

# CITY COUNCIL AGENDA

**FEBRUARY 25, 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, 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.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**  
9:00 a.m. - Closed Session, Room 600, City Hall  
**Absent – Council Members: None**  
  
1:30 p.m. - Regular Session, Council Chambers, City Hall  
**Absent – Council Members: None**
- **Invocation (District 2)**  
**Bernal Intermediate School Jazz Band performed songs: St. Louie Blues and Down Roberto’s Way, under the direction of Director Randall Tyler.**
- **Pledge of Allegiance**  
**Mayor Gonzales led the Pledge of Allegiance.**
- **Orders of the Day**  
**Approved. With Item 2.4 deferred to 3/11/03.**

## **1 CEREMONIAL ITEMS**

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- 1.1 Presentation of a Black History Month Celebration resolution from the 100 Black Men of Silicon Valley, Inc. to the Mayor and Council. (Mayor)  
**Mayor Gonzales called to the podium Bill Kendrick’s, President and Chairman, and 11 board members of the Board of 100 Black Men of Silicon Valley, Inc., who presented a resolution to the Mayor and City Council for their encouragement and support of their mission of improving the quality of life for Afro-American youths and other diverse groups through the enhancement of educational, economic and health and wellness opportunities and commended the City Council of San Jose, California for continuing to support and enhance diversity, and the objectives, mission and values of the 100 Black Men of Silicon Valley, Inc.**

# 1 CEREMONIAL ITEMS

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- 1.2 Commendations to The Steinberg Group, Banducci Associates Architects, and HDR Architecture Inc., for the vision of the Valley Design Awards they received from The American Institute of Architects Santa Clara Valley Chapters. (Dando)  
(Orders of the Day)

**Mayor Gonzales was joined at the podium by Vice Mayor Dando for presentation of a commendation to honor Roger Stewart from HDR Architecture, Inc., Ernie Yamani and Rob Steinberg from Steinberg Group, David Banducci from Banducci Associates Architects and for their recognition of award from the American Institute of Architects Santa Clara Valley Chapters and for their efforts in creating and enhancing the quality of our communities and environment.**

# 2 CONSENT CALENDAR

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- 2.1 **Approval of Minutes.**

None.

- 2.2 **Final adoption of ordinances.**

**Recommendation:** Final adoption of ordinances:

- (a) ORD. NO. 26828 – Amends Section 3.28.030.11 of Chapter 3.28 of Title 3 of the San José Municipal Code to revise the cap on final compensation in the Federated City Employees Retirement System.

**Ordinance No. 26828 adopted.**

- (b) ORD. NO.26829 – Amends Chapter 3.36 of Title 3 of the San José Municipal Code to provide for the acceptance of plan-to-plan transfers from eligible deferred compensation plans to the Police and Fire Department Retirement Plan for the purpose of purchase of permissive service credit.

**Ordinance No. 26829 adopted.**

- (c) ORD. NO.26830 – Amends Chapter 3.28 of Title 3 of the San José Municipal Code to provide for the acceptance of plan-to-plan transfers from eligible deferred compensation plans to the Federated City Employees Retirement System for the purpose of purchase of permissive service credit.

**Ordinance No. 26830 adopted.**

- (d) ORD. NO.26831 – Amends Chapter 2.08 of Title 2 of the San José Municipal Code to repeal Part 25 and add a new Part 43 to reflect a change in the name of the Commission on Disadvantaged Business Development to the Small Business Development Commission.

**Ordinance No. 26831 adopted.**

## 2 CONSENT CALENDAR

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### 2.3 Approval to apply for and execute the Airport Improvement Grant Agreement.

**Recommendation:** Adoption of a resolution authorizing the City Manager to apply for and execute upon receipt, an amendment to the Airport Improvement Grant Agreement #03-06-0226-43 with the Federal Aviation Administration, for costs incurred by the City in connection with the Airport Acoustical Treatment Program in the amount of \$100,239. CEQA: Resolution No. 67380, PP03-02-041. (Airport)

**Resolution No. 71418 adopted.**

### 2.4 Approval of actions related to shuttle bus transportation at the Airport.

**Recommendation:** Adoption of a resolution authorizing the Director of General Services to:

- (a) Execute the third amendment to the agreement for management of the Airport Common Use Rental Car Bus System, and increase the maximum compensation of this agreement by \$50,000, to cover the estimated cost associated with services for off-site compressed natural gas (CNG) fueling, and additional training for the new CNG shuttle bus fleet, scheduled to be online by March 1, 2003; and
- (b) Execute the second amendment to the agreement for management of the airport shuttle bus transportation personnel and bus scheduling and increase the maximum compensation of this agreement by \$120,000, to cover the estimated cost associated with services for off-site CNG fueling and additional training for the new CNG shuttle bus fleet, scheduled to be online by March 1, 2003.

CEQA: Resolution No. 67380, PP01-01-014. (Airport/General Services)

**Deferred to 3/11/03.**

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

**Recommendation:** Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2002-2003 #24 and authorization for the Director of General Services to execute the purchase orders. CEQA: Various designations. (General Services)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.6 Approval of various actions related to the acquisition of a site for the development of a single-family residence.

**Recommendation:** Adoption of a resolution authorizing the Director of Housing to negotiate and execute:

- (a) A loan of up to \$250,000 to San José Conservation Corp, or an affiliated entity, for acquisition of a site located at the southeast corner of South Capital and Wilbur Avenues for the development of a moderate income single-family residence and commitment for a homebuyer second mortgage; and
- (b) A commitment of up to \$50,000 for a second mortgage to a qualified homebuyer. CEQA: Exempt, PP03-01-034. Council District 5. SNI: East Valley/680. (Housing)

**Resolution No. 71419 adopted. Disqualified: Gregory, LeZotte.**

### 2.7 Approval of agreements for the construction and maintenance of a library on Alum Rock Unified School District property.

**Recommendation:** Approval of the following agreements with the Alum Rock Unified School District:

- (a) A 50-year ground lease for the construction and maintenance of a library on school district property located at Fischer Middle School, 1720 Hopkins Drive, at a cost of \$1 per year; and
- (b) An agreement requiring the City to relocate a running track at a portion of the Fischer Middle School from the portion of the Fisher Middle School campus where the library will be placed, to a portion of the campus located along Karl Street.

CEQA: Exempt, PP03-01-035. Council District 5. SNI: East Valley/680. (Library)  
**Approved.**

### 2.8 Approval of various actions related to the annexation of Monterey Park No. 104.

**Recommendation:** Adoption of a resolution authorizing the reorganization of territory designated as Monterey Park No. 104, which involves the annexation to the City of San José of approximately 85.8 acres of land, located on the south side of Curtner Avenue, approximately 700 feet easterly of Highway 87, and the detachment of the same from the relevant special districts, including Central Fire Protection District and the County Library Service Area. CEQA: Negative Declaration, PDC02-042. Council District 7. (Planning, Building and Code Enforcement)

**Deferred to 03/11/03**

## 2 CONSENT CALENDAR

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### 2.9 Approval of various ordinance amendments in the Parks and Recreation Bond Projects Fund.

**Recommendation:**

Adoption of the following appropriation ordinance amendments in the Parks and Recreation Bond Projects Fund:

- (a) Establish a new appropriation for Terrell Park Play Area Renovation project in an amount of \$287,000;
- (b) Increase the Hillview Park Play Area Renovation and Restroom appropriation by \$35,000;
- (c) Decrease the Los Gatos Creek Trail – Lincoln to Auzerais & Willow to Pedro appropriation by \$1,970,000; and
- (d) Increase the Ending Fund Balance by \$1,648,000.

CEQA: Not a Project. (Parks, Recreation and Neighborhood Services/City Manager's Office)

(Deferred from 2/18/03 - Item 2.8)

**Ordinance No. 26840 adopted.**

### 2.10 Approval of various actions related to the Evergreen Land Use and Transportation Study.

**Recommendation:** Adoption of the following appropriation and funding source resolution amendments in the General Fund:

- (a) Establish a City-wide appropriation to the Department of Planning, Building and Code Enforcement for the Evergreen Land Use and Transportation Study in the total amount of \$85,000.
- (b) Increase earned revenue from Other Revenue by \$85,000.

CEQA: Exempt, PP03-02-058. Council District 8. (Planning, Building and Code Enforcement/City Manager's Office)

(Rules Committee referral 2/19/03)

**Ordinance No. 26841 adopted.**

**Resolution No. 71420 adopted.**

## 3 STRATEGIC SUPPORT SERVICES

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### 3.1 Report of the Study Session

**Mayor Gonzales, Chair**

**No Report.**

### 3.2 Report of the Rules Committee – February 12, 2003

**Vice Mayor Dando, Chair**

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – February 12, 2003

##### Vice Mayor Dando, Chair

- (b) City Council
  - (1) Review February 25, 2003 Draft Agenda  
**The Committee noted and filed three memoranda concerning development of a protocol for disclosure of public records. The Committee recommended approval of the February 25, 2003 City Council Agenda.**
  - (2) Add New Items to February 18, 2003 Amended Agenda  
**The Committee recommended five additions to the February 18, 2003 City Council Agenda.**
  - (3) Staff Reports Outstanding  
**The Committee noted and filed the City Manager’s report listing no Staff reports outstanding for the February 18, 2003 Council Agenda.**
- (c) Legislative Update
  - (1) State  
Acceptance of staff report on Assembly Bill 4X1 and Assembly Bill 193 and the February 5 State legislative matrix.
  - (2) Federal  
President’s FY 2004 budget proposal – overview of impacts on local government funding, and program priorities.  
**The Committee deferred the Legislative Update for one week.**
- (d) Meeting Schedules  
**There were none.**
- (e) The Public Record  
**Their Committee noted and filed the Public Record.**
- (f) Boards, Commissions and Committees
  - (1) Mobile Home Advisory Commission  
**The Committee recommended appointment of Vernon Swart, Jr., as the neutral representative for an unexpired term ending December 31, 2005, and deferred appointment of the landlord representative for one week.**
- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee  
**There were none.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – February 12, 2003

##### Vice Mayor Dando, Chair

##### (h) Administrative Reviews and Approval

(1) Report on workload assessment to adopt 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  
**The Committee recommended deferral of this item to March 5, 2003.**

(2) Interim report on proposed policy for selecting sites for City-sponsored meetings  
**The Committee accepted Assistant City Manager Mark Linder's report, which stated that Staff will focus its proposed policy on organizations receiving one-half or more of their budget from the City.**

(3) Requests for recommendation to donate or sell surplus equipment  
(a) Truck tractors, bookmobile, and equipment trailer  
(b) Police patrol cars and fire command vehicles  
**The committee recommended the following (1) that two truck tractors, bookmobile, and equipment trailer to be donated to the Municipal of La Paz, Mexico; and (2) that the two surplus Police cars and three Fire Department vehicles be sold to the Municipal of La Paz, Mexico for \$19,200, the value General Services Department has determined the equipment to be worth.**

(4) Request from Council Member LeZotte to use Council General funds to attend League of California Cities Transportation Policy Committee Meeting on January 24, 2003 in Ontario, CA  
**The Committee recommended approval for use of Council General funds by Council Member LeZotte to attend the League of California Cities Transportation Policy Committee Meeting on January 24, 2003 in Ontario, California.**

(i) Oral communications  
**Peter Campbell, resident from District 1, stated he has not yet received a reply from the City regarding his written request to place an item regarding Measure I on a future Council agenda; he also expressed concern about the "San Jose in Focus" program.**

(j) Adjournment  
**The meeting adjourned at 2:30 p.m.**

**The Rules Committee Report and actions of February 12, 2003 accepted, with Item 3.2(h)(1) deferred to 3/5/03 Rules Committee.**

### 3 STRATEGIC SUPPORT SERVICES

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

### 4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

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- 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.

- 4.3 Approval of various actions related to Policy 9-3: Community Identification Signs.

**Recommendation:** Adoption of a resolution amending Council Policy 9-3 to:

- (a) Rescind the current Council Policy 9-3 prohibiting the installation of community identification signs other than those of a historical nature; and
- (b) Establish 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 2/11/03 – Item 4.3)

**Resolution not adopted; item referred to Rules for assignment to the appropriate committee for review of issues of: (1) adding language to the policy where sign removals are allowed to require that attempts be made to contact the neighborhood organization responsible for maintenance of the sign; (2) the creation of flexibility to allow neighborhood groups with the capacity of meeting the benchmarks required of contractors to request community signage and where applicable, the City work with the community to facilitate such signage; (3) review the feasibility of setting aside maintenance fees for signage; (4) review appropriate language to provide “way-finding” signs to assist pedestrians in navigating the City and while the issue goes back to the appropriate committee, Staff research the feasibility of securing insurance coverage for the City’s signage.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.4 Approval of an appropriation ordinance and funding sources resolution amendments in the Home Investment Partnership Program Fund.**

**Recommendation:** Adoption of an appropriation ordinance and funding sources resolution amendments in the Home Investment Partnership Program Fund (445):

- (a) Increase Grant revenue by \$3,568,495; and
- (b) Increase the Home Loan, Grant and Site Acquisition appropriation to the Housing Department by \$3,568,495.

CEQA: Not a Project. Council Districts 5 and 7. (Housing/City Manager's Office)

**Ordinance No. 26842 adopted.**

**Resolution No. 71421 adopted.**

### **4.5 Approval of action for the construction of the New Berryessa Branch Library.**

**Recommendation:** Report on bids and award of contract for the construction of the New Berryessa Branch Library Project to include the base bid and Add Alternates 1, 2, 3 and 4, to the low bidder, Dennis J. Amoroso, Inc., in the amount of \$6,648,600, and approval of a contingency in the amount of \$665,000. CEQA: Negative Declaration, H02-02-007. Council District 4. (Public Works)

**Approved with Staff directed to review the feasibility of addressing contractor compliance issues through pre-qualification or other requirements to preclude recurring compliance problems.**

### **4.6 Review of the Annual Development In-Lieu Fee Report.**

**Recommendation:** Review of the annual report regarding in-lieu fees collected from developers in-lieu of construction of public improvements. CEQA: Not a Project. (Public Works)

**Report accepted, with direction for Staff to provide copies of the 5-year plan for underground utility projects and the criteria for placing projects into the plan, and review the feasibility of making the Annual Development In Lieu Fee Report Exhibits A and B available on the Internet.**

## **5 RECREATION & CULTURAL SERVICES**

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

## **6 TRANSPORTATION SERVICES**

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

## 6 TRANSPORTATION SERVICES

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### 6.2 Approval of an agreement for various roadway improvements funded by Hellyer/Piercy Improvement District (No. 99-218SJ).

**Recommendation:** Approval of an agreement with the Coyote Creek Business Park limited partnership for various roadway improvements funded by Improvement District No. 99-218SJ (Hellyer/Piercy), in a total amount not to exceed \$2,603,394. CEQA: Resolution No. 69699. Council District 2. (Public Works)

**Approved.**

### 6.3 Approval of various actions related to the Route 101 Improvement Projects at Route 87.

**Recommendation:**

(a) Adoption of a resolution approving the freeway agreement with the State of California, relating to the portion of Route 101 from Route 280/680 to De La Cruz/Trimble;

**Resolution No. 71422 adopted.**

(b) Approval of the amendment to the Route 87 Freeway Project Right-of-Way Cooperative Agreement to convey to the State a permanent highway easement located on the north side Route 101, west of the Guadalupe River; and

**Approved.**

(c) Approval of an ordinance amending Chapter 11.24 of the San José Municipal Code to add a portion of Channing Avenue as a one-way street.

De La Cruz/Trimble CEQA: Resolution No. 65071, PP94-1-15. Channing Avenue CEQA: Exempt, PP03-01-037. Council District 4. (Transportation)

**Ordinance No. 26843 passed for publication.**

## 7 ENVIRONMENTAL & UTILITY SERVICES

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### 7.1 Approval of implementation of regional water supply legislation SB 1870, AB 2058, and AB 1823.

**Recommendation:**

(a) Adoption of a resolution appointing District 4 Council Member Reed as the City's representative to the newly formed San Francisco Bay Area Regional Water System Financing Authority; and

**Resolution No. 71423 adopted.**

*(Item continued on next page)*

## **7 ENVIRONMENTAL & UTILITY SERVICES**

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### **7.1 Approval of implementation of regional water supply legislation SB 1870, AB 2058, and AB 1823.**

**Recommendation:**

- (b) Adoption of a resolution setting a public hearing on April 1, 2003, at 1:30 p.m., on whether the City should join in the formation and become a member of the Bay Area Water Supply and Conservation Agency; and directing the City Clerk to publish notice of the time and place of the hearing in a newspaper of general circulation, at least two weeks prior to the date set for the hearing.

CEQA: Not a Project. Council District 4. (Environmental Services)

**Resolution No. 71424 adopted.**

### **7.2 Approval to certify and submit the Fiscal Year 2003-2004 Work Plans for Urban Runoff Management.**

**Recommendation:** Authorize the City Manager to certify and submit the Fiscal Year 2003-2004 Work Plans for Urban Runoff Management to the San Francisco Bay Regional Water Quality Control Board. CEQA: Not a Project. (Environmental Services/Planning, Building and Code Enforcement/Public Works/Transportation/General Services)

**Approved.**

## **8 AVIATION SERVICES**

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## **9 PUBLIC SAFETY SERVICES**

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

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**Redevelopment Agency Board convened at 4:10 p.m. to consider Item 10.1 in a Joint Session.**

### **10.1 Approval of a replacement line of credit agreement.**

**Recommendation:** Adoption of a resolutions by the City Council and Redevelopment Agency Board authorizing a line of credit with Bank of New York to provide the Housing Department with a \$50,000,000 line of credit as a replacement to the existing line of credit of \$30,000,000 with Wachovia Bank, as successor to First Union National Bank, and to extend the term of the line of credit to April 1, 2005, and authorizing the City Director of Finance, the Agency Finance Director, and the Director of Housing to negotiate and execute all necessary documentation. CEQA: Not a Project.  
(Finance/Housing/Redevelopment Agency)

**Resolution No. 71425 adopted.**

**Redevelopment Agency Resolution adopted.**

**Redevelopment Agency Board portion of the meeting adjourned at 4:13 p.m.**

- **Closed Session Report**
- **Notice of City Engineer's Pending Decision on Final Maps**
- **Open Forum—Heard jointly with Redevelopment Agency Public Discussion.**  
**William J. Garbett addressed Council regarding status of police reserves.**
- **Adjournment**  
**The Council of the City of San José was adjourned in memory of Council Member Yeager's mother, Carolyn French Yeager.**

**The City Council of the City of San José adjourned at 4:13 p.m.**