



# **CITY COUNCIL AGENDA**

**JANUARY 28, 2003**

## **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

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.ci.san-jose.ca.us/cty\\_clk/agenda.htm](http://www.ci.san-jose.ca.us/cty_clk/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**  
9:34 a.m. - Closed Session, Room 600, City Hall  
**Absent – Council Members – None.**  
  
1:34 p.m. - Regular Session, Council Chambers, City Hall  
**Absent – Council Members – None.**
- **Invocation (District 1)**  
**Anderson School Village Singers led by Choir Director, Linda Covington led the invocation in their performance of “It Starts With Me”, written by Theresa Jennings and the Star Spangled Banner.**
- **Pledge of Allegiance**  
**Pledge of Allegiance was led by Mayor Gonzales.**
- **Orders of the Day**  
**Approved.**

## **1 CEREMONIAL ITEMS**

---

- 1.1 Presentation of a proclamation recognizing the week of January 26-February 1, 2003 “Catholic Schools Week.” (Dando)  
(Orders of the Day)  
**Vice Mayor Dando joined Mayor Gonzales at the podium to proclaim January 26 - February 1, 2003 as “Catholic Schools Week” and commended Elaine Lukus, Director of Community Services of Holy Spirit School and Peggy Krewson, Assistant Vice-Principal of Holy Spirit School; the proclamation was accepted by the President and Vice President of the Student Body.**

## 2 CONSENT CALENDAR

---

**Notice to the public:** There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

### 2.1 Approval of Minutes.

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

- (a) Regular meeting of May 28, 2002
- (b) Joint City Council/Redevelopment Agency Board meeting of May 28, 2002

**Approved.**

### 2.2 Final adoption of ordinances.

**None.**

### 2.3 Approval to amend the 2002-03 Schedule of Fees and Charges.

**Recommendation:** Adoption of a resolution amending the 2002-03 Schedule of Fees and Charges to establish a Library Department fee of \$.15 per page for public use of printers. CEQA: Not a Project. (Library)

**Resolution No. 71395 adopted.**

### 2.4 Approval of various actions related to the Corporation for National Service grant application.

**Recommendation:**

Adoption of a resolution:

- (a) Authorizing the City Manager to submit an application to the Corporation for National Service for a three-year grant not to exceed \$262,971, for the Retired and Senior Volunteer Program (RSVP); and
- (b) Authorizing the City Manager to accept grant funds and to negotiate and execute all agreements if grant is awarded.

CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

**Resolution No. 71396 adopted.**

## 2 CONSENT CALENDAR

---

### 2.5 Approval of the Coyote Creek Trail grant fund transfer agreement.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a fund transfer agreement with the State of California's Department of Transportation (Caltrans) for the receipt of grant funding to study a section of the Coyote Creek Trail between Selma Olinder Park and Kelley Park, including a trail connection to the Spartan/Keyes Neighborhood, in an amount not to exceed \$144,042, and approve the minimum ten percent match required of \$14,042. CEQA: Exempt, PP03-01-002. Council District 3. SNI: Spartan/Keyes. (Parks, Recreation and Neighborhood Services)

**Dropped– Council action was taken on 1/21/03 – Item 2.10.**

### 2.6 Approval of a contract for the Silvia Cassell Park Play Area Renovation Project.

**Recommendation:** Report on bids and award of contract for the Silvia Cassell Park Play Area Renovation Project to the low bidder, Community Playgrounds, Inc., to include the base bid and Add Alternate Nos. 1, 2, and 4, in the amount of \$207,260, and approval of a contingency in the amount of \$10,400. CEQA: Exempt, PP02-10-293. Council District 5. SNI: East Valley/680 Communities. (Public Works)

**Approved.**

### 2.7 Approval of a contract for the River Glen Park Restroom Building Project.

**Recommendation:** Report on bids and award of contract for the River Glen Park Restroom Building Project to the low bidder, and approval of a five percent contingency. CEQA: Exempt, PP02-12-365. Council District 6. (Public Works)

**Deferred to 2/11/03.**

### 2.8 Approval of a contract for the Ramblewood Park Play Area Renovation and Restroom Project.

**Recommendation:** Report on bids and award of contract for the Ramblewood Park Play Area Renovation and Restroom Project to the low bidder, and approval of a five percent contingency. CEQA: Exempt, PP02-12-392. Council District 7. (Public Works)

**Deferred to 2/11/03.**

## 2 CONSENT CALENDAR

---

### 2.9 Approval to amend Master Agreements.

**Recommendation:**

- (a) Approval of the second amendment to the Master Agreement with Terrasearch, Inc. for special inspection and material testing services for various projects, increasing compensation by \$150,000, for a total agreement amount of \$250,000, and extending the term by two years to June 30, 2005.
- (b) Approval of the second amendment to the Master Agreement with Sierra Environmental, Inc. for environmental engineering services for various projects, increasing compensation by \$150,000, for a total agreement amount of \$250,000, and extending the term by two years to June 30, 2005.
- (c) Approval of a first amendment to the Master Agreement with Parikh Consultants, Inc. for geotechnical engineering services for various projects, increasing compensation by \$160,000, for a total amount of \$250,000, and extending the term by two years to June 30, 2005.

CEQA: Not a Project. (Public Works)

**Approved.**

### 2.10 Approval to amend a consultant agreement with Sound Technology Consultants.

**Recommendation:** Approval of a first amendment to the consultant agreement with Sound Technology Consultants, Inc., extending the term of the agreement by 11 months from September 30, 2003 to August 31, 2004, at no additional cost to the City. CEQA: Not a Project. (Public Works)

**Approved.**

## 3 STRATEGIC SUPPORT SERVICES

---

### 3.1 Report of the Study Session

**Mayor Gonzales, Chair**

**No Report.**

### 3.2 Report of the Rules Committee – January 15, 2003

**Vice Mayor Dando, Chair**

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
  - (1) Review January 28, 2003 Draft Agenda  
**The Committee recommended approval of the January 28, 2003 City Council agenda.**
  - (2) Add New Items to January 21, 2003 Amended Agenda  
**The Committee recommended three additions to the January 21, 2003 City Council agenda.**

### 3 STRATEGIC SUPPORT SERVICES

---

#### 3.2 Report of the Rules Committee – January 15, 2003 (Cont'd) Vice Mayor Dando, Chair

(c) City Council Committees

(1) Amendments to Council Committee Agendas

- a. Finance and Infrastructure Committee
- b. Economic Development and Environment Committee
- c. Education, Neighborhoods, Youth and Seniors Committee

**None filed.**

(d) Meeting Schedules

**There were none.**

(e) The Public Record

**The committee referred Item (d) on the Public Record. “Communications from the San José Human Rights Commission encouraging Council and City Administration to explore the feasibility of adopting a policy that would prohibit the City from entering into contracts with vendors or contractors that do not provide equal benefits to domestic partner employees” to the Administration, with direction to return to Rules Committee in two weeks with a workload assessment to adopt a policy. The Committee noted and filed the remainder of the Public Record.**

(f) Boards, Commissions and Committees

(1) Child Care Commission

**The Committee recommended approval to change the name of the Child Care Commission to the City of San Jose Early Care and Education Commission; and to increase the number of Commission members from eleven to thirteen.**

**SEE ITEM 3.7 FOR COUNCIL ACTION TAKEN**

(f) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee

**There were none.**

(h) Administrative Reviews and Approval

(1) Approve requests from Council Member Pat Dando to use Council General funds:

- (a) To attend League of California Cities Board of Directors Meeting in San Diego, CA, November 21-25, 2002
- (b) To attend National League of Cities Congress of Cities & TIS Committee Meeting in Salt Lake City, UT, December 3-8, 2002.

**The Committee approved Council Member Dando’s use of Council General to attend the League of California Cities Board of Directors Meeting in San Diego, CA, November 21-25, 2002 and to attend the National League of Cities Congress of Cities and TIS Committee Meeting in Salt Lake City, UT, December 3-8, 2002.**

### 3 STRATEGIC SUPPORT SERVICES

---

#### 3.2 Report of the Rules Committee – January 15, 2003 (Cont'd) Vice Mayor Dando, Chair

- (h) Administrative Reviews and Approval
  - (2) Approve work assessment on a proposed policy for selecting sites for City-sponsored meetings  
**The Committee directed the Administration to proceed with an analysis of the implications of a proposed policy for selected sites for City-sponsored meetings and to return to the Rules Committee in four weeks with an interim report.**
- (i) Oral communications  
**Pete Campbell, a resident from District 1, presented a letter to City Attorney Doyle and also a written request to the Rules Committee to place an item regarding Measure I on the next City Council agenda. There was no Committee discussion.**
- (j) Adjournment  
**The meeting adjourned at 2:35 P.M.**

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

#### 3.4 Vietnamese Cultural Heritage Gardens – Operations and Maintenance Agreement.

**Recommendation:** Approval of a first amendment to the Design, Development, Operation, and Maintenance Agreement with the Vietnamese Cultural Heritage Foundation for the construction of the Vietnamese Cultural Heritage Gardens in Kelley Park allowing the Director of Public Works to waive performance and workmanship bond requirements if alternative financial security, acceptable to the Director, is provided.  
(Reed)  
(Deferred from 12/3/02 – Item 3.8 and 12/10/02 – Item 3.8)  
**Deferred to 2/4/03.**

#### 3.5 Approval of actions to restore the State of California's Vehicle License Fee.

**Recommendation:** Acceptance of staff's report and adoption of a resolution:

- (a) Supporting the restoration of the State of California's Vehicle License Fee (VLF); and
- (b) Authorizing the City Clerk to forward the resolution to the Governor and the State Legislature.

CEQA: Not a Project. (City Manager's Office)  
(Rules Committee referral 1/22/03)  
**Resolution No. 71397 adopted.**

### **3 STRATEGIC SUPPORT SERVICES**

---

#### **3.6 Issue for consideration and direction to not proceed with the purchase of insurance pursuant to the Terrorism Risk Insurance Act of 2002.**

**Recommendation:** Issue for Council consideration and direction to staff to:

- (a) Not purchase citywide property insurance for the period November 26, 2002 through June 30, 2003, pursuant to the provisions of the Terrorism Risk Insurance Act (TRIA) of 2002 and direct staff to continue to evaluate the risks and fiscal feasibility of purchasing terrorism coverage as part of the annual renewal process.
- (b) Not purchase Builder's Risk for the New Civic Center pursuant to the provisions of the Terrorism Risk Insurance Act (TRIA) of 2002.
- (c) Not purchase the Airport Terrorism Liability insurance for the Norman Y. Mineta San José International Airport pursuant to the Terrorism Risk Insurance Act (TRIA) of 2002 and direct staff to continue to evaluate the business risks and financial feasibility of purchasing terrorism liability insurance as part of the annual renewal process.

CEQA: Not a Project. (Finance)  
(Rules Committee referral 1/22/03)

**Approved.**

#### **3.7 Direction to rename and restructure the Child Care Commission.**

**Recommendation:** Approval of request by the Child Care Commission to rename the Commission San José Early Care and Education Commission, and to increase the number of Commission members from 11 to 13, and direction to the City Attorney's Office to prepare an ordinance amending the Municipal Code to implement the changes requested by the Child Care Commission.

{Rules Committee referral 1/15/03 – Item 3.2(f)(1)}

**Approved.**

### **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.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

---

### **4.3 Approval of an ordinance amending signage regulations in residential areas.**

Recommendation: Approval of an ordinance amending Sections 23.04.320, 23.04.330, 23.04.340, 23.04.350, and 23.04.830 of Chapter 23.04 of Title 23 of the San José Municipal Code to amend signage regulations in residential zoning districts and to provide for an amortization period for certain temporary signs in those districts. CEQA: Exempt. (Planning, Building, and Code Enforcement)

[Economic Development & Environment Committee referral 12/2/02 – Item 4.1(c)]  
(Deferred from 12/17/03 – Item 4.7 and 1/14/03 – Item 4.4)

**Dropped – Referred to Committee.**

### **4.4 Approval of various actions related to Policy 9-3: Community Identification Signs.**

**Recommendation:** Adoption of a resolution:

- (a) Rescinding the current Council Policy 9-3 prohibiting the installation of community identification signs other than those of a historical nature; and
- (b) Adopting a replacement policy based on the proposed guidelines and criteria for allowing community identification signs and architectural/gateway monuments within the public right-of-ways outside the Greater Downtown Area.

(Planning, Building and Code Enforcement)

[Economic Development & Environment Committee referral 12/2/02 – Item 4.1(b)]

(Deferred from 12/17/03 – Item 4.6 et al., and 1/21/03 – Item 4.4)

**Deferred to 2/11/03.**

## **5 RECREATION & CULTURAL SERVICES**

---

### **5.1 Report of the All Children Achieve Committee Council Member Yeager, Chair**

**No Report.**

### **5.2 Approval of a contract for the Biebrach Park Play Area Renovation and Restroom Replacement.**

**Recommendation:** Report on bids and award of contract for the Biebrach Park Play Area Renovation and Restroom Replacement to the low bidder, and approval of a nine percent contingency. CEQA: Exempt, PP02-09-259. Council District 3. SNI: Gardner. (Public Works)

(Deferred from 1/14/03 – Item 5.3)

**Deferred to 2/11/03.**

### **5.3 Acceptance of the progress report of the implementation of the Services for Persons with Disabilities Strategic Plan.**

**Recommendation:** Update on the progress of the implementation of the Strategic Plan, Services for Persons with Disabilities. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

**The report was accepted.**

## **6 TRANSPORTATION SERVICES**

---

- 6.1 Report of the Building Better Transportation Committee  
Council Member Cortese, Chair  
No Report.**

- 6.2 Approval to award a contract for the Smart Intersections Program  
Communications System 2002 (Phase 1, Package B Project).**

**Recommendation:** Report on bids and award of contract for the Smart Intersections Program Communications System 2002 (Phase 1, Package B Project) to the low bidder, Prism Engineering, Inc., in the amount of \$707,317 for the base bid, and approval of a contingency in the amount of \$70,730. CEQA: Exempt, PP 02-04-092. SNI: Tully/Senter. (Public Works)  
(Deferred from 12/17/02 – Item 6.1 and 1/21/03 – Item 6.2)  
**Deferred to 2/4/03.**

- 6.3 Approval to revise the Downtown Cinema Validation Program.**

**Recommendation:** Adoption of a resolution to amend the Master Parking Rate Schedule to revise the Downtown Cinema Validation Program through the following actions:

- (a) Add parking facilities that accept Downtown Cinema Validations;
- (b) Provide a maximum of three and one-half hours of free parking to patrons of regularly scheduled movies in Cinemas in the Downtown Area; and
- (c) Grant the authority to the Director of Transportation to add or delete parking facilities, as appropriate, to the Downtown Cinema Validation Program.

CEQA: Not a Project. Council District 3. (Transportation)  
(Deferred from 1/21/03 – Item 6.3)  
**Resolution No. 71398 adopted.**

## **7 ENVIRONMENTAL & UTILITY SERVICES**

---

- 7.1 Approval of an agreement for consultant services for engineering and technical support at the Water Pollution Control Plant.**

**Recommendation:** Approval of a continuation agreement with Brown and Caldwell for consultant services for engineering and technical support at the San Jose/Santa Clara Water Pollution Control Plant, extending the term of the agreement from January 1, 2003 to December 31, 2004, at no additional cost to the City. CEQA: Not a Project. (Environmental Services)  
**Deferred to 2/11/03.**

## 8 AVIATION SERVICES

---

## 9 PUBLIC SAFETY SERVICES

---

### 9.1 Approval to purchase trunk mounted mobile computers.

**Recommendation:** Award the purchase of 436 trunk mounted mobile computers with color touch screen display, keyboard and mounting unit, to the lowest responsive bidder, Data911 Mobile Data Systems, for a total cost of \$2,390,792.35, including sales tax and authorize the Director of General Services to execute the purchase order. CEQA: Not a Project. (General Services)

**Approved. Council directed Staff to provide an informational memo to Council on the effectiveness of the system in 6-12 months.**

## 10 JOINT COUNCIL/REDEVELOPMENT AGENCY

---

- Closed Session Report
- Notice of City Engineer's Pending Decision on Final Maps  
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:  
**None.**  
  
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:  
**None.**
- Open Forum –
  - (1) **James Zuur spoke on Item 7.1 of the Redevelopment Agency Agenda regarding the Camera Cinemas.**
  - (2) **William Garbett spoke about the City's revolving loan funds.**
- Adjournment

**The Council of the City of San José was adjourned at 2:40 P.M.**