

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, DECEMBER 3, 1996

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

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 9:37 a.m. in Room 600 to (A) confer with Legal Counsel pertaining to existing litigation pursuant to Government Code Section 54956.9 Subsection (a) to consider the case of the *City of San José v. Santa Clara Valley Water District*; (B) to consider public employment/public employee appointment of Director of Conventions, Arts and Entertainment, pursuant to Government Code Section 54957; and (C) to confer with Labor Negotiator pursuant to Government Code Section 54957.6 related to the following: City Negotiator–City Manager designee Lynn Boland, International Association of Firefighters Employee Organization.

By unanimous consent, Council reconvened from the Closed Session and recessed at 11:45 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

Chelsea Stock, Castillero Middle School student and “Little Annie” in the Children’s Musical Theater version of “Annie Warbucks, The Sequel”, presented a musical preview of the performance, and presented to Mayor Hammer a sweatshirt bearing the CMT logo. (Mayor)

PLEDGE OF ALLEGIANCE

Cub Scout Troop No. 32 led in the Pledge of Allegiance.

ORDERS OF THE DAY

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

CEREMONIAL ITEMS

5a Presentation of commendation to Toys for Tots. (Mayor)

Documents Filed: None.

Discussion/Action: On behalf of the City Council, Mayor Hammer presented the commendation to Steve Preminger, Marine Corps Reserve, who acknowledged the support of the sponsors and volunteers and the efforts of the Marine Corps and the San José Toys For Tots Program for collecting and distributing in 1995 more than 50,000 toys to the City's less fortunate children, and those individuals who continue to make possible the success of the Program. He stated the Marine Corps Band will participate in the Christmas-In-The-Park Parade and the musical concert in the Park, December 8, 1996, and invited all to attend. Kathy Koch, Chairperson for the Santa Clara County Toys For Tots Committee, invited all to participate in "Super Saturday", December 14, 1996 at Plaza de Caesar Chavez Park, from 8:00 a.m. to 9:00 p.m., where volunteers will be receiving toy and cash donations at the drive-through area.

5b Presentation of an award to the City of San José by the State Department of Alcoholic Beverage Control. (Mayor)

Documents Filed: None.

Discussion/Action: Mayor Hammer acknowledged the excellent work of the City of San José through ABC's G.A.L.E. Grant Program and the contributions of San José Police Chief Cobarruviaz; Jerry Jolly, Northern California Director of ABC; Lydia Engdol, District Administrator, San José Office; Forest Frazier, Cmdr, ABC Special Operations; Katie Lenihan, G.A.L.E., Project Coordinator; Lt. Phil Beltran, Special Investigations, San José Police Department; Sgt. Robert Dominguez, San José Police Department; and Doug Grant, Special Investigations Officer/ABC Liaison, San José Police Department. Dave Goss, Assistant Director for Alcoholic Beverage Control, Northern California Field Offices, acknowledged the efforts of Program participants and presented certificates in recognition of their achievements during the 1996 grant period. The ABC award was presented to Police Chief Cobarruviaz and the plaque to the San José Police Department.

5c Recognition of Team San José for their second victorious year in the Cupertino Elementary School District Educational Endowment Fund Second Annual Benefit Golf Tournament. (Johnson)

Documents Filed: None.

Discussion/Action: Joining Mayor Hammer at the Podium, Vice Mayor Johnson congratulated “Team San José “ on their victory, acknowledged the Team contribution of \$40,000 to be used in the District Math Program, and presented the trophy to Team Member, Chris Galios, San José Police Department.

5d Presentation of the “California on Location Award” to Cathy Gaskell, Senior Marketing Representative, San José International Airport, by the State of California Film Commission. (San José Convention Bureau) (Deferred from 11/12/96 - Item 5a and 11/26/96 - Item 5a)

Documents Filed: None.

Discussion/Action: Joining Mayor Hammer at the Podium, Vice Mayor Johnson introduced Joe O’Kane, Vice President, Film and Video Marketing, who presented the award and congratulated Cathy Gaskell—the first City employee in the State of California to receive the Commission’s “Employee of the Year Award”. Executive Director of San José Convention Bureau, Marion Holt, and Director of Aviation, Ralph Tonseth, expressed their appreciation to Cathy for “going the extra mile” and congratulated her on receiving the award.

CLOSED SESSION REPORT

On behalf of City Manager, Regina V.K. Williams, Senior Deputy City Manager Dearborn recommended confirmation of the following appointment:

Nancy Johnson
Director of Conventions, Arts and Entertainment

Upon motion by Council Member Powers, seconded by Vice Mayor Johnson and unanimously carried, the recommended appointment was approved. Vote: 11-0-0-0.

CONSENT CALENDAR

Upon motion by Council Member Fernandes, seconded by Council Member Fiscalini 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) Regular Meeting of October 22, 1996

Documents Filed: Minutes of Regular Meeting of October 22, 1996.

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

6a(2) Regular Meeting of October 29, 1996

Documents Filed: Minutes of Regular Meeting of October 29, 1996.

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

Ordinances for Final Adoption

- 6b(1) ORD. NO. 25201 - Amends Ordinance No. 20822, extending the term for six months of the nonexclusive franchise granted to Air Products and Chemicals, Inc. and/or any wholly-owned subsidiary thereof 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.**

Documents Filed: Proof of publication of the title of Ordinance No. 25201 submitted by the City Clerk.

Discussion/Action: Ordinance No. 25201 was adopted. Vote: 11-0-0-0.

- 6b(2) ORD. NO. 25202 - Grants a Mixed Recyclables Collection Franchise to GreenTeam of San José.**

Documents Filed: Proof of publication of the title of Ordinance No. 24202 submitted by the City Clerk.

Discussion/Action: Ordinance No. 25202 was adopted. Vote: 11-0-0-0.

- 6b(3) ORD. NO. 25203 - Grants a Mixed Recyclables Collection Franchise to The San José Conservation Corps.**

Documents Filed: Proof of publication of the title of Ordinance 25203 No. submitted by the City Clerk.

Discussion/Action: Ordinance No. 25203 was adopted. Vote: 11-0-0-0.

- 6b(4) ORD. NO. 25205 - Rezones certain real property situated on the eastside of San Ignacio Avenue, 210 feet northerly of Bernal Road.
PDC 96-08-049**

Documents Filed: Proof of publication of the title of Ordinance No. 25205 submitted by the City Clerk.

Discussion/Action: Ordinance No. 25205 was adopted. Vote: 11-0-0-0.

**6b(5) ORD. NO. 25206 - Rezones certain real property situated on the south side of Stevens Creek Boulevard, 140 feet easterly of Stern Avenue.
PDC 96-06-033**

Documents Filed: Proof of publication of the title of Ordinance No. 25206 submitted by the City Clerk.

Discussion/Action: In removing this item from the Consent Calendar for separate consideration, Vice Mayor Johnson emphasized compliance with conditions at the Planned Development Permit phase of the development, which were approved by the City Council during the public hearing held at the Berryessa Community Center on November 19, 1996. She stated the issues related to privacy and access for the single-family homes to the West of the development and that the percentage of traffic entering from Stern should reflect the percentage the traffic study indicated would use Stern. City Attorney Gallo advised Council the comments made during the November 19, 1996 public hearing on the rezoning would be incorporated in the public record of today's meeting; therefore, the following excerpt is incorporated as background information: "Mitigation measures in response to the neighborhood's concerns regarding potential environmental impacts and traffic impacts and ingress and egress affecting Stern Avenue, Culvert Drive, and Stevens Creek Boulevard will be finalized at the PD Permit phase of the project. The proposed project is in conformance with the General Plan designation of very high density residential development, residential uses on commercially designated parcels, the Intensification Corridor designations, Residential Design Guidelines and is compatible with surrounding uses. The proposed Stern Avenue access will minimize project traffic from using the surrounding street network by diverting traffic away from the neighborhood. Planning Staff completed a review of the traffic signal warrant analysis for the project and using the City's methodology calculated the traffic impacts and transportation levels of service, which traffic study concluded the project will not have significant effect on the environment. The site is currently vacant and previous uses included a restaurant, parking lot, gas station, and agricultural; therefore, very high density housing is the most appropriate development for the site, given the difficulty in obtaining commitment for full development of both parcels so that most of the exiting traffic will occur off Stevens Creek Boulevard. The Planning Commission granted the project a Negative Declaration and the Planning Staff upheld that decision, and given the project design and addition of mitigation measures, the project will not have significant effect on the environment. The use of restriction cards will be utilized by a portion of the complex to enter on Stern Avenue, and City Staff, at the PD permit phase of the project, will determine the proportion that is relative to the traffic study to assure the movements suggested by the

traffic study would be appropriate compared to the number of cars. As part of the Planned Development permit process, Staff directed to keep District One Office apprised of the progress to ensure compliance with Council direction. With respect to the visual access to the four single-family homes adjacent to the development, Staff directed to make sure that when the development is approved the backyards of the residences remain private. In opposition to the proposed rezoning, Council Member Pandori stated the development would be acceptable with reduced density". Lisa Warren and Tracy Kelley spoke in opposition to the proposed development. Mayor Hammer assured the citizens the Planning Department will not approve the development plans until all conditions of improvements imposed on the Planned Development Permit are met by the Developer. In response to Council Member Pandori's concern regarding Santa Clara's approval of a left-hand turn on Stevens Creek Boulevard through the median, Director of Public Works, Ralph A. Qualls, Jr., stated neither Santa Clara County nor the City of Cupertino want a traffic signal at that site; however, Staff will explore the issue and report back to Council accordingly. Ordinance No. 25206 was adopted. Vote: 10-1-0-0. Noes: Pandori.

Public Hearings Set by Council

- 6c(1) Adoption of a resolution initiating proceedings and setting December 17, 1996 at 1:30 p.m. as the date for Council consideration for reorganization of territory designated as Oakgrove No. 69 which involves the annexation to the City of San Jose of 54.5 acres of land, located at the west side of Cottle Road, 850 feet northerly of Larchmont Drive, and the detachment of the same from the Central Fire District and Santa Clara County Library Service Area. CEQA: Resolution No. 66836.2. (Planning, Building and Code Enforcement)**

Documents Filed: Memorandum from Director of Planning, Building and Code Enforcement, Gary J. Schoennauer, dated November 15, 1996, recommending Council schedule for consideration on the Consent Calendar of the Council Agenda of December 3, 1996 the adoption of said resolution.

Discussion/Action: Resolution No. 67018, entitled: "Resolution of the Council of the City of San José Initiating Reorganization Proceedings for Annexation and Detachment of Certain Uninhabited Territory Designated as Oakgrove No. 69 and Described Herein, and Setting the Date and Place for Consideration of Such Reorganization", was adopted. Vote: 11-0-0-0.

Contracts/Agreements

- 6e(1) Approval of a first amendment to the lease of hangar office space with DynAir Corporation, to extend the current tenancy on a month-to-month basis, not to extend beyond five (5) years, December 14, 2001, with projected annual revenue to the City of \$3,000. CEQA: Exempt. (Airport)**

Documents Filed: Memorandum from Director of Aviation, Ralph G. Tonseth, dated November 15, 1996, recommending Council approval of the first amendment to said lease.

Discussion/Action: The first amendment to the lease of hangar office space with DynAir Corporation was approved and execution of the amendment authorized.

Vote: 11-0-0-0.

6e(2) Approval of the following agreements with:

- (a) **Prager, McCarthy & Sealy to serve as financial advisor for the Thunderbird and Coyote Creek Golf Course projects for the period September 2, 1996 to December 31, 1998, in an amount not to exceed \$90,000.**
- (b) **Rauscher Pierce Refnes, Inc. to serve as financial advisor for the Singleton Softball Complex for the period September 2, 1996 to December 31, 1998, in an amount not to exceed \$32,500.**
- (c) **Public Resources Advisory Group to serve as the general financial advisor to the City for the period September 23, 1996 to June 30, 1999, in an amount not to exceed \$90,000 subject to annual appropriation in Fiscal Years 1997-98 and 1998-99.**
- (d) **Adoption of an appropriation ordinance amendment in the City-wide Parks Construction and Conveyance Tax Fund to establish an appropriation in the amount of \$10,000 for the Softball Studies Project.**

(Finance/City Manager's Office)

Documents Filed: Memorandum from Director of Finance John V. Guthrie, and Budget Director Larry D. Lisenbee, dated November 18, 1996, recommending Council approve said agreements and adopt said appropriation ordinance amendments.

Discussion/Action: City Attorney Gallo stated adopting resolutions to approve the agreements is not the correct Council action; the action should be to recommend Council approval of the agreements. The agreements with Prager, McCarthy & Sealy, Rauscher Pierce Refnes, Inc., and Public Resources Advisory Group were approved subject to annual appropriation in Fiscal Years 1997-98 and 1998-99, and execution of the agreements authorized; and Ordinance No. 25223, entitled: "An Ordinance of the City of San José Amending Ordinance No. 25131 Which Appropriates Moneys in the Construction and Conveyance Tax Fund for City-Wide Parks Purposes to Establish an Appropriation in the Amount of \$10,000 for the Softball Studies Project; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", was adopted. Vote: 11-0-0-0.

6e(3) Adoption of a resolution authorizing the Director of General Services to execute an agreement with Pro Sweep, Inc., for the cleaning of the Market Street, Third

**Street, Second Street, and Convention Center Parking Garages in an amount not to exceed \$166,300.
(General Services)**

Documents Filed: Memorandum from Director of General Services, Ellis M. Jones Jr., dated November 15, 1996, recommending Council adopt said resolution.

Discussion/Action: Resolution No. 67020, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of General Services to Execute an Agreement with Pro Sweep, Inc., for the Cleaning of the Market Street, Third Street, Second Street and Convention Center Garages in an Amount Not to Exceed \$166,300", was adopted. Vote: 11-0-0-0.

6e(4) Adoption of a resolution approving business terms for a loan increase of \$8,043, from \$75,000 to \$83,043, to Anita Abril for the rehabilitation of her single-family residence at 828 State Street, and authorization for the Director of Housing to negotiate and execute all necessary documents on behalf of the City. (Housing)

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

Discussion/Action: Resolution No. 67021, entitled: "A Resolution of the Council of the City of San José (I) Approving Business Terms for a Loan Increase of \$8,043, From \$75,000 to \$83,043 to Anita Abril for the Rehabilitation of Her Single Family Residence Located at 828 State Street, and (II) Authorizing the Director of Housing to Negotiate and Execute All Necessary Documents on Behalf of the City", was adopted. Vote: 11-0-0-0.

**6e(5) Adoption of a resolution authorizing the City Manager to negotiate and execute a continuation agreement with Breakout Ministries for gang intervention services, increasing the compensation by \$100,000, from \$50,000 to \$150,000, and extending the term of the agreement by seven (7) months, from December 1, 1996 to June 30, 1997.
(Parks, Recreation and Neighborhood Services)**

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Ellis E. Mitchell, dated November 15, 1996, recommending Council adopt said resolution.

Discussion/Action: Resolution No. 67022, entitled: "A Resolution of the Council of the City of San José Delegating to the City Manager the Authority to Negotiate and Execute a Continuation Agreement With Breakout Ministries for Gang Intervention Services to Extend the Term of the Original Agreement to June 30, 1997, and to

Increase Total Compensation by \$100,000, for a Total Amount Not to Exceed \$150,000”, was adopted. Vote: 11-0-0-0.

- 6e(6)**
- (a) Approval of a three year lease agreement with West Lake Development Company for 4,913 square feet of office space on the ground floor of 125 East Gish Road at a rental rate of \$6,092 per month during year one, \$6,338 per month during year two, and \$6,584 per month during year three. (Public Works)**
 - (b) Adoption of appropriation ordinance and funding source resolution amendments in the General Fund, increasing the Police Department's Non-Personal appropriation by \$149,239, for expenses related to a Domestic Violence Center as part of the United States Department of Justice Office of Community Policing to combat domestic violence. (City Manager's Office/Budget Office)**

Documents Filed: (1) Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated November 25, 1996, recommending Council approve said lease agreement. (2) Memorandum from Chief of Police Louis A. Cobarruviaz, and Budget Director Larry D. Lisenbee, dated November 15, 1996, recommending Council adopt said appropriation ordinance and source resolution amendments in the General Fund.

Discussion/Action: Council Member Woody reiterated the importance of continued dialogue by the partnership to finalize arrangements for the Domestic Violence Center. She stated the Center will serve battered women and their families and represents another important process in the City's opposition to domestic violence. The three-year lease agreement with West Lake Development Company was approved and execution of the agreement authorized; Ordinance No. 25208, entitled: "An Ordinance of the City of San José Amending Ordinance No. 25131 Which Appropriates Moneys in the General Fund to Increase the Police Department's Non-Personal Appropriation in the Amount of \$149,239 for Expenses Related to a Domestic Violence Center as Part of the United States Department of Justice Office of Community Policing to Combat Domestic Violence; and Providing That This Ordinance shall Become Effective Immediately Upon Adoption"; and Resolution No. 67023, 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: 11-0-0-0.

- 6e(7) Adoption of a resolution declaring a parcel of City-owned land surplus to the needs of the City located at the southwest corner of Cherry Avenue and Avis Drive at Los Gatos Creek, approving the agreement for sale of surplus City-owned real property to Michael R. Graham and Karen Lee Graham, Trustees for the Michael and Karen Graham Family Trust, dated May 24, 1996, in the amount of \$375, and authorizing the City Clerk to execute the necessary documents on behalf of the City. CEQA: Exempt. (Public Works)**

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

Discussion/Action: Resolution No. 67024, entitled: "A Resolution of the Council of the City of San José Declaring a Parcel of City-Owned Land Surplus to the Needs of the City Located at the Southwest Corner of Cherry Avenue and Avis Drive at Los Gatos Creek, Approving the Agreement for Sale of Surplus City-Owned Land to Michael R. Graham and Karen Lee Graham, Trustees for the Michael and Karen Graham Family Trust, Dated May 24, 1996, in the Amount of \$375.00, and Authorizing the City Clerk to Execute the Necessary Documents on Behalf of the City", was adopted.

Vote: 11-0-0-0.

- 6e(8) Approval of Contract Change Order No. 4 for the San Jose International Airport American with Disabilities Act (ADA) Implementation at Terminal C and Maintenance Office Building (Revised) Project in the credit amount of \$85,791, reducing the construction contract amount to a total of \$232,991. CEQA: Exempt. (Public Works)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated November 15, 1996, recommending Council approve said contract change order.

Discussion/Action: Contract Change Order No. 4 for the San Jose International Airport American with Disabilities Act (ADA) Implementation project was approved and its execution authorized. Vote: 11-0-0-0.

- 6e(9) Approval of Contract Change Order No. 6 for the Zanker Road Biofilter Revised Project with Monterey Mechanical Company for a time extension of 236 calendar days, for a total contract time of 359 calendar days. CEQA: Exempt. (Public Works)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated November 15, 1996, recommending Council approve said contract change order.

Discussion/Action: Contract Change Order No. 6 with Monterey Mechanical Company was approved and its execution authorized. Vote: 11-0-0-0.

- 6e(10) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with DKS Associates for consultant services for the design and implementation of the Routes 85/87 Signal Retiming Project, in an amount not to exceed \$272,500. CEQA: Exempt. (Streets and Traffic)**

Documents Filed: Memorandum from Director of Streets and Traffic, Wayne K. Tanda, dated November 19, 1996, recommending Council adopt said resolution.

Discussion/Action: Resolution No. 67025, 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 DKS Associates to Commence Design and Implementation of the Route 85/87 Signal Retiming Project in an Amount Not to Exceed \$272,500”, was adopted. Vote: 11-0-0-0.

- 6e(11) Approval of an amendment to the employment agreement with Rhunda Boudreaux. (Woody)
(Rules Committee referral 11/27/96)**

Documents Filed: None.

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

Routine Legislation

- 6f(1) Approval of the following ordinances to reflect the reorganization of City services within City departments, to renumber and reorganize certain sections in the San José Municipal Code, and to modernize and update these provisions:**
- (a) Amending Title 2 of the San José Municipal Code to reflect the reorganization of City services within City departments; to renumber certain sections of Chapter 12.02 of Title 12 to include the Campaign Finance Review and Ethics Board within Title 2; and to make other technical changes.**
 - (b) Amending the San José Municipal Code to renumber Sections 2.04.030 and 2.04.040 of Chapter 2.04 of Title 2 to create a new Chapter 3.02 in Title 3 regarding the establishment of classified and unclassified positions.**
 - (c) Amending the San José Municipal Code to renumber certain Sections in Chapter 2.08 of Title 2 to create a new Chapter 3.14 in Title 3, entitled Suggestion Award Program.**
 - (d) Amending the San José Municipal Code to renumber Sections 2.04.860 and 2.04.870 of Chapter 2.04 of Title 2 to make these sections a new Chapter 4.01 in Title 4, entitled Acceptance of Donations of Personal Property, to authorize the City Manager to accept donations, and to make technical changes and to repeal Section 4.08.170.**
 - (e) Amending the San José Municipal Code to add a new Title 8 entitled Public Safety and Special Functions; and to renumber certain sections of Chapter 2.06 regarding the functions of the Office of the Independent Police Auditor, and Chapter 2.16 regarding the Office of Emergency Services, of Title 2 to include these provisions as new Chapters in Title 8.**

- (f) **Amending the San José Municipal Code to renumber Chapter 2.20 of Title 2 to create a new Chapter 12.05 in Title 12, entitled Municipal Elections.**
 - (g) **Amending Section 14.04.141 of Chapter 14.04 of Title 14 of the San José Municipal Code to designate the Director of Environmental Services as the Director of Public Works for capital projects at the Water Pollution Control Plant.**
- (City Attorney's Office)**

Documents Filed: Memorandum from City Attorney, Joan R. Gallo, dated November 21, 1996, recommending Council approve said ordinances reflecting the reorganization of City services within City departments, to renumber and reorganize certain sections in the San José Municipal, and to modernize and update certain provisions therein.

Discussion/Action: William J. Garbett spoke against the proposed actions. Ordinance No. 25209, entitled: "An Ordinance of the City of San José Amending Title 2 of the San José Municipal Code to Reflect the Reorganization of City Services Within City Departments and to Modernize and Update All Provisions of Title 2; Renumbering Sections 12.02.010, 12.02.020, 12.02.030 and 12.02.040 of Chapter 12.02 of Title 12 to Include Those Sections in Title 2; Adding a New Section 12.02.025 to Chapter 12.02 of Title 12 to Define the Campaign Finance Review and Ethics Board, Amending Sections 13.44.010 and 13.44.030 of Chapter 13.44 of Title 13 to Modify and Clarify the Provisions Regarding the Enactment of Park Rules; Adding Sections 13.44.012, 13.44.014, 13.44.016, 13.44.018, and 13.44.019 to Renumber Definitions in this Chapter; Amending Chapter 13.48 of Title 13 to Add a New Section 13.48.030 to Define the Historic Landmarks Commission"; Ordinance No. 25210, entitled: "An Ordinance of the City of San José Amending the San José Municipal Code to Renumber Sections 2.04.030 and 2.04.040 of Chapter 2.04 of Title 2 to Create a New Chapter 3.02 and to Modernize and Update These Sections Regarding the Establishment of Classified and Unclassified Positions"; Ordinance No. 25211, entitled: "An Ordinance of the City of San José Amending the San José Municipal Code to Renumber Sections 2.08.1490, 2.08.1500, 2.08.1520, 2.08.1530, 2.08.1540, 2.08.1550, 2.08.1560, 2.08.1570, and 2.08.1585 of Chapter 2.08 of Title 2 to Create a New Chapter 3.14 in Title 3, and to Modernize and Update the Provisions Regarding the Employee Suggestion Award Program"; Ordinance No. 25212, entitled: "An Ordinance of the City of San José Amending the San José Municipal Code to Renumber Sections 2.04.860 and 2.04.870 of Chapter 2.04 of Title 2 to Incorporate These Sections Into a New Chapter 4.01 in Title 4, to Authorize the City Manager to Accept Donations, to Make Technical Changes and to Repeal Section 4.80.170"; Ordinance No. 25213, entitled: "An Ordinance of the City of San José Adding a New Title 8 Entitled Public Safety and Special Functions to the San José Municipal Code, and Renumbering Sections 2.06.020 and 2.06.030 of Chapter 2.06 Regarding the Functions of the Office of the Independent Police Auditor, and Renumbering Chapter 2.16 of Title 2, to Include These Chapters in Title 8, and Making Technical Changes to Modernize These Provisions"; Ordinance No. 25214, "An Ordinance of the City of San José Amending the San José Municipal Code to Renumber Chapter 2.20 of Title 2 to

Create a New Chapter 12.05 in Title 12 and to Make Technical Changes to Update This Chapter Regarding Municipal Elections”; and Ordinance No. 25215, entitled: “An Ordinance of the City of San José Amending Section 14.04.141 of Chapter 14.04 of Title 14 of the San José Municipal Code to Designate the Director of Environmental Services as the Director of Public Works for Capital Projects at the Water Pollution Control Plant”, were passed for publication. Vote: 11-0-0-0.

6f(2) Adoption of a resolution finding, determining, and declaring the results of the November 5, 1996, General Municipal Election. (City Clerk)

Documents Filed: Memorandum from City Clerk, Patricia L. O’Hearn, dated December 3, 1996, recommending Council adopt said resolution.

Discussion/Action: William J. Garbett spoke against the proposed action. Resolution No. 67026, entitled: “Resolution of the Council of the City of San José Reciting That a General Municipal Election was Held in Said City on Tuesday, November 5, 1996, Said Election Having Been Consolidated With the State General Election on Said Date; Finding and Declaring That the Registrar of Voters of the County of Santa Clara has Canvassed the Returns of Said Election, and Confirming the Results of Said Canvass; Stating the Whole Number of Votes Cast in the City, the Measures Voted on, the Number of Votes Given at Each Precinct for the Measures; Finding and Determining That a Majority of the Qualified Voters Voted in Favor of Measures E, F, H and I”, was adopted; and Ordinance No. 25224, entitled: “An Ordinance of the People of the City of San José Amending Initiative Ordinance No. 14224.1 With Regard to the Location of City Hall”, was adopted. Vote: 11-0-0-0.

6f(3) Adoption of amendments to the annual appropriation ordinance and funding sources resolution in the Gift Trust Fund to reflect the receipt of a donation in the amount of \$24,700 from the Zoological Society to support the Zoo Educator position at Happy Hollow Park and Zoo. (Convention, Arts and Entertainment/City Manager’s Office)

Documents Filed: Memorandum from Acting Director of Conventions, Arts and Entertainment Nancy Johnson, and Budget Director Larry D. Lisenbee, dated November 15, 1996, recommending Council adopt said resolution and appropriation ordinance and funding sources resolution amendments in the Gift Trust Fund.

Discussion/Action: Ordinance No. 25216, entitled: “An Ordinance of the City of San José Amending Ordinance No. 25131 Which Appropriates Moneys in the Gift Trust Fund to Reflect the Receipt of a Donation in the Amount of \$24,700 From the Zoological Society to Support the Zoo Educator Position at Happy Hollow Park and Zoo; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption”; and Resolution No. 67027, 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 Gift Trust Fund”, were adopted. Vote: 11-0-0-0.

6f(4) Adoption of resolutions to amend:

(a) Resolution No. 51872:

[1] Exhibit 04, to create the class of Associate Plan Check Engineer (Registered) (3951) at a salary range of 61B.

[2] Exhibit 15, to create the class of Associate Plan Check Engineer (Unregistered) (3957) at a salary range of 61B.

(b) Resolution No. 51872:

[1] Exhibit 99, to create the class of Airport Business Development Manager at a salary range of 66L.

(c) Resolution No. 66092:

[1] Exhibit 07, to create the class of Senior Dispatcher at a salary range of 52I.

(Human Resources)

Documents Filed: Memorandum from Director of Human Resources, Nona Tobin, dated November 15, 1996, recommending Council adopt said resolutions.

Discussion/Action: Resolution No. 67028, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 512872 to (1) Amend Exhibit 4 to Create the Class of Associate Plan Check Engineer (Registered) (3951), (2) Amend Exhibit 15 to Create the Class of Associate Plan Check Engineer (Unregistered) (3957), and (3) Amend Exhibit 99 to Create the Class of Airport Business Development Manager (3550), Effective December 15, 1996”; and Resolution No. 67029, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 66092 Amending Exhibit I of the Memorandum of Agreement Between the City of San José and Municipal Employees Federation (AFSCME) Local 101, Unit 7 (General Supervisory Employees) to Create the Class of Senior Dispatcher (1171), Effective December 15, 1996”, were adopted. Vote: 11-0-0-0.

6f(5) Adoption of a resolution summarily vacating the public utility easement located southeasterly of Commercial Street in the previously vacated North Fifteenth Street. (Public Works)

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

Discussion/Action: Resolution No. 67030, entitled: “Resolution of the Council of the City of San José Summarily Vacating the Public Utility Easement Located at the Southeasterly Side of Commercial Street in the Previously Vacated North Fifteenth Street”, was adopted. Vote: 11-0-0-0.

- 6f(6) Adoption of a resolution amending Resolution No. 66443 to lower the speed limit on Willow Street, 120 feet east of Minnesota Avenue to First Street, to twenty-five (25) miles per hour. CEQA: Exempt. (Streets and Traffic)**

Documents Filed: Memorandum from Director of Streets and Traffic, Wayne K. Tanda, dated November 14, 1996, recommending Council adopt said resolution.

Discussion/Action: Resolution No. 67031, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 66443 to Lower the Speed Limit on Willow Street, From 120 Feet East of Minnesota Avenue to First Street, to 25 Miles Per Hour", was adopted. Vote: 11-0-0-0.

END OF CONSENT CALENDAR

COMMISSION, COMMITTEE, AND STANDING REPORTS

7b Report of the Rules Committee - Meeting of November 20, 1996

Documents Filed: Rules Committee Report of November 20, 1996

- (1) Review of December 3 Council Agenda

The Committee approved the December 3, 1996 Council Agenda with three additions.

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

The Committee recommended six additions to the November 27, 1996 Amended Council Agenda.

- (3) The Public Record. Attachment: Memorandum from City Clerk, Patricia L. O'Hearn, dated November 14, 1996, listing the items transmitted to the Administration and the items filed for the public record for the period November 6-12, 1996. (2) Memorandum from Assistant to the City Manager, Nina S. Grayson, dated November 18, 1996, noting disposition of items transmitted to the Administration and the items filed for the Public Record for the period November 6-12, 1996.

The Committee noted and filed the Public Record for the period November 6-12, 1996.

- (4) Boards and Commissions

- [1] Proposed changes to MBE/DBE/WBE Committee. Attachment: Memorandum from Council Member Diaz, dated November 19, 1996, requesting Rules Committee defer action on the proposed changes to the MBE/DBE/WBE Committee.

The Committee deferred this item until further notice.

- (5) Approve City sponsored resolution regarding Federal Preservation and Mark-To-Market Programs to the National League of Cities for submittal at its annual conference. Attachment: Memorandum from Director of Housing, Alex Sanchez, dated October 17, 1996, recommending Council approval of a resolution to the National League of Cities regarding the federal preservation program and the proposed Mark-to-Market/Portfolio Re-Engineering program.

The Committee recommended approval of the revised resolution to the National League of Cities regarding the Federal Preservation and Mark-to-Market Programs.

- (6) Response to recommendations regarding domestic violence. Attachments: (1) Memorandum from Assistant to the City Manager, Nina S. Grayson, dated November 19, 1996, responding to Council Member Dando's recommendation regarding domestic violence. (2) Memorandum from Mayor Hammer and Council Member Woody, dated November 19, 1996, recommending Council review the City's programs already in place aimed at reducing domestic violence.

The Committee accepted the Administration's response to Council Member Dando's recommendations regarding domestic violence.

- (7) Response to request for data on City homicide statistics. Attachments: (1) Memorandum from City Manager, Regina V.K. Williams, dated November 19, 1996, transmitting the Police Department's response to Council Member Shirakawa's request for data regarding weapons used to commit homicide and the assailants in officer-involved shootings in the City of San Jose for calendar years 1994, 1995 and 1996. (2) Memorandum from Council Member Shirakawa, Jr., dated November 20, 1996, transmitting an example of the minimum amount of information needed to assist the Administration in responding to the initial request for weapons information involving City homicides and officer-involved shootings.

The Committee accepted the Administration's response to Council Member Shirakawa, Jr.'s request for weapons information.

- (8) Approve Welfare Reform Legislative Guidelines

This item was heard by Council on November 26, 1996.

- (9) Present 1996 State and Federal Legislative Summary. Attachments: (1) Memorandum from Attorney John Montgomery, Legislative Representative, Washington, D.C. Office, dated November 20, 1996, summarizing the major legislative efforts for 1996 including a short analysis of primary federal issues for 1997. (2) Memorandum from Rozanne L. Miller, Legislative Representative, Sacramento Office, dated November 19, 1996, providing the Final Status Report for the second half of the 1995-96 Legislative Session highlighting legislation of particular interest to the City. (3) Document entitled "Legislative Status Report, 1995-96 Legislative Session (Second Year), and the 1995-96 First, Second, Third, and Fourth Extraordinary Sessions", dated November 1996.

The Committee accepted the Legislative Reports and requested the Administration send a commendation to Suzanne Cowan, Ms. Miller's Assistant.

- (10) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
- (a) Refer recommendation for amending the Streetlight Installation Priority Criteria. Attachment: Memorandum from Council Member Fiscalini, dated October 24, 1996, recommending Rules Committee refer to the Transportation, Development and Environment Committee the recommendation for amending the Streetlight Installation Priority Criteria. The Committee referred this item to the Administration with direction to return in two weeks with an assessment of the time and resources involved to complete the request.
- (b) Determine resources needed to improve customer service and employee working environment in Police Permits Section. Attachment: Memorandum from Council Member Shirakawa, Jr., dated November 8, 1996, recommending Rules Committee direct the Administration to determine the resources needed to improve customer service and employee working environment within the Police Permits Section.

The Committee referred this item to the Administration with direction to return in two weeks with an assessment of the time and resources involved to complete the request.

- (11) City Council and Rules Committee meeting schedules

None presented.

(12) Oral communications

None presented.

(13) Adjournment

The meeting was adjourned at 4:15 p.m.

Discussion/Action: Council Member Fernandes recommended acceptance of the Rules Committee Report and actions of November 20, 1996 with Item 7b(6) removed and considered separately. With regard to Item 7b(6), "Response to Recommendations Regarding Domestic Violence", Robert Dorsey, Chair, County Workplace Violence Committee, Santa Clara County Domestic Violence Council; Sherry Simmons, Victim Advocate, Santa Clara County Director of Support Network for Battered Women of Domestic Violence; Joyce Brent Parson, Executive Director, Next Door Solutions to Domestic Violence; Mary Pat Panighetti, Adult Probation Officer, County of Santa Clara; and Judge Eugene M. Hyman, Municipal Court, advocated further refinement, broadening, and deepening of existing Workplace Violence Policy to be more proactive and aggressive in addressing workplace and domestic violence issues; suggested developing a plan of referral to other agencies in Santa Clara County; encouraged the City to review the model of the Domestic Violence Response Team component developed by Santa Clara County; suggested consideration of a more user-friendly location for victim counseling and intervention away from law enforcement facilities and personnel; opposed the use of Occupational Health Services, Police and other City staff to provide training for victims but encouraged comprehensive review of the training component of the grant to enlist the services of trained professionals who converse with victims on one-on-one about domestic violence and the related psychology, who know the meaning of domestic violence and domestic violence syndrome and how society can intervene with the victim; and suggested a review of current policies regarding job security for the victim and developing other policies incorporating leaves of absence, time off during a crisis, and safety for the victim and other employees on the job. Cathy S. Brandhorst commented on various aspects of the issue. Joined by the City Council, Mayor Hammer expressed appreciation to Program participants for their support and assistance in addressing domestic violence issues. Presenting a synopsis of programs undertaken by the City, she stated Council Member Woody and members of the Mayor's Office led a City delegation in October 1995, consisting of representatives from the Police Department, the departments of Neighborhood Services, Employee Health Services and others, to the County Domestic Violence Council's annual conference and later committed itself to identifying ways the City of San José as an employer and a government entity could work to reduce domestic violence. She stated the Police Department in conjunction with the Mayor's Office sponsored three symposiums to raise awareness in the community about domestic violence; and the Mayor's *Proposed Budget Modifications* memorandum for FY 1996-97 included an appropriation of \$50,000 as a one-time reserve for the Domestic Violence Registry. She agreed with the review of the Workplace Violence Policy for City workforce implemented by the City Manager in September 1995 and

suggested the Police Department schedule a work session with individuals affiliated with organizations represented in today's meeting to develop a better program which will focus on education, strategy and resources with a safety plan and which is proactive in addressing domestic and workplace violence. Noting her support for the suggestion to place information in City-owned facilities advising citizens of the services available to victims of domestic violence, she stated the Mayor's Office will contact City Year Team members to enlist their help in implementing the suggestion. She stated the recommendations contained in the November 19, 1996 memorandum from Nina S. Grayson should be expanded upon and adopted; however, the recommendation to redistribute the Workplace Violence Policy to the San José Chamber of Commerce, the Santa Clara County Manufacturing Group, and to Joint Venture is premature and should be postponed until Policy modifications have been completed. Council Member Dando commended Mayor Hammer and Council Member Woody for the time and effort spent on domestic violence issues, and City Manager Regina Williams and her staff for working with the District Ten Office in reviewing other areas of domestic violence, and specifically the addition to the City's existing policy on workplace violence. She requested Council include for approval the recommendation to form a Domestic Violence Crisis Response Team as contained in her October 22, 1996 memorandum. With respect to the City delegation, which attended the County Domestic Violence Council's annual conference, she recommended Council appoint a delegate to attend the next convention and also to consider San José as the host City for the conference. Council Member Fernandes stated she would convey the message to the Transportation Authority, in an effort to emphasize the development and enforcement of policies on violence in the workplace as well as domestic violence. Upon motion by Council Member Fernandes, seconded by Council Member Powers and unanimously carried, (1) the Rules Committee Report and actions of November 20, 1996 were approved with Item 7b(6) removed and considered separately; (2) the Administration recommendations as contained in Nina Grayson's November 19, 1996 memorandum were approved as amended (a) to review Administrative Policy on Workplace Violence to include a statement regarding domestic violence; (b) to postpone redistributing the Workplace Violence Policy until completion of Policy modifications; (c) to redistribute Workplace Violence Policy to Executive Staff for posting along with information on domestic violence services available; (d) that the Police Department work with the City Manager's Office to determine additional grant opportunities for continued funding of the Domestic/Family Violence Center; and (e) that the Police Department/Assaults Unit report on the feasibility of creating a Domestic Violence Crisis Response Team to provide victim advocacy at the scene of domestic violence crime incidents; (3) item #2 of the recommendation contained in Council Member Dando's memorandum of October 22, 1996 to post domestic violence information in City employee restrooms and break areas, was approved; and items #1, #3, #4, and #5 as responded to by the Administration in the memorandum of November 19, 1996 from the Assistant to the City Manager, were approved; (4) City Manager directed to convene the working group and invite participation by service professionals attending today's Council meeting; (5) the request as contained in the November 19, 1996 memorandum from Mayor Hammer and Council Member Woody to review the City's current programs dealing with

domestic violence, was approved; and (6) Council Member Fernandes' request to convey to the Transportation Authority the City's position on domestic and workplace violence and the urgency for prompt action in responding to such incidents, was accepted. Vote: 11-0-0-0.

7b Report of the Rules Committee - Meeting of November 27, 1996 - (Partial)

Documents Filed: Rules Committee Report (partial) of November 27, 1996.

- (5) City Council and Rules Committee meeting schedules
- (a) Approve City Council meeting schedule for January through June 1997. Attachment: Memorandum from Council Liaison, Norberto L. Duenas, dated November 25, 1996, recommending approval of the proposed meeting schedule.

The Committee approved cancellation of the following City Council Meetings for the period January through July 1997:

- January 7, 1997 and January 14, 1997 (previously cancelled)
- March 11, 1997
- July 1, July 8, July 15, July 22, and July 29, 1997

Discussion/Action: Upon motion by Vice Mayor Johnson, seconded by Council Member Powers and unanimously carried, the Rules Committee Report (partial) and actions of November 27, 1996 were accepted. Vote: 11-0-0-0.

LAND USE AND DEVELOPMENT

- 8a 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 11/5/96 - Item 15b)**

Documents Filed: None.

Discussion/Action: This item was continued to January 21, 1997.

- 8b PUBLIC HEARING and approval of an ordinance amending Title 20 of the San José Municipal Code by adding Chapter 20.38 to establish special zoning provisions for the Downtown. (City Attorney's Office)
(Continued from 5/21/96 - Item 15d et al., and 10/29/96 - Item 8a)**

Documents Filed: None.

Discussion/Action: This item was continued to December 17, 1996.

- 8c PUBLIC HEARING and approval of an ordinance of the City of San José amending Chapter 20.08 of Title 20 of the San José Municipal Code relating to Bed and Breakfast Inns by amending Section 20.08.102 to eliminate the restriction of five (5) guest rooms. Director of Planning recommends approval. Planning Commission recommends approval (4-0-3). (Planning, Building and Code Enforcement)**

Documents Filed: (1) Memorandum from the Planning Commission, dated November 15, 1996, recommending Council adopt the Bed and Breakfast Inns ordinance. (2) Notice of Public Hearing for the purpose of considering the proposal to amend the Zoning Code of the City of San José, dated October 23, 1996, and Proof of Publication submitted by the City Clerk.

Discussion/Action: Mayor Hammer opened the public hearing to consider said amendment. There was no discussion from the Floor. Upon motion by Council Member Fiscalini, seconded by Council Member Powers and unanimously carried, the public hearing was closed, the Planning Commission recommendation approved, and Ordinance No. 25217, entitled: "An Ordinance of the City of San José Amending Section 20.08.102 of Chapter 20.08 of Title 20 of the San José Municipal Code to Delete the Maximum Number of Guest Rooms and Add a Requirement That the Conditional Use Permit Establish a Maximum Number of Guests", was passed for publication. Vote: 11-0-0-0.

- 8d PUBLIC HEARING and approval of an ordinance of the City of San José amending Chapter 20.08 of Title 20 of the San José Municipal Code relating to Building Mounted Wireless Communication Antennas by amending Section 20.28.040 and other related sections, allowing the Director of Planning to issue an Adjustment Permit for the construction and operation of a Wireless Communication Antenna in certain instances. Director of Planning recommends approval. Planning Commission recommends approval (6-0-1). (Planning, Building and Code Enforcement)**

Documents Filed: (1) Memorandum from the Planning Commission, dated November 15, 1996, recommending Council adopt the Wireless Communication Antenna ordinance with specified modifications. (2) Notice of Public Hearing for the purpose of considering a proposal to amend the Zoning Code of the City of San José, dated September 20, 1996, and Proof of Publication submitted by the City Clerk.

Discussion/Action: Mayor Hammer opened the public hearing to consider said amendment. There was no discussion from the Floor. Upon motion by Council Member

Powers, seconded by Council Member Fernandes and unanimously carried, the public hearing was closed, the Planning Commission recommendation approved, and Ordinance No. 25218, entitled: “An Ordinance of the City of San José Adding Sections 20.04.692 and 20.04.693 of Title 20 of the San José Municipal Code to Define Wireless Communications Antenna and Building Mounted Wireless Communications Antenna and Amending the Permitted Use Sections of All Zoning Districts in Title 20 to Make Building Mounted Wireless Communication Antenna a Permitted Use and Amending the Conditional Use Sections of All Zoning Districts in Title 20 to Make Wireless Communication Antenna a Conditional Permitted Use and Amending Section 20.44.200 to Allow the Approval of Building Mounted Wireless Communication Antenna With a Permit Adjustment”, was passed for publication. Vote: 11-0-0-0.

- 8e PUBLIC HEARING and approval of an ordinance of the City of San José amending Chapter 20.08 of Title 20 of the San José Municipal Code relating to Wireless Antenna Trailer by amending Section 20.08.1110 to include a definition of Wireless Communication Antenna Trailer, amending Section 20.08.1130 to require an Administrative Permit for a Wireless Communication Antenna Trailer, amending Section 20.08.1140 setting forth criteria for approval of an Administrative Permit for a Wireless Communication Antenna Trailer, and amending Section 20.08.1160 setting forth conditions of approval of an Administrative permit for a Wireless Communication Antenna Trailer. Director of Planning recommends approval. Planning Commission recommends approval (6-0-1).
(Planning, Building and Code Enforcement)**

Documents Filed: (1) Memorandum from the Planning Commission, dated November 15, 1996, recommending Council adopt the Trailer-Mounted Temporary Antenna ordinance with specified modification. (2) Notice of Public Hearing for the purpose of considering the proposal to amend the Zoning Code of the City of San José, and Proof of Publication submitted by the City Clerk.

Discussion/Action: Mayor Hammer opened the public hearing to consider said amendment. William J. Garbett spoke against the proposed action. Upon motion by Council Member Fernandes, seconded by Vice Mayor Johnson and unanimously carried, the public hearing was closed, the Planning Commission recommendation approved, and Ordinance No. 25219, entitled: “An Ordinance of the City of San José Amending Part 11 of Chapter 20.08 of Title 20 of the San José Municipal Code to Revise the Procedures for the Approval of Temporary Trailers to Clarify the Provisions and Allow the Approval of Temporary Antenna Trailers for a Maximum Period of Six Months”, was passed for publication. Vote: 11-0-0-0.

- 8f PUBLIC HEARING and adoption of a resolution approving the vacation of a portion of East San Fernando Street immediately east of South Jackson Avenue, reserving a public service easement over the entire area. CEQA: Exempt.**

(Public Works)

Documents Filed: (1) Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated November 21, 1996, recommending Council adopt said resolution. (2) Affidavit of Posting of the Notice on the Bulletin Board outside City Council Chambers and outside main entrance of San José City Hall. (3) Resolution No. 66956 setting a public hearing to consider vacation of a portion of East San Fernando Street subject to reservation of a public easement and overland storm water release easement. (4) Proof of publication of Resolution No. 66956, submitted by the City Clerk. (5) Memorandum from Council Member Diaz, dated November 25, 1996, transmitting a letter from Robert Grossman, G&G Investment, LLC, dated November 8, 1996, requesting approval to participate in the purchase of the San Fernando Street property.

Discussion/Action: Mayor Hammer opened the public hearing on the proposed street vacation. There was no discussion from the Floor; however, Council Member Diaz stated the Post Office requires additional parking space for patrons and postal employees, and the Planning Department should meet with Post Office representatives to review plans for vehicular parking. Upon motion by Council Member Diaz, seconded by Council Member Shirakawa, Jr., and unanimously carried, the public hearing was closed, and Resolution No. 67032, entitled: "Resolution of the Council of the City of San José Vacating a Portion of East San Fernando Street Immediately East of South Jackson Avenue Reserving a Public Service Easement and An Overland Stormwater Released Easement", was adopted. Vote: 11-0-0-0.

GENERAL GOVERNMENT

- 9a Approval of an agreement with the City of Milpitas for the Tasman Drive Bridge Project over Coyote Creek. (Public Works)
[Deferred from 11/12/96 - Item 9c(1) and 11/19/96 - Item 9h]**

Documents Filed: None.

Discussion/Action: This item was deferred to December 17, 1996.

Council Member Pandori left Council Chambers at this point in the meeting.

- 9b Adoption of a resolution authorizing the Director of Aviation to submit an application in the amount of \$20,000,000 to the Federal Aviation Administration (FAA) to impose and use Passenger Facility Charges for additional work in the Airport Noise Attenuation Program, increasing the funds for the program by \$20,000,000, from \$9,788,000 to \$29,788,000. CEQA: Exempt. (Airport)**

Documents Filed: Memorandum from Director of Aviation, Ralph G. Tonseth, dated November 15, 1996, recommending Council adopt said resolution.

Discussion/Action: William J. Garbett spoke against the proposed action. Upon motion by Council Member Fiscalini, seconded by Council Member Powers and unanimously carried, Resolution No. 67033, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Aviation to Submit An Application to the Federal Aviation Administration for the Imposition and Use of Passenger Facilities Charges in Conjunction With Specified Airport Capital Projects", was adopted. Vote: 10-0-1-0. Absent: Pandori.

Council Member Pandori returned to Council Chambers at this point in the meeting.

- 9c PUBLIC HEARING on the Mixed Recyclables Collection Franchise application of Jonna Corp. dba Premier Recycle Co., approval of an ordinance granting the franchise, and approval of Mixed Recyclables Collection Franchise Agreement with Jonna Corp. dba Premier Recycle Co. (Environmental Services)**

Documents Filed: None.

Discussion/Action: This item was continued to December 17, 1996.

- 9d PUBLIC HEARING on the Commercial Solid Waste Collection Franchise application of All Trash Recycling, approval of an ordinance granting the franchise, and approval of Commercial Solid Waste Collection Franchise Agreement with All Trash Recycling. (Environmental Services)**

Documents Filed: None.

Discussion/Action: This item was continued to December 17, 1996.

- 9e Adoption of a resolution:**

- (1) Approving a refinancing of permanent loans to: Troy Associates for the Troy Apartments Project; Giovanni Center, Inc., for the Giovanni Center Project.**
- (2) Approving the conversion of a loan to Chai House, Inc., for the Chai House I Project to a grant.**
- (3) Authorizing the Director of Housing to negotiate and execute all necessary documents on behalf of the City.**

(Housing)

Documents Filed: Memorandum from Director of Housing, Alex Sanchez, dated, November 20, 1996, recommending Council adopt said resolution.

Discussion/Action: Director of Housing, Alex Sanchez, clarified the staff report on two items. Under *Attachment 1*, he pointed out the Proposed Loan Amount of \$2,628,585 will be from two sources—\$2.6 million from the tax exempt bond proceeds available to the Department of Housing, and \$28,585 from regular 20% tax increment—and that the second correction is to draw out the redundant requirement of a 42-year Grant Agreement to coincide with the 30-year Affordability Deed Restriction already on the projects. William J. Garbett spoke against the proposed action. Upon motion by Council Member Fiscalini, seconded by Vice Mayor Johnson and unanimously carried, Resolution No. 67034, entitled: “A Resolution of the Council of the City of San José 1) Approving Modifications to Loans to Troy Associates and Giovanni Center, Inc., 2) Approving the Conversion of a Loan to Chai House Inc., to a Grant and 3) Authorizing the Director of Housing to Negotiate and Enter Into Documents Necessary for the Modifications”, was adopted. Vote: 11-0-0-0.

9f

Adoption of a resolution:

- (1) Approving a fund reservation and business terms for a construction loan in the amount of \$1,101,000 to San Jose Grail Development Corporation for the development of a 35-unit affordable ownership housing project on 2.347 net acres located at 2035 East San Antonio Street.**
- (2) Approving \$129,000 for additional second mortgage loans which, when combined with the repaid \$1,101,000 construction loan, will provide a total of \$1,230,000 for second mortgages for low-and moderate-income households.**
- (3) Authorizing the Director of Housing to negotiate and execute all necessary documents on behalf of the City.**
- (4) Finding that the use of 20% Housing Funds for the subject property is a benefit to the Redevelopment Project Areas in San Jose.**

(Housing)

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

Discussion/Action: William J. Garbett spoke against the proposed action. Upon motion by Council Member Diaz, seconded by Vice Mayor Johnson and unanimously carried, Resolution No. 67035, entitled: “A Resolution of the Council of the City of San José (I) Approving a Fund Reservation and Business Terms for a Construction Loan in the Amount of \$1,101,000 to San José Grail Development Corporation for the Development of a 35-Unit Affordable Ownership Housing Project on 2.347 Net Acres Located at 2035 East San Antonio Street, (II) Approving \$129,000 for Additional Second Mortgage Loans Which, When Combined With the Repaid \$1,101,000 Construction Loan, Will Provide a Total of \$1,230,000 for Second Mortgages for Low-and Moderate-Income Households, (III) Authorizing the Director of Housing to

Negotiate and Execute All Necessary Documents on Behalf of the City, (IV) Finding That the Use of 20% Housing Funds for the Subject Property is a Benefit to the Redevelopment Project Areas in San José”, was adopted. Vote: 11-0-0-0.

9g

Adoption of a resolution:

- (1) Approving business terms for a loan of up to \$5,130,000 to Parkside Glen Limited Partnership for land acquisition and preconstruction activities for a 180-unit apartment housing project affordable to low-and very-low income households, on a 7.56 acre site located on the south side of Hillsdale Avenue, between Pearl Avenue and Narvaez Drive; and**
- (2) Authorizing the Director of Housing to negotiate and execute all necessary documents on behalf of the City.**

(Housing)

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

Discussion/Action: William J. Garbett spoke against the proposed action. Upon motion by Council Member Fiscalini, seconded by Council Member Dando and unanimously carried, Resolution No. 67036, entitled: “A Resolution of the Council of the City of San José (I) Approving Business Terms for a Loan of Up to \$5,130,000 to Parkside Glen Limited Partnership for the Land Acquisition and Preconstruction Activities for a 180-Unit Apartment Housing Project Affordable to Low- and Very Low-Income Families, on a 7.56 Acre Site Located on the South Side of Hillsdale Avenue, Between Pearl Avenue and Narvaez Drive, (II) Authorizing the Director of Housing to Negotiate and Execute Loan Documents Evidencing the Loan on Behalf of the City”, was adopted. Vote: 11-0-0-0.

Council Member Diaz left Council Chambers at this point in the meeting.

9h

Adoption of a resolution authorizing the Director of Housing to return the allocation received from the California Debt Limit Allocation Committee (CDLAC) for \$27,000,000 for the Almaden Lake Village Apartment Project and to file a new application in the amount of \$32,000,000 for the first allocation meeting in 1997. (Housing)

(Orders of the Day 4a)

Documents Filed: Memorandum from Director of Housing, Alex Sanchez, dated December 2, 1996, stating the reason for the addendum and recommending Council adopt said resolution.

Discussion/Action: William J. Garbett spoke against the proposed action Upon motion by Council Member Dando, seconded by Council Member Fernandes and unanimously

carried, Resolution No. 67037, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Housing to Take Actions Regarding the CDLAC Application for the Almaden Lake Village Multifamily Housing Project", was adopted. Vote: 10-0-1-0. Absent: Diaz.

RECESS/RECONVENE

Council recessed at 3:15 p.m. and reconvened at 7:10 p.m., Council Chambers, City Hall.

Present: Council Members: Dando, Diaz, Diquisto, Fernandes, Fiscalini, Johnson (entered the meeting at 7:15 p.m.), Pandori, Powers, Shirakawa, Jr., Woody (entered the meeting at 7:15 p.m.); 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 Dando, seconded by Vice Mayor Johnson and unanimously carried, the below noted continuances and other actions were granted. Vote: 9-0-2-0. Absent: Johnson, Woody.

PUBLIC HEARINGS

- 15c PUBLIC HEARING ON APPEAL OF THE PLANNING COMMISSION'S PREVIOUS 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 approval of staff-recommended Master Plan. Planning Commission recommends approval of staff-recommended Master Plan. CP 95-03-018 - District 6 (Continued from 11/7/95 - Item 15b, et al., and 11/5/96 - Item 15a)**

Documents Filed: Memorandum from Council Member Fiscalini, dated December 2, 1996, requesting Council defer action on this item for two weeks and schedule a public hearing on December 17, 1996 at 7:00 p.m.

Discussion/Action: This item was continued to December 17, 1996.

- 15h PUBLIC HEARING ON CONFORMING REZONING of the property located on the southeast corner of San Carlos Street and Bird Avenue, from M-1**

**Manufacturing to C-3 Commercial, to allow commercial uses on 0.33 gross acre (Nader Eghtesad, Owner/Developer). CEQA: ND.
C 96-09-057 - District 3**

Documents Filed: None.

Discussion/Action: This item was continued to December 17, 1996.

- 15a PUBLIC HEARING ON STREET RENAMING of a private street located at the southeast corner of Winfield Boulevard and Chynoweth Avenue, from Windy Way to Terner Way (Cilker, Owner; Bridge Housing Corporation, Developer). CEQA: Exempt. Director of Planning recommends approval. Planning Commission recommends approval (7-0-0).
District 9**

Documents Filed: Memorandum from the Planning Commission, dated November 7, 1996, recommending Council adopt a resolution for renaming said private street.

Discussion/Action: This item was renumbered to Item 8g. See Item 8g for Council action taken.

- 15b PUBLIC HEARING ON STREET RENAMING of a private street located between North First Street and Zanker Road, from Caviglia Drive to Innovation Drive at request of Altera Corporation. CEQA: Exempt. Director of Planning recommends approval. Planning Commission recommends approval (6-0-1).
District 4**

Documents Filed: Memorandum from the Planning Commission, dated November 7, 1996, recommending Council adopt a resolution for renaming said private street.

Discussion/Action: This Item was renumbered to Item 8h. See Item 8h for Council action taken.

- 8g PUBLIC HEARING ON STREET RENAMING of a private street located at the southeast corner of Winfield Boulevard and Chynoweth Avenue, from Windy Way to Terner Way (Cilker, Owner; Bridge Housing Corporation, Developer). CEQA: Exempt. Director of Planning recommends approval. Planning Commission recommends approval (7-0-0).
District 9**

Documents Filed: This item was renumbered from Item 15a to be heard during the evening session. See item 15a for documents filed.

Discussion/Action: Mayor Hammer opened the public hearing on the renaming of a private street. There was no discussion from the Floor. Upon motion by Council Member Diquisto, seconded by Council Member Shirakawa, Jr., and unanimously carried, the public hearing was closed, the Planning Commission recommendation approved, and Resolution No. 67038, entitled: “Resolution of the Council of the City of San José Renaming Windy Way Located at the Southeast Corner of Winfield Boulevard and Chynoweth Avenue to ‘Terner Way’ ”, was adopted. Vote: 9-0-2-0. Absent: Johnson, Woody.

- 8h PUBLIC HEARING ON STREET RENAMING of a private street located between North First Street and Zanker Road, from Caviglia Drive to Innovation Drive at request of Altera Corporation. CEQA: Exempt. Director of Planning recommends approval. Planning Commission recommends approval (6-0-1). District 4**

Documents Filed: This item was renumbered from Item 15b to be heard during the evening session. See Item 15b for documents filed.

Discussion/Action: Mayor Hammer opened the public hearing on the renaming of a private street. There was no discussion from the Floor. Upon motion by Council Member Fernandes, seconded by Council Member Diaz and unanimously carried, the public hearing was closed, the Planning Commission recommendation approved, and Resolution No. 67039, entitled: “Resolution of the Council of the City of San José Renaming Caviglia Drive Located Between North First Street and Zanker Road to ‘Innovation Drive’ ”, was adopted. Vote: 9-0-2-0. Absent: Johnson, Woody.

Vice Mayor Johnson and Council Member Woody entered the meeting at 7:15 p.m.

- 15d PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the east side of Monterey Road, 800 feet southerly of Richmond Avenue, from R-1:B-1 Residence to A(PD) Planned Development, to have the Planning Commission reconsider at the City Council request, the proposed recreational vehicle park on 3.1 gross acres (Ming Tree Realty, Owner; Henry Baba, Developer). CEQA: ND. Director of Planning recommends approval. Planning Commission recommends approval (6-0-1) to recommend that the City Council adopt an ordinance approving the subject rezoning with the condition that Planning staff recommendation be followed; no individual septic system hook-ups and maximum length of stay not to exceed 7 consecutive days, nor no more than 3 stays in any 6 month period. PDC 95-05-030 - District 2**

Documents Filed: None.

Discussion/Action: Mayor Hammer opened the public hearing on the Planned Development rezoning of the subject property. Attorney Norman E. Matteoni, representing the applicant, spoke in support of the proposed rezoning and asked Council to allow individual septic hookups for the 25 recreational vehicle spaces which will be connected to a private septic tank station on the proposed development site. He presented an overview of the intent of the plan which incorporates landscape buffer along Monterey Road, a curvilinear interior driveway, and clustering of spaces in groups. In response to Council Member Powers' concern regarding the maximum length of stay and how it can be regulated, City Attorney Gallo stated State legislation governing Mobilehome and recreational vehicle parks regulates length of stay; however, the campground operator may request a waiver from the State to remove the limitation and local governments must grant exemptions unless specific findings are made. She agreed the term of any restriction agreement could run concurrently with the length of the proposed use and not apply to future development. She stated the City's ability to limit the length of stay through a conditional use or planned development permit will not provide assurance for future limitations or make it permanently binding; therefore, Attorney Matteoni and the City Attorney's Office will prepare for Council consideration a response to Council Member Powers' request regarding the condition of limited stay and report back to Council on Thursday, December 5, 1996. As a point of clarification, Director of Planning, Building and Code Enforcement, Gary J. Schoennauer, stated the Staff report is precise on the issue of conformance with General Plan requirements, and as long as the use is temporary and interim, the proposed project is consistent; however, individual sewer hookups could be conceived as converting these units into more permanent structures and clearly inconsistent with the City's long-range plans. Upon motion by Council Member Powers, seconded by Council Member Fiscalini and unanimously carried, this item was continued to December 5, 1996 to be heard immediately following the Redevelopment Agency Board meeting.

- 15e **PUBLIC HEARING ON CONVENTIONAL REZONING of the property located on the northwest corner of Almaden Expressway and Highway 85, from A-Agriculture Zoning District to C-1 Commercial Zoning District, to allow the commercial uses on 8.0 gross acres (John Giacomazzi, et al., Owner/Developer). CEQA: ND. Director of Planning recommends approval. Planning Commission recommends approval (6-0-1).
C 96-04-017 - District 9**

Documents Filed: (1) Memorandum from the Planning Commission, dated November 15, 1996, recommending Council adopt an ordinance approving the subject rezoning. (2) Notice of Public Hearing to consider a change in Zoning for C96-04-017, dated October 18, 1996, and Proof of Publication submitted by the City Clerk.

Discussion/Action: Mayor Hammer opened the public hearing on the conventional rezoning of the subject property. Council Members Dando and Diquisto expressed concerns regarding traffic impacts, cost-sharing responsibilities for the Chynoweth Bridge structure and whether the costs have been finalized, and if not, what can be

expected should they increase/decrease. Council Member Diquisto stated Santa Clara County Transportation Authority, and the State of California should be involved with construction of the Chynoweth connection. Director of Public Works, Ralph A. Qualls, Jr., stated the cost has not been finalized, however, the amount of the cash contribution will be determined by the Public Works Department at the site development stage of the project and that Staff will continue discussions on the issue with project developers, Arcadia, and Eden Housing. He asked that Council direct Staff to continue discussions with the property owners, develop a mechanism by which an agreement can be reached on the amount or percentage of responsibility, and report back to Council for approval. With regard to the cumulative affect on the level of services by subsequent developments, Council Member Fiscalini suggested Staff begin review of the level of services plans and determine how the cost of those services will be met. Owner of Almaden Plaza, Mr. Quan, spoke in opposition to the rezoning and Director of Planning, Building and Code Enforcement, Gary J. Schoennauer, responded to his concerns. Upon motion by Council Member Diquisto, seconded by Council Member Fiscalini and unanimously carried, the public hearing was closed, the Planning Commission recommendation approved, and Ordinance No. 25220, entitled: "Ordinance of the City of San José Rezoning Certain Real Property Situated on the Northwest Corner of Almaden Expressway and State Route 85", was passed for publication with Staff directed to incorporate during the approval process responses to Council concerns. Vote: 11-0-0-0.

- 15f PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the southwest corner of Santa Teresa Boulevard and Coleman Road, from C-Commercial to A(PD) Planned Development, to allow construction of a 78,030 square foot self-storage facility on 1.37 gross acres (Green Valley Enterprises, Owner; Shurgard Storage Centers, Developer). CEQA: ND. Director of Planning recommends approval. Planning Commission recommends approval (6-0-1).
PDC 96-08-050 - District 10**

Documents Filed: Memorandum from the Planning Commission, dated November 15, 1996, recommending Council adopt an ordinance approving the subject rezoning. (2) Notice of Public Hearing to consider a change in Zoning for PDC96-08-050, dated October 23, 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 project. There was no discussion from the Floor. Upon motion by Council Member Dando, seconded by Vice Mayor Johnson and unanimously carried, the public hearing was closed, the Planning Commission recommendation approved, and Ordinance No. 25221, entitled: "Ordinance of the City of San José Rezoning Certain Real Property Situated on the Southwest Corner of Santa Teresa Boulevard and Coleman Road", passed for publication. Vote: 11-0-0-0.

- 15g PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the easterly terminus of Port Way and Commodore Drive, from County to A(PD) Planned Development, to allow 75 single-family detached residential units on 11.9 gross acres (Nola & Miyahara, et al., Owner; Citation Homes, Developer). CEQA: ND. Director of Planning recommends approval. Planning Commission recommends approval (6-0-1).
PDC 96-08-044 - District 4**

Documents Filed: Memorandum from the Planning Commission, dated November 15, 1996, recommending Council adopt an ordinance approving the subject rezoning/rezoning. (2) Notice of Public Hearing to consider a change in Zoning for PDC96-08-044, dated October 23, 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 Fernandes, seconded by Council Member Fiscalini and unanimously carried, the public hearing was closed, the Planning Commission recommendation approved, and Ordinance No. 25222, entitled: "Ordinance of the City of San José Rezoning/Rezoning Certain Real Property Situated at the Easterly Terminus of Port Way and Commodore Drive", was passed for publication.
Vote: 11-0-0-0.

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY ITEMS

The Redevelopment Agency Board convened at 7:43 p.m. to consider Items 11a, 11b, and 11c in a joint session.

- 11a Adoption of a resolution approving the San Jose First Employment Program. (Manager/Redevelopment Agency)**

Documents Filed: (1) Memorandum from Mayor Hammer and Council Member Diaz, dated December 2, 1996, recommending Council approve San José First Employment Program as described in the November 15, 1996 memorandum from City Manager Regina V.K. Williams and Redevelopment Agency Executive Director Frank Taylor. (2) Memorandum from City Manager Regina V.K. Williams, and Redevelopment Agency Executive Director Frank M. Taylor, dated November 15, 1996, recommending the City Council and the Redevelopment Agency Board adopt a program implementing the San José First employment Program.

Discussion/Action: Agency Deputy Executive Director Bob Leininger, and Acting Director of Program Development Richard Rios were available to respond to Council/Board questions and concerns, and Director of Economic Development, Leslie S. Parks, presented an overview of the employment program. With the use of flowcharts, she explained how the San José First Employment Program (SJFEP) will

work, from Outreach to Employers, Responsibility of the Employment Development Department (EDD), Job Training Partnership Act (JTPA), involvement of Community Based Organization (CBO), responsibility of the Business Employment Center (BEC) in coordination with San José First Employment Program (SJFEP), to the final employer contact with San José First Employment Program for credits vouchering, follow-up information, monitoring information, and additional information. She stated the Program assists residents of the City, particularly those in low-income disadvantaged neighborhoods, with gaining access to employment opportunities in expanding San José businesses, and assists local businesses by expanding the pool of candidates currently available through normal recruitment channels. She stated Staff deems the small to medium sized company, that doesn't have the sophisticated human resource department but needs to recruit qualified workers, the best Program participant, and that these companies will recruit and train individuals so they will remain and grow with the company as the business expands. She stated the larger companies post their jobs on the Internet and anyone having access to the system could get the job listing; however, Staff does not consider these companies the best candidates for the Program, considering a large percentage of the jobs posted require advanced degrees or rigorous technical training. In displaying a transparency of the full-service One-Stop Career Center located on Lundy Avenue, she stated Staff proposes to use the facility to receive job order requests for processing and posting, for job training, for computer learning assistance, and for access to the job search library. She stated first source policies are in place in several cities throughout the United States and will work in San José, and recommended Council/Board approval of Staff recommendation. Raul Colunga, representing Silicon Valley Private Industry Council, conveyed the organization's support of the Program and stated the Council will provide a full spectrum of services, including assessment, job readiness and preparation programs, unemployment insurance information, and assistance to clients and employers on the enterprise zone benefits, certification of employees for hiring tax credits and other incentives, in addition to access to the labor exchange. He urged Council to make employer participation in the program voluntary rather than mandatory, and to use a collaborative approach with for-profit and non-profit partners and participating businesses. He read into the public record the Council's recommendations, and Mayor Hammer asked that the recommendations be forwarded to the Director of Economic Development for consideration. The following citizens spoke in support of the Program: Rose Amador, Center for Training and Careers (CTC); H.G. Nguyen, Vietnamese-American Chamber of Commerce; Yvonne Vasquez, Chairperson Mayfair Chapter of A.C.O.R.N.; Alicia Mota, representing Tropicana Chapter of A.C.O.R.N.; and Hernando G. Caampued, representing Filipino-American Chamber of Commerce of Santa Clara County. Barbara Zahner, Executive Director, Sacred Heart Community Service, spoke in support of the Program; stressed the importance that staffing is conversant in more than one language; that the facility location should have access to public transportation; that program evaluations include the length of time individuals remain on the job; and that responsibility of monitoring, evaluating and compiling statistics will be that of City Staff and not of participating businesses. Referencing the December 2, 1996 memorandum co-authored by Mayor Hammer, Council Member Diaz expressed appreciation to City Administration,

Agency Staff, District Five Council Assistant, and the Mayor's staff who worked diligently to respond to all interests and issues concerning the program. Referencing the organizational structure, he emphasized the importance of having adequate staffing to support the success of the Program, and suggested the training component of the Program be expanded to incorporate youth employment training. Vice Mayor Johnson asked Staff to include community colleges as another employment linkage in the Program. In response to Council Member Pandori's concern regarding voluntary versus mandatory employer participation in the Program, City Manager Regina Williams stated the annotated copy of the Program Description includes clarification of employer participation, and that the changes will be incorporated. She stated Staff will make available to businesses all marketing materials which will provide information on the issues raised during today's discussion. Upon motion by Council Member Diaz, seconded by Council Member Dando and unanimously carried, Resolution No. 67040, entitled: "Resolution of the Council of the City of San José Approving the San José First Employee Program", was adopted. Vote: 11-0-0-0.

- 11b**
- (1) Adoption of a resolution:**
 - (a) Approving a fund reservation and business terms for a permanent loan of up to \$3,450,000 to Villa Savannah Housing partners, L.P. or its assignees, for the development of an affordable 140-unit family rental housing project on a 5.7 acre site located at the northwest corner of Renaissance Drive and Tasman Drive.**
 - (b) Authorizing the Director of Housing to negotiate and execute all necessary documents on behalf of the City.**
 - (2) Adoption of resolutions:**
 - (a) Approving new Affordability Restrictions to be recorded on the property prior to the issuance of building permits.**
 - (b) Authorizing the Director of Housing to negotiate and execute all necessary documents on behalf of the City and Redevelopment Agency.**

(Housing)

(Rules Committee referral 11/27/96)

Documents Filed: None.

Discussion/Action: This item was deferred to December 5, 1996 to be considered in the joint session of the City Council/Redevelopment Agency Board.

- 11c**
- (1) Adoption of a resolution:**
 - (a) Approving a fund reservation and business terms for a permanent loan of up to \$3,210,000 to Stonegate Housing partners, L.P. or its assignees, for the development of an**

affordable 120-unit family rental housing project on a 5.02 acre site located on Renaissance Drive north of Tasman Drive.

- (b) Authorizing the Director of Housing to negotiate and execute all necessary documents on behalf of the City.**
- (2) Adoption of resolutions:**
 - (a) Approving new Affordability Restrictions to be recorded on the property prior to the issuance of building permits.**
 - (b) Authorizing the Director of Housing to negotiate and execute all necessary documents on behalf of the City and Redevelopment Agency.**

(Housing)

(Rules Committee referral 11/27/96)

Documents Filed: None.

Discussion/Action: This item was deferred to December 5, 1996 to considered in the joint session of the City Council/Redevelopment Agency Board.

Redevelopment Agency Board portion of the meeting adjourned at 8:49 p.m.

ADJOURNMENT

The Council of the City of San José adjourned at 8:50 p.m. in memory of Florence Menteer, founding member of the Northside Neighborhood Association and an advocate for Watson and Backesto Parks; and in memory of Eleodoro Diaz, father of Council Member Manny Diaz.

SUSAN HAMMER, MAYOR

ATTEST:

PATRICIA L. O'HEARN, CITY CLERK

RT