



CITY COUNCIL AGENDA

OCTOBER 3, 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 Member Diaz, Shirakawa, Jr. (both excused)

Vacant: District 4

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

Absent: Council Members – None.

Vacant: District 4

7:00 p.m. - Public Hearings, Council Chambers, City Hall

Absent: Council Member Diaz (excused)

Vacant: District 4

2 INVOCATION

The Reverend Harrison Chang, Chinese Baptist Church, delivered the invocation. (District 9)

3 PLEDGE OF ALLEGIANCE

Mayor Gonzales led in the Pledge of Allegiance.

4 ORDERS OF THE DAY

Approved with Item 6e(4) discussed by Council and continued to 10-10-00.

5 CEREMONIAL ITEMS

- a. Presentation of a proclamation declaring October 2000 as “Employment of Persons with Disabilities Month.” (Equality Assurance)

This Item Heard in the Evening.

Mayor Gonzales introduced Richard Patterson and Jay Anne Benton, Co-Chairs of the Disability Advisory Commission, and Commissioners Judith Moore, Aaron Morrow, Karl Vidt, and Sandra Gouveia. Mr. Patterson expressed the Commission’s appreciation for the accommodations in the Council Chambers and accepted the proclamation, and Sandra Gouveia submitted for the public record the Braille *Resolution Concerning Employment of People With Disabilities Awareness Month* presented on October 3, 2000 by the Silicon Valley Council of the Blind. Mayor Gonzales stated the City of San José would continue its commitment to inclusion and equal opportunity for every member of the community-at-large.

- b. Swearing in of Youth Commissioners from Districts 3 and 7. (Mayor)

This Item Heard in the Evening.

Council Member Shirakawa, Jr. acknowledged the absence of Erica B. Garcia, District 7 representative, and stated the swearing-in ceremony would be rescheduled. Joining Mayor Gonzales at the Podium, Council Member Chavez introduced Alex Berger, avid supporter for a skateboard park in the City of San José, and City Clerk Patricia L. O’Hearn administered the Oath of Office to Alex. Mayor Gonzales congratulated the Youth Commissioner on his academic accomplishments, and introduced Alex’ parents who were asked to stand and be recognized.

- c. Presentation of plaque to Tommy Fulcher III for 1 year 11 months service on the Youth Commission. (Mayor)

Tommy Fulcher was unable to attend the meeting; therefore, the plaque will be mailed to the Commissioner with a letter of appreciation for his service to the City of San José.

- d. Presentation of a commendation to the San Jose Police Bike Patrol for their assistance at the Breast Cancer Walk from San Jose to San Francisco. (Mayor)
(Rules Committee referral 9/27/00)

This Item Heard in the Evening.

Joining Mayor Gonzales at the Podium were approximately 50 volunteers from Avon, represented by David Ginsborg, and the San José Police Department. Assistant Police Chief Tom Wheatley accepted the commendation on behalf of the 19-member Bike Patrol Squad from the San José Police Department, who volunteered more than 350 hours to help to ensure the safety of the participants. Mayor Gonzales lauded the efforts of the 3,000 walkers and 500-volunteer crewmembers participating in the 60-mile, Avon Breast Cancer 3-Day fundraising walk from San José to San Francisco,

This item continued on the next page.

5 CEREMONIAL ITEMS

- d. Presentation of a commendation to the San Jose Police Bike Patrol for their assistance at the Breast Cancer Walk from San Jose to San Francisco. (Mayor)
(Rules Committee referral 9/27/00) – **(Cont'd.)**

which generated \$6.2 million in net proceeds toward finding a cure for breast cancer. Assistant Police Chief Wheatly presented to Mayor Gonzales a proclamation expressing gratitude and appreciation to San José's Bicycle Police Officers for their enthusiasm and professionalism throughout the 3-day event, as well as the City of San José for supporting the volunteer contributions. Chief Wheatley presented proclamations and commemorative Tee-Shirts to each Council Member and Police Officer.

- e. Presentation of a commendation to San Jose State University Baseball team for their great season and for making it to the College World Series. (Mayor)
(Rules Committee referral 9/27/00)

This Item Heard in the Evening.

Joining Mayor Gonzales at the Podium were San José State University President Robert Caret and Baseball Team Head Coach Sam Piraro who accepted the commendation and introduced the Team, and presented a team baseball cap to Mayor Gonzales. Mayor Gonzalez congratulated the Team for their great season and for making it to the College World Series, and invited them forward for a "group picture".

- f. Presentation of a proclamation declaring October "Domestic Violence Awareness Month" and acknowledging the City's Annual "Public and Elected Officials Walk to End Domestic Violence" as an event to raise awareness of domestic violence in the City of San José. (Woody)
(Rules Committee referral 9/27/00)

This Item Heard in the Evening.

Council Member Woody, joined by Mayor Gonzales invited Family/Domestic Violence Prevention Task Force Members Wiggsey Siverstein, Sara Lively, and Assistant Police Chief Tom Wheatley to the Podium, and presented the proclamation to Wiggsey Siverstein. Council Member Woody invited the public to participate in the various events occurring in Santa Clara County throughout the month of October 2000, including the City's Annual *Public and Elected Officials Walk to End Domestic Violence*, scheduled for Friday, October 13, 2000, as an event to raise awareness of domestic violence in the City of San José.

- g. **Introduction of special guests from Santa Teresa High School's Honors History Class, accompanied by teachers and parents who were asked to stand and be recognized.**

5 CEREMONIAL ITEMS

- h. **Recognition of representatives from Cub Scouts Den #1, Pack 274, District 10, who attended the Council meeting to earn their *Citizenship Activity Pen*. Cubmaster Jeff Green and Denleader Eric Anderson accompanied the Cub Scouts; all the guests were asked to stand and be recognized.**

6 CONSENT CALENDAR

a. Minutes for Approval

- (1) Regular Meeting of June 27, 2000
Approved.
- (2) Joint City Council/Financing Authority Meeting of June 27, 2000
Approved.
- (3) Joint City Council/Redevelopment Agency Meeting of June 27, 2000
Approved.
- (4) Regular Meeting of August 1, 2000
Approved.

b. Ordinances for Final Adoption

- (1) ORD. NO. 26196 – Adopts the Neighborhood Business Clusters Redevelopment Plan and makes certain findings.
[Deferred from 9/19/00 – Item 6b(4)]
See Item 11a(2) for Council action taken.
- (2) ORD. NO. 26197 – Amends the Julian-Stockton Redevelopment Plan, the Olinder Redevelopment Plan, the San Antonio Plaza Redevelopment Plan, the Rincon de Los Esteros Redevelopment Plan, the Pueblo Uno Redevelopment Plan, the Edenvale Redevelopment Plan, the Guadalupe-Auzerais Redevelopment Plan, the Market Gateway Redevelopment Plan, the Century Center Redevelopment Plan, the Alum Rock Avenue Redevelopment Plan, the East Santa Clara Street Redevelopment Plan, the Almaden Gateway Redevelopment Plan, the Story Road Redevelopment Plan, The Alameda Redevelopment Plan, the West San Carlos Street Redevelopment Plan, the Japantown Redevelopment Plan, the Monterey Corridor Redevelopment Plan, the Park Center Redevelopment Plan, the Civic Plaza Redevelopment Plan, and the Neighborhood Business Clusters Redevelopment Plan to effect the merger of said Redevelopment Project Areas and making certain findings.
[Deferred from 9/19/00 – Item 6b(5)]
See Item 11a(3) for Council action taken.

6 CONSENT CALENDAR

b. Ordinances for Final Adoption

- (3) ORD. NO. 26206 – Rezones certain real property situated on the west side of Boynton Avenue, approximately 250 feet northerly of Akron Way (499 Boynton Avenue). PDC 00-04-027

Ordinance No. 26206 adopted.

- (4) ORD. NO. 26207 – Rezones certain real property situated on the south side of Lenzen Avenue, 210 feet westerly of Stockton Avenue. PDC 00-05-042

Ordinance No. 26207 adopted.

c. Public Hearings Set by Council

None.

d. Plans and Specifications

- (1) Adoption of resolutions approving plans, final map, and contract for subdivision tracts.

None.

e. Contracts/Agreements

- (1) Approval of a continuation agreement with DEKKER, LTD., to implement an Activity Based Costing and Management (ABC/M) System at the San José International Airport, to:

- (a) Extend the term of the agreement from September 30, 2000 to December 31, 2000, at no increase in total compensation.
(b) Change the payment schedule for consulting services from time and materials to performance milestone payment.

CEQA: Exempt. (Airport)

Approved.

- (2) (a) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Strategic Advisory Group LLP, to conduct an expanded marketing and economic analysis on the proposed expansion of the San José McEnery Convention Center, in an amount not to exceed \$60,000. (Conventions, Arts and Entertainment)

Resolution No. 69915 adopted.

This item continued on the next page.

6 CONSENT CALENDAR

e. Contracts/Agreements

- (2) (b) 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 \$30,000. (City Manager's Office)
Ordinance No. 26209 adopted.
Resolution No. 69916 adopted.
- (3) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2000-2001 # 12, and authorization for the Director of General Services to execute the purchase orders. (General Services)
Approved.
- (4) Adoption of a resolution authorizing the City Manager to negotiate and execute group dental agreements with Delta Dental and Dental Benefit Providers (DBP) insurance plans for the period January 1, 2001 to December 31, 2004. (Human Resources)
Deferred to 10/10/00.
Council Members to submit their concerns to the City Manager for responses relative to (a) formal methods of communication between the City and retirees; (b) future notifications of contract negotiations, proposed benefit changes, and timelines by which responses from retirees are due to City Staff; (c) consideration of single effective date for benefits for both retirees and active City employees; and (d) what impact, if any, will Open Enrollment have on retirees in the case of the proposed group benefit package.
- (5) (a) Approval of an agreement with Next Door Solutions to Domestic Violence (Next Door) to administer an after-care follow-up program for victims of domestic violence for the period October 1, 2000 to September 30, 2001, at a cost not to exceed \$109,000. (Police)
Approved.
- (b) Adoption of a resolution authorizing the City Manager to exercise three (3) one-year options to extend the term of the agreement with Next Door at a rate not to exceed \$114,450 in the first option year, at a rate not to exceed \$120,173 in the second option year, and at a rate not to exceed \$126,181 in the third option year, without further City Council action other than the appropriation of funding. (Police)
Resolution No. 69917 adopted.
- (6) Approval of a cost-sharing agreement with the County of Santa Clara for the improvement of Scott Street between Raymond Avenue and Buena Vista Avenue with the City's contribution not to exceed \$145,000, and the County's contribution not to exceed \$83,000. CEQA: Exempt. (Public Works)
Approved.

6 CONSENT CALENDAR

e. Contracts/Agreements

- (7) Adoption of a resolution:
- (a) Authorizing the City Manager to negotiate and execute an agreement with Safe Moves, a California non-profit corporation, for school pedestrian and bicycle safety education services, for the period of October 7, 2000 to August 31, 2001, in an amount not to exceed \$69,250.
 - (b) Authorizing the City Manager to exercise two (2) one-year options to extend the term of the agreement with Safe Moves, a California non-profit corporation, at an adjustment rate equal to the Consumer Price Index for the San Francisco-Oakland-San José area, not to exceed seven percent (7%) per year.

(Streets and Traffic)

Resolution No. 69918 adopted.

Council directed Staff to (a) distribute to Council any data compiled from the survey of schools that previously participated in the educational component of the Program, and the elements used to enhance pedestrian/bicycle safety at those schools; (b) include in the report the reasons private and parochial schools are excluded from the Program; and (c) include a timeline according to Council Districts of when the services will be provided to elementary and middle schools in San José.

f. Routine Legislation

- (1) Adoption of appropriation ordinance and funding sources resolution amendments increasing the Library Grants appropriation for the Library Department by \$110,000 for a grant received by the Library Services Technology Act to conduct a feasibility study and design a pilot project for a fee-base delivery service.
(City Manager's Office)

Ordinance No. 26210 adopted.

Resolution No. 69919 adopted.

- (2) Adoption of a resolution designating the City Manager as the final authority to recommend that the California Department of Alcoholic Beverage Control place conditions on Alcoholic Beverage Control (ABC) Licenses at the time of ABC License transfer in order to mitigate identified problems at or in the immediate vicinity of the licensed premises, as authorized in AB 1092.
(City Manager's Office/Police)

Resolution No. 69920 adopted.

6 CONSENT CALENDAR

e. Contracts/Agreements

- (3) Approval of City Attorney Richard Doyle's travel to Savannah, Georgia, from September 27, 2000 through September 29, 2000, for Airport related litigation.
(City Attorney's Office)
(Rules Committee referral 9/27/00)

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 – September 20, 2000

Vice Mayor Fiscalini, Chair

- (1) Review October 3, 2000 Draft Agenda
The Committee approved the October 3, 2000 City Council Agenda.
- (2) Add New Items to September 26, 2000 Amended Agenda
The Committee recommended two additions to the September 26, 2000 City Council Agenda.
- (3) Meeting Schedules
None Presented.
- (4) The Public Record
The Committee noted and filed the Public Record for the period September 6-12, 2000.
- (5) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
None Presented.
- (6) Oral Communications
None Presented.
- (7) Adjournment
The meeting was adjourned at 2:05 p.m.

The Rules Committee Report and actions of September 20, 2000 accepted.

7 COMMISSION, COMMITTEE, AND STANDING REPORTS

- c. **Report of the Finance and Technology Committee**
Council Member Woody, Chair
No Report.

- d. **Report of the Economic and Community Development Committee**
Council Member Diaz, Chair
No Report.

- e. **Report of the Transportation and Environment Committee**
Council Member Powers, Chair
No Report.

- f. **Report of the Education, Neighborhoods, Youth, and Seniors Committee**
Council Member Shirakawa, Jr., Chair
No Report.

8 LAND USE AND DEVELOPMENT

9 GENERAL GOVERNMENT

- a. Approval of a resolution:
 - (1) Approving the sale of (3) City-Owned Properties located at 5747 Via Monte Drive, 1360 Dubert Lane and 133-135 Fox Avenue to the highest bidder.
 - (2) Authorizing the Director of Housing to sell the properties to the subsequent highest bidders if the highest bidders are unable to comply with the terms and conditions of sale.
 - (3) Authorizing the Director of Housing to grant teacher housing program candidates preference in the continuing disposition process for the 367 N. 14th Street property.CEQA: Exempt. (Housing)
Resolution No. 69921 adopted.

- b. Adoption of a resolution approving an amendment to the City loan documents modifying the \$1,144,000 City loan for the YWCA Housing Project. (Housing)
Resolution No. 69922 adopted.
Council directed Staff to (1) provide YWCA management with technical assistance to become and maintain solvency, and (2) to develop mechanisms that would protect the City's investments when considering financial challenges in the future.

9 GENERAL GOVERNMENT

- c. Adoption of a resolution:
- (1) Approving business terms for an acquisition/predevelopment loan of up to \$3,035,000 and a conditional loan of up to \$920,000 to Villages Parkway Associates, or its designated partnership, for the development of a 79-unit housing project affordable to extremely low-, very low- and low-income seniors on a 1.96-acre site located at the northeast corner of The Villages Parkway and Ashley Way.
 - (2) Approving an additional fund reservation of up to \$1,099,000 for construction financing for the project.
 - (3) Finding that the use of 20% Housing Funds for the project is of benefit to the Redevelopment Project Areas in San José.
- (Housing)
Resolution No. 69923 adopted.
- d. Adoption of a resolution supporting Transportation Measure A on the November 2000 ballot. (Mayor)
(Rules Committee referral 9/27/00)
Resolution No. 69924 adopted.

10 FISCAL AFFAIRS

11 JOINT CITY COUNCIL/REDEVELOPMENT AGENCY ITEMS

CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEM 11a IN A JOINT SESSION

- a. (1) Adoption by the City Council of a response to written objections from property owners and taxing entities to the adoption of the Neighborhood Business Clusters Redevelopment Plan and the merger of the Neighborhood Business Clusters Redevelopment Plan into the San Jose Merged Area Redevelopment Plan.
- (2) Final adoption of ORDINANCE NO. 26196 – Adopts the Neighborhood Business Clusters Redevelopment Plan and makes certain findings.
- (3) Final adoption of ORDINANCE NO. 26197 – Amends the Julian-Stockton Redevelopment Plan, the Olinder Redevelopment Plan, the San Antonio Plaza Redevelopment Plan, the Rincon de Los Esteros Redevelopment Plan, the Pueblo Uno Redevelopment Plan, the Edenvale Redevelopment Plan, the Guadalupe-Auzerais Redevelopment Plan, the Market Gateway Redevelopment Plan, the Century Center Redevelopment Plan, the Alum Rock Avenue Redevelopment Plan, the East Santa Clara Street Redevelopment Plan, the Almaden Gateway

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11 JOINT CITY COUNCIL/REDEVELOPMENT AGENCY ITEMS

CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEM 11a IN A JOINT SESSION

- a. (3) Final adoption of ORDINANCE NO. 26197 – (Cont'd.)

Redevelopment Plan, the Story Road Redevelopment Plan, The Alameda Redevelopment Plan, the West San Carlos Street Redevelopment Plan, the Japantown Redevelopment Plan, the Monterey Corridor Redevelopment Plan, the Park Center Redevelopment Plan, the Civic Plaza Redevelopment Plan, and the Neighborhood Business Clusters Redevelopment Plan to effect the merger of said Redevelopment Project Areas and making certain findings.

(Deferred from 9/19/00 – Item 11a)

Deferred to 10/10/00.

ADJOURN REDEVELOPMENT AGENCY BOARD PORTION OF THE MEETING

12 PERMITS AND LICENSES

13 PUBLIC SAFETY AND WELFARE

14 ORAL COMMUNICATIONS

The City Council recessed at 2:12 p.m. and reconvened at 7:00 p.m., Council Chambers, City Hall.

**SAN JOSÉ CITY COUNCIL
OCTOBER 3, 2000
7:00 P.M.**

15 PUBLIC HEARINGS

- a. PUBLIC HEARING ON CONFORMING REZONING of the property located at the northwest corner of Stockton Avenue and The Alameda, from M-1 Manufacturing Zoning District to C-3 Commercial Zoning District, to allow commercial uses on 2.17 gross acres. (Alameda/Stockton, LLC, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval.
C 00-05-044 - District 6
Ordinance No. 26211 passed for publication.
- b. PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the north side of Curtner Avenue, approximately 210 feet west of Celestine Avenue, from R-1 Residence Zoning to A(PD) Planned Development Zoning District, to allow four single-family detached courthomes on 0.43 gross acre. (Rose Tagami, Owner; DeMattei & Cullen Development, LLC, Developer). CEQA: ND. Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommends approval (7-0-0).
PDC 00-07-060 - District 6
Ordinance No. 26212 passed for publication.
- c. PUBLIC HEARING ON CONFORMING REZONING of the property located at the north side of Story Road, approximately 300 feet easterly of King Road, from C-1 Commercial Zoning District to C-2 Commercial Zoning District, to allow retail uses on 4.29 gross acres. (Juvenal Chavez, Cha Cha Enterprises, Owner/Developer). CEQA: Resolution No. 62615.
C 00-08-073 - District 5
Dropped.
- d. PUBLIC HEARING ON APPEAL OF A CONDITIONAL USE PERMIT for a project located at the northwest corner of Ardis Avenue and Arcadia Drive, on a 0.24 gross acre site in the R-1 Residential Zoning District, for the demolition of a single-family detached residence and conversion to a parking lot to serve an existing used auto sales facility. (Hooshang Homara, Owner/Developer). CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends denial. Planning Commission recommends denial (5-0-2).
CP 99-12-073 - District 1
Ordinance No. 69925 passed for publication.
Council upheld the decision of the Planning Commission to DENY the Conditional Use Permit.
Applicant requested to join Council Member LeZotte and dealership representatives at 2:00 p.m. on 10/04/00 at St. Claire Cadillac to discuss parking problems caused by businesses on Stevens Creek Boulevard.

16 CLOSED SESSION REPORT

17 ORAL COMMUNICATIONS

18 ADJOURNMENT

The Council of the City of San José adjourned at 8:10 p.m.