. 71964 adopted.

2.12 Approval of various actions related to the annexation of McKee No. 120.

Recommendation: Adoption of a resolution initiating proceedings and setting March 2, 2004 at 1:30 p.m. for Council consideration on the reorganization of territory designated as McKee No. 120, which involves the annexation to the City of San José of 5.37 acres of land, more or less, consisting of three parcels totaling approximately 4.80 acres and a portion of Hyland Avenue totaling approximately 0.57 acre, located at Hyland Avenue between Marian Lane and Maro Drive, and adjacent to the City of San José annexation McKee No. 91, and the detachment of the same from Santa Clara County Central Fire Protection District, Santa Clara County Lighting District, Santa Clara (Library Services) County Service, Area No. 1, County Sanitation District 2-3, and the Library Benefit Assessment County Service Area No. 1. CEQA: Mitigated Negative Declaration, PDC01-082. Council District 5. (Planning, Building and Code Enforcement)

Resolution No. 71959 adopted.

2 CONSENT CALENDAR

2.13 Adoption of resolutions ordering the annexations of Burbank No. 36 and Story No. 53.

Recommendation:

- (a) Adoption of a resolution ordering the reorganization of territory designated as Burbank No. 36, which involves the annexation to the City of San José of 0.13 acre of land more or less, located on the east side of Wabash Avenue, approximately 80 feet northerly of Olive Street and adjacent to the City of San José annexation Burbank No. 31, and the detachment of the same from Burbank Sanitary, County Lighting Services, Central Fire Protection, Area No.1 (Library Services) County Services. CEQA: Resolution No. 65459. Council District 6. (Planning, Building and Code Enforcement)

Resolution No. 71960 adopted.

- (b) Adoption of a resolution ordering the reorganization of territory designated as Story No. 53, which involves the annexation to the City of San José of approximately 0.58 acre located at the southwest corner of Palomino Drive and Fleming Avenue which is adjacent to City of San José territory and the detachment of said territory from Central Fire Protection, Area No. 1 (Library Services) County Service and County Sanitation District 2-3. CEQA: Resolution No. 65459. Council District 5. (Planning, Building and Code Enforcement)

Resolution No. 71961 adopted.

2.14 Approval of an agreement for the Lower Guadalupe River Trail Project.

Recommendation: Approval of an agreement with CH2M HILL, Inc. for design services for the Lower Guadalupe River Trail Project, from the date of execution to December 31, 2005, for a base fee in the amount of \$335,000, and additional services in the amount of \$25,000, for a total agreement amount not to exceed \$360,000. CEQA: Not a Project. Council District 4. (Public Works/Parks, Recreation and Neighborhood Services)

Approved.

2.15 Approval of travel by Vice Mayor Pat Dando and Council Member Cindy Chavez.

Recommendation: Approval of travel by Vice Mayor Pat Dando and Council Member Cindy Chavez to Washington, D.C., February 10-12, 2004, to attend meetings relative to BART. Funding: Mayor's Office. (Mayor)
(Rules Committee referral 2/11/04)

Approved.

2.16 Approval of two appointments to the Early Care and Education Commission.

Recommendation: Approval of two appointments to the Early Care and Education Commission. (Mayor)
(Rules Committee referral 2/11/04)

Approved.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Gonzales, Chair

- (a) Meeting of August 21, 2003 – Getting Families Back to Work
- (b) Meeting of August 22, 2003 – Getting Families Back to Work
- (c) Meeting of August 25, 2003 – Getting Families Back to Work
- (d) Meeting of August 27, 2003 – Getting Families Back to Work
- (e) Meeting of January 15, 2004 – City's Budget Projections and Priorities

Reports Accepted.

3.2 Report of the Rules Committee – February 4, 2004

Vice Mayor Dando, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review February 17, 2004 Draft Agenda
The Committee recommended approval of the February 17, 2004 City Council Agenda with two additions and one correction.
 - (2) Add New Items to February 10, 2004 Amended Agenda
 - Mayor and Council Member Requests
 - City Manager Requests
 - City Attorney Requests
 - City Clerk Requests**The Committee recommended one addition to the February 10, 2004 City Council agenda.**
 - (3) Staff Reports Outstanding
The Committee noted and filed the City Manager's report listing one staff report outstanding for the February 10, 2004 Council agenda.
- (c) Legislative Update
 - (1) State
There was no report.
 - (2) Federal
There was no report.
 - (3) Approve a support position for Regional Measure 2, The Regional Traffic Relief Plan, on the March 2, 2004 State Primary ballot
This item was reported at the February 10, 2004 Council meeting.
- (d) Meeting Schedules
There were none.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – February 4, 2004 (Cont'd.) Chair, Vice Mayor Dando

- (e) The Public Record
The Committee noted and filed the Public Record.

- (f) Appointment to Boards, Commissions and Committees
 - (1) Recommend four Council Member appointments to Project Diversity Screening Committee
See Item 3.5(a) for Council Action taken. The Committee recommended appointment of Michael Leung, Clark Williams and Douglas Nguyen to the Project Diversity Screening Committee and continued this item to next week's Rules Committee meeting.

- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Workload assessment and proposed addition to the February 10, 2004 Council agenda for: "Evergreen Specific Plan Construction Tax, Building and Structures Tax, and Residential Construction Tax Fee Suspension/Exemption Renewal"
At the suggestion of Council Member Cortese, who originally requested this item be placed on an upcoming Council agenda, the Committee directed Administration to conduct outreach and negotiation, and return to Rules Committee on March 3, 2004 with the results of those endeavors.

- (h) Oral communications
None were presented.

- (i) Adjournment
The meeting adjourned at 2:35 p.m.

The Rules Committee Report, and the Actions of February 4, 2004, were accepted.

Report of the Rules Committee - Meeting of February 11, 2004 Vice Mayor Dando, Chair

- (f) Appointment to Boards, Commissions and Committees
 - (1) Recommend one Council Member appointment to Project Diversity Screening Committee
See Item 3.5(a) for Council Action taken.

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

3 STRATEGIC SUPPORT SERVICES

3.4 Approval of the 2003-2004 Mid-Year Budget Review Report.

Recommendation:

- (a) Approval of the 2003-2004 Mid-Year Budget Review.
- (b) Adoption of related appropriation ordinance and funding sources resolution amendments for the 2003-2004 Mid-Year Budget Review.
- (c) Addition of one net position as detailed in the 2003-2004 Mid-Year Budget Review.

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

(Deferred from 2/10/04 – Item 3.4)

See Item 10.1 for Council Action taken. Item 3.4 was renumbered to 10.1.

3.5 Approval of appointments to the Project Diversity Screening Committee.

Recommendation:

- (a) Approval of the four Council Member appointments to Project Diversity Screening Committee.

Approved.

- (b) Approval of the four Mayor appointments to Project Diversity Screening Committee.

(Mayor)

[Rules Committee referral 2/4/03 – Item 3.2(f)(1) and 2/11/04 – Item 3.2(f)(1)]

Item 3.5(b) deferred to 2/24/04.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee – February 5, 2004 Council Member Chavez, Chair

- (a) Discussion of Neighborhood Business Districts
The Committee could not accept the report because they did not have a quorum, but they expressed their gratitude for the presentation.
- (b) Strong Neighborhoods Initiative – SNI Business Plan
The Committee decided to carry over this item to the next Building Strong Neighborhoods Committee on March 15, 2004.
- (c) Preliminary discussion on strategy to update Greenprint
The Committee decided to carry over this item to the next Building Strong Neighborhoods Committee on March 15, 2004.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee – February 5, 2004 Council Member Chavez, Chair (Cont'd.)

- (d) Trails Update: Discussion of Current Trails Status and Recommended Trail Development
The Committee decided to carry over this item to the next Building Strong Neighborhoods Committee on March 15, 2004.
- (e) Oral petitions
There were none.
- (f) Adjournment
The meeting was adjourned at 3:00 p.m.

The Building Strong Neighborhoods Committee Report, and the Actions of February 5, 2004, were accepted.

4.2 Report of the Driving a Strong Economy Committee Council Member Williams, Chair No Report.

4.3 Public Hearing and actions related to annexing Annexation Area No. 1 into Community Facilities District No. 8 (Communications Hill).

Recommendation:

- (a) Adoption of a resolution declaring the results of the special election and, contingent upon two-thirds qualified voter approval of the levy of special taxes and determining that Annexation Area No. 1 is annexed to Community Facilities District No. 8, directing the City Clerk to record a notice of special tax lien.
Resolution No. 71965 adopted.
- (b) Adoption of an ordinance, to take effect immediately, levying special taxes within Annexation Area No. 1 of Community Facilities District No. 8.
CEQA: Negative Declaration and Addenda thereto, PP03-11-361. Council District 7.
(Public Works)
Ordinance No. 27073 adopted.

5 RECREATION & CULTURAL SERVICES

- 5.1 **Report of the All Children Achieve Committee**
Council Member Yeager, Chair
No Report.

- 5.2 **Approval of the proposed Master Plan update for Ramblewood Park.**

Recommendation: Approval of the proposed Master Plan update for Ramblewood Park.
CEQA: A Negative Declaration was adopted by the Franklin McKinley School District on December 9, 2003. Council District 7. (Parks, Recreation and Neighborhood Services)
Approved.

6 TRANSPORTATION SERVICES

- 6.1 **Report of the Building Better Transportation Committee – February 2, 2004**
Council Member Cortese, Chair

- (a) Approval of Committee Workplan
The Committee accepted the report with direction to move the BART item from May 3, 2004 agenda to April 5, 2004 agenda, and for staff to coordinate bringing Vice Chair LeZotte's concerns to the workplan at a future date.
- (b) Expansion and Improvement of Transit and Transportation Systems
(1) Taxicab Service Model Report
The Committee accepted the report with direction to staff to continue to work diligently on an outcome that benefits and considers everyone, and to bring a status report to the March Committee and brief everyone how it is progressing, with final recommendations coming in April. The Committee members emphasized the need for final resolution by April 2004.
- (c) Traffic Relief/Safe Streets
There were no items.
- (d) Supporting Smart Growth
There were no items.
- (e) Regional Relationships/Funding/Policy
(1) Update on the Santa Clara Valley Transportation Agency (VTA), Valley Transportation Plan (VTP) 2020
The Committee approved the report with direction to staff to conduct regular 1:1 meetings between DOT staff, VTA Board Members, and Council Members to keep them updated and to bring this item forward to the March 1, 2004 BBT Committee meeting with an update.

6 TRANSPORTATION SERVICES

6.1 Report of the Building Better Transportation Committee – February 2, 2004 Council Member Cortese, Chair (Cont'd.)

- (e) Regional Relationships/Funding/Policy (Cont'd.)
 - (2) ABAG/MTC Merger
The Committee approved the report.
 - (3) Update on State, Federal, and Local Legislation
The Committee approved the report.
- (f) Oral petitions
There were none.
- (g) Adjournment
The meeting was adjourned at 4:00 p.m.

The Building Better Transportation Committee Report, and the Actions of February 2, 2004, were accepted, with Item (b)(1) Taxicab Service Model Report, to be amended to state, the Committee “accepted” the report, in lieu of “approved”.

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Acceptance of the first annual report on San José/Santa Clara Water Pollution Control Plant (Plant) watershed activities.

Recommendation: Acceptance of the first annual report on San José/Santa Clara Water Pollution Control Plant (Plant) watershed activities, including updates on the South Bay Action Plan, Contingency Plan, and Pollutant Prevention and Minimization Plan, as required by the Plant’s National Pollutant Discharge Elimination System (NPDES) permit. CEQA: Not a Project. (Environmental Services)

Report Accepted.

8 AVIATION SERVICES

8.1 Presentation on the conceptual design progress for the Central Terminal Building and North Concourse Building at the Airport.

Recommendation: Presentation on the conceptual design progress for the Central Terminal Building and North Concourse Building at the Norman Y. Mineta San José International Airport. CEQA: Resolution Nos. 67380 and 71451. (Airport)

(Deferred from 2/3/04 – Item 8.1)

Deferred to 2/24/04.

8 AVIATION SERVICES

8.2 Approval of the San José International Airport-Advanced Traffic Management System Agreement for the Web Traveler Project.

Recommendation: Approval of a third amendment to the San José International Airport-Advanced Traffic Management System Agreement for consultant services to expand the Web Traveler Project between the City of San José and DKS Associates to increase the maximum compensation by \$109,000, from \$884,000 to an agreement amount not to exceed \$993,000. CEQA: Exempt, PP00-02-026. (Transportation)

Approved.

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board convened at 2:10 p.m. to consider Item 10.1 in a joint session.

10.1 Approval of the 2003-2004 Mid-Year Budget Review Report. Item 10.1 was renumbered from 3.4.

Recommendation:

- (a) Approval of the 2003-2004 Mid-Year Budget Review.

Approved. Noes: Reed.

- (b) Adoption of related appropriation ordinance and funding sources resolution amendments for the 2003-2004 Mid-Year Budget Review.

Ordinance No. 27074 adopted. Noes: Reed.

Resolution No. 71966 adopted. Noes: Reed.

- (c) Addition of one net position as detailed in the 2003-2004 Mid-Year Budget Review.

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

(Deferred from 2/10/04 – Item 3.4)

Approved. Noes: Reed.

(Item 10.1 continued on the next page)

10.1 Approval of the 2003-2004 Mid-Year Budget Review Report (Cont'd.)

The memorandum from Mayor Gonzales, dated February 12, 2004, recommending approval of the 2003-2004 Mid-Year Budget Review Report, was approved with the following budget direction:

- (1) The Manager shall provide a list for approval within two weeks of 100 vacant non-uniform public safety positions in the General Fund to be deleted immediately to help save funds now while limiting service level impact.**
- (2) The Manager shall bring forward budget reduction proposals for implementation within 30 days, rather than waiting for July 1. These include actions that would most likely be recommended for consideration later this year but could reduce more severe cuts later through early implementation. The Director has already taken actions for significant current year reductions to the operating budget of the Redevelopment Agency.**
- (3) Use all of our Economic Uncertainty Reserve to reduce the projected General Fund deficit in the development of next year's budget if employee bargaining units agree to zero salary and benefit raises for one year by April 1, 2004.**
- (4) Explore opportunities to accelerate the transfer of employees from General Fund services to Special Fund positions, where those transfers are likely to be proposed in next year's budget.**
- (5) Continue with our current capital improvement plan that keeps money flowing to our economy. The Manager shall return with a plan that will defer actual operational openings of new facilities or will close existing facilities in exchange for opening new facilities that provide better service and lower costs.**
- (6) The Manager shall explore use of the Workers Compensation Reserve to the fullest extent possible to fund employee training that could increase employee safety and reduce exposure to costs.**
- (7) Although any fee increases must always be considered very carefully, we must look at opportunities now because of potentially long lead times for changes to take effect. The Manager and City Attorney shall start exploring the establishment of a new 9-1-1 fee, and work with neighboring jurisdictions, including the County that are also moving in this direction, to determine if such a fee can be implemented in a compatible fashion throughout the region.**
- (8) The Manager shall immediately revise the current year TOT distributions based on actual revenue received rather than on previous revenue projections.**
- (9) The Manager shall explore employee health care options that can reduce costs to the City. For example, the City currently offers employee health care packages that include no or extremely low co-pay requirements, which contributes to the growing costs of benefits. We must do everything we can to control these costs.**
- (10) Any reductions proposed in public safety departments shall be required to demonstrate that they will not be offset by costly overtime expenditures.**
- (11) In conjunction with the Manager's Mid-Year Budget Report, approve all reductions in the Mayor and City Council office budgets by the same average percentage that is being implemented for non-public safety departments.**

(Item 10.1 continued on the next page)

10.1 Approval of the 2003-2004 Mid-Year Budget Review Report (Cont'd.)

- (12) The Manager shall continue working closely with the County and other jurisdictions to provide services for our residents and businesses in the most efficient manner possible. We must make sure that we are not providing overlapping services with any other jurisdictions.**
- (13) The Manager shall revisit our fee and fine structures to implement revisions that would charge non-residents a premium for our services and discourage “abusers” of services, such as abandoned vehicle abatement.**
- (14) The Director working with the City Attorney/General Counsel shall develop a timeline for the Redevelopment Agency Capital Budget that would allow the Agency Board to consider the CIP after the County Assessor has provided information on this year’s assessment rolls.**
- (15) The Director shall submit a one year Redevelopment Agency Operating Budget (and related expenditures for City services) by May 1, to be discussed with the City’s General Fund budget process.**
- (16) The Director shall develop the proposed Agency capital budget to increase the focus on tax increment generating investments. Our goal is to generate additional tax increment revenue to support our programs for strong neighborhoods, affordable housing, and economic development. We should aim strategically at making at least half of our redevelopment investments in programs that will lead to tax increment growth. This goal will not be immediately achievable, but can over time be attained.**

The Redevelopment Agency Portion of the Meeting was adjourned at 3:40 p.m.

● Closed Session Report

City Attorney Richard Doyle disclosed the following Closed Session action(s) of February 17, 2004:

A. Appointment of Fire Chief

Council Vote: Ayes: Nora Campos, Cindy Chavez, Judy Chirco, David Cortese, Linda LeZotte, Chuck Reed, Forrest Williams.

Noes: Pat Dando, Terry Gregory, Ken Yeager.
Disqualified: None.
Absent: Ron Gonzales.

- **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:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9533	Woodard Road (s/s), e/o Starview Drive	9	AF Construction	6 Lots/5 Units	SFDR	Approve
9290	Northeast corner of McLaughlin & Taper Lane	7	Tony Trieu	6 Lots/6 Units	SFDR	Approve
9481	Northeast corner of Aborn Rd. and Murillo Avenue	8	SCS Development	15 Units	SFDR	Approve

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**
No Speakers.

11 PUBLIC HEARINGS

(Heard by the City Council at 7:04 p.m.)

11.1 Public Hearing on an ordinance allowing building additions of less than 500 square feet with a permit adjustment (Getting Families Back to Work directive).

Recommendation: PUBLIC HEARING AND APPROVAL OF AN ORDINANCE amending Chapter 20.100 and Chapter 20.90 of Title 20, the Zoning Code, of the San José Municipal Code, to allow building additions of less than 500 square feet with a permit adjustment and to modify the parking requirements for shopping centers over 100,000 square feet in size respectively. CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). PP04-01-006 - Citywide

Ordinance No. 27075 passed for publication.

11 PUBLIC HEARINGS

11.2 Public Hearing on an ordinance streamlining the single-family house permitting process (Getting Families Back to Work directive).

Recommendation: PUBLIC HEARING AND APPROVAL OF AN ORDINANCE amending Chapter 20.100 and Chapter 20.50 of Title 20, the Zoning Code, of the San José Municipal Code, to streamline the single-family house permitting process and to modify the Industrial District use regulations to clarify regulations applicable to assembly use. CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PP04-01-005 - Citywide

Ordinance No. 27076 passed for publication.

- (1) Staff directed to look at an alternative guideline for increasing height limit and floor area for building single-family homes in the Alviso area;
- (2) Staff directed to work with Office of Economic Development, Redevelopment Agency and Convention, Arts, and Entertainment relating to assembly uses for the arts issues and recreational issues.

11.3 Public Hearing on an ordinance clarifying the process of concurrent filing and review of Planned Development Zoning and Planned Development Permit Applications (Getting Families Back to Work directive).

Recommendation: PUBLIC HEARING AND APPROVAL OF AN ORDINANCE amending Chapter 20.100 of Title 20, The Zoning Code, of the San José Municipal Code, to clarify the process of concurrent filing and review of Planned Development Zoning and Planned Development Permit Applications. CEQA: Not a Project. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

Citywide

Ordinance No. 27077 passed for publication.

11.4 Public Hearing and approval of an ordinance amending Title 20 relating to Williamson Act contracts (Getting Families Back to Work directive).

Recommendation: PUBLIC HEARING and approval of an ordinance adding a new Part 2 to Chapter 20.10.110 of Title 20 of the San José Municipal Code, authorizing the Director of Planning, Building, and Code Enforcement to cancel or partially cancel Williamson Act contracts relating to prime agricultural land under certain circumstances. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

Ordinance No. 27078 passed for publication.

11 PUBLIC HEARINGS

11.5 Public Hearing on planned development rezoning of the property located at 849 The Alameda.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northeast corner of Rhodes Court and The Alameda (849 The Alameda), from CP Pedestrian and CO Commercial Office Zoning Districts to A(PD) Planned Development Zoning District, to allow demolition of a single-family residence and a commercial building, and to allow up to 13,500 square feet of commercial uses with drive-through pharmacy (Long's Drug), on a 0.95 gross acre site. (Boccardo John Trustee & et al., Leanne Rees, Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). PDC 03-054 - District 6

Ordinance No. 27081 passed for publication, with the following conditions:

- (1) Long's Drug Store will work with the City's Department of Transportation to install a Left Turn Only sign at the Rhodes Court driveway. In addition, Long's will also work with the Department of Transportation to install a choker on the north side of Rhodes Court driveway to further discourage cars from exiting onto Rhodes Court. Long's and City representatives will meet with the residents of Rhodes Court to determine the most appropriate location and design for this choker. Long's will fund and construct these items as part of its project.**
- (2) Long's will work with City Staff at the Planned Development (PD) Permit stage to incorporate a fence of appropriate height and material to screen the parking lot from the adjacent residential properties.**
- (3) Long's will secure both driveways closed every night to prevent undesirable activity and to prevent use of the parking lot for overflow Arena parking.**
- (4) Long's will participate in the City's STOP program to further discourage undesirable activity from occurring on its property during hours when Long's staff is not present.**
- (5) Long's will work with the Planning Staff during the PD Permit stage to review the possibility of reductions to paved parking areas that will allow for an increase in landscaping buffers to adjacent residential properties.**
- (6) Long's will hold a community meeting six months after the store opening to address any outstanding concerns of the neighborhood.**

11 PUBLIC HEARINGS

11.6 Public Hearing on planned development rezoning of the property located at Saratoga Avenue and Graves Avenue.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the west side of Saratoga Avenue, approximately 150 feet southerly of Graves Avenue, from CG Commercial Zoning District to A(PD) Planned Development Zoning District, to allow: (1) Demolition of two existing commercial buildings (Saratoga Lanes bowling alley and Wolf Camera Center), and (2) Construction of up to 79 single-family attached residential units, on a 4.5 acre site. (J.D. Molex LLC, Owner; Riding Group, Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval and Planning Commission recommends denial (4-3-0).

PDC 03-061 - District 1

Ordinance No. 27082 passed for publication, with the following provisions:

- (1) The number of units will be reduced from 79 to 77 units. This should be accomplished by removing two units at the easterly end of the project. This reduction will bring the project into conformance with the lowest density allowed under the alternative discretionary use policy and maximize the opportunity for additional parking, open space, and an enhanced landscaping interface between the site and an adjacent use.**
- (2) All perimeter fencing along Saratoga Avenue will be open to allow visibility, except for two closed panels, which are needed to provide privacy on either side of the pool cabana building.**
- (3) Accept a \$70,000 contribution from the developer for 22-ADA ramps, 4 embossed asphalt cross walks as well as a reserve for follow up measures to assist with handicap, bicycle and pedestrian accessibility.**
- (4) The developer will coordinate with the Department of Public Works in a joint effort to pave the entirety of Graves Avenue, since the project's pro-rata share of resurfacing is a significant portion of the street.**

11.7 Public Hearing on planned development rezoning of the property located at 586 Minnesota Avenue.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the east side of Minnesota Avenue, approximately 490 feet southerly of Dorothy Avenue (586 Minnesota Avenue), from R-M Multi-Family Residence and R-1-8 Residence District to A(PD) Planned Development Zoning District, to allow one single-family detached residence and one duplex on a 0.64 gross acre site. (Ron Buchholz, Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-1-1).

PDC 03-064 - District 6

Ordinance No. 27079 passed for publication.

11 PUBLIC HEARINGS

11.8 Public Hearing on conventional rezoning of the property located at 1811 Park Avenue.

Recommendation: PUBLIC HEARING ON CONVENTIONAL REZONING of the property located at the west side of Park Avenue, approximately 50 feet northerly of Emory Street (1811 Park Avenue), from CO Office Commercial Zoning District to CN Commercial Neighborhood Zoning District, to allow commercial uses on a 0.2 gross acre site. (Robert D. and Jill K. Malone, Owner). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C 03-091 - District 6

Ordinance No. 27080 passed for publication.

11.9 Public Hearing on conforming planned development rezoning of the property located at 929 Berryessa Road.

Recommendation: PUBLIC HEARING ON CONFORMING PLANNED DEVELOPMENT REZONING of the property located at the north side of Berryessa Road, approximately 50 feet easterly of Mabury Road (929 Berryessa Road), from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to remove the warehouse use restriction and allow similar industrial uses in an existing 9,994 square foot structure. (Borelli Development Company, Ralph Borelli, Owner/Developer). CEQA: Negative Declaration.

PDC 03-106 - District 4

Continued to 3/16/04.

- **Open Forum**

- (1) **Marc Boyd spoke in regard to San José Medical Center.**
- (2) **James Rowen spoke on legislative issues.**

- **Adjournment**

The Council of the City of San José was adjourned in memory of Ms. Ruth Huddleston, long time activist in the African American Community and the mother of Ann Nelson, Assistant Superintendent, Franklin-McKinley School District.

The Council of the City of San José was adjourned at 9:26 p.m.