

# CITY COUNCIL AGENDA

**AUGUST 6, 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**  
**Canceled**
  
- **Invocation (District 7)**  
**Pastor Tony Williams, Marantha led in the invocation.**
  
- **Pledge of Allegiance**  
**Mayor Gonzales led in the Pledge of Allegiance.**
  
- **Orders of the Day**  
**Approved.**

## **1 CEREMONIAL ITEMS**

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- 1.1 Presentation of a commendation to Michael S. Edwards who has retired from the San José Search and Rescue Team. (Dando)**  
**Joining Mayor Gonzales at the podium was Council Member Dando to commend Michael S. Edwards for his efforts on the San Jose Search and Rescue Team. The plaque will be mailed to the recipient, as he was not present.**
- 1.2 Presentation of a commendation recognizing the local contributors and hosts of the 2002 NCAA Men's Division I Western Regional Basketball Championship. (Mayor)**  
**Mayor Gonzales was joined at the podium by Council Members Cortese and LeZotte to present the commendation to San Jose Sports Authority Executive Director Dean Munro and Chair of the San Jose Sports Authority Victor Arranaga, Santa Clara University Director of Athletics Cheryl Levick, San Jose Convention and Visitor Bureau President and CEO Dan Fenton, Fairmont Hotel General Manager Cyril Isnard, Crown Plaza San Jose and Wyndam Hotel Director of Sales and Marketing Devin Kessler, Doubletree Hotel San Jose Sales Manager Todd Simmons, Hotel De Anza Director of Sales Stacy Carroll and Hilton San Jose Director of Sales Patricia Morreale.**
- 1.3 Proclamation declaring August 6, 2002 as National Night Out. (Police)**  
**Mayor Gonzales was joined at the podium by Chief of Police William Landsdowne, Captain Randy Cooper and Crime Prevention Specialist Tamara Davis and proclaimed August 6, 2002 as National Night Out.**

# 1 CEREMONIAL ITEMS

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- 1.4 Presentation of commendation to Dianna Shuster for her commitment to theater arts and excellence as Artistic Director for the American Musical Theater of San Jose. (Yeager)  
**Joining Mayor Gonzales at the podium was Council Member Yeager for the commendation to commend Dianna Shuster for her commitment to the theater and arts in San Jose.**

# 2 CONSENT CALENDAR

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## 2.1 Approval of Minutes.

**Recommendation:** Approval of City Council Minutes for:

- (a) Regular meeting of January 8, 2002
- (b) Regular meeting of January 15, 2002
- (c) Regular meeting of January 22, 2002

**Approved.**

## 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances:

- (a) ORD. NO. 26659 – Adopts the Fifteenth Amended Century Center Redevelopment Plan, and makes certain findings.  
[Deferred from 6/25/02 – Item 2.2(c)]  
**This Item to be heard with Item 10.1.**
- (b) ORD. NO. 26660 – Amends the Julian-Stockton Redevelopment Plan, the Olinder Redevelopment Plan, the Century Center 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 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, the Neighborhood Business Clusters Redevelopment Plan, and the area added by the Fifteenth Amended Century Center Redevelopment Plan to effect the merger of said Redevelopment project areas, and makes certain findings.  
[Deferred from 6/25/02 – Item 2.2(d)]  
**This Item to be heard with Item 10.1.**

## 2 CONSENT CALENDAR

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### 2.2 Final adoption of ordinances. (Cont'd)

**Recommendation:** Final adoption of ordinances:

- (c) ORD. NO. 26693 – Amends Section 3.36.020.3 of Chapter 3.36 of Title 3 of the San José Municipal Code to include incentive pay for Police anti-terrorist training in compensation and to clarify the emergency medical technician pay is included in compensation for purposes of calculation of benefits in the Police and Fire Department Retirement Plan.

**Ordinance No. 26693 adopted.**

- (d) ORD. NO. 26700 – Grants a Commercial Solid Waste and Recyclables Collection Franchise to Arcadia Contractors, Inc. dba Arcadia Demolition Services and BWS Recycling.

**Ordinance No. 26700 adopted.**

### 2.3 Approval of a commercial air cargo operating agreement for the Airport.

**Recommendation:** Approval of a first amendment to the commercial air cargo operating agreement with United Parcel Service, Inc. extending the term of the agreement from August 1, 2002 through July 31, 2007, with an estimated annual revenue to the City of \$342,055. CEQA: Resolution No. 67380. (Airport)

(Deferred from 6/18/02 – Item 2.5 and 6/25/02 – Item 2.62)

**Approved with direction to staff to include curfew information for commercial airline operators as outlined in Council Members Yeager and Chavez' August 2, 2002 memo.**

### 2.4 Approval to amend a lease agreement for the Federal Inspection Services Facility.

**Recommendation:** Approval of a ninth amendment to the Federal Inspection Services Facility lease agreement with Williams Scotsman to extend the lease on a month-to-month term from August 1, 2002, subject to termination by the City on 30-days notice, at a total monthly cost not to exceed \$13,790, plus applicable sales tax. CEQA: Resolution No. 67380. (Airport)

**Approved.**

### 2.5 Approval of Council Member Pat Dando's travel.

**Recommendation:** Approval of Council Member Pat Dando's travel to Albuquerque, New Mexico, from June 27-June 30, 2002, to attend the National Association of Latino Elected & Appointed Officials (NALEO) Educational Fund Annual Conference. Funding: NALEO. (Dando)

**This Item was Dropped.**

## 2 CONSENT CALENDAR

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### 2.6 Approval of various actions related to the Revolving Loan Fund Loan Programs.

**Recommendation:** Adoption of a resolution authorizing the City Manager to:

- (a) Restructure the Revolving Loan Fund (RLF) into a loan loss reserve program, anticipating that approximately \$220,000 will be placed in a joint trust account for this purpose.
- (b) Negotiate and execute a contract and develop an administrative plan for operation of the RLF after a Request for Proposal process.
- (c) Amend the Administrative Plan for the Development Enhancement Special Fund in conjunction with the Fund Advisory Board.

(Economic Development)

**This Item was deferred to August 13, 2002.**

### 2.7 Approval to accept a donation from the Friends of the San José Main Library for the Summer Reading Program.

**Recommendation:** Adoption of a resolution accepting \$10,000 in donations from the Friends of the San José Main Library for the Summer Reading Program. CEQA: Not a project. (Library)

**Resolution No. 71141 adopted.**

### 2.8 Approval to name streets located at the east side of South Winchester Boulevard.

**Recommendation:** Adoption of a resolution naming three private streets located at the east side of South Winchester Boulevard approximately 400 feet south of Stevens Creek Boulevard (Santana Row). CEQA: Exempt. Council District 6. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0). (Planning, Building and Code Enforcement)

**Resolution No. 71142 adopted.**

### 2.9 Approval to award a contract for the Camden Community Center Multi-Service Project (Phase I).

**Recommendation:** Report on bids and award of contract for the Phase I-Camden Community Center Multi-Service Project to the low bidder, Wattis Construction, in an amount of \$233,444, and approval of a contingency in an amount of \$12,000. CEQA: Negative Declaration, PP01-11-208. Council District 9. SNI: Union and Curtner. (Public Works)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.10 Approval of an agreement for the Los Gatos Creek Trail Reach 4 - Lincoln/Auzerais Project.

**Recommendation:** Approval of an agreement with A-N West, Inc., for consultant services for the Los Gatos Creek Trail Reach 4 - Lincoln/Auzerais Project, for an agreement term from date of execution to December 31, 2003, for a base fee in the amount of \$259,660, and additional services in the amount of \$21,000, for a total agreement amount not to exceed \$280,660. CEQA: Exempt, PP02-06-176. Council District 6. SNI: Burbank/Del Monte. (Public Works)

**Approved.**

### 2.11 Approval of an agreement for the Old Oakland Road Storm Drain Pump Station Project.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a continuation agreement with CH2M Hill, Inc., for the Old Oakland Road Storm Drain Pump Station Project, extending the term of the agreement from June 2, 2002 to December 1, 2002, at no additional cost to the City. CEQA: Exempt, PP99-06-145. Council District 4. (Public Works)

**Resolution No. 71143 adopted.**

### 2.12 Approval of Council Member Forrest Williams' travel.

**Recommendation:** Approval of Council Member Forrest Williams' travel to Los Angeles, CA, New York, NY, and Philadelphia, PA, from July 19-22, 2002, for on-site due diligence visits. Funding: Retirement Department. (Williams)

**Approved.**

### 2.13 Approval to extend the deadline for submission of responses to the Request for Renewal Proposal for cable franchise.

**Recommendation:** Adoption of a resolution authorizing the City Manager to extend the deadline for submission of responses to the Request for Renewal Proposal for cable franchise. (City Manager's Office)

**Resolution No. 71144 adopted.**

**Direction to staff to authorize the City Manager to extend the deadline for a period not to exceed 30 days for submission of responses to the Request for Renewal Proposal and that an equivalent amount of time be taken off the City's review period for the proposal.**

## 2 CONSENT CALENDAR

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### 2.14 Approval to accept a grant for the Happy Hollow Park and Zoo.

**Recommendation:** Adoption of a resolution accepting grant funding from the State of California, Dr. Paul Chaffee Zoological Program under the California Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000 for Happy Hollow Park and Zoo, for an amount not to exceed \$270,050. Council District 7. SNI: Tully/Senter. (Parks, Recreation and Neighborhood Services)  
(Rules-in-lieu referral 7/31/02)

**Resolution No. 71145 adopted.**

## 3 STRATEGIC SUPPORT SERVICES

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### 3.1 Report of the Study Session

**Mayor Gonzales, Chair**

**No Report.**

### 3.2 Report of Rules In Lieu – July 24, 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.**

(b) City Council

(1) Review August, 2002 Draft Agenda

(a) Additions

**(1) Present a commendation to Michael S. Edwards who has retired from the San Jose Search and Rescue Team.**

**(2) Present a commendation recognizing the local contributors and hosts of the 2002 NCAA Men's Division I Western Regional Basketball Championship.**

**(3) Present a commendation to Diana Shuster for her commitment to theatre arts and excellence as Artistic Director for the American Musical Theatre of San Jose.**

**(4) Approve Council Member Pat Danto's travel to Albuquerque, New Mexico, from June 27-30, 2002, to attend the National Association of Latino Elected & Appointed Officials Educational Fund Annual Conference.**

**(5) Approve Council Member Forrest Williams' travel to Los Angeles, CA, New York, NY, and Philadelphia, PA from July 19-22, 2002 for on-site due diligence visits for the Federated City Employees Retirement System Board of Administration.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of Rules In Lieu – July 24, 2002 Vice Mayor Shirakawa, Jr., Chair (Cont'd)

- (c) City Council Committees
  - (1) Amendments to Council Committee Agendas
    - (a) Finance and Infrastructure Committee  
**None filed.**
    - (b) Economic Development and Environment Committee

**Documents Filed: Amended draft agenda for the August 5, 2002 Economic Development and Environment Committee.**

**Discussion/Action: Action was taken to add the following item to the August 5, 2002 Economic Development and Environmental Committee agenda: “Quarterly Report on the Rental Dispute Program”.**

- (c) Education, Neighborhoods, Youth, and Seniors Committee  
**None were filed.**
- (d) Meeting Schedules  
**There were none.**
- (e) The Public Record  
**There was no Public Record filed.**
- (f) Boards, Commissions and Committees  
**There were none.**
- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee  
**There were none.**
- (h) Administrative Reviews and Approval  
**There were none.**
- (i) Oral communications  
**None were presented.**
- (j) Adjournment  
**The meeting adjourned at 2:20 p.m.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.3 Report of the Finance and Infrastructure Committee – June 26, 2002 Council Member Dando, Chair

- (a) Consent Items
    - (1) May Monthly Report  
**Council Member Reed approved the Consent Items.**
  - (b) Finance Department Revenue Collection Efforts  
**Council Member Reed accepted the staff report.**
  - (c) An Audit of the City of San José’s Customer Service Call Center  
**Council Member Reed accepted the staff report with the modifications proposed by the Administration.**
  - (d) Additional City Auditor Revenue Enhancement Activities  
**Council Member Reed accepted the staff report.**
- Items e through g reported out by the Redevelopment Agency.
- (e) Monthly Financial Statement for May 2002
  - (f) Capital Cost Report for April, May
  - (g) Cash Flow Projection
  - (h) Oral petitions  
**None.**
  - (i) Adjournment  
**The Committee was adjourned at 4:20 P.M.**

#### 3.4 Approval of FY 2002-03 property tax levy for all taxable property for general obligation bonded indebtedness.

**Recommendation:** Adoption of a resolution establishing the FY 2002-03 property tax levy for all taxable property for general obligation bonded indebtedness. (Finance)  
**Resolution No. 71146 adopted.**

#### 3.5 Approval of fiscal actions related to the Adopted Operating Budget and Home Investment Partnership Fund.

**Recommendation:**

- (a) Adoption of the following appropriation ordinance and funding source resolution amendments in the Low- and Moderate-Income Housing Fund:
  - (1) Decreasing the Extremely Low-Income Housing Reserve appropriation by \$34,870,828.

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.5 Approval of fiscal actions related to the Adopted Operating Budget and Home Investment Partnership Fund. (Cont'd)

**Recommendation:**

(2) Reducing the Earned Revenue by \$34,870,828.

**Ordinance No. 26701 adopted.**

**Resolution No. 71147 adopted.**

(b) Adoption of the following appropriation ordinance and funding source resolution amendments in the HOME Investment Partnership Fund:

(1) Establishing the Extremely Low-Income Housing Reserve appropriation in the amount of \$34,870,828.

(2) Increasing the Earned Revenue by \$34,870,828.

CEQA: Not a project. (Housing/City Manager's Office)

**Ordinance No. 26702 adopted.**

**Resolution No. 71148 adopted.**

#### 3.6 Referral of possible ballot measures, if any, to the November 2002 ballot.

**Recommendation:** Referral of possible ballot measures, if any, to the November 2002 ballot:

(a) School Construction-Ramblewood Park measure to allow the City to enter into a long term lease to place a school on a portion of Ramblewood Park. CEQA: Not a project. (City Manager's Office)

**Approved.**

**Referred to Resolution No. 71149**

(b) Recommendation from the Disadvantaged Business Development Commission to refer a Charter Amendment to enable an increased number of contracts to be awarded to small businesses. (Reed/Disadvantaged Business Development Commission)

**Referred to March, 2004 Ballot with direction to staff to return in 90 days on ways to implement a small/emerging business program for contracts not subject to Charter Section 1217.**

(Rules in Lieu referral 7/31/02)

**This Item was heard following Item 3.7.**

#### 3.7 Approval of actions related to the Proposed San José Convention Center Expansion.

**Recommendation:**

(a) Acceptance of the economic feasibility and analysis regarding a potential renovation and expansion of the San José Convention Center and the possible increase to the Transient Occupancy Tax as a potential source of funding. (City Manager's Office)

### **3 STRATEGIC SUPPORT SERVICES**

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#### **3.7 Approval of actions related to the Proposed San José Convention Center Expansion. (Cont'd)**

**Recommendation:**

- (b) Adoption of a resolution referring to the November 2002 ballot: "San José Jobs, Safety and Convention Center Improvement Act", to increase the TOT (hotel) tax by 4%. (Mayor)

(City Manager's Office)

(Rules-in-lieu referral 7/31/02)

**Approved.**

**Resolution No. 71149 adopted.**

### **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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#### **4.1 Report of the Economic Development & Environment Committee – June 3, 2002 Council Member Williams, Chair**

- (a) Further Discussion of Group Home Ordinance and Reasonable Accommodation  
**See item 4.2 for council action to be taken**
- (b) San José Permits On-Line (IDTS) System Demonstration
- (c) Street Tree Pruning and Replacement Process  
**The Committee unanimously accepted the staff's request for deferral to the August 5, 2002 meeting.**
- (d) Monthly Status Report on Housing Production Team Action Items  
**The Committee unanimously accepted the staff report.**
- (e) Monthly Report on Affordable Housing Production  
**The Committee unanimously accepted the staff report.**
- (f) Five Year Homeless Plan  
**The Committee unanimously accepted the staff report.**
- (g) Status Report on Implementation Efforts of Green Building Policies  
**The Committee unanimously accepted the staff report.**
- (h) Third Quarter Redevelopment Housing Report  
**This Item was dropped.**
- (i) Oral petitions  
**Phyllis Ward, Louise London, Burce Brunger, Greg Misakian, Allen Brown, Mike Delmonico, Douglas Lamb, Julie Arabzaden, Patricia Pollard.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.1 Report of the Economic Development & Environment Committee – June 3, 2002 Council Member Williams, Chair (Cont'd)**

(j) Adjournment

**The meeting was adjourned at 4:50 p.m.**

(Deferred from 6/18/02 – Item 4.1 and 6/25/02 – Item 4.1)

### **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.
  - (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**

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### **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)

**This Item was deferred to August 20, 2002.**

### **4.3 Approval of various actions related to the Rincon Storm System Improvements Project (Phase II).**

**Recommendation:**

- (a) Report on bids and adoption of a resolution authorizing the City Manager to award the contract for the base bid for the Rincon Storm System Improvements Phase II Project to the lowest responsive bidder, Anderson Pacific Engineering Construction, Inc., in an amount of \$20,646,296, and approval of a contingency in an amount of \$1,733,000.

**Resolution No. 71150 adopted.**

- (b) Adoption of a resolution authorizing the City Manager to execute a Santa Clara Valley Water District permit allowing construction within their right-of-way.

**Resolution No. 71151 adopted.**

- (c) Adoption of the following amendments to the FY 2002-2003 Appropriation Ordinance and Funding Sources Resolution in the Services for Redevelopment Capital Projects Fund.

- (1) Increase the appropriation to the Department of Public Works for the North San Jose Rincon Storm System Improvements -- Phase II Project by \$23,138,000.

- (2) Increase the estimate for Earned Revenue by \$23,138,000.

**Ordinance No. 26703 adopted.**

**Resolution No. 71152 adopted.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.3 Approval of various actions related to the Rincon Storm System Improvements Project (Phase II). (Cont'd)**

**Recommendation:**

- (d) Adoption of a resolution making certain determinations regarding the related expenditure of the Redevelopment Agency funds on certain public improvements in connection with the North San Jose Rincon Storm System Improvements - Phase II Project, as more specifically described in the memorandum from the Redevelopment Agency, dated June 6, 2002.

CEQA: Resolution No. 60197, PP00-10-149. Council District 4. (Public Works/City Manager's Office)

(Deferred from 6/25/02 – Item 4.11)

**Resolution No. 71153 adopted.**

### **4.4 Approval of various agreements related to the implementation of Workforce Investment Act Programs and Projects for FY 2002-2003.**

**Recommendation:** Adoption of a resolution authorizing:

- (a) The City Manager to negotiate and execute agreements for services in support of the Neighborhood Self Sufficiency Centers, for the period July 1, 2002 to June 30, 2003, with the following:
- (1) Santa Clara County Department of Child Support Services in an amount not to exceed \$170,000; and
  - (2) NOVA in an amount not to exceed \$155,000.
- (b) The City Manager to negotiate and execute an agreement for services and support of the Regional Employment Training Consortium, for a period from July 1, 2002 to June 30, 2003, with:
- (1) Alameda County Workforce Investment Board in amount not to exceed \$340,480;
  - (2) Contra Costa Workforce Investment Board in an amount not to exceed \$220,160;
  - (3) Monterey County Workforce Investment Board in an amount not to exceed \$125,440;
  - (4) NOVA Workforce Investment Board in an amount not to exceed \$107,520;
  - (5) Oakland Private Industry Council in an amount not to exceed \$2,723,666;
  - (6) Richmond Workforce Investment Board in an amount not to exceed \$110,080;

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.4 Approval of various agreements related to the implementation of Workforce Investment Act Programs and Projects for FY 2002-2003. (Cont'd)**

**Recommendation:** Adoption of a resolution authorizing:

- (7) San Mateo County Workforce Investment Board in an amount not to exceed \$273,920; and
- (8) Santa Cruz County Workforce Investment Board in an amount not to exceed \$261,120.
- (c) The City Manager to negotiate and execute all contracts, amendments, agreements, leases, subleases, and memorandums of understanding with sub-contractors and vendors providing services to the Workforce Investment Act Program including, but not limited to novations or assignments, vendor training contracts, consultant contracts, memos of understanding with Mandatory Partners and cities whose residents receive service under the WIA program, in accordance with established City procedures and requirements, for the period from July 1, 2002 to June 30, 2003.
- (d) The City Manager to negotiate and execute all grant applications, grants, and sub grant agreements for the period from July 1, 2002 to June 30, 2003.

(Economic Development)

**This Item deferred to August 13, 2002.**

### **4.5 Public Hearing to consider two properties as historic landmarks.**

**Recommendation:** PUBLIC HEARING and adoption of Resolutions designating as land marks of special historic, architectural, cultural, aesthetic, or engineering interest or value of a historic nature of the following: (Planning, Building, and Code Enforcement)

- (a) 89 Pierce Avenue. CEQA: Exempt. Council District 3. SNI: Market/Almaden.
- (b) 1818 The Alameda. CEQA: Exempt. Council District 6.

Director of Planning, Building and Code Enforcement and Historic Landmarks  
Commission recommend approval (4-0-2).

(Planning, Building, and Code Enforcement)

**Resolution No's. 71154-71155 adopted.**

### **4.6 Public Hearing and approval of an ordinance modifying land use regulations.**

**Recommendation:** PUBLIC HEARING AND APPROVAL OF AN ORDINANCE amending Chapters 20.40, 20.50, and 20.200 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. CEQA: Exempt, PP02-07-177. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). (Planning, Building, and Code Enforcement)

**Ordinance No. 26704 passed for publication.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.7 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)

**This Item continued to August 20, 2002.**

### **4.8 Public Hearing and approval of an ordinance related to massage parlors.**

**Recommendation:** PUBLIC HEARING AND APPROVAL OF AN ORDINANCE amending Chapter 20.80 of Title 20 of the San José Municipal Code to modify the provisions related to massage parlors and the associated distance and separation requirements. CEQA: Exempt, PP02-07-081. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (4-2-1). (Planning, Building, and Code Enforcement)

**Ordinance No. 26705 passed for publication.**

### **4.9 Approval of an agreement for a Community based Aftercare Program.**

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the County of Santa Clara, accepting a Community based Aftercare Program subgrant from the County in an amount not to exceed \$682,000, for the period July 1, 2002 to June 30, 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) (Rules-in-lieu referral 7/31/02)

**Resolution No. 71156 adopted.**

## **5 RECREATION & CULTURAL SERVICES**

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### **5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee Council Member Chavez, Chair No Report.**

### **5.2 Public Hearing and various actions related to the formation of Community Facilities District No. 8 (Communications Hill).**

**Recommendation:**

- (a) Open a public hearing to receive and record public comments prior to formation of Community Facilities District No. 8 (Communications Hill).

## 5 RECREATION & CULTURAL SERVICES

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### 5.2 Public Hearing and various actions related to the formation of Community Facilities District No. 8 (Communications Hill). (Cont'd)

**Recommendation:**

- (b) Direct staff to prepare a revised Community Facilities District Report correcting the rate and method of calculation that was incorrectly published in the original District Report and Resolution of Intention to form Community Facilities District No. 8 (Communications Hill).
- (c) Continue the public hearing to August 20, 2002 at 1:30 p.m. to allow further public review prior to taking action to form the District and to levy the special tax. Council District 7. (Public Works)

**Approved.**

## 6 TRANSPORTATION SERVICES

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### 6.1 Approval of a report from the San José Taxicab Advisory Team.

**Recommendation:** Approval of the report from the San José Taxicab Advisory Team (“Team”) and:

- (a) Direction to the City Manager and San José Redevelopment Agency Director to work with the Team to identify the funding needed to support the marketing and customer evaluation components of their recommendations;
- (b) Direction to the Chief of Police to approve the proposed pilot temporarily suspending the issuance of permits to additional taxicab companies not licensed as of July 1, 2002; and,
- (c) Amend the Taxicab Rate, Fares and Tariffs Resolution to increase the current per mile rate of \$2.25 per mile (.25 per 1/9 mile) to \$2.50 (.25 per 1/10), amending the flag drop from \$2.00 (including 1/9 mile) to \$2.00 per 1/10 mile), and maintain the same wait time calculation of \$.20/36 seconds (\$20 hour).

(City Manager’s Office/San José Taxicab Advisory Team)

(Deferred from 6/18/02 – Item 6.4 and 6/25/02 – Item 6.1)

**This Item deferred to August 27, 2002.**

## **7 ENVIRONMENTAL & UTILITY SERVICES**

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### **7.1 PUBLIC HEARING and approval of the Fiscal Year 2002-2003 Annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge Reports.**

**Recommendation:** PUBLIC HEARING and adoption of a resolution establishing the Fiscal Year 2002-2003 Annual Sanitary Sewer Service and Use Charge and Storm Sewer Service charges report filed with the City Clerk's Office to hear any protest thereon, and approve the placement, with modifications Council may make, of Sanitary Sewer and Use charges and Storm Sewer Service charges on the 2002/2003 tax roll. CEQA: Not a project. (Finance)

**Resolution No. 71157 adopted.**

**Noes: Dando**

## **8 AVIATION SERVICES**

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## **9 PUBLIC SAFETY SERVICES**

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## **10 JOINT COUNCIL/REDEVELOPMENT AGENCY**

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**REDEVELOPMENT AGENCY BOARD CONVENED AT 3:55 P.M. TO CONSIDER ITEM 10.1 IN A JOINT SESSION.**

### **10.1 Approval of the responses to the Written Objections to the Fifteenth Amended Century Center Redevelopment Plan.**

**Recommendation:** Adoption of a resolution by the City Council approving responses to written objections from property owners and/or taxing entities to the adoption of the Fifteenth Amended Century Center Redevelopment Plan and the merger of the Fifteenth Amended Century Center Redevelopment Plan into the San José Merged Area Redevelopment Plan, and direction to staff to transmit the responses to the objecting property owners and/or taxing entities. (Redevelopment Agency)

[Deferred from 6/25/02 – Item 10.1(a)]

**Resolution No. 71158 adopted.**

**Noes: Reed**

**REDEVELOPMENT AGENCY BOARD PORTION OF THE MEETING  
ADJOURNED AT 4:00 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:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9367	N/S of Entrada Cedros approximately. 40 ft N of Blossom Hill Road	10	JSM	14 Units	Single Family Detached	Approve

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:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9342	W/S of N. 7 <sup>th</sup> St., 200 feet n/o E. Taylor	3	Classic Communities	28 units	Single Family Attached
9393	SE/C Winchester Blvd. & Stevens Creek Blvd.	6	Federal Realty Investment Trust	1 lot	Condo Map
9392	SE/C Winchester Blvd. & Stevens Creek Blvd.	6	Federal Realty Investment Trust	1 lot	Condo Map
9391	SE/C Winchester Blvd. & Stevens Creek Blvd.	6	Federal Realty Investment Trust	1 lot	Condo Map
9389	SE/C Winchester Blvd. & Stevens Creek Blvd.	6	Federal Realty Investment Trust	1 lot	Condo Map

- Open Forum

1. Nan Su updated Council on the recent Falun Gong activities.
2. Ross Signorino spoke regarding the recent child kidnappings.

# 11 PUBLIC HEARINGS

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

## 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 6/18/02 – Item 11.1)

**This Item continued to August 20, 2002.**

## 11.2 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 to be adopted.

PDCSH 01-03-038 - District 6

(Continued from 6/4/02 – Item 11.6 and 6/18/02 – Item 11.5)

**This Item continued to August 20, 2002.**

## 11.3 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.

PDC 02-014 - District 3

(Continued from 6/18/02 – Item 11.13)

**This Item continued to August 20, 2002.**

# 11 PUBLIC HEARINGS

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## 11.4 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.

PDC 00-06-049 - District 10

**This Item continued to August 20, 2002.**

## 11.5 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.

PDC 01-10-095 - District 3

**This Item continued to August 20, 2002.**

## 11.6 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.

PDC 01-084 - District 6

**This Item continued to August 20, 2002.**

## 11.7 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.

PDC 02-028 - District 1

**This Item continued to August 20, 2002.**

## 11 PUBLIC HEARINGS

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### 11.8 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.

PDC 01-086 - District 5

**This Item continued to August 20, 2002.**

### 11.9 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.

C 02-041 - District 3

**This Item continued to August 20, 2002.**

- Open Forum

- Adjournment

**The Council of the City of San Jose adjourned at 4:00 P.M. Council Chambers.**