

## **MINUTES OF THE CITY COUNCIL**

**SAN JOSE, CALIFORNIA**

**TUESDAY, MARCH 5, 1996**

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

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

Absent: Council Members: None.

Upon motion unanimously adopted, Council recessed to a Closed Session at 9:35 a.m. in Room 600 to confer with Labor Negotiator pursuant to Government Code Section 54957.6, City Negotiator City Manager designee Lynn Boland, regarding International Brotherhood of Electrical Workers Employee Organization, and with City Negotiator, City Manager designee Mark Linder, regarding Operating Engineers, Local 3, Employee Organization.

By unanimous consent, Council reconvened from the Closed Session and recessed at 11:15 a.m. and reconvened at 1:38 p.m. in Council Chambers, City Hall.

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

Absent: Council Members: None.

### **INVOCATION**

Mike Amaral, a student at Bellarmine College Preparatory and member of the San José Chapter of “Kids Voting” Students Advisory Committee, and San José Youth Commissioner, District 6 representative, made a presentation on the March 19 “KidsVention”, issues and challenges facing youth today and into the 21st century, and the nonpartisan and non-profit “Kids” organization which provides voter education to youth of all ages. (District 3)

### **PLEDGE OF ALLEGIANCE**

Mayor Hammer led in the Pledge of Allegiance.

Mayor Hammer introduced the guests accompanying Bellarmine student Mike Amaral: Ed Flood, Volunteer with “Kids Voting” and Student Advisory Committee Coordinator; Mike’s

father, Mike Amaral, Sr., San José Police Officer; and family friend, Marvin Lewis, San José Police Department.

## **ORDERS OF THE DAY**

Upon motion by Council Member Powers, seconded by Vice Mayor Johnson and unanimously carried, the Orders of the Day and the Amended Agenda were approved. Vote: 11-0-0-0.

## **CEREMONIAL ITEMS**

- 5a Presentation to the City Council by the American Cancer Society of Greater Santa Clara County regarding their annual Daffodil Days fundraising event.  
(Mayor)**

Documents Filed: None.

Discussion/Action: Linda Crabill, representing the American Cancer Society of Greater Santa Clara County, requested the assistance of the City Council in promoting Daffodil Days, a major fundraiser for the American Cancer Society, presented to each Council Member a “Silk Daffodil” and a “lapel button” and encouraged the City Council to display the items to further promote the fundraising campaign. She stated pre-sale orders can be placed with a representative through March 8 with delivery scheduled on March 25, 1996.

The City Council joined Mayor Hammer in congratulating Council Member Woody who was honored by the Santa Clara County Human Relations Council during their 16th Annual Recognition Awards Banquet at Lou’s Village on February 17, 1996.

## **CONSENT CALENDAR**

Upon motion by Council Member Fernandes, seconded by Vice Mayor Johnson and unanimously carried, the Consent Calendar was approved and the below listed actions were taken as indicated. Vote: 11-0-0-0.

### **Minutes for Approval**

- 6a(1) Joint City Council/Redevelopment Agency Meeting of February 1, 1996**

Documents Filed: Minutes of February 1, 1996.

Discussion/Action: The Minutes were approved. Vote: 11-0-0-0.

**6a(2) 1996 State of the City Convocation, February 5, 1996**

Documents Filed: Minutes of February 5, 1996.

Discussion/Action: The Minutes were approved. Vote: 11-0-0-0.

**6a(3) Regular Meeting of February 6, 1996**

Documents Filed: Minutes of February 6, 1996.

Discussion/Action: The Minutes were approved. Vote: 11-0-0-0.

**Ordinances for Final Adoption**

**6b(1) ORD. NO. 25045 - Amends 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.**

Documents Filed: Proof of publication of the title of Ordinance No. 25045 submitted by the City Clerk.

Discussion/Action: Ordinance No. 25045 was adopted. Vote: 11-0-0-0.

**6b(2) ORD. NO. 25046 - Rezones certain real property situated on the northeasterly side of Yerba Buena Road, 150 feet southerly of Baronet Court. PDC 90-02-012**

Documents Filed: (1) Memorandum from City Attorney, Joan R. Gallo, dated March 5, 1996, summarizing actions taken regarding the conditions of approval agreed to by the Developer of the subject project in the Evergreen Development Policy Area. (2) Proof of publication of the title of Ordinance No. 25046 submitted by the City Clerk

Discussion/Action: Ordinance No. 25046 was adopted. Vote: 11-0-0-0.

**6b(3) ORD. NO. 25047 - Prezones certain real property situated on the west side of Kettman Road, 250 feet north of Casey Way. PDC 92-03-028**

Documents Filed: (1) Memorandum from City Attorney, Joan R. Gallo, dated March 5, 1996, summarizing actions taken regarding the conditions of approval agreed to by the Developer of the subject project in the Evergreen Development Policy Area. (2) Proof of publication of the title of Ordinance No. 25047 submitted by the City Clerk.

Discussion/Action: Ordinance No. 25047 was adopted. Vote: 11-0-0-0.

**6b(4) ORD. NO. 25048 - Rezones certain real property situated on the southwest side of Nieman Boulevard, 800 feet south of Wendover Lane. PDC 92-08-046**

Documents Filed: (1) Memorandum from City Attorney, Joan R. Gallo, dated March 5, 1996, summarizing actions taken regarding the conditions of approval agreed to by the Developer of the subject project in the Evergreen Development Policy Area. (2) Proof of publication of the title of Ordinance No. 25048 submitted by the City Clerk

Discussion/Action: Ordinance No. 25048 was adopted. Vote: 11-0-0-0.

**6b(5) ORD. NO. 25049 - Rezones certain real property situated on both sides of Nieman Boulevard, 1,400 feet north of Yerba Buena Road. PDC 93-11-051**

Documents Filed: (1) Memorandum from City Attorney, Joan R. Gallo, dated March 5, 1996, summarizing actions taken regarding the conditions of approval agreed to by the Developer of the subject project in the Evergreen Development Policy Area. (2) Proof of publication of the title of Ordinance No. 25049 submitted by the City Clerk

Discussion/Action: Ordinance No. 25049 was adopted. Vote: 11-0-0-0.

**6b(6) ORD. NO. 25050 - Rezones certain real property situated on the east side of 11th Street between Martha Street and Bestor Street. PDC 95-10-049**

Documents Filed: Proof of publication of the title of Ordinance No. 25050 submitted by the City Clerk.

Discussion/Action: Ordinance No. 25050 was adopted. Vote: 11-0-0-0.

**6b(7) ORD. NO. 25051 - Rezones certain real property situated on the southwest corner of Monroe Street and Hemlock Avenue. PDC 95-08-040**

Documents Filed: Proof of publication of the title of Ordinance No. 25051 submitted by the City Clerk.

Discussion/Action: Ordinance No. 25051 was adopted. Vote: 11-0-0-0.

## Public Hearings Set by Council

- 6c(1) Adoption of a resolution setting Special Assessment public hearing on March 19, 1996 at 1:30 p.m. for unpaid Recycle Plus garbage bills. (Finance)**

Documents Filed: Memorandum from Director of Finance, John V. Guthrie, dated February 15, 1996, recommending Council adopt said resolution.

Discussion/Action: Resolution No. 66453, entitled: "A Resolution of the Council of the City of San José Setting a Special Assessment Public Hearing For Unpaid Recycle Plus Bills", was adopted. Vote: 11-0-0-0.

- 6c(2) Adoption of a resolution of intention to vacate all of Gunn Court northwesterly of East Hills Drive, reserving a public service easement over the entire area, and setting a public hearing on March 26, 1996 at 1:30 p.m. CEQA: Exempt. (Public Works)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated February 15, 1996, recommending Council adopt said resolution.

Discussion/Action: Resolution No. 66454, entitled: "Resolution of the Council of the City of San José Approving a Certain Map Showing All of Gunn Court Northwesterly of East Hills Drive Which Said Council Proposed to Vacate, Subject to the Reservation of a Certain Public Service Easement; Directing the City Clerk to File Said Map in the Office of the City Clerk; Describing Said Street and Easement to be Reserved; Setting a Public Hearing Thereon; and Directing Notice Thereof to be Posted", was adopted. Vote: 11-0-0-0.

## Plans and Specifications

- 6d(1) TRACT NO. 8794 - Southside of east San Antonio Street - Daybreak-San José, L.P., a California Limited Partnership - 79 single-family detached residential lots. Adoption of resolutions approving the plans, final map and contract for Tract No. 8794. CEQA: ND. District 5. (Public Works) (Rules Committee referral 2/28/96)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated February 23, 1996, recommending Council adopt said resolutions for Tract No. 8794.

Discussion/Action: Resolution No. 66455, entitled: "A Resolution of the Council of the City of San José Fixing Official Curb Grades and Position of Curbs, and Adopting

Plans For Tract No. 8794”; Resolution No. 66456, entitled: “A Resolution of the Council of the City of San José Approving and Accepting Final Map of Tract No. 8794”, and Resolution No. 66457, entitled: “A Resolution of the Council of the City of San José Approving and Authorizing the Execution of Contract and Approving Bonds for the Improvement of Tract No. 8794”, were adopted. Vote: 11-0-0-0.

## **Contracts/Agreements**

- 6e(1) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 1995-96 #18, 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 15, 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. 18 for Fiscal Year 1995-96 was approved and execution of the purchase orders authorized. Vote: 11-0-0-0.

- 6e(2) Adoption of a resolution authorizing the Director of Housing to negotiate and execute an agreement with San José Neighborhood and Housing Services (NHS) in the amount of \$79,050 to establish a NeighborWorks Program in the City of San José and authorizing the Director of Housing to execute the agreement. (Housing)**

Documents Filed: Memorandum from Director of Housing, Alex Sanchez, dated February 15, 1996, recommending Council approve the agreement with San José Neighborhood and Housing Services to establish said Program and authorize the Director of Housing to execute the agreement.

Discussion/Action: William J. Garbett spoke against the proposed action. Resolution No. 66458, entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Housing to Negotiate and Execute An Agreement With San José Neighborhood and Housing Services in the Amount of \$79,050 to Establish a NeighborWorks Program in the City of San José”, was adopted. Vote: 11-0-0-0.

- 6e(3) Report on bids and award of contract for the Construction of Wheelchair Ramps Project Unit 1B to the low bidder, Vargas and Esquivel Construction, Inc., in the amount of \$130,288. CEQA: Exempt. (Public Works)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated February 15, 1996, recommending Council approve award of contract to said low bidder.

Discussion/Action: The award of contract to Vargas and Esquivel Construction, Inc., was approved and execution of the contract authorized. Vote: 11-0-0-0.

**6e(4) Approval of an amendment to the employment agreement with Edith Ramirez. (Fiscalini)**

Documents Filed: None.

Discussion/Action: The amendment to the employment agreement with Edith Ramirez was approved and execution of the amendment authorized. Vote: 11-0-0-0.

**6e(5) Approval of an agreement for consultant services with Simon Martin-Vegue Winkelstein Moris (SMWM) for the Civic Operations Master Plan Phase-A (Strategy Options) for a term from date of execution to December 31, 1996 in the amount of \$105,000. (Public Works)  
[Deferred from 2/27/96 - Item 6e(7)]**

Documents Filed: (1) Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated February 29, 1996, recommending Council approve said agreement with Simon Martin-Vogue Winkelstein Morris in an amount of \$105,000. (2) Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated February 9, 1996, recommending Council approve said agreement in an amount to be negotiated.

Discussion/Action: Council Member Pandori underscored the importance for the City and the Redevelopment Agency to coordinate their efforts in developing the scope of services for both Phase A and Phase B of the Master Plan, and to transmit to Council a consolidated report on conclusions, evaluation results, and recommendations for general locations of City Offices. As a point of clarification, Director of Public Works, Ralph A. Qualls Jr., stated the firm of Simon Martin-Vegue Winkelstein Moris as recommended has as its local associate The Steinberg Group Architects, which information was inadvertently omitted from the Staff report. The consultant services agreement with Simon Martin-Vogue Winkelstein Morris (SMWM) was approved and execution of the consultant services agreement authorized. Vote: 11-0-0-0

**6e(6) Approval of an amendment to the employment agreement with Beth Trask. (Fernandes)**

Documents Filed: None.

Discussion/Action: The amendment to the employment agreement with Beth Trask was approved and its execution authorized. Vote: 11-0-0-0.

## **Routine Legislation**

- 6f(1) Adoption of a resolution approving a change in the use of the previously approved CDBG funds of \$292,500 from property acquisition/rehabilitation to pre-development costs related to the Emergency Housing Consortium's proposed homeless shelter. (Parks, Recreation and Neighborhood Services)  
[Deferred from 4/25/95 - Item 6f(10)]**

Documents Filed: None.

Discussion/Action: This item was dropped from the Agenda.

- 6f(2) Adoption of appropriation ordinance and revenue resolution amendments in the General Fund in the amount of \$786,450 and the Vehicle Maintenance and Operations Fund in the amount of \$67,050 for the purchase and operation of 20 new marked vehicles for the Police Department. (City Manager's Office)  
Ordinance No. 25053 adopted.**

Documents Filed: Memorandum from Budget Director, Larry D. Lisenbee, dated February 15, 1996, recommending Council approve said amendments to the appropriation ordinance and revenue resolution in the General Fund and Vehicle Maintenance and Operations Fund.

Discussion/Action: Ordinance No. 25053, entitled: "An Ordinance of the Council of the City of San José Amending Ordinance No. 24945 Which Appropriates Moneys in the General Fund in the Total Amount of \$786,450 and in the Vehicle Maintenance and Operations Fund in the Total Amount of \$67,050, for the Purchase and Operation of 20 New Marked Vehicles in the Police Department; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption"; and Resolution No. 66459, entitled: "A Resolution of the Council of the City of San José Amending Revenue Resolution No. 66026 For the Fiscal Year 1995-96 to Adjust Revenues in the Vehicle Maintenance and Operations Fund", were adopted. Vote: 11-0-0-0.

- 6f(3) Adoption of a resolution authorizing the replacement of the lost City of San José bond listed in the schedule entitled "Request for Replacement of Lost Bond" dated November 29, 1995. (Finance)**

Documents Filed: Memorandum from Director of Finance, John V. Guthrie, dated February 15, 1996, recommending Council adopt said resolution.

Discussion/Action: Resolution No. 66460, entitled: "A Resolution of the City of San José Authorizing the Issuance of Replacement Bond Certificate", was adopted. Vote: 11-0-0-0.

- 6f(4) Adoption of a resolution authorizing the City Manager to submit a grant application to the California State Library for a 1995/96 African American Materials Grant in the amount of \$10,000, to accept the grant if awarded and to execute all related documents. (Library)**

Documents Filed: Memorandum from City Librarian, James H. Fish, dated February 15, 1996, recommending Council adopt said resolution.

- 6f(4) (Cont'd.)**

Discussion/Action: Resolution No. 66461, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute and Submit An Application to the California State Library for an African Americans Materials Grant in An Amount Not to Exceed \$10,000, to Accept the Grant If Awarded, and to Execute All Related Documents", was adopted. Vote: 11-0-0-0.

- 6f(5) Adoption of a resolution approving travel for Mayor Susan Hammer and Chief of Staff Gary Robinson to travel to Chicago, Illinois, on March 11-12, 1996, to attend the National Conference of Democratic Mayors. (Funding: NCDM Budget for the Mayor's flight; Officeholder Account for the Mayor's hotel and expenses, and Officeholder Account for all of the Mayor's Chief of Staff's travel expenses). (Mayor)**

Documents Filed: None.

Discussion/Action: William J. Garbett spoke against the recommended action. Mayor Hammer stated for the public record that the travel expenses to attend the National Conference of Democratic Mayors is not funded by the City's General Fund. Resolution No. 66462, entitled: "A Resolution of the Council of the City of San José Approving Travel to Chicago, Illinois, to Attend the National Conference of Democratic Mayors Meeting During March 11 and March 12, 1996", was adopted. Vote: 11-0-0-0.

- 6f(6) Approval of a Deferred Annexation Agreement (Lands of Kalshed et. al.) for approximately 23.7 gross acres zoned A-20 in the County located on the southeast corner of Santa Teresa Boulevard and Richmond Avenue, and authorization for the City Clerk to forward the agreement to County staff for recordation. CEQA: Exempt. (Planning, Building and Code Enforcement)**

Documents Filed: Memorandum from Director of Planning, Building and Code Enforcement, Gary J. Schoennauer, dated February 15, 1996, recommending Council authorize the City Clerk to execute a Deferred Annexation Agreement for the Lands of W.R. Kalshed, et al., and forward said agreement to the County of Santa Clara for recordation.

Discussion/Action: The Deferred Annexation Agreement was approved and its execution and recordation authorized. Vote: 11-0-0-0.

- 6f(7) Direction to the Mayor to send a letter to the County of Santa Clara, which:**
- (a) States that the City is not interested in acquiring title to the Alviso Marina County Park, as offered in the 1993 Redevelopment Settlement Agreement with the County of Santa Clara; and**
  - (b) Encourages the County to complete improvements to the County Park as soon as practically possible, coordinating with the City as necessary and appropriate.**
- (Planning, Building and Code Enforcement)**

Documents Filed: Memorandum from Director of Planning, Building and Code Enforcement, Gary J. Schoennauer, dated February 15, 1996, recommending Council direct the Mayor to convey to Santa Clara County the City's position regarding acquisition of the Alviso Marina County Park.

Discussion/Action: In response to Council Member Fiscalini's question regarding the City's consideration to acquire Alviso Marina, Director of Planning, Building and Code Enforcement, Gary J. Schoennauer, stated the City should not assume title to the Alviso Marina County Park and that the Marina should remain under County jurisdiction with liability for improvements and maintenance and associated costs assumed by the County. He stated the City should encourage the County to complete its Preferred Plan for the park and then to construct the improvements as soon as practically possible to enhance the public's access to the area. He stated the County may need to coordinate public street issues with the City during preparation of the final plan, and that the Department of Environmental Services should be contacted with respect to potential wetlands enhancement on the site. Council Member Fernandes stated the Alviso Master Plan Task Force, after considerable discussion, voted unanimously to recommend that the Park remain under County ownership. Staff recommendation for the Mayor to communicate to Santa Clara County Board of Supervisors the City Council's decision regarding acquisition of Alviso Marina County Park, was approved with a request that the County support funding of the Master Plan for those improvements specified in the February 15, 1996 Staff report. Vote: 11-0-0-0.

- 6f(8) Adoption of a resolution approving the map and summarily vacating a portion of the public service easement reserved over the northwesterly 40 feet of vacated Mission Street, between North Seventh and North Eighth Streets.**
- (Public Works)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated February 15, 1996, recommending Council adopt said resolution.

- 6f(8) (Cont'd.)**

Discussion/Action: Resolution No. 66463, entitled: "Resolution of the Council of the City of San José Approving a Map of and Summarily Vacating the Northwesterly 40 Feet of the 80-Foot Public Service Easement Between North Seventh and Eighth Streets", was adopted. Vote: 11-0-0-0.

## END OF CONSENT CALENDAR

### COMMISSION, COMMITTEE, AND STANDING REPORTS

#### 7b Report of the Rules Committee - February 21, 1996

Documents Filed: Rules Committee report of February 21, 1996.

- (1) Review March 5 Council Agenda

The Committee recommended approval of the March 5, 1996 Council Agenda.

- (2) Add New Items to February 27 Amended Council Agenda

The Committee recommended four additions and one change to the February 27, 1996 Amended Council Agenda.

- (3) The Public Record

None filed.

- (4) Approve recommended City positions for March ballot measures. Attachment: Memorandum from Director of Intergovernmental Relations, Georgiana Flaherty, dated February 16, 1996, recommending approval of the recommended City positions for each of the Statewide Ballot Propositions set for the March 26, 1996 Primary Election.

- (a) Prop 192 Seismic Retrofit Bond Act of 1996

This item heard by Council on February 27, 1996.

- (b) Prop 193 Property Appraisal. Exception.  
Grandparent-Grandchild Transfer  
Recommended City Position: NO POSITION

#### 7b Report of the Rules Committee - February 21, 1996 - (Cont'd.)

- (4) Approve recommended City positions for March ballot measures (Cont'd.)  
(c) Prop 194 Prisoners. Joint Venture Program.

Unemployment Benefits. Parole  
Recommended City Position: NO POSITION

(d) Prop 195 Punishment. Special Circumstances.  
Carjacking. Murder of Juror  
Recommended City Position: NO POSITION

(e) Prop 196 Punishment for Murder. Special Circumstances.  
Drive-By Shootings  
Recommended City Position: NO POSITION

(f) Prop 197 Amendment of California Wildlife Protection Act of  
1990 (Proposition 117).  
Mountain Lions  
Recommended City Position: NO POSITION

(g) Prop 198 Elections. Open Primary  
Recommended City Position: NO POSITION

(h) Prop 199 Limits on Mobilehome Rent Control.  
Low-Income Rental Assistance

This item heard by Council on February 27, 1996.

(i) Prop 200 No-Fault Motor Vehicle Insurance  
Recommended City Position: OPPOSE

(j) Prop 201 Attorneys' Fees. Shareholder Actions.  
Class Actions  
Recommended City Position: OPPOSE

(k) Prop 202 Attorneys' Contingent Fees. Limits  
Recommended City Position: SUPPORT

(l) Prop 203 Bonds. Public Education Facilities

This item heard by Council on February 27, 1996.

The Committee approved the recommended City positions for the Statewide  
Ballot Propositions set for the March 26, 1996 Primary Election.

**7b Report of the Rules Committee - February 21, 1996 - (Cont'd.)**

(5) Request to use Council General funds to attend National League of Cities  
meeting in Washington, D.C., March, 1996. Attachment: Memorandum from  
Council Member Diaz, dated February 8, 1996, requesting authorization for  
the use of Council General Funds.

The Committee approved the use of Council General Funds by Council Member Diaz to attend the National League of Cities Conference in Washington, D.C., March 9-12, 1996.

- (6) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointees.

None presented.

- (7) City Council and Rules Committee Meeting Schedules

The Committee recommended cancellation of the February 22, 1996 Committee of the Whole

- (8) Oral Communications

None presented.

- (9) Adjournment

The meeting adjourned at 3:00 p.m.

Discussion/Action: Upon motion by Vice Mayor Johnson, seconded by Council Member Fernandes and carried, the Rules Committee report and actions of February 21, 1996 were accepted with Council Member Dando voting "No" on Items 7b(4)(i) and 7b(4)(j). Vote: 11-0-0-0.

**7e Report of the Transportation, Development, and Environment Committee February 22, 1996**

Documents Filed: Transportation, Development, and Environment Committee report of February 22, 1996.

- (1) Consent Calendar  
(a) Downtown San José Transit Study Quarterly Report No. 2, January, 1996. Attachment: January 1996 project status report on the Downtown San José Transit Study.

The Committee accepted the status report with direction to Staff to return to Committee on March 28, 1996 with information as requested and a recommendation.

- (2) Report Requesting Support for the Policy for Use of AB 434 ( Sher) Clean Air Funds. Attachment: Memorandum from Director of Environmental Services, Louis N. Garcia, dated February 8, 1996, recommending Council adopt the

policy in support of the use of Bay Area Air Quality Management District AB 434 funds for the construction of alternative fuels fueling stations, transit or rideshare subsidies, and the conversion to alternative fuels of up to ten percent of all mobile source emitting municipal motor vehicles.

The Committee recommended approval of the Staff recommendation.

(3) Report and Recommendation regarding Street Maintenance Needs

The Committee continued discussion of this item to March 14, 1996 meeting of the Transportation, Development and Environment Committee.

(4) Hazardous Materials Program Semi-Annual Report. Attachment: Memorandum from Acting Fire Chief, Robert Dorman, dated February 7, 1996, recommending approval of the Fire Department's Hazardous Materials Program Semiannual Report.

The Committee accepted the semi-annual report on the Hazardous Materials Program.

(5) Oral Petitions

None presented.

(6) Adjournment

The meeting adjourned at 4:00 p.m.

Discussion/Action: Noting the continuance of Committee discussion of the recommend-ation regarding Street Maintenance Needs, Item 7e(3), Council Member Dando requested that Staff include a category to identify unimproved streets with the overall condition rating. Upon motion by Council Member Fernandes, seconded by Vice Mayor Johnson and unanimously carried, the Transportation, Development, and Environment Committee report and actions of February 22, 1996 were accepted with direction to Staff to add to the discussion of the City's Street Maintenance Program, under sub-programs category, a designation for "unimproved streets". Vote: 11-0-0-0.

## LAND USE AND DEVELOPMENT

**8a PUBLIC HEARING on the designation of the Winchester House as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of an historic nature. CEQA: Exempt. (Historic Landmarks Commission)**

Documents Filed: (1) Memorandum from Secretary, Historic Landmarks Commission, Gary J. Schoennauer, dated February 15, 1996, stating the Historic Landmarks Commission recommends that Council adopt a resolution designating the Winchester

House, original outbuildings, and site as City Historic Landmark No. 95-101. (2) Memorandum from Historic Landmarks Commission, dated July 21, 1995, recommending that the City Council (a) adopt a resolution initiating proceedings to consider the Winchester House as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of an historic nature; (b) refer the proposed landmark designation to the Historic Landmarks Commission for its consideration at a public hearing, report, and recommendation; and (c) set a City Council public hearing on October 3, 1995 at 1:30 p.m., City Hall. (3) Notice of Public Hearings on the Proposed Designation of the Winchester House as a Historic Landmark in the City of San José, dated January 19, 1996. (4) Affidavits of Routing and Mailing of a certified copy of Resolution No. 66464, each dated March 12, 1996. (5) Letter from Director of Planning, Building and Code Enforcement, Gary J. Schoennauer, to Keith R. Kittle, General Manager, Winchester Mystery House, dated February 6, 1996, responding to questions regarding the pending City Landmark designation of the Winchester Mystery House buildings and site.

Discussion/Action: Mayor Hammer opened the public hearing on the Winchester House landmark designation. Keith R. Kittle, General Manager, Winchester Mystery House, spoke in support of the proposed designation. Upon motion by Council Member Fernandes, seconded by Vice Mayor Johnson and unanimously carried, the public hearing was closed, the Historic Landmarks Commission recommendation approved, and Resolution No. 66464, entitled: “Resolution of the Council of the City of San José Designating, Pursuant to the Provisions of Chapter 13.48 of Title 13 of the San José Municipal Code, the Winchester House Buildings and Site As a Landmark of Special Historical, Architectural, Cultural, Aesthetic or Engineering Interest or Value of a Historic Nature”, was adopted. Vote: 11-0-0-0.

## **GENERAL GOVERNMENT**

### **9d Presentation and update on the San José Education Network Program. (Mayor) (Orders of the Day - Item 4a)**

Documents Filed: None.

Discussion/Action: David Katz, Director of San José Education Network, summarized the San José Education Network progress report, discussed the Smart Schools NetDay ‘96 Program, and reviewed the plans for the 1996 Summer Institute. He identified the four basic program goals—to complete the network in 30 San José High Schools by June 1997, to bring every school in San José on line in at least a single computer lab by the end of 1996, to train 2,000 teachers by Summer of 1997, and to develop programs that define the cutting edge of how telecommunications will redefine 21st century education—and reported on the progress toward those goals and whether the programs were ahead of or on schedule. He stated the SJEN and Smart Valley Partnership in Santa Clara County, to implement the San José Education Network Model, will wire complete schools—not just a few classrooms—and will require that the schools develop a

comprehensive plan and assume all costs not provided by SJEN/Smart Valley. He stated the City of San José, by the end of NetDay '96, will have many of its schools actively integrating the World Information Infrastructure into educational programs, and that this is the result of a massive public-private partnership initiated by the City's \$1 million commitment to local schooling in 1993. He stated 19 schools in the School Districts of Alum Rock, East Side, Santa Clara County, Franklin-McKinley, Campbell High, Cupertino, Evergreen, Campbell Elementary, and Cambrian will participate in Smart Schools NetDay '96. Upon motion by Council Member Fernandes, seconded by Council Member Powers and unanimously carried, the progress report on the San José Education Network Program, was accepted. Vote: 11-0-0-0.

## LAND USE AND DEVELOPMENT

**8b PUBLIC HEARING on the designation of the Andrew P. Hill House as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of an historic nature. CEQA: Exempt. (Historic Landmarks Commission)**

Documents Filed: (1) Memorandum from Secretary, Historic Landmarks Commission, Gary J. Schoennauer, dated February 15, 1996, stating the Historic Landmarks Commission recommends that the City Council adopt a resolution designating the Andrew P. Hill House and Site as City Historic Landmark No. 95-104. (2) Notice of Public Hearings on the Proposed Designation of the Andrew P. Hill House as a Historic Landmark in the City of San José, dated January 19, 1996. (3) Affidavits of Routing and Mailing of a certified copy of Resolution No. 66464, each dated March 12, 1996.

Discussion/Action: Mayor Hammer opened the public hearing on the Andrew P. Hill House landmark designation. Joseph Zanger, property owner, encouraged the City to provide assistance in relocating the Andrew P. Hill House to Kelly Park. Council Member Pandori stated the Historic Landmarks Commission and the property owner both recognize that the long-term preservation of the Hill House could best be achieved by supporting a program to relocate the house to the San José Historical Museum site; meanwhile, the Commission recommends designation of the Andrew P. Hill House and site as a City Landmark, which does not preclude relocation of the house to the site of the Historical Museum if the project secures funding in the future. He encouraged Council to direct the Historic Museum Staff and Board to evaluate the relocation of the Andrew Hill House to the Museum site and to report back with recommendations to the Council through the appropriate Committee. Upon motion by Council Member Pandori, seconded by Council Member Fiscalini and unanimously carried, the public hearing was closed and Resolution No. 66465, entitled: "Resolution of the Council of the City of San José Designating, Pursuant to the Provisions of Chapter 13.48 of Title 13 of the San José Municipal Code, The Andrew P. Hill House Building and Site As a Landmark of Special Historical, Architectural, Cultural, Aesthetic or Engineering Interest or Value of a Historic Nature", was adopted and the evaluation of the relocation of the Andrew Hill House to the Historical Museum site referred to the Museum Staff and the Stabilization Board with a report back to Council via the appropriate Council Committee, and to include in the report cost implications and

whether the relocation conforms to the Master Plan goals and guidelines. Vote: 11-0-0-0.

## GENERAL GOVERNMENT

**9c Report and recommendations from the San José Historical Commission regarding policies for acquisition and protection of collections and archives of the Historical Museum. (City Manager's Office)**

Documents Filed: Supplemental memorandum from Assistant City Manager, Debra J. Figone, dated February 27, 1996, discussing various Historic Landmarks Commission issues.

Discussion/Action: Assistant City Manager, Debra J. Figone, itemized with accompanying responses from the Administration the recommendations from the Historic Landmarks Commission, outside those related to the Central Service Yard. She stated the City-wide collections policy needs to be updated and augmented to include all City departments; therefore, preparation of a policy for review and comment by the end of the calendar year has been included in the Historical Museum's Workplan. She stated a Museum Technical Advisor was hired to work with Staff to develop a plan for the inventory and cataloguing of collections, which is scheduled for completion by September 1997, to facilitate the relocation of the Historical Museum collections to the Central Service Yard site. Regarding the oversight of the ongoing program of acceptance and/or rejection of historical objects and papers, she stated the Administration recommends that the Historic Landmarks Commission maintain the role of an advisory body to the City Council as set forth in the ordinance which established the Historic Landmarks Commission; however, the professional Museum Staff will work with the Commission on issues pertaining to acquisitions and deaccessions. She stated the Stabilization Board has developed a Strategic Plan for the Historical Museum which includes a financial component for future operation of Museum collections and archives, and will submit a report to Council by June 1996. Robert Kumamoto, Chair, Historic Landmarks Commission, reiterated the Commission's recommendations, as contained in the February 24, 1996 memorandum, and consensus that the future of Museum archives and collections is a City-wide issue. William J. Garbett spoke to the violation of the Brown Act regarding proper noticing of public meetings. Referencing item #3 of the recommendations from the Historic Landmarks Commission, Council Member Pandori asked Staff to explain the role of the City Council in matters relating to retention and discarding of historical materials and artifacts, and requested that when the new policy is developed that incorporated in the procedural framework for decision-making processes a provision which would minimize the Council's role. Deputy City Manager, Adrianna Garza, stated the City's current policy requires the submission of deaccession lists to the Historic Landmarks Commission for review; however, the proposed revisions will include the Commission in both accession and deaccession of historical documents and artifacts, with the Commission to include those activities in the annual report to the City Council. Vice Mayor Johnson stated she considers the Commission's advice on policy changes and additions a major factor of the Commission's purpose and responsibility, and that the Commission should report to

Council probable policy changes as they become apparent, in addition to the annual reporting process. Council Member Fernandes stated that when the Core Committee was formed by the City Council, one of the charges to the Committee was to reexamine the relationship of the Historic Landmarks Commission to the Parks and Recreation Commission and to the Historical Museum; concisely, additional time should be dedicated to strengthening that relationship and fostering solidarity in policy making as it relates to Museum archives and collections. Upon motion by Vice Mayor Johnson, seconded by Council Member Fernandes and unanimously carried, the Staff report and responses to policy recommendations submitted by the Historic Landmarks Commission in their memo-randum of February 24, 1996, were accepted with direction to Staff to respond to con-cerns expressed by Council Members and to re-examine the relationship between the Historic Landmarks Commission to the Parks and Recreation Commission to the Historical Museum, and to concentrate on the role of each group in making policies pertaining to Museum archives and collections. Vote: 11-0-0-0.

**9a Adoption of a resolution:**

- (1) Approving business terms for a \$2,250,000 permanent loan to Catalonia Associates, a project specific, tax credit partnership entity of Eden Housing, Inc. for the development of Catalonia Townhomes, a 50-unit large-family rental housing project affordable to low- and very low-income households, on a 2.9 acre site located on the east side of Evans Lane just north of Curtner Avenue.**
- (2) Authorizing the Director of Housing to negotiate and execute all necessary permanent loan documents on behalf of the City.**

**(Housing)**

Documents Filed: Memorandum from Director of Housing, Alex Sanchez, dated February 15, 1996, recommending Council adopt said resolution.

Discussion/Action: Upon motion by Council Member Fiscalini, seconded by Vice Mayor Johnson and unanimously carried, Resolution No. 66466, entitled: "A Resolution of the Council of the City of San José (I) Approving Business Terms for a \$2,250,000 Permanent Loan to Catalonia Associates, A Project Specific, Tax Credit Partnership Entity of Eden Housing, Inc., for the Development of Catalonia Townhomes, a 50-Unit Large-Family Rental Housing Project Affordable to Low- and Very-Low Income Households, Located on the East Side of Evans Lane North of Curtner Avenue, and (II) Authorizing the Director of Housing to Negotiate and Execute All Necessary Permanent Loan Documents on Behalf of the City", was adopted.

Vote: 11-0-0-0.

**9b Approval of an ordinance amending Ordinance No. 20822, as amended, allowing Air Products and Chemicals Inc., to increase the size of nitrogen gas pipelines allowed under the non-exclusive franchise for conveyance of nitrogen gas through pipelines under, along and across public streets in the City of San José and adjusting the franchise fees for the increased pipes. CEQA: Exempt. (Public Works)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated February 22, 1996, recommending Council approve said ordinance.

Discussion/Action: Upon motion by Vice Mayor Johnson, seconded by Council Member Fiscalini and unanimously carried, Ordinance No. 25054, entitled: "An Ordinance of the City of San José Amending Ordinance No. 20822 as Amended, Allowing Air Products and Chemicals, Inc. and/or Any Wholly Owned Subsidiary Thereof to Increase the Size of Nitrogen Gas Pipelines Allowed Under the Nonexclusive Franchise for Conveyance of Nitrogen Gas Through Pipelines Under, Along and Across Public Streets in the City of San José, As the Same Now or May Hereafter Exist, and Adjusting the Franchise Fees for the Increased Size of Pipes", was passed for publication. Vote: 11-0-0-0.

**The Redevelopment Agency Board convened at 2:53 p.m. to consider Item 11a in a joint session.**

- 11a Adoption of resolutions authorizing the Executive Director and City Manager to execute an amendment to the Affordability Restriction Housing Agreement for the Renaissance Housing Project in the Rincon De Los Esteros Redevelopment Project Area to modify the requirements with regard to the Restricted Units. (City Attorney)  
(Referred from 2/27/96 - Item 11a)**

Documents Filed: Memorandum from City Attorney, Joan R. Gallo, dated March 1, 1996, further clarifying the amendment to affordable housing restriction for the Renaissance Housing Project.

Discussion/Action: Upon motion by Council Member Fernandes, seconded by Vice Mayor Johnson and unanimously carried, Resolution No. 66467, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute An Amendment to the Affordability Restriction Housing Agreement For the Renaissance Housing Project in the Rincon De Los Esteros Redevelopment Project Area", was adopted. Vote: 11-0-0-0.

**The Redevelopment Agency Board Portion of the meeting was adjourned at 2:55 p.m.**

## **ORAL COMMUNICATIONS**

- (1) David S. Wall addressed Council on the privatization of Laboratory Services at the Water Pollution Control Plant and the Laboratory Business Plan.
- (2) Bill Chew asked Council to consider coordinating the training of teachers with the training of City employees in San José Education Network activities; and commended the Willow Glen Neighborhood Association on their successful political forum.

## ADJOURNMENT

Following Oral Communications, the Council of the City of San José adjourned at 3:05 p.m., to meet again on Thursday, March 7, 1996, at 1:30 p.m. in a Joint City Council/Redevelopment Agency Board session; thereafter to meet on Thursday, March 7, 1996, at 7:00 p.m. for a Public Hearing on the Mayor's Operating Budget Message for Fiscal Year 1996-97. The regularly scheduled evening session of the City Council was cancelled and the public hearings continued as noted below.

## PUBLIC HEARINGS

- 15a 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.  
PDC 95-08-040 - District 6**

Documents Filed: None.

Discussion/Action: This item was dropped from the Agenda, as it was heard by the City Council on February 20, 1996.

- 15b PLANNED DEVELOPMENT REZONING of the property located on the east side of Guadalupe Mines Road, 150 feet southerly of Puerto Vallarta Drive, from L-R/R-1:B-3 Residence Zoning District to A(PD) Planned Development Zoning District, to allow up to 198 single-family detached residential units on 135 gross acres (International Business Machines, Owner; The Riding Co., Developer).  
PDC 95-02-009 - District 10**

- 15b (Cont'd.)**

Documents Filed: None.

Discussion/Action: This item was continued to March 19, 1996.

- 15c PLANNED DEVELOPMENT REZONING of the property located on the southwest corner of Meridian Avenue and Douglas Street, from A(PD) Planned Development to A(PD) Planned Development Zoning District, to allow commercial uses in an existing building on .28 gross acre (Steve Carauddo, Owner; Dr. Kevin**

**Calvert, D.D.S., Developer). CEQA: Exempt. Director of Planning recommends approval. Planning Commission recommends approval (6-0-1).  
PDC 95-12-054 - District 6**

Documents Filed: None.

Discussion/Action: This item was continued to March 19, 1996.

- 15d PLANNED DEVELOPMENT REZONING of the property located on the north side of Pine Avenue, 80 feet westerly of Lupton Avenue, from R-1 Residence Zoning District to A(PD) Planned Development Zoning District, to allow a flag lot development for one existing single-family detached residence and one new single-family detached residence on .73 gross acre (Mike Scianna, Owner/Developer). CEQA: ND. Director of Planning recommends approval. Planning Commission recommends approval (6-0-1).  
PDC 95-11-053 - District 6**

Documents Filed: None.

Discussion/Action: This item was continued to March 19, 1996.

**SUSAN HAMMER, MAYOR**

**ATTEST:**

**PATRICIA L. O'HEARN, CITY CLERK**