



# **CITY COUNCIL AGENDA**

**JANUARY 9, 2001**

## **SYNOPSIS**

LINDA J. LE ZOTTE  
FORREST WILLIAMS  
CINDY CHAVEZ  
CHUCK REED  
VACANT

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER  
GEORGE SHIRAKAWA, JR.  
DAVID D. CORTESE  
JOHN DIQUISTO  
PAT DANDO

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Economic and Neighborhood Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Transportation** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- **Recreation and Cultural Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Aviation** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- **Public Safety** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

**The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.**

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**  
9:30 a.m. - Closed Session, Room 600, City Hall  
Absent: Council Members – None.  
Vacant: District 5  
  
1:30 p.m. - Regular Session, Council Chambers, City Hall  
Absent: Council Members – None.  
Vacant: District 5
- **Invocation (District 1)**  
Representing Troop #400, Boy Scouts Richard Lam, John Lin, Daniel McCue, Jeremiah McCullough-Matt, Aditya Rudrashk, Marcel Stieber, James Tao, Miles Ward, accompanied by Scout Master Gary McCue, conducted the Flag Ceremony.
- **Pledge of Allegiance**  
Boy Scout Marcel Stieber led in the Pledge of Allegiance.
- **Orders of the Day**  
Approved.

## **1 CEREMONIAL ITEMS**

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- 1.1 Presentation of a commendation to the San José Firefighters Burn Foundation for its dedication and commitment to the residents of the City of San José by helping residents who have been displaced by fires in our community. (Fire)  
**Joining Mayor Gonzales at the Podium were Council Member Diquisto, Fire Chief Manuel P. Alarcon, Fire Engineer Mitchell Wisinski, Battalion Chief Thomas Afflixio, Firefighter Thomas Conry, Fire Investigator Ray Storms, Firefighter Anthony Ojeda, and Captain Cheryl Faltersack who accepted the commendation, acknowledged the volunteers and family members of the San José Firefighters, and expressed the Department’s appreciation for the support of the City Council. Mayor Gonzales thanked the Firefighters for their dedication and commitment to the residents of the City of San José, and asked the guests to stand and be recognized.**

# 1 CEREMONIAL ITEMS

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- 1.2 Presentation of plaque to Camille Acayan for 1 year 6 months service on the Library Commission. (Mayor)  
**Mayor Gonzales presented the plaque to Camille Acayan and expressed appreciation for Ms. Acayan's participation in the development of the San José Library Master Plan and the passage of Measure O, San José's Neighborhood Bond Initiative on the November 2000 ballot.**
- 1.3 Presentation of a commendation to the fire agencies that contained and suppressed the Berryessa foothills fire on October 22, 2000. (Reed)  
**Council Member Reed and Fire Chief Manuel P. Alarcon joined Mayor Gonzales at the Podium, along with representatives from Fire Departments of the City of San José, the City of Sunnyvale, Santa Clara County, the City of Santa Clara, Moffett Field, the City of Milpitas, the City of Gilroy, and the California Division of Forestry. Fire Chief Alarcon expressed appreciation to all 145 men and women of these Fire Departments for their heroism and valor in the line of duty in effectively fighting the fire in the Berryessa Foothills, and for responding to San José's call for help in assisting in saving the life and property of the City's residents. On behalf of the City Council, Mayor Gonzales presented commendations to each Fire Department representative and offered the City's grateful appreciation.**
- 1.4 **Joining Council Member LeZotte, Mayor Gonzales and the City Council welcomed Scout Master Gary McCue and Boy Scouts Troop #400 from West San José. Boy Scout Marcel Stieber introduced the 6<sup>th</sup> graders, who attend Miller Middle School, John Muir Elementary School, and Santa Clara Christian School, and thanked the City Council for inviting the Troop to participate in today's legislative session.**

# 2 CONSENT CALENDAR

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## 2.1 Final adoption of an ordinance.

**Recommendation:** ORD. NO. 26196 – Adopts the Neighborhood Business Clusters Redevelopment Plan and makes certain findings.

[Deferred from 9/19/00 – Item 6b(4) et al., and 12/19/00 – Item 6b(1)]

**Deferred to 01/16/01.**

## 2 CONSENT CALENDAR

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### 2.2 Final adoption of an ordinance.

**Recommendation:** ORD. NO. 26197 – Amends the Julian-Stockton Redevelopment Plan, the Olinder Redevelopment Plan, the San Antonio Plaza Redevelopment Plan, the Rincon de Los Esteros Redevelopment Plan, the Pueblo Uno Redevelopment Plan, the Edenvale Redevelopment Plan, the Guadalupe-Auzerais Redevelopment Plan, the Market Gateway Redevelopment Plan, the Century Center Redevelopment Plan, the Alum Rock Avenue Redevelopment Plan, the East Santa Clara Street Redevelopment Plan, the Almaden Gateway Redevelopment Plan, the Story Road Redevelopment Plan, The Alameda Redevelopment Plan, the West San Carlos Street Redevelopment Plan, the Japantown Redevelopment Plan, the Monterey Corridor Redevelopment Plan, the Park Center Redevelopment Plan, the Civic Plaza Redevelopment Plan, and the Neighborhood Business Clusters Redevelopment Plan to effect the merger of said Redevelopment Project Areas and making certain findings.

[Deferred from 9/19/00 – Item 6b(5) et al., and 12/19/00 – Item 6b(2)]

**Deferred to 01/16/01.**

### 2.3 Authorization for the City Manager to travel.

**Recommendation:** Authorization for the City Manager to travel to San Antonio, Texas, January 18 through 20, 2001, to attend the Large Cities Executive Forum.  
(City Manager's Office)

**Approved.**

### 2.4 Approval of open purchase orders to the purchase of supplies, materials, equipment and services.

**Recommendation:** Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2000-2001 #24, and authorization for the Director of General Services to execute the purchase orders. (General Services)

**Approved.**

### 2.5 Approval of a consultant agreement for the development of San José Smart Start Centers.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a consultant agreement with Steven T. Frederick Development Company to advise the City regarding its grant of funds for the development of San José Smart Start program sites, for a period beginning upon execution and ending on August 31, 2001, in an amount not to exceed \$100,000. (Parks, Recreation and Neighborhood Services)

**Resolution No. 70101 adopted.**

## 2 CONSENT CALENDAR

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### 2.6 Approval to appropriate funds for the Workforce Investment Act Youth Service Programs.

**Recommendation:** Adoption of an appropriation ordinance and funding sources resolution amendments in the General Fund to provide financial support for one-time transition grant for the Workforce Investment Act Youth Community Outreach and Recruitment, in the amount of \$250,000, and adoption of a resolution authorizing the City Manager to negotiate and execute grant agreements with grant recipients in a total amount not to exceed \$250,000. (City Manager's Office)

**Dropped.**

### 2.7 Approval of a consultant agreement to develop a master plan for Bellevue Park.

**Recommendation:** Approval of an agreement with The Planning Collaborative for consultant services for the Bellevue Park master plan and plans and specifications for a base fee amount of \$165,000, and \$10,000 for additional services, for a total agreement amount not to exceed \$175,000. (Public Works)

**Approved.**

### 2.8 Approval of a lease agreement for the Department of Parks, Recreation and Neighborhood Services' Gang Intervention Section.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a five-year lease agreement with Barnard Living Trust, Ronald and Michelle Lewis for 10,459 useable square feet of office space for the Department of Parks, Recreation and Neighborhood Services' Gang Intervention Section consisting of a two story office building located at 2695 Moorpark Avenue for a monthly rent of \$45,496.65 per month during the first year of the lease with annual increases of approximately 4% to a maximum rate of \$54,484.20 per month during the fifth and final year of the lease. (Public Works)

**Resolution No. 70102 adopted.**

### 2.9 Final adoption of an ordinance.

**Recommendation:** ORD. NO. 26273 – Amends Section 23.02.800 of Chapter 23.02 and Sections 23.04.120, 23.04.310, and 23.04.610 of Chapter 23.04, of the San José Municipal Code, to implement certain recommendations of the Signage Advisory Committee and to allow additional signage on large buildings in the Downtown Area.

**Ordinance No. 26273 adopted.**

## 2 CONSENT CALENDAR

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### 2.10 Approval of the plans, final map, and contract for Tract No. 9311.

**Recommendation:** TRACT NO. 9311 - Southwest corner of Stokes Street and Southwest Expressway - Stokes Development Company, LLC, A California Limited Liability Company (Developer) - 93 single family attached residential units. Approval of a parkland agreement and adoption of resolutions approving the plans, final map, and contract for Tract No. 9311. CEQA: Negative Declaration. (Public Works)

**The Parkland Agreement Approved.**

**Resolution Nos. 70103-70105 adopted.**

## 3 STRATEGIC SUPPORT

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### 3.1 Report of the Study Session, Mayor Gonzales, Chair No Report.

### 3.2 Report of the Rules Committee No Report.

### 3.3 Report of the Finance and Technology Committee – December 13, 2000

(a) Consent Items

(1) Monthly Investment Report for October 2000

(2) October Monthly Report

**The Committee approved the Consent Items.**

(b) Monthly Financial Report for October 2000

**The Committee accepted the staff report and recommended that a review of the transient occupancy tax distribution be added to the Finance and Technology Committee Workplan for 2001.**

(c) Environmental Services Department Staff Report on Industrial and Commercial Inspection Program Audit Follow-Up

**The Committee accepted the staff report.**

(d) Finance and Technology Committee Workplan for January through June 2001

**The Committee accepted the staff report.**

(e) Proposed Lease and Construction Agreement for Phase III Expansion of Hayes Conference Center

**This Item was reported to Council on December 19, 2000.**

### **3 STRATEGIC SUPPORT**

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#### **3.3 Report of the Finance and Technology Committee – December 13, 2000 – (Cont'd.)**

- (f) Oral petitions  
**Bill Garbett spoke on Hayes Mansion and Edenvale Garden Park.**
- (g) Adjournment  
**The Committee adjourned at 11:05 a.m.**

**The Finance and Technology Committee Report and actions of December 13, 2000 accepted.**

#### **3.4 Appointment of San José Appeals Hearing Board members.**

**Recommendation:** Interview applicants to fill three vacancies on the San José Appeals Hearing Board for terms ending 12/31/04, with one position designated for an attorney.

(City Clerk)

(Deferred from 12/12/00 – Item 9f and 12/19/00 – Item 9k)

**Council interviewed four applicants for the three positions on the San José Appeals Hearing Board. On the first ballot the City Council appointed Janet Thompson, attorney, and Peter Constant and Cynthia Cobb to fill three four-year terms ending December 31, 2004.**

#### **3.5 Adoption of a resolution changing the agenda format to make it easier for the public to use.**

**Recommendation:** Adoption of a resolution amending Council Resolution No. 69517 to reflect changes to clarify the Council's Order of Business. (Mayor)

(Orders of the Day)

**See Item 10.2 for resolution adopted, which includes changes approved at Item 3.5.**

### **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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#### **4.1 Report of the Economic and Community Development Committee No Report.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.2 Public hearing on conforming rezoning.**

**Recommendation:** PUBLIC HEARING ON CONFORMING REZONING for the property located approximately 950 feet north of Oakland and Brokaw Roads, from A-Agricultural Zoning District to I-Industrial Zoning District, to allow commercial and retail use on a 0.75 gross acre site. (Jaswont S. Gillon, Owner/Developer). CEQA: Resolution No. 60197. Director of Planning, Building, and Code Enforcement recommends approval.

C 00-08-072 - District 4

**Ordinance No. 26278 passed for publication.**

### **4.3 Public hearing on conforming planned development rezoning.**

**Recommendation:** PUBLIC HEARING ON CONFORMING PLANNED DEVELOPMENT REZONING of the property located at the southeast corner of North First Street and Baypointe Drive, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow a new street alignment and changes to building setback along Zanker Road, with no other changes to existing Planned Development Zoning designation on a 61.9 gross acre site. (Irvine Company, Owner/Developer). CEQA: Resolution No. 68667. Director of Planning, Building, and Code Enforcement recommends approval.

PDC 00-08-080 - District 4

**Ordinance No. 26279 passed for publication.**

### **4.4 Consideration of opportunities to increase housing production.**

**Recommendation:** Review and consideration of opportunities to increase housing production in San José. (Mayor)

(Deferred from 12/19/00 – Item 9f)

**Deferred to 01/16/01.**

### **4.5 Approval of a development waiver to accommodate three high-rise towers.**

**Recommendation:** Adoption of a resolution approving a development waiver to allow a greater maximum floor area (FAR), number of stories and height to accommodate three high-rise towers totaling approximately 860,000 net square feet of office space, with a maximum height of 280 feet above grade (18 floors), at the northwest corner of Woz Way and Almaden Boulevard on a 3.66 gross acre site in the C-3 zoning district. CEQA: Resolution No. 68839. (Redevelopment Agency)

**Resolution No. 70106 adopted.**

**Council directed Staff to continue working on issues related to childcare, widening of the pedestrian/bike paths, and options for enhanced lighting, and return to Council with a status report.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.6 One-time transfer from the Healthy Neighborhoods Venture Fund.**

**Recommendation:** Approval of an ordinance authorizing a one-time transfer of \$600,000 from the Healthy Neighborhoods Venture Fund's anti-tobacco category to the education/health category for Cycle 2 (2001-2002) under Ordinance No. 26140.  
(City Attorney's Office)

**Ordinance No. 26280 passed for publication.**

## **5 TRANSPORTATION SERVICES**

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### **5.1 Report of the Transportation and Environment Committee – December 14, 2000**

- (a) Consent Calendar
  - (1) ACT Program Quarterly Report No. 10
  - (2) Second and Third Quarter 2000 Status Reports for South Bay Water Recycling

**The Committee approved the Consent Calendar.**

- (b) Continued Discussion of Taxi Cab Report  
**The City Council Heard this Item on 12/19/00.**
- (c) Status Report on Energy Efficiency Partnership with Pacific Gas and Electric Company Using Public Benefits Funds and Implementation Agreements  
**The Committee accepted the report.**

**See Item 7.1 for Council action taken.**

- (d) Cool Community: Report and Recommendations
  - (1) Pavement Maintenance and Cool Community Initiative
  - (2) Creation and Preservation of San José's Street Tree Canopy**The Committee recommended approval of all recommendations included within the two reports.**
- (e) Status Report on 1996 Measure A+B Light Rail and Highway Projects  
**The Committee accepted the status report with no action required.**
- (f) Riparian Restoration Action Plan  
**The Committee accepted the report.**
- (g) Approval of the Transportation and Environment Committee Draft Workplan for January 2001-June 2001  
**The Committee deferred this item to the next regularly scheduled Committee meeting.**

## **5 TRANSPORTATION SERVICES**

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### **5.1 Report of the Transportation and Environment Committee – December 14, 2000 – (Cont'd.)**

(h) Oral petitions  
**None Presented.**

(i) Adjournment  
**The meeting was adjourned at 4:05 p.m.**

**The Transportation and Environment Committee Report and actions of December 14, 2000 accepted with Item 5.1(c) acted upon at Item 7.1.**

## **6 RECREATION & CULTURAL SERVICES**

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### **6.1 Report of the Education, Neighborhoods, Youth, and Senior Committee No Report.**

## **7 ENVIRONMENTAL & UTILITY SERVICES**

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### **7.1 Agreement with PG&E.**

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate an agreement with PG&E to accept \$502,000 in Public Goods Funds for the establishment of a program to encourage the upgrade to “cool roofs” in commercial/industrial buildings.

[Transportation and Environment Committee referral 12/14/00 – Item 5.1(c)]

**Resolution No. 70107 adopted.**

## **8 AVIATION SERVICES**

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### **8.1 Approval to increase the amounts for two grants from the Federal Aviation Administration.**

**Recommendation:** Adoption of a resolution authorizing the City Manager to execute two amendments to the Federal Aviation Administration grant agreements as follows:

- (a) Increase the grant amount by \$148,436, from \$989,572 to \$1,138,008, for Airport Improvement Program # 3-06-0226-34 for the reconstruction of Taxiway A.
- (b) Increase the grant amount by \$231,164, from \$3,158,711 to \$3,389,875, for Airport Improvement Program # 3-06-0226-35 for the reconstruction of Taxiway Z.

CEQA: Resolution No. 67380. (Airport)

**Resolution No. 70108 adopted.**

## **9 PUBLIC SAFETY**

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## **10 JOINT COUNCIL/REDEVELOPMENT AGENCY**

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**REDEVELOPMENT AGENCY BOARD CONVENED AT 2:25 P.M. TO  
CONSIDER ITEMS 10.1 AND 10.2 IN A JOINT SESSION**

### **10.1 Adoption of the Neighborhood Business Clusters Redevelopment Plan.**

**Recommendation:**

- (a) Adoption by the City Council of a response to written objections from property owners and taxing entities to the adoption of the Neighborhood Business Clusters Redevelopment Plan and the merger of the Neighborhood Business Clusters Redevelopment Plan into the San Jose Merged Area Redevelopment Plan.
- (b) Final adoption of ORDINANCE NO. 26196 – Adopts the Neighborhood Business Clusters Redevelopment Plan and makes certain findings.

**TO BE HEARD WITH ITEM 2.1**

## **10 JOINT COUNCIL/REDEVELOPMENT AGENCY**

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### **10.1 Adoption of the Neighborhood Business Clusters Redevelopment Plan. (Cont'd.)**

**Recommendation:**

- (c) Final adoption of ORDINANCE NO. 26197 – Amends the Julian-Stockton Redevelopment Plan, the Olinder Redevelopment Plan, the San Antonio Plaza Redevelopment Plan, the Rincon de Los Esteros Redevelopment Plan, the Pueblo Uno Redevelopment Plan, the Edenvale Redevelopment Plan, the Guadalupe-Auzerais Redevelopment Plan, the Market Gateway Redevelopment Plan, the Century Center Redevelopment Plan, the Alum Rock Avenue Redevelopment Plan, the East Santa Clara Street Redevelopment Plan, the Almaden Gateway Redevelopment Plan, the Story Road Redevelopment Plan, The Alameda Redevelopment Plan, the West San Carlos Street Redevelopment Plan, the Japantown Redevelopment Plan, the Monterey Corridor Redevelopment Plan, the Park Center Redevelopment Plan, the Civic Plaza Redevelopment Plan, and the Neighborhood Business Clusters Redevelopment Plan to effect the merger of said Redevelopment Project Areas and making certain findings

**TO BE HEARD WITH ITEM 2.2**

(Deferred from 9/19/00 – Item 11a et al., and 12/19/00 – Item 11d)

**Deferred to 01/16/01.**

### **10.2 Redevelopment Agency and City Council Committee restructuring and appointments.**

**Recommendation:** Discussion and approval of the Redevelopment Agency and City Council Committee restructuring and appointments, adoption of a City Council resolution amending the Council Rules Resolution, and adoption of an Agency Board resolution amending the Agency bylaws. (Mayor)

(Rules in Lieu referral 1/3/01)

**Resolution No. 70109 adopted.**

**Redevelopment Agency Board Resolution adopted.**

**REDEVELOPMENT AGENCY BOARD ADJOURNED AT 2:35 P.M.**

- Closed Session Report
- Open Forum—To be heard jointly with Redevelopment Agency Public Discussion.  
Ross Signorino commented on Measure I.

- **Adjournment**

**The Council of the City of San José adjourned at 3:10 p.m. in memory of Senator Alan Cranston.**