

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, FEBRUARY 20, 1996

The Council of the City of San Jose convened in regular session at 9:30 a.m.

Present: Council Members: Dando, Diaz, Diquisto, Fiscalini, Johnson, Powers, Shirakawa, Jr., Woody; Hammer.

Absent: Council Members: Fernandes, Pandori (excused)

Upon motion unanimously adopted, Council recessed to a Closed Session at 9:35 a.m. in Room 600 for the purpose of (A) conferring with Legal Counsel on two matters of anticipated litigation pertaining to the initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code; and (B) pursuant to Government Code Section 54957.6, to confer with Labor Negotiator, City Negotiator City Manager designee Darrell Dearborn, on the San José Police Officers' Association and International Association of Firefighters Employee Organizations, and with City Negotiator, City Manager designee Mark Linder, on the Operating Engineers, Local 3, Employee Organization.

By unanimous consent, Council reconvened from the Closed Session and recessed at 11:00 a.m. and reconvened at 1:35 p.m. in Council Chambers, City Hall.

Present: Council Members: Dando, Diaz, Diquisto, Fernandes, Fiscalini, Johnson, Pandori, Powers, Shirakawa, Jr., Woody; Hammer (entered the meeting at 2:05 p.m.).

Absent: Council Members: None.

INVOCATION

The Reverend Larry Burroughs, First Presbyterian Church of San José delivered the invocation. (District 2)

PLEDGE OF ALLEGIANCE

Vice Mayor Johnson led in the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Council Member Powers, seconded by Council Member Shirakawa, Jr., and unanimously carried, the Orders of the Day and the Amended Agenda were approved. Vote: 10-0-1-0. Absent: Hammer.

CEREMONIAL ITEMS

5a Presentation of commendation to the Friends of Family Camp. (Conventions, Arts and Entertainment)

Documents Filed: None.

Discussion/Action: Vice Mayor Johnson invited to the podium Ralph Occhipinti—President, Lee Wheeler—Vice President, Dave Busse—Treasurer, and Jim Gower—Board Member of the Friends of Family Camp Inc., and presented the commendation in recognition of the organization’s generosity in discounting camping experiences to underprivileged families.

5b Presentation of a Commendation to the South Bay Association of Black Law Enforcement Employees and their families for their community involvement in organizing the Crime Walk, handing out holiday safety information at Eastridge Shopping Center and to introduce their mascot, the Buffalo Soldier. (Woody)

Documents Filed: None.

Discussion/Action: Joining Vice Mayor Johnson at the Podium, Council Member Woody acknowledged Police Officers Kenneth E. Williams and Randy Cooper, members of the South Bay Association of Black Law Enforcement Employees, and presented a commendation in recognition of SABLE’s recent Crime Walk. Council Member Woody introduced the “Buffalo Soldier Mascot”, who will appear at a banquet in honor of three Buffalo Soldiers who fought during the Spanish-American War.

**5c Presentation of plaques to Maya Garcia for 3 years 4 months service on the Youth Commission, and to Linda Wells for two years two months service on the Human Rights Commission. (Mayor)
(Deferred from 2/13/96 - Item 5a)**

Documents Filed: None.

5c (Cont’d.)

Discussion/Action: The plaques for Maya Garcia and Linda Wells will be mailed, as the honorees were unable to attend the ceremony.

5e Welcome to delegation of Chinese officials from the Town of Guang Fu in Southern China. (Johnson)

Documents Filed: None.

Discussion/Action: Vice Mayor Johnson introduced the Officials from the Town of Guang Fu in Southern China: Messrs Dao-Yuang Gu–Chairman of People’s Congress, and Xing-Ming Xu–Vice Chairman of the Board and General Manager, Agricultural, Industrial and Commercial Corporation, and Mrs. Louisa Wei–Manager, Secretarial Department, Suzhou Xiangxuehai Tourist Development Co., Ltd., and asked them to stand and be recognized.

CONSENT CALENDAR

Upon motion by Council Member Powers, seconded by Council Member Woody and unanimously carried, the Consent Calendar was approved and the below listed actions were taken as indicated. Vote: 10-0-1-0. Absent: Hammer.

Minutes for Approval

6a(1) Regular Meeting of January 23, 1996.

Documents Filed: Minutes of January 23, 1996.

Discussion/Action: The Minutes were approved. Vote: 10-0-1-0. Absent: Hammer.

Ordinances for Final Adoption

6b(1) ORD. NO. 25037 - Rezones certain real property situated on the west side of San Felipe Road, 1,100 feet south of Delta Road. PDC 95-05-033

Documents Filed: Proof of publication of the title of Ordinance No. 25037 submitted by the City Clerk.

6b(1) (Cont’d.)

Discussion/Action: Ordinance No. 25037 was adopted. Vote: 9-0-1-1. Absent: Hammer. Disqualified: Dando, due to her absence at the February 6, 1996 public hearing.

6b(2) ORD. NO. 25038 - Rezones certain real property situated on the south side of Lewis Road, northerly terminus of Wall and Water Streets. PDC 95-02-011

Documents Filed: Proof of publication of the title of Ordinance No. 25038 submitted by the City Clerk.

Discussion/Action: Ordinance No. 25038 was adopted. Vote: 8-1-1-1. Noes: Pandori. Absent: Hammer. Disqualified: Dando, due to her absence at the February 6, 1996 public hearing.

6b(3) ORD. NO. 25039 - Rezones certain real property situated on the north side of East San Antonio Street, 540 feet easterly of South Sunset Avenue. PDC 95-08-043

Documents Filed: Proof of publication of the title of Ordinance No. 25039 submitted by the City Clerk.

Discussion/Action: Ordinance No. 25039 was adopted. Vote: 9-0-1-1. Absent: Hammer. Disqualified: Dando, due to her absence at the February 6, 1996 public hearing.

6b(4) ORD. NO. 25040 - Rezones certain real property situated on the northeast corner Hamilton Avenue and Bascom Avenue. C 95-11-052

Documents Filed: Proof of publication of the title of Ordinance No. 25040 submitted by the City Clerk.

Discussion/Action: Ordinance No. 25040 was adopted. Vote: 9-0-1-1. Absent: Hammer. Disqualified: Dando, due to her absence at the February 6, 1996 public hearing.

6b(5) ORD. NO. 25041 - Rezones certain real property situated at Junction I-880 and O'Toole Avenue. C 95-12-056

Documents Filed: Proof of publication of the title of Ordinance No. 25041 submitted by the City Clerk.

Discussion/Action: Ordinance No. 25041 was adopted. Disqualified: Vote: 9-0-1-1. Absent: Hammer. Disqualified: Dando, due to her absence at the February 6, 1996 public hearing.

Public Hearings Set by Council

- 6c(1) **Adoption of a resolution setting public hearings on March 26, 1996, June 25, 1996, September 24, 1996, and December 10, 1996 at 1:30 p.m. for confirmation of costs for Blight Ordinance and Housing Code Violation Abatement incurred for abatement work performed by the City during the prior time period pursuant to Title 17 of the San José Municipal Code and as set forth on the applicable Report of Abatement Costs and Charges. CEQA: Exempt. (Planning, Building and Code Enforcement).**

Documents Filed: Memorandum from Director of Planning, Building and Code Enforcement, Gary J. Schoennauer, dated February 2, 1996, recommending Council adopt said resolution.

Discussion/Action: Resolution No. 66439, entitled: "A Resolution of the Council of the City of San José Setting Public Hearings at 1:30 p.m. on March 26, 1996, June 25, 1996, September 24, 1996, and December 10, 1996 on the Recovery of Abatement Costs and Expenses for Abatement of Nuisances Pursuant to Title 17 of the San José Municipal Code", was adopted. Vote: 10-0-1-0. Absent: Hammer.

Plans and Specifications

- 6d(1) **TRACT NO. 8705 - southwest corner of Glenview Drive and Rajkovich Way - Shapell Industries, Inc., a Delaware Corporation - 52 single family attached units. Adoption of a resolution approving the final map for Tract No. 8705. CEQA: Resolution No. 59924. District 10. (Public Works) (Rules Committee referral 2/14/96)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated February 13, 1996, recommending Council adopt said resolution.

Discussion/Action: Resolution No. 66440, entitled: "A Resolution of the Council of the City of San José Approving and Accepting Final Map of Tract No. 8705", was adopted. Vote: 10-0-1-0. Absent: Hammer.

Contracts/Agreements

- 6e(1) **Approval of a first amendment to the employment agreement with Cay Denise Carn increasing the compensation by \$1,000, from \$59,578 to \$60,578. (City Manager's Office)**

Documents Filed: Memorandum from Senior Deputy City Manager, Darrell Dearborn, dated February 5, 1996, recommending Council approve the amendment to said agreement.

Discussion/Action: The first amendment to the employment agreement with Cay Denise Carn was approved and execution of the amendment authorized. Vote: 10-0-1-0. Absent: Hammer.

6e(2) Approval of a fourth amendment to the agreement with Brown and Caldwell for consultant services, and increasing the compensation by \$45,000, from \$85,000 to \$130,000. (Environmental Services)

Documents Filed: Memorandum from Director of Environmental Services, Louis N. Garcia, dated February 9, 1996, recommending Council approve the amendment to said agreement.

Discussion/Action: Council Member Diquisto stated a 10% to 15% adjustment would be an acceptable amount to complete the extended sale study interaction with the auditor and reporting out to Council and to complete the products for the business plan however; the \$45,000 increase in compensation is unwarranted, and that he would not support the proposed action. The fourth amendment to the agreement with Brown and Caldwell was approved and execution of the amendment authorized. Vote: 9-1-1-0. Noes: Diquisto. Absent: Hammer.

6e(3) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 1995-96 #16, and authorization for the Director of General Services to execute the purchase orders. (General Services)

Documents Filed: Memorandum from Director of General Services, Ellis M. Jones Jr., dated February 2, 1996, recommending Council award said open purchase orders list, and authorize the Director of General Services to execute the purchase orders.

Discussion/Action: The award of open purchase orders List No. 16 for FY 1995-96 was approved and execution of the purchase orders authorized. Vote: 10-0-1-0. Absent: Hammer.

6e(4) Adoption of a resolution authorizing the Director of General Services to execute a continuation agreement with Telecom Services Limited (West), Inc., (TSL) for the audit of the City of San José telephone bills, for the period January 1, 1996 to December 31, 1996, for a contingency fee not to exceed 45% of the actual refunds or credit received on the first \$250,000, 40% of the refund or credit received on the next \$250,000 and 38% of the refund or credit in excess of \$500,000 received by the City with no compensation for ongoing savings. (General Services)

Documents Filed: Memorandum from Director of General Services, Ellis M. Jones Jr., dated February 2, 1996, recommending Council adopt said resolution.

Discussion/Action: Resolution No. 66441, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of General Services to Execute a Continuation Agreement With Telecom Services Limited (West), Inc., for the Audit of the City of San José Telephone Bills for the Period January 1, 1996 to December 1, 1996", was adopted. Vote: 10-0-1-0. Absent: Hammer.

6e(5) Approval of an agreement with Bumb and Associates for the purchase of a parcel of land for the Sierra Road Extension, and authorization for the Director of Public Works to execute the Certificate of Acceptance. CEQA: Resolution No. 61115. (Public Works)

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated February 2, 1996, recommending Council approve said agreement and authorize the Director of Public Works, or designee, to execute the Certificate of Acceptance.

Discussion/Action: Council Member Pandori stated the purchase price as indicated in the staff report is \$725,000; however, the \$685,000 deposited by Kaufman and Broad to acquire the right-of-way and the additional \$127,000 deposited with the Public Works Department exceeds \$800,000. Noting that the property was appraised by an independent fee appraiser, he asked that Staff explain the difference between the City's appraisal and that of the independent appraiser's, and whether the Developer is solely responsible for all acquisition costs or has the City contributed funds to acquire the parcel. Director of Public Works, Ralph A. Qualls, Jr., stated the information will be obtained and reported at the end of today's meeting. (This item was tabled temporarily. See later entry for Council action.)

6e(6) Approval of an amendment to the second amended and restated agreement dated June 28, 1994 for the operation of the San José Municipal Golf Course for the construction of a sidewalk and the installation of a new fence along Townsend Avenue. CEQA: Exempt. (Public Works)

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated February 2, 1996, recommending Council approve the amendment to said agreement.

Discussion/Action: The amendment to the second amended and restated agreement was approved and execution of the amendment authorized. Vote: 10-0-1-0. Absent: Hammer.

Routine Legislation

6f(1) Adoption of a resolution to amend Resolution No. 51872:
(a) Exhibit 99, to create the classes of Deputy Director of Parks, Recreation and Neighborhood Services (U) (3444) at the same salary range of 68C;

- Deputy Director for Conventions, Arts and Entertainment (6345) at a salary range of 67C with 9 steps; and Deputy Director for Conventions, Arts and Entertainment (U) (6346) at a salary range of 67C with 9 steps.**
- (b) Exhibit 99, to retitle the class of Deputy Director of Recreation, Parks and Community Services (3445) to Deputy Director of Parks, Recreation and Neighborhood Services (3445) at the same salary range of 68C.**
 - (c) Exhibit 99, to abolish the classes of Assistant Director of Neighborhood Services (U) (3994) and Assistant Director of Recreation, Parks and Community Services (U) (6136).**
- (Human Resources)**

Documents Filed: Memorandum from Director of Human Resources, Nona Tobin, dated February 2, 1996, recommending Council adopt said resolution.

Discussion/Action: Resolution No. 66442, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 51872 to Amend Exhibit 99 to (1) Create the Class of Deputy Director of Parks, Recreation and Neighborhood Services (U) (3444), Effective February 25, 1996; (2) Create the Classes of Deputy Director for Conventions, Arts and Entertainment (6345), and Deputy Director for Conventions, Arts, and Entertainment (U) (6346), Effective February 4, 1996; (3) Retitle the Class of Deputy Director of Recreation, Parks and Community Services (3445) to Deputy Director of Parks, Recreation and Neighborhood Services (3445), Effective February 25, 1996; and (4) Abolish the Classes of Assistant Director of Neighborhood Services (U) 3994) and Assistant Director of Recreation, Parks and Community Services (U) (6136), Effective February 25, 1996", was adopted. Vote: 10-0-1-0. Absent: Hammer.

- 6f(2) Adoption of a resolution lowering the speed limit on Hedding Street, from Guadalupe Parkway to Oakland Road, to 30 miles per hour and setting the speed limits on all other roadways requiring a speed limit different than the minimum or maximum limit set by State Law. CEQA: Exempt. (Streets and Traffic)**

Documents Filed: Memorandum from Director of Streets and Traffic, Wayne K. Tanda, dated February 2, 1996, recommending Council adopt said resolution.

Discussion/Action: William J. Garbett spoke against the proposed action. Resolution No. 66443, entitled: "A Resolution of the Council of the City of San José Lowering the Speed Limit on a Portion of Hedding Street and Reestablishing Speed Limits on Streets Within the City of San José With Some Technical Corrections", was adopted. Vote: 10-0-1-0. Absent: Hammer.

END OF CONSENT CALENDAR

COMMISSION, COMMITTEE, AND STANDING REPORTS

7b Report of the Rules Committee - February 7, 1996

Documents Filed: Rules Committee report of February 7, 1996.

7b Report of the Rules Committee - February 7, 1996 - (Cont'd.)

- (1) Review February 20 Council Agenda

The Committee recommended approval of the February 20, 1996 Council Agenda with two additions.

- (2) Add New Items to February 13 Amended Agenda

The Committee recommended five additions and one change to the February 13, 1996 Amended Council Agenda.

- (3) The Public Record for Period ending 1/13/96. Attachment: Memorandum City Clerk, Patricia L. O'Hearn, dated February 1, 1996, listing only the items field for the public record

The Committee recommended approval of the Public Record.

- (4) Boards and Commissions. Attachment: Memorandum from City Clerk, Patricia L. O'Hearn, dated February 5, 1996, recommending that the two terms on the Campaign Finance Review and Ethics Board be extended four months to July 1, 1996.

- (a) Request of the Campaign Finance Review and Ethics Board to extend the terms of Chair Alex Stuart and Member Pam Hawley from March 1, 1996 to July 1, 1996.

The Committee recommended extending the terms of Ethics Board Members Alex Stuart and Pam Hawley from March 1, 1996 to July 1, 1996.

- (5) Approve 1996 Legislative Priorities. Attachments: (1) Supplemental memorandum from Director of Intergovernmental Relations, Georgiana Flaherty, dated February 14, 1996, describing the changes proposed by the Rules Committee, e.g., two additional changes to the draft priorities, updating the first priority under Transportation, Public Works and Infrastructure. (2) Memorandum from Director of Intergovernmental Relations, Georgiana Flaherty, dated February 2, 1996, recommending approval of the City's 1996 Legislative Priorities.

The Committee recommended approval of the 1996 Legislative Priorities with changes summarized in a supplemental memorandum from Georgiana

Flaherty to be distributed to Council prior to the February 20, 1996 Council meeting.

7b Report of the Rules Committee - February 7, 1996 - (Cont'd.)

- (6) Present overview of 1996 State Legislative Session

The Committee noted the report from Roxanne Miller.

- (7) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee.

None presented.

- (8) City Council and Rules Committee Meeting Schedules

None presented.

- (9) Oral Communications

William Chew requested that the City purchase a telecommunications satellite and asked whether the City will broadcast Council and Committee meetings.

- (10) Adjournment

The meeting was adjourned at 3:30 p.m.

Discussion/Action: Upon motion by Council Member Fernandes, seconded by Council Member Fiscalini and unanimously carried, the Rules Committee report and actions of February 7, 1996 were accepted. Vote: 10-0-1-0. Absent: Hammer.

7c Report of the Housing and Community Services Committee - February 5, 1996

Documents Filed: Housing and Community Services Committee report of February 5, 1996.

- (1) Consent Calendar. Attachments: (1) Memorandum from Director of Conventions, Arts and Entertainment, Ellen Oppenheim, dated January 24, 1996, recommending acceptance of the status report on the Public Art Program. (2) Memorandum from Director of Housing, Alex Sanchez, dated January 18, 1996, transmitting the report on activity during the second quarter of the 1995-96 Fiscal Year in the Housing Rehabilitation Program. (3) Memorandum from Director of Housing, Alex Sanchez, dated January 18, 1996, transmitting for information only the Project Development Quarterly Report for the second quarter of the 1995-96 Fiscal Year.

Mayor Hammer entered the meeting at 2:05 p.m. and assumed the Chair at Item 9a.

- (1) Consent Calendar
 - (a) Public Art Quarterly Report
 - (b) Housing Rehabilitation Quarterly Report
 - (c) Project Development Quarterly Report

The Committee recommended approval of the staff reports and Consent Calendar.

- (2) Adoption of Youth Services Action Plan. Attachments: (1) Memorandum from Council Member Pandori, dated February 5, 1996, recommending the Housing and Community Services Committee (a) identify the number of elementary school sites that do not have a city-run after school program or are not served by another licensed program, and (b) identify funding sources for these additional after-school program sites according to the cost estimates provided in the Youth Services Action Plan. (2) Memorandum from the Director of Parks, Recreation and Neighborhood Services, Ellis E. Mitchell, dated January 30, 1996, transmitting and recommending the adoption of the Youth Services Action Plan.

The Committee recommended approval of the following recommendations: (a) approve the Youth Services Action Plan; (b) approve recommendations as contained in Council Member Pandori's memorandum of February 5, 1996; (c) adopt the After School principles outlined in Appendix A-1 of the Youth Services Action Plan; (d) identify existing and potential funding sources for additional after school programs; and (e) schedule the Housing & Community Services Committee to meet in a future working session to determine Committee priorities before final budget decisions are made.

Discussion/Action: See Item 9d for Council action taken.

- (3) Evaluation of new General Fund Programs for Department of Parks, Recreation and Neighborhood Services. Attachment: Memorandum from Director of Parks, Recreation and Neighborhood Services, Ellis E. Mitchell, dated January 22, 1996, transmitting the *Evaluation of New General Fund Programs of the Department of Parks Recreation and Neighborhood Services*, prepared by the Community Crime Prevention Associates.

The Committee accepted the Staff report.

- (4) Update on Graffiti Restitution Program

The Committee deferred this item to April, 1996.

- (5) Approval of Family Camp Report and 1996 fees. Attachment: Memorandum from Director of Conventions, Arts and Entertainment, Ellen Oppenheim, dated January 25, 1996, submitting the Family Camp financial and program report and setting forth the recommendations for approval of the report and the 1996 fees.

The Committee recommended that the City Council (a) approve the 1995 Family Camp report; (b) approve the continued operation of Family Camp with no change in user fees in 1996 and with a goal of achieving direct cost recovery; (c) approve the continuation of the Campership Program in 1996 with a goal of providing \$10,000 in camperships; (d) direct Staff to report to the City Council during the 1996-97 Budget Hearings on how to budget an additional \$10,000 for the Campership Program; and (e) direct Staff to report to Council during the 1996-97 Budget Hearings on establishing a sinking fund or an enterprise fund and a strategy on how to fund the full-time capital needs of the Family Camp.

Discussion/Action: See Item 9e for Council action taken.

- (6) Extension of Construction Tax Exemption for Affordable Housing. Attachment: Memorandum from Director of Housing, Alex Sanchez, dated January 23, 1996, recommending that the Housing and Community Services Committee accept the report and recommendation that the City Council take appropriate action to amend the San José Municipal Code to allow construction tax exemptions for very-low income housing.

The Committee accepted the Staff report and recommended that the City Council amend the Municipal Code Chapters 4.46, 4.47, 4.54, and 4.64 of Title 4, and Chapter 15.16 of Title 15 to extend through June 30, 2001, the exemptions granted to newly constructed very low-income housing from the following taxes: (a) City's Building and Structure Construction Tax; (b) Construction portion of the Construction and Conveyance Tax; (c) Commercial-Residential Mobilehome Park Building Tax (CRMP); (d) Residential Construction Tax; (e) Sanitary Sewer Program Fees; and (f) Storm Drainage Program Fees.

Discussion/Action: See Item 9f for Council action taken.

- (7) Approval of New Program to Assist First-Time Homebuyers and Distribution of Funds

The Committee deferred this item to March, 1996.

- (8) Approve process for 10% Housing Setaside Funding. Attachments: (1) Memorandum from Housing Advisory Commission Chair, Larry Hull, dated January 12, 1996, setting forth the recommendations regard two housing issues on the February 1996 Agenda. (2) Memorandum from Director of

Housing, Alex Sanchez, dated January 22, 1996, recommending Council adopt a resolution providing for the allocation of Ten Percent (10%) Setaside Funds for City-Initiated Revitalization and Special Housing Projects.

The Committee recommended that the City Council adopt a resolution providing for the allocation of Ten Percent (10%) Set Aside Funds for City-initiated Revitalization and special Housing Projects with(a) Fiscal Year 1995-96 funds allocated to neighborhoods and projects that will have been the subject of a plan approved by the City Council prior to May 1996 that includes actions to increase or improve the affordable housing stock; and (b) Fiscal Year 1996-97 and later years' funds allocated to projects to increase or improve the affordable housing stock in priority neighborhoods identified by the Neighborhood Revitalization Strategy.

Discussion/Action: See Item 9g for Council action taken.

- (9) Accept taxicab rate review and continue current rates. Attachment: Memorandum from Director of Finance, John V. Guthrie, dated January 24, 1996, recommending that the Housing and Community Services Committee forward Staff recommendation for Council approval to maintain the taxicab fare schedule currently in effect, pending further review in two years.

The Committee recommended approval of the Staff report and requested that Staff work with the taxi companies on some of the problems brought before the Housing and Community Services Committee during today's meeting, and to look into a zone system of fees and report back to Committee in one year rather than two years.

- (10) Authorize Airport to issue Taxi Concession RFP. Attachment: Memorandum from Director of Aviation, Ralph G. Tonseth, dated January 16, 1996, recommending the issuance of a concession Request for Proposal (RFP) for the taxicab services at San José International Airport.

The Committee recommended the City Council (a) authorize the Airport Department to issue a Request For Proposal (RFP) for taxicab concession(s) at San José International Airport that is concurrent with Staff's recommended position; and (b) direct the Airport Department to report back to the City Council with a recommendation for award to the successful taxicab concession proposer(s) in May 1996.

Discussion/Action: See Item 9j for Council action taken.

- (11) Status report on Neighborhood Revitalization Strategy. Attachment: Memorandum from Director of Planning, Building and Code Enforcement, Gary J. Schoennauer, dated January 25, 1996, providing the Housing and Community Services Committee an update on the status of the work performed to

complete the Neighborhood Revitalization Strategy and outlining the remaining tasks to be completed by February, 1996.

The Committee accepted the Staff report.

(12) Adjournment

The meeting adjourned at 4:00 p.m.

Discussion/Action: Regarding Item 7c(3), Council Member Pandori stated the evaluation of the youth program component was insufficient to provide the City with the kind of information necessary to determine the effectiveness of the program or to analyze the pre- and post-test comparisons of program participants, and that evaluations of some of the programs conducted during the summer months, absent activities to review, did not produce accurate data upon which to base recommendations. He spoke in support of the priorities set and the funds allocated to the City's youth programs, but emphasized the need for a thorough and comprehensive evaluation of the programs to be completed prior to adoption of the 1996-97 Budget—given the year-to-date expenditure on consultant fees is \$8,000. He stated the extent to which the programs will be funded will be determined by the City Council during the forthcoming budget deliberations, therefore, the Committee accepted the report but did not approve the recommendations. Council Member Powers stated the Evaluators recommended that all the programs evaluated should continue as a City of San José service, however, the primary concern is whether there is overlapping with or duplication of existing programs, and whether more effective methods can be developed for the delivery of those services. She stated the Evaluators recommended that the Staff Development Program, with emphasis on field training, be expanded to include interns, part-time employees and contract employees, and that each program begin to collect data to determine outcomes and impact of each program. She stated the Housing and Community Services Committee supports the recommendation that prior to the implementation of any new programs, budgets, allocation for staff coordination, mission, goals, objectives and outcomes must be incorporated into the overall allocation plan. Upon motion by Council Member Powers, seconded by Council Member Diaz and unanimously carried the Housing and Community Services Committee report and actions of February 5, 1996 were accepted with Council action on Item 7c(2) taken at Item 9d; Item 7c(5) acted upon at Item 9e; Council action on Item 7c(6) taken at Item 9f, Item 7c(8) acted upon at Item 9g, and Item 7c(10) acted upon at Item 9j.

Vote: 11-0-0-0.

GENERAL GOVERNMENT

- 9a (1) **Approval of an agreement with Sugimura & Associates, Architects for Consultant Services for the Central Service Yard Phase I in the amount of \$194,974.**

- (2) **Discussion of City Council's June 27, 1995 approval of the Central Service Yard Master Plan and staff recommendations.**
- (3) **Direction to staff to work with consultant on recommendations made by Council Members in their January 24, 1996 and February 16, 1996 memoranda.**

**CEQA: ND. (City Manager's Office/Public Works)
(Deferred from 2/6/96 - Item 9d)**

Documents Filed: (1) Memorandum from Council Members Fernandes, Powers and Shirakawa, Jr., dated January 16, 1996, requesting approval of the additions and changes to the recommendations contained in the memorandum of January 24, 1996. (2) Memorandum from Council Members Fernandes, Powers and Shirakawa, Jr., dated January 24, 1996, summarizing the actions for Council approval and implementation by the Administration. (3) Memorandum from City Attorney, Joan R. Gallo, dated February 5, 1996, clarifying the limitations which the Lease Revenue Bonds place on the use of the Beechnut property. (4) Memorandum from City Manager, Regina V.K. Williams, dated February 3, 1996, explaining the two-fold purpose of the attached staff report on the proposed use of the Central Service Yard. (5) Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated January 25, 1996, recommending Council approve the agreement with Sugimura & Associates, Architects. (6) Supplemental memorandum from the Historical Landmarks Commission, dated January 24, 1996, setting forth policy recommendations and specific site recommendations for the development of the Beechnut property. (7) Memorandum from Assistant City Manager, Debra J. Figone, dated February 3, 1996, providing additional background information on key issues. (8) Correspondence from the San José Historical Museum Association, dated January 31, 1996; from Jerome B. Munday, Volunteer, San José Historical Museum's Archives, dated February 2, 1996; from Richard J. Sachen, President, Docent Council Board, dated February 1, 1996; from Carolyn Sinclair, Volunteer, Docent Council Board, dated February 1, 1996; from Robert H. Drews, Volunteer, San José Historical Museum Archives, undated; Allen Thompson, Docent, San José Historical Museum, dated February 1, 1996; from Evelyn M. Ucovich, Docent, San José Historical Museum, dated February 3, 1996; from Charlen Fong and Rose-Marie Twu, Co-Chairs of the Chinese Historical and Cultural Project, dated February 1, 1996; and from Marvin Bamburg, AIA of Marvin Bamburg Associates, Inc., dated February 5, 1996.

Discussion/Action: Noting two items of primary concern, Assistant City Manager, Debra Figone, stated the Administration recommends approval of an agreement with Sugimura & Associates for consultant services to design Phase I improvements of the Central Service Yard located at Senter Road and Phelan Avenue, and authorization for Staff to work with the consultant on recommendations made by Council Members Fernandes, Powers and Shirakawa, Jr., in their memoranda dated January 24, 1996 and February 16, 1996. She emphasized the importance of the City proceeding expeditiously with the proposal in order to comply with the September 1997 bond requirement deadline. With the use of transparencies, Director of Public Works, Ralph A. Qualls, Jr., referenced background information as contained in the Staff report on the development of the new Central Service Yard, but presented an overview of the

unresolved issues. Referencing the original site plan of the existing Beech Nut site, he stated the Master Plan and Staff continue to favor demolishing Buildings B and F; however, alternative options will be considered and building assets evaluated for interim uses prior to a recommendation for demolition. He stated the Master Plan and Staff recommend Building E to be considered the location for entry collection services and material laboratory functions, which would relinquish the space at the Main Yard on 6th Street, and that the third floor of Building A at the Beech Nut site would be appropriate for the location of Museum archives and collections. He stated the City Council on February 6, 1996 deferred action on the Beech Nut site to allow Staff to meet with members of the museum community in the interest of finding some common ground for all parties and identifying a balanced approach to address competing interests. He stated the changes and additions to Staff recommendations, as contained in the February 16, 1996 memorandum from Council Members Fernandes, Powers and Shirakawa, Jr., include deleting the term “collections” in reference to the third floor of Building A; reviewing Building B for interim uses before the final design is complete; and requiring the Administration to solicit input from the museum community as the consultant designs the Beech Nut site. He stated Staff has agreed to meet with representatives of the various interest groups and the consultant team so that all stakeholders can understand the concerns, needs and interests of all parties prior to beginning the planning and schematic program work. He stated the timetable for the Central Service Yard project specifies a schedule in three components—the Programming, Schematics, and Design Development Phase—with a final report and recommendations to the Council in August 1996, thereafter to proceed with development of construction documents, approval of the bid and award of the project, and construction of the project with strict adherence to the construction timetable for completion of the project by September 1997 as required by the Revenue Bond issue. Council Member Fernandes reviewed the recommendation as proposed in the January 24, 1996 memorandum co-authored with Council Members Powers and Shirakawa, Jr., which requested that Council approve the architectural consultant contract for the conversion of the Beech Nut property and direct the Administration to (a) require the consultant to design the Central Service Yard so it will not preclude future use of Building A by the San José Historical Museum for historical exhibits; (b) require the consultant to evaluate the possibility of using building C, Building E, or the third floor of Building A to house the San José Historical Museum collections and archives on the Beech Nut site; (c) require the consultant to evaluate the possibility of using Building D to store the San José Fire Muster Team collection; (d) to report back to the Council regarding the future sale of the Stockton property with the intent of earmarking a portion of the funds toward upgrading the Museum’s archive and collection space; and (e) to perform a historical analysis on any building, particularly Building B and F, which may be designated for future demolition and refer findings to the Historic Landmarks Commission for review. She stated the February 16, 1996 memorandum co-authored with Council Members Powers and Shirakawa, Jr., reiterates the recommendation with changes and additions to (a) delete the term “collections” in reference to the third floor of Building A, as archives, including items such as books, manuscripts, etc., would be the appropriate term; (b) require the consultant to review Building B for interim uses before the final design is complete; and (c) require the Administration to solicit input from the museum community as the consultant designs

the Beech Nut site. She expressed appreciation to the representative of the San José Historical Museum Association, the Historic Landmarks Commission, and the Administration who worked to understand two vital City needs—consolidating the City’s service yard activities and maintaining and exhibiting the City’s historical collections. She expressed appreciation for the hard work and long hours dedicated to the project by Assistant Veronica Davey, District 4 Office. Council Member Pandori expressed an interest in discussing separately the recommendations from the Historic Landmarks Commission and suggested that Staff schedule that item on a future Council agenda. As a point of clarification, Mayor Hammer urged the City Council to confine its discussion to the Beech Nut proposal, as anything unrelated would be referred to Staff for a report back to Council at a later date, in conjunction with consideration of the recommendations from the Historic Landmarks Commission. William J. Garbett spoke in opposition of the proposed action. The following spoke in support of the recommendations of the Historic Landmarks Commission and the Beech Nut site as the future home of the Historical Museum: Robert Kumamoto, Chair of the Historic Landmarks Commission; Ellen N. Garboske, President, Preservation Action Council of San José; Gerry De Young of Ruth & Going, Inc., San José Historical Museum Association Advisory Board; Steven M. Cox, President, San José Museum Association Board of Directors. Upon motion by Council Member Fernandes, seconded by Council Member Powers and unanimously carried, (1) the agreement with Sugimura & Associates, Architects was approved and execution of the contract authorized; (2) the Central Service Yard Master Plan Phase I project as planned was approved and Staff directed to continue efforts to preserve the City’s collections; (3) recommendation items 1-5 as contained in the January 24, 1996 memo-randum with addition of recommendation items 1-3 as contained in the memorandum of February 16, 1996 from Council Members Fernandes, Powers, and Shirakawa, Jr., were approved; and (4) Council discussion of the Historic Landmarks Commission recommendations regarding historical collections and archives programs as contained in the January 24, 1996 memorandum from the Historical Landmarks Commission, was deferred to March 5, 1996. Vote: 11-0-0-0.

9c Presentation of recommended changes to the City of San José campaign disclosure regulations by Mr. Alex Stuart, Chair, Campaign Finance Review and Ethics Board. (Campaign Finance Review and Ethics Board/City Clerk)

Documents Filed: None.

Discussion/Action: This item was deferred to February 27, 1996.

**9d Approval of the Youth Services Action Plan.
[Housing and Community Services Committee referral 2/5/96 - Item 7c(2)]**

Documents Filed: (1) Memorandum from Council Members Diaz and Powers, dated February 20, 1996, conveying to Council the recommendation from the Housing and Community Services Committee. (2) Copies of the Staff presentation to the Housing

and Community Services Committee regarding the *Youth Services Action Plan - An Agenda for Change*, dated February 1996.

Discussion/Action: In reviewing the February 20, 1996 memorandum co-authored by Council Member Diaz, Council Member Powers stated the Housing and Community Services Committee accepted the Staff presentation on the Youth Services Action Plan and agreed with the policy direction priorities, however, several concerns were expressed regarding the timeline implementation, the collaboration with private sector and school districts and evaluation process which have not been addressed. She stated the Committee will schedule a working session in March 1997 to review the outstanding concerns related to the Plan, if approved by Council. She stated the cost of implementing the Plan should be reviewed, and that the implementation process for the Plan should be as inclusive as possible, with the general community deriving the plan as opposed to community agencies assuming that responsibility. Deborah Simon, Parks, Recreation and Neighborhood Services Coordinator of Children's and Youth Services, stated the Youth Services Needs Assessment and the Youth Services Master Plan have been developed to provide direction for the development and delivery of services and programs for youth; however, in November 1995 the first draft of the Youth Services Action Plan was developed from the document prepared by the Youth Services Master Plan Community Advisory Board in coordination with a number of City departments, and was presented to the Housing and Community Services Committee which gave input and recommended that the Action Plan be brought back after input was gathered from appropriate City commissions and community groups. She stated the common themes expressed by all of the groups to whom the Draft Plan was presented included requests that the City (a) reaffirm its commitment that children and youth are a high priority; (b) require collaboration for all City-run and City-funded programs for youth; (c) be the lead organization in establishing collaborations; (d) form a partnership with all San José schools; and (e) include youth, parents, communities, businesses, churches, and other government agencies in the development, implementation, and evaluation of all its youth services. She identified the programs which have been re-evaluated and redesigned—the Youth Employment Program, Homework Centers, the School-Age Growth and Enrichment (SAGE) Program, the Teen Centers—and highlighted objectives and strategies for effective delivery of those services and ways that programs can be evaluated and adequately developed to meet the needs of the community. She stated the lack of available facilities is also a major concern for Youth Division programming, and that opportunities for acquiring access to other facilities or owning or leasing more facilities should be explored by the City. She stated the objectives have been incorporated into the Action Plan and that the Plan includes strategies and a timeline for implementation of those objectives, as well as benchmark completion dates set as targets for the Five-Year Action Plan. Council Member Pandori expressed his support for the Action Plan, and requested that Staff prepare for consideration during the budget review a cost analysis for expanding citywide the After School (SAGE) Program to Elementary and Middle Schools. Vice Mayor Johnson spoke to issues affecting youth who are not “at risk” and their need for adequate programming, and underscored the necessity for the City to design an approach to serving youth which is all-inclusive. She stated the Teen Center Program fails to reach the youth on the west side of Highway 17/I-880, therefore, Staff should work collaboratively with other

groups to enhance the application of services to that community and for those youth. Speaking in support of Homework Centers, Mayor Hammer stressed the importance of allowing the models of school homework centers developed in partnership with schools and community-based organizations to remain under the supervision of the elementary and middle schools, and that the position of Recreation Supervisor is not needed to oversee the Program; unless it can be demonstrated that the Programs are not progressing, San José should continue to fund and monitor the Homework Centers but allow the existing administrative procedures to continue. Council Member Woody concurred with comments related to flexibility in the administration of after-school programs, and requested that Staff consider utilizing vacant buildings for Youth Centers and youth activities in District 8. Upon motion by Council Member Powers, seconded by Council Member Pandori and unanimously carried, (1) the Housing and Community Services Committee recommendation on the Youth Services Action Plan, was approved; (2) the After School Coalition principles outlined in Appendix A-1 of the Youth Services Action Plan, were adopted; (3) the identification of existing and potential funding sources for additional after school programs, was approved; (4) the recommendation as proposed in Council Member Pandori's February 5, 1996 memorandum to (a) identify the number of elementary school sites that do not have a city-run after-school program or are not served by another licensed program, and (b) identify funding sources for these additional after-school program sites according to the cost estimates provided in the Youth Services Action Plan, was approved as modified to substitute the words "school based provider" for the words "licensed program"; and (5) the Housing & Community Services Committee to meet in a future working session to determine Committee priorities before final budget decisions are made. Vote: 11-0-0-0.

6e(5) Approval of an agreement with Bumb and Associates for the purchase of a parcel of land for the Sierra Road Extension, and authorization for the Director of Public Works to execute the Certificate of Acceptance. CEQA: Resolution No. 61115. (Public Works)

Discussion/Action: This item, tabled earlier in the meeting, was considered at this time. In response to Council Member Pandori's questions regarding the difference between the purchase price and the deposited amount to acquire the right-of-way, and the additional amount deposited with the Public Works Department, Director of Public Works, Ralph A. Qualls, Jr., stated the difference between the total deposit of \$812,000 and the \$727,000 for land acquisition is \$85,000 and includes not only staff time and appraisal costs, but relocation benefits paid to relocate the occupants of the mobilehome; secondly, the Developer is required to pay all the costs, which has been done. Upon motion by Council Member Pandori, seconded by Vice Mayor Johnson and unanimously carried, the agreement with Bumb and Associates was approved and execution of the Certificate of Acceptance authorized. Vote: 11-0-0-0.

9e Adoption of a resolution establishing a schedule of charges for use of Family Camp and repealing Resolution No. 65755.

[Housing & Community Services Committee referral 2/5/96 - Item 7c(5)]

Documents Filed: See Housing & Community Services Committee report of February 5, 1996, Item 7c(5).

Discussion/Action: Upon motion by Council Member Fiscalini, seconded by Vice Mayor Johnson and unanimously carried, Resolution No. 66444, entitled: "A Resolution of the Council of the City of San José Fixing and Establishing a Schedule of Charges to be Paid by Persons at San José Family Camp, and Repealing Resolution No. 65755", was adopted. Vote: 11-0-0-0.

- 9f Approval of an ordinance amending Chapters 4.46, 4.47, 4.54 and 4.64 of Title 4 of the San José Municipal Code and Chapter 15.16 of Title 15 to extend the suspension of collection of taxes and certain fees imposed under such chapters for new construction of housing for very low income households to June 30, 2001.**
[Housing & Community Services Committee referral 2/5/96 - Item 7c(6)]

Documents Filed: See Housing & Community Services Committee report of February 5, 1996, Item 7c(6).

Discussion/Action: Upon motion by Council Member Fiscalini, seconded by Vice Mayor Johnson and unanimously carried, Ordinance No. 25045, entitled: "An Ordinance of the City of San José Amending Chapters 4.46, 4.47, 4.54 and 4.64 of Title 4 of the San José Municipal Code and Chapter 15.16 of Title 15 of the San José Municipal Code to Extend the Suspension of Collection of Taxes and Certain Fees Imposed Under Such Chapters for New Construction of Housing for Very Low Income Households to June 30, 2001", was passed for publication. Vote: 11-0-0-0.

- 9g Adoption of a resolution approving the process for 10% Housing Setaside Funding under the Five Year Housing Investment Plan.**
[Housing & Community Services Committee referral 2/5/96 - Item 7c(8)]

Documents Filed: See Housing & Community Services Committee report of February 5, 1996, 7c(8).

Discussion/Action: Upon motion by Council Member Fiscalini, seconded by Council Member Powers and unanimously carried, Resolution No. 66445, entitled: "A Resolution of the Council of the City of San José Approving the Process for the 10% Housing Setaside Funding Under the Five Year Housing Investment Plan", was adopted. Vote: 11-0-0-0.

- 9h Overview and update on the Gang Prevention Task Force. (Mayor)**

Documents Filed: None.

Discussion/Action: This item was deferred to February 27, 1996.

- 9i Report on bids and award of contract for the River Street Historic District Site Preparation Project to the low bidder, Collishaw Construction, in the amount of \$80,580 and approval of a contingency in the amount of \$20,000. CEQA: Exempt. (Public Works)**

Documents Filed: (1) Supplemental memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated February 13, 1996, recommending Council award said contract to the low bidder, Collishaw Construction. (2) Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated February 2, 1996, recommending Council approve award of the contract for the River Street Historic District Site Preparation Project.

Discussion/Action: Upon motion by Vice Mayor Johnson, seconded by Council Member Powers and unanimously carried, the award of contract to Collishaw Construction was approved and execution of the contract authorized. Vote: 11-0-0-0.

- 9j (1) Authorization for the Director of Aviation to issue a Request for Proposal (RFP) for Taxicab Concession(s) at San José International Airport that is concurrent with the staff's recommended position as described.**
- (2) The Airport Department report back to the City Council with a recommendation for award to the successful taxicab concession proposer(s) in May, 1996.**

[Housing and Community Services Committee referral 2/5/96 - Item 7c(10)]

Documents Filed: See Housing & Community Services Committee report of February 5, 1996, Item 7c(10).

Discussion/Action: William J. Garbett spoke against the proposed action. Upon motion by Council Member Fiscalini, seconded by Council Member Powers and unanimously carried, the Housing and Community Services Committee recommendation of February 5, 1996 authorizing the issuance of the Request for Proposal for taxicab concessions and directing Staff to report back to Council with recommendation for contract award in May 1996, was approved. Vote: 11-0-0-0.

ORAL COMMUNICATIONS

Regina Mayor, representing California Public Administration Consulting (Cal-Pac), read into the public record the date, time, and place of the Funeral Mass for former governor Edmund G. "Pat" Brown.

CLOSED SESSION REPORT

Disclosure of Closed Session Action of February 20, 1996 submitted by City Attorney, Joan R. Gallo:

A. Authority to Initiate Litigation:

Authority to initiate litigation was given in two (2) matters. The names of the actions and the defendants as well as the substance of the litigation shall be disclosed to any person upon inquiry once the actions are formally commenced.

Council Vote: Ayes: Dando, Diaz, Diquisto, Fiscalini, Johnson, Powers, Shirakawa, Jr., Woody; Hammer.

Noes: None.

Absent: Fernandes, Pandori.

Disqualified: None.

RECESS/RECONVENE

Following Oral Communications, Council recessed at 4:00 p.m. and reconvened at 7:05 p.m., Council Chambers, City Hall.

Present: Council Members: Dando, Diaz, Diquisto, Fernandes, Fiscalini, Johnson, Pandori (entered the meeting at 7:20 p.m.), Powers, Shirakawa, Jr., Woody; Hammer.

Absent: Council Members: None.

City Clerk, Patricia L. O'Hearn, read the requests for continuances of applications and other actions as recommended. Upon motion by Council Member Fiscalini, seconded by Council Member Powers and unanimously carried, the below noted continuances and other actions were granted. Vote: 10-0-1-0. Absent: Pandori.

PUBLIC HEARINGS

- 15a PUBLIC HEARING and adoption of a resolution confirming the report of the Director of Finance, as may be modified by Council, regarding the recovery of delinquent Code Enforcement Administrative Costs and Penalties previously imposed by the Appeals Hearing Board, and ordering that notices of lien for the**

**unpaid charges be recorded as an assessed charge against the properties involved.
(Finance)**

Documents Filed: None.

Discussion/Action: This item was continued to April 16, 1996.

- 15b PUBLIC HEARING and adoption of an ordinance amending the L-R, IP-a, IP-b, IP-c, IP-d, I, M-1, and M-4 Industrial Zoning Districts of Title 20 of the San José Municipal Code to make certain Permitted Uses Conditional Uses, Add Permitted Uses and Conditional Uses, Delete Conditional Uses, and other changes to conform with the SJ2020 General Plan.
(Planning, Building and Code Enforcement)**

Documents Filed: None.

Discussion/Action: This item was continued to April 2, 1996.

- 15d PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the east side of Monterey Highway, approximately 500 feet southerly of Richmond Avenue, from R-1:B-1 to A(PD), to allow a recreational vehicle park on 3.0 gross acres (Ming Tree Realty, Inc., Owner; Henry Baba, Developer).
PDC 95-05-030 - District 2
(Continued from 2/6/96 - Item 15e)**

Documents Filed: None.

Discussion/Action: This item was continued to May 7, 1996.

CEREMONIAL ITEM

- 5d Presentation of commendations to the members of the Shasta/Hanchett Park Tot Lot Task Force who were key in the successful culmination of the Hester Park project. (Fiscalini)**

Documents Filed: None.

Discussion/Action: Joining Mayor Hammer at the Podium, Council Member Fiscalini introduced the Shasta/Hanchett Park Tot Lot Task Force members John and Kathy Gonzales, Helen and Dan Chapman, Maria Contrestano, Dr. Peggy Mahony, Susan Watanabe, Becky Gillick, Dan and Laura Winter, A.J. Alfieri, David Varela, Ed Ponganis, Helen Dietz, Margaret Donohoe, and Tina Souza Dutra, and presented to each member a commendation for the contributions to the Shasta/Hanchett community.

The City Council joined Vice Mayor Johnson in acknowledging Virginia Holtz for being selected as a "Torch Bearer" of the Olympian Torch when it comes through the City of San José.

Council Member Pandori entered the meeting at 7:20 p.m.

PUBLIC HEARINGS

15c PUBLIC HEARING ON CONVENTIONAL REZONING of the property located on the northeasterly corner of Monterey Road and Rancho Drive, from C-2 Commercial to C-3 Commercial, to allow the commercial uses on 2.16 gross acres (El Rancho Properties, Owner; The L. G. Group, Developer). CEQA: ND. Director of Planning recommends denial. Planning Commission recommends denial (7-0-0).

C 94-12-053 - District 7

(Continued from 11/21/95, 12/5/95 and 2/6/96 - Item 15d)

Documents Filed: (1) Memorandum from the Planning Commission, dated November 17, 1995, recommending Council deny the subject rezoning per staff recommendation. (2) Notice of Public Hearing to consider a change in Zoning for PDC 95-05-030, dated November 21, 1995, and Proof of Publication submitted by the City Clerk. (3) Memorandum from Council Member Shirakawa, Jr., dated February 20, 1996, recommending Council deny the request for Conventional Rezoning.

Discussion/Action: Mayor Hammer opened the public hearing on the conventional rezoning of the subject property. Council Member Shirakawa Jr., presented background information on the rezoning application and results of his investigation during the past 18 months, and stated the last legal permit on file with the City, effective in 1972, authorizes this facility to operate as a restaurant with a bar as an incidental use. He stated the current operator was informed by the City in 1994 that they were in violation of the permit and that a zoning district change and a conditional use permit are necessary to legitimately operate the facility as a nightclub. Noting the negative impact on the neighborhood because of insufficient control over the nightclub's patrons' activities, the lack of improvements to the interior and exterior of the facility, and the failure of club owners to strengthen working relationship with the neighbors, he recommended denial of the applicant's request for rezoning of the 2.16 acre site. Gerry De Young, representing Fiesta, and Yvonne Astair addressed Council on the proposed rezoning. Upon motion by Council Member Shirakawa, Jr., seconded by Council Member Powers and unanimously carried, the public hearing was closed, the Planning Commission recommendation to deny the rezoning, was approved. Vote: 11-0-0-0.

Regarding Items 15e, 15f, 15g, and 15i, Council Member Woody stated for the public record that the Greater Evergreen Area is experiencing massive development and construction activity. The resurgence of the economy is allowing approved projects which heretofore have been delayed to move forward. The amenities, benefits and improvements paid for by the construction projects, i.e., improved roads, widening of Capitol Expressway, Auxiliary Lane on Highway 101, are designed to improve the

flow of traffic in the area, as well as to provide additional parks and recreational amenities. To insure that District 8 constituents understand the commitment of their Council Office to the community, all projects will continue to conform to the highest quality standards, as expected by the residents. Many of the issues have been resolved, however, other issues which remain include traffic impacts on local streets, safety issues of increased traffic, privacy, and open space—which special conditions will be addressed as part of the required traffic study—as well as issues of major concern—grading, drainage, and earthquake faults. An agreement is required by the developers of each of the four properties to pay for a traffic signal, and staff will survey the intersection along Nieman Boulevard, especially Wendover, as to a four-way or three-way stop signal or sign. The City will inspect the quality of grading to be approved, along with proper drainage and the seriousness and sensitivity of development near known earthquake faults. The revisions and conditions for each project will be spelled out in the motion for each project.

15e PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the northerly side of Yerba Buena Road, 150 feet southwesterly of Baronet Court, from A-Agricultural to A(PD) Planned Development Zoning District, to allow up to 97 single-family detached residential units on 70 gross acres (Lion Estates, Owner/Developer). CEQA: ND. Director of Planning recommends approval. Planning Commission recommends approval (6-0-1).

PDC 90-02-012 - District 8
(Continued from 2/6/96 - Item 15h)

Documents Filed: (1) Memorandum from the Planning Commission, dated February 15, 1996, recommending Council approve the subject rezoning per staff recommendation. (2) Notice of Public Hearing to consider a change in Zoning for PDC 90-02-012, dated December 14, 1995, and Proof of Publication submitted by the City Clerk. (3) Letter from San José residents Jeff and Cathy Conrad, dated January 2, 1996, requesting reconsideration of the proposed project to provide access to Nieman Blvd. via Wendover Lane.

Discussion/Action: Mayor Hammer opened the public hearing on the planned development rezoning of the subject property. Representing the applicant, Tom Armstrong of HMM Engineers, spoke in support of the recommendation. Upon motion by Council Member Woody, seconded by Council Member Powers and unanimously carried, the public hearing was closed, the Planning Commission recommendation approved, Ordinance No. 25046, entitled: “Ordinance of the City of San José Rezoning Certain Real Property Situated on the Northeasterly Side of Yerba Buena Road, 150 Feet Southerly of Baronet Court”, was passed for publication with direction that the four (4) property owners (*PDC 90-02-012, PDC 92-03-028, PDC 92-08-046, PDC 93-11-051*) who contribute traffic to the area should jointly bear the cost of the traffic signal and traffic study; to ensure that the costs are equally borne, the City Attorney was directed to draft a mutual reimbursement agreement which each property owner should enter into prior to the second reading of the Ordinance; and Lion Estates

directed to provide at the PD permit stage, as part of the condition of approval, the installation of stop signs at Wendover and Nieman. Vote: 11-0-0-0.

- 15f PUBLIC HEARING ON PLANNED DEVELOPMENT PREZONING of the property located on the west side of Kettmann Road, 250 feet north of Casey Way, from County to A(PD) Planned Development, to allow up to 25 single-family detached residential units on 4.6 gross acres (Thomas Wilson, Owner; David Lazares, Developer). CEQA: ND. Director of Planning recommends approval. Planning Commission recommends approval with condition to add note to General Development Plan that a local traffic analysis be performed at the Planned Development Permit stage (5-0-2).**

PDC 92-03-028 - District 8

(Continued from 2/6/96 - Item 15i)

Documents Filed: (1) Memorandum from the Planning Commission, dated January 19, 1996, recommending Council adopt an ordinance approving the subject prezoning with the condition that local traffic impact studies be conducted and appropriate traffic improvements be included in the project prior to PD Permit approval. (2) Notice of Public Hearing to consider a change in Zoning for PDC 92-03-028, dated December 14, 1995, and Proof of Publication submitted by the City Clerk.

Discussion/Action: Mayor Hammer opened the public hearing on the planned development prezoning of the subject property. Representing the applicant, Hank Young, MacKay & Soms, spoke in support of the proposed development and additional conditions read into the public record. Upon motion by Council Member Woody, seconded by Council Member Powers and unanimously carried, the public hearing was closed, the Planning Commission recommendation with the condition was approved, Ordinance No. 25047, entitled: "Ordinance of the City of San José Prezoning Certain Real Property Situated on the West Side of Kettmann Road, 250 Feet North of Casey Way", was passed for publication with direction that the four (4) property owners (*PDC 90-02-012, PDC 92-03-028, PDC 92-08-046, PDC 93-11-051*) who contribute traffic to the area should jointly bear the cost of the traffic signal and traffic study; and to ensure that the costs are equally borne, the City Attorney was directed to draft a mutual reimbursement agreement which each property owner should enter into prior to the second reading of the Ordinance. Vote: 11-0-0-0.

- 15g PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the southwest side of Nieman Boulevard, 800 feet south of Wendover Lane, from A(PD) Planned Development to A(PD) Planned Development, to allow up to 60 single-family attached residential units and 9 single-family detached residential units on 19 gross acres (SAC Associates, Owner/Developer). CEQA: ND. Director of Planning recommends approval. Planning Commission recommends approval with condition to add note to General Development Plan: 1) a local traffic analysis be performed at the Planned**

Development Permit stage; 2) address downstream flooding at the Planned Development Permit stage (5-0-2).

PDC 92-08-046 - District 8

(Continued from 2/6/96 - Item 15j)

Documents Filed: (1) Memorandum from the Planning Commission, dated January 19, 1996, recommending Council adopt an ordinance approving the subject rezoning with the conditions that local traffic impact studies be conducted and appropriate traffic improvements be included in the project prior to PD permit approval, and that potential off-site flooding impacts be mitigated with the PD permit. (2) Notice of Public Hearing to consider a change in Zoning for PDC 92-08-046, dated by December 14, 1995, and Proof of Publication submitted by the City Clerk. (3) Presentation Outline from Chris Garcia, dated February 20, 1996, referencing Project PDC92-08-046–Rezoning plus other projects affecting Nieman Blvd.

Discussion/Action: Mayor Hammer opened the public hearing on the planned development rezoning of the subject property. Representing the applicant, Terry Szewczyk, TS Nowack Consultants, spoke in support of Council approval. The following citizens spoke against the proposed development: Sylvia Shih, Chris Garcia, Kim Pham, Char Garcia, Malissa Noble Asmussen; and Don K. Johnson, Sr., representing Levingston-Johnson. Upon motion by Council Member Woody, seconded by Council Member Shirakawa, Jr., and unanimously carried, the public hearing was closed, the Planning Commission recommendation approved with condition, Ordinance No. 25048, entitled: “Ordinance of the City of San José Rezoning Certain Real Property Situated on the Southwest Side of Nieman Boulevard, 800 Feet South of Wendover Lane”, was passed for publication with direction that the four (4) property owners (*PDC 90-02-012, PDC 92-03-028, PDC 92-08-046, PDC 93-11-051*) who contribute traffic to the area should jointly bear the cost of the traffic signal and traffic study; and to ensure that the costs are equally borne, the City Attorney was directed to draft a mutual reimbursement agreement which each property owner should enter into prior to the second reading of the Ordinance; and that the proposed rezoning include a range of detached units from 0 to 5, not 0 to 9. Vote: 11-0-0-0.

15h PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on both sides of Nieman Boulevard, 1,400 feet north of Yerba Buena Road, from A(PD) Planned Development to A(PD) Planned Development, to allow up to 45 single-family detached residential units on 32.7 gross acres (YCS Investments, Owner/Developer). CEQA: ND. Director of Planning recommends approval. Planning Commission recommends approval with condition to add note to General Development Plan: 1) a local traffic analysis be performed at the Planned Development Permit stage; 2) address downstream flooding at the Planned Development Permit stage (5-0-2).

PDC 93-11-051 - District 8

(Continued from 2/6/96 - Item 15k)

Documents Filed: (1) Memorandum from the Planning Commission, dated January 19, 1996, recommending Council adopt an ordinance approving the subject rezoning with conditions (a) that local traffic impact studies be conducted and appropriate traffic improvements be included in the project prior to PD permit approval, (b) that potential off-site flooding impacts be mitigated with the PD permit, and (c) that the Land Use Plan of the zoning plans be revised to delete the proposed ingress and egress easement for Lot 43, and to delete the easement and Alternative B pad on the conceptual site plan and conceptual grading and drainage plan. (2) Notice of Public Hearing to consider a change in Zoning for PDC 93-11-051, dated by December 14, 1995, and Proof of Publication submitted by the City Clerk. (3) Letter from Joanna Callenbach, Project Manager, YCS Investments, dated February 20, 1996, supporting the proposed development.

Discussion/Action: Mayor Hammer opened the public hearing on the planned development rezoning of the subject property. Joanna Callenbach, representing YCS Investments, spoke in support of the proposed development and requested that the condition of approval regarding Lots 42 and 43 be continued into the PD Permit process. Arminta Jensen, representing Raggeri-Jensen and Associates, spoke in support of the proposed development. Director of Planning, Building and Code Enforcement, Gary J. Schoennauer, agreed that the two lots should be excluded from the approval process and deleted from the proposed easement. Upon motion by Council Member Woody, seconded by Vice Mayor Johnson and unanimously carried, the public hearing was closed, the Planning Commission recommendation approved with condition modified to delete the two Alternative Pad sites on Lots 42 and 43, Ordinance No. 25049, entitled: "Ordinance of the City of San José Rezoning Certain Real Property Situated on Both Sides of Nieman Boulevard, 1,400 Feet North of Yerba Buena Road", was passed for publication with direction that the four (4) property owners (*PDC 90-02-012, PDC 92-03-028, PDC 92-08-046, PDC 93-11-051*) who contribute traffic to the area should jointly bear the cost of the traffic signal and traffic study; to ensure that the costs are equally borne, the City Attorney was directed to draft a mutual reimbursement agreement which each property owner should enter into prior to the second reading of the Ordinance. Vote: 11-0-0-0.

- 15i PUBLIC HEARING ON CONFORMING REZONING of the property located on the east side of 11th Street, between Martha Street and Bestor Street, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow a reduction in building height from 3 stories to 2 stories for a proposed multi-family attached residential building on .48 gross acre (Green Valley Corp., Owner/Developer). CEQA: ND.**
PDC 95-10-049 - District 3
(Continued from 2/6/96 - Item 15m)

Documents Filed: (1) Department of Planning, Building and Code Enforcement Staff Report on PDC 95-10-049, approved February 2, 1996, recommending approval of the subject Planned Development Rezoning. (2) Notice of Public Hearing to consider a

change in Zoning for PDC 95-11-049, dated January 5, 1996, and Proof of Publication submitted by the City Clerk.

Discussion/Action: Mayor Hammer opened the public hearing on the conforming rezoning of the subject property. There was no discussion from the Floor; however, Council Member Pandori requested that the issue of additional landscaping be addressed during the PD permit review. Upon motion by Council Member Pandori, seconded by Vice Mayor Johnson and unanimously carried, the public hearing was closed, Ordinance No. 25050, entitled: "Ordinance of the City of San José Rezoning Certain Real Property Situated on the East Side of 11th Street Between Martha Street and Bestor Street", was passed for publication with direction that at the PD Permit stage consideration be given to additional work on the landscaping to mitigate the loss of some significant trees on the property. Vote: 11-0-0-0.

- 15j **PLANNED DEVELOPMENT REZONING of the property located on the southwest corner of Monroe Street and Hemlock Avenue, from C-3 Commercial Zoning District to A(PD) Planned Development, to allow up to 124 single-family detached residential units on 11.3 gross acres (Metropolitan Life Insurance Company, Owner; Citation Homes, Developer). CEQA: ND. Director of Planning recommends denial. Planning Commission recommends approval with conditions to (1) delete island, replace with turn lane; (2) install stop signs at Monroe and Scott, Monroe and Tisch; and (3) consider other traffic diversion methods (5-1-1). (Planning, Building and Code Enforcement)**
PDC 95-08-040 - District 6

Documents Filed: (1) Supplemental memorandum from the Planning Commission, dated February 15, 1996, submitting the project developer's revised plans reflecting the Planning Commission's Conditions of Approval with the installation of a three-way stop sign at Monroe Street and Tisch Way, and a four-way stop sign at Monroe Street and Scott Street. (2) Memorandum from the Planning Commission, dated February 15, 1996, recommending Council approve the subject rezoning with additional conditions and recommendations. (3) Notice of Public Hearing to consider a change in Zoning for PDC 95-08-040, dated January 16, 1996, and Proof of Publication submitted by the City Clerk. (4) Correspondence and a petition bearing the signatures of 82 residents opposed to condensed housing developments.

Discussion/Action: Mayor Hammer opened the public hearing on the planned development rezoning of the subject property. Representing Citation Homes, Hank Young, MacKay & Soms, requested Council approval of the rezoning with conditions recommended by the Planning Commission. Council Member Fiscalini spoke in support of the proposed development project including the Planning Commission's conditions of approval, and requested that Staff also study the feasibility of a truck ban on Tisch Way and Monroe Street as possible mitigation measures to eliminate truck traffic through the area. He stated for the public record that the interior private street is to retain the 44 ft. width. Vice Mayor Johnson expressed concern that the plans failed to provide pedestrian access to the shopping center; therefore, better integration of the

two sites should occur. She stated for the public record that when the next parcel is developed that plans provide for some means of access along Hemlock to the shopping center. Upon motion by Council Member Fiscalini, seconded by Council Member Powers and unanimously carried, the public hearing was closed, the Planning Commission recommendation with conditions was approved with modification that Staff consider a truck ban on Tisch Way and Monroe Street to eliminate truck traffic through the area, and Ordinance No. 25051, entitled: "Ordinance of the City of San José Rezoning Certain Real Property Situated on the Southwest Corner of Monroe Street and Hemlock Avenue", was passed for publication. Vote: 11-0-0-0.

9b

Adoption of a resolution:

- (1) Repealing Resolution No. 62136 to rescind the policy action of May 8, 1990, regarding Reid-Hillview Airport.**
- (2) Finding that Reid-Hillview Airport is an irreplaceable asset to the public transportation system of the County of Santa Clara, City of San José, and the surrounding region.**
- (3) Unequivocally supports the continued operation of Reid-Hillview Airport based on the findings of the SRI International Risk Assessment Report.**
- (4) Urging the County Board of Supervisors to cease all efforts to close Reid-Hillview Airport.**

(Airport)

Documents Filed: (1) Memorandum from Mayor Hammer, dated February 20, 1996, transmitting letters recently received regarding Council consideration of its position on the status of Reid-Hillview Airport. (2) Supplemental memorandum from Director of Aviation, Ralph G. Tonseth, dated February 13, 1996, conveying to the City Council a synopsis of the Airport Commission's February 12, 1996 meeting on the disposition of Reid-Hillview Airport. (3) Memorandum from Director of Aviation, Ralph G. Tonseth, dated February 8, 1996, recommending Council adopt said resolution. (4) Correspondence from San José resident Kiet L. Lien, Merle Gorman, Manager of External Programs for IBM, and CRAMP in support of continuing operations at Reid-Hillview Airport; and from Landon Noll, Vice Mayor of the City of Sunnyvale, conveying the Sunnyvale City Council's position of support for continued operation of Reid-Hillview Airport.

Discussion/Action: Director of Aviation, Ralph G. Tonseth, presented a comprehensive overview of the staff report and a synopsis of the public hearing and the action taken by the Airport Commission regarding Reid-Hillview Airport, and presented a chronological accounting of events culminating in tonight's reconsideration of the policy regarding Santa Clara County's Reid-Hillview Airport. He stated the Council action has been predicated upon the County of Santa Clara initiating an Environmental Impact Review process for the sole purpose of closing Reid-Hillview Airport, which timeframe extends from March 14, 1996 with the circulation of the County's Draft Environmental Impact Report (EIR) to July 9, 1996 when Santa Clara County Board of Supervisors has scheduled approval of the Environmental Impact Review. He stated Reid-Hillview Airport's role in support of the regional transportation needs of the City

make the facility an irreplaceable asset and that the technical reports underscore there could be no feasible replacement site (*Santa Clara County General Aviation Reliever Airport Site Selection Study*); that the Airport as a regional asset is vital (*General Aviation Task Force Final Summary*); there is continued demand for the Airport (*Final Technical Report on Aviation and Transportation Data for the Reid-Hillview Airport Closure Evaluation Project*); and that the safety record of the Airport is noteworthy when compared to other possible uses for the site (*Risk Assessment of the Reid-Hillview Airport Closure Evaluation Project*). Given the timeframe for the County EIR process toward the closure of Reid-Hillview, and the unfinished work on the Master Plan for San José International Airport, he urged the City Council to reconsider its position on Reid-Hillview and rescind its policy action of May 8, 1990 regarding Reid-Hillview Airport, and find that the Airport is an irreplaceable asset to the public transportation system of the County of Santa Clara, City of San José, and the surrounding region, and that the City unequivocally support the continued operation of Reid-Hillview Airport, and that the City urge the County Board of Supervisors to cease all efforts to close Reid-Hillview Airport. He stated the Airport Commission unanimously adopted the recommendation with the exception of one item—to declare Reid-Hillview Airport to be the highest and best use of the property it occupies—which was deleted. The following citizens spoke in support of the resolution to allow continued operation of Reid-Hillview Airport: Mark Kadrich, President, Reid-Hillview Homeowners Association; Steven Mann, representing the Coalition for Responsible Airport Management and Policy (CRAMP); Capt. Richard Deeds, representing Airline Pilots Association; Pat Lowers, Santa Clara Valley Ninety-Niners; Jay White, President, California Pilots Association; Bill Dunn, Vice President of Regional Affairs, Aircraft Owners and Pilots Association (AOPA); Landon Curt Noll, Vice Mayor of the City of Sunnyvale; Ralph Faravelli, Mayor, City of Mountain View; Leslie Moreland, Chair, San José Airport Commission; Armon Mills, Publisher of San José Metro and San José Metropolitan Chamber of Commerce; Tommy Fulcher, Chairman, Afro-American Chamber of Commerce; Dave Sandretto, Santa Clara County Manufacturing Group; Don Flynn, representing Donald C. Flynn Aviation; Robert Fischer, Achievement Unlimited; Robert Burns, San José Metropolitan Chamber of Commerce; Barry Fernald, San José Jet Center; Robert Chambers and Steve Sullivan, representing Aris Helicopters; Timothy K. Risch; Ana Lomas, Principal, Ocala Middle School; Orval Fairbairn; Patricia Sausedo; Amelia C. Reid, Amelia Reid Aviation; Ben Koning; Randy McClure, Eastridge Little League; Tom Sheehan, Seagull Flying Club; Manoj S. Patankar, Chair, Department of Aviation, San José State University. Virginia Holtz, League of Women Voters of San José/Santa Clara, read into the public record a letter from Co-President, Cecilie Schulze, supporting the continued operation of Reid-Hillview. The following spoke in favor of closing Reid-Hillview Airport: Jack S. Licursi, Storybook Homeowners Association; Helen Johnson; Tony Estremera; Andy Lucaro; Ted Johnson; Nikhil C. Mazumder; Ofelia Chavarin; and Stanley K. Woo, representing Lion Business Park Owners Association. Brian L. Donat, Jesse Horacid Guarino, and A. Berkley Driessel presented testimony on various issues. Council Member Powers recommended Council support the Airport Commission referral and the Staff recommendation of February 8, 1996. Council Member Diaz expressed opposition to the continued operation of Reid-Hillview Airport; that in his opinion, the latest consultant's report is misleading as it relates to safety issues; and that the City

Council should review the needs on a regional basis instead of focusing on the Airport as the problem of the East Side. Vice Mayor Johnson spoke in support of continued operation of Reid-Hillview as a General Aviation Airport but requested an addition to the recommendation that the City convey to the County, in a separate letter or personal testimony, concerns regarding the visual blight and deteriorated condition of the Airport grounds and facilities, the noise which negatively impacts the residents' quality of life, and consider moving the "Touch and Go" and training operations to South County, which would lessen the noise impacts. Council Member Dando indicated her support for the recommendation, but expressed opposition to any continuation of public funds expended on studies, and proposed that the County use the funds to improve the quality and appearance of Reid-Hillview Airport. Council Member Pandori expressed dissatisfaction with the actions of the County Board of Supervisors when, during the last day of budget deliberations, it approved an expenditure of \$260,000 for another Environmental Impact Report (EIR) for Reid-Hillview Airport, absent public comment or input from other local government entities. He underscored the importance for the City Council to send with the resolution, a letter conveying the depths of the feelings of the City Council on the issue, followed by a personal appearance at a Board meeting, with a request that the County Board of Supervisors respect the position of the City. Mayor Hammer concurred with Council direction, including the need to be forceful in discussing with the County the issues of safety and environmental concerns and the relocation of some of the training to the South Bay. Upon motion by Council Member Powers, seconded by Vice Mayor Johnson and carried, Resolution No. 66446, entitled: "A Resolution of the Council of the City of San José Declaring City Policy Pertaining to the Continued Availability of Reid-Hillview Airport for General Aviation Operations", was adopted, Staff recommendation that the City Council (a) rescind the policy action of May 8, 1990, (b) to find that the Airport is an irreplaceable asset to the public transportation system of the County of Santa Clara, City of San José, and the surrounding region, (c) to unequivocally support the continued operation of the Airport based on the findings of the SRI International Risk Assessment Report, and (d) to urge the County Board of Supervisors to cease all efforts to close Reid-Hillview Airport, was approved with Mayor Hammer to convey in writing and personal testimony to the County Board of Supervisors the City's position regarding Reid-Hillview Airport and the necessity to address the visual blight and overall deterioration of structures at the Airport site. Vote: 10-1-0-0. Noes: Diaz

ADJOURNMENT

The Council of the City of San José adjourned at 10:10 p.m. in memory of former Governor of California, Edmund G. "Pat" Brown.

SUSAN HAMMER, MAYOR

ATTEST:

PATRICIA L. O'HEARN, CITY CLERK