

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, NOVEMBER 5, 1996

The scheduled 9:30 a.m. Closed Session and the 1:30 p.m. Regular Session of the Council of the City of San Jose were cancelled and the City Council convened in the Evening Session at 7:05 p.m., Council Chambers, City Hall.

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

Absent: Council Members: Pandori (excused).

INVOCATION

Kristin Rapinchuk, 4th grader from Terrell Elementary School, sang a medley of patriotic songs. (District 10)

PLEDGE OF ALLEGIANCE

Mayor Hammer led in the Pledge of Allegiance.

ORDERS OF THE DAY

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

CEREMONIAL ITEMS

- 5a Presentation of award to the City of San José for its participation in Joint Venture: Silicon Valley Network, Healthy Community-Healthy Economy Initiative's Healthy Workforce Mentor Program. (City Manager's Office)
(Deferred from 10/22/96 - Item 5a)**

Documents Filed: None.

Discussion/Action: This item was deferred to November 12, 1996.

The City Council joined Council Member Dando in welcoming Kristin Rapinchuk, accompanied by her mother Marissa, father Steve, sister Amanda, and vocal instructor and asked them to stand to be recognized.

CONSENT CALENDAR

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

Minutes for Approval

6a(1) Regular Meeting of September 17, 1996

Documents Filed: Minutes of Regular Meeting of September 17, 1996.

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

6a(2) Regular Meeting of September 24, 1996

Documents Filed: Minutes of Regular Meeting of September 24, 1996.

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

6a(3) Regular Meeting of October 1, 1996

Documents Filed: Minutes of Regular Meeting of October 1, 1996.

Discussion/Action: Vice Mayor Johnson endorsed approval of the Minutes with one correction to reflect her absence only during Item A of the Closed Session. The Minutes were approved as corrected to reflect Vice Mayor Johnson's presence during consideration of Items B and C in Closed Session. Vote: 10-0-1-0. Absent: Pandori.

Public Hearings Set by Council

6c(1) Adoption of a resolution of intention to vacate a portion of East San Fernando Street immediately east of South Jackson Avenue, reserving a public service easement over the entire area, and setting a public hearing on December 3, 1996 at 1:30 p.m. CEQA: Exempt. (Public Works)

6c(1) (Cont'd.)

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated October 18, 1996, recommending Council adopt said resolution.

Discussion/Action: Resolution No. 66956, entitled: "A Resolution of the Council of the City of San José Approving a Certain Map Showing That Portion of East San Fernando Street Immediately East of South Jackson Avenue Which Said Council Proposes to Vacate, Subject to the Reservation of a Certain Public Service Easement and Overland Stormwater Release 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: 10-0-1-0. Absent: Pandori.

Plans and Specifications

- 6d(1) TRACT NO. 8881 - West side of Kettmann Road north of Casey Way - Nieman Partners (developer) - 25 single-family detached residential lots. Adoption of resolutions approving the plans, final map, contract, and water main extension agreement for Tract No. 8881. District 8. CEQA: ND. (Public Works) (Rules Committee referral 10/30/96)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated October 28, 1996, recommending Council adopt said resolutions regarding Tract No. 8881.

Discussion/Action: Resolution No. 66957, 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. 8881"; Resolution No. 66958, entitled: "A Resolution of the Council of the City of San José Approving and Accepting Final Map of Tract No. 8881", Resolution No. 66959, 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. 8881"; and Resolution No. 66960, entitled: "A Resolution of the Council of the City of San José Approving and Authorizing the Execution of Agreement for the Water Main Extension, Tract No. 8881", were adopted.
Vote: 10-0-1-0. Absent: Pandori.

Contracts/Agreements

- 6e(1) Adoption of a resolution approving an agreement with Unit 21 (City Association of Management Personnel). (City Manager's Office)**

- 6e(1) (Cont'd.)**

Documents Filed: Memorandum from City Manager, Regina V.K. Williams, dated October 18, 1996, recommending County adopt said resolution.

Discussion/Action: Resolution No. 66961, entitled: “A Resolution of the Council of the City of San José (1) Approving the Memorandum of Agreement Between the City of San José and City Association of Management Personnel, Unit 21; (2) Providing for the Payment of Salary and Benefits Pursuant to the Memorandum of Agreement; (3) Providing That if Any Conflict Between the Memorandum of Agreement and Salary Resolution Nos. 51870, 51871, and 51872 Exist, the Memorandum of Agreement Shall Prevail”, was adopted. Vote: 10-0-1-0. Absent: Pandori.

- 6e(2)**
- (a) Approval of a cost reimbursement agreement with the United States Department of Housing and Urban Development (HUD) for Operation Safe Home for the period October 1, 1996 to September 30, 1997.**
 - (b) Adoption of related amendments to the General Fund Appropriation Ordinance and Funding Sources Resolution in the amount of \$20,000 for sworn overtime and supplies.**
- (City Manager’s Office/Police)**

Documents Filed: Memorandum from Chief of Police Louis A. Cobarruviaz, and Budget Director Larry D. Lisenbee, dated October 18, 1996, recommending Council approve said agreement with HUD for Operation Safe Home, and adopt related amendments to the General Fund appropriation ordinance and funding sources resolution for sworn overtime and supplies.

Discussion/Action: The cost reimbursement agreement with the United States Department of Housing and Urban Development (HUD) was approved and its execution authorized; Ordinance No. 25185, entitled: “An Ordinance of the City of San José Amending Ordinance No. 25131 Which Appropriates Moneys in the General Fund in the Total Amount of \$20,000 for the Cost Reimbursement Agreement With the U.S. Department of Housing and Urban Development (HUD) For Operation Safe Home; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption”, and Resolution No. 66962, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 66717 Setting Forth the Estimated Sources of Funds for the Fiscal Year 1996-97 to Adjust Revenues in the General Fund”, were adopted. Vote: 10-0-1-0. Absent: Pandori.

- 6e(3)**
- (a) Approval of the annual renewal of the amendment to the agreement with the Drug Enforcement Administration (DEA) of the United States Department of Justice for the continuation of the San José Drug Enforcement Task Force, including two (2) clerical positions for the period October 1, 1996 to September 30, 1997.**
 - (b) Adoption of related amendments to the General Fund appropriation ordinance and funding sources resolution in the amount of \$142,557.**
- (City Manager’s Office/Police)**

Documents Filed: Memorandum from Chief of Police Louis A. Cobarruviaz, and Budget Director Larry D. Lisenbee, dated October 18, 1996, recommending Council

approve the annual renewal of the amendment to the agreement with the DEA, approve the agreement related to staffing, and adopt related amendments to the General Fund appropriation ordinance and funding sources resolution.

Discussion/Action: The annual renewal of the amendment to the agreement with the Drug Enforcement Administration (DEA) of the United States Department of Justice, including the staffing positions, was approved and its execution authorized; Ordinance No. 25186, entitled: “An Ordinance of the City of San José Amending Ordinance No. 25131 Which Appropriates Moneys in the General Fund in the Total Amount of \$142,557 to Increase the Police Department’s Personal Services Appropriation for Clerical Positions and Police Officer Overtime to Continue the Federal Drug Enforcement Administration (DEA) Task Force; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption”, and Resolution No. 66963, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 66717 Setting Forth the Estimated Sources of Funds for the Fiscal Year 1996-97 to Adjust Revenues in the General Fund”, were adopted. Vote: 10-0-1-0. Absent: Pandori.

- 6e(4) Adoption of a resolution authorizing the Director of General Services to execute an agreement with GEAC Computers, Inc., for hardware and software maintenance of the automated integrated library system, for the period July 1, 1996 to June 30, 1997, in the amount of \$144,261.09, including tax, and authorization for the Director of General Services to execute the agreement. (General Services)**

Documents Filed: Memorandum from Director of General Services, Ellis M. Jones Jr., dated October 18, 1996, recommending Council approve said agreement with GEAC Computers, Inc., and authorize the Director of General Services to execute the agreement.

- 6e(4) (Cont’d.)**

Discussion/Action: With respect to sole source vendors, Vice Mayor Johnson requested the City Manager’s Office to investigate the nonresponsiveness of sole source vendors and to resolve the issues. Resolution No. 66964, entitled: “A Resolution of the Council of the City of San José Authorizing the Director of General Services to Execute An Agreement With GEAC Computers, Inc. for Hardware and Software Maintenance of the Automated Integrated Library System for the Period July 1, 1996 to June 30, 1997 in an Amount Not to Exceed \$144,261.09, Including Tax”, were adopted with referral to the Administration to resolve issues arising from the vendor’s failure to provide Staff with required maintenance costs and agreement. Vote: 10-0-1-0. Absent: Pandori.

- 6e(5) Adoption of a resolution authorizing the City Manager to negotiate and execute a grant agreement with the Mexican American Community Services Agency**

**(MACSA) to provide gang intervention services for the period July 1, 1996 to June 30, 1997, in an amount not to exceed \$125,000.
(Parks, Recreation and Neighborhood Services)**

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Ellis E. Mitchell, dated October 18, 1996, recommending Council adopt said resolution.

Discussion/Action: Resolution No. 66965, entitled: "A Resolution of the Council of the City of San José Delegating to the City Manager the Authority to Negotiate and Execute An Agreement With the Mexican American Community Services Agency (MACSA) to Provide Gang Intervention Services in an Amount Not to Exceed \$125,000", was adopted. Vote: 10-0-1-0. Absent: Pandori.

- 6e(6) Approval of a first amendment to the consultant agreement with Biggs Cardosa Associates, Inc., for the Santa Clara Street Sidewalk Improvement Project, increasing the compensation by \$54,500, and for additional services in the amount of \$15,500, for a total agreement amount of \$120,000. CEQA: Exempt. (Public Works)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated October 18, 1996, recommending Council approve the first amendment to said agreement with Biggs Cardosa Associates, Inc.

- 6e(6) (Cont'd.)**

Discussion/Action: The first amendment to the consultant agreement with Biggs Cardosa Associates, Inc. was approved and its execution authorized. Vote: 10-0-1-0. Absent: Pandori.

- 6e(7) Adoption of a resolution approving the conveyance of 504 square feet of City-owned land to the State of California for inclusion in the Route 85/Camden Avenue off-ramp right of way and authorizing the Director of Public Works, or designee, to execute the quitclaim deed and any other documents necessary to effectuate the transfer. CEQA: Exempt. (Public Works)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated October 18, 1996, recommending Council adopt said resolution.

Discussion/Action: Resolution No. 66966, entitled: "A Resolution of the Council of the City of San José Approving the Conveyance of the City's Interest in a Strip of Real Property to the State of California for the Route 85/Camden Avenue Off-Ramp Right of Way and Authorizing the Director of Public Works to Execute the Quitclaim Deed and All Related Documents", was adopted. Vote: 10-0-1-0. Absent: Pandori.

- 6e(8) Adoption of a resolution authorizing the Director of Public Works to execute a contract change order for the Lighting Improvements for Capitol and Hillview Parks Project with Signal Electric Construction, Inc., in an amount not to exceed \$27,000, and an appropriate extension of time. CEQA: Exempt. (Public Works)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated October 18, 1996, recommending Council adopt said resolution.

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

- 6e(9) Adoption of a resolution declaring a parcel of City-owned land surplus to the needs of the City, approving the agreement for sale of surplus City-owned property to Kaufman and Broad South Bay, Inc. in the amount of \$2,500, and authorizing the Director of Public Works to execute the necessary documents. CEQA: Resolution No. 61115. (Public Works)
[Deferred from 10/1/96 - Item 6e(6) et al., and 10/22/96 - Item 6e(1)]**

- 6e(9) (Cont'd.)**

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

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

Routine Legislation

- 6f(1) (a) Authorization for 1.0 Multicultural Arts Coordinator position in the Department of Conventions, Arts and Entertainment.**
(b) Adoption of a related appropriation ordinance amendment in the Conventions, Arts and Entertainment Fund in the amount of \$38,900.
(City Manager's Office/Conventions, Arts and Entertainment)

Documents Filed: Memorandum from Acting Director of Conventions, Arts and Entertainment Nancy Johnson, and Budget Director Larry D. Lisenbee, dated October 18, 1996, recommending Council authorize said positions in the Conventions, Arts and Entertainment Department, and in the Conventions, Arts & Entertainment Fund.

Discussion/Action: Authorization for the Multicultural Arts Coordinator position in the Department of Conventions, Arts and Entertainment was granted; and Ordinance No. 25187, entitled: "An Ordinance of the City of San José Amending Ordinance No. 25131 Which Appropriates Moneys in the Convention and Cultural Affairs Fund in the Amount of \$38,900, for the Multicultural Arts Coordinator Position in the Department of Conventions, Arts and Entertainment; and Providing That This Ordinance Shall

Become Effective Immediately Upon Adoption”, was adopted. Vote: 10-0-1-0. Absent: Pandori.

- 6f(2) Adoption of appropriation ordinance and funding sources resolution amendments in the General Fund increasing the Equipment appropriation within the Planning, Building and Code Enforcement Department by \$76,350, for the purchase of vehicles and computers for the Abandoned Vehicle Program.
(City Manager’s Office/Planning, Building and Code Enforcement)**

Documents Filed: Memorandum from Director of Planning, Building and Code Enforcement Gary J. Schoennauer, and Budget Director Larry D. Lisenbee, dated October 29, 1996, recommending Council approve said appropriation ordinance in the General Fund.

- 6f(2) (Cont’d.)**

Discussion/Action: Ordinance No. 25188, entitled: “An Ordinance of the City of San José Amending Ordinance No. 25131 Which Appropriates Moneys in the General Fund to Increase the Planning, Building and Code Enforcement Department’s Equipment Appropriation in the Amount of \$76,350 for the Purchase of Vehicles and Computers for the Abandoned Vehicle Program; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption”; and Resolution No. 66967, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 66717 Setting Forth the Estimated Sources of Funds for the Fiscal Year 1996-97 to Adjust Revenues in the General Fund”, were adopted. Vote: 10-0-1-0. Absent: Pandori.

- 6f(3) Adoption of an appropriation ordinance amendment and funding sources resolution to establish an appropriation of \$300,000 within the Storm Drain Capital Fund to remove storm water pollutants from public roads, to be offset by a reduction in the Storm Drainage Services Use Charge Fund.
(City Manager’s Office)**

[Deferred from 10/22/96 - Item 6f(2) and 10/29/96 - Item 6f(5)]

Documents Filed: Memorandum from Budget Director, Larry D. Lisenbee, dated October 25, 1996, recommending Council approve said appropriation ordinance and funding source resolution amendments in the Storm Drainage Service Charge Capital Fund.

Discussion/Action: Ordinance No. 25189, entitled: “An Ordinance of the City of San José Amending Ordinance No. 25131 Which Appropriates Moneys in the Storm Drainage Service Charge Capital Fund to Establish an Appropriation in the Amount of \$300,000 for Storm Water Runoff Mitigation to Remove Storm Water Pollutants From Public Roads; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption”; and Resolution No. 66968, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 66717 Setting Forth the Estimated

Sources of Funds for the Fiscal Year 1996-97 to Adjust Revenues in the Storm Drainage Service Charge Fund”, were adopted. Vote: 10-0-1-0. Absent: Pandori.

END OF CONSENT CALENDAR

COMMISSION, COMMITTEE, AND STANDING REPORTS

7b Report of the Rules Committee - October 23, 1996

Documents Filed: Rules Committee Report of October 23, 1996.

7b Report of the Rules Committee - October 23, 1996 - (Cont'd.)

(1) Review of November 5 Council Agenda

The Committee recommended cancellation of the afternoon session of the November 5, 1996 Council meeting and approved the Agenda with one addition and one change.

(2) Add New Items to October 29 Amended Council Agenda

The Committee recommended six additions to the October 29, 1996 Amended Council Agenda.

(3) The Public Record. Attachment: Memorandum from City Clerk, Patricia L. O’Hearn, dated October 17, 1996, listing the items filed for the Public Record for the period October 9-15, 1996. (2) Memorandum from Assistant to the City Manager, Nina S. Grayson, dated 1996, summarizing the actions taken on items transmitted to the Administration and the items filed for the Public Record.

The Committee noted and filed the Public Record for the period October 9-15, 1996, after directing the Administration to make the following corrections to the Negative Declarations Report:

CP 96-05-043	Change to District 6
H 96-04-028	Change to District 2 or 9
CP 96-05-043//V 96-07-027	Change to District 6

(4) Request from the Chair of the Parking Advisory Commission to send two Commissioners to the California Public Parking Association Conference and Trade Show, November 6-8, 1996 in San Diego, California. Attachments:

(1) Memorandum from Dennis Hickey, Chair of the Parking Advisory Committee, dated October 11, 1996, requesting funding from the Citywide Board and Commission Travel Budget to send participants to the Conference and Trade Show. (2) Memorandum from City Clerk, Patricia L. O’Hearn, dated October

23, 1996, submitting to the Rules Committee information for its consideration of requests to use the Citywide Board and Commission Travel Budget.

The Committee recommended approval to use City-wide Board and Commission Travel Budget funds for Parking Advisory Commissioners Janis Karp and Dennis Hickey to attend the California Public Parking Association 1996 Conference and Trade Show, November 6-8, 1996 in San Diego, California.

7b Report of the Rules Committee - October 23, 1996 - (Cont'd.)

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

None presented.

- (6) City Council and Rules Committee meeting schedules

None presented.

- (7) Oral communications

William Chew requested information about the work plan for the newly appointed Public Education and Community Outreach Manager.

- (8) Adjournment

The meeting was adjourned at 2:50 p.m.

Discussion/Action: Upon motion by Vice Mayor Johnson, seconded by Council Member Fernandes and unanimously carried, the Rules Committee Report and actions of October 23, 1996 were accepted. Vote: 10-0-1-0. Absent: Pandori.

7d Report of the Finance Committee - October 23, 1996

Documents Filed: None.

- (1) Oral petitions
- (2) Quarterly Follow-up Report on Audit Recommendations for the Three Months Ended July 31, 1996
- (3) Monthly Auditor's Report for September 1996
- (4) Quarterly Sales Tax Report
- (5) Presentation of City Comprehensive Annual Financial Report (CAFR)
- (6) Committee schedule

Discussion/Action: This item was deferred to November 12, 1996.

LAND USE AND DEVELOPMENT

- 8a PUBLIC HEARING ON CONFORMING REZONING of the property located on the southwest corner of North First Street and Plumeria Drive, from IP-b Industrial to I-Industrial, to allow the uses and development standards of the I-Industrial Zoning District on 5 gross acres (American National Red Cross, Owner; Nexus, Developer). CEQA: Resolution No. 60197. Director of Planning recommends approval. No Planning Commission action required.**
C 96-08-051 - District 4

Documents Filed: (1) Department of Planning, Building and Code Enforcement Staff Report for C96-08-051, dated October 18, 1996, recommending approval of the proposed rezoning. (2) Notice of Public Hearing to consider a change in Zoning for C 96-08-051, dated October 7, 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. Upon motion by Council Member Fernandes, seconded by Vice Mayor Johnson and unanimously carried, the public hearing was closed and Ordinance No. 25190, entitled: "Ordinance of the City of San José Rezoning Certain Real Property Situated at the Southwest Corner of North First Street and Plumeria Drive", was passed for publication. Vote: 10-0-1-0. Absent: Pandori.

GENERAL GOVERNMENT

- 9a Adoption of a resolution:**
- (1) Approving a rehabilitation and permanent loan and business terms of \$514,000 for phases three (3) and four (4) of the 80-unit Villa Garcia United States Department of Housing and Urban Development (HUD) 236 Affordable Family Housing Project located at 7213 Clarendon Street being rehabilitated by Villa Garcia, Inc.**
 - (2) Authorizing the Director of Housing to negotiate and execute loan documents evidencing such loan on behalf of the City.**
 - (3) Finding that the use of 20% Housing Funds for the subject property is a benefit to the Redevelopment Project Areas in San José.**
- (Housing)**

Documents Filed: Memorandum from Director of Housing, Alex Sanchez, dated October 18, 1996, recommending Council adopt said resolution.

- 9a (Cont'd.)**

Discussion/Action: Upon motion by Vice Mayor Johnson, seconded by Council Member Powers and unanimously carried, Resolution No. 66969, entitled: “A Resolution of the Council of the City of San José (i) Approving a Rehabilitation and Permanent Loan of Up to \$514,000.00 to Villa Garcia Inc., for the Rehabilitation of a 80-Unit Rental Housing Project Affordable to Very Low- Low Income Persons and Families, (ii) Authorizing the Director of Housing to Negotiate and Execute All Necessary Documents Evidencing Such Loan on Behalf of the City, and (iii) Finding That the Use of 20% Housing Funds for the Subject Project is a Benefit to the Redevelopment Project Areas in San José”, was adopted. Vote: 10-0-1-0. Absent: Pandori.

9b Adoption of a resolution:

- (1) Approving a change in the business terms for a permanent loan of up to \$3,000,000 to Community Housing Developers (CHD), or its assignees, for the 112-unit Sands Drive affordable rental housing project located on the south side of Sands Drive west of Canoas Gardens Avenue.**
- (2) Authorizing the Director of Housing to negotiate and execute all documents evidencing such loan on behalf of the City.**

(Housing)

Documents Filed: None.

Discussion/Action: This item was deferred to November 19, 1996.

**9c Adoption of a resolution with regard to the California Public Utility Commission’s proposed plans for a new area code that will serve all, or part, of the existing 408 area. (Fiscalini/Hammer)
(Rules Committee referral 10/30/96)**

Documents Filed: Memorandum from Mayor Hammer and Council Member Fiscalini, dated November 1, 1996, recommending Council adopt said resolution.

Discussion/Action: Council Member Fiscalini stated Pacific Bell has determined that the existing 408 area code is facing an exhaustion of phone numbers in the near future and has proposed two possible alternatives for geographic splits of the 408 area code—the North-South Split option and the County Line Split option. He stated the North-South Split would divide the 408 region at Hamilton/Pine Avenue in San José with the

9c (Cont’d.)

Northern area retaining 408 and the Southern area falling within the new area code. He stated the County Line Split would retain the 408 area code in those jurisdictions of Santa Clara County currently within the 408 area code. He stated a split of the City of San José into two distinct area codes would disrupt and create innumerable problems

for the residents of and businesses in San José; therefore, the preferred alternative is for creation of a new area code region within the current 408 area code. Upon motion by Council Member Fiscalini, seconded by Vice Mayor Johnson and unanimously carried, Resolution No. 66970, entitled: “A Resolution of the Council of the City of San José Supporting the County Line Split Option as the Preferred Alternative for Creation of a New Telephone Area Code Region Within the Current 408 Telephone Area Code”, was adopted. Vote: 10-0-1-0. Absent: Pandori.

9d Adopt position supporting a California High Speed Rail proposal providing for San José:

- (1) Direct access to and from southern California.**
 - (2) A “high” level of service consisting of a minimum of 25 train stops in San José per day.**
 - (3) Service as part of the initial implementation phase.**
- (Public Works)**
(Orders of the Day 4a)

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated October 31, 1996, recommending Council adopt a support position on the California High Speed Rail proposal.

Discussion/Action: With respect to the draft “High Speed Rail Summary Report and 20-Year Action Plan” and the proposed “spur line” service to San Jose, Council Member Fernandes stated the City Council reviewed the plan and deemed the high speed rail system proposal inadequate to serve the needs of the San Jose/Silicon Valley area; therefore, Council adopted a position advocating that the system include direct mainline services to San José; subsequent to that action, the Santa Clara Valley Transportation Authority (VTA) has adopted the same position. She stated City Staff, the Santa Clara Valley Transportation Authority, and Commission Staff refined the operations of the high speed rail service and submitted letters to the High Speed Rail Commission proposing that the local concerns with the current alignment of the System be addressed with specific modifications. She stated San José should be identified as having direct services, rather than being served by a “spur line”; furthermore, the line to San José should be built as part of the initial Los Angeles-San Francisco system and not

9d (Cont’d.)

considered a “phase two extension” to be built at some future date after the initial system is operational. She stated the proposed position has been scheduled by the VTA Board of Directors for discussion at their meeting on November 7, 1996; after which, City Staff will coordinate the local positions with VTA for transmission to the High Speed Rail Commission by the November 8, 1996 deadline for submittal of public comments. She recommended Council approval of the revised City Council position with direction to City Staff to report back to Council via the Transportation,

Development and Environment Committee. Upon motion by Council Member Fiscalini, seconded by Council Member Fernandes and unanimously carried, the position supporting the revised California High Speed Rail proposal providing for San José direct access to and from Southern California, a “high” level of service consisting of a minimum of 25 train stops in San José per day, and service as part of the initial implementation phase, was approved. Vote: 10-0-1-0. Absent: Pandori.

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

PUBLIC HEARINGS

- 15a PUBLIC HEARING ON APPEAL OF THE PLANNING COMMISSION’S DECISION to deny a Conditional Use Permit for a project located at the east side of Chapman Street, approximately 100 feet northerly of McKendrie Street, on a 0.50 gross acre site in the R-1 Residence Zoning District, for expansion of church uses to add off-street parking and expand the festival area (St. Nicholas Greek Orthodox Church of San José, Owner; Michael Prokopakis, Developer). CEQA: ND. Staff recommends upholding Planning Commission’s decision.
CP 95-03-018 - District 6
(Continued from 11/7/95 - Item 15b, et al., and 8/20/96 - Item 15b)**

Documents Filed: None.

Discussion/Action: This item was continued to December 3, 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)
(Continued from 2/20/96 - Item 15b, et al. and 9/17/96 - Item 15a)**

Documents Filed: None.

Discussion/Action: This item was continued to December 3, 1996.

- 15d **PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING** of the property located on the south side of Stevens Creek Boulevard, 140 feet easterly of Stern Avenue, from C-1 and C-3 Commercial Zoning District to A(PD) Planned Development Zoning District, to allow up to 315 multi-family attached residential units on 7.94 gross acres (Hudson et al., Owner; Bay Apartment Communities, Inc., Developer). CEQA: ND.
PDC 96-06-033 - District 1
(Continued from 10/1/96 - Item 15g)

Documents Filed: None.

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

- 15e **PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING** of the property located on the east side of San Ignacio Avenue, 210 feet northerly of Bernal Road, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow the construction of a 150- unit hotel on 3.9 gross acres (HMH, Inc., Owner; Marriott International, Inc., Developer). CEQA: Resolution No. 56480.
PDC 96-08-049 - District 2

Documents Filed: None.

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

- 15c **PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING** of the property located on the south side of McKee Road, 480 feet easterly of North Capitol Avenue, from R-1, R-2, and R-3 Residence Zoning District to A(PD) Planned Development Zoning District, to allow up to 92 multi-family attached residential units for senior housing on 1.5 gross acres (McKee Road Associates, Owner; JSM Enterprises, Developer). CEQA: ND.
Director of Planning recommends approval.
Planning Commission recommends approval (5-0-2).
PDCSH 96-05-024 - District 5
(Continued from 10/1/96 - Item 15f)

Documents Filed: (1) Memorandum from the Planning Commission, dated October 18, 1996, recommending Council adopt an ordinance approving the subject rezoning. (2) Public Hearing Notice to consider a change in Zoning for PDCSH 96-05-024, dated August 27, 1996, and Proof of Publication submitted by the City Clerk.

Discussion/Action: Mayor Hammer opened the public hearing on the planned development rezoning of the subject property. There was no discussion from the Floor.

Upon motion by Council Member Diaz, seconded by Council Member Shirakawa, Jr. and unanimously carried, the public hearing was closed, the Planning Commission recommendation approved, and Ordinance No. 25191, entitled: "Ordinance of the City of San José Rezoning Certain Real Property situated at the South Side of McKee Road, 480 Feet Easterly of Capitol Avenue", was passed for publication.
Vote: 10-0-1-0. Absent: Pandori.

ORAL COMMUNICATIONS

- (1) Bill Chew endorsed the proposed plans to change the 408 area code as another cost effective mechanism for the City of San José.
- (2) Cathy S. Brandhorst addressed Council on the plight of the homeless population in San José.

ADJOURNMENT

The Council of the City of San José adjourned at 7:25 p.m. in memory of Marian Dearborn, mother of Senior Deputy City Manager, Darrell Dearborn.

SUSAN HAMMER, MAYOR

ATTEST:

PATRICIA L. O'HEARN, CITY CLERK

RT