



CITY COUNCIL AGENDA

JUNE 5, 2001

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

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 Services** — 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.
- **Recreation and Cultural Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Aviation Services** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- **Public Safety Services** — 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.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.ci.san-jose.ca.us/cty_clk/agenda.htm

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
Session Cancelled.

1:35 p.m. - Regular Session, Council Chambers, City Hall
Absent: Council Members – None.

7:05 p.m. - Public Hearings, Council Chambers, City Hall
Absent: Council Members Diquisto, Reed (both excused)

- **Invocation**
Pastor Dennis Moore, Metropolitan Community Church, delivered the invocation. (District 6)

- **Pledge of Allegiance**
Mayor Gonzales led in the Pledge of Allegiance.

- **Orders of the Day**
Approved.

1 CEREMONIAL ITEMS

- 1.1 Presentation of awards by CalFest, the Professional Festivals and Events Association of California and Nevada, to the City of San José Holiday Parade.
(Parks, Recreation and Neighborhood Services)

(Deferred from 5/8/01 – Item 1.3)

Joining Mayor Gonzales at the Podium was Bruce Labadie, member of CalFest Board of Directors, who presented the *Certificate of Excellence* to Park Manger Joe Cardinalli, and Recreation Specialist Edgar Bautista of the Parks, Recreation and Neighborhood Services Department, and congratulated the City of San José on winning Second Place in “Marketing”, and Third Place for having the “Best Magazine/Newspaper Advertisement” throughout the region.

- 1.2 Presentation of commendation and award of the Outstanding Employee Recognition Award to Frank Bowman, Landscape Maintenance Supervisor in the Transportation Department. (City Manager’s Office)

Joining Mayor Gonzales at the Podium were City Manager, Del D. Borgsdorf, Director of Transportation, Wayne K. Tanda, and honoree Frank Bowman, who accepted the commendation and the monetary award. He acknowledged the hard work and team effort of the men and women in Sections 93 and 94 of the Department of Transportation, and asked them to stand and be recognized.

- 1.3 Proclamation honoring and celebrating the contributions made to our great city by our gay, lesbian, bisexual, and transgender residents and encouraging everyone to participate and enjoy the Gay Pride Celebration occurring June 9 and 10, 2001. (Yeager)

Joining Mayor Gonzales at the Podium were George Gonzales, President of the San José Gay Pride Committee, Council Member Chavez, and Council Member Yeager who acknowledged the contributions made to the City of San José by the gay, lesbian, bisexual and transgender community, and invited everyone to attend the celebration on June 9 and 10, 2001. Council Member Yeager acknowledged the participation of Council Member Chavez and Michael Lomonaco, who will preside as Grand Marshals for the 2001 San José Gay Pride Parade and Celebration, and Mayor Gonzales presented the proclamation to George Gonzales.

- 1.4 The City Council and the Administration joined Mayor Gonzales in a special tribute to Chris Galios, San José Police Officer, who is retiring after 30 years of dedicated service to the citizens of San José, and after eight years serving on security detail for Mayors Gonzales and Hammer. As observed in a recent documentary produced by Channel 11, the excellence of Officer Galios as a respected Police Officer is validated by his vigilant and courageous performance throughout his professional career as a sworn police officer.

2 CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

2.1 Approval of Minutes.

Recommendation: Approval of City Council Minutes for:

- (a) Adjourned Regular Session of March 2, 2001
 - (1) Regional Energy Needs

Approved.

- (b) Regular Meeting of March 6, 2001

Approved.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 26394 – Rezones certain real property situated on the east side of North White Road, approximately 450 feet north of McKee Road.
PDC 01-01-002

Ordinance No. 26394 adopted.

- (b) ORD. NO. 26396 – Amends Chapter 7.08 of Title 7 of the San José Municipal Code by amending the definition of “pet shop” in Section 7.08.140, adding a definition of “building” for the purposes of Title 7; amending the conditions relating to animal facilities in Section 7.08.730; amending the location of sales in Section 7.08.830.

Ordinance No. 26396 adopted.

2.3 Approval of various fiscal actions for Redevelopment Agency Projects.

Recommendation: Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the Fox California Theatre Study Project and the Automatic Public Toilets Project with a net impact to the fund of \$132,365. (City Manager’s Office)

Ordinance No. 26401 adopted.

Resolution No. 70383 adopted.

2 CONSENT CALENDAR

2.4 Approval of grant agreements for the Construction and Demolition Recycling Infrastructure Grant Program.

Recommendation: Approval of grant agreements with the following businesses for constructing additional construction and demolition recycling infrastructure for the period July 1, 2001 to June 30, 2003:

- (a) Material Recovery, LLC, for the construction of a carpet recycling system, in an amount not to exceed \$200,000.

Approved with the Staff directed to provide Council with a report on the process used to account for recycled or discarded materials.

- (b) Zanker Road Resource Management, Ltd., for the purchase of an organics removal system for recycled roadbase, in an amount not to exceed \$129,000.

Approved.

- (c) Waste Management, Inc., for the construction of a roofing waste recycling system, in an amount not to exceed \$100,000.

Dropped.

- (d) Jonna Corporation, d.b.a. Premier Recycling, for the purchase of a wood waste recycling system, in an amount not to exceed \$71,000.

(Environmental Services)

Approved.

2.5 Approval of open purchase orders for 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 #46, and authorization for the Director of General Services to execute the purchase orders. (General Services)

Approved.

2.6 Approval of a sole source purchase of parking meter parts.

Recommendation: Approval to award a sole source purchase of 100 electronic parking meter mechanisms, 225 electronic parking meter housings, and locks and keys for the Transportation Department to Duncan Industries, Inc., for total cost of \$142,678.24, including tax and shipping, and authorization for the Director of General Services to execute the purchase order. (General Services)

Approved.

2 CONSENT CALENDAR

2.7 Approval of award for replacement of irrigation controllers in Maintenance District #16.

Recommendation: Report on Request for Quotation and award for the replacement of irrigation controllers in Maintenance Assessment District #16 (Evergreen Specific Area) to TruGreen Landcare, Inc., for a total of \$235,000.00, including tax, and authorization for the Director of General Services to execute the service order. (General Services)

Approved.

2.8 Approval of various actions relating to the purchase of replacement mobile radios.

Recommendation:

(a) Report on bids and award the purchase of 126 Motorola CDM1550 mobile radios for the Police Department to the low bidder, SJM Industrial Radio for a total cost of \$90,084.96, including tax and delivery.

Approved.

(b) Award of removal and installation of the mobile radios to the low bidder, Day Wireless Systems for a total cost of \$15,120.00.

Approved.

(c) Authorization for the Director of General Services to execute the purchase orders for:

(1) Immediate purchase and installation of one hundred twenty-six (126) units; and

(2) Subsequent purchase of additional units at the same bid price without further Council action other than the appropriation of necessary funds.

(General Services)

Approved.

2.9 Approval to purchase paratransit van conversions for senior center transportation needs.

Recommendation: Report on bids and award the purchase of four (4) paratransit van conversions for the Department of Parks, Recreation and Neighborhood Services to the sole bidder, New Ability Driving Systems, at a total cost of \$91,432.80, including tax, and authorization for the Director of General Services to execute the purchase order for the:

(a) Immediate purchase of four (4) paratransit van conversions; and

(b) Subsequent purchase of additional conversions at the same bid price without further Council action other than the appropriation of necessary funds.

(General Services)

Approved.

2 CONSENT CALENDAR

2.10 Approval to amend an agreement for reinforcing the baggage handling equipment at the San José International Airport.

Recommendation: Adoption of a resolution authorizing the Director General Services to negotiate and execute an amendment to the agreement with Airport Group International, Inc. (AGI) for reinforcing the baggage handling equipment at the San José International Airport, at a cost of \$60,000, including tax, for a total contract cost of \$690,000. (General Services)

Resolution No. 70384 adopted.

2.11 Approval to award the sole source purchase of a photo database.

Recommendation: Approval to award the sole source purchase of a turnkey photo database management system for the Police Department, to DataWorks Plus, LLC, at a total cost of \$99,783.40, including tax and installation, and authorization for the Director of General Services to execute the purchase order. (General Services)

Approved.

2.12 Approval to purchase two trucks for street landscape maintenance.

Recommendation: Report on bids and award the purchase of two (2) 14,250 pound trucks with 12-foot van type bodies for the Department of Transportation to the low bidder, Monarch Truck Center, at a total cost of \$141,928.96, including tax, and authorization for the Director of General Services to execute the purchase order for the:

- (a) Immediate purchase of two (2) units; and
- (b) Subsequent purchase of additional units at the same bid price without further Council action other than the appropriation of necessary funds.

(General Services)

Approved.

2.13 Approval of the San José Public Library's re-design of the library card campaign.

Recommendation: Approval of the San José Public Library's re-design of its library card campaign to focus on first grade students, in order to synchronize the program with curriculum goals and to reach all elementary schools in the City every year. (Library)

Approved.

2 CONSENT CALENDAR

2.14 Approval of initiation of various actions to consider the rezoning of properties to implement the San José 2020 General Plan.

Recommendation: Adoption of a resolution initiating proceedings on a series of ordinances of the City of San José to consider the rezoning of properties from the current zoning to A (Agriculture), CP (Commercial Pedestrian), and OS (Open Space) as a result of the newly adopted Zoning Code to further implement the San José 2020 General Plan; setting a public hearing on August 14, 2001 at 7:00 p.m.; and referring the ordinances to the Planning Commission for its recommendation and comments.

(Planning, Building and Code Enforcement)

Resolution No. 70385 adopted.

2.15 Approval to vacate a light and air easement and set a public hearing.

Recommendation: Adoption of a resolution of intention to vacate the light and air easement (building setback line) that lies within Parcel A (formerly Lots 7, 8, 9, 10, and a portion of Lot 6 of Tract No. 164 (Cambrian Morningside), located at the northeast corner of Bascom Avenue and Elden Drive, and setting a public hearing on June 26, 2001 at 1:30 p.m. CEQA: ND. Council District 9. (Public Works)

Resolution No. 70386 adopted.

2.16 Approval of a contract for the Street Lights Crackdown 2001 Project.

Recommendation: Report on bids and award of contract for the Street Lights Crackdown 2001 Project to the sole bidder, Pacific Electric Company, in the amount of \$137,035, and approval of a contingency in the amount of \$13,000. CEQA: Exempt. NEPA: Exempt. (Public Works)

Approved.

2.17 Approval of a contract for the Fire Station No. 9 and Cambrian Library Parking Modifications Project.

Recommendation: Report on bids and award of a contract for the Fire Station No. 9 and Cambrian Library Parking Modifications Project to the low bidder, Silicon Valley Paving, Inc., for the base bid and add alternate in the amount of \$233,670, and approval of a contingency in the amount of \$36,000. CEQA: Exempt. Council District 9. (Public Works)

Approved.

2 CONSENT CALENDAR

2.18 Approval to reject all bids for the West San Carlos Sidewalk Replacement Project.

Recommendation: Approval to reject all bids for the West San Carlos Sidewalk Replacement Project, and authorization for the Director of Public Works to re-advertise and re-bid the project. CEQA: Resolution No. 62614. Council District 6.

(Public Works)

(Rules Committee referral 5/30/01)

Approved.

2.19 Approval of intention to vacate portions of land and set public hearings.

Recommendation:

(a) Adoption of a resolution of intention to conditionally vacate a portion of Bush Street and setting a public hearing on June 26, 2001 at 1:30 p.m. CEQA: Resolution No. 69355. Council District 6.

Resolution No. 70387 adopted.

(b) Adoption of a resolution of intention to vacate a portion of White Street and reserve a public service easement and setting a public hearing on June 26, 2001 at 1:30 p.m. CEQA: Resolution No. 69355. Council District 6.

(Public Works)

(Rules Committee referral 5/30/01)

Resolution No. 70388 adopted.

2.20 Approval of a parkland agreement, the plans, final map, and contract for Tract No. 9347.

Recommendation: TRACT NO. 9347 - Located on the north side of Santa Teresa Boulevard, between Allen Avenue and Taormino Avenue - Pulte Home Corporation, a Michigan Corporation (Developer) - 28 single family detached residential units. Approval of a parkland agreement and adoption of resolutions approving the plans, final map, and contract for Tract No. 9347. CEQA: ND. Council District 10. (Public Works)

Parkland Agreement Approved.

Resolution Nos. 70389-70391 adopted.

END OF CONSENT CALENDAR

3 STRATEGIC SUPPORT SERVICES

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

3.2 Report of the Rules Committee – May 23, 2001
Vice Mayor Shirakawa, Jr., Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
The Committee referred all items to the Redevelopment Agency Board for consideration.

- (b) City Council
 - (1) Review June 5, 2001 Draft Agenda
The Committee approved the June 5, 2001 City Council Agenda with one addition.

 - (2) Add New Items to May 29, 2001 Amended Agenda
The Committee recommended five additions to the May 29, 2001 City Council Agenda.

- (c) City Council Committees
 - (1) Amendments to Council Committee Agendas
 - (a) Finance and Infrastructure Committee
The Committee recommended an addition to the June 15, 2001 Finance and Infrastructure Committee Agenda entitled “Annual Capital Project Program Status Report (Public Works)”

 - (b) Economic Development and Environment Committee
None Presented.

 - (c) Education, Neighborhoods, Youth, and Seniors Committee
The Committee recommended cancellation of the May 21, 2001 ENYS Committee meeting, with all items carried over to the June 18, 2001 regularly scheduled meeting.

 - (d) Ad Hoc Traffic Calming Advisory Committee
None Presented.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – May 23, 2001 – (Cont'd.)

Vice Mayor Shirakawa, Jr., Chair

(d) Meeting Schedules

- (1) Approval of the City Council meeting schedule covering June 26, 2001 to January 2002

The Committee recommended approval of the City Council Meeting Schedule for the period June 26, 2001 through January 2002 and scheduled the following:

- **June 26, 2001 – Evening Session**
- **August 7, 2001 – Evening Session Cancelled**
- **October 16, 2001, 5:30 p.m. - Board and Commission Recognition Event**
- **August 21, November 6, and November 20, 2001 – Public Hearings for the 2001 Annual Review of the General Plan**

- (e) The Public Record – May 9 to May 15, 2001

The Committee noted and filed the Public Record for the period May 9-15, 2001.

(f) Boards, Commissions and Committees

- (1) Appointment of community representatives to the Airport Noise Monitoring Committee

The Committee confirmed its recommendation to appoint Russ McBrien and, pending review of her application by the City Attorney's Office, Cathy Marshall as community representatives to the Airport Noise Monitoring Committee.

- (2) Recommend 15 community organizations to be appointed to the Project Area Committee for the proposed Strong Neighborhoods Initiative Redevelopment Project Area

With Member Chavez dissenting, the Committee recommended approval of the following organizations for appointment to the Project Area Committee for the proposed Strong Neighborhoods Initiative Redevelopment Project Area:

- **Silicon Valley Chamber of Commerce (Mayor)**
- **Boynton West Neighborhood Association (LeZotte)**
- **West Side Property Owners (LeZotte)**
- **Mexican American Cultural Services Agency (Campos)**
- **Lyndale Community Association (Campos)**

This item continued on the next page.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – May 23, 2001 – (Cont'd.)

Vice Mayor Shirakawa, Jr., Chair

- (f) Boards, Commissions and Committees
- (2) Recommend 15 community organizations to be appointed to the Project Area Committee for the proposed Strong Neighborhoods Initiative Redevelopment Project Area
- Sherman Oaks Neighborhood Association (Yeager)
 - Springbrook Homeowners Association (Shirakawa, Jr.)
 - Tropicana-Lanai-Cunningham CAT (Shirakawa, Jr.)
 - Bellhurst Association (Shirakawa, Jr.)
 - Fair Exchange (Shirakawa, Jr.)
 - Mission Guadalupana De Santee (Shirakawa, Jr.)
 - NAACP (Shirakawa, Jr.)
 - Catholic Charities (Shirakawa, Jr.)
 - East Side Union High School (Cortesé)
(City Attorney to determine if the East Side Union High School District can be a full standing member of the Committee; if not, the Sikh Gurdwara will be appointed)
 - Buena Vista Neighborhood Association (Diquisto)
 - West San Carlos Street Business Association (Diquisto)
 - Almaden Hills United Methodist Church (Dando)
- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
None Presented.
- (h) Administrative Reviews and Approval
None Presented.
- (i) Oral communications
None Presented.
- (j) Adjournment
The meeting was adjourned at 2:50 p.m.

The Rules Committee Report and actions of May 23, 2001 accepted with all Redevelopment Agency items referred to the Redevelopment Agency Board for consideration.

3 STRATEGIC SUPPORT SERVICES

3.3 Report of the Finance and Infrastructure Committee – May 23, 2001 Council Member Dando, Chair

- (a) Consent Items:
 - (1) April Monthly Report
The Committee approved the Consent Item.
- (b) Monthly Financial Report for March 2001
The Committee accepted the staff report.
- (c) General Airport Revenue Bonds, Series 2001A – Plan of Finance
The Committee deferred this item to June 13, 2001 Finance and Infrastructure Committee.
- (d) Monthly Financial Statement for April 2001
- (e) Capital Cost Report for April 2001
- (f) Cash Flow Projection
These items to be reported out at Redevelopment Agency Board meeting.
- (g) Oral petitions
Bill Chew spoke on the possibility of televising future meetings, and protested the existence of potholes and trenches on streets and sidewalks.
- (h) Adjournment
The meeting was adjourned at 3:15 p.m.

The Finance and Infrastructure Committee Report and actions accepted.

3.4 Approval of City Auditor's travel.

Recommendation: Approval of City Auditor Gerald Silva's travel to Scottsdale, Arizona, from June 20-22, 2001, to attend the Western Intergovernmental Audit Forum, at a cost to the City of \$497. Funding: City Auditor's Non-Personal Budget.
(City Auditor)

Dropped.

3.5 Approval of various fiscal actions for Redevelopment Agency Projects.

Recommendation: Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the Hellyer/Silver Creek Valley Road Development Project, West San Carlos Street Pedestrian Streetlight Project, East Santa Clara Pedestrian Lighting Project and the North San José Flood Control-Preliminary Engineering Project with a net impact to the fund of \$1,379,325. (City Manager's Office)

Ordinance No. 26402 adopted.

Resolution No. 70392 adopted.

3 STRATEGIC SUPPORT SERVICES

3.6 Report and recommendations of the Redistricting Advisory Commission.

Recommendation: Report and recommendations of the Redistricting Advisory Commission.

(Mayor)

(Rules Committee referral 5/30/01)

This Item Heard in the Evening.

The Commission presented the formal report and recommendations to the City Council, and Public Testimony was presented.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Economic Development & Environment Committee Council Member Williams, Chair

No Report.

4.2 Restriction of the discing of vegetation on certain lands.

Recommendation: Approval of an ordinance of the City of San José amending Title 9 of the San José Municipal Code by adding a new Chapter 9.54 to restrict the discing of vegetation on certain lands. CEQA: Exempt.

(Planning, Building, and Code Enforcement)

[Economic Development and Environment Committee referral 5/7/01 – Item 4.1(d)]

(Deferred from 5/22/01 – Item 4.11)

Deferred to 06/19/01.

4.3 Public Hearing for the designation of the Allen Apartments as a landmark.

Recommendation: PUBLIC HEARING on the designation of the Allen Apartments, located at 156 E. St. John Street, as a landmark of special historic, architectural, cultural, aesthetic, or engineering interest or value of a historic nature. (Keith Watt, Owner).

CEQA: Exempt. (Planning, Building, and Code Enforcement)

HL 01-125 – District 3

Resolution No. 70393 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.4 Approval to exceed the maximum floor area ratio, number of stories, and height and development standards to accommodate the Adobe Phase II, Tower II Project.

Recommendation: Adoption of a resolution pursuant to Section 20.28.620 of the former Zoning Ordinance to authorize the Adobe Phase II, Tower II Project to exceed the maximum floor area ratio (FAR), number of stories, and height development regulations of the C-3 Zoning District, with a height and bulk waiver for a Class A office tower totaling 268,783 gross square feet of office space, with a maximum height of 260 feet above grade (eighteen floors). Planning Commission recommends approval (6-0-1). Council District 3. (Redevelopment Agency)

Resolution No. 70394 adopted.

4.5 Public Hearings on the annual assessments for the Business Improvement Districts.

Recommendation:

(a) PUBLIC HEARING and adoption of a resolution to:

(1) Approve the Downtown Business Improvement District's budget report for 2001-2002, as filed or as modified by City Council.

Budget Report Approved as filed.

(2) Levy the Downtown Business Improvement District's assessments for 2001-2002.

Resolution No. 70395 adopted.

(b) PUBLIC HEARING and adoption of a resolution to:

(1) Approve the Japantown Business Improvement District's budget report for 2001-2002, as filed or as modified by City Council.

Budget Report Approved as filed.

(2) Levy the Japantown Business Improvement District's assessments for 2001-2002.

Resolution No. 70396 adopted.

(c) PUBLIC HEARING and adoption of a resolution to:

(1) Approve the Willow Glen Business Improvement District's budget report for 2001-2002, as filed or as modified by City Council.

Budget Report Approved as filed.

(2) Levy the Willow Glen Business Improvement District's assessments for 2001-2002.

CEQA: Exempt. Council Districts 3 and 6. (Economic Development)

Resolution No. 70397 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.6 Approval of agreements for design consultant services for various park and recreation projects.

Recommendation: Approval of five master agreements for design consultant services with five landscape architecture firms for Various Park and Recreation Projects, with terms for each agreement from the date of execution to July 13, 2003, with

- (a) Moore Iacofano Goltsman, Inc., in the amount of \$500,000.

Approved.

- (b) Tom Richman & Associates, Inc., in the amount of \$500,000.

Approved.

- (c) Cottong & Taniguchi, in the amount of \$300,000.

Approved.

- (d) the beals group, inc., in the amount of \$300,000.

Approved.

- (e) MPA Design, in the amount of \$300,000.

(Public Works)

(Rules Committee referral 5/30/01)

Approved.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – May 21, 2001

Council Member Chavez, Chair

Meeting Canceled.

5.2 Approval of various fiscal actions relating to the Tuers-Capitol Golf Course.

Recommendation:

- (a) (1) Approve an increase in the construction project contingency by \$676,000, from \$875,000 to \$1,551,000.

Approved.

This item continued on the next page.

5 RECREATION & CULTURAL SERVICES

5.2 Approval of various fiscal actions relating to the Tuers-Capitol Golf Course. (Cont'd.)

Recommendation:

- (a) (2) Adopt a resolution authorizing the City Manager to negotiate and execute an amendment to the Grow-in Agreement with San Jose Golf, LLC, a California limited liability company, modifying the term of grow-in of the Tuers-Capitol Golf Course to commence on May 1, 2001, extending the agreement term for an additional eight (8) months, to terminate on March 1, 2002, and increasing total compensation to an amount not to exceed \$2,513,000.

Resolution No. 70398 adopted.

- (3) Adopt a resolution authorizing the City Manager to negotiate and execute an amendment to the Operations and Maintenance Agreement with San Jose Golf, LLC regarding Rancho del Pueblo Golf Course, to allow the Class A Golf Course Superintendent for the Tuers-Capitol Golf Course to also oversee maintenance of Rancho del Pueblo plus other related changes.

Council District 7. (Public Works/Conventions, Arts and Entertainment)

Resolution No. 70399 adopted.

- (b) Adoption of appropriation ordinance and funding sources resolution amendments in the City-wide Construction and Conveyance Tax Fund Central Fund and the General Fund to provide an additional \$2,967,000 for the Tuers-Capitol Golf Course Project. (City Manager's Office)

(Deferred from 5/29/01 – Item 5.2)

Ordinance No. 26403 adopted.

Resolution No. 70400 adopted.

6 TRANSPORTATION SERVICES

6.1 Traffic Calming Advisory Committee (Ad Hoc)

Council Member Reed, Chair

No Report.

6 TRANSPORTATION SERVICES

6.2 Public Hearing on the vacation of a portion of Skyway Drive.

Recommendation: PUBLIC HEARING and adoption of a resolution approving the vacation of a portion of Skyway Drive north of Houndshaven Way. CEQA: Resolution No. 65245. Council District 2. (Public Works)

Resolution No. 70401 adopted.

Disqualified: Reed, affect on source of income.

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval of a contract for the Monterey - Riverside Sanitary Sewer Rehabilitation Phase II Project.

Recommendation: Report on bids and award of contract for the Monterey - Riverside Sanitary Sewer Rehabilitation Phase II Project to the low bidder, Pacific Underground Construction, Inc., in the amount of \$2,068,970, and approval of a contingency in the amount of \$210,000. CEQA: Exempt. Council Districts 2 and 10. (Public Works)

Approved.

7.2 Acceptance of the proposed 2000/01-2004/05 Workplan for the Underground Utility Program and Undergrounding Masterplan.

Recommendation:

- (a) Acceptance of the report, the proposed 2000/01-2004/05 Workplan for the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program, and the proposed Rule 20B (In-Lieu Fee) Undergrounding Masterplan.
- (b) Direction to staff to submit periodic status reports to the Economic Development and Environment Committee and the proposed Five-Year Workplan in one year. (Public Works)

Dropped.

7.3 Approval of contract to install streetlights in the 2001 Citywide Project.

Recommendation: Report on bids and award of contract for the Street Lights Citywide 2001 Project to the sole bidder, Pacific Electric Co., in the amount of \$378,229.65, and approval of a contingency in the amount of \$38,000. CEQA: Exempt. (Public Works)

Approved with direction to Staff to provide Council with a street lights construction schedule and projected completion dates.

7 ENVIRONMENTAL & UTILITY SERVICES

7.4 Public Hearing approving Commercial Solid Waste and Recyclables Collection Franchise and Franchise Agreement.

Recommendation: PUBLIC HEARING on approval of an ordinance granting a Commercial Solid Waste and Recyclables Collection Franchise and approval of a Commercial Solid Waste and Recyclables Collection Franchise Agreement with Smurfit-Stone Container Corporation dba Smurfit-Stone Recycling. (Environmental Services)
[Continued from 5/8/01 – Item 7.1(v) and 5/29/01 – Item 7.1]

Ordinance No. 26404 passed for publication.

7.5 Approval of a proposed agreement on Metcalf Energy Center (MEC) business terms for a development/cooperation agreement.

Recommendation:

- (a) Adoption of a resolution approving business terms with Calpine/Bechtel in connection with the proposed Metcalf Energy Center (MEC) power plant.

Resolution No. 70402 adopted

Noes: Williams.

- (b) Direction to the City Manager and City Attorney to negotiate a final cooperation agreement with Calpine/Bechtel based upon said terms and return to Council for final approval by June 26, 2001.

(Mayor)

(Rules Committee referral 5/30/01)

Approved.

Noes: Williams.

Council approved recommendation proposed by Mayor Gonzales to (1) approve the proposed agreement on Metcalf Energy Center (MEC) business terms for the development/cooperation agreement, and (b) directed the City Manager and the City Attorney to negotiate a final cooperation agreement with Calpine/Bechtel based upon terms contained in the agreement and return to Council for final approval by June 26, 2001, and to include in a report to Council the cost benefit analysis and responses to the concerns raised by Council Members during today's meeting. Noes: Williams.

8 AVIATION SERVICES

8.1 Acceptance of the Report on the Airport Peer Review.

Recommendation: Acceptance of the Report on the Airport Peer Review. (Airport)
Dropped.

9 PUBLIC SAFETY SERVICES

9.1 Acceptance of the Fire Department Strategic Plan.

Recommendation:

- (a) Acceptance of the Fire Department Strategic Plan, prepared by Emergency Consulting and Research Center, for use as a foundation for current and future Fire Department service improvements and related funding decisions.
- (b) Direction to the City Manager to submit a comprehensive Master Planning Report to Council by September 2001 that integrates the Strategic Plan's findings and long-term recommendations with other pending or recently completed Fire Department studies, including a process for prioritizing, funding, and implementing recommendations.

(Fire)

Deferred to 06/26/01.

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

Closed Session Report

Open Forum

- **Council recessed at 5:49 p.m. and reconvened at 7:05 p.m., Council Chambers, City Hall.**

11 PUBLIC HEARINGS

11.1 Public hearing on planned development rezoning on Skyway Drive.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the easterly terminus of Skyway Drive, from (A) PD Planned Development Zoning District and R-1:B-6 Residence District to (A) PD Planned Development Zoning District, to allow: (1) secondary access to Diamond Heights Drive; (2) an increase in the maximum number of students from 1200 to 1400; (3) hard court and parking uses on areas previously designated for open space, and (4) deletion of the requirement to implement a busing program; and (5) combination of the previously approved portions of an existing high school and church campus under one Planned Development Zoning District on 52.68 gross acres. (Valley Christian Schools and South Valley Christian Church, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend denial (6-0-1).

PDC 00-08-065 - District 2

(Continued from 12/12/00 – Item 15k et al., and 5/15/01 – Item 11.2)

Continued to 06/19/01.

11.2 Public Hearing on a planned development rezoning on North First Street.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the east side of North First Street, 250 feet southerly of Burton Avenue, from CN Neighborhood Commercial Zoning District to A(PD) Planned Development Zoning District, to allow a reduction in parking requirements for existing restaurant uses on 0.36 gross acres. (Cortese, Owner; Tafreshi, Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 01-02-013 - District 3

(Continued from 4/3/01 – Item 11.7 et al., and 5/15/01 – Item 11.10)

Continued to 06/19/01.

11.3 Public Hearing on planned development rezoning at Locust Avenue and Edwards Street.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northwest corner of Locust Avenue and Edwards Street, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow transitional housing for disaster victims at an existing dormitory on 0.31 gross acres. (Redevelopment Agency of the City of San José, Owner; City of San José, Developer). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 01-04-051 - District 3

(Continued from 5/1/01 – Item 11.5)

Ordinance No. 26405 passed for publication.

11 PUBLIC HEARINGS

11.4 Public Hearing on conventional rezoning of certain properties on the west side of North 5th Street.

Recommendation: PUBLIC HEARING ON CONVENTIONAL REZONING INITIATED BY THE DIRECTOR OF PLANNING of the properties located at the west side of North 5th Street, 140 feet northerly of East Santa Clara Street, from R-M Residence Zoning District to CP Commercial Zoning District, on 0.43 gross acre. CEQA: Resolution No. 65459.

C 01-04-055 - District 3

(Continued from 5/15/01 – Item 11.9)

Dropped.

11.5 Public Hearing on planned development rezoning of the corner of Union Avenue and Highway 85.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northwest corner of Union Avenue and Highway 85, from the A(PD) Planned Development and IP Industrial Park Zoning Districts to A(PD) Planned Development Zoning District, to allow an additional 85,000 square feet of office space, 2 parking structures (4 and 5 levels), 21,888 square feet for a private fitness center to an existing 587,000 square foot industrial office/R&D campus site on 31.18 gross acres. (Xilinx, Inc., Owner/Developer). CEQA: Negative Declaration.

PDC 01-01-009 - District 9

Continued to 06/19/01.

11.6 Public Hearing on planned development rezoning of the corner of Rue Ferrari and Silicon Valley Boulevard.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northeasterly corner of Rue Ferrari and Silicon Valley Boulevard, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow the demolition of an existing restaurant and the addition of up to 57 new hotel rooms on an existing hotel site on 5.03 gross acres. (Michael Blatt/San José Hotel, Owners/Developer). CEQA: Resolution No. 70021. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 01-02-012 - District 2

Ordinance No. 26406 passed for publication.

11 PUBLIC HEARINGS

11.7 Public Hearing on planned development rezoning of University Avenue.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the south side of University Avenue, approximately 170 feet easterly of The Alameda, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow 5 single-family courthomes on 0.46 gross acre. (Jesse & Jemma Jack/Claddagh Construction Co., Owners; Claddagh Construction Co., Developer). CEQA: Negative Declaration. PDC 01-02-030 - District 6

Continued to 06/19/01.

11.8 Public Hearing on planned development rezoning of Balbach Street.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the south side of Balbach Street, 200 feet westerly of Market Street, from C-3 Commercial Zoning District to A(PD) Planned Development Zoning District, to allow up to 12 attached dwelling units on 0.40 gross acre. (Des Nolan, Owner/Developer.) CEQA: Resolution No. 68839. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 00-05-043- District 3

Continued to 06/19/01.

11.9 Public Hearing on planned development rezoning of Lone Hill Road.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the west side of Lone Hill Road, 350 feet northerly of Los Gatos-Almaden Road, from R-1:B-8 Residence Zoning District to A(PD) Planned Development Zoning District, to allow up to two single-family detached units on 0.47 gross acre. (Christopher Harris and Marco DeGeorge, Owner/Developer). CEQA: Exempt.

PDC 00-08-076- District 9

Continued to 06/19/01.

11.10 Public Hearing on planned development rezoning of North 7th Street.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the west side of North 7th Street, 250 feet northerly of East Taylor Street, from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District, to allow up to 28 single-family attached dwelling units on 1.25 gross acres. (850 "F" Street, LLC, Owner; Classic Communities, Developer). CEQA: Negative Declaration. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 01-01-007 - District 3

Ordinance No. 26407 passed for publication.

11 PUBLIC HEARINGS

11.11 Public Hearing on planned development rezoning of Alum Rock Avenue.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the south side of Alum Rock Avenue, from R-1-8 Residential Zoning District to A(PD) Planned Development Zoning District, to allow construction of 25 multiple family attached residential units on 1.09 gross acres. (Charities Housing Development Corp., Owner; Fontaine Trust and Joseph Salvatore Investment Co., Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). PDC 00-08-078 - District 5

Ordinance No. 26408 passed for publication.

11.12 Public Hearing on planned development rezoning of Winchester Boulevard.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the easterly side of Winchester Boulevard, opposite Olin Avenue and Olsen Drive, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow an expansion of the project area, an increase in commercial space of approximately 75,000 square feet (total 680,000 square feet), an increase in hotel rooms of 190 (total 404 rooms), an addition of one residential unit (total of 1201), and an increase in height of 30 feet (total of 120 feet), for two future buildings as approved with General Plan Amendment File No. GP 00-T-10, on 40.788 gross acres. (FRIT San José Town & Country Village, LLC & San José Residential, Inc., Owner/Developer). CEQA: Resolution No. 68210. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDCSH 01-02-023 - District 6

Continued to 06/19/01.

11.13 Public Hearing on planned development rezoning of McCarthy Boulevard.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the both sides of McCarthy Boulevard, at the westerly terminus of Dixon Landing Road, from A Agriculture Zoning District to A(PD) Planned Development Zoning District, to allow development of up to 24,900 square feet of office use, up to 8,500 square feet of commercial uses, and a gasoline service station with up to eight (8) fueling stations with a car wash facility on 0.56 gross acre. (Los Esteros Ranch Partnership, Owner; Will Oswald, Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (4-2-1).

PDC 99-09-078 - District 4

Continued to 06/19/01.

11 PUBLIC HEARINGS

11.14 Public Hearing on conforming planned development rezoning of Coleman Avenue and West Hedding Street.

Recommendation: PUBLIC HEARING ON CONFORMING PLANNED DEVELOPMENT REZONING of the property located at the southwest corner of Coleman Avenue and West Hedding Street, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow a 59-room, four-story hotel on 0.46 gross acre. (Pinn Brothers Construction, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building, and Code Enforcement recommends approval.

PDC 01-03-037 - District 3

Ordinance No. 26409 passed for publication.

- **Open Forum**

- **Adjournment**

The Council of the City of San José adjourned at 7:45 p.m.

Joint Redevelopment Agency/City Council Actions

The following resolutions were adopted at the Joint City Council/Redevelopment Agency meeting on Tuesday, June 5, 2001:

7.1 Public hearing and approval of a DDA with Montgomery Hotel Group, LLC, for the adaptive reuse and disposition of the relocated Montgomery Hotel.

Recommendation: Adoption of resolutions by the City Council and Agency Board as follows:

- (a) Adoption of a resolution by the City Council approving the sale of the Montgomery Hotel site (generally located between San Fernando and San Carlos Streets) to the Montgomery Hotel Group, LLC, and finding that the sale of the property will assist in the elimination of blight, is consistent with the Implementation Plan for the San Antonio Plaza Redevelopment Project Area and that the consideration for the property is not less than the fair reuse value at the use and with the covenants and conditions and development costs authorized by the Disposition and Development Agreement (DDA)

Resolution No. 70403 adopted.

- (b) Adoption of a resolution by the Agency Board approving the addition of \$6,065,000 to the Adopted FY 2000-2001 Capital Budget Montgomery Hotel Development new project line in the San Antonio Redevelopment Area and amending the FY 2000-2001 Agency appropriation resolution; and,
- (c) Adoption of a resolution by the Agency Board amending the FY 2000-2001 Agency Appropriation resolution; and,
- (d) Adoption of a resolution by the Agency Board approving the Disposition and Development Agreement and authorizing the Executive Director to execute ancillary documents contemplated by the DDA and to close escrow and convey the Property subject to compliance with the terms of the DDA, and to negotiate and execute amendments to the DDA substantially in conformance with the intent of the DDA as reasonably necessary to conform to lender requirements.

Redevelopment Agency Board Resolutions Adopted.

**CITY OF SAN JOSE PARKING AUTHORITY
SYNOPSIS**

1:30 P.M.

TUESDAY, JUNE 5, 2001

CHAMBERS

1 CALL TO ORDER AND ROLL CALL

**5:50 p.m. - Regular Session, Council Chambers, City Hall
Absent: Council Members – None.**

2 APPROVAL OF MINUTES

- a. Minutes of June 6, 2000
Approved.

3 OLD BUSINESS

None.

4 NEW BUSINESS

None.

5 ADJOURNMENT

The Parking Authority of the City of San José adjourned at 5:51 p.m.