

CITY COUNCIL AGENDA

MARCH 18, 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

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**
9:30 a.m. - Closed Session, Room 600, City Hall
Absent Council Members: None

1:35 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: None

7:10 p.m. - Public Hearings, Council Chambers, City Hall
Absent Council Members: None
- **Invocation (District 3)**
Father Paps, Principal of the Sacred Heart Nativity School, spoke of the Feast of St. Joseph and led a prayer for peace.
- **Pledge of Allegiance**
Mayor Gonzales led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day were approved.

1 CEREMONIAL ITEMS

- 1.1 Presentation of commendations to Nu Alpha Kappa and Zeta Chi Epsilon of San José State University. (Campos)
HEARD IN THE EVENING
Mayor Gonzales, Council Member Campos and members of the City Council commended the members of Zeta Chi Epsilon, Ben Gapuz, Michael Geslani, Robert Newstead, and Michael Garcia and the members of Nu Alpha Kappa, Candelario Franco, Agustin Arreola, Byron Rivera and David Sanchez of San José State University, for their dedication to the people of the community of San José and for their contribution of time and energy to improving the community.

1 CEREMONIAL ITEMS

- 1.2 Presentation of a proclamation declaring the month of March “Women’s History Month” celebrating the achievements of the women of our past, present, and future. (Dando)

HEARD IN THE EVENING

Mayor Gonzales, Vice Mayor Dando and members of the City Council proclaimed March 23, 2003 as “Women’s History Month” in the City of San José and presented a proclamation to Elaine Benoit representing the American Association University of Women that was established in 1881. The women of every cultural background and class throughout our history have made a profound impact on our society in numerous documented and undocumented ways, women have played a critical role in shaping the economical, cultural and social fiber of our nation, not only by participating in the labor force but also through their contributions inside and outside the home, and the celebration of “Women’s History Month” provides an opportunity for schools and communities to focus their attention on the historical role and the accomplishments of women of California, as well as the United States.

- 1.3 Presentation of commendations to Ms. Verdis Y. Crockett, Ms. Josephine M. Cheng, Ms. Shannon Haley, Ms. Carolyn Lewis, and Ms. Kitty Monahan in honor of Women’s History Month. (Dando)

(Rules Committee referral 3/12/03)

HEARD IN THE EVENING

Mayor Gonzales, Vice Mayor Dando, and the members of City Council recognized and commended the following women for their dedication and excellence to the community in honor of Women’s History Month: Josephine Cheng in her professional accomplishments as a significant contributor to the field of software engineering, one of 53 technology leaders across the Nation; Verdis Crockett who dedicated her life to educating the children of our community by serving as a teacher, counselor, vice principal and principal for a San José Unified School district; Shannon Haley who served in the newspaper business for 25 years, and started the “Women’s Voice” magazine in January 1994, focusing on the integrity and business ethics of women with a readership of over 50,000 in the South Bay; Carolyn Lewis who served for 9 years as vice president of the United States Field Hockey Association, and was Chief of the Field Delegation for nine U.S. Olympic Sports Festivals; Kitty Monahan who taught mathematics at Overfelt High School for over 25 years before retiring in 1993, and was active in the New Almaden Community Club.

- 1.4 Presentation of a commendation to the Cub Scouts Pack #265, in honor of their Cub Scout Arrow of Light Award. (Cortese)

(Rules Committee referral 3/12/03)

HEARD IN THE EVENING

Mayor Gonzales and Council Member Cortese presented a letter to each Cub Scout of Pack #265, Eric Kauzlarich, Daniel Carbuoc, Daniel Brodsky, Michael Ho, Brian Luong, Steve Ho, Jacob Whitley and a commendation to their Den Leader Mary Kauzlarich, in honor of each boy achieving the Cub Scout Arrow of Light Award, the highest award that can be earned by a Cub Scout.

1 CEREMONIAL ITEMS

- 1.5 Presentation of a commendation to San José State University's Urban Planning Department for their national recognition from the American Institute of Certified Planning on their student project award for the Market/Almaden SNI Plan. (Chavez, Williams)

(Rules Committee referral 3/12/03)

HEARD IN THE EVENING

Mayor Gonzales, Council Members Chavez and Williams, and members of the City Council commended and recognized the Spring 2002 Graduate Class in Planning Problems II, Urban and Regional Planning Department of San José State University for dedication, commitment and service to the residents of the Market/Almaden neighborhood and the City of San José, and also commended Professor Diana Salazar, the San José State University Dean of the College of Social Works, and the Faculty of the Department of Urban Planning Department. The Graduate Students from San José State University's Urban and Regional Planning Department worked intensively with City agencies, community based groups and local residents to create the neighborhood plan. The Market/Almaden Neighborhood Improvement Plan received the American Institute of Certified Planners 2003 Student Project Award as the best example of applying the planning process. The Students have dedicated the Market/Almaden neighborhood project and their award to their friend and colleague Nana Kofi Addo Koranteng who passed away in August 2002.

2 CONSENT CALENDAR

- 2.1 **Approval of Minutes.**

Recommendation: Approval of City Council Minutes for:

- (a) Regular meeting of June 11, 2002
- (b) San José Financing Authority meeting of June 11, 2002
- (c) Joint City Council/Redevelopment Agency Board meeting of June 11, 2002

Approved.

- 2.2 **Final adoption of ordinances.**

None.

- 2.3 **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 from 1/28/03 – Item 2.8 and 2/11/03 – Item 2.4)

Deferred to 4/8/03.

2 CONSENT CALENDAR

2.4 Approval of a concession agreement to provide automated teller machine services at the Airport.

Recommendation: Approval of a second amendment to extend the concession agreement with American Airlines Employees Federal Credit Union to provide automated teller machine services at Norman Y. Mineta San José International Airport, for a term not to extend beyond March 31, 2007, with annual revenue to the City of \$15,600. CEQA: Resolution No. 67380, PP02-12-373. (Airport)

Approved.

2.5 Approval of an ordinance to provide compensation for Board members of the Federated City Employees' Retirement System.

Recommendation: Approval of an ordinance amending Chapter 2.08 of Title 2 of the San José Municipal Code by adding Section 2.08.1070 to provide compensation for the Civil Service Commission Member and the Public Member of the Board of Administration for the Federated City Employees' Retirement System. CEQA: Exempt, PP03-02-066. (Board of Administration/Federated City Employees' Retirement System)

Ordinance No. 26845 was passed for publication.

The issue of compensation for Board and Commission members was referred to the report due in 90 days regarding the effectiveness of Boards and Commissions.

2.6 Approval of an ordinance to change certain disability retirement provisions in the Federated City Employees' Retirement System.

Recommendation: Approval of an ordinance amending Chapter 3.28 of Title 3 of the San José Municipal Code by amending Section 3.28.1250 to update the Medical Examination Procedures for Disability Retirement Applications and by amending Section 3.28.1280 to clarify the calculation of Service-Connected Disability Retirement Allowances in the Federated City Employees' Retirement System. CEQA: Exempt, PP03-02-67. (Board of Administration/Federated City Employees' Retirement System)

Ordinance No. 26846 passed for publication.

2 CONSENT CALENDAR

2.7 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 2002-2003 #27 and authorization for the Director of General Services to execute the purchase orders. CEQA: Not a Project. (General Services)
- (b) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2002-2003 #28 and authorization for the Director of General Services to execute the purchase orders. CEQA: Not a Project. (General Services)

Approved.

2.8 Approval of various actions related to the McKean Road Sports Complex Project.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute a grant agreement with the Almaden Youth Association in an amount not to exceed \$100,000, to engage qualified consultants to prepare and provide an Environmental Impact Report (EIR) related to a proposed sports field complex in the Almaden Valley Urban Reserve.

Resolution No. 71439 adopted.

- (b) Adoption of the following appropriation ordinance amendments in the Council District 10 Construction and Conveyance Tax Fund:
 - (1) Establish a McKean Road Sports Complex Project for \$100,000.
 - (2) Decrease the Reserve: Park Acquisition and Development Project by \$100,000.

CEQA: Not a Project. Council District 10. (Parks, Recreation and Neighborhood Services/City Manager's Office)

Ordinance No. 26847 adopted.

2.9 Approval of various actions related to the annexation of Monterey Park No. 106.

Recommendation: Adoption of a resolution initiating proceedings and setting April 1, 2003 at 1:30 p.m. for Council consideration on the reorganization of territory designated as Monterey Park No. 106, which involves the annexation to the City of San José of 7.79 acres, located at the northeast corner of Highway 101 and Hellyer Avenue, and the detachment of the same from Central Fire Protection. CEQA: Exempt, Monterey Park No. 106. Council District 8. (Planning, Building and Code Enforcement)

Resolution No. 71440 adopted.

2 CONSENT CALENDAR

2.10 Approval of various actions related to a Historic Landmark initiation.

Recommendation: Adoption of a resolution to:

- (a) Initiate proceedings to consider 128 Pierce Avenue as a landmark of special historic, architectural, cultural, aesthetic, or engineering interest or value of a historic nature.
- (b) Set a public hearing on May 6, 2003 at 1:30 p.m.
- (c) Refer the matter back to the Historic Landmarks Commission for its consideration at a public hearing, report, and recommendation.

CEQA: Exempt, PP03-03-074. Council District 3. SNI: Market/Almaden. (Planning, Building and Code Enforcement)

Resolution No. 71441 adopted.

2.11 Approval of an agreement for conversion of overhead facilities to underground facilities within the In-Lieu Fee Underground Utility District (Rule 20B).

Recommendation: Approval of an agreement with Pacific Gas and Electric Company for conversion of overhead facilities to underground facilities within the In-Lieu Fee (Rule 20B) Underground Utility District at McLaughlin Avenue, in an amount not to exceed \$186,429. CEQA: Exempt, PP98-01-025. Council District 7. SNI: Tully/Senter. (Public Works)

Approved.

2.12 Approval of various actions related to the Emma Prusch Memorial Park.

Recommendation:

- (a) Approval of a first amendment to the agreement with Gilbert Arnold Sanchez Architects, Inc. for architectural consultant services for the Emma Prusch Memorial Park-LeFevre Residence and Barn Project, extending the term from December 31, 2003 to March 24, 2004, and increasing the total compensation by \$68,000, for a total agreement amount not to exceed \$167,750. CEQA: Exempt, PP02-04-091. Council District 5. (Public Works)

Approved.

- (b) (1) Report on bids and award of contract for the Prusch Park Perimeter Improvement Project to the low bidder, HRB Construction, in the amount of \$323,183, and approval of a contingency in the amount of \$16,500.

Approved.

- (2) Adoption of the following appropriation ordinance amendments in the Services for Redevelopment Capital Projects Fund (City-Side Redevelopment Fund):

- (a) Increase the appropriation to the Department of Public Works for the Prusch Park Construction Project in the amount of \$399,683.

- (b) Increase the estimate for Earned Revenue by \$399,683.

CEQA: Exempt, PP01-09-163. (Public Works/City Manager's Office)

Ordinance No. 26848 adopted.

2 CONSENT CALENDAR

2.13 Approval of various actions related to the Watson and Plata Arroyo Skatepark Projects.

Recommendations:

- (a) Adoption of the following appropriation ordinance amendments in the Council District 3 Construction and Conveyance Tax fund (Fund 380):
- (1) Increases the Watson Skate Park Project (Appn 4468) by \$65,000, from \$70,000 to \$135,000.
 - (2) Decrease the Ending Fund Balance by \$65,000.

Ordinance No. 26849 adopted.

- (b) Approval of an agreement with Beals Alliance, Inc. for consultant services for the Watson and Plata Arroyo Skatepark Projects from the date of execution through December 31, 2004, in the amount of \$189,000, and additional services in the amount of \$20,000, for a total agreement amount of \$209,000.

CEQA: Not a Project. Council Districts 3 and 5. SNI: 13th Street & Gateway East. (Public Works/City Manager's Office)

Approved.

2.14 Approval of various actions related to the Evergreen Park Irrigation Renovation Project.

Recommendation:

- (a) Approval of a contingency budget increase for the Evergreen Park Irrigation Renovation Project in the amount of \$30,000, increasing the contingency budget to \$35,000, and the project delivery budget to \$128,000.
- (b) Adoption of the following appropriation ordinance amendments in the Council District 8 Construction and Conveyance Tax Fund:
- (1) Increase the Evergreen Park Irrigation Renovation Project by \$30,000.
 - (2) Decrease the Ending Fund Balance by \$30,000.

CEQA: Exempt, PP02-07-198. Council District 8. (Public Works/City Manager's Office)
Dropped.

2.15 Appointment to the Guadalupe/West Valley Flood Control and Watershed Advisory Committee.

Recommendation: Approval to appoint Council Member Chuck Reed to the Guadalupe/West Valley Flood Control and Watershed Advisory Committee. (Mayor) (Deferred from 3/11/03 – Item 2.10)

Approved.

2 CONSENT CALENDAR

2.16 Approval of an agreement for warehouse space for the Police Department.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a 10 year lease agreement for a combined Police Department Vehicle and Evidence Warehouse with Sun Garden Tenants In Common, for 99,819 square feet of warehouse space, located at 1582 Monterey Road. CEQA: Exempt, PP03-02-056.

(General Services)

(Deferred from 3/4/03 – Item 2.4 and 3/11/03 – Item 2.14)

Resolution No. 71442 adopted.

2.17 Approval of an amendment to the Civil Service Rules (San José Municipal Code).

Recommendation: Approval of an amendment to the Civil Service Rules (San José Municipal Code):

(a) That City Council approve the recommendation of the Civil Service Commission to amend the Civil Service Rules to allow adoption of the Rules that have been developed and used through the hiring pilot project.

(b) That City Council adopt an Urgency Ordinance amending Chapter 3.04 of Title 3 of the San José Municipal Code implementing new Civil Service hiring rules.

CEQA: Not a Project. (Employee Services)

(Rules Committee referral 3/12/03)

Ordinance No. 26850 adopted.

2.18 Approval of Council Member Nora Campos' travel.

Recommendation: Approval of Council Member Nora Campos' travel to Sacramento, California, from March 14-16, 2003, to attend the 2003 California Democratic Party Convention. Funding: Office Holder Account. (Campos)

(Rules Committee referral 3/12/03)

Approved.

2.19 Approval of City Attorney's travel.

Recommendation: Approval of City Attorney Richard Doyle's travel to Washington, D.C., from March 19-20, 2003, to participate in discussions with the FAA. Funding: Airport. (City Attorney's Office)

(Rules Committee referral 3/12/03)

Approved.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Gonzales, Chair

No Report.

3.2 Report of the Rules Committee – March 5, 2003

Vice Mayor Dando, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review March 18, 2003 Draft Agenda
The Committee recommended approval of the March 18, 2003 City Council agenda with four additions.
 - (2) Add New Items to March 11, 2003 Amended Agenda
There were no changes to the March 11, 2003 City Council agenda.
 - (3) List of Reports Outstanding
The Committee noted and filed the City Manager’s report listing four staff reports outstanding for the March 11, 2003 Council agenda.
- (c) Legislative Update
 - (1) State
Proposed Housing Element Legislation
The Committee recommended the City of San José pursue proposed legislative changes to the California State Government code pertaining to Housing Element Law with direction to staff to work closely with neighboring small cities. The Committee also requested staff to return in thirty days with an update on AB 980 (Salinas), a bill to authorize self certification of local Housing Elements and to make changes in the current Housing and Community Development (HCD) process.
 - (2) Federal
There was no report.
- (d) Meeting Schedules
 - (1) Set hearing date for Public Hearing on planned development rezoning of the property located at South Third and East William Streets (continued from 2/18/03 – Council Item 11.2)
The Committee recommended setting the evening of April 1, 2003 Public Hearing on planned development rezoning of the property located at South Third and East William Streets.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – March 5, 2003 (Cont'd.) Vice Mayor Dando, Chair

- (d) Meeting Schedules (Cont'd.)
 - (2) Approve change to Council Meeting Schedule
The Committee recommended that the March 25, 2003 Public Hearing on the 2003-2004 Mayor's March Budget Message be held during the Council's afternoon session. The Committee also deleted this meeting date of April 9, 2003 from the Budget Calendar.

- (e) The Public Record
The Committee noted and filed the Public Record and stated it would hear public testimony on Item (a) during Oral Communications.

- (f) Boards, Commissions and Committees
There were none.

- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
 - (1) Direct staff to explore opportunities to obtain funding to assist in purchasing portions of the BAREC property
The Committee directed Parks, Recreation and Neighborhood Services staff to work with the City and County of Santa Clara to explore funding opportunities including, but not limited to, submission of a joint application for a Land and Water Conservation Fund Grant from the State of California to assist in purchasing portions of the BAREC property, located in the City of Santa Clara, to allow for continued agricultural/open space uses.

 - (2) Direction to refer to the appropriate committee the issues regarding Community Identification Signs
The Committee referred the issues arising from discussion of Community Identification Signs (Item 4.3 on 2/25/03 Council Agenda) to the Planning Department with direction to report back to Council in 60 days.

 - (3) Strengthening Boards and Commissions
The Committee directed staff to return to Rules Committee on March 19, 2003 with a brief, "snapshot" workload assessment for the issues raised in the "Discussion on Strengthening Boards and Commissions" which took place during the February 26, 2003 Building Strong Neighborhood Committee meeting.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – March 5, 2003 (Cont'd.) 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 directed staff to complete only Item #1 of the workload assessment: *Research current practices and access.*
 - (2) Report on Council Referral Policy
The Committee directed the City Attorney to return in a reasonable time with recommendations for consistency and reconciliation among the Brown Act, the Council Referral Policy, the Rules of Conduct, and also to include issues raised at Council meetings and one-on-one Council Member/Senior Staff meetings.
- (i) Oral communications
The following people spoke in support of a request from the Human Rights Commission recommending the City of San Jose adopt a resolution opposing the proposed war in Iraq: Tim Flynn, Billie Wachter, Annette Amburn, Bob Serina, David Wunseh, Socorro Reyes-McCord, Fred Hirsch, Darlene Wallach, Donna Wallach, Shahnawaz Saigal, Maribel Martinez, Joe Cernac, Mary Bernier, Terek Jabali, Dennis Kyne, Jr., Bobbi Coleman, and Mary Moran. With Chair Dando dissenting on the Council meeting date, the Committee recommended placing on the March 18, 2003 Council agenda the Human Right's Commission's request for Council to approve a resolution opposing the proposed war in Iraq.
- (j) Adjournment
The meeting adjourned at 3:30 p.m.

The Rules Committee Report and Actions of March 5, 2003 were accepted.

3 STRATEGIC SUPPORT SERVICES

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

3.4 Discussion of the Human Rights Commission's request for Council to approve a resolution opposing the proposed War in Iraq.

Recommendation: Discussion of the Human Rights Commission's request for Council to approve a resolution opposing the proposed War in Iraq. (Human Rights Commission)
[Rules Committee referral 3/5/03 – Item 3.2(e)]

Council approved the memorandum from Mayor Gonzales and Council Members Reed, Yeager, Cortese and Chavez dated March 14, 2003, recommending Council:
(1) Table the resolution proposed by the Human Rights Commission in Agenda Item 3.4; (2) Endorse the peace principles listed below; (3) Encourage Council Members as individuals and our community to engage in a dialogue about any additional personal thoughts beyond these principles; (4) Authorize the Mayor to send a letter to the President based on the principles and invite each Council Member to cosign; with a 5th "Principle" added to the list on page 2 of the 3/14/03 memorandum, and which is to be included in the draft memorandum attached thereto; as follows:
(5) San José is strong because of our diversity. We embrace our differences and focus on the values we share. We recognize and celebrate the contribution of all the people of San José regardless of their faith, heritage, race, appearance or origin. We reaffirm today that hate crimes will not be tolerated in San José.

3 STRATEGIC SUPPORT SERVICES

3.5 Approval of actions related to extending benefits and/or salary for employees called to active duty.

Recommendation:

- (a) That a resolution be adopted providing supplemental salary and benefits for 13 pay periods beyond the 30 days of military leave for those employees who are called to active military duty related to the War on Terrorism, retroactive to January, 2003 and with an end date for eligibility of December 31, 2004.
- (b) That, as part of the resolution, the City Council delegate authority to the City Manager or designee to sign agreements detailing the requirements for those employees who apply to receive the supplementary benefits as outlined in the resolution.

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

Resolution No. 71443 adopted.

Council approved the memorandum from Vice Mayor Dando and Council Members LeZotte, Chavez, and Reed dated 3/17/03, which recommends approval of the Staff recommendations with the following additions: (1) Provide continuation of the City's contribution towards medical and dental insurance. (2) Increase the number of pay periods covered to 26. (3) Direct staff to designate a person to the point of contact to inform all eligible employees or their families if they have already been deployed, whom they should call if they have questions about these benefits. (4) Direct staff to prepare a written summary of the benefits and procedures and distribute it to all eligible employees or their families if they have already been deployed, and to the Mayor and Council Members. (5) Add the following clarifications: (a) The resolution applies to all members of the Reserves or National Guard who are called to active duty form more than 30 days as a result of terrorist' attacks or impending or actual armed conflict, whether the recall is partial or full mobilization, Presidential Recall, Additional Duty for Special Work, Annual Duty or Additional Duty; (b) The end date for eligibility refers to the date by which someone must report to active duty and is not the end date for benefits under this resolution; (c) Comparison of city pay to military pay will be done using city salary at the time they are called for active duty, including premium pay; and with the following revisions made at the Council Meeting: (1) The 3/17/03 memorandum revision of Item 5(a), that the resolution will apply "to all employees who are members" of the Reserves or National Guards; (2) The 3/11/03 Staff report under Supplementary revised to include an option to receive initial receipt of 50% of City salary, and requiring that any overpayment be repaid.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee Council Member Chavez, Chair No Report.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

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

- 4.3 Approval of a resolution related to the Emergency Housing Consortium.**

Recommendation: Adoption of a resolution approving a change in the sources of funding for the conditional construction/permanent grant in an amount not to exceed \$1,000,000 to the Emergency Housing Consortium (EHC), from the Extremely Low-Income Housing Reserve Fund (ELI), to the 20% Low- and Moderate-Income Housing Fund, for the development of 10 units of transitional housing affordable to extremely low-income households to be constructed on a portion of the parking lot of the existing Boccardo Regional Reception Center, located at 2011 Little Orchard Street. CEQA: Negative Declaration, CPA-95-01-070. Council District 7. (Housing)

Resolution No. 71444 adopted.

5 RECREATION & CULTURAL SERVICES

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

- 5.2 Adoption of a resolution related to the State Coastal Conservancy for the
Guadalupe River Park.**

Recommendation: Adoption of a resolution to increase the grant amount that the City Manager is authorized to request in a grant application with the State Coastal Conservancy for the Guadalupe River Park from \$895,000 to \$1,733,600, and authorize the City Manager to execute all the documents necessary to effectuate the grant. CEQA: Resolution No. 71373. Council District 3. (Parks, Recreation and Neighborhood Services)

Resolution No. 71445 adopted.

- 5.3 Approval of the Market/Almaden Strong Neighborhoods Initiative, Neighborhood
Improvement Plan.**

Recommendation: Approval of the Market/Almaden Strong Neighborhoods Initiative, Neighborhood Improvement Plan as the shared vision for revitalization of the area. CEQA: Resolution No. 65459, PP03-02-069. Council District 3. SNI: Market/Almaden. (Planning, Building and Code Enforcement)

HEARD IN THE EVENING

Approved.

6 TRANSPORTATION SERVICES

6.1 Report of the Building Better Transportation Committee – March 3, 2003 Council Member Cortese, Chair

- (a) Expansion of Transit and Transportation Systems
- (1) Report and Recommendations on Downtown-East Valley Transit Project
The Committee accepted the report, with the following directives to staff:
- Select the “Enhanced Bus” (also known as “Bus Rapid Transit”) option for further study;
 - Select the “Modified Single-Car Light Rail Vehicle” option for further study. Pursue vehicle modifications addressing interests related to appearance, capacity and reducing station platform height;
 - Select a rail alignment allowing for direct service from the Eastridge Transit Center to the San Jose Diridon Station via the Capitol LRT Corridor, Alum Rock Avenue (center-running in exclusive right-of-way), Santa Clara Street (side-running within traffic lane), Almaden Boulevard (center-running in exclusive right-of-way), San Fernando Street (center-running in exclusive right-of-way), and the Vasona LRT Corridor;
 - Provide a full assessment of maintenance and operating costs (including requirements for new or expanded maintenance facilities) associated with all options; and
 - Continue to provide community outreach as part of further project development activities.
- (b) Traffic Relief/Safe Streets
The Committee took no action. No items.
- (c) Supporting Smart Growth
- (1) Report and Recommendations on Smart Growth/Transportation Impact Policy
The Committee deferred the report to April 7, 2003.
- (d) Regional Relationships/Funding/Policy
- (1) Discussion of ABAG/MTC merger
No Committee action taken. This item was for discussion only.
- (e) Oral petitions - **There were none.**
- (f) Adjournment - **The Committee was adjourned at 3:35 p.m.**

The Building Better Transportation Committee Report and Actions of March 3, 2003 were accepted.

6 TRANSPORTATION SERVICES

6.2 Approval of various agreements for City-generated towing.

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

- (a) Execute 6 five-year agreements, for the period April 1, 2003 to March 31, 2008, with (1) one-year option for each agreement for City-generated zone towing with the following companies for the following zones:
 - (1) Zone 1: Matos Auto Tow and Transport.
 - (2) Zone 2: City Towing Inc.
 - (3) Zone 3: Matos Auto Tow and Transport.
 - (4) Zone 4: Motor Body Company.
 - (5) Zone 5: Courtesy Tow Service, Inc.
 - (6) Zone 6: Delta Towing, Inc.
- (b) Exercise the one-year options to renew the agreements without further Council action.

CEQA: Not a Project. (General Services/Planning, Building & Code Enforcement)
**Council approved the Staff recommendations, revised to change the Zone 3 tow operator to Century Tow, Inc.
Resolution No. 71446 adopted.**

6.3 Adoption of a resolution related to the establishment of speed limits in the City of San José.

Recommendation: Approval to rescind Resolution No. 71282 related to the establishment of speed limits in the City of San José, and adoption of a resolution establishing speed limits with changes to the following roadways within the City of San José, including:

- (a) Establish speed limits on the following roadways within the City of San José:
 - (1) Basking Ridge Avenue, between Silicon Valley Boulevard and the southerly terminus, 30 MPH.
- (b) Re-establish speed limits with changes to the following roadways within the City of San José:
 - (1) Yerba Buena Road, between Verona Road and the easterly terminus, from 40 MPH to 25 MPH.
 - (2) Scottsdale Drive, between Quimby Road and Westgrove Lane, from 30 MPH to 25 MPH.
 - (3) Plummer Avenue, between Curtner Avenue and Foxworthy Avenue, from 30 MPH to 25 MPH.

CEQA: Basking Ridge Avenue: Exempt, PP03-02-045; Yerba Buena Road: Exempt, PP02-11-334; Scottsdale Drive: Exempt, PP02-12-379; Plummer Avenue: Exempt, PP03-01-005. Council Districts 2, 6, and 8. (Transportation)
Resolution No. 71447 adopted.

6 TRANSPORTATION SERVICES

6.4 Approval of various actions related to the 880/Coleman Interchange.

Recommendation: Approval of the following actions to support implementation of the Route 880/ Coleman Avenue Interchange Improvement Project:

- (a) Approval of a funding agreement with the Valley Transportation Authority for required utility relocation activities from the date of execution to September 31, 2004, in an amount not to exceed \$4,000,000.

Approved.

- (b) Adoption of the following appropriation ordinance amendments in the Building and Structure Construction Tax Fund:

- (1) Establish an appropriation to the Department of Transportation for the Route 880: Coleman Interchange Utility Relocation Project in the amount of \$4,000,000.
- (2) Decrease the Lester Property Area Street Improvements Project by \$4,000,000.

Ordinance No. 26851 adopted.

- (c) Adoption of a resolution authorizing the City Manager to negotiate and execute a cooperation agreement with the Valley Transportation Authority, Arcadia Development Company, Eli Reinhard AAI – Coleman, LLC and the FMC Corporation to convey a public service easement and property for the construction of right-of-way improvements for the 880/Coleman interchange.

(Transportation/City Manager’s Office)

CEQA Resolution No. 71488 adopted.

Resolution No. 71449 adopted.

Staff recommendations approved, as amended under 2(b) to add: “to be repaid to District 10 funds or to the Lester property by March 2007”, and with direction for a Report back to Council from City Staff and VTA with: (1) A communication plan for the community; (2) A mitigation plan pertaining to construction, signage, soundwall, ingress/egress improvements, and design elements.

6 TRANSPORTATION SERVICES

6.5 Approval of various actions for the Downtown/East Valley Transit Improvement Plan – Santa Clara/Alum Rock Corridor Project.

Recommendation:

- (a) Approval of the following recommendations to the Valley Transportation Authority (VTA) related to the study of project alternatives for the Santa Clara/Alum Rock Corridor as part of the Downtown/East Valley Transit Improvement Plan (per BBT Committee action):
 - (1) Select the “Enhanced Bus” (also known as “Bus Rapid Transit”) option for further study.
 - (2) Select the “ Modified Single-Car Light Rail Vehicle” option for further study. Pursue vehicle modifications addressing interests related to appearance, capacity, and reducing station platform height.
 - (3) Select a rail alignment allowing for direct service from the Eastridge Transit Center to the San José Diridon Station via the Capitol LRT Corridor, Alum Rock Avenue (center-running in exclusive right-of-way), Santa Clara Street (side-running within traffic lane), Almaden Boulevard (center-running in exclusive right-of-way), San Fernando Street (center-running in exclusive right-of-way), and the Vasona LRT Corridor.
 - (4) Provide a full assessment of maintenance and operating costs (including requirements for new or expanded maintenance facilities) associated with all options.
 - (5) Continue to provide community outreach as part of further project development activities.
- (b) Authorization for the Mayor to transmit the City’s recommendations on the Downtown/East Valley – Santa Clara/Alum Rock Corridor project to the VTA’s Downtown/East Valley Policy Advisory Board (PAB).

(Transportation)

[Building Better Transportation Committee referral 3/3/03 – Item 6.1(a)(1)]

Approved, with the transmittal to VTA to reflect discussions on the benefit of detailed cost breakdowns in future reports.

6.6 Approval to amend the Master Parking Rate Schedule.

Recommendation: Adoption of a resolution to amend the Master Parking Rate Schedule to create an event rate scale for parking fees charged to patrons of the Banquet Center at the new Fourth Street Garage. CEQA: Not a Project. Council District 3.

(Transportation/Conventions, Arts and Entertainment)

(Deferred from 3/4/03 – Item 6.2 and 3/11/03 – Item 6.2)

Resolution No. 71450 adopted.

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Discussion and action on the Municipal Water System.

Recommendation:

- (a) Acceptance of the report that summarizes the outcome regarding the San José Water Company and San José Municipal Water System proposals for utility billing and fire hydrant maintenance. (City Manager's Office)
- (b) Authorization for the San José Municipal Water System to continue to provide utility billing services and to provide fire hydrant maintenance services. (City Manager's Office)

CEQA: Not a Project.

(Referred from 3/11/03 – Item 7.1)

Council approved memorandum from Council Member Cortese, dated 3/11/03 recommending Council:

- (1) *Accept staff's recommendation with direction for staff to return to the City Council the Request for Proposal (RFP) for the citywide Utility Billing and Customer Service System, which would include the San José Municipal Water System (MWS), for the City Council approval on or before May 6, 2003.*
- (2) *In order to achieve system efficiencies and cost savings for MWS the City Manager is directed to negotiate and execute a 10 year contract agreement with the San José Water Company (SJW) to be allocated on an annual basis and finalized to return to the City Council for approval no later than May 6, 2003, as follows:(a) Consulting Service Contract for \$50,000 per year (not to exceed) with \$10,000 per year as a retainer fee with the remaining to be utilized on an as needed basis for technical consulting as determined by the MWS; (b) Valve Exercising Service Contract on a time and material basis with a 10% cost reduction on the current agreement which is currently outsourced every five years, with the last contract renewal in the year 2000; (c) Distribution System maintenance, repair, and replacement service contract with a 10% cost reduction on the current agreement which is currently outsourced, on a time and material basis, and terminating all existing Purchase Orders with the outside vendor by June 30, 2003, and ending any renewal of current contracts.*
- (3) *Defer Item 3.4(b) from the January 14, 2003 memorandum from the City Manager to the April 1, 2003 City Council agenda regarding the establishment of a rate of return for MWS and the creation of a methodology for future rate increases or reductions by way of ordinance.*

8 AVIATION SERVICES

8.1 Approval of actions related to the Airport Master Plan for an Automated People Mover.

Recommendation:

- (a) Adoption of a resolution making certain findings concerning significant effects, mitigation measures, and reaffirming a Statement of Overriding Considerations for the Norman Y. Mineta San José International Airport Master Plan Supplemental Environmental Impact Report (SEIR) prepared in accordance with the California Environmental Quality Act; and
Council made Findings of Overriding Considerations, and CEQA Resolution No. 71451 was adopted.
- (b) Adoption of a resolution approving a Minor Amendment to the Airport Master Plan to add the Automated People Mover (APM) Project to the Master Plan development program pursuant to Part 4, Section 25.04.410, and Part 11, Section 25.04.1100, of the San José Municipal Code.
CEQA: Resolution adopted. (Airport)
Resolution No. 71452 adopted.

8.2 Approval of an agreement for security guard services at the Airport.

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

- (a) Negotiate and execute a one-year agreement with two, one-year options with Atlas Security and Patrol, Inc. for security guard services at the Norman Y. Mineta San José International Airport, with a total first year compensation not to exceed \$2,100,000; and
- (b) Execute each of the options to renew with compensation adjustments based on the Consumer Price Index, without further City Council action other than the appropriation of necessary funding.

CEQA: Resolution No. 67380, PP02-10-315. (General Services/Airport)

(Rules Committee referral 3/12/03)

Resolution No. 71453 adopted.

9 PUBLIC SAFETY SERVICES

9.1 Approval of an agreement for the purchase of an Automated Reporting System.

Recommendation: Approval of an agreement with Data911 Inc. (Alameda, CA) for the purchase of an Automated Reporting System (ARS) in the amount of \$810,912 which includes application software, Oracle Lite client software, training, installation, first year maintenance and tax. CEQA: Not a Project. (General Services)

Deferred to 4/1/03.

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

- **Closed Session Report**

No Report.

- **Notice of City Engineer's Pending Decision on Final Maps**

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

None.

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

None.

- **Open Forum**

- (1) **Terry Applegate representing Silicon Valley Independent Living Center spoke on fees for services for seniors.**
- (2) **Gregory Nichols spoke on parking regulations.**
- (3) **Elza Theodule spoke on a societal issue.**

11 PUBLIC HEARINGS

(Heard by the City Council at 7:00 p.m.)

11.1 Public Hearing on street renaming for the streets from College Park Drive, Way, and Place to Ryland Park Drive, Way, and Place.

Recommendation: PUBLIC HEARING ON STREET RENAMING for the streets within Tract 9349, from College Park Drive, Way, and Place to Ryland Park Drive, Way, and Place, located between N. Market Street and N. First Street, approximately 300 feet northerly of Bassett Street. (Pulte Home Corporation, Applicant). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

ST 03-001 - District 3

(Continued from 3/4/03 – Item 11.1)

Resolution No. 71454 adopted.

11.2 Public Hearing on a single-family house permit located at 698 Morse Street.

Recommendation: PUBLIC HEARING ON SINGLE FAMILY HOUSE PERMIT to convert an existing attic to living space, replace dormers, and relocate an existing laundry room for an existing single-family residence with a maximum height of greater than 30 feet, resulting in 2.5 occupied stories on a 0.15 gross acre site, located at 698 Morse Street in the R-1-8 Residential Zoning District. (Andre Arms and Theresa Devonshire, Owners; Amisha Shah, Developer). CEQA: Exempt. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (5-0-1-1).

SF 02-042 - District 6

Resolution No. 71455 adopted.

11.3 Public Hearing on planned development rezoning of the property located at N. First and E. Julian Streets.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northeast corner of N. First and E. Julian Streets, from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District, to allow up to 40 single-family attached dwelling units on 0.60 gross acre. (City of San José Redevelopment Agency, Owner/Regis Homes of Northern California, Developer). CEQA: Resolution No. 68839. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 02-077 - District 3

(Continued from 12/17/02 – Item 11.10 and 3/4/03 – Item 11.2)

Ordinance No. 26852 passed for publication.

11 PUBLIC HEARINGS

11.4 Public Hearing on planned development rezoning of the property located at 890 South Winchester Boulevard.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southeast corner of South Winchester Boulevard and Neal Avenue (890 S. Winchester Blvd.), from CN Neighborhood Commercial District to A(PD) Planned Development Zoning District, to allow single-family attached residential uses (21 townhomes) on a 1.1 gross acre site. (Delta I LLC, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 02-071- District 6

(Continued from 1/21/03 – Item 11.2 and 3/4/03 – Item 11.3)

Continued to 4/1/03.

11.5 Public Hearing on planned development rezoning of the property located at Murphy Avenue and Oakland Road.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at south side of Murphy Avenue, approximately 400 feet easterly of Oakland Road, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow operation of a 6,000 square foot banquet facility in an existing 40,000 square foot warehouse and office building on 4.01 gross acres. (Bob Dhillon, Owner/Developer). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-1-1).

PDC 02-098 - District 4

(Continued from 3/4/03 – Item 11.6)

Ordinance No. 26853 passed for publication.

11.6 Public Hearing on conforming planned development rezoning of the property located at 3606 Pleasant Knoll Drive.

Recommendation: PUBLIC HEARING ON CONFORMING PLANNED DEVELOPMENT REZONING of the property located at northerly terminus of Silence Drive (3606 Pleasant Knoll Drive), from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow up to 6 single-family detached residences on a 1.58 gross acre site. (Peter J. and Judith V. Felthousen, Owner; Santa Clara Development, John Garcia, Developer). CEQA: Addendum to Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

PDC 02-096 – District 8

(Continued from 3/4/03 – Item 11.7)

Ordinance No. 26854 passed for publication.

11 PUBLIC HEARINGS

11.7 Public Hearing on planned development rezoning of the property located at 392 South Cypress Avenue.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the east side of South Cypress Avenue, approximately 300 feet northerly of Judro Way (392 South Cypress Avenue), from R-M Multiple Residence to A(PD) Planned Development Zoning District, to allow demolition of an existing single-family detached residence and construction of up to 3 single-family detached residences on a 0.23 gross acre site. (Majid Mohazzab, Owner/Developer). CEQA: Exempt. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (6-0-1).
PDC 02-106 - District 1

Ordinance No. 26855 passed for publication.

11.8 Public Hearing on Director-initiated conforming rezoning of the property located at 869 South First Street.

Recommendation: PUBLIC HEARING ON DIRECTOR-INITIATED CONFORMING REZONING of the property located at the southwest corner of South First and Sutter Streets (869 South First Street), from LI Light Industrial Zoning District to CP Commercial Pedestrian Zoning District, to facilitate the reopening of City Landmark No. 121 (5 Spot) as an eating establishment on a 0.23 gross acre site. (David G. Silva, Owner). CEQA: 2020 General Plan Resolution No. 65459. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (6-0-1).
C 03-008 - District 3

Ordinance No. 26856 passed for publication.

11.9 Public Hearing on planned development rezoning of the property located at 671 S. 11th Street.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING located at/on the west side of South 11th Street, approximately 140 feet north of Margaret Street (671 S. 11th Street), from R-M Multiple Residence District to A(PD) Planned Development Zoning District, to allow the demolition of an existing single-family residence and construction of three townhomes on a 0.14 gross acre site. (Raymond Ruiz, Owner/Developer). CEQA: Exempt.
PDC 00-115 - District 3

Continued to 4/15/03.

11 PUBLIC HEARINGS

11.10 Public Hearing on conforming rezoning of the property located at 333 South Henry Avenue.

Recommendation: PUBLIC HEARING ON CONFORMING PREZONING of the property located at 333 South Henry Avenue, from County to R-1-8, to allow residential uses on a 0.16 gross acre site. (Anita E. Briscoe Trustee/Anderson Behel Imports, Owner). CEQA: Use of GP2020 EIR. Director of Planning, Building, and Code Enforcement recommends approval. No Planning Commission action required.

C03-006 - District 1

Ordinance No. 26857 passed for publication.

- **Adjournment**

The Council of the City of San José adjourned in memory of Earline Briggs Sweet, long time resident of Evergreen and prominent child care organizer in the East Side; and in memory of Thais Powers, daughter of former Council Member Charlotte Powers.

The Council of the City of San José adjourned at 10:14 p.m.