



CITY COUNCIL AGENDA

AUGUST 21, 2001

AMENDED AGENDA

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
See Separate Agenda
1:30 p.m. - Regular Session, Council Chambers, City Hall
7:00 p.m. - Public Hearings/General Plan, Council Chambers, City Hall
- **Invocation (District 7)**
Folkloric Dancers, Alma Community Center
- **Pledge of Allegiance**
- **Orders of the Day**

Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

* **SEE SEPARATE AGENDA FOR GENERAL PLAN ITEMS.**

ADJOURNMENT: This meeting will be adjourned in memory of Thelma M. Case, an active community member and a devoted sister, wife, mother, and grandmother.

* **See New Item 1.5**, Presentation of a commendation to Fernando Mendoza for his life saving efforts to rescue a fellow citizen.

1 CEREMONIAL ITEMS

- 1.1** Presentation of plaque to David Marshall for 2 years service on the Airport Commission. (Mayor)
- 1.2** Presentation of commendations from the Home Builders Association and the Chamber of Commerce to the Department of Public Works' Development Services Division and Ron Conn, Division Manager for 30 years of service. (City Manager's Office)

1 CEREMONIAL ITEMS

- 1.3 Presentation of a commendation to San José RACES for donating volunteer services to the City. (Emergency Services)
- 1.4 Presentation of a commendation to the First Graduating Class of San José Smart Start's New Business Creation and Retention Services Programs. (Williams, Mayor)
* (Rules Committee referral 8/15/01)
- 1.5 Presentation of a commendation to Fernando Mendoza for his life saving efforts to rescue a fellow citizen. (Mayor)
* (Orders of the Day)

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.

2.2 Final adoption of ordinances.

2.3 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 2001-2002 #4, and authorization for the Director of General Services to execute the purchase orders. (General Services)

2.4 Appointment to the Revolving Loan Fund.

Recommendation: Approval of the appointment of Council Member Cortese to the Revolving Loan Fund. (Mayor)

2.5 Approval of a lease agreement for communications antenna placement at the Mount Chual facility for the 911 communications system.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a site lease agreement for communications antenna placement and corresponding rack space from Pinnacle Towers, Inc. at their Mount Chual facility, for an initial term of 60 months, with three automatic 60-month renewal options, for a total term of 240 months, at a rental rate of \$1,339.80 per month during the first year with annual increases of 4 percent throughout the lease term. (Public Works)

2 CONSENT CALENDAR

2.6 Approval of an agreement for the Monterey Road Streetscape Improvement Project.

Recommendation:

- (a) Approval of an agreement with Bellecci & Associates, Inc. for consultant services including project design and preparation of construction documents for the new Monterey Road Streetscape Improvement Project - Keyes Street/Curtner Avenue, for the period August 21, 2001 to September 30, 2003, in the amount of \$391,000. Council Districts 3 and 7. SNI: Spartan/Keyes and Washington. (Public Works)
- (b) Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-Side Redevelopment Fund) for the Monterey Corridor Median Improvement Project with a net impact to the fund of \$226,000, and adoption of a resolution making certain determinations regarding the expenditure of Agency funds on certain public improvements. (City Manager's Office)

2.7 Approval of a Parking Lot Lease Agreement for San José Arena Management employees.

Recommendation: Approval of a Parking Lot Lease Agreement between the City of San José and Michael G. Akatiff and Christy D. Akatiff in the amount of \$120,000 for the first year, with annual cost of living adjustments using the Consumer Price Index for the term of the agreement for the period September 1, 2001 to August 31, 2006. Council District 3. (Transportation)

2.8 Appointment of the Independent Police Auditor.

- * **Recommendation:** Appointment of the Independent Police Auditor to a four-year term, and approval of an employment agreement with Teresa Guerrero-Daley to provide services as Independent Police Auditor. (Mayor)
(Rules Committee referral 8/15/01)

2.9 Approval of award of contract for the Central Service Yard Emergency Generator Project.

- * **Recommendation:** Report on bids and award of contract for the Central Service Yard Emergency Generator Project to the low bidder, Steiny and Co., Inc., in the amount of \$270,620, and approval of a contingency in the amount of \$30,000. CEQA: ND.
(Public Works)
(Deferred from 6/5/01 – Item 2.14 et al., and 8/14/01 – Item 2.15)
DROP

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Gonzales, Chair

- (a) May 10, 2001- Proposed FY 2001-02 Capital Budget, FY 2002-06 Capital Improvement Program, and FY 2001-02 Operating Budget
- (b) May 11, 2001 – Proposed FY 2001-02 Operating Budget

3.2 Report of the Rules Committee

Vice Mayor Shirakawa, Jr., Chair

Meeting of August 8, 2001

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review August 21, 2001 Draft Agenda
 - (2) Add New Items to August 14, 2001 Amended Agenda
- (c) City Council Committees
 - (1) Amendments to Council Committee Agendas
 - (a) Finance and Infrastructure Committee
 - (b) Economic Development and Environment Committee
 - (c) Education, Neighborhoods, Youth, and Seniors Committee
 - (2) Approve additions to Economic Development and Environmental Committee Workplan for the period July – December 2001
- (d) Meeting Schedules
- (e) The Public Record – June 13 – July 31, 2001
- (f) Boards, Commissions and Committees
 - (1) Historic Landmarks Commission
- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
 - (1) Referral to Administration to determine feasibility of locating Council offices on a single floor in the New City Hall
- (h) Administrative Reviews and Approval
 - (1) Approve City Auditor's Workplan for 2001-2002
 - (2) Donation Policy – Approve the Director of General Services' recommendation for disposition of surplus property
 - (3) League of California Cities - Appoint voting delegate and alternate for the 2001 Annual Business Meeting
 - (4) Request to use Council General Funds:
 - (a) by Council Members Dando and LeZotte to attend League of California Cities' Transportation, Communications & Public Works Committee Meeting in Los Angeles, CA, July 19-20, 2001
 - (b) by Council Member Yeager to attend League of California Cities' Mayors and Council Members Executive Forum in Monterey, CA, July 25-27, 2001
 - (c) by Council Members Campos, Dando, and Yeager to attend League of California Cities' Annual Conference in Sacramento, CA, September 12-15, 2001

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HEARD BY COUNCIL ON 8/14/01

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee Vice Mayor Shirakawa, Jr., Chair

Meeting of August 8, 2001 (Cont.)

- (i) Oral communications
- (j) Adjournment

* Meeting of August 15, 2001

(d) Meeting Schedules

- (1) Addition of evening session August 28, 2001, 7:00 p.m.
- (2) Addition of evening session September 11, 2001, 7:00 p.m.
- (3) Addition of evening session September 12, 2001, 7:00 p.m.
- (4) Additional City Council meeting September 20, 2001, 8:00 a.m. – 12:00 p.m.
- (5) Addition of evening session October 9, 2001, 7:00 p.m.

3.3 Report of the Finance and Infrastructure Committee Council Member Dando, Chair

3.4 Ratification of final expenditures for FY 2000-2001.

Recommendation: Adoption of an ordinance ratifying final expenditures in various appropriations for FY 2000-2001. (City Manager's Office)

* **RECOMMEND DEFERRAL TO 8/28/01**

3.5 Approval of a redistricting ordinance.

* **Recommendation:**

- (a) Second Public Hearing on Proposed Redistricting. (City Clerk)
- (b) Approval of an ordinance establishing and declaring the City of San José City Council Districts and their boundaries using 2000 Federal Census Data. (City Attorney's Office)

(Continued from 8/14/01 – Item 3.5)

TO BE HEARD IN THE EVENING

3.6 Approval to permit members of the Police and Fire Department Retirement Plan to purchase service credit for eligible prior military service.

* **Recommendation:** Adoption of an urgency ordinance amending Chapter 3.36 of the San José Municipal Code to permit members of the Police and Fire Department Retirement Plan to purchase service credit for eligible prior military service, and stating the reasons for the urgency. (City Manager's Office)
(Rules Committee referral 8/15/01)

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Economic Development & Environment Committee – August 6, 2001 Council Member Williams, Chair

- (a) Monthly Status Report on Housing Production Team Action Items
- (b) Quarterly Report on Activity in the Project Development Program
- (c) Quarterly Report on the Housing Rehabilitation Program, Fourth Quarter 2001
- (d) Quarterly Report on the Housing and Homeless Fund, Fourth Quarter
- (e) Fourth Quarter Downtown Housing Report
- (f) OED Semi Annual Report: January 1 to July 30, 2001
- (g) Workforce Investment Act Program – Fourth Quarter Performance Report
- (h) Update on Status of Rental Housing Action Items, Including Outreach, Mediation, and Evictions
- (i) Proposed Ordinance for Suspending the Collection of Taxes Associated with the Installation of Solar Energy Technologies
SEE ITEM 4.2 FOR COUNCIL ACTION TO BE TAKEN
- (j) Oral petitions
- (k) Adjournment

4.2 Approval of an ordinance suspending the collection of taxes associated with the installation of solar energy technologies.

- * **Recommendation:** Approval of an ordinance amending Chapters 4.46, 4.47, and 4.54 of Title 4 of the San José Municipal Code to add sections to suspend the collection of taxes imposed under such chapters for the construction of solar building service equipment. (Environmental Services/Planning, Building and Code Enforcement)
[Economic & Neighborhood Development referral 8/6/01 – Item 4.1(i)]

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.3 Approval of a sign remediation agreement to alter the heights of and to remove certain billboards.

* **Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a sign remediation agreement with Clear Channel (formerly Eller Media Company) to:

- (a) Alter the height of billboards on the property located at the north side of State Highway 237, approximately 150 feet westerly of Gold Street, to allow two (2) existing billboard panels to be increased in height from approximately 34 feet to a maximum of 50 feet in height on 0.7 gross acre. CEQA: Negative Declaration. BB 01-06-001 – District 5
- (b) Alter the height of a billboard on the property located at the north side of Las Plumas Avenue, approximately 100 feet northeasterly of US Highway 101, to allow an existing billboard panel to be increased in height from approximately 28 feet to a maximum of 50 feet in height on 2.87 gross acres. CEQA: Negative Declaration. BB 01-06-002 – District 4
- (c) Remove five billboards located on the west side of South 1st Street, 145 feet northerly of Edwards Avenue (APN 264-37-075), on the north side of Alum Rock, 310 feet easterly of Jose Figueres Avenue (APN 481-07-041), at the southeast corner of North 4th Street and Washington Street (APN 249-46-078), on the south side of The Alameda, 50 feet east of Morrison Avenue (APN 261-32-074), and on the northeast corner of Auzerais Avenue and Race Street (APN 264-14-121), all consistent with Council direction.

(Planning, Building, and Code Enforcement)

(Deferred from 8/7/01 – Item 4.3 and 8/14/01 – Item 4.3)

RECOMMEND DEFERRAL TO 8/28/01

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee Council Member Chavez, Chair

5.2 Acceptance of staff's recommendation that a golf course on the San José/Santa Clara Water Pollution Control Plant Lands should not be permitted.

Recommendation: Acceptance of the staff report finding that a golf course on the San José/Santa Clara Water Pollution Control Plant Lands should not be permitted due to inconsistency with the October 2000 Council Policy for Use of Plant Lands. (Environmental Services)

* **DROP**

6 TRANSPORTATION SERVICES

7 ENVIRONMENTAL & UTILITY SERVICES

8 AVIATION SERVICES

8.1 Approval of Taxicab Concession Agreements for Terminals A and C at the San José International Airport.

- * **Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute Taxicab Concession Agreements with:
- (a) United Taxicab Corporation (United Cab) for Terminal A on-demand taxicab services at the San José International Airport, with estimated annual revenues to the City of \$471,755, for a term of two years, with five 1-year options to extend the term for a total of up to seven years at the City's sole discretion; and
 - (b) Friendly Cab Co. Inc. dba Alpha Cab for Terminal C on-demand taxicab services at the San José International Airport, with estimated annual revenues to the City of \$292,662, for a term of two years, with five 1-year options to extend the term for a total of up to seven years at the City's sole discretion.

(Airport)

(Continued from 8/14/01 – Item 8.1)

RECOMMEND DEFERRAL TO 8/28/01

9 PUBLIC SAFETY SERVICES

9.1 Approval of the City's response to the 2000-2001 Santa Clara County Civil Grand Jury's Report on Use-of-Force Training Procedures.

- * **Recommendation:** Approval of the San José Police Department's response to the 2000-2001 Santa Clara County Civil Grand Jury's report entitled "Inquiry into the City of San José Police Department's 'Use-of-Force' Training Procedures." (Police)
DROP

9.2 Approval of staff's recommendation to establish the Central Division Community Policing Center in Alviso.

- * **Recommendation:** Approval of staff's recommendation to establish the Central Division Community Policing Center at the former Alviso Library, located at 1060 Taylor Street in Alviso. CEQA: Exempt. Council District 4. (Police)

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

- Closed Session Report
- Notice of City Engineer's Pending Decision on Final Maps
None filed.
- Open Forum—To be heard jointly with Redevelopment Agency Public Discussion. Following Open Forum, Council will recess until 7:00 p.m.

11 PUBLIC HEARINGS

(To be heard by the City Council at 7:00 p.m.)

11.1 Public Hearing on planned development rezoning of the north side of Broadway Avenue.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the north side of Broadway Avenue, approximately 190 feet northeasterly of Ramona Avenue, from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District, to allow the subdivision of one lot into two lots for construction of an additional single-family residence on 0.4 gross acre. (Emily Chen, Owner/Developer). CEQA: Negative Declaration.

PDC 00-02-014 - District 6

* **RECOMMEND CONTINUANCE TO 10/2/01**

11.2 Public Hearing on planned development rezoning of 835 East William Street.

* **Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the north side of East William Street, 65 feet easterly of Brookwood Avenue (835 East William Street), from R-2 Residence Zoning District to A(PD) Planned Development Zoning District, to allow four single-family attached dwelling units on 0.26 gross acre. (Emily Chen, Owner/Developer). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 00-07-057 - District 3

11.3 Public Hearing on planned development rezoning southerly of Kentucky Place.

* **Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southerly terminus of Kentucky Place, from R-1-8 Residence and CG Commercial Zoning Districts to A(PD) Planned Development Zoning District, to allow 50 multiple family attached affordable senior housing units on 1.56 gross acres. (Mexican American Community Services Agency (MACSA), Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 00-12-129 - District 5

11.4 Public Hearing on planned development rezoning at Madden and Interstate 680.

* **Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at easterly terminus of Madden at Interstate 680, from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District, to allow up to 32 attached housing units on a 1.32 gross acre site. (William Strohmeyer and Michael Waeiss, Owners; HMH, Inc., Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 01-01-004 - District 5

11 PUBLIC HEARINGS

11.5 Public Hearing on appeal of a Conditional Use Permit for the southwest corner of Moorpark and Mitty Avenues.

- * **Recommendation:** PUBLIC HEARING ON APPEAL OF A CONDITIONAL USE PERMIT for a project located at the southwest corner of Moorpark Avenue and Mitty Avenue, on a 26.9 gross acre site in the R-1-8 Zoning District, for addition of two modular buildings for classroom use at the existing Queen of Apostles private school. (Roman Catholic Welfare Corp. of San José, Owner; Mission City Contractors, Inc., Developer). CEQA: Exempt. Director of Planning, Building and Code Enforcement upheld Planning Commission's decision for conditional approval (4-2-1).
CP 01-03-022 - District 1

11.6 Public Hearing on planned development rezoning at Monterey Road and Stauffer Boulevard.

- * **Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northwest corner of Monterey Road and Stauffer Boulevard, from HI Heavy Industrial Zoning District to A(PD) Planned Development Zoning District, to allow commercial and health club uses on 6.8 gross acres. (Green Valley Corporation, Owner; 1887 Monterey Road Partners, Developer). CEQA: Resolution No. 65459. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (6-0-1).
PDC 00-10-108 - District 7
(Continued from 8/14/01 – Item 11.8)

11.7 Public Hearing on conforming prezoning on Woodard Road.

- * **Recommendation:** PUBLIC HEARING ON CONFORMING PREZONING of the property located at the west side of Woodard Road, 150 feet southerly of Starview Drive (15710 Woodard Road), from County to R-1-8 Residence Zoning District, to allow residential uses on 0.76 gross acre. (Glen Geisinger, Owner/Developer). CEQA: Exempt.
C 01-03-034 - District 9
(Continued from 8/14/01 – Item 11.11)

- Open Forum
- Adjournment