

CITY COUNCIL AGENDA

AUGUST 20, 2002

SYNOPSIS

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

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
GEORGE SHIRAKAWA, JR.
DAVID D. CORTESE
JOHN DIQUISTO
PAT DANDO

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

- **Call to Order and Roll Call**
9:30 a.m. Closed Session, Room 600, City Hall
Absent Council Members: None.

- 1:30 p.m. Regular Session, Council Chambers, City Hall**
Absent Council Members: None.

- 7:00 p.m. Public Hearings, Council Chambers, City Hall**
Absent Council Members: None.

- **Invocation (District 7)**
Jose & Raquel Plascencia sang two songs for the invocation.

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

- **Orders of the Day**
Approved with Council making the finding that an emergency situation arose requiring immediate action on Item 9.1 subsequent to the 72-hour posting requirement.

1 CEREMONIAL ITEMS

- 1.1** Recognition of the San José International Airport’s award for excellence in financial reporting for fiscal year ending 2001 from the Governmental Finance Officers Association (GFOA). (Dando)
Director of Aviation Ralph Tonseth and Deputy Director of Aviation Terri Gomes joined Mayor Gonzales at the podium to receive the commendation.
- 1.2** Swearing in of Youth Commissioners from Districts 2, 5, 6, 8, 9, 10, and Citywide. (Mayor)
This Item was heard in the evening.
City Clerk Pat O’Hearn joined Mayor Gonzales at the podium to swear in the following Youth Commissioners: Michael Antonopoulos, Matasha Ogunnupe, Polo Black Golde, Jessica Nguyen, Timothy Tom, Heather Cortez and Rachel Babcock.

1 CEREMONIAL ITEMS

- 1.3 Presentation of a commendation to the Lincoln Glen Little League Senior Division All Stars in recognition of their teamwork and excellence in winning the Division 2 Northern California Champions. (Yeager)
(Rules Committee referral 8/14/02)

This Item was heard in the evening.

Mayor Gonzales was joined at the podium by Council Member Yeager to present the commendation to the Coaches of Lincoln Glen Little League Senior Division All Stars Larry Schaffer, Keith Dorsa, Curt Becker, Mike Harrington and Mike Dorsa and congratulated the team members for their excellence.

- 1.4 Presentation of a commendation to the San José Police Officers who volunteered their time for the AVON Breast Cancer 3 Day Walk. (Campos/Chavez)
(Rules Committee referral 8/14/02)

This Item was heard in the evening.

Mayor Gonzales was joined at the podium by Council Members Campos and Chavez who commended the San Jose Police officers for their volunteer efforts and motivation for the AVON Breast Cancer 3 Day Walk.

- 1.5 Presentation of commendations to volunteers who participated in the success of the Community Resource Fair on June 9, 2002. (Campos, Cortese, Reed, Williams)
(Orders of the Day)

This Item was heard in the evening.

Council Members Reed, Williams, Cortese and Campos presented commendations to the many volunteers of the Community Resource Fair joined Mayor Gonzales at the podium.

- 1.6 Mayor Gonzales acknowledged the San Jose Fire Departments efforts in containing the Santana Row Fire and thanked the San Jose Police Department for assisting in traffic control.
- 1.7 Mayor Gonzales thanked the San Jose Police Department for their assistance during the Santana Row Fire.

2 CONSENT CALENDAR

- 2.1 Approval of Minutes.

Recommendation: Approval of City Council Minutes:

- (a) Regular meeting of February 19, 2002

Approved.

Noes: LeZotte

2 CONSENT CALENDAR

2.1 Approval of Minutes. (Cont'd)

Recommendation: Approval of City Council Minutes:

- (b) Regular meeting of February 26, 2002

Approved.

- (c) Joint City Council/Redevelopment Agency Board meeting of February 26, 2002

Approved.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 26704 – Amends Sections 20.50.100 and 20.50.110 of Chapter 20.50 and Section 20.40.100 of Chapter 20.40, and amending and adding Sections to Chapter 20.200 and repealing Section 20.200.490, all of Title 20 of the San José Municipal Code, to modify provisions pertaining to the industrial land use regulations; to include definitions related to educational uses and indoor recreation, and, to include minor clarifications related to commercial land uses.

Ordinance No. 26704 adopted.

- (b) ORD. NO. 26705 – Amends Sections 20.80.020 and 20.80.030 of Chapter 20.80 of Title 20 of the San José Municipal Code to modify the provisions related to massage parlors and associated distance and separation requirements.

Ordinance No. 26705 adopted.

2.3 Approval of an agreement for the Security System Upgrades Project at the Airport.

Recommendation: Approval of a second amendment to the agreement with Glover/Resnick & Associates, Inc., for additional construction administration services to support the Security System Upgrades Project at Norman Y. Mineta San José International Airport, and increasing compensation by \$32,544, for a total agreement amount not to exceed \$214,544, and extending the agreement by three months from December 31, 2002 to March 31, 2003. CEQA: Resolution No. 67380, PP 02-03-041. (Airport)

Approved.

2.4 Approval of a concession agreement to provide shoeshine services at the Airport.

Recommendation: Approval of a second amendment to the concession agreement with Jones, Ltd. (formerly Thomas Jones), to provide shoeshine services at Norman Y. Mineta San José International Airport, for a five-year term from August 31, 2002 to August 31, 2007, with annual revenue to the City of \$12,240. CEQA: Resolution No. 67380. (Airport)

Approved.

2 CONSENT CALENDAR

2.5 Approval of City Manager's Travel.

Recommendation: Approval of City Manager Del Borgsdorf's travel to Louisville, Kentucky, from August 27-28, 2002, to participate in a workshop to describe our Strong Neighborhood Initiative and our efforts to focus our service delivery on neighborhood needs and plans. (City Manager's Office)

Approved.

2.6 Approval of open purchase orders for the purchase of supplies, materials, equipment, and services.

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2002-2003 #3, and authorization for the Director of General Services to execute the purchase orders. (General Services)

Approved.

2.7 Approval of a lease agreement for office space at 152 North Third Street.

Recommendation: Approval of a retroactive 4-year lease agreement with Cornerstone Properties, LLC for office space at 152 North Third Street, for a contract term from July 31, 2002 to July 31, 2006, for a monthly rent of \$12,957.50 during the first year of the lease, with annual increases of approximately 3% to a maximum rate of \$14,159.02 per month during the fourth and final year of the leases. CEQA: Exempt. (General Services)

Approved.

2.8 Approval to award a contract for the Almaden Meadows and Jeffrey Fontana Parks Play Area Renovation Projects.

Recommendation: Report on bids and award of contract for the Almaden Meadows and Jeffrey Fontana Parks Play Area Renovation Projects to the low bidder, Community Playgrounds, Inc., in an amount of \$364,180, and approval of a contingency in an amount of \$18,300. Almaden Meadows CEQA: Exempt, PP02-04-094; Jeffrey Fontana CEQA: Exempt, PP02-04-095. Council District 10. (Public Works)

Approved.

2.9 Approval to award a contract for the Improvement of Bret Harte Drive.

Recommendation: Report on bids and award of contract for the Improvement of Bret Harte Drive, between Moongate Place and Bret Hill Road, to the low bidder, Joseph Albanese, Inc., in an amount of \$126,094, and approval of a contingency in an amount of \$6,300. CEQA: Exempt, PP02-05-105. Council District 10. (Public Works)

Approved.

2 CONSENT CALENDAR

2.10 Approval to set a public hearing to vacate a portion of the public service easement in previously vacated King Road, south of Berryessa Road.

Recommendation: Adoption of a resolution of intention to vacate a portion of the public service easement in previously vacated King Road, south of Berryessa Road, and setting a public hearing on September 10, 2002 at 1:30 p.m. CEQA: Negative Declaration, PP 00-12-096. Council District 4. (Public Works)

Resolution No. 71169 adopted.

2.11 Approval of an agreement for research on the use of municipally generated waste products and clopyralid contaminated compost.

Recommendation: Approval of a continuation agreement with the University of California Cooperative Extension, Santa Clara (UCCE) for research on the use of municipally generated yard waste and food waste products and clopyralid contaminated compost to extend the contract term from August 1, 2002 through August 1, 2003, and increase the maximum compensation by \$30,000, for a total agreement amount not to exceed \$121,000. (Environmental Services)
(Deferred from 8/13/02 – Item 2.7)

This Item deferred to August 27, 2002.

2.12 Approval of an agreement for the maintenance of the proposed Bailey Avenue/Route 101 Interchange.

Recommendation: Approval of the Freeway Maintenance Agreement with the State of California providing for the maintenance of the proposed Bailey Avenue/Route 101 Interchange. CEQA: Resolution No. 68705. Council District 2. (Public Works)
(Deferred from 8/13/02 – Item 2.9)

This Item deferred to August 27, 2002.

END OF CONCENT CALENDAR

3 STRATEGIC SUPPORT SERVICES

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

**3.2 Report of the Rules Committee - Meeting of August 7, 2002
Vice Mayor Shirakawa, Jr., Chair**

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
The Redevelopment Agency items to be reported out at Redevelopment Agency Board meeting.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee - Meeting of August 7, 2002 (Cont'd)

- (b) City Council
 - (1) Review August 20, 2002 Draft Agenda
The Committee recommended approval of the August 20, 2002 City Council Agenda with two additions.
 - (2) Add New Items to August 13, 2002 Amended Agenda
The Committee recommended two additions to the August 13, 2002 City Council agenda.
- (c) City Council Committees
 - (1) Amendments to Council Committee Agendas
 - (a) Finance and Infrastructure Committee
 - (b) Economic Development and Environment Committee
 - (c) Education, Neighborhoods, Youth, and Seniors Committee
None Filed.
- (d) Meeting Schedules
The Committee recommended scheduling a Joint Redevelopment Agency/Council evening session on August 27, 2002.
- (e) The Public Record
The Committee noted and filed the Public Records.
- (f) Boards, Commissions and Committees
 - (1) Child Care Commission
The Committee directed the City Clerk to conduct a blind drawing for the varying term ending dates, with the results of the draw noted in the Rules Committee Report. The Committee recommended appointment of Patsy Storie to a term ending June 30, 2004; Linda Cochran And Devonne MacLaren to terms ending June 30, 2005; and Jeffrey Butler, Martin Selznick and Corazon Tomalinas to terms ending June 30, 2006.
- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
There were none.
- (h) Administrative Reviews and Approval
 - (1) Approve requests from Council Member Pat Dando to use Council General funds:
This Item continued on the next page.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee - Meeting of August 7, 2002 (Cont'd)

- (h) Administrative Reviews and Approval
 - (1) Approve requests from Council Member Pat Dando to use Council General funds:
 - (a) To represent City of San José and the National League of Cities Homeland Security Task Force at the Office of Homeland Security's Infrastructure Protection Workshop in Washington, DC, July 30-August 1, 2002
 - (b) To attend League of Cities' Transportation, Communications & Public Works Policy Committee Meeting in Sacramento, CA August 15-16, 2002

The Committee recommended approval for Council Member Dando's use of Council General funds to represent the City of San Jose and the National League of Cities Homeland Security Task Force at the Office of Homeland Security's Infrastructure Protection Workshop in Washington, D.C., July 30-August 1, 2002; and to attend league of California Cities' Transportation, Communications & Public Works Policy Committee Meeting in Sacramento, CA, August 15-16, 2002.

- (i) Oral communications
None were presented.
- (j) Adjournment
The meeting was adjourned at 2:10P.M.

The Rules Committee Report and actions of August 7, 2002 were accepted.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – August 14, 2002 (Partial)

Vice Mayor Shirakawa, Jr., Chair

- (b) City Council
 - (1) Review August 27, 2002 Draft Agenda
Committee Members Forrest Williams and Dave Cortese commented on Item 4.2, *Approval of various actions related to the Mayfair Neighborhood Acquisition/Rehabilitation Pilot Program*, posing questions as to why this issue was not being discussed at the Economic Development & Environmental Committee before coming to Council. Rules Committee will review Item 4.2 again at next week's meeting. The Committee recommended approval of the August 27, 2002 City Council agenda.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – August 14, 2002 (Partial) (Cont'd)

(2) Add New Items to August 20, 2002 Agenda

The Committee recommended the following additions and changes to August 20, 2002 City Council agenda:

- a. Present a commendation, during the evening session, to the Lincoln Glen Little League Senior Division All Stars in recognition of their teamwork and excellence in winning the Division 2 Northern California Champions. (Yeager)
- b. Approve the renaming of the Compaq Center to the HP Pavillion at San Jose, at no cost to the City, and authorizing the City Manager to execute any amendments or agreements necessary to effect the name change. (Mayor)
- c. Approval to initiate the Coyote Valley Specific Plan (Mayor)
- d. Present a commendation, during the evening session, to the San Jose Police Officers who volunteered their time for the AVON Breast Cancer 3 Day Walk (Campos/Chavez)
- e. Defer Item 11.6, *Public Hearing on conforming rezoning at East Taylor and 23rd Streets*, to the September 17, 2002 Council agenda.
- f. Defer Item 11.7, *Public Hearing on planned development rezoning at North First Street and East Gish Road*, to the September 17, 2002 Council agenda.

The Rules Committee Partial Report and actions of August 14, 2002 were accepted.

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

No Report.

3.4 Approval of the renaming of the Compaq Center at San José.

Recommendation: Approval of the renaming of the Compaq Center at San José to the HP Pavilion at San José, at no cost to the City, and authorizing the City Manager to execute any amendments or agreements necessary to effect the name change. (Mayor)
(Rules Committee referral 8/14/02)

This Item was dropped.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Economic Development & Environment Committee – August 5, 2002 Council Member Williams, Chair

(a) San José Permits On-Line (IDTS) System Demonstration

The Committee accepted staff's presentation on the "San Jose Permits On-Line IDTS System".

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Economic Development & Environment Committee – August 5, 2002 (Cont'd)

- (b) Street Tree Pruning and Replacement Process
- (c) Quarterly Report on the Rental Dispute Program
The Committee unanimously accepted the staff report.
- (d) Monthly Status Report on Housing Production Team Action Items
The Committee unanimously accepted the staff report. This report will return at the November 2002 Committee meeting on a quarterly basis.
- (e) Monthly Report on Affordable Housing Production
The Committee unanimously accepted recommendation to merge this report with the Quarterly Report on the Project Development Program on a quarterly basis. This report will be heard at the November 2002 Committee meeting.
- (f) Five Year Homeless Plan
The Committee unanimously accepted deferral of this staff report.
- (g) Quarterly Report on the Project Development Program
The Committee unanimously accepted the staff report.
- (h) Quarterly Report on the Housing Rehabilitation Program
The Committee unanimously accepted the staff report.
- (i) Quarterly Report on the Housing and Homeless Fund
The Committee unanimously accepted the staff report.
- (j) Redevelopment Area Housing Report
The Committee unanimously accepted the staff report.
- (k) Proposed Amendments to Title 23, The Sign Code, Related to Skyline Signs and Roof Signs in the Innovation Triangle Area
The Committee unanimously accepted the staff report.

See item 4.3 for council action taken.
- (l) Community Identification Signs
The Committee requested this be cross-referenced at the August 20, 2002 Council Meeting and unanimously accepted the staff report.
- (m) Update on City's Past Usage of Clopyralid, Alternative Herbicides and Related Pending Legislation
The Committee unanimously accepted the staff report.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Economic Development & Environment Committee – August 5, 2002 (Cont'd)

- (n) Oral petitions
Ardith Meyer, June McDonnell, Norman Finnance, Steve Cohen, Lieu Bui.

- (o) Adjournment
The meeting was adjourned at 3:50 p.m.

The Report of the Economic Development & Environment Committee of August 5, 2002 action were accepted.

4.2 Approval of a report on Group Home and Reasonable Accommodations.

Recommendation: Approval of Report on reasonable accommodation with recommendation to take the following actions:

- (a) Direct that the reasonable accommodation process continue to consider the business aspects of proposed uses on a case-by-case basis focusing on the impacts of those aspects in the zoning district.
- (b) Direct that the reasonable accommodation process continue to consider the appropriate number of residents for each proposed use on a case-by-case basis.
- (c) Direct the Administration to discuss with Santa Clara County the possibility of setting minimum operational standards, which may include limiting the number of residents at facilities and obtain City input on facilities under contract with the County or subject to County certification.
- (d) Direct the City Attorney and the Administration to draft amendments to the Zoning Code to make the changes in procedure as follows:
 - (1) Eliminate an initial notice that has not undergone any analysis
 - (2) Refine what must be included in the application.
 - (3) Expand the noticing requirement to 300 feet, with direction to go to a greater noticing radius (500 or 1000 feet) to ensure that a sufficient number of adjacent property owners receive notice.
 - (4) Request a meeting with staff to go over the application and request a meeting for neighbors to attend.
 - (5) Issue the proposed decision stating that there will be an informal conference on site with staff and interested neighbors to discuss what is going on.
- (d) Direct the City Attorney and the Administration to draft amendments to the Zoning Code to make the changes in procedure as follows:
 - (6) At the Director's hearing the focus should summarize the issues discussed and resolved.
 - (7) Director's decision becomes effective 15 days after issuance if there is no appeal filed.
 - (8) If on Appeal to the Planning Commission, the Planning Commission cannot come to a decision, then the Director's decision stands.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.2 Approval of a report on Group Home and Reasonable Accommodations. (Cont'd)

Recommendation: Approval of Report on reasonable accommodation with recommendation to take the following actions:

- (e) Direct the Administration to thoroughly keep records of the location of all residential facilities by licensing, certification, type, number of residents, date of establishment, zoning district, Council district; and to amend the reasonable accommodation guidelines to consider other residential care and service facilities and other reasonable accommodations granted within 300 feet of a proposed facility.
- (f) Direct the City Manager to appoint a central person or system as a clearinghouse of all complaints to determine whether or not they have been resolved.

[Economic Development and Environment Committee 6/3/02 – Item 4.1(a)]

(Deferred from 6/18/02 – Item 4.2 and 8/6/02 – Item 4.2)

This Item deferred to September 17, 2002 to be heard in the evening.

4.3 Public Hearing and approval of an ordinance amending regulations pertaining to skyline and roof signs.

Recommendation: PUBLIC HEARING AND APPROVAL OF AN ORDINANCE amending Chapter 23.04 of Title 23 of the San José Municipal Code, to include provisions pertaining to the regulation of skyline signs and roof signs within the area bounded by US Highway 101, Interstates 237 and 880, and the Guadalupe River, and to include minor modifications. CEQA: Exempt, PP02-07-180. (Planning, Building, and Code Enforcement)

(Deferred from 8/6/02 – Item 4.7)

[Economic Development and Environment Committee referral 8/5/02 – Item 4.1(k)]

Ordinance No. 26709 passed for publication.

4.4 Public Hearing on an ordinance amending the parcel map process.

Recommendation: Recommendation: PUBLIC HEARING AND APPROVAL OF AN ORDINANCE amending Chapters 19.08, 19.12, 19.16, and 19.38 of Title 19 of the San José Municipal Code, to amend the parcel map process, and reassign review authority for lot line adjustments. (Planning, Building, and Code Enforcement)
Citywide

This Item continued to September 17, 2002.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.5 Public Hearing and approval of ordinances related to landscaping, parking, and storage in the front setback.

Recommendation:

- (a) Approval of an ordinance amending and restating Chapter 17.72 of Title 17 of the San José Municipal Code (commonly known as the “Blight Ordinance”) in order to reorganize the Chapter, to make clarifying changes, to specify landscaping requirements for single family dwellings and parkstrips, to modify landscaping requirements for multifamily dwellings, to specify storage requirements for certain items in residential zones, and to rename the Chapter “Community Preservation.” (Planning, Building and Code Enforcement/City Attorney’s Office)

(Deferred from 5/28/02 and 6/11/02 – Item 4.7)

Ordinance No. 26710 passed for publication.

- (b) PUBLIC HEARING AND APPROVAL OF AN ORDINANCE amending Chapter 20.30 of Title 20 of the San José Municipal Code to modify the provisions related to parking and storage in the front setback pertaining to trailers and recreational vehicles. CEQA: Exempt, PP02-07-192. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-1-1). (Planning, Building, and Code Enforcement)
Citywide

Ordinance No. 26711 passed for publication.

4.6 Public Hearing on an ordinance to add a setback exception in Agriculture and Open Space Zoning Districts.

Recommendation: PUBLIC HEARING AND APPROVAL OF AN ORDINANCE amending Chapters 20.10 and 20.20 of Title 20 of the San José Municipal Code, to add a setback exception to the A-Agriculture and OS-Open Space Zoning Districts under certain conditions; and to add a provision that designates properties in the City with no zoning, as A-Agriculture. CEQA: Exempt, PP02-07-196. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). (Planning, Building, and Code Enforcement)
Citywide

Ordinance No. 26712 passed for publication.

4.7 Approval to initiate the Coyote Valley Specific Plan.

Recommendation:

- (a) Appointing the members of the Coyote Valley Specific Plan (CVSP) Task Force.
Council appointed 2 Co-Chairs and 18 members to the Coyote Valley Specific Plan Task Force.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.7 Approval to initiate the Coyote Valley Specific Plan. (Cont'd)

- (b) Directing the City Manager to create a Technical Advisory Committee of City staff and other public agency representatives to serve as an advisory body for the Task Force.
- (c) Directing Planning staff to develop a work plan, including a Request for Proposals for a land planning consultant team, timeline, and estimated budget for the Coyote Valley Specific Plan, and to return with recommendations to the City Council within 30 days.
- (d) Authorizing the City Manager, in conjunction with the Mayor's Office and Council Member Williams' office, to select independent consultants to work with the Task Force during the planning process.
- (e) Directing the Task Force to use Vision and Desired Outcomes statements as its direction for developing the Specific Plan.
- (f) Directing the City Manager to begin developing a funding agreement between the City of San José and landowners and/or potential developers of the majority of the developable acreage within Coyote Valley, and return with recommendations to the City Council no more than 30 days after the Coyote Valley Specific Plan budget is approved by the City Council.
- (g) Directing the Task Force to include certain elements as a part of its review in preparing the Specific Plan.

(Mayor)

(Rules Committee referral 8/14/02)

Approved.

5 RECREATION & CULTURAL SERVICES

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

No Report.

5.2 Approval of an agreement related to a National Safe School/Healthy Students Initiative subgrant.

Recommendation: 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 School/Healthy Students Initiative subgrant in an amount not to exceed \$720,000, for the period September 1, 2002 through August 31, 2003, and further authorizing the City Manager to negotiate and execute grant agreements with service providers to provide services to targeted youth and their families. (Parks, Recreation and Neighborhood Services)

Resolution No. 71170 adopted.

5 RECREATION & CULTURAL SERVICES

5.3 Approval of the Five Wounds/Brookwood Terrace Strong Neighborhoods Initiative, Neighborhoods Improvement Plan.

Recommendation: Approval of the Five Wounds/Brookwood Terrace Strong Neighborhoods Initiative, Neighborhoods Improvement Plan as the shared vision of revitalization of the area. CEQA: San José 2020 EIR Addendum, Resolution No. 65459. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (6-0-1). Council District 3. SNI: Five Wounds/Brookwood Terrace. (Planning, Building and Code Enforcement)

This Item was heard in the evening.

Approved.

5.4 Approval of an agreement for the purchase of a parcel of land located on Alum Rock Avenue.

Recommendation: Approval of an agreement with Miguel E. Jara, for the purchase of a parcel of land located at 3076 Alum Rock Avenue, in an amount not to exceed \$840,000, and authorization for the Director of Public Works to execute any additional documents necessary to complete the transaction. CEQA: Exempt, PP02-07-199. Council District 5. SNI: East Valley/680 Community. (Public Works)

Approved.

5.5 Final Public Hearing on the formation of Community Facilities District No. 8 (Communications Hill).

Recommendation: Final Public Hearing and approval of the following actions related to the formation of Community Facilities District No. 8 (Communications Hill):

- (a) Adoption of a resolution for each of the following items to:
- (1) Form Community Facilities District No. 8 and authorize the levy of a special tax.
 - (2) Call for a special election for Community Facilities District No. 8.
 - (3) Declare the results of the special election; and if approved, direct the recording of the notice of the special tax lien for the District.

- (b) Approval of an ordinance imposing the levy of special taxes within Communities Facilities District No. 8.

Council District 7. CEQA: Not a project. (Public Works)

Public Hearing opened.

Public testimony was taken.

This Item continued to September 3, 2002.

6 TRANSPORTATION SERVICES

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval of the Second Quarterly Status Report for the cooperative efforts between the City of San José and the Santa Clara Valley Water District.

Recommendation: Approval of the Second Quarterly Status Report for the cooperative efforts between the City of San José and the Santa Clara Valley Water District.
(Environmental Services)

Approved.

8 AVIATION SERVICES

8.1 Approval of an agreement for interim security services at the Airport.

Recommendation: Adoption of a resolution authorizing the Director of General Services to execute an amendment to the agreement with National Security Industries for interim security services at Norman Y. Mineta San José International Airport, to increase the amount of funds an additional amount of \$700,000, for a total agreement amount not to exceed \$2,395,000. (General Services/Airport)

Resolution No. 71171 adopted.

8.2 Approval of a Contract Change Order for the Norman Y. Mineta San José International Airport - Runway 30R Extension Project.

Recommendation: Approval of Contract Change Order No. 28 for the Norman Y. Mineta San José International Airport - Runway 30R Extension Project in the credit amount of \$1,171,462, and no change in contract time. CEQA: Resolution No. 67380. (Public Works)

Approved.

8.3 Approval of an agreement for the Norman Y. Mineta San José International Airport - Skyport Drive Grade Separation Project.

Recommendation: Approval of the first amendment to the agreement with Biggs Cardosa Associates, Inc. for the Norman Y. Mineta San José International Airport - Skyport Drive Grade Separation Project, increasing the compensation by \$650,000, from \$1,550,000 to a total agreement amount not to exceed \$2,200,000, and extending the term of the agreement from December 31, 2002 to June 30, 2004. CEQA: Resolution No. 67380, PP 02-07-191. (Public Works)

Approved.

9 PUBLIC SAFETY SERVICES

9.1 Proclamation of state of emergency.

Recommendation:

- (a) Determination by the City Council that the need for immediate action and discussion regarding the fire at Santana Row arose after the posting of the Council Agenda for August 20, 2002 meeting.

In order to take immediate action on this item, Council made the finding that an emergency situation arose subsequent to the Agenda posting requirement.

- (b) Adoption of a resolution ratifying the proclamation of existence of a local emergency issued by the Director of Emergency Services and further proclaiming the continued existence of the emergency.

Resolution No. 71172 adopted.

- (c) Adoption of a resolution requesting the State Director's, Office of Emergency Services, concurrence in local emergency.

(Office of Emergency Services)

(Orders of the Day)

Resolution No. 71173 adopted.

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

REDEVELOPMENT AGENCY BOARD CONVENED AT 3:15 P.M. TO CONSIDER ITEM 10.1 IN A JOINT SESSION

10.1 Story and King/Emma Prusch Park Master Plan presentation.

Recommendation: Story and King/Emma Prusch Park Master Plan presentation.

(Redevelopment Agency)

The City Council/Redevelopment Agency Board accepted the information only report.

REDEVELOPMENT AGENCY BOARD ADJOURNED AT 3:50 P.M.

- Closed Session Report
- Notice of City Engineer's Pending Decision on Final Maps
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:
None.

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

None.

- **Open Forum**

Ross Signorino commented on current events.

Adjournment

The San Jose City Council recessed at 3:54 p.m. and reconvened at 7:05 p.m. in Council Chambers.

11 PUBLIC HEARINGS

11.1 Public Hearing on a street renaming.

Recommendation: PUBLIC HEARING ON STREET RENAMING of a proposed frontage road running parallel to the east of State Highway 87, between the northerly line of West Hedding Street and southerly line of Coleman Avenue to Guadalupe Road.

CEQA: Exempt. Historical Landmarks Commission and Director of Planning, Building and Code Enforcement recommend renaming to El Pueblo Viejo. Planning Commission recommends renaming to Guadalupe Parkway Frontage Road (7-0-0).

District 3

(Continued from 12/4/01 – Item 11.1 et al., and 8/6/02 – Item 11.1)

This Item continued to September 3, 2002.

11.2 Public Hearing on approval of an ordinance amending a development agreement with Palm Corporation.

Recommendation: PUBLIC HEARING ON APPROVAL OF AN ORDINANCE AMENDING A DEVELOPMENT AGREEMENT WITH PALM CORPORATION for property located at the south side of State Route 237, between Zanker Road and North First Street, on 72.16 gross acres in the IP-Industrial Park Zoning District, to allow implementation of the Development Agreement by a time extension for the occupancy requirement to December 31, 2005, and a time extension for development to May 20, 2018. (Palm, Inc., Owner/Developer). CEQA: Resolution No. 67510.

DA-3COM - District 4

This Item continued to September 17, 2002.

11.3 Public hearing on petition for tentative partial cancellation of land conservation contract.

Recommendation: PUBLIC HEARING ON PETITION FOR TENTATIVE PARTIAL CANCELLATION OF LAND CONSERVATION CONTRACT (Williamson Act), for property consisting of 3.5 acres located on the northeast corner of Fleming Avenue and Warner Drive (Rolando Loera, Owner). CEQA: Negative Declaration. Director of Planning, Building, and Code Enforcement recommends approval. No Planning Commission action required.

Contract No. 71-234 - District 5

This Item continued to August 27, 2002.

11 PUBLIC HEARINGS

11.4 Public hearing on an appeal of an Environmental Impact Report.

Recommendation: PUBLIC HEARING ON APPEAL OF AN ENVIRONMENTAL IMPACT REPORT for a Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District, to allow demolition of existing buildings; construction of up to 245 multi-family residential units; and a 0.61 acre park. The report also analyzes development of 15 additional multi-family dwelling units on a lot surrounded on three sides by the proposed project and located on Stockton Avenue, although development of this lot is not part of the currently proposed rezoning. Director of Planning, Building and Code Enforcement and Planning Commission recommend to certify the Final EIR (7-0-0).

PDCSH 01-03-038 - District 6

Appeal Denied.

CEQA Resolution No. 71174 adopted.

11.5 Public Hearing on planned development rezoning at Stockton Avenue, between Cinnabar Street and Lenzen Avenue.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the westerly side of Stockton Avenue, between Cinnabar Street and Lenzen Avenue, from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District, to allow demolition of existing buildings and construction of up to 245 multi-family units and an approximately 0.61 acre park on a 4.19 gross acre site. (John Serpa, Owner, Seven Hills Property, Developer). CEQA: Resolution No. 71174 adopted. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDCSH 01-03-038 - District 6

(Continued from 6/4/02 – Item 11.6 et al., and 8/6/02 – Item 11.2)

Ordinance No. 26718 passed for publication.

11.6 Public Hearing on conforming rezoning at East Taylor Street and 23rd Street.

Recommendation: PUBLIC HEARING ON CONFORMING REZONING of the property located north of East Taylor Street on the southeast side of 23rd Street, from R-1-8 Residence Zoning District to R-M Residence Zoning District, to allow multi-family residential uses on 0.69 gross acres. (John Licking, Owner/Developer). CEQA: Resolution No. 65459. Director of Planning, Building, and Code Enforcement recommends approval. No Planning Commission action required.

C 02-01-006 - District 3

(Continued from 3/19/02 – Item 11.10 et al., and 5/21/02 – Item 11.4)

This Item continued to September 17, 2002.

11 PUBLIC HEARINGS

11.7 Public Hearing on planned development rezoning at North First Street and East Gish Road.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northeast corner of North First Street and East Gish Road, from CN Commercial Neighborhood Zoning District to PD Planned Development Zoning District, to allow a mixed use development of 3,230 square feet of ground floor commercial use and 22 multi-family attached residential units on 0.5 gross acre. (The Southland Corporation, Owner; BEC, Inc., Developer). CEQA: Negative Declaration. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 02-014 - District 3

(Continued from 6/18/02 – Item 11.13 and 8/6/02 – Item 11.3)

This Item continued to September 17, 2002.

11.8 Public Hearing on planned development rezoning at Almaden Expressway and McAbee Road.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southwest corner of Almaden Expressway and McAbee Road, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow the addition of a drive-through lane and pick-up window to an existing fast food restaurant on 5.31 gross acres. (Moitozo, Owner; Henley/McDonald's, Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement recommend approval of a staff alternative design. Planning Commission recommends denial (4-3-0).

PDC 00-06-049 - District 10

(Continued from 8/6/02 – Item 11.4)

This Item continued to September 17, 2002.

11.9 Public Hearing on planned development rezoning at Keyes and S. Tenth Streets.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northeast corner of Keyes and S. Tenth Streets, from CN Neighborhood Commercial Zoning District to A(PD) Planned Development Zoning District, to allow a 4,110 square foot addition to the shopping area of an existing supermarket, along with 10,100 square feet of new storage area on 0.69 gross acre. (T & T Property, Inc., Owner; Salvatore Caruso Design Corp., Applicant). CEQA: Exempt. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (5-0-2).

PDC 01-10-095 - District 3

(Continued from 8/6/02 – Item 11.5)

Ordinance No. 26719 passed for publication.

11 PUBLIC HEARINGS

11.10 Public Hearing on planned development rezoning at Curtiss Avenue and Willow Street.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the east side of Curtiss Avenue, approximately 500 feet south of Willow Street (1186 Curtiss Avenue), from R-M Residential Zoning District to A(PD) Planned Development Zoning District, to allow up to three single-family detached residential units on 0.45 gross acre. (Greg Mussallem, Owner/Developer). CEQA: Exempt. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 01-084 - District 6

(Continued from 8/6/02 – Item 11.6)

Ordinance No. 26713 passed for publication.

11.11 Public Hearing on planned development rezoning at Boynton Avenue and Stevens Creek Boulevard.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the west side of Boynton Avenue, approximately 400 feet southerly of Stevens Creek Boulevard, from R-M Residence Zoning District to A(PD) Planned Development Zoning District, to allow up to six (6) single-family attached residential units on 0.5 gross acre. (Barbara Blair, Owner; Advanced Development Group LLC, Developer). CEQA: Exempt. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 02-028 - District 1

(Continued from 8/6/02 – Item 11.7)

Ordinance No. 26714 passed for publication.

11.12 Public Hearing on planned development rezoning at Story Road and South White Road.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the north side of Story Road, approximately 1,150 feet easterly of South White Road, from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District, to allow the demolition of 18,934 square feet of existing academic buildings, the construction of 65,958 square feet of new academic buildings (resulting in 47,024 square feet of net new buildings) to accommodate 450 students, a plaza, a sports field, and associated landscaping, parking, and site improvements on 10.87 gross acres. (Mt. Pleasant School District, Owner; National Hispanic University, Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 01-086 - District 5

(Continued from 8/6/02 – Item 11.8)

Ordinance No. 26715 passed for publication.

11 PUBLIC HEARINGS

11.13 Public Hearing on conforming rezoning at Shortridge Avenue and S. Thirtieth Street.

Recommendation: PUBLIC HEARING ON CONFORMING REZONING of the property located at the south side of Shortridge Avenue, approximately 330 feet west of S. Thirtieth Street, from LI Light Industrial Zoning District to R-2 Residence Zoning District, to allow a new single-family residence on 0.13 gross acre. (Octavio Camara, Owner/Developer). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C 02-041 - District 3

(Continued from 8/6/02 – Item 11.9)

Ordinance No. 26716 passed for publication.

11.14 Public Hearing on conforming rezoning at Canoas Garden Avenue and Almaden Expressway.

Recommendation: PUBLIC HEARING ON CONFORMING REZONING of the property located at the southwestern corner of Canoas Garden Avenue and Almaden Expressway, from A(PD) Planned Development Zoning District to LI Light Industrial Zoning District, to allow light industrial and commercial uses on 1.44 gross acres. (Rick Oderio, Owner/Developer). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C 02-052 - District 6

Ordinance No. 26717 passed for publication.

- **Open Forum**

1. **Ryan Allshouse, Cheri Reaves, Alejandro Diaz, Rober Corwin, Lisa Nakata and Thomya Arterberry commented on the Branham & Monterey project.**
2. **Jeff Dennison commented on Santana Row.**
3. **Gregory Colburn commented on job training and placement.**

- **Adjournment**

The San Jose City Council adjourned at 9:25 p.m. in memory of Dr. Roy E. Young, Professor of Political Science at San José State University, former Chair of the University's Academic Senate, and original Member of San José's Campaign Finance Review and Ethics Board.