



CITY COUNCIL AGENDA

DECEMBER 12, 2000

SYNOPSIS

LINDA J. LE ZOTTE
CHARLOTTE POWERS
CINDY CHAVEZ
CHUCK REED
VACANT

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 – None.

Vacant: District 5

1:35 p.m. - Regular Session, Council Chambers, City Hall

Absent: Council Members – None.

Vacant: District 5

7:08 p.m. - Public Hearings, Council Chambers, City Hall

Absent: Council Members – None.

Vacant: District 5

2 INVOCATION

Pastor J. Anthony White, Maximum Impact Ministries, delivered the invocation. (Mayor)

3 PLEDGE OF ALLEGIANCE

Mayor Gonzales led in the Pledge of Allegiance.

4 ORDERS OF THE DAY

Approved.

5 CEREMONIAL ITEMS

- a. Presentation proclaiming December 11th through 15th as Winter Storm Awareness Week. (Emergency Services)
Mayor Gonzales invited Dan Goodrich to join him at the Podium. On behalf of Dr. Frances Winslow, Director of the Office of Emergency Services, Mr. Goodrich accepted the proclamation commemorating Winter Storm Preparedness Week, and reminded every resident of the importance to familiarize themselves with the application of safety measures to enable them to protect their homes and families during adverse conditions created by heavy rains and flooding that come to California during the winter months.

- b. Presentation of a commendation to the students of Pioneer High School for dedication of their free time to conducting environmental studies to determine if there are toxins in the Guadalupe River. (Dando)
(Rules Committee referral 12/6/00)
**This Item Heard in the Evening.
Joining Mayor Gonzales at the Podium, Council Member Dando introduced Kyle Hansen and Kristel Fritz, seniors at Pioneer High School, along with 10 science students who have undertaken an experiment, with the use of clams, which will determine the level of cancer-causing agents existing in the lower Guadalupe and the headwaters in the Santa Cruz Mountains. Kyle Hansen accepted the commendation and expressed the students' appreciation for the recognition of their work, and stated the findings will be released after City scientists and the Santa Clara Valley Water District have reviewed the report.**

- c. Presentation of a commendation to The Pirates Football Team of the Eastside Youth Athletic Club and Coach Chevo Garcia for their athletic achievement on being invited to represent San José in the 2000 National Youth Football Championship at Las Vegas, Nevada. (Shirakawa, Jr.)
(Rules Committee referral 12/6/00)
**This Item Heard in the Evening.
Joining Mayor Gonzales at the Podium, Council Member Shirakawa, Jr., introduced the 23-member team comprised of 13-14 year olds, and Coaches Wood, Garcia, Lewis, Hernandez and Frazier, and congratulated the team on their outstanding athletic achievements. Mayor Gonzales presented the commendation to the Head Coach and asked the friends and family members of the Team to stand and be recognized.**

- d. Special welcome extended to representatives from the San José Conservation Corps, accompanied by Robert J. Hennessy, Executive Director, who attended the Council meeting as a requirement for their City Government project. The City Council joined Mayor Gonzales in thanking the Corps for their hard work in the City's neighborhoods.

5 CEREMONIAL ITEMS

- e. **Special welcome extended to Cub Pack 286 and Den Leaders, who attended the Council meeting as a merit badge requirement. Mayor Gonzales asked the guests to stand and be recognized.**

6 CONSENT CALENDAR

- a. **Minutes for Approval**

None.

- 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) et al., and 11/21/00 – Item 6b(1)]
Deferred to 12/19/00.
- (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) et al., and 11/21/00 – Item 6b(2)]
Deferred to 12/19/00.
- (3) ORD. NO. 26239 – Amends Chapter 12.06 of Title 12 of the San José Municipal Code by adding a new Part 9 to clarify and provide campaign contribution requirements and rules for special municipal elections.
Ordinance No. 26239 adopted.

6 CONSENT CALENDAR

b. Ordinances for Final Adoption

- (4) ORD. NO. 26240 – Rezones certain real property situated on the southeasterly corner of Senter Road and Diamond Heights Drive.
PDC 99-05-037
Ordinance No. 26240 adopted.
Disqualified: Reed.
- (5) ORD. NO. 26241 – Rezones certain real property situated in the area generally bounded by North First, Bassett, and Ryland Streets and State Route 87.
PDC 00-04-025
Ordinance No. 26241 adopted.
Disqualified: Reed.
- (6) ORD. NO. 26242 – Rezones certain real property situated on the southwest corner of Piedmont Road and Maxey Drive (1065 Piedmont Road).
PDC 00-05-031
Ordinance No. 26242 adopted.
- (7) ORD. NO. 26243 – Rezones certain real property situated on the south side of Payne Avenue between Essex Way and Lexington Drive.
PDC 00-05-038
Ordinance No. 26243 adopted.
- (8) ORD. NO. 26244 – Rezones certain real property situated on the west side of Edenvale Avenue, approximately 1,000 feet south of Monterey Road (200 Edenvale Avenue).
PDCSH 00-06-047
Ordinance No. 26244 adopted.
- (9) ORD. NO. 26245 – Rezones certain real property situated on the north side of Rose Avenue, approximately 200 feet westerly of South White Road.
PDC 00-07-062
Ordinance No. 26245 adopted.
- (10) ORD. NO. 26246 – Rezones certain real property situated on the north side of Blossom Hill Road, approximately 150 feet east of Entrada Cedros.
PDC 00-07-064
Ordinance No. 26246 adopted.
- (11) ORD. NO. 26247 – Rezones certain real property situated on the northeast corner of Capitol Expressway and Tully Road.
C 00-10-106
Ordinance No. 26247 adopted.

6 CONSENT CALENDAR

b. Ordinances for Final Adoption

- (12) ORD. NO. 26248 – Amends Title 20 of the San José Municipal Code in its entirety to comprehensively update and revise the Zoning Code.
Deferred to 12/19/00.

c. Public Hearings Set by Council

None

d. Plans and Specifications

- (1) TRACT NO. 9275 - Southeast corner of Stevens Creek Boulevard and Winchester Boulevard - FRIT San José Town and Country Village, LLC, A California Limited Liability Company (Developer) - Subdivide 4 Parcels into 16 lots for commercial and residential uses. Adoption of a resolution approving the final map for Tract No. 9275. CEQA: 68210. District 6. (Public Works)
Resolution No. 70035 adopted.
- (2) TRACT NO. 9278 - Southwest corner of Moorpark Avenue and Boynton Avenue - Moorpark Place LLC (Developer) - 13 single family attached residential units. Approval of a parkland agreement and adoption of resolutions approving the plans, final map, and contract for Tract No. 9278. CEQA: ND. District 1. (Public Works)
Parkland Agreement Approved.
Resolution Nos. 70036 – 70038 adopted.
- (3) TRACT NO. 9298 - North of Will Rogers Drive, 90 feet west of Oakmont Place - Pfeiffer Ranch Investors II, Inc. (Developer) - 20 single family detached residential units. Adoption of resolutions approving the plans, final map, and contract for Tract No. 9298. CEQA: ND. District 1. (Public Works)
Resolution Nos. 70039 – 70041 adopted.
- (4) TRACT NO. 9309 - Northeast corner of San Felipe Road and Keaton Loop – Braddock and Logan II, L.P., a California Limited Partnership By: Braddock & Logan Services, Inc., a California Corporation, General partner (Developer) – 9 single family detached residential units. Approval of a parkland agreement and adoption of resolutions approving the plans, final map, contract and water main extension for Tract No. 9309. CEQA: ND. District 8. (Public Works)
Parkland Agreement Approved.
Resolution Nos. 70042 – 70045 adopted.

6 CONSENT CALENDAR

e. Contracts/Agreements

- (1) Approval of a first amendment to the lease agreement with Airport Group International, Inc., to extend the lease agreement for premises located at 1277 Airport Boulevard, on a month-to-month term through December 31, 2006, with annual revenue to the City of \$9,450. CEQA: Resolution No. 67380. (Airport)
Approved.
- (2) Approval of a first amendment to the lease agreement with Mexicana Airlines to extend the lease for space at 1277 Airport Boulevard, for a term of five (5) years through December 31, 2005, with an annual rental revenue to the City in the amount of \$2,178. CEQA: Resolution No. 67380. (Airport)
Approved with the expiration date corrected to read “for a term of five (5) years through December 14, 2005”.
- (3) Approval of amendments to the employment agreements with John Salois and Brian Bennert. (Diquisto)
Approved.
- (4) Adoption of a resolution authorizing the Director of General Services to negotiate and execute a first amendment to the agreement with Columbia Ultimate Business Systems for additional programming services and associated licenses at a cost of \$111,842.58, for a total cost not to exceed \$390,760.80.
(Finance/General Services)
Resolution No. 70046 adopted.
- (5) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2000-2001 #21, and authorization for the Director of General Services to execute the purchase orders.
(General Services)
Approved.
- (6) Report on bids and award the purchase of two (2) 29,000-pound cabs and chassis with maintenance bodies for the Department of Streets and Traffic to the low bidder, Monarch Leasing, Inc., d.b.a. Monarch Truck Center, in the amount of \$217,976.42, including tax and delivery, and authorization for the Director of General Services to execute the purchase order for the:
 - (a) Immediate purchase of two (2) units; and
 - (b) Subsequent purchase of additional units at the same bid price, for one (1) year, without further Council action other than the appropriation of necessary funds.
(General Services)
Approved.

6 CONSENT CALENDAR

e. Contracts/Agreements

- (7) Approval to reject all proposals received in response to the Request for Proposals for an automated warehouse system and authorization for the Director of General Services to negotiate on the open market for an automated warehouse system. (General Services)
Approved.
- (8) (a) Report on Request for Quotations and award lighting improvements at the Market Street and Second and San Carlos Streets parking garages to Cupertino Electric Inc., for a total cost of \$351,075.23, including tax, and authorization for the Director of General Services to execute the purchase order.
(b) Approval of a contingency in the amount of \$25,000. (General Services)
Approved.
- (9) Approval of an agreement with Kidz Love Soccer, Inc., to teach soccer lessons for the period September 1, 2000 to August 31, 2001, in an amount not to exceed \$150,000. (Parks, Recreation and Neighborhood Services)
Approved.
Council directed Staff to prepare a list of the locations and dates the activities will occur.
- (10) Approval of an agreement with Noteworthy Music School to provide music lessons for the period September 1, 2000 to August 31, 2001, in an amount not to exceed \$70,000. (Parks, Recreation and Neighborhood Services)
Approved.
- (11) Approval of the amendment to the agreement with Thomas Reid Associates for consultant services for the Bay Trail Master Plan Environmental Feasibility Study to increase the maximum amount of compensation by \$33,500, for a total agreement amount not to exceed \$170,000. (Public Works)
Approved.
- (12) Report on bids and approval of contract with General Lighting Service, Inc., for the History Museum of San José Electric Light Tower Renovation Revised For Rebid # 1 Project, in the amount of \$65,212, and approval of a contingency in the amount of \$6,000. CEQA: Resolution No. 66098. (Public Works)
Approved.

6 CONSENT CALENDAR

e. Contracts/Agreements

- (13) Approval of a first amendment to the agreement with the San José Downtown Association for marketing services for the downtown public parking program, increasing compensation by \$140,000, and extending the agreement term through January 31, 2002. (Streets and Traffic)
Approved.

f. Routine Legislation

- (1) Adoption of a resolution declaring the results of the General Municipal Election held on November 7, 2000. (City Clerk)
[Deferred from 11/28/00 – Item 6f(3)]
Resolution No. 70047 adopted.
- (2) Adoption of appropriation ordinance and funding sources resolution amendments in the General fund for Federal Weed and Seed Grant funds to support community improvement efforts in the Washington neighborhood in the amount of \$175,000. (Parks, Recreation and Neighborhood Services/Police/City Manager’s Office)
Ordinance No. 26252 adopted.
Resolution No. 70048 adopted.
- (3) Adoption of a resolution:
- (a) Accepting an irrevocable offer of dedication of parkland from Avalon Bay Communities, Inc. for park purposes; and
 - (b) Authorizing the City Manager to negotiate and execute a Parkland Agreement with Avalon Bay Communities, Inc. for Planned Development Permit No. PD99-11-076.
- CEQA: Resolution No. 68748. (Parks, Recreation and Neighborhood Services)
Resolution No. 70049 adopted.

END OF CONSENT CALENDAR

7 COMMISSION, COMMITTEE, AND STANDING REPORTS

a. Report of the Study Session Mayor Gonzales, Chair

7 COMMISSION, COMMITTEE, AND STANDING REPORTS

b. Report of the Rules Committee – Meeting of November 22, 2000

Vice Mayor Fiscalini, Chair

- (1) Review December 5, 2000 Draft Agenda
Dropped – Meeting Cancelled.
- (2) Add New Items to November 28, 2000 Amended Agenda
The Committee referred Member Diaz’ request for an Alum Rock Park entrance engineering study to the budget process for consideration and recommended three additions to the November 28, 2000 City Council Agenda.
- (3) Meeting Schedules
None Presented.
- (4) The Public Record
The Committee noted and filed the Public Record for the period November 8-14, 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 2:10 p.m. with Committee Members recognizing Member Manny Diaz, who has been elected to the California State Assembly, for his service on the Rules Committee.

The Rules Committee Report and actions of November 22, 2000 accepted.

b. Report of the Rules Committee - Meeting of November 29, 2000

Vice Mayor Fiscalini, Chair

- (1) Review December 12, 2000 Draft Agenda
The Committee approved the December 12, 2000 City Council Agenda with one addition.
- (2) Add New Items to December 5, 2000 Amended Agenda
Dropped – Meeting Cancelled.
- (3) Meeting Schedules
None Presented.

7 COMMISSION, COMMITTEE, AND STANDING REPORTS

b. Report of the Rules Committee - Meeting of November 29, 2000 – (Cont'd.)

Vice Mayor Fiscalini, Chair

- (4) The Public Record
The Committee noted and filed the Public Record for the period November 15-21, 2000.

- (5) Request by Council Member Alice Woody to use Council General Funds for National League of Cities' Steering Committee expenses
The Committee approved Council Member Woody's request to use Council General funds to pay the remaining balance of \$3,000 incurred when the National League of Cities' Transportation and Infrastructure Steering Committee held its September 2000 meeting in San José.

- (6) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
None Presented.

- (7) Oral communications
None Presented.

- (8) Adjournment
The meeting was adjourned at 1:20 p.m.

The Rules Committee Report and actions of November 29, 2000 accepted.

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 – November 30, 2000

Council Member Powers, Chair

- (1) Consent Calendar
- (2) Staff Report on Taxi Cab Task Force Report
SEE ITEM 9I FOR COUNCIL ACTION TO BE TAKEN
- (3) Oral petitions
- (4) Adjournment

Deferred to 12/19/00.

7 COMMISSION, COMMITTEE, AND STANDING REPORTS

f. Report of the Education, Neighborhoods, Youth, and Seniors Committee Council Member Shirakawa, Jr., Chair – November 20, 2000

- (1) Report on Parks Study
- (2) Youth Commission Monthly Report for October 2000
- (3) Annual Report of Library Commission Regarding Expenditure of Library Benefit Assessment District Funds
- (4) Approval of the Education, Neighborhoods, Youth, and Seniors Committee Work Plan (January –July 2001)
- (5) Oral petitions

Due to lack of a quorum, legal counsel advised that the Committee could forward items to the City Council.

- (6) Adjournment
The meeting was adjourned at 1:55 p.m.

The Education, Neighborhoods, Youth and Seniors Committee Report, due to lack of a quorum, was forwarded to the City Council to be heard on 12/12/00. The Committee Report was accepted.

8 LAND USE AND DEVELOPMENT

- a. Adoption of a resolution determining that public use and necessity require the acquisition of a 6,050 square foot parcel of land owned by Andy Mau Anh Lu, located at 521 South Sixth Street in San José and directing the City Attorney to file an eminent domain action. (Public Works)

**This Item Heard in the Evening.
Resolution No. 70057 adopted.**

9 GENERAL GOVERNMENT

- a.
 - (1) Acceptance of the follow-up reports related to potential service enhancements, revenue and cost for the Recycle Plus Program.
 - (2) Acceptance of the report on labor peace issues related to the Recycle Plus Program contracts.
 - (3) Acceptance of the report from the City Auditor on review audit of all recommended Recycle Plus haulers operational and capital adequacy and financial capability to perform.

Reports accepted.

9 GENERAL GOVERNMENT

- a. (4) Adoption of a resolution authorizing the City Manager to negotiate and execute contracts for the Recycle Plus Program.
(Environmental Services)
(Deferred from 10/31/00 – Item 9d et al., and 11/28/00 – Item 9a)
Resolution No. 70050 adopted.

Council approved Staff's recommendation as proposed in memorandum dated 12/08/00, and approved recommendations submitted in the 12/08/00 memorandum from Mayor Gonzales, Vice Mayor Fiscalini, and Council Members Dando and Powers.

- b. Public Hearing and adoption of a resolution approving a Disposition and Development Agreement (DDA) with Concern for the Poor, Inc., or its designated affiliate, including business terms for a conditional grant of up to \$5,832,500 and bridge loan of up to \$5,232,500 for the acquisition of 2.2 acres of City-owned property and the construction and permanent financing of 51 units of transitional rental housing for extremely low-income families at the southeast corner of Las Plumas Avenue and Nipper Avenue.
CEQA: ND. (Housing)
(Deferred from 11/14/00 – Item 9d)
Deferred to 01/16/2001.
- c. Direction to the City Attorney to prepare proposed revisions to the sign ordinance to amend the sign ordinance policy provisions regarding the size of construction signs and the amount of directional signs on large sites, as well as to allow additional signage on large buildings Downtown. (Redevelopment Agency/Planning, Building and Code Enforcement)
[Economic and Community Development Committee referral 11/6/00 – item 7d(2)]
(Deferred from 11/21/00 – Item 9b)
Dropped.
- d. Adoption of a resolution approving a Minor Amendment to the Airport Master Plan to modify the terminal area development projects. CEQA: Resolution No. 67380.
(Airport)
Deferred to 12/19/00.
- e. Adoption of a resolution authorizing the City Manager to negotiate and execute a consultant agreement with Campbell-Hill Aviation Group, Inc., for air service and economic development consulting services for the San José International Airport for the period January 1, 2001, to June 30, 2001, with three (3) one-year options to extend on a fiscal year basis to June 30, 2004, for a total amount not to exceed \$971,000, subject to annual appropriation of funding for the next year's contract expense. (Airport)
Resolution No. 70051 adopted.

9 GENERAL GOVERNMENT

- f. Interview applicants to fill four vacancies on the San José Appeals Hearing Board; (1) one four-year term ending 12/31/04 designated for an attorney; and (2) three four-year terms ending 12/31/04. (City Clerk)
Deferred to 12/19/00 – To Be Heard Last.
- g. Adoption of a resolution certifying that:
- (1) The City of San José’s Revolving Loan Fund Plan is consistent with and supportive of the area’s current economic adjustment strategy, and
 - (2) The Revolving Loan Fund is being operated in accordance with the policies and procedures contained in the RLF plan, and the loan portfolio meets the standards contained therein (any exceptions are noted).
- (Economic Development)
Resolution No. 70052 adopted.
- h. Adoption of a resolution:
- (1) Approving business terms for a conditional grant of up to \$999,200, and an acquisition and predevelopment loan of up to \$2,220,800, to First Community Housing, or its designated partnership, for the development of a 98-unit Single Room Occupancy (SRO) project affordable to low-, very low- and extremely low-income households, on an approximately .50 acre site located at the easterly corner of Hamilton and Campbell Avenues.
 - (2) Approving an additional fund reserve of up to \$1,715,000 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. 70053 adopted.
- i. (1) Approval of the funding recommendation from the Healthy Neighborhoods Venture Fund (HNVF) Advisory Committee for use of monies for Cycle 1 (2000-2001); reservation of a portion of 2001-02 funding is also recommended to fund multi-year projects.
Approved.
- i. (2) Direction to the City Attorney to draft an ordinance to authorize the one-time transfer of \$600,000 from the Anti-Tobacco category to the Education/Health category for Cycle 2.
(Parks, Recreation and Neighborhood Services)
City Attorney to return to Council on 12/19/00 with ordinance for Council adoption.

Council approved recommendations contained in Mayor Gonzales’ memorandum of 12/11/00, and approved Staff’s recommendation proposed in 12/08/00 memorandum regarding the Healthy Neighborhoods Venture Fund.

9 GENERAL GOVERNMENT

- j. Acceptance of the report related to the impact of cardroom gambling on crime in the City of San José for the period July 1, 1999 to June 30, 2000. (Police)
Council approved recommendations proposed by Mayor Gonzales and Police Chief Lansdowne in memoranda dated 12/11/00 and 11/21/00, respectively.
- k. Report on bids and award of contract for the Parque de la Amistad Renovation to the low bidder, Robert A. Bothman, Inc., in the amount of \$524,405, and approval of a contingency in the amount of \$52,000. CEQA: Exempt. (Public Works)
Approved.
- l. Acceptance of staff's report on the Taxi Cab Task Force's Report. (City Manager's Office)
[Transportation and Environment Committee referral 11/30/00 – Item 7e(2)]
Deferred to 12/19/00.
- m. Continued discussion of the San José Municipal Water System (City Manager's Office)
(Referred from Study Session 11/29/00)
Deferred to 12/19/00.
- n. (1) (a) Approval of an ordinance amending Title 9 to add a new Chapter regarding the prevention of unauthorized removal of shopping carts from retail/commercial premises and facilitate the retrieval of abandoned carts on public property.
(b) Authorize the creation of Code Enforcement Inspector and Senior Office Specialist positions in the Planning, Building and Code Enforcement Department and a Maintenance Worker II position in Streets and Traffic.
(c) Approve the outreach and implementation plan.
(Planning, Building and Code Enforcement)
- (2) (a) Adoption of a resolution amending the 2000-01 Schedule of Fees to establish the abandoned cart prevention plan fee in the amount of \$135 for businesses with 26-100 carts and \$150 for businesses with more than 100 carts.
(b) Adoption of appropriation ordinance and funding sources resolution amendments in the General Fund for the implementation of the Abandoned Cart Program.
(City Manager's Office)
(Rules Committee referral 12/6/00)
Council referred this item to the 01/22/2001 meeting of the Education, Neighborhoods, Youth and Seniors Committee with Council Members to forward their questions and concerns directly to the Committee for consideration and report back to Council.

10 FISCAL AFFAIRS

- a. (1) PUBLIC HEARING on the proposed formation of Community Facilities District No. 5 (North Coyote Valley).
- (2) Adoption of a resolution of formation for Community Facilities District No. 5 (North Coyote Valley), authorizing the levy of a Special Tax therein, preliminarily establishing an appropriations limit, and submitting the levy of the Special Tax and the appropriations limit to the qualified electors.
- (3) Adoption of a resolution calling a special election of property owners in the proposed CFD No. 5.

CEQA: Resolution No. 69957. (Public Works)

(Continued from 11/7/00 – Item 10a)

Continued to 01/23/2001.

11 JOINT CITY COUNCIL/REDEVELOPMENT AGENCY ITEMS

THE REDEVELOPMENT AGENCY BOARD CONVENED AT 5:10 P.M. TO CONSIDER ITEMS 11a, 11b, 11c, AND 11d 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 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 et al., and 11/21/00 – Item 11a)

Deferred to 12/19/00.

11 JOINT CITY COUNCIL/REDEVELOPMENT AGENCY ITEMS

- b. Adoption of resolutions by the City Council and Redevelopment Agency Board:
- (1) Approving the transfer of the Redevelopment Agency-owned property located at 937-943 Locust Street to the Housing Department to provide transitional housing for fire victims and others displaced through no fault of their own;
 - (2) Authorizing the expenditure of up to \$500,000 in 20% Low and Moderate Income Housing Funds to make necessary repairs to the SRO building;
 - (3) Authorizing the City Manager to select a provider to own and manage the property and to negotiate the terms of occupancy; and
 - (4) Finding that the use of 20% Housing Funds for the project is of benefit to the Redevelopment Project Areas in San Jose.

(Fire/Housing)

(Deferred from 11/7/00 – Item 9c et al., and 11/28/00 – Item 11a)

Deferred to 12/19/00.

- c. Acceptance of the report and recommendations for implementation of the River Street Historic District, including the following specific actions:
- (1) Direction to Planning staff to agendize for City Council consideration the initiation of a City Council-initiated planned development rezoning encompassing all land within the River Street Historic District, identifying a range of permitted land uses to include office, retail commercial, cultural and park support and live/work and establishing the appropriate development standards and historic preservation requirements.
 - (2) Direction to the Redevelopment Agency to prepare a financial plan for the implementation of the Historic District to include a package of incentives to assist interested property owners in restoring their properties and a plan for acquisition of property for owners not interested in participating in the implementation of the Historic District.
 - (3) Direction to the City administration and Redevelopment Agency to pursue acquisition of the surplus Santa Clara Valley Water District property located between the River Street enclave and west Julian Street and construction of a parking lot.
 - (4) Direction to the City administration and Redevelopment Agency to establish a package of actions to continue and increase the protection of all the structures in the Historic District from the threats of security and deterioration, and specifically including installation of improved security lighting, as an additional deterrent to unlawful activities in and around the Historic District structures.

(Planning, Building and Code Enforcement)

Deferred to 12/19/00.

11 JOINT CITY COUNCIL/REDEVELOPMENT AGENCY ITEMS

- d. Approval of an ordinance amending various chapters in Title 4 of the San José Municipal Code to extend the exemption of certain construction taxes in the Downtown Central Incentive Zone and the Expanded Enterprise Zone for projects that are developed pursuant to agreements with the Redevelopment Agency as of January 30, 2001. (City Attorney's Office/General Counsel)
(Rules Committee referral 12/6/00)
Ordinance No. 26253 passed for publication.

THE REDEVELOPMENT AGENCY BOARD ADJOURNED AT 5:11 P.M.

12 PERMITS AND LICENSES

13 PUBLIC SAFETY AND WELFARE

- a. **PUBLIC HEARING** and adoption of a resolution:
- (1) Overruling any and all objections to the 2000-2001 Weed Abatement Report (County of Santa Clara's Hazardous Vegetation Commencement Report); and
 - (2) Directing the Office of the Santa Clara County Fire Marshal to abate the seasonal and/or recurrent public nuisances on those properties identified in the Report pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Agreement between the City of San José and the County of Santa Clara.
- (Planning, Building and Code Enforcement)
Resolution No. 70054 adopted.

14 ORAL COMMUNICATIONS

William Garbett and Ross Signorino spoke on a variety of issues regarding the painting of curbs and gutters and the Measure I Initiative.

Following Oral Communications, Council recessed at 5:16 p.m., reconvened in Joint Session with the Redevelopment Agency at 5:24 p.m., recessed at 5:26 p.m., and reconvened at 7:08 p.m., Council Chambers, City Hall.

JOINT REDEVELOPMENT AGENCY/CITY COUNCIL ITEMS

5:24 p.m. - Joint Session, Council Chambers, City Hall

Absent: Council Members – None.

Vacant: District 5

The following resolutions were adopted at the Joint City Council/Redevelopment Agency Board meeting on Tuesday, December 12, 2000:

8a Adoption of resolutions by the City Council and Agency Board approving an exception to the City Street Light Policy to allow the use of high pressure sodium lighting for the Monterey Corridor, East Santa Clara and West San Carlos Pedestrian Streetlight Projects. CEQA: Resolution No. 65657 (Monterey); Negative Declaration: PP 87-02-39 (Santa Clara); and Resolution No. 62614 (San Carlos). **[MERGED]**

Resolution No. 70055 adopted.

Redevelopment Agency Board Resolution Adopted.

8b PUBLIC HEARING and adoption of resolutions:

(1) By the City and Agency Board accepting the summary of costs and the findings of the summary Report and the reuse value and findings of the Reuse Appraisal pursuant to California Health and Safety Code Section 33433, for approximately 3,700 square foot retail or office building to be located on the north portion of the properties at 926 The Alameda and 11 Cleaves Avenue and making certain findings; and

(2) By the Agency Board approving the disposition and Development Agreement, Ground Lease and Property Management Agreement with the Billy DeFrank Lesbian and Gay Community Center for the above project, and authorizing the Executive Director to execute all necessary documents.

CEQA: Resolution No. 62613. **[THE ALAMEDA]**

Resolution No. 70056 adopted.

Redevelopment Agency Board Resolution Adopted.

SAN JOSÉ CITY COUNCIL
DECEMBER 12, 2000
7:08 P.M.

15 PUBLIC HEARINGS

- a. PUBLIC HEARING and adoption of a resolution authorizing the reorganization of territory designated as Buena Vista No. 1, which involves the annexation to the City of San José of 38.0 acres of land, consisting of 143 parcels generally bounded by West San Carlos Avenue, Scott Street, Chiechi Avenue, Meridian Avenue, and both sides of Buena Vista Avenue, and the detachment of the same from the Sunol Sanitary District, Burbank Sanitary District, County Library Services, County Lighting District, and Central Fire District. CEQA: Resolution No. 65459. (Planning, Building and Code Enforcement)
Continued to Afternoon of 12/19/00.
- b. PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the east side of South Third Street, 50 feet northerly of East William Street (480 South Third Street), from R-4 Residence Zoning District to A(PD) Planned Development Zoning District, to allow up to 20 multi-family attached dwelling units on 0.24 gross acres. (480 South Third Street Partners, Owner/Developer). CEQA: Resolution No. 68839.
PDC 00-05-045 - District 3
(Continued from 11/14/00 – Item 15e and 11/21/00 – Item 15l)
Continued to 01/16/2001.
- c. PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southeast corner of Las Plumas and Nipper Avenues, from M-1 Manufacturing to A(PD) Planned Development Zoning District, to allow 51 multiple family attached transitional housing units and associated office, services, and childcare facilities, and a job training center in an existing warehouse on 6 gross acres. (Santa Clara County Housing Authority/Developer; City of San José/Owner). CEQA: Negative Declaration.
PDC 00-08-066 - District 5
(Continued from 11/14/00 – Item 15g and 11/21/00 – Item 15m)
Continued to 01/16/2001.

15 PUBLIC HEARINGS

- d. PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the southeast corner of Southwest Expressway and Fruitdale Avenue, from the C-1 Zoning District, to allow for a mixed use development of up to a maximum of 500 dwelling units and a maximum of 30,000 square feet of retail uses on 10.7 gross acres. (De Anza Properties, Owner/Developer). CEQA: Resolution No. 69886. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 00-08-068 - District 6

(Continued from 11/21/00 – Item 15i)

Ordinance No. 26265 passed for publication.

Council approved the proposed rezoning as proposed by the applicant with the following condition: Traffic Management measures to encourage transportation alternatives to the private automobile such as provisions of VTA transit EcoPasses to residents, bicycle parking, carpool information sharing, and pedestrian amenities shall be provided by the project.

- e. PUBLIC HEARING ON CONFORMING REZONING of the property located approximately 210 feet east of the terminus of Fortune Drive, from (A) PD Planned Development Zoning District to I-Industrial Zoning District, to allow industrial uses on 0.93 gross acres. (MPS, LLC, Owner/Developer). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval.

C 00-05-035 - District 4

Ordinance No. 26254 passed for publication.

- f. PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the south side of Lenzen Avenue, approximately 500 feet west of Stockton Avenue, from M-1 Manufacturing Zoning District, to (A) PD Planned Development Zoning District to (A) PD Planned Development Zoning District, to allow 21 multi-family attached residential units on 0.52 gross acres. (Liam Baffle and Des Nolan, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 00-05-041 - District 6

Ordinance No. 26255 passed for publication.

- g. PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the west side of S. Keeble Avenue, approximately 200 feet south of The Alameda, from R-1 and R-4 Residence Zoning District to (A) PD Planned Development Zoning District, to allow up to 20 single-family attached units on 1.10 gross acres. (Pauline Mieuli Family Partnership, Owner; Regis Homes of Northern California, Inc., Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 00-06-052 - District 6

Ordinance No. 26264 passed for publication.

15 PUBLIC HEARINGS

- h. PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the east side of Monterey Road, approximately 600 feet northerly of Tully Road, from (A) PD Planned Development Zoning District to (A) PD Planned Development Zoning District, to allow up to 305 Single-Room Occupancy (SRO) units on 2.92 gross acres. (Core Development Incorporated, Owner/Developer). CEQA: Resolution No. 65657. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-0-1).
PDC 00-07-059 - District 7
Ordinance No. 26256 passed for publication.
- i. PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the east side of North 2nd Street, approximately 400 feet northerly of East Julian Street (342 North 2nd Street), from M-1 Manufacturing Zoning District to (A) PD Planned Development Zoning District, to allow up to 62 live/work loft dwelling units on 0.95 gross acres. (San José Lofts LLC, Owner/Developer). CEQA: Negative Declaration.
PDC 00-07-061- District 3
Continued to 01/16/2001.
- j. PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southeast corner of Moorpark Avenue and Leigh Avenue, from R-1 Residence Zoning District to (A) PD Planned Development Zoning District, to allow an existing church and up to 63 attached senior housing units on 1.77 gross acres. (Charles Brumbaugh, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).
PDC 00-07-063 - District 6
Ordinance No. 26257 passed for publication.
- k. PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the easterly terminus of Skyway Drive, from (A) PD Planned Development Zoning District and R-1:B-6 Residence District to (A) PD Planned Development Zoning District, to allow: (1) secondary access to Diamond Heights Drive; (2) an increase in the maximum number of students from 1200 to 1400; (3) allow the option to convert areas currently designated for open space to parking, hard court play areas or open space, and (4) combine the previously approved portions of an existing high school and church campus under one Planned Development Zoning District on 52.68 gross acres. (Valley Christian Schools and South Valley Christian Church, Owner/Developer). CEQA: Negative Declaration.
PDC 00-08-065 - District 2
Continued to 01/16/2001.

15 PUBLIC HEARINGS

- l. PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the north side of Santa Teresa Boulevard, between Taormino Avenue and Allen Avenue, from A-Agricultural Zoning District to (A) PD Planned Development Zoning District, to allow the construction of 28 single-family homes on 4.1 gross acres. (Milton Taormino, Owner; Pulte Homes, Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 00-08-067 - District 10

Ordinance No. 26258 passed for publication.

- m. PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southeast corner of Campbell Avenue and Hamilton Avenue, from C-Commercial Zoning District to (A) PD Planned Development Zoning District, to allow up to 100 attached Single-Room Occupancy (SRO) units on a 0.5 gross acre site. (Rockwell Homes, Owner; First Community Housing, Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 00-08-070 - District 1

Ordinance No. 26259 passed for publication.

- n. PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northeast corner of Auzerais and Race Streets (1135 Auzerais Street), from M-1 Manufacturing Zoning District to (A) PD Planned Development Zoning District, to allow for the relocation of a billboard on 2.86 gross acres. (Chester C. Lehmann, Owner/Developer). CEQA: Exempt.

PDC 00-08-082 - District 6

Continued to 01/16/2001.

- o. PUBLIC HEARING ON CONFORMING REZONING of the property located at the easterly side of Zanker Road, approximately 510 feet southerly from Component Drive (2350 Zanker Road), from M-4 Manufacturing District to I-Industrial Zoning District, to allow industrial, office, and research/development uses on 3.05 gross acres. (Zanker Development Company, Owner; Galileo Technology Inc., Developer). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval.

C 00-08-083 - District 4

Ordinance No. 26260 passed for publication.

- p. PUBLIC HEARING ON CONVENTIONAL REZONING of the property located at the east side of Monterey Road, approximately 370 feet north of Lewis Road, from C-3 Commercial Zoning District to M-1 Industrial Zoning District, to allow industrial use on approximately 2.0 gross acres. (United Rentals Inc., Owner/Developer). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

C 00-09-087 - District 7

Ordinance No. 26261 passed for publication.

15 PUBLIC HEARINGS

- q. PUBLIC HEARING ON CONVENTIONAL REZONING of the property located at the southeast corner of McEvoy Street and Park Avenue (226 McEvoy Street), from M-1 Manufacturing Zoning District to I-Industrial Zoning District, to allow industrial uses on 0.22 gross acres. (Robert and Catherine Moote, Owner; United Rentals, Developer). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

C 00-09-094 - District 6

Ordinance No. 26262 passed for publication.

- r. PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the west side of Almaden Road, approximately 100 feet southerly of Willow Glen Way, from R-3-B Residence Zoning District to (A) PD Planned Development Zoning District, to allow up to 66 attached senior housing units on 1.3 gross acres. (Frank and Betty McBain and Robert Fink, Trustee, Owner; Al Marshall, Community Housing Partners, Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 00-09-100 - District 6

Ordinance No. 26263 passed for publication.

16 CLOSED SESSION REPORT

17 ORAL COMMUNICATIONS

18 ADJOURNMENT

The Council of the City of San José adjourned at 9:20 p.m. in memory of John Soriano, son of Debra Brown and John and Roseann Soriano, student at Gunderson High School and friend to many.