



CITY COUNCIL AGENDA

SEPTEMBER 5, 2000

SYNOPSIS

LINDA J. LE ZOTTE
CHARLOTTE POWERS
CINDY CHAVEZ
VACANT
MANNY DIAZ

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

FRANK FISCALINI
GEORGE SHIRAKAWA, JR.
ALICE WOODY
JOHN DIQUISTO
PAT DANDO

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

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.

1 CALL TO ORDER AND ROLL CALL

9:30 a.m. - Closed Session, Room 600, City Hall

Absent: Council Members Chavez, Dando, Diaz, Woody (all excused)

Vacant: District 4

1:37 p.m. - Regular Session, Council Chambers, City Hall

Absent: Council Member Chavez (excused)

Vacant: District 4

7:05 p.m. - Public Hearings, Council Chambers, City Hall

Absent: Council Members Chavez, Shirakawa, Jr. (both excused)

Vacant: District 4

2 INVOCATION

Jeff Heard, Rohi Alternatives, delivered the invocation. (District 8)

3 PLEDGE OF ALLEGIANCE

Mayor Gonzales led in the Pledge of Allegiance.

4 ORDERS OF THE DAY

Approved.

5 CEREMONIAL ITEMS

- a. Presentation of a commendation recognizing the accomplishments of Speed City Track Club. (Mayor)

This Item Heard in the Evening.

Joining Mayor Gonzales at the Podium were Club Founder and Coach Cliff Scott, Club President Ian Knight, and athletes Tareek Adam, Kwame Morgan, Anthony Williams, Mishawn Cummings, who finished first in the Boys' 4x400 meter relay, setting a new national record – after 12 years – of 4.11.52 minutes. Mayor Gonzales congratulated the athletes and presented the commendation to the Coach in recognition of the Speed City Track Club's accomplishments and hard work of Coach Scott to train and teach young athletes the importance of commitment and dedication to goals. Coach Scott presented Mayor Gonzales with the honorary member Tee Shirt bearing the Club's logo, and all Club members were asked to stand to be recognized.

- b. Presentation of a proclamation acknowledging the City of San Jose's support of 2000 Bay Area Paralympians. (Parks, Recreation and Neighborhood Services)

This Item Heard in the Evening.

Mayor Gonzales presented the commendation to local athletes Jacque Mox, Sharon Clark, Sebastian DeFrancesco, Ellen Bertolotti, Trooper Johnson, Lynne Carlton, and Shannon Bothelio, and commended the athletes for their dedication and wished them the best during the international sporting event. Mayor Gonzales stated the Elite athletes with disabilities are scheduled to join approximately 300 athletes from across the country in representing the United States at the 2000 Paralympic Games to be held in Sydney, Australia.

- c. Presentation of Keep California Beautiful (KCB) Awards by KCB President Barry Edwards and Executive Director Marlene Mariani to members of the San José Beautiful Steering Committee. (Parks, Recreation and Neighborhood Services)
(Deferred from 8/29/00 – Item 5a)

Deferred to 09/19/00.

- d. Presentation of a commendation to Robert Pfahl for 15 years of service to San José Beautiful. (Parks, Recreation and Neighborhood Services)
(Deferred from 8/29/00 – Item 5b)

Deferred to 09/19/00.

6 CONSENT CALENDAR

- a. **Minutes for Approval**

None.

6 CONSENT CALENDAR

b. Ordinances for Final Adoption

- (1) ORD. NO. 26187 – Adds Section 23.02.1327 to Chapter 23.02 of Title 23 of the San José Municipal Code and amends various Sections of Chapter 23.04 to implement certain recommendations of the Signage Advisory Committee.
Ordinance No. 26187 adopted.
- (2) ORD. NO. 26178 – Rezones certain real property situated on the east side of Cypress Avenue, 40 feet northerly of Olsen Drive. PDC 98-09-069
[Deferred from 8/29/00 – Item 6b(1)]
Ordinance No. 26178 adopted.
- (3) ORD. NO. 26179 - Rezones certain real property situated on the northwest corner of Almaden Expressway and Highway 85. PDCSH 99-11-092
[Deferred from 8/29/00 – Item 6b(2)]
Ordinance No. 26179 adopted.
- (4) ORD. NO. 26180 - Rezones certain real property situated on the northwest corner of San Felipe Road and Keaton Loop. PDC 99-10-084
[Deferred from 8/29/00 – Item 6b(3)]
Ordinance No. 26180 adopted.
- (5) ORD. NO. 26181 - Rezones certain real property situated on the north side of Curtner Avenue, 90 feet easterly of Salerno Drive. PDC 99-09-077
[Deferred from 8/29/00 – Item 6b(4)]
Ordinance No. 26181 adopted.
- (6) ORD. NO. 26182 - Rezones certain real property situated on the northeast corner of Parkmoor Avenue and Meridian Avenue. C 00-07-058
[Deferred from 8/29/00 – Item 6b(5)]
Ordinance No. 26182 adopted.

c. Public Hearings Set by Council

None.

d. Plans and Specifications

- (1) TRACT NO. 9265 – Northwest corner of Almaden Expressway and Rajkovich Way – Viking Development (Developer) – 6 single family detached residential units. Approval and adoption of resolutions approving the plans, final map, and contract for Tract No. 9265. CEQA: ND. District 10. (Public Works)
[Deferred from 8/29/00 – Item 6d(1)]
Resolution Nos. 69857-69859 adopted.

6 CONSENT CALENDAR

d. Plans and Specifications

- (2) TRACT NO. 9240 - Silver Creek Road, 400 feet south of Yerba Buena Road (Silver Ridge Phase II) - Ryland Homes of California, Inc., a Delaware Corporation (Developer) - 123 single family detached residential units. Adoption of resolutions approving the plans, final map, contract, and water main extension for Tract No. 9240. CEQA: Negative Declaration. District 8. (Public Works) [Deferred from 8/22/00 – Item 6d(2) and 8/29/00 – Item 6d(2)]

Resolution Nos. 69860-69863 adopted.

- (3) TRACT NO. 9089 - Nob Hill Drive cross Fleming Avenue - Uptrend Development Group, Inc. (Developer) - 5 single family dwelling residential units. Adoption of resolutions approving the plans, final map, and contract for Tract No. 9089. CEQA: ND. District 5. (Public Works) [Deferred from 8/29/00 – Item 6d(3)]

Deferred to 09/12/00.

e. Contracts/Agreements

- (1) (a) Adoption of a resolution authorizing the City Manager to negotiate and execute a grant agreement with the Department of Energy to conduct Green Building and Million Solar Roofs Program activities, to accept a grant in an amount not to exceed \$46,695, for a total program cost not to exceed \$97,875, including the value of in-kind services to be provided by other agencies, for the term retroactive to July 1, 2000, and through December 31, 2001.

Resolution No. 69864 adopted.

- (b) Adoption of related appropriation ordinance and funding sources resolution amendments in the General Fund to appropriate the grant funds of \$46,695 to the Environmental Services Department.

(City Manager's Office/Environmental Services)

Ordinance No. 26188 adopted.

Resolution No. 69865 adopted.

- (2) (a) Approval of the third amendment to the agreement with the Department of Health and Human Services for the San José Metropolitan Medical Task Force, increasing the compensation by \$30,000, from \$550,000 to \$580,000, and extending the term of the agreement from 31 months to 43 months.

Approved.

This item continued on the next page.

6 CONSENT CALENDAR

- (2) (b) Adoption of related appropriation ordinance and funding sources resolution amendments in the General Fund.
(City Manager's Office/Emergency Services)
Ordinance No. 26189 adopted.
Resolution No. 69866 adopted.
- (3) Approval of the second amendment to the grant award agreement with the State Water Resources Control Board for a proposed Riparian Restoration Action Plan to extend the term from December 31, 2000 to June 30, 2001.
(Environmental Services)
Approved.
- (4) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2000-2001 #9, and authorization for the Director of General Services to execute the purchase orders. (General Services)
Approved.
- (5) Adoption of a resolution:
(a) Authorizing the City Manager to negotiate and execute an amended agreement with Law Enforcement Psychological Services, Inc. to provide a Psychological Services Program for the Police Department.
(b) Authorizing the City Manager to exercise a one (1) year option for an annual rate not to exceed \$136,185 in year two, without further City Council action other than the appropriation of funding.
(Police)
Resolution No. 69867 adopted.
- (6) Approval of the amended and restated agreement with local law enforcement agencies to provide access to the California Identification System (CAL-ID).
(Police)
Approved.
- (7) Report on bids and award of contract for the Sophist Drive Storm-Drain Improvement Project to the low bidder, J. W. Ebert Corp., in the amount of \$190,080, and approval of a contingency in the amount of \$20,000. CEQA: Exempt. (Public Works)
Approved.
- (8) Report on bids and award of contract for the Ramblewood Park Improvements Project to the low bidder, DB Landscape, to include the base bid and Add Alternate Nos. 1 and 2 in the amount of \$92,900, and approval of a contingency in the amount of \$10,000. CEQA: Exempt. (Public Works)
Approved.

6 CONSENT CALENDAR

e. Contracts/Agreements

- (9) (a) Approval of Contract Change Order No. 1 for the Leininger Community Center Renovation Project with Frank Surian & Sons, Inc., in the amount of \$63,317, for a total contract amount of \$305,841. CEQA: Exempt. (Public Works)

Approved.

- (b) Adoption of appropriation ordinance amendments in the City-wide Construction and Conveyance Tax Fund increasing the appropriation for the Leininger Center Renovation Project by \$114,000. (City Manager's Office)

Ordinance No. 26190 adopted.

- (10) Approval of an agreement with the Hispanic Chamber of Commerce to provide business services for the period July 1, 2000 to June 30, 2001, in an amount not to exceed \$126,500. (Economic Development)
[Deferred from 8/29/00 – Item 6e(1)]

Approved.

- (11) Approval of a first amendment to the agreement with Community Foundation Silicon Valley expanding the administration of the City's Watershed Grant Program Donor-Advised Fund to include the Youth Watershed Education Grant Program and increasing the funding by \$50,000, from \$250,000 to \$300,000, for the period July 1, 2000 to June 30, 2001. (Environmental Services)
[Deferred from 8/29/00 – Item 6e(2)]

Approved.

- (12) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2000-2001 #8, and authorization for the Director of General Services to execute the purchase orders. (General Services)
[Deferred from 8/29/00 – Item 6e(3)]

Approved.

- (13) Approval of a sole source purchase with PC Pros, Inc. for a forensic image tracking and processing system for the Police Department's CAL-ID Project in the amount of \$94,151.52, including sales tax, installation, and training and authorization for the Director of General Services to execute the purchase order. (General Services)
[Deferred from 8/29/00 – Item 6e(4)]

Approved.

6 CONSENT CALENDAR

e. Contracts/Agreements

- (14) Approval of a second amendment to the agreement with Group 4/Architecture, Research and Planning, Inc., to expand the community outreach section and add a research component to the scope of services for Phase III of the Branch Facilities Master Plan and increase compensation by \$62,500, from \$255,000 to \$317,500. (Library)
[Deferred from 8/29/00 – Item 6e(5)]
Approved.
- (15) Approval of a consultant agreement with Korve Engineering Inc. to prepare a Project Study Report for upgrading the Route 880/Stevens Creek Boulevard interchange in an amount not to exceed \$275,000. (Public Works)
[Deferred from 8/29/00 – Item 6e(6)]
Approved.
- (16) Approval of an agreement for consultant services with Geographic Resource Solutions to upgrade the City Parcel Data for the period September 1, 2000 to March 1, 2001, in an amount not to exceed \$120,000. (Public Works)
[Deferred from 8/29/00 – Item 6e(7)]
Approved.
- (17) Report on bids and award of contract for the Camden Community Center Parking Expansion Project to the low bidder, Silicon Valley Paving, in the amount of \$220,957, and approval of a contingency in the amount of \$22,000. CEQA: Exempt. (Public Works)
[Deferred from 8/29/00 – Item 6e(8)]
Approved.
- (18) Report on bids and award of contract for the Jaguar Habitat Enclosure at Happy Hollow Zoo to the low bidder, Dempsey Construction, Inc., in the amount of \$185,000, and approval of a contingency in the amount of \$20,000. CEQA: Exempt. (Public Works)
[Deferred from 8/29/00 – Item 6e(9)]
Approved.
- (19) Approval of a consultant agreement with Moore Iacofano Goltzman, Inc., for design services for the Lincoln Glen Park Play-for-All Project, for the period August 29, 2000 to August 31, 2001, in an amount not to exceed \$67,500. (Public Works)
[Deferred from 8/29/00 – Item 6e(10)]
Approved.

6 CONSENT CALENDAR

f. Routine Legislation

- (1) Approval of City Auditor Gerald Silva's travel to Reno, Nevada, October 4-6, 2000, to attend the Western Intergovernmental Audit Forum and to Las Vegas, Nevada, October 23-25, 2000, to attend the AICPA 2000 National Governmental and Not-For-Profit Training Program, at a total estimated cost to the City of \$512. Funding: Non-personal budget. (City Auditor)
Approved.
- (2) Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund with a net impact to the fund of \$57,859, and in the Construction Excise Tax Fund with a net impact to the fund of \$50,000. (City Manager's Office)
Ordinance No. 26191 adopted.
Resolution No. 69868 adopted.
- (3) Approval of the creation of 3.0 full-time equivalent (FTE) staff support positions in the Department of Parks, Recreation and Neighborhood Services for the Workforce Investment Act's Youth Employment Program, subject to annual renewal of WIA funding. (Parks, Recreation and Neighborhood Services)
Approved.
- (4) Adoption of a resolution authorizing the Director of Public Works to accept a grant deed for fee title to an 18,750 square foot strip of real property located on the southern half of Kammerer Avenue, between McCreery and Sunset Avenues, from the Alum Rock Union Elementary School District for the purpose of constructing and maintaining frontage improvements as part of the FY 1999-00 Transportation Development Act for pedestrian and bicycles. CEQA: Exempt. (Public Works)
Resolution No. 69869 adopted.
- (5) Approval of one (1) proposed "City Event" date, for use of the San José Arena, on September 21, 2000 for the San José Silicon Valley Chamber of Commerce's Legends and Leaders, as provided for in the San José Arena Management Agreement. (San José Arena Authority)
Approved.
- (6) Approval of an ordinance amending Section 2.04.4020 of Chapter 2.04 of Title 2 of the San Jose Municipal Code to authorize the Chief of Police to issue subpoenas for Citizen and Departmental Complaint Investigations that are conducted by the San Jose Police Department Professional Standards and Conduct Unit. (City Attorney's Office)
[Deferred from 8/29/00 – Item 6f(1)]
Ordinance No. 26192 passed for publication.

6 CONSENT CALENDAR

f. Routine Legislation

- (7) Adoption of a resolution authorizing the City Manager to submit a grant application to the California Integrated Waste Management Board-Sustainable Buildings Program in the amount of \$85,000, to conduct a program that would provide green building design assistance for the Strong Neighborhoods Initiative for the period December 1, 2000 to April 30, 2003, and to execute all documents related to the application and to accept the grant if awarded.
(Environmental Services)
[Deferred from 8/29/00 – Item 6f(2)]
Resolution No. 69870 adopted.
- (8) Approval of an ordinance to amend Section 3.50.130 of Chapter 3.50 of Title 3 of the San José Municipal Code to clarify that PTC 457 Deferred Compensation Plan members may elect to have distributions made in installments.
(Human Resources)
[Deferred from 8/29/00 – Item 6f(3)]
Ordinance No. 26193 passed for publication.
- (9) (a) Approval of the list of major interior naming opportunities for the new Joint Library.
Approved.
- (b) Authorization for the City Manager to approve specific name designations and any additional naming opportunities identified during the fund raising campaign.
(Library)
[Deferred from 8/29/00 – Item 6f(4)]
Approved.
- (10) Acceptance of the Second Quarter 2000 San José Arena Authority Ticket Distribution Program Report. (San José Arena Authority)
[Deferred from 8/29/00 – Item 6f(5)]
Council accepted the report.
- (11) Adoption of a resolution authorizing the Director of Public Works to accept dedication of real property from Roland M. Webb, and Ione Enterprises 2, LLC, as the site for construction of a 4-million-gallon water tank to serve development within the Evergreen Specific Plan Area and the Evergreen Campus Industrial Area. CEQA: EIR Supplemental Resolution to be adopted. (Public Works)
[Deferred from 8/29/00 – Item 6f(6)]
This item removed from the Consent Calendar for the addition of overriding considerations.
Resolution No. 69872 adopted.
CEQA Resolution No. 69871 adopted.

6 CONSENT CALENDAR

f. Routine Legislation

- (12) Approval of the appointment of Tim Wilson as the Downtown Association Representative to the Downtown Parking Board. (Mayor)
(Rules Committee referral 8/30/00)
Approved.

END OF CONSENT CALENDAR

7 COMMISSION, COMMITTEE, AND STANDING REPORTS

a. Report of the Study Session

Mayor Gonzales, Chair

No Report.

b. Report of the Rules Committee - Meeting of August 16, 2000

Vice Mayor Fiscalini, Chair

- (1) Review August 29, 2000 Draft Agenda
The Committee recommended one change to the August 29, 2000 City Council Agenda.
- (2) Add New Items to August 22, 2000 Amended Agenda
The Committee recommended one addition to the August 22, 2000 City Council Agenda.
- (3) Meeting Schedules
- (a) Approve changes to City Council Meeting Schedule for August through January 2001
The Rules Committee recommended approval of the addition of evening Council Meetings on November 14, 2000 and December 12, 2000.
- (4) The Public Record
The Committee noted and filed the Public Record for the period August 2-8, 2000.
- (5) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
- (a) Report back on request for a Study Session on Smart Growth
The Committee deferred this item to the August 23, 2000 Rules Committee Meeting.

7 COMMISSION, COMMITTEE, AND STANDING REPORTS

b. Report of the Rules Committee - Meeting of August 16, 2000 – (Cont'd.)

Vice Mayor Fiscalini, Chair

- (6) Oral communications
None Presented.

- (7) Adjournment
(Deferred from 8/29/00 – Item 7b)
The meeting was adjourned at 2:15 p.m.

The Rules Committee Report and actions of August 16, 2000 accepted.

b. Report of the Rules Committee – Meeting of August 23, 2000

Vice Mayor Fiscalini, Chair

- (1) Review September 5, 2000 Draft Agenda
The Committee recommended one change to the September 5, 2000 City Council Agenda.

- (2) Add New Items to August 29, 2000 Amended Agenda
The Committee recommended one addition to the August 29, 2000 City Council Agenda.

- (3) Meeting Schedules
None Presented.

- (4) The Public Record
The Committee noted and filed the Public Record for the period August 9-15, 2000.

- (5) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
 - (a) Report back on request for a Study Session on Smart Growth
The Committee accepted Planning Director James R. Derryberry's recommendations to provide Council with a Study Session on Smart Growth, on November 13, 2000, with presentations both by Staff and from the Department of Planning, Building and Code Enforcement and outside speakers.

- (6) Request to use Council General Funds to attend the National League of Cities Community and Economic Development Steering Committee Meeting in Lake Oswego, Oregon, September 21-24, 2000 (Powers)
The Committee approved the use of Council General Funds by Council Member Charlotte Powers to attend the National League of Cities Community and Economic Development Steering Committee Meeting in Lake Oswego, Oregon, September 21-24, 2000.

7 COMMISSION, COMMITTEE, AND STANDING REPORTS

b. Report of the Rules Committee – Meeting of August 23, 2000 – (Cont’d.)

Vice Mayor Fiscalini, Chair

- (7) Oral Communications
None Presented

- (8) Adjournment
The meeting was adjourned at 2:07 p.m.

The Rules Committee Report and actions of August 23, 2000 accepted.

b. Report of the Rules Committee – Meeting of August 30, 2000 – (Partial)

- (5) 2000 League of California Cities Resolutions
The Committee recommended approval of the recommended City positions for thirteen (13) resolutions to be considered at the Annual League of California Cities Conference to be held in Anaheim, California, September 7-9, 2000.

Resolutions Relating to:

- | | | |
|------|--|-------------------|
| (1) | Revising and Updating Bylaws for LOCC | Disapprove |
| (2) | Skateboarding and Inline Skating | Approve |
| (3) | School Gardens | Approve |
| (4) | Senior Adult Day Services | Approve |
| (5) | Utilization of Governor’s Workforce Investment Act Discretionary Funds | Approve |
| (6) | Calworks Performance Incentives | Approve |
| (7) | Liability Insurance for Brownfield Cleanups | Approve |
| (8) | Changes in Current Recycling Law | Approve |
| (9) | Nonpoint Source Pollution | Approve |
| (10) | Reusable and Recycled Products | Approve |
| (11) | Support Local Government Involvement in Requirement of Mitigation for Primary and Secondary School Facilities | Approve |
| (12) | Building Code for Workforce Investment Act One-Stop Centers | Amend |
| (13) | Increased Traffic Fines in School Zones | Disapprove |

The Rules Committee Report (partial) and actions of August 30, 2000 accepted.

7 COMMISSION, COMMITTEE, AND STANDING REPORTS

c. Report of the Finance and Technology Committee – August 23, 2000

Council Member Woody, Chair

- (1) Monthly Financial Statement for June 2000
- (2) Capital Cost Report for June 2000
- (3) Cash Flow Projection

Items 7c(1), 7c(2) and 7c(3) were considered by the Redevelopment Agency Board.

- (4) July Monthly Report (Report of Activities and Findings through August 15, 2000)
The Committee recommended acceptance of the staff report.
- (5) Pilot Program for Use of Guaranteed Investment Agreements for Municipal Bond Construction Proceeds
With one dissenting vote, the Committee recommended approval of the staff recommendation along with the comments and concerns expressed by Committee Members.

See Joint City Council/City of San José Financing Authority Agenda, Item 2, for Council action taken.

- (6) Fire Fleet Assessment Report
The Committee recommended acceptance of the staff report.
- (7) Unfunded Projects Appropriation Report as of June 30, 2000
The Committee recommended acceptance of the staff report.
- (8) Oral petitions
None Presented.
- (9) Adjournment
The meeting was adjourned at 11:00 a.m.

The Finance and Technology Committee Report and actions of August 23, 2000 accepted with Items 7c(1), 7c(2) and 7c(3) considered by the Redevelopment Agency Board.

d. Report of the Economic and Community Development Committee – August 14, 2000

Council Member Diaz, Chair

- (1) Discussion on the Proposed Revisions to the Sign Ordinance

This Item Heard by Council on 08/22/00.

- (2) Review of 2000 Legislative Priorities and Policy Guidelines
The Committee recommended acceptance of the 2000 Legislative Priorities and Guidelines.

7 COMMISSION, COMMITTEE, AND STANDING REPORTS

**d. Report of the Economic and Community Development Committee – August 14, 2000
Council Member Diaz, Chair**

(3) Oral petitions
None Presented.

(4) Adjournment
(Deferred from 8/29/00 – Item 7d)
The meeting was adjourned at 3:20 p.m.

The Economic and Community Development Committee Report and actions of August 14, 2000 accepted.

**e. Report of the Transportation and Environment Committee – August 24, 2000
Council Member Powers, Chair**

(1) Consent Calendar
No Consent Calendar items for consideration.

(2) Quarterly Report #9 for the ACT Program
The Committee recommended acceptance of the Airport Acoustical Treatment (ACT) Program Quarterly Report No. 9 and forwarded it to Council for consideration at the meeting on September 5, 2000.

(3) Report on Airport Automated People Mover Transit Connection – Proposed Preferred Corridor for Project Development and Environmental Analysis
The Committee recommended approval of the designation of the Metro Station Corridor as the proposed preferred corridor for the Automated People Mover (APM) transit connection from the Airport to the Guadalupe Corridor Light Rail Line for additional project development and environmental analysis, subject to additional public input and concurrence by the Valley Transportation Authority Board (VTA) and the Federal Aviation Administration (FAA).

See Item 9s for Council action taken.

(4) Annual Report on Environmental Purchasing of Recycled Products
The Committee recommended acceptance of the status report on the Procurement of Recycled Products.

7 COMMISSION, COMMITTEE, AND STANDING REPORTS

e. **Report of the Transportation and Environment Committee – August 24, 2000 – (Cont'd.)**

Council Member Powers, Chair

- (5) Annual Report on Urban Runoff Management
The Committee recommended that Council authorize the City Manager to submit the Annual Report and Certification for the Urban Runoff Management Plan to the Regional Board in conformance with the City's Municipal Separate Storm Sewer System National Pollutant Discharge Elimination System (NPDES) permit requirements, pursuant to the Federal Clean Water Act.

See Item 9p for Council action taken.

- (6) Oral petitions
None presented.
- (7) Adjournment
The meeting was adjourned at 2:35 p.m.

The Transportation and Environment Committee Report and actions of August 24, 2000 accepted with Item 7e(5) acted upon at Item 9p.

f. **Report of the Education, Neighborhoods, Youth, and Seniors Committee – August 21, 2000**

Council Member Shirakawa, Jr., Chair

- (1) Parks, Community Facilities & Programs Strategic Plan Final Report
Due to the lack of a quorum, the Chair and Committee Member forwarded the Report to Council for consideration during the evening session on September 5, 2000.

See Item 9c for Council action taken.

- (2) 2000 Legislative Priorities and Policies Guidelines
Due to the lack of a quorum, the Chair and Committee Member forwarded the guidelines to Council for approval.
- (3) Oral petitions
None Presented.
- (4) Adjournment
The meeting was adjourned at 2:00 p.m..

The Education, Neighborhoods, Youth, and Seniors Committee Report and actions of August 21, 2000 accepted with Item 7f(1) acted upon at Item 9c.

8 LAND USE AND DEVELOPMENT

- a. PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the west side of King Road at the westerly terminus of Commodore Drive, from A-Agricultural Zoning District to A(PD) Planned Development Zoning District, to allow up to 80 multi-family attached residential units on 4.49 gross acres. (Warner LLC, Owner; First Community Housing, Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommends approval (7-0-0).
PDCSH 00-03-022 - District 4
(Continued from 8/15/00 – Item 15h and 8/29/00 – Item 8b)
Ordinance No. 26194 passed for publication.
- b. PUBLIC HEARING and adoption of a resolution vacating portions of Hillsdale and Pearl Avenues and reserving a public service easement over the entire areas to be vacated. CEQA: Resolution No. 67894. (Public Works)
(Continued from 8/29/00 – Item 8c)
Resolution No. 69873 adopted.
- c. PUBLIC HEARING and adoption of a resolution vacating a portion of North San Pedro Street and reserving a public service easement on the entire area vacated, and adoption of a resolution quit claiming the City’s interest in the easterly portion of the vacated area. CEQA: Resolution No. 65071. (Public Works)
(Continued from 8/29/00 – Item 8d)
Resolution No. 69874 adopted.
Council directed the Administration to report back to the Transportation and Environment Committee on the possibility of using the parcel for employee parking.

9 GENERAL GOVERNMENT

- a. Adoption of a resolution urging the San Francisco Public Utilities Commission (SFPUC) to take prompt action to improve regional water supply reliability and quality. (Environmental Services)
Resolution No. 69875 adopted.
- b. Approval of the City of San José’s Branch Facilities Master Plan to improve San José’s neighborhood libraries and expand literacy and learning opportunities for children, families, and seniors by expanding and improving 14 aging branch libraries and building 6 new branch libraries. (Library)
To Be Heard in the Evening.
Council approved the Branch Facilities Master Plan.

9 GENERAL GOVERNMENT

- c. Approval of the City of San José's Greenprint 20 Year Strategic Plan for San José Parks and Community Facilities and Programs.
[Education, Neighborhoods, Youth and Seniors Committee referral 8/21/00 – Item 7f(1)]

This Item Heard in the Evening.

Council approved staff recommendation for approval of the 20-year Strategic Plan for San José Parks and Community Facilities and Programs.

- d. Approval of:
- (1) Direction to the City Attorney to develop an ordinance that would allow non-polluting vehicles to use the City's municipal parking facilities at no cost. Vehicles designated under the California AB 71 for use of state highway high occupancy vehicle lanes would be eligible.
 - (2) Direction to City Manager to return to the City Council in three months with a report that would review additional strategies to encourage public usage of electric and other non-polluting vehicles. This report would give the City Council a further menu of alternatives to consider for future implementation, along with more information regarding costs, benefits, and practicality.
 - (3) Support for the continuation of the California Air Resources Board requirement for the continued production of electric and clean air vehicle.

(Mayor/LeZotte)

Approved.

- e. Acceptance of the Taxi Cab Task Force report and recommendations and referral to City staff for further review and recommendations. (Mayor)

Deferred to 09/19/00 – To Be Heard in the Evening.

- f. Approval of a cooperation agreement with the Peninsula Corridor Joint Powers Board related to development of the Caltrain Maintenance Facility Project. (Public Works)

Deferred to 09/19/00 – To Be Heard in the Evening.

- g. Public Hearing and Council direction on the Healthy Neighborhoods Venture Fund.
(Parks, Recreation and Neighborhood Services)

(Continued from 8/19/00, 8/22/00, 8/26/00, and 8/29/00 – Item 9a)

- (1) **Council approved the amended Healthy Neighborhoods Venture Fund Allocation Plan and timeline with the following changes: (a) Revise the split between ongoing service and capital funding proposals to be 50/50; (b) Delete Criterion #7. (c) Change the minimum grant amount from \$100,000 to \$25,000. (d) Direct the Administration to draft language that encourages collaboration between groups with similar missions to increase total grant amounts. (e) Add to #6 of the Rating Criteria the following language: "...or proven best practices as defined by an organization and/or program objectives being achieved". (6) Add an additional Rating Criterion that provides up to 10 points for proposals that provide service to at-risk/under-served**

This item continued on the next page.

9 GENERAL GOVERNMENT

- g. Public Hearing and Council direction on the Healthy Neighborhoods Venture Fund. (Parks, Recreation and Neighborhood Services)
(Continued from 8/19/00, 8/22/00, 8/26/00, and 8/29/00 – Item 9a) – (Cont'd)

populations. (7) In the Education/Health funding area, add to the list of funding area related activities that will be considered in application review the specific language; “Provides health insurance to children who lack coverage”. (8) In all three categories under activities that will be considered in application review add the following specific language: “Provides benefits to large numbers of neighborhoods throughout the city or to residents of the city at large”. (9) Shorten Request For Proposal (RFP) preparation to 23 days to stay on original proposed schedule so that the RFP is released no later than September 28, 2000.

- (2) **Council approved the membership of the Healthy Neighborhoods Venture Fund Advisory Council: Council Member Woody as Chair; Council Member Dando, Council Member Powers, Max Crumley, Patricia Jensen, Adolph Quilici, and Cora Tomalinas.**
- (3) **Council directed the Administration to collaborate with State agency sources on the best and highest use of the \$1 billion tobacco settlement fund awarded to the State of California.**

- h. Acceptance of the Finance and Technology Committee’s recommendation to approve the Information Technology Master Plan for the City of San José. (City Manager’s Office)
[Finance and Technology Committee referral 6/14/00 – Item 7c(5)]
(Deferred from 8/29/00 – Item 9b)

Council approved the Master Plan as recommended by the Finance and Technology Committee; directed the Administration to revisit funding levels that would support continuous employee training in technology and information systems; requested that Staff provide Council with information specific to other cities and what they are doing to improve service delivery through technology; and to submit progress reports to Council via the Finance and Technology Committee on the major action items.

- i. Report on Request for Proposal for Management of Airport Parking and Rental Car Shuttle Bus Personnel and Scheduling Operations and adoption of a resolution authorizing the Director of General Services to:
- (1) Execute a three (3)- year agreement, with two (2), two (2) - year options for renewal with ShuttlePort California LLC for management of airport parking shuttle bus personnel and scheduling, for the period October 1, 2000 to September 30, 2003, with a total first year maximum compensation in the amount of \$5,300,000.

This item continued on the next page.

9 GENERAL GOVERNMENT

- i. Report on Request for Proposal for Management of Airport Parking and Rental Car Shuttle Bus Personnel and Scheduling Operations and adoption of a resolution authorizing the Director of General Services to: **(Cont'd.)**
 - (2) Negotiate and execute a three (3)- year agreement, with two (2), two (2)- year options for renewal with ShuttlePort California LLC and the rental car companies for the management of airport rental car shuttle bus personnel and scheduling for the period October 1, 2000 to September 30, 2003, with a total first year maximum compensation in the amount of \$3,500,000.
 - (3) Adjust the compensation for each subsequent year based on the Consumer Price Index (CPI).
 - (4) Exercise the options to renew each of the agreements without further City Council action other than the appropriation of funds.

(General Services/Airport)

(Deferred from 8/29/00 – Item 9c)

Resolution No. 69876 adopted.

- j. Adoption of a resolution:

- (1) Approving business terms for an acquisition/predevelopment loan of up to \$4,161,000 to CORE Development, Inc., or its designated partnership, for the development of an 88-unit housing project affordable to low- and very low-income households that will be targeted for teachers on a 1.61 acre site located on the south side of Lenzen Avenue, 210 feet west of Stockton Avenue.
- (2) Finding that the use of 20% Housing Funds for the project is of benefit to the Redevelopment project areas in San José.

(Housing)

(Deferred from 8/29/00 – Item 9d)

Resolution No. 69877 adopted.

- k. Adoption of a resolution:

- (1) Approving a \$2,000,000 conditional grant to Neighborhood Housing Services Silicon Valley (NHSSV) to capitalize the Vernal Fund that will provide secondary financing for home purchases by low- and moderate-income households.
- (2) Approving as an exception to policy, incomes of up to 120% of area median income, by household size, as qualifying for home-purchase assistance from the Vernal Fund.
- (3) Approving a \$950,000 increase to the City's existing contract with NHSSV for administrative expenses, for a total contract amount of \$1,450,000.
- (4) Approving the City's participation as an Associate Member of the East Bay-Delta Housing and Finance Agency, a Joint Powers Authority operating a lease-to-own housing program.

This item continued on the next page.

9 GENERAL GOVERNMENT

k. Adoption of a resolution: - (Cont'd.)

- (5) Finding that the use of 20% Housing Funds to capitalize the Vernal Fund and to underwrite administrative expenses of the NHSSV HomeOwnership Center are a benefit to redevelopment project areas in San José.

(Housing)

(Deferred from 8/29/00 – Item 9e)

Resolution No. 69878 adopted.

- l. (1) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the East Side Union High School District, accepting a National Safe Schools/ Healthy Students Initiative subgrant in the amount of \$874,000 for the period September 1, 2000 to August 31, 2001.

Resolution No. 69879 adopted.

- (2) Authorizing the City Manager to negotiate and execute grant agreements with service providers to provide services to parents and at-risk youths in an amount not to exceed \$694,000 of the National Safe Schools/Healthy Students Initiative subgrant.

Approved.

- (3) Adoption of an appropriation ordinance and funding sources resolution amendments in the General Fund in the amount of \$874,000 for Parks, Recreation and Neighborhood Services for the San José B.E.S.T. Program - Safe Schools/Healthy Student Initiative Funding.

Ordinance No. 26195 adopted.

Resolution No. 69880 adopted.

- (4) Approval of the creation of one (1) FTE Youth Outreach Worker II and three (3) FTE Youth Outreach Worker I positions for a period of three (3) years.

(Parks, Recreation and Neighborhood Services/City Manager's Office)

(Deferred from 8/29/00 – Item 9f)

Approved.

- m. Approval of Contract Change Order No. 1 for 1999-00 Street Resurfacing - Measure A/B Funded Project with O'Grady Paving, Inc., in an amount not to exceed \$400,000, for a total contract amount of \$5,086,201.50. CEQA: Exempt. (Public Works)

(Deferred from 8/29/00 – Item 9g)

Approved.

- n. Approval of the first amendment to the agreement with Rob Wellington Quigley, FAIA, for architectural services for the West Valley Branch Library Project, extending the term of the agreement from September 1, 2000 to November 30, 2002, and increasing compensation by \$634,915, from \$236,252 to \$871,167. (Public Works)

(Deferred from 8/29/00 – Item 9h)

Approved.

9 GENERAL GOVERNMENT

- o. Adoption of a resolution approving business terms for a permanent loan of up to \$4,900,000 to Monte Vista Gardens Family Housing, L.P., or its designated partnership, for the development of a 144-unit housing project affordable to extremely low-, very low-, low-income and market-rate households on a 4.98-acre site located on the west side of South Capitol Avenue, north of Lombard Avenue. (Housing)
(Deferred from 8/29/00 – Item 9j)
Resolution No. 69881 adopted.
- p. Adoption of a resolution authorizing the City Manager to submit the Annual Report and Certification on the Urban Runoff Management Plan to the Regional Water Quality Control Board.
[Transportation and Environment Committee referral 8/24/00 – Item 7e(5)]
Resolution No. 69882 adopted.
- q. Adoption of a resolution approving business terms for a permanent loan of up to \$2,536,458 to Arbor Park Community, L.P., or its designated partnership, for the development of a 75-unit housing project affordable to extremely low-, very low-, and low-income households on a 3.2-acre site located on the west side of King Road, northerly of Mabury Road. (Housing)
(Rules Committee referral 8/30/00)
Resolution No. 69883 adopted.
- r. Adoption of a resolution:
- (1) Approving business terms for an acquisition/predevelopment loan of up to \$2,265,630, and a conditional loan of up to \$934,370 to First Community Housing, or its designated partnership, for the development of an 80-unit housing project affordable to low-, very low-, extremely low-, and moderate-income households on a 4.11-acre site located at 945 and 955 North King Road.
 - (2) Finding that the use of redevelopment tax increment funds for the project is of benefit to the Redevelopment Project Areas in San José.
- CEQA: ND. (Housing)
(Rules Committee referral 8/30/00)
Resolution No. 69884 adopted.
- s. Approval of designation of the Metro Station Corridor as the proposed preferred corridor for the Automated People Mover (APM) transit connection from the Airport to the Guadalupe Corridor Light Rail Line for additional project development and environmental analysis, subject to additional public input and concurrence by the Valley Transportation Authority Board (VTA) and the Federal Aviation Administration (FAA).
[Transportation and Environment Committee referral 8/24/00 – Item 7e(3)]
Approved.

10 FISCAL AFFAIRS

11 JOINT CITY COUNCIL/REDEVELOPMENT AGENCY ITEMS

12 PERMITS AND LICENSES

13 PUBLIC SAFETY AND WELFARE

14 ORAL COMMUNICATIONS

Ross Signorino spoke in support of the City's Library System.

Following Oral Communications, Council recessed at 3:30 p.m. and reconvened at 7:05 p.m. in Council Chambers, City Hall.

SAN JOSÉ CITY COUNCIL
SEPTEMBER 5, 2000
7:00 P.M.

15 PUBLIC HEARINGS

- a. PUBLIC HEARING ON Approval of an ordinance amending Section 20.44 of Title 20 of the San José Municipal Code related to single-family house permits by revising 1) the level of discretion related to permits required for houses on the historic inventory or 2) in a conservation area to administrative, and minor technical changes within the procedures and processes established in the ordinance. CEQA: Exempt. Director of Planning, Building, and Code Enforcement recommends approval. Planning Commission recommends approval (7-0-0).

Citywide

(Continued from 8/15/00 – Item 15b)

Ordinance No. 26198 passed for publication.

- b. PUBLIC HEARING ON UGB MODIFICATION. Determine whether the proposed request to modify the Greenline/Urban Growth Boundary (UGB) by expanding it to include approximately 1,817 acres of the Richmond/Young Ranches and other properties, located approximately 2,500 feet southerly of the intersection of Silver Creek and San Felipe Roads and adjacent to the southern boundary of the Silver Creek Planned Residential Community, constitutes a *Minor Modification* of the UGB and take appropriate action based on this determination. The Director of Planning, Building and Code Enforcement and the Planning Commission make the following recommendations: (1) Recommend that the City Council confirm the determination of the Director of Planning, Building and Code Enforcement that the proposal to expand the Greenline/Urban Growth Boundary (UGB) to include 1,814 acres of the Richmond/Young Ranches does not constitute a minor modification of the UGB as defined in Title 18 of the San Jose Municipal Code. (2) Recommend that the City Council find that the Applicant's proposal constitutes a significant modification to the UGB which should only be considered during a comprehensive update of the General Plan and advise the Applicant that he may resubmit this request at such time as the City Council chooses to conduct a comprehensive update of the General Plan. (3) Recommend that the City Council not undertake a comprehensive update of the General Plan at this time.

Districts 2 & 8

(Continued from 8/15/00 – Item 15c)

Council approved Staff's recommendation that (1) confirmed the determination of the Director of Planning, Building and Code Enforcement that the proposal to expand the Greenline/Urban Growth Boundary to include the specified acreage does not constitute a Minor Modification of the UGB; (2) found that the applicant's proposal constitutes a Significant Modification to the UGB which should only be considered during a comprehensive update of the General Plan, and (3) that a comprehensive update of the General Plan should not occur at this time.

Noes: Fiscalini.

15 PUBLIC HEARINGS

- c. PUBLIC HEARING ON A PETITION FOR TENTATIVE CANCELATION OF LAND CONSERVATION CONTRACT, for property consisting of 10 acres located on Piercy Road, west of Silicon Valley Boulevard. (Fred T. Yonemoto and Yukiko Yonemoto, et al., Owner). CEQA: Resolution No. 69699. Director of Planning, Building, and Code Enforcement recommends approval. No Planning Commission action required.
Contract No. 74-124 - District 2
Resolution No. 69888 adopted.
- d. PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the east side of Pleasant Knoll drive, approximately 300 feet westerly from the intersection of Silence Drive and Pleasant Crest Drive, from A-Agricultural Zoning District to A(PD) Zoning District, to allow 12 single-family detached dwelling units on 3.9 gross acres. (Peter and Judith Felthousen, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommends approval (6-0-0-1).
PDC 99-05-045 - District 8
(Continued from 8/1/00 – Item 15i and 8/15/00 – Item 15e)
Ordinance No. 26199 passed for publication.
Noes: Diaz.
- e. PUBLIC HEARING ON PLANNED DEVELOPMENT PREZONING AND REZONING of the property located at the northeast corner of Murillo Avenue and Ruby Avenue and the southwest corner of Tully Avenue and Ruby Avenue, from County and A(PD) Planned Development to A(PD) Planned Development, to allow up to 46 single-family detached residential units on 11.12 gross acres. (James and Susan Harper; Santa Clara Land Development, Developer). CEQA: Negative Declaration. Director of Planning, Building, and Code Enforcement recommends approval. Planning Commission recommends approval (7-0-0).
PDC 00-03-016 - District 8
Ordinance No. 26200 passed for publication.
- f. PUBLIC HEARING ON CONVENTIONAL REZONING of the property located at the south side of West San Carlos Street, approximately 250 feet easterly of Josefa Street, from M-1 Manufacturing Zoning District to C-2 Commercial Zoning District, to allow commercial uses on .465 gross acres (Hui-Chen Kuo, Owner/Developer). CEQA: Resolution No. 65459. Director of Planning, Building, and Code Enforcement recommends approval. Planning Commission recommends approval (7-0-0).
C 00-05-033 - District 3
Ordinance No. 26201 passed for publication.

15 PUBLIC HEARINGS

- g. PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the west side of Boynton Avenue, approximately 250 feet northerly of Akron Way (499 Boynton Avenue), from R-1:B-2 Residence Zoning District to A(PD) Planned Development Zoning District, to allow up to five single-family attached residences on a 0.37 gross acre site (Abe Golpour, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building, and Code Enforcement recommends approval. Planning Commission recommends approval (7-0-0).

PDC 00-04-027 - District 1

Continued to 09/19/00.

- h. PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the south side of Payne Avenue between Essex Way and Lexington Drive, from R-4 Residence Zoning District to A(PD) Planned Development Zoning District, to allow up to 16 single-family attached residences on a 0.98 gross acre site. (Pfeiffer Ranch Investors, Inc. and Madeline Mestice, Owners; Pinn Brothers Fine Homes, Developer). CEQA: Negative Declaration.

PDC 00-05-038 - District 1

Continued to 09/19/00.

16 CLOSED SESSION REPORT

17 ORAL COMMUNICATIONS

William W. Fellman, Jennifer McKinney, and Beverly Walker spoke on Item 8a and submitted for the public record a petition bearing approximately 200 signatures from neighborhood residents opposing the planned development rezoning of property west side of King Road near Commodore Drive/Cape Buffalo area. Director of Planning, Building and Code Enforcement, James R. Derryberry to meet with individuals to address the problem of traffic flow.

18 ADJOURNMENT

The Council of the City of San José adjourned at 8:40 p.m. in memory of Mr. George Bumb Sr., a native San José resident, instrumental in the opening of San José Flea Market and a founding member of St. John Vianney Church; in memory of Tony J. Martinez, Custodian in the Department of General Services/Building Maintenance Division; and in memory of Mrs. Alma Rose Merrick Helms, wife of the late Williams Helms, Sr., and resident of Almaden Valley.

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY ACTION

The following resolutions were adopted and appropriation ordinances passed for publication at the Joint City Council/Redevelopment Agency Board meeting on Tuesday, September 5, 2000:

NEIGHBORHOOD BUSINESS DISTRICTS

- 8a Joint Public Hearing by the City Council and Redevelopment Agency Board on the proposed Neighborhood Business Clusters Redevelopment Plan and:**
- (1) Adoption of resolutions by the City Council and Agency Board approving the Report Accompanying the Neighborhood Business Clusters Redevelopment Plan.
Resolution No. 69885 adopted.
Redevelopment Agency Board Resolution adopted.**
 - (2) Approval of an ordinance by the City Council adopting the proposed Neighborhood Business Clusters Redevelopment Plan and making certain findings.
Ordinance No. 26196 passed for publication.**
 - (3) Approval of an ordinance by the City Council approving the merger of the Neighborhood Business Clusters Redevelopment Plan into the San José Merged Area Redevelopment Project, and making certain findings.
Ordinance No. 26197 passed for publication.**
 - (4) Adoption of a resolution by the City Council making certain determinations pursuant to the Health and Safety Code, Section 33445 regarding construction of public improvements in the proposed Neighborhood Business Clusters Redevelopment project Area.
Resolution No. 69887 adopted.**

CEQA Resolution No. 69886 adopted.

Council approved the formation of the Neighborhood Business Clusters as recommended by City/Agency Staff with the Mayor to send a letter to the County Board of Supervisors requesting a meeting prior to the second reading of the ordinances.

**JOINT CITY COUNCIL/
CITY OF SAN JOSÉ FINANCING AUTHORITY
AGENDA**

1:30 P.M.

TUESDAY, SEPTEMBER 5, 2000

CHAMBERS

1. Call to Order

2. (a) Adoption of a resolution of the City Council approving an exception to the City's Investment Policy to implement a pilot program for the use of guaranteed investment agreements for the investment of certain bond proceeds and directing staff to report back on the results of this pilot program in the Spring of 2002 to the Finance & Technology Committee.

- (b) Adoption of a resolution of the City of San José Financing Authority authorizing the Acting Treasurer to put out to bid one or more Investment Agreements for the investment of certain bond proceeds and to award the Investment Agreement(s) to the highest bidder(s).
(Finance)
[Finance and Technology Committee referral 8/23/00 – Item 7c(5)]
Deferred to 09/12/00.

3. Adjourn the Joint City Council/San José Financing Authority to 7:00 p.m. City Council Meeting