

See Item 9a.Direction to the Administration to continue development of the Request for Proposal (RFP) for the 2002 Recycle Plus Program, page 18.

MINUTES OF THE CITY COUNCILMINUTES OF THE CITY COUNCIL

SAN JOSÉ, CALIFORNIA
TUESDAY, DECEMBER 7, 1999

The Council of the City of San Jose convened in regular session at 9:30 a. m. in Council Chambers at City Hall.

Present: Council Members: Chavez, Dando, Diquisto, Fiscalini, LeZotte, Matthews, Powers, Shirakawa, Jr., Woody; Gonzales

Absent: Council Members: Diaz (excused).

Upon motion unanimously adopted, the City Council recessed to a Closed Session at 9:35 a.m. in Room 600 to (A) confer with Legal Counsel pertaining to existing litigation pursuant to Government Code Section 54956.9 Subsection (a) to consider cases of BB&K Fremont Developers v. City of San José, et al.; Baccarat Fremont Developer, Inc. v. City of San José; Lampkin v. City of San José; and In re Mula.

By unanimous consent, Council reconvened from the Closed Session and recessed at 11:00 a.m. and reconvened at 1:32 p.m. in Council Chambers, City Hall.

Present: Council Members: Chavez, Dando, Diaz, Diquisto, Fiscalini, LeZotte, Matthews, Powers, Shirakawa, Jr. (arrived at 1:50 p.m.), Woody; Gonzales

Absent: Council Members: None.

INVOCATION

Pastor O. Dace, Bible Way Christian Center, delivered the invocation. (Mayor)

PLEDGE OF ALLEGIANCE

Mayor Gonzales led in the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Council Member Diquisto, seconded by Council Member Matthews and unanimously carried, the Orders of the Day and the Amended Agenda were approved. Vote 10-0-1-0. Absent: Shirakawa, Jr.

CONSENT CALENDAR

Upon motion by Vice Mayor Fiscalini, seconded by Council Member Powers and unanimously carried, the Consent Calendar was approved and the below listed actions were taken as indicated. Vote 10-0-1-0. Absent: Shirakawa, Jr.

Minutes for Approval

6a(1) Regular Meeting of October 19, 1999

Documents Filed: Minutes of the regular meeting of October 19, 1999.

Discussion/Action: The Minutes were approved. Vote 10-0-1-0. Absent: Shirakawa, Jr.

6a(2) Regular Meeting of October 26, 1999

Documents Filed: Minutes of the regular meeting of October 26, 1999.

Discussion/Action: The Minutes were approved. Vote 10-0-1-0. Absent: Shirakawa, Jr.

6a(3) Joint City Council/Redevelopment Agency Meeting of October 26, 1999

Documents Filed: Minutes of the joint meeting of October 26, 1999.

Discussion/Action: The Minutes were approved. Vote 10-0-1-0. Absent: Shirakawa, Jr.

Ordinances for Final Adoption

6b(1) ORD. NO. 25981 - Rezones certain real property situated on both sides of Gold Street, northerly of Route 237. PDC 99-07-061

Documents Filed: Proof of publication of the title of Ordinance No. 25981 executed on November 16, 1999, submitted by the City Clerk.

Discussion/Action: Ordinance No. 25981 was adopted. Vote 10-0-1-0. Absent: Shirakawa, Jr.

6b(2) ORD. NO. 25985 - Rezones certain real property situated at the southwest corner of Moorpark Avenue and Boynton Avenue. PDC 99-04-030

Documents Filed: Proof of publication of the title of Ordinance No. 25985 executed on November 23, 1999, submitted by the City Clerk.

Discussion/Action: Ordinance No. 25985 was adopted. Vote 10-0-1-0. Absent: Shirakawa, Jr.

6b(3) ORD. NO. 25987 - Amends Chapter 2.08 of title 2 of the San José Municipal Code by adding a new Section 2.08.2020 to set forth rules relating to Civil Service Commission vacancies before expiration of a term of office, and adding a new Section 2.08.2030 to address absences from Commission meetings and hearings and removal of Civil Service Commissioners from office.

Documents Filed: Proof of publication of the title of Ordinance No. 25987 executed on November 30, 1999, submitted by the City Clerk.

Discussion/Action: Ordinance No. 25987 was adopted. Vote 10-0-1-0. Absent: Shirakawa, Jr.

Public Hearings Set by Council

6c(1) Adoption of a resolution initiating proceedings and setting a date for Council consideration of the reorganization of territory designated as Buena

Vista No. 1 which involves the annexation to the City of San José of 38.0 acres of land, bounded by West San Carlos Avenue, Scott Street, Chiechi Avenue, Meridian Avenue, and both sides of Buena Vista Avenue and the detachment of the same from the Sunol Sanitary District, Burbank Sanitary District, County Lighting District, and Central Fire District. CEQA: Resolution No. 65459. (Planning, Building and Code Enforcement)

[Deferred from 8/3/99 - Item 6c(1) et al., and 10/19/99 - Item 6c(1)]

Documents Filed: None.

Discussion/Action: This item was deferred to February 1, 2000.

6c(2) Adoption of a resolution initiating proceedings and setting January 18, 2000 at 1:30 p.m. for a public hearing on the reorganization of territory designated as Story No. 51, which involves the annexation of 3.512 acres of land to the City of San José, located on the north side of Fleming Avenue, 50 feet westerly of Whipple Court, and the detachment of the same from the Central Fire Protection District, County Library Services Area No. 1, and County Lighting Service. CEQA: ND.

(Planning, Building and Code Enforcement)

Documents Filed: Memorandum from Director of Planning, Building and Code Enforcement, James R. Derryberry, dated November 17, 1999, recommending placement of said action on the Consent Calendar of December 7, 1999 City Council Agenda.

Discussion/Action: Resolution No. 69237, entitled: "A Resolution of the Council of the City of San José Initiating Proceedings On the Reorganization of Territory Designated as Story No. 51, Which Involves the Annexation of 3,512 Acres of Land to the City of San José, Located on the North Side of Fleming Avenue, 50 Feet Westerly of Whipple Court, and the Detachment of Same From the Central Fire Protection District, County Library Services Area No. 1, and County Lighting Service, and Setting a Public Hearing for January 18, 2000 at 1:30 p.m. and Referring Said Ordinance to the Planning Commission for Their Review and Recommendation", was adopted. Vote 10-0-1-0. Absent: Shirakawa, Jr.

6c(3) Adoption of a resolution initiating proceedings and setting January 18, 2000 at 1:30 p.m. for a public hearing on the reorganization of territory designated as McKee No. 117, which involves the annexation of 0.75 acre of land to the City of San José, located on the northwest corner of Kirk Avenue and Madeline Drive, and the detachment of the same from the Central Fire Protection District, County Library Services Area No. 1, and County Lighting Service. CEQA: Exempt.

(Planning, Building and Code Enforcement)

Documents Filed: Memorandum from Director of Planning, Building and Code Enforcement, James R. Derryberry, dated November 17, 1999, recommending placement of said action on the Consent Calendar of December 7, 1999 City Council Agenda.

Discussion/Action: Resolution No. 69238, entitled: "A Resolution of the Council of the City of San José Initiating Proceedings on the Reorganization of Territory Designated as McKee No. 117, Which Involves the Annexation of 0.75 Acre of Land to the City of San José, Located on the Northwest Corner of Kirk Avenue and Madeline Drive, and the Detachment of Same From the Central Fire Protection District, County Library Services Area No. 1, and County Lighting

Service, and Setting a Public Hearing for January 18, 2000 at 1:30 p.m. and Referring Said Ordinance to the Planning Commission for Their Review and Recommendation", was adopted. Vote 10-0-1-0. Absent: Shirakawa, Jr.

Plans and Specifications

6d(1) TRACT NO. 9222 - Southwest corner of Monterey Road and Stauffer Blvd. - 1931 Monterey LLC (Developer) - 6 industrial lots. Adoption of resolutions approving the plans, final maps, and contract for Tract No. 9222. CEQA: Resolution No. 65657. District 7. (Public Works)

Documents Filed: None.

Discussion/Action: This item was deferred to December 14, 1999.

6d(2) TRACT NO. 9214 - West side of Radio Avenue 500 feet northerly of Curtner Avenue ELYSIAN FIELDS, LLC (Developer) - 6 single family detached residential units. Approval of a parkland agreement and adoption of resolutions approving the plans, final map, and contract for Tract No. 9214. CEQA: ND. District 6.
(Public Works)

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated November 30, 1999, recommending Council approve the parkland agreement and adopt said resolutions for Tract 9214.

Discussion/Action: The parkland agreement was approved and its execution authorized, and Resolution No. 69239, entitled: "A Resolution of the Council of the City of San José Fixing Official Curb Grades and Position of Curbs, and Adopting Plans For Tract No. 9214"; Resolution No. 69240, entitled: "A Resolution of the Council of the City of San José Approving and Accepting Final Map of Tract No. 9214", and Resolution No. 69241, entitled: "A Resolution of the Council of the City of San José Approving and Authorizing the Execution of Contract and Approving Bonds for the Improvement of Tract No. 9214"; were adopted. Vote 10-0-1-0. Absent: Shirakawa, Jr.

6d(3) TRACT NO. 9215 - Southeast corner of Los Gatos-Almaden Road and Union Avenue - LGA Associates (Developer) - 15 single family detached residential units. Approval of a parkland agreement and adoption of a resolution approving the final map for Tract No. 9215. CEQA: ND. District 9. (Public Works)

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated November 30, 1999, recommending Council approve the parkland agreement and adopt said resolution for Tract No. 9215.

Discussion/Action: The parkland agreement was approved and its execution authorized, and Resolution No. 69242, entitled: "A Resolution of the Council of the City of San José Approving and Accepting Final Map of Tract No. 9215", was adopted. Vote 10-0-1-0. Absent: Shirakawa, Jr.

6d(4) TRACT NO. 9224 - West side of King Road, north of Mabury Road - Greystone Homes, Inc. (Developer) - 90 single family detached residential units. Approval of a parkland agreement and adoption of resolutions approving the plans, final map, and contract for Tract No. 9224. CEQA: ND. District 4.
(Public Works)

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr.,

dated November 30, 1999, recommending Council approve the parkland agreement and adopt said resolutions for Tract No. 9224.

Discussion/Action: The parkland agreement was approved and its execution authorized, and Resolution No. 69243, entitled: "A Resolution of the Council of the City of San José Fixing Official Curb Grades and Position of Curbs, and Adopting Plans For Tract No. 9224"; Resolution No. 69244, entitled: "A Resolution of the Council of the City of San José Approving and Accepting Final Map of Tract No. 9224", Resolution No. 69245, entitled: "A Resolution of the Council of the City of San José Approving and Authorizing the Execution of Contract and Approving Bonds for the Improvement of Tract No. 9224", were adopted. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

Contracts/Agreements

6e(1) Approval of a ninth amendment to the consultant agreement with TRA Architecture Engineering Planning, Ltd., for analytical services on the San José International Airport Master Plan Update, to extend the termination date to June 30, 2000, and with no increase in compensation. (Airport)

Documents Filed: Memorandum from Director of Aviation, Ralph G. Tonseth, dated November 17, 1999, recommending Council approve the ninth amendment to said consultant services agreement.

Discussion/Action: The ninth amendment to the consultant services agreement with TRA Architecture Engineering Planning, Ltd. was approved and execution of the amendment authorized. Vote: 9-1-1-0. Noes: Chavez. Absent: Shirakawa, Jr.

6e(2) Approval of a sixth amendment to the consultant agreement with Environmental Science Associates, Inc. (ESA) for consultant services in conjunction with the preparation of environmental documentation for the San José International Airport Master Plan Update Project, extending the term of the agreement to June 30, 2000, and increasing compensation by \$155,000, from \$2,069,800 to \$2,224,800. (Airport)

Documents Filed: Memorandum from Director of Aviation, Ralph G. Tonseth, dated November 17, 1999, recommending Council approve the sixth amendment to said consultant services agreement.

Discussion/Action: The sixth amendment to the consultant services agreement with Environmental Science Associates, Inc. was approved and execution of the amendment authorized. Vote: 9-1-1-0. Noes: Chavez. Absent: Shirakawa, Jr.

6e(3) Adoption of a resolution authorizing the City Attorney to negotiate and execute the fifth amendment to the consultant agreement with Castle Copy Service, Inc. for legal photocopy services, increasing compensation by \$8,000, to a total not to exceed \$58,000. (City Attorney's Office)

Documents Filed: Memorandum from City Attorney, Joan R. Gallo, dated December 1, 1999, recommending Council adopt said resolution.

Discussion/Action: Resolution No. 69246, entitled: "A Resolution of the Council of the City of San José Authorizing the City Attorney to Negotiate and Execute a Fifth Amendment to the Agreement With Castle Copy Service, Inc. for Legal Photocopy Services, in an Additional Amount Not to Exceed \$8,000, for Total Compensation Not to Exceed \$58,000", was adopted. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

6e(4) Approval of a facility use agreement governing the use of the Convention Center, Civic Auditorium, and Parkside Hall for the Apple Worldwide Developers Conferences, from 2001 through 2005. (Conventions, Arts and Entertainment)

Documents Filed: Memorandum from Director of Conventions, Arts and Entertainment, Nancy Johnson, dated November 17, 1999, recommending Council approve said agreement.

Discussion/Action: The facility use agreement for the conference was approved and its execution authorized. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

6e(5) Approval of the second amendment to the agreement with Schaaf & Wheeler for customer retrofit design and construction management services in support of the South Bay Water Recycling Program, to increase compensation by \$231,200, for a total amount not to exceed \$1,364,200, and extending the term of the agreement by one (1) year, from December 15, 1999 to December 15, 2000. CEQA: Resolution No. 64667. (Environmental Services)

Documents Filed: (1) Memorandum from Director of Environmental Services, Carl W. Mosher, dated November 17, 1999, recommending Council approve the second amendment to said agreement. (2) Supplemental report from San José/Santa Clara Water Pollution Control Plant, Treatment Plant Advisory Committee Chairperson, Bob Livengood, dated November 19, 1999, recommending approval of the second amendment to said agreement with Schaaf & Wheeler.

Discussion/Action: The second amendment to the management services agreement with Schaaf & Wheeler was approved and its execution authorized. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

6e(6) Approval of an agreement with The Salvation Army for redirecting reusable and recyclable materials from local landfills, in an amount not to exceed \$139,500 for FY 1999-2000. (Environmental Services)

Documents Filed: Memorandum from Director of Environmental Services, Carl W. Mosher, dated November 17, 1999, recommending Council approve said recycling and reuse agreement.

Discussion/Action: The agreement with The Salvation Army was approved and its execution authorized. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

6e(7) Approval of the fourth amendment to the agreement with Montgomery Watson, for program management services in support of the South Bay Water Recycling Program, to extend the term of the agreement by one (1) year, from December 15, 1999 to December 15, 2000, at no additional cost to the City. CEQA: Resolution No. 64667. (Environmental Services)

Documents Filed: (1) Memorandum from Director of Environmental Services, Carl W. Mosher, dated November 17, 1999, recommending Council approve the fourth amendment to said agreement. (2) Supplemental report from San José/Santa Clara Water Pollution Control Plant, Treatment Plant Advisory Committee Chairperson, Bob Livengood, dated November 19, 1999, recommending approval of the fourth amendment to said agreement with Montgomery Watson.

Discussion/Action: The fourth amendment to the management services agreement with Montgomery Watson was approved and its execution authorized. Vote:

10-0-1-0. Absent: Shirakawa, Jr.

6e(8) Approval of the amendments extending the construction completion date for the following South Bay Water retrofit construction grant agreements from July 31, 1999 to April 30, 2000, at no additional cost to the City:

- (a) Villages Golf and Country Club.
- (b) Oak Hill Funeral Home and Memorial Park.
- (c) Franklin-McKinley School District.
- (d) East Side Union High School District.
- (e) San José/Evergreen Community College.

CEQA: Resolution No. 64667. (Environmental Services)

Documents Filed: (1) Memorandum from Director of Environmental Services, Carl W. Mosher, dated November 17, 1999, recommending Council approve amendments to said grant agreements. (2) Supplemental report from San José/Santa Clara Water Pollution Control Plant, Treatment Plant Advisory Committee Chairperson, Bob Livengood, dated November 19, 1999, recommending approval of the amendments to said construction grant agreements.

Discussion/Action: The amendments to the construction grant agreements with Villages Golf and Country Club, Oak Hill Funeral Home and Memorial Park, Franklin-McKinley School District, East Side Union High School District, and San José/Evergreen Community College were approved and execution of the amendments authorized.

Vote: 10-0-1-0. Absent: Shirakawa, Jr.

6e(9) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 1999-2000 #18, and authorization for the Director of General Services to execute the purchase orders. (General Services)

Documents Filed: Memorandum from Director of General Services, Steve S. Yoshino, dated November 17, 1999, recommending Council approve said open purchase orders list, and authorize the Director of General Services to execute the purchase orders.

Discussion/Action: The award of open purchase orders List No. 18 for FY 1999-2000 was approved and execution of the purchase orders authorized. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

6e(10) Report on bids and award of the purchase of one (1) 43,000-pound cab and chassis with sewer body for the Department of Streets and Traffic to the lowest responsive bidder, Garden State International, at a total cost of \$196,147.22, including tax, and authorizing the Director of General Services to:

- (a) Execute the purchase order for the immediate purchase of one (1) 43,000-pound cab and chassis with sewer body.
- (b) Execute the purchase order for the additional units pursuant to the option 43,000-pound cab and chassis with sewer body unit at the same bid price, for one (1) year, without further Council action other than the appropriation of necessary funds.
- (c) Approval of a contingency in the amount of \$19,600 for unforeseen engineering requirements that may arise since the publication of the bid specifications.

(General Services)

Documents Filed: Memorandum from Director of General Services, Steve S. Yoshino, dated November 17, 1999, recommending Council accept the report on bids and

award said contract to the lowest responsive bidder, and authorize the Director of General Services to execute said purchase orders.

Discussion/Action: The bid report was accepted and award of the purchase to Garden State International, the lowest responsive bidder, was approved and execution of the purchase orders authorized. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

6e(11) Adoption of a resolution authorizing the Director of General Services to:

(a) Execute one (1)-year agreement, with two (2) one (1)-year options for renewal, with Thyssen Dover Elevator Inc. for elevator and escalator maintenance services for the period December 1, 1999 to November 30, 2000 for:

(1) The Airport Department in the amount of \$85,440.

(2) The Department of Conventions, Arts and Entertainment in the amount of \$47,880.

(3) Additionally, approval of \$40,000 per year for Airport Department and \$23,800 per year for Department of Conventions, Arts and Entertainment for unforeseen repairs or replacements.

(b) Exercise the options to renew the two (2) agreements adjusted each year based on the Consumer Price Index (CPI) and contingent upon Council appropriation of the funds thereto.

(General Services)

Documents Filed: Memorandum from Director of General Services, Steve S. Yoshino, dated November 17, 1999, recommending Council adopt said resolution.

Discussion/Action: Resolution No. 69247, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of General Services to Execute an Agreement for Elevator and Escalator Maintenance Services With Thyssen Elevator Services", was adopted. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

6e(12) Adoption of a resolution authorizing the City Manager, or his designee, to negotiate and execute an agreement with Mexican American Community Services Agency to provide youth employment services to youth exhibiting at-risk/high-risk behaviors, for the period November 1, 1999 to October 31, 2000, in the amount of \$82,000. (Parks, Recreation and Neighborhood Services)

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services, Mark Linder, dated November 17, 1999, recommending Council adopt said resolution.

Discussion/Action: Resolution No. 69248, entitled: "A Resolution of the Council of the City of San José Authorizing City Manager to Negotiate and Execute an Agreement With Mexican American Community Services Agency to Provide Youth Employment Services", was adopted. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

6e(13) Report on bids and award of a contract for the Construction of Wheelchair Ramps Project CP2000 to the low bidder, Vanguard Construction, Inc., for the construction of 168 wheelchair ramps at various locations throughout the City, in the amount of \$175,443, and approval of a contingency amount of \$18,000. CEQA: Exempt. (Public Works)

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated November 17, 1999, recommending Council accept the report on bids and award said contract to the low bidder.

Discussion/Action: The bid report was accepted and award of contract to Vanguard Construction, Inc., the low bidder, was approved and execution of the contract authorized. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

6e(14) Approval of a continuation agreement for consultant services with Rajapan and Meyer Consulting Engineers, Inc., for the Almaden Boulevard Medians 1998 and East San Carlos Street Median Islands Project, for a contract extension from August 1, 1999 to January 31, 2000, at no additional cost to the City. (Public Works)

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated November 17, 1999, recommending Council approve the continuation agreement for said services.

Discussion/Action: The continuation agreement with Rajapan and Meyer Consulting Engineers, Inc. was approved and execution of the agreement authorized. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

6e(15) Approval of an agreement for consultant services with Tom Richman and Associates, Inc., for the Chynoweth and DeAnza Park Play Area Renovation Projects, in the amount of \$73,000, and \$6,000 for additional services, for a total agreement amount of \$79,000. (Public Works)

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated November 17, 1999, recommending Council approve an agreement for said consultant services.

Discussion/Action: The consultant services agreement with Tom Richman and Associates, Inc. was approved and its execution authorized. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

6e(16) Report on bids and award of contract for the Tuers Yard and Muni Water Relocation (Revised) Project to the low bidder, Apex Construction Company, in the amount of \$274,900, and approval of a contingency in the amount of \$27,000. CEQA: Exempt. (Public Works)

Documents Filed: (1) Supplemental memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated November 29, 1999, noting the reason for the addendum and recommending Council accept the report on bids and award said contract to Apex Construction Company, the low bidder. (2) Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated November 17, 1999, recommending Council accept the report on bids and award said contract.

Discussion/Action: The bid report was accepted and award of contract to Apex Construction Company, the low bidder, was approved and its execution authorized. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

6e(17) Approval of Contract Change Order No. 1 with O'Grady Paving, Inc., for the removal and replacement of asphalt concrete pavement at various locations in the City, in the amount of \$195,794, for a total contract amount of \$1,409,544. CEQA: Exempt. (Streets and Traffic)

Documents Filed: Memorandum from Director of Streets and Traffic, Wayne K. Tanda, dated November 17, 1999, recommending Council approve said contract change order with O'Grady Paving, Inc.

Discussion/Action: Contract Change Order No. 1 with O'Grady Paving, Inc. was approved and its execution authorized. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

Routine Legislation

6f(1) Approval of an ordinance amending Chapter 3.36 of the San José Municipal Code to provide for plan-approved domestic relations orders in the Police and Fire Department Retirement Plan.
(Board of Administration for the Police and Fire Retirement Plan)

Documents Filed: Memorandum from Board of Administration for the Police and Fire Department Retirement Plan Secretary, Edward F. Overton, dated November 17, 1999, recommending Council approve said ordinance.

Discussion/Action: Ordinance No. 25989, entitled: "An Ordinance of the Council of the City of San José Amending Chapter 3.36 of Title 3 of the San José Municipal Code by Adding Section 3.36.740 and by Adding Part 17 to Provide for Plan-Approved Domestic Relations Orders in the Police and Fire Department Retirement Plan", was passed for publication. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

6f(2) Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund, with a net impact to the Fund in the amount of \$119,000 for several projects. (City Manager's Office)

Documents Filed: Memorandum from Budget Director, Larry D. Lisenbee, dated November 17, 1999, recommending Council adopt said appropriation ordinance and funding sources resolution amendments in the City-Side Redevelopment Fund.

Discussion/Action: Ordinance No. 25990, entitled: "An Ordinance of the City of San José Amending Ordinance No. 25916 to Appropriate Moneys in the Services for Redevelopment Capital Projects Fund With a Total Net Impact to the Fund of \$119,000 for City Services Related to Certain Redevelopment Agency Projects; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption"; and Resolution No. 69249, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 68980 Setting Forth the Estimated Sources of Funds for the Fiscal Year 1999-2000 to Adjust Revenues in the Services for Redevelopment Capital Projects Fund", were adopted. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

6f(3) Approval of an ordinance amending Sections 3.48.132 and 3.50.131 of the San José Municipal Code to clarify the requirements for postponement of distributions from the Deferred Compensation Plan and the PTC 457 Deferred Compensation Plan. (Deferred Compensation Advisory Committee)

Documents Filed: Memorandum from Deferred Compensation Advisory Committee Secretary Jay Castellano, dated November 17, 1999, recommending Council approve said ordinance.

Discussion/Action: Ordinance No. 25991, entitled: "An Ordinance of the City of San José Amending Section 3.48.132 of Chapter 3.48 and Section 3.50.131 of Chapter 3.50 of Title 3 of the San José Municipal Code to Clarify the Provisions of the Deferred Compensation Plans Regarding Postponement of Distributions", was passed for publication. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

6f(4) (a) Approval of an ordinance amending Sections 3.36.440 and 3.36.430 of the Police and Fire Plan to delete the requirement that the annual report include a list of persons receiving benefits and the amount paid and to add the list to the Plan's record keeping requirements.

(b) Approval of an ordinance amending Sections 3.28.120 and 3.28.260 of the Federated Retirement System to delete the requirement that the annual report include a list of persons receiving benefits and the amount paid and to add the list to the system's record keeping requirements.

(Federated and Police & Fire Retirement Boards)

Documents Filed: Memorandum from Federated and Police & Fire Retirement Board Secretary Edward F. Overton, dated November 17, 1999, recommending Council approve said ordinances.

Discussion/Action: Ordinance No. 25992, entitled: "An Ordinance of the City of San José Amending Sections 3.36.430 and 3.36.440 of Chapter 3.36 of Title 3 of the San José Municipal Code to Delete the Requirement That the Police and Fire Department Retirement Plan Annual Report Include the Names and of All Persons Receiving Benefits From the Plan and the Amount of Such Benefits Paid to Each Person, and to Add a Requirement That the Board Maintain Such Information"; and Ordinance No. 25993, entitled: "An Ordinance of the City of San José Amending Sections 3.28.120 and 3.28.260 of Chapter 3.28 of Title 3 of the San José Municipal Code to Delete the Requirement That the Federated City Employees Retirement System Annual Report Include the Names and of All Persons Receiving Benefits From the Plan and the Amount of Such Benefits Paid to Each Person, and to Add a Requirement That the Board Maintain Records of Such Information", were passed for publication. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

6f(5) Approval of an ordinance amending Section 3.28.365 of the San José Municipal Code to provide the Federated Retirement Board the option of holding real estate through a 501 (c)(25) title holding corporation.
(Federated Retirement Board)

Documents Filed: Memorandum from Federated Retirement Board Secretary Edward F. Overton, dated November 17, 1999, recommending Council approve said ordinance.

Discussion/Action: Ordinance No. 25994, entitled: "An Ordinance of the City of San José Amending Section 3.28.365 of Chapter 3.28 of Title 3 of the San José Municipal Code to Provide for the Holding of Real Estate in the Federated Retirement Fund Through Title Holding Corporations", was passed for publication. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

6f(6) Approval of an ordinance amending Section 4.24.015 of Chapter 4.24 of Title 4 of the San José Municipal Code to clarify settlement authority of the City Manager and the City Attorney for stipulated awards in workers' compensation cases and to provide for reports to the City Council on an annual basis.

(City Attorney's Office)

(Rules in Lieu 12/1/99)

Documents Filed: Memorandum from City Attorney, Joan R. Gallo, dated December 1, 1999, recommending Council approve said ordinance.

Discussion/Action: Ordinance No. 25995, entitled: "An Ordinance of the City of San José Amending Section 4.24.015 of Chapter 4.24 of Title 4 of the San José

Municipal Code to Clarify Settlement Authority of the City Manager and the City Attorney for Stipulated Awards in Workers' Compensation Cases and to Provide for Reports to the City Council on an Annual Basis", was passed for publication. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

END OF CONSENT CALENDAR

COMMISSION, COMMITTEE, AND STANDING REPORTS

7a Report of the Committee of the Whole - Meeting of October 26, 1999

Documents Filed: Committee of the Whole Report of October 26, 1999, attaching a copy of the Staff presentation.

(1) Mission and Core Services of the Retirement Function

The Committee accepted the presentation that provided foundational information about the mission and core services of Retirement Services in preparation for recommendations on the Department's structure.

Discussion/Action: Upon motion by Vice Mayor Fiscalini, seconded by Council Member Diaz and unanimously carried, the Committee of the Whole Report and actions of October 26, 1999 were accepted. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

7b Report of the Rules Committee - Meeting of November 17, 1999

Documents Filed: Rules Committee Report of November 17, 1999.

(1) Review November 30, 1999 Draft Agenda

Dropped - Meeting Cancelled.

(2) Add New Items to November 23, 1999 Amended Agenda.

The Committee recommended six additions to the November 23, 1999 City Council Agenda.

(3) Meeting Schedules

None Presented.

(4) The Public Record

No Public Record filed.

(5) Boards and Commissions.

(a) Advisory Commission on Rents. Attachments: (1) Memorandum from City Clerk, Patricia L. O'Hearn, dated November 8, 1999, attaching the list of qualified applicants submitted by the Project Diversity Screening Committee for appointment to the Commission. (2) Memorandum from City Attorney, Joan R. Gallo, dated September 24, 1999, highlighting major areas of potential conflict that may be disclosed by the applications. (3) Memorandum from Council Member Woody, dated November 17, 1999, recommending applicants for the Advisory Commission on Rents and recommending the City Clerk readvertise for tenant representation to

fill the vacancy on the Commission.

The Committee [1] recommended appointment of Surendra Amin as the neutral representative and Dawn Marie Hutchinson (Incumbent) as the Landlord representative for four-year terms ending December 31, 2003; and [2] directed the City Clerk to readvertise for the tenant position.

(b) Housing Advisory Commission. Attachments: (1) Memorandum from City Clerk, Patricia L. O'Hearn, dated November 8, 1999, attaching the list of qualified applicants submitted by the Project Diversity Screening Committee for appointment to the Commission. (2) Memorandum from City Attorney, Joan R. Gallo, dated September 29, 1999, highlighting major areas of potential conflict that may be disclosed by the applications. (3) Memorandum from Council Member Diaz, dated November 15, 1999, submitting a list of candidates for the Human Rights Commission.

The Committee recommended appointment of Miriam Ayllon (Incumbent) and Stephen Sanger to fill four-year terms ending December 31, 2003.

(c) Human Rights Commission. Attachments: (1) Memorandum from City Clerk, Patricia L. O'Hearn, dated November 8, 1999, attaching the list of qualified applicants submitted by the Project Diversity Screening Committee for appointment to the Commission. (2) Memorandum from City Attorney, Joan R. Gallo, dated September 27, 1999, highlighting major areas of potential conflict that may be disclosed by the applications. (3) Memorandum from Council Member Chavez, dated November 17, 1999, submitting a list of candidates for the Human Rights Commission.

The Committee [1] recommended appointment of Ignacio Enriquez, Herman Levy, Elizabeth Nielson, and Tommy Sin to four-year terms ending December 31, 2003; and [2] directed the City Clerk to readvertise for two vacant positions.

(d) Mobile Home Advisory Commission. Attachment: Memorandum from City Clerk, Patricia L. O'Hearn, dated November 8, 1999, noting the lack of qualified applicants for consideration and stating the Office of the City Clerk will readvertise to fill the vacancy.

The Committee directed the City Clerk to readvertise for the neutral position.

(e) Parks and Recreation Commission. Attachments: (1) Memorandum from City Clerk, Patricia L. O'Hearn, dated November 8, 1999, attaching the list of qualified applicants submitted by the Project Diversity Screening Committee for appointment to the Commission. (2) Memorandum from City Attorney, Joan R. Gallo, dated September 24, 1999, highlighting major areas of potential conflict, which are disclosed by the applications. (3) Memorandum from Council Member Diquisto, dated November 15, 1999, submitting the name of a candidate for appointment to the parks and Recreation Commission.

The Committee recommended appointment of Francisco Valenzuela for an unexpired term ending June 30, 2001.

(6) Report back on request to amend the Sign Ordinance allowing A-Frame signs to be used in The Alameda and Willow Glen Neighborhood Business Districts. Attachment: Memorandum from Director of Planning, Building and Code Enforcement, James R. Derryberry, dated November 17, 1999, submitting a report on the amount of resources and administrative processes involved in amending the Sign Ordinance.

The Committee [1] directed the City Attorney to amend the Sign Ordinance to allow the use of A-Frame signs in The Alameda and Willow Glen Neighborhood Business Districts; and [2] directed the Administration to conduct a review of the impact of A-Frame signs in Neighborhood Business Districts throughout the City, using The Alameda and Willow Glen Districts as a pilot program.

Discussion/Action: See Item 9r for Council action taken.

(7) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee

None Presented.

(8) Oral communications

None Presented.

(9) Adjournment

The meeting was adjourned at 2:15 p.m.

Discussion/Action: Upon motion by Vice Mayor Fiscalini, seconded by Council Member Powers and unanimously carried, the Rules Committee Report and actions of

November 17, 1999 were accepted with Item 7b(6) acted upon at Item 9r. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

7b Report of the Rules Committee - Meeting of November 24, 1999

Documents Filed: Rules Committee Report of November 24, 1999.

(1) Review December 7, 1999 Draft Agenda

The Committee approved the December 7, 1999 City Council Agenda with six additions and two changes.

(2) Add New Items to November 30, 1999 Amended Agenda

Dropped - Meeting Cancelled.

(3) Meeting Schedules

(a) Approve City Council meeting schedule, January -August 1, 2000.

Attachments: (1) Memorandum from Interim Council Liaison, Senior Executive Assistant Deanna Santana, dated November 19, 1999, recommending approval of the City Council Meeting Schedule for the period January through August 1, 2000. (2) Memorandum from Mayor Gonzales, dated November 23, 1999, recommending changes in the scheduled Budget Calendar deleting the November Five-Year Forecast, and that the budget forecast be presented to the Finance & Technology Committee during a regularly scheduled meeting in February 2000.

The Committee [1] approved the City Council Meeting Schedule for January through August 1, 2000; [2] deleted the November Five-Year Forecast and the Mayor's November Budget message from the scheduled Budget Calendar; and [3] scheduled a Rules-In-Lieu meeting for December 1, 1999.

(4) The Public Record. Attachment: Memorandum from City Clerk, Patricia

L. O'Hearn, dated November 18, 1999, listing the items transmitted to the Administration and the items filed for the Public Record for the period November 10-16, 1999.

The Committee noted and filed the Public Record for the period November 10-16, 1999.

(5) Report back on traffic signal at Camden and Ewer/Lencar. Attachments:

(1) Memorandum from Council Member Diquisto, dated November 22, 1999, recommending the discussion of the traffic signal installation at Camden and Ewer Way/Lencar Drive to be scheduled on Council Agenda in the early part of the year 2000. (2) Memorandum from Director of Streets and Traffic, Wayne K. Tanda, dated November 18, 1999, recommending acceptance of the report with the Administration to (a) proceed with construction of a traffic signal at the intersection of Camden Avenue and Ewer Way/Lencar Drive; and (b) to solicit Council input on traffic signals being considered for construction prior to development of the Proposed Annual Traffic Capital Improvement Program.

The Committee approved the report from Wayne Tanda, Director of Streets and Traffic, and deferred reporting out this item to the February 1, 2000 evening Council meeting.

(6) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee

None Presented.

(7) Oral communications

None Presented.

(8) Adjournment

The meeting was adjourned at 2:15 p.m.

Discussion/Action: Upon motion by Vice Mayor Fiscalini, seconded by Council Member Diaz and unanimously carried, the Rules Committee Report and actions of November 24, 1999 were accepted. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

7d Report of the Economic and Community Development Committee - Meeting of December 6, 1999 (Partial)

Documents Filed: Economic and Community Development Committee Report of December 6, 1999 (Partial).

(6) Recommendation to Amend the Mobilehome Rent Ordinance to Provide Alternative Procedures for Calculation of Base Year Net Operating Income (Referred by Council September 21, 1999). Attachment: Memorandum from Director of Parks, Recreation and Neighborhood Services Mark Linder, and City Attorney Joan R. Gallo, dated November 22, 1999, recommending the Committee review and recommend approval of an ordinance amending the San José Municipal Code to provide alternative procedures for calculation of Base Year Net Operating Income.

The Committee recommended deferral of the Mobilehome Rent Ordinance to the

Economic and Community Development Committee's meeting of March 6, 2000 and that the issue be reported out to Council, as scheduled, on March 21, 2000.

Discussion/Action: See Item 9p for Council action taken.

Council Member Shirakawa, Jr. entered Council Chambers at 1:50 p.m.

7e Report of the Transportation and Environment Committee - Meeting of November 18, 1999

Documents Filed: Transportation and Environment Committee Report of November 18, 1999.

(1) Consent Calendar

(a) Status Report on Rental Car Operations at the Airport. Attachment: Memorandum from Director of Aviation, Ralph G. Tonseth, dated November 4, 1999, recommending acceptance of the status report on rental car operations at San José International Airport.

The Committee accepted the status report.

(2) Report on Airport Transportation Access Plan. Attachments: (1) Supplemental memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated November 18, 1999, transmitting a pamphlet that provides additional background information on the SJIA Airport Terminal Concept and Transportation Access Plan relating to the progress of the study and the key components of the Plan, which are relevant to this issue. (2) Memorandum from Director of Public Works Ralph A. Qualls, Jr., and Director of Aviation Ralph G. Tonseth, dated November 4, 1999, recommending (a) adoption of the Preliminary Schedule for the Airport Transportation Access Plan Improvements, and (b) adoption of a finding that the preferred Transit Connection to the Airport should include an Automated People Mover component, subject to the concurrence of the Valley Transportation Authority Board and the Federal Aviation Administration.

The Committee recommended (a) adoption of the Preliminary Schedule for the Airport Transportation Access Plan improvements; and (b) adoption of the finding that the Preferred Transit Connection to the Airport should include an Automated People Mover (APM) component, subject to the concurrence of the Valley Transportation Authority Board and the Federal Aviation Administration.

Discussion/Action: See Item 9g for Council action taken.

(3) Report and Recommendations: Cool Communities and

Procurement of "Green" Electricity. Attachment: Memorandum from Director of Environmental Services, Carl W. Mosher, dated November 4, 1999, submitting a report and recommendation that Council authorize the City Manager or his designee to host a workshop on the "Cool Communities" concept, to share and gather information about the potential program, and authorize the City Manager or his designee to further investigate the feasibility of the procurement of "green" electricity for City accounts, including the solicitation of bids if appropriate.

The Committee accepted the report and recommendations (a) to authorize the City Manager or his designee to host a workshop on the "Cool Communities" concept, to share and gather information about this potential program, and to refer this item to the Green Committee; (b) to authorize the City Manager or his designee to further investigate the feasibility of the procurement of "green" electricity

for City accounts, including the solicitation of bids, if appropriate; and (c) to provide a workplan to do education for Public Outreach.

(4) Report and Approval of City Transportation Priorities for Valley Transportation Plan 2020. Attachment: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated November 5, 1999, recommending approval of City transportation priorities for Valley Transportation Plan 2020.

The Committee recommended approval of the City Transportation priorities for Valley Transportation Plan 2020.

(5) Report and Recommendation on Priority Designation for Montague Expressway Improvements. Attachment: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated November 8, 1999, recommending adoption of a resolution designating funding priority for Montague Expressway Improvements.

The Committee accepted the report and forwarded it to Council for adoption of a resolution designating funding priority for Montague Expressway Improvements.

Discussion/Action: See Item 9q for Council action taken.

(6) Report on Proposed Draft Area Development Policy for the Edenvale Industrial Area. Attachment: Memorandum from Director of Public Works Ralph A. Qualls, Jr., and Director of Planning, Building and Code Enforcement James R. Derryberry, dated November 5, 1999, recommending acceptance of the report on proposed draft Area Development Policy for the Edenvale Industrial Area.

The Committee accepted the report on the proposed policy.

(7) Report on Proposed Projects for FY 2000-01 Transportation Development Act, Article 3 (TDA-3) Pedestrian and Bicycle Facilities Grant Program. Attachment: Memorandum from Director of Streets and Traffic, Wayne K. Tanda, dated November 4, 1999, recommending adoption of a resolution approving the list of pedestrian and bicycle projects to be submitted for FY 2000-2001 TDA grant funding and authorization for the City Manager to take all steps necessary to accept any grant funds awarded to the City.

The Committee accepted the report and forwarded it to Council for adoption of a resolution approving the list of pedestrian and bicycle projects to be submitted for FY 2000-2001 TDA grant funding and authorizing the City Manager to take all steps necessary to accept any grant funds awarded to the City.

(8) Oral petitions

None Presented.

(9) Adjournment

The meeting was adjourned at 3:35 p.m.

Discussion/Action: Upon motion by Council Member Powers, seconded by Vice Mayor Fiscalini and unanimously carried, the Transportation and Environment Committee Report and actions of November 18, 1999 were accepted with Council action on Item 7e(2) taken at Item 9g and Item 7e(5) acted upon at Item 9q. Vote: 11-0-0-0.

LAND USE AND DEVELOPMENT

8a Adoption of a resolution approving a development waiver to allow for a greater maximum floor area (FAR), number of stories and height to accommodate a 25-story, 494-room full service hotel (Marriott/Hotel East) on a 0.94 acre site in a C-3 Zoning District. CEQA: Resolution No. 68839. (Redevelopment Agency)
RCPSH 99-04-004
(Deferred from 11/9/99 - Item 8b and 11/23/99 - Item 8a)

Documents Filed: Memorandum from Special Projects Director, Bill Ekern, dated October 21, 1999, requesting authorization for a Development Waiver to allow greater floor area to accommodate a full-service hotel in a C-3 Zoning District.

Discussion/Action: This item was dropped.

GENERAL GOVERNMENT

9a (1) Direction to the Administration to continue development of the Request for Proposal (RFP) for the 2002 Recycle Plus Program.
(2) Approval of the policy directions related to the Request for Proposals (RFP).
(Environmental Services)
(Deferred from 10/26/99 - Item 9b et al., and 11/23/99 - Item 9i)

Documents Filed: Memorandum from Mayor Gonzales, dated December 7, 1999, recommending Council accept the staff report for the RFP and provides direction to Staff to address specific or additional issues as part of the proposal process.

Discussion/Action: Director of Environmental Services, Carl W. Mosher, stated the Staff report is divided into two separate actions for Council consideration; first, whether Staff should proceed with the preparation of the Recycle Plus request for proposal (RFP), and the second item on policy directions related to the RFP which has been recommended for deferral to December 14, 1999. He highlighted significant aspects of the City's waste collection process and the greatest opportunities and incentives derived from the Program, and acknowledged Staff's presence to respond to additional questions and concerns from the Council. As a point of clarification, Mayor Gonzales stated that while Council should not attempt to redesign the RFP, referrals and written commentary should be forwarded to the Administration for response on December 14, 1999. He stated the deferral of Council action on the policy issues will allow the Administration to prepare a follow-up report outlining the elements of the RFP in greater detail that will return to Council for final approval. Referencing his December 7, 1999 memorandum on the Recycle Plus RFP, he reviewed background information on Staff involvement in the process, and requested Council's approval of Staff's recommendation on the proposal. William J. Garbett spoke against the proposed action. Upon motion by Council Member Diquisto, seconded by Council Member Chavez and unanimously carried, (1) the Staff report was accepted; (2) the Recycle Plus Request for Proposal was referred back to the Administration with direction to respond to specific concerns and additional issues raised by Council and to report back to Council on December 14, 1999 for further direction on development of the RFP for the 2002 Recycle Plus Program; and (3) deferred to December 14, 1999 Item 9a(2). Vote: 11-0-0-0.

9b Approval to reject all bids on the Walnut Woods Area Site Improvements Project and authorization for the Director of Planning, Building and Code Enforcement to re-advertise and re-bid the project. CEQA: ND.
(Planning, Building and Code Enforcement)

(Deferred from 10/26/99 - Item 9e et al., and 11/23/99 - Item 9a)

Documents Filed: None.

Discussion/Action: This item was deferred to December 14, 1999.

9d Appointments to the following Boards and Commissions:

- (1) Federated Retirement Board to fill one employee/member vacancy for a term ending November 30, 2003.
- (2) Police and Fire Retirement Board to fill one Fire Department employee/member vacancy for a term ending November 30, 2003.
- (3) Suggestion Award Commission to fill 2 employee vacancies and one employee alternate for terms ending November 30, 2001.

(City Clerk)

(Deferred from 11/23/99 - Item 9b)

Documents Filed: (1) Supplemental memorandum from City Clerk, Patricia L. O'Hearn, dated November 23, 1999, certifying the results of the employee election held November 22, 1999 to nominate candidates to Council for appointment to vacancies on said Commission and Boards. (2) Memorandum from City Clerk, Patricia L. O'Hearn, dated November 10, 1999, recommending Council make appointments to the Federated Retirement Board, the Police & Fire Retirement Board, and the Suggestion Award Commission, following the November 22, 1999 employee election process.

Discussion/Action: The following individuals addressed Council in support of the employee election results with respect to the nominee B.A. "Tony" Cokely for the Employee Representative position on the Federated Board of Administration: Deborah A. Powell, President, Confidential Employee Organization; Tom Brim, ABMEI, Inspectors Union; Bill Pope, President, MEF, AFSCME; Don Dietrich, Operating Engineers, Local 3; and Wayne G. Paigly, IBEW 332. Upon motion by Council Member Powers, seconded by Council Member Woody and unanimously carried, the recommendation that appointments to each Office should be acted upon separately was approved. Vote: 11-0-0-0. Upon motion by Council Member Powers, seconded by Council Member Woody and unanimously carried, Stephanie Menzies and Ken Wright were appointed to fill two vacancies on the Suggestion Award Commission, and James E. Talbott was designated as the Alternate Employee Representative - all to terms, which expire November 30, 2001. Vote: 11-0-0-0. Upon motion by Council Member Powers, seconded by Council Member Dando and unanimously carried, Mark J. Skeen was appointed to serve upon the Police and Fire Retirement Board of Administration to fill a term, which expires November 30, 2003. Vote: 11-0-0-0. Upon motion by Council Member Powers, seconded by Council Member Woody and carried, Mike M. Yoshimoto was appointed to the Employee Representative seat on the Federated Retirement Board for a term, which expires November 30, 2003. Vote: 7-4-0-0. Noes: Chavez, Diaz, Diquisto, Shirakawa Jr. Council Member LeZotte suggested Council refer to the appropriate group the issue of term limits for Retirement Board Officers. City Attorney Joan R. Gallo stated the Retirement Boards have powers and duties to make policy direction to the Council, and that the Office of the City Attorney will advise and provide relevant information to the Boards and report back to Council. Council Member Matthews requested the City Clerk to provide Council with information on the procedures governing elections conducted among officers and employees. Upon motion by Council Member LeZotte, seconded by Council Member Powers and unanimously carried, the referral to the City Attorney to work with the Boards on term limits was approved and the City Clerk directed to provide Council with information on employee election procedures. Vote: 11-0-0-0.

9e Adoption of a resolution:

(1) Authorizing a transfer of funds in the amount of \$4,550,000 from the 20% Housing Fund, with \$2,250,000 being deposited in the General Fund and the balance being deposited in the Service Yards Construction and Conveyance Tax Fund to make the Roberts Street site available for affordable housing development.

(2) Authorizing the Director of Housing to issue a Request for Proposals to housing developers for the development of the City-owned property at the northeast corner of Roberts Street and Vintage Way with approximately 100 units of senior rental housing and 36 single-family detached for-sale units.

(3) Finding that the use of the 20% Housing Fund for the transfer of the City's Roberts Street site to the Department of Housing is a benefit to the City's Redevelopment Project Areas.

(Public Works/Housing)

(Deferred from 11/23/99 - Item 9f)

Documents Filed: None.

Discussion/Action: Council Member Shirakawa, Jr. requested Council defer this item to the first meeting in January 2000 to allow the Department ample time to compile requested information. Upon motion by Council Member Shirakawa, Jr., seconded by Council Member Chavez and unanimously carried, this item was deferred to January 11, 2000. Vote: 11-0-0-0.

9f Adoption of a resolution authorizing the City Manager to negotiate and execute:

(1) Amended and restated concession agreements with current on-Airport rental car operators Avis Rent A Car System, Inc., Budget Rent A Car Systems, Inc., Dollar Rent a Car Systems, Inc., and The Hertz Corporation, and National Car Rental System, Inc., extending the term through March 31, 2005, with annual estimated combined revenue to the City of \$12,000,000.

(2) Third amendments to the service center ground leases with Avis Rent A Car System, Inc., Budget Rent A Car Systems, Inc., Dollar Rent A Car Systems, Inc., and The Hertz Corporation, and a fourth amendment to the ground lease with National Car Rental System, Inc., extending the term through March 31, 2005, with annual estimated combined revenue to the City of \$215,000.

(3) Concession agreements with new on-Airport rental car operators Alamo Rent A Car, Inc., Enterprise Rent A Car Company of San Francisco, Fox Rent A Car, Inc., KRH Enterprises, Inc. d.b.a. Payless Rent A Car, and San Ramon Carriage Company, Inc. d.b.a. Thrifty Car Rental, for the period December 8, 1999 to March 31, 2005, with annual estimated combined revenue to the City of \$2,000,000.

(4) Vehicle storage ground leases with Alamo Rent A Car, Inc., Enterprise Rent A Car Company of San Francisco, Fox Rent A Car, Inc., KRH Enterprises, Inc. d.b.a. Payless Rent A Car, and San Ramon Carriage Company for the right to occupy space at the San José International Airport for the period April 1, 2000 to March 31, 2005, with annual estimated combined revenue to the City of \$69,000.

CEQA: Resolution No. 67380. (Airport)

Documents Filed: (1) Supplemental memorandum from Director of Aviation, Ralph G. Tonseth, dated November 29, 1999, providing additional information pertaining to the amended and restated concession agreements. (2) Memorandum from Director of Aviation, Ralph G. Tonseth, dated November 17, 1999, recommending Council

approve said leases and amendments to said agreements.

Discussion/Action: Upon motion by Vice Mayor Fiscalini, seconded by Council Member Powers and unanimously carried, Resolution No. 69250, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Amended and Restated On-Airport Rental Car Concession Agreements and Service Center Ground Leases for the Current On-Airport Rental Car Operators to Extend the Terms of the Agreements and to Provide for the Relocation of On-Airport Rental Car Operations to the Green Lot; and Authorizing the City Manager to Negotiate and Execute Concession Agreements and Vehicle Storage Ground Leases for New On-Airport Rental Car Operators", was adopted. Vote: 11-0-0-0.

9g (1) Adoption of the Preliminary Schedule for the Airport Transportation Access Plan improvements.

(2) Approval of a recommendation that the locally preferred Transit Connection alternative to the Airport for project development and environmental analysis should include an Automated People Mover (APM) component, subject to the concurrence of the Valley Transportation Authority Board and the Federal Aviation Administration.

[Transportation and Environment Committee referral 11/18/99 - Item 7e(2)]

Documents Filed: None.

Discussion/Action: This item was deferred to December 14, 1999.

9h Adoption of a resolution establishing the City Manager Money Purchase Retirement Plan, authorizing the Director of Human Resources or her designee to execute the Declaration of Trust of the ICMA Retirement Trust and all agreements with the ICMA Retirement Corporation incidental to the establishment and administration of the plan, and naming the Benefits Administrator as coordinator of the plan. (City Attorney's Office)

Documents Filed: Memorandum from City Attorney, Joan R. Gallo, dated December 2, 1999, recommending Council adopt said resolution.

Discussion/Action: Upon motion by Vice Mayor Fiscalini, seconded by Council Member LeZotte and unanimously carried, Resolution No. 69251, entitled: "A Resolution of the Council of the City of San José Establishing the City Manager Money Purchase Retirement Plan, Authorizing the Director of Human Resources or Her Designee to Execute the Declaration of Trust of the ICMA Retirement Trust, Authorizing the Director of Human Resources to Execute All Necessary Agreements With the ICMA Retirement Corporation Incidental to the Establishment and Administration of the Plan, and Naming the Benefits Administrator as Coordinator for the Plan", was adopted. Vote: 11-0-0-0.

9i Adoption of a resolution referring the Airport Traffic Relief Act, an ordinance proposed by initiative petition, to the March 7, 2000 ballot, and if any, such other measures as may be appropriate. (City Clerk)

Documents Filed: (1) Memorandum from City Attorney, Joan R. Gallo, dated December 6, 1999, recommending ballot language for the Airport Traffic Relief Act initiative. (2) Memorandum from City Clerk, Patricia L. O'Hearn, dated December 7, 1999, recommending Council adopt said resolution.

Discussion/Action: William J. Garbett spoke against the proposed action. Upon

motion by Vice mayor Fiscalini, seconded by Council Member Matthews and unanimously carried, Resolution No. 69252, entitled: "A Resolution of the Council of the City of San José Ordering the Submission to the Electors of the City of San José, for the Electors' Approval or Rejection, an Initiative Ordinance Entitled the 'Airport Traffic Relief Act'; Setting Forth Such Measure in Full; Specifying the Form and Content of Such Measure as it is to Appear on the Ballot; Directing the City Clerk to Advertise Such Measure as Required by Law and to Do All Other Things Required to Submit the Measure to the Electors of the City of San José at the General Municipal Election to be Held March 7, 2000", was adopted. Vote: 11-0-0-0.

9j (1) Approval of the modifications to the original design of the San José Future Teacher Program.

(2) Adoption of a resolution authorizing the City Manager to execute loan documents for the San José Future Teacher Loan Program.
(City Manager's Office)

Documents Filed: Memorandum from City Manager, Del Borgsdorf, dated November 23, 1999, recommending Council approve the modifications to the original design of the referenced Program and adopt said resolution.

Discussion/Action: Upon motion by Vice Mayor Fiscalini, seconded by Council Member Powers and unanimously carried, the modifications to the original design of the San José Future Teacher Program were approved, and Resolution No. 69253, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute Loan Documents for Loans Issued Under the San José Future Teacher Loan program", was adopted. Vote: 11-0-0-0.

9k Acceptance of the report on the activities of the Curfew Monitoring Committee for the San José International Airport. (Curfew Monitoring Committee)

Documents Filed: None.

Discussion/Action: This item was deferred to December 14, 1999.

9l Adoption of a resolution amending Resolution Nos. 67837 and 67930 related to the use of group bid construction processes to retrofit private properties for the use of recycled water, decreasing the total amount allocated to mid-size retrofits from \$2,000,000 to \$1,000,000, and increasing the total amount allocated to small size retrofits from \$750,000 to \$1,750,000, with no change in the overall group bid retrofit budget. CEQA: Resolution No. 64667. (Environmental Services)

Documents Filed: (1) Memorandum from Director of Environmental Services, Carl W. Mosher, dated November 17, 1999, recommending Council adopt said resolution. (2) Supplemental report from San José/Santa Clara Water Pollution Control Plant, Treatment Plant Advisory Committee Chairperson Bob Livengood, dated November 19, 1999, recommending adoption of said resolution.

Discussion/Action: Upon motion by Vice Mayor Fiscalini, seconded by Council Member Powers and unanimously carried, Resolution No. 69254, entitled: "A Resolution of the Council of the City of San José Amending the Approved Amounts and the Authority of the Director of Environmental Services for Use of Small and Mid-Size Group Bid Retrofit Construction Processes for the South Bay Water Recycling Customer Retrofit Program", was adopted. Vote: 11-0-0-0.

9m (1) TEFRA Hearing for the issuance of up to \$16,050,000 in

tax-exempt multifamily housing revenue bonds for the Kimberly Woods Apartment Project.

(2) Adoption of a resolution:

(a) Authorizing the issuance of tax-exempt multifamily housing revenue refunding bonds (the "Refunding Bonds") in the principal amount not to exceed \$16,050,000, and approving the refinancing of a loan to Kimberly Woods Associates, a California general partnership, in connection with the Kimberly Woods Apartment Project (the "Project").

(b) Approving the forms of the Refunding Bonds, First Supplemental Indenture of Trust, Trust Indenture, Financing Agreement, Amended and Restated Regulatory Agreement, and Declaration of Restrictive Covenants, Intercreditor Agreement, Bond Purchase Agreement, Official Statement, and Remarketing Agreement; and authorizing the City Manager or his designees, Directors of Finance and Housing, to execute and, as appropriate, to negotiate, and deliver these and other related documents as necessary.

(c) Authorizing the City Attorney to negotiate and execute an agreement with Jones Hall for Bond Counsel services in an amount not to exceed \$60,000. (Housing/Finance)

Documents Filed: See December 14, 1999, Item 9z.

Discussion/Action: Mayor Gonzales opened the TEFRA Public Hearing to consider the issuance of bonds in tax-exempt multi-family housing revenues bonds for the Kimberly Woods Apartment Project. There was no discussion from the Floor. Upon motion by Council Member Powers, seconded by Vice Mayor Fiscalini and unanimously carried, the TEFRA public hearing was closed, and Item 9m(2)(a)-(c) deferred to December 14, 1999. Vote: 11-0-0-0.

Council Member Diquisto left the meeting at 2:30 p.m.

9n (1) Adoption of a resolution authorizing the City Manager to negotiate and execute an amendment to the agreement with Managing Total Performance, Inc. for the development of a strategic master plan for the Information Technology Department, at an additional cost of \$118,000, for a total cost of services not to exceed \$305,000.

(2) Acceptance of San José's Year 2000 Project. (Information Technology)

Documents Filed: (1) Memorandum from Information Technology Director, Ken Phillips, dated November 30, 1999, recommending Council adopt said resolution. (2) Memorandum from Information Technology Director, Ken Phillips, dated November 17, 1999, recommending Council accept the status report on San José's Year 2000 Project. (3) Hard copies of the Staff presentation entitled "City of San José Y2K Moving Forward".

Discussion/Action: City Manager Del Borgsdorf stated the Administration will provide Council with information on the Information Technology Strategic Master Plan, which requires approval to proceed with the next component, and a summary and overview of the City's readiness to address the challenges, which the new millennium presents. In his comprehensive presentation of background information on the Department's progress in its delivery of key services to City Departments, Information Technology Director Ken Phillips began with the inauguration of the Department's Organizational Alignment and Assessment Project with the consulting firm of Managing Total Performance which encompasses a review of the existing IT organization and various organizational models to determine if the structure should be modified to better support and increase effectiveness of all City Departments. With the integration of the Assessment

and the Investing in Results efforts, he stated one-half of the Assessment has been completed and that the next step in the Assessment process is the formation of best practice teams, to allow IT customers to provide input on their current and future priorities. He stated the consulting firm's detailed workplan contains six major tasks, from Task #1, which establishes the mechanism for participation of major stakeholders and interested parties throughout the entire planning and implementation processes, and Tasks two through five that formulate the substance and content of the master plan. He stated the consulting firm of Managing Total Performance will produce a final draft of the master plan that will include an Executive Summary. He summarized the elements of the master plan identified in the Staff report, and discussed in detail each of the six Tasks: (1) Establish a Coalition to Guide, Direct and Monitor the Master Planning Effort. (2) Review and Document City of San José's Information Technology Business Goals and Objectives. (3) Create an Information Technology Framework to Manage Resources That Will Support Business Goals and Objectives. (4) Assess Existing Information Technology Environment. (5) Develop Strategic Goals Key Initiatives, Action Plan, Policies and Standards. (6) Produce the Final Master Plan. He stated the Department of Information Technology believes the Master Plan to be a "living document", and will be responsible for convening the IT Planning Board on an annual basis, in the Fall prior to the annual budget process, to evaluate and reset priorities, based on any change in needs, and to ensure that the master plan maintains its relevancy. With respect to the composition of the Information Technology Planning Board, Mayor Gonzales suggested that Staff involve only those industries that purchase and/or are users of large high-tech systems but who are not manufacturers of those systems. Upon motion by Council Member Woody, seconded by Council Member Chavez and unanimously carried, Resolution No. 69255, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute An Amendment to the Agreement With Managing Total Performance for the Development of a Strategic Master Plan for the Information Technology Department", was adopted. Vote: 11-0-0-0. Deputy Director of Finance on assignment as Year 2000 Project Manager/Information Technology Mark Burton used graphics to highlight significant aspects of the Year 2000 Project informational report documenting three years of collaboration with the Year 2000 Task Force and the Public Health & Safety subcommittee of the Y2K Task Force, culminating in a comprehensive and standardized approach to inventory, assessment, remediation and replacement of computer hardware, software, embedded systems/chips, and equipment. He stated all mission critical and essential applications and systems are now Y2K ready. He stated all City Departments have completed Contingency Plans that will be implemented, if required, to minimize any disruption of critical services. Because of the City's dependency on others for key services and products, he stated specific steps have been taken to ensure continuity of critical services, should interruptions occur, and that City services will have significant deployment of personnel to ensure the delivery of public health and safety services on New Years. He identified various City systems and their functions which are Y2K compliant and prepared for the challenges of the next century, elaborated on public information and outreach activities, including mass media productions and distribution of periodicals in Spanish, Vietnamese and English, and described the testing processes utilized to test functionality of several systems. He identified major commitments of Y2K funds, with the remaining amount to be used to address Y2K support needs and yearend overtime expenditures that cannot be absorbed by departments in their current year budget, and assured Council that the City of San José's goal for Y2K preparedness has been achieved. Referencing the Report, Council Member Dando noted the absence of CPR training for middle school and high school students; queried Staff on a plan to introduce such a program to ninth graders throughout the City of San José; and requested that the

Administration provide Council with an informational report on the implementation of a pilot CPR Training Program in accordance with the Mayor's Budget Message. Police Captain Thomas E. Brewer presented an overview of the Police Department's Y2K planning and preparation, primarily for the Downtown area--Santa Clara Street from Almaden Boulevard to Second Street, Entertainment Zone 1--with 7,820 guests anticipated, Zone 2--with 17,239 guests expected, and Zone 3--expectation of 7,522 guests, and for scheduled New Years Eve activities in the area of Market and Post Streets. He assured Council that the achievement of the Emergency Plan is predicated on the flexibility of the four Command Posts, Special Operations and Emergency Units, 175 Police Officers and immediate deployment of available emergency services. Upon motion by Council Member Woody, seconded by Council Powers and unanimously carried, the status report on San José's Year 2000 Project was accepted with all participants commended for their outstanding performance. Vote 10-0-1-0. Absent: Diquisto.

9o Direction to the City Attorney to prepare an urgency ordinance imposing a moratorium on demolition permits for single family homes, except for health and safety reasons or at the direction of the Appeals Hearing Board, for a period of six months, or until an ordinance or ordinances are effective which amend the development standards and establish a discretionary review process for single family homes, whichever is first. (LeZotte)

Documents Filed: Memorandum from Council Member LeZotte, dated December 6, 1999, recommending the preparation of said urgency ordinance on the imposition of a moratorium on demolition permits for single-family homes.

Discussion/Action: Council Member LeZotte introduced the moratorium as a reasonable and appropriate step to take at this time to preserve the integrity and protect the character and quality of San José neighborhoods. She stated the moratorium on demolition permits for smaller homes, in preparation for construction of larger homes, should be effective 5:00 p.m. on December 7, 1999. As a point of clarification, City Attorney Joan R. Gallo stated the urgency ordinance would define the interim period, the effective date of the moratorium and its duration, and will be prepared by the Office of the City Attorney for Council action on December 14, 1999. William J. Garbett spoke against the proposed action. Upon motion by Council Member LeZotte, seconded by Council Member Chavez and unanimously carried, the City Attorney was directed to prepare an urgency ordinance for presentation to Council on December 14, 1999 imposing a moratorium on demolition permits for single family homes, except for health and safety reasons or at the direction of the Appeals Hearing Board, for a period of six months or until an ordinance or ordinances are effective which amend the development standards and establish a discretionary review process for single family homes, whichever is first. Vote 10-0-1-0. Absent: Diquisto.

Council Member Diquisto returned to the meeting during discussion of Item 9p

9p Approval of an ordinance amending Chapter 17.22 of Title 17 of the San José Municipal Code, the Mobilehome Rent Regulations, to add sections 17.22.030, 17.22.495, and 17.22.815 to provide for alternative base year procedures, and to repeal Ordinance No. 25958.

[Economic and Community Development Committee referral - Item 7d(6)]

Documents Filed: (1) Memorandum from Deputy City Manager, Lynn Macy, dated December 6, 1999, responding to a referral to the Committee from the City Council regarding changes to the Mobilehome Rent Ordinance. (2) Memorandum from City Attorney, Joan R. Gallo, dated December 1, 1999, recommending Council adopt said ordinance.

Discussion/Action: City Attorney, Joan R. Gallo stated the City Council on September 21, 1999 approved an urgency ordinance amending the Mobilehome Rent Ordinance to provide the Hearing Officer greater discretion to grant rent increases based upon other data when records regarding income and expense for 1985 were missing, and referred the subject matter to the Mobilehome Advisory Commission for appropriate review. She stated the Mobilehome Advisory Commission considered the referral at their October 1999 regular meeting during which representatives of the Manufactured Housing Education Trust and the California Mobilehome Resource Action Association participated, and at a special meeting on November 18, 1999 recommended approval on a three to one vote the provisions contained in the Urgency Ordinance. She stated the amendments contained in that Urgency Ordinance would be incorporated permanently into the Mobilehome Rent Ordinance provisions of the San José Municipal Code. Dave Hennessy and Bruce Stanton, representing the California Mobilehome Resource and Action Association, spoke in support of the amendment to the Ordinance. Jorj Tilson of the Manufactured Housing Educational Trust of Santa Clara County, Inc. and William J. Garbett spoke against the proposed action. Upon motion by Council Member Diaz, seconded by Council Member LeZotte and unanimously carried, the Economic and Community Development Committee Report of December 6, 1999 on Item 7d(6) was accepted, with the Committee recommendation to defer action on the Ordinance to March 6, 2000, denied, and Ordinance No. 25996, entitled: "An Ordinance of the City of San José Amending Chapter 17.22 of Title 17 of the San José Municipal Code, the Mobilehome Rent Regulations, to Add Sections 17.22.030, 17.22.495 and 17.22.815 to Provide for Alternative Base Year Procedures and to Repeal Ordinance No. 25958", was passed for publication. Vote: 11-0-0-0.

9q Adoption of a resolution establishing the widening of Montague Expressway as a priority for regional transportation funding.

[Transportation and Environment Committee referral - Item 7e(5)]

Documents Filed: See Transportation and Environment Committee Report of November 18, 1999, Item 7e(5).

Discussion/Action: Upon motion by Council Member Matthews, seconded by Council Member Powers and unanimously carried, Resolution No. 69256, entitled: "Resolution of the Council of the City of San José Establishing the Improvement of Montague Expressway as a Priority for Regional Transportation Funding", was adopted. Vote: 11-0-0-0.

9r Approval of an ordinance amending Section 23.04.830 of Chapter 23.04 of Title 23 of the San José Municipal Code to allow temporary A-frame signs in the public right-of-way in the Willow Glen and Alameda Neighborhood Business Districts. CEQA: Exempt. (City Attorney's Office)

[Rules Committee referral 11/17/99 - Item 7b(6)]

Documents Filed: See Rules Committee Report of November 17, 1999, Item 7b(6).

Discussion/Action: Upon motion by Vice Mayor Fiscalini, seconded by Council Member Powers and unanimously carried, Ordinance No. 25997, entitled: "An Ordinance of the City of San José Amending Section 23.04.830 of Chapter 23.04 of Title 23 of the San José Municipal Code to Allow Temporary A-Frame Signs in the Public Right of Way in the Willow Glen and The Alameda Neighborhood Business Districts", was passed for publication. Vote: 11-0-0-0.

9s Direction to the City Attorney to draft an ordinance amending the Sign Ordinance to:

(1) Amend the Downtown Zone to allow buildings one hundred forty (140) feet or greater in height above grade to have either skyline signs or roof signs which shall not reduce otherwise allowable signage for the building.

(2) Create a Special Zone to allow buildings in the Rincon Specific Plan Area eighty-five (85) feet or greater in height above grade to have skyline signs, subject to the same requirements as in the Downtown Sign Zone.

(Chavez/Mayor)

(Rules in Lieu 12/1/99)

Documents Filed: Memorandum from Mayor Gonzales and Council Member Chavez, dated December 3, 1999, recommending Council approve the amendments to the Sign Ordinance.

Discussion/Action: Council Member Chavez referenced the December 3, 1999 memorandum co-authored by Mayor Gonzales containing revisions to specific sections in the Sign Ordinance. She compared the current provisions of the Downtown and Airport Sign Zones of the Sign Ordinance with the proposed changes that would allow skyline signs on buildings of a certain height in the downtown, add a requirement that signs reflect the quality of the building, and make all parts of the Sign Ordinance internally consistent. She recommended Council direct the City Attorney to draft an ordinance amending the Sign Ordinance in accordance with the proposed modifications. Council Member Powers suggested the Administration contact appropriate State and Federal regulatory agencies to ensure overall compliance with height and size of roof signs in the Downtown and Rincon South areas. Roger Dunbar of Ernst & Young LLP, and Bruce Welch, representing InfiNeon Technologies spoke in support of the proposed amendments to the Sign Ordinance. William J. Garbett spoke against the proposed action. Upon motion by Council Member Chavez, seconded by Council Member LeZotte and unanimously carried, the amendments were referred to the City Attorney for inclusion in the Sign Ordinance. Vote: 11-0-0-0.

9t (1) Recommendation to approve the Preliminary Schedule for the Airport Transportation Access Plan improvements and approve the Automated People Mover for project development and environmental analysis, as proposed by staff, and as endorsed by the Airport Traffic Relief Alliance; and

(2) Adoption of an urgency ordinance and approval of a regular ordinance amending Title 25 of the San José Municipal Code by adding a new Chapter 25.04 to be entitled "Airport Traffic Relief Act," to provide for additional terminal gates at the Airport pursuant to the Airport Master Plan.

CEQA: Resolution No. 67380. (Mayor's Office)

(Rules in Lieu 12/1/99)

Documents Filed: None.

Discussion/Action: This item was deferred to December 14, 1999

The City Council recessed at 4:10 p.m. and reconvened with all Council Members present at 4:25 p.m. in Room 106 to consider Item 9c.

9c Approval of the Civic Center Conceptual Design. (Public Works)
(Deferred from 11/16/99 - Item 9d)

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated November 24, 1999, recommending Council (1) approve the Civic Center Conceptual Design Scheme B incorporating specific components; (2) direct Staff to proceed to the Schematic Design Phase of the project and report back to Council with a detailed refined design scheme based on the referenced concept,

including proposed materials, color palette and other details of the project; (3) direct Staff to report back to Council as part of the Schematic Design Phase with options and corresponding cost estimates for additional features and materials for Council consideration; and (4) direct Staff to work with the Redevelopment Agency to coordinate the New Civic Center design concept with the Civic Center Urban Design Plan and report back to the Council at the Schematic Design phase with recommendations as appropriate.

Discussion/Action: Director of Public Works, Ralph A. Qualls, Jr., summarized Staff recommendation for Council (1) to approve Civic Center Conceptual Design Scheme B incorporating several components, and (2) direct Staff to (a) proceed to the Schematic Design Phase of the project and report back to Council with a detailed refined design scheme based on the recommended concept, including proposed materials, color palette and other details of the project, (b) report back to Council as part of the Schematic Design phase with options and corresponding cost estimates for additional features and materials for Council consideration, and (c) work with the Redevelopment Agency to coordinate the New Civic Center design concept with the Civic Center Urban Design Plan and report back to the Council at the Schematic Design phase with recommendations as appropriate. In response to Council's request of September 14, 1999 for additional information on a variety of design schematics, cost estimates of other options, and reconsideration of a design within the initial cost estimates for the new Civic Center, the architectural design team of Richard Meier & Partners, Architects, displayed and discussed five additional design concepts for Council consideration. Richard Meier stated Schemes A through E are considerably different from the original concept and are an attempt to address specific urban and site design issues raised by Council and the Mayor. He stated the concepts have been developed without consideration of the plaza and massing criteria contained in the Civic Center Urban Design Plan, all of which have below-grade parking for visitors, and could be further studied for more on-site underground parking if necessary. He stated the design team is recommending approval of the Conceptual Design Scheme B incorporating specific components for evaluation and further development during the schematic phase, as it provides a ceremonial forecourt, an atrium that opens onto the forecourt, and retains a central plaza and an east building for a permit center. He stated the concept would provide the environmentally sustainable and architecturally notable City Hall complex that has been requested by the community and the City Council. Providing Council approves the recommended design, he stated the Architect would proceed to the next phase of the project - the schematic design - with an anticipated completion date of April 2000, which will allow for community input in the March-April 2000 timeframe; after which the design development and construction documents would be prepared, with the final construction documents scheduled for delivery in early 2001. Richard Meier responded to numerous questions and concerns relative to each design concept, and given the lack of Council consensus on any of the conceptual designs, was directed to meet with City Staff on the issues raised and report back in January 2000 with a process which can be utilized in identifying acceptable design features for Council consideration. Upon motion unanimously adopted, Mayor Gonzales and Vice Mayor Fiscalini to work with City Staff and the architect to (1) review all recommendations and suggestions presented by the City Council, (2) to draft alternative options for presentation to the full Council, and (3) to report back in January 2000 with a process which can be utilized to reach consensus on a design for the new Civic Center. Vote: 11-0-0-0.

RECESS/RECONVENE

Council recessed at 5:30 p.m. and reconvened at 7:05 p.m. in Council Chambers,

City Hall.

Present: Council Members: Chavez, Dando, Diaz, Diquisto, Fiscalini, LeZotte, Matthews, Powers, Shirakawa, Jr., Woody; Gonzales

Absent: Council Members: None.

City Clerk, Patricia L. O'Hearn read the requests for continuances of applications and other actions as recommended. Upon motion by Council Member Diquisto, seconded by Council Member Matthews and unanimously carried, the below noted continuances and other actions were granted. Vote: 11-0-0-0.

PUBLIC HEARINGS

15a PUBLIC HEARING and adoption of a resolution authorizing the reorganization of territory designated as Monterey Park #103, which involves the annexation to the City of San José of 60.55 acres of land, located on the south side of Curtner Avenue, opposite Stone Avenue, and the detachment of the same from the Central Fire Protection District, Santa Clara County Library Service District, and the Santa Clara Valley Water District. CEQA: Resolution No. 65459. (Planning, Building, and Code Enforcement)

(Continued from 2/16/99 - Item 15b et al., and 10/5/99 - Item 15a)

Documents Filed: None.

Discussion/Action: This item was continued to February 1, 2000.

15i PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the east side of Cypress Avenue, 40 feet northerly of Olsen Drive, from R-1:B-8 Residence Zoning District to A(PD) Planned Development Zoning District, to allow one single-family detached and two single-family attached residential units on 0.37 gross acre. (Daryoush Marhamat, Owner/Developer). CEQA: Incomplete.

PDC 98-09-069 - District 1

(Continued from 3/2/99 - Item 15d et al., and 11/2/99 - Item 15c)

Documents Filed: None.

Discussion/Action: This item was continued to January 18, 2000.

15k PUBLIC HEARING ON CONFORMING REZONING of the property located on the south side of Vermont Street, approximately 350 feet westerly of Myrtle Street, from C-L Commercial Zoning District to R-3 Residence Zoning District, to allow residential uses on 0.22 gross acre. (Bob Mikolic, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building, and Code Enforcement recommends approval. No Planning Commission action required.

C 97-09-068 - District 6

Documents Filed: None.

Discussion/Action: This item was continued to January 18, 2000.

15e PUBLIC HEARING and adoption of a resolution confirming the Weed Abatement Report (Hazardous Vegetation Commencement Report as titled by Santa Clara County) for the year 2000 compiled by the Office of Santa Clara County Fire Marshal. (Planning, Building, and Code Enforcement)

Documents Filed: (1) Memorandum from Director of Planning, Building and Code Enforcement, James R. Derryberry, dated November 22, 1999, recommending Council adopt said resolution. (2) Affidavit of Mailing of the Notice of Public Hearing for the City of Santa Clara, from the County of Santa Clara Environmental Resources Agency Fire Marshal's Office - Santa Clara County Fire Department, to affected applicants and property owners, dated November 15, 1999.

Discussion/Action: Mayor Gonzales opened the public hearing on the Weed Abatement Report compiled by the Office of Santa Clara Fire Marshal. There was no discussion from the Floor. Upon motion by Vice Mayor Fiscalini, seconded by Council Member Shirakawa, Jr. and unanimously carried, the public hearing was closed and Resolution No. 69257, entitled: "A Resolution of the Council of the City of San José Accepting the County of Santa Clara's Year 2000 Hazardous Vegetation Commencement Report of Seasonal and Recurrent Weeds and Refuse, and Directing the Director of Planning, Building and Code Enforcement to Cause the Santa Clara County Fire Marshal to Abate the Public Nuisances Consisting of Seasonal and Recurrent Weeds and Refuse on Properties Listed in the Year 2000 Hazardous Vegetation Commencement Report", was adopted. Vote: 11-0-0-0.

15f PUBLIC HEARING and adoption of a resolution vacating a portion of a Public Utility Easement on former Eighth Street, between Jackson and Taylor Streets. CEQA: Negative Declaration. (Public Works)

Documents Filed: (1) Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated November 17, 1999, recommending Council adopt said resolution. (2) Proof of Publication of Resolution No. 69208 adopted November 16, 1999, approving the map and setting the public hearing on the conditional vacation, executed on November 24, 1999 and submitted by the City Clerk.

Discussion/Action: Mayor Gonzales opened the public hearing on the proposed vacation. There was no discussion from the Floor. Upon motion by Vice Mayor Fiscalini, seconded by Council Member Diquisto and unanimously carried, the public hearing was closed and Resolution No. 69258, entitled: "Resolution of the Council of the City of San José Vacating a Portion of a Public Utility Easement on Former Eighth Street Between Jackson Street and Taylor Street", was adopted. Vote: 11-0-0-0.

15g PUBLIC HEARING and adoption of a resolution conditionally vacating Dove Hill Road, between Colt Way and Deans Place Way, and reserving a portion as a Public Service Easement. CEQA: Negative Declaration. (Public Works)

Documents Filed: (1) Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated November 17, 1999, recommending Council adopt said resolution. (2) Proof of Publication of Resolution No. 69209 adopted November 16, 1999, approving the map and setting the public hearing on the conditional vacation, executed on November 24, 1999 and submitted by the City Clerk.

Discussion/Action: Mayor Gonzales opened the public hearing on the proposed vacation. The following individuals spoke in support of the vacation: Mervin R. Payne; and Vince Cantore, representing Ryland Homes. Upon motion by Council Member Woody seconded by Council Member Matthews and unanimously carried, the public hearing was closed and Resolution No. 69259, entitled: "Resolution of the Council of the City of San José Conditionally Vacating a Portion of Dove Hill Road", was adopted. Vote: 11-0-0-0.

15j PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the east side of Murillo Avenue, 300 feet northerly of Villa Vista Road, from

A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow the development of 1,769,060 square feet of Campus Industrial buildings on 122 gross acres. [Syntex (U.S.A.) Inc., Owner/Developer] CEQA: Resolution No. 65629. Director of Planning, Building, and Code Enforcement recommends approval. Planning Commission recommends approval (5-0-1).

PDCSH 99-06-057 - District 8

Documents Filed: (1) Memorandum from the Planning Commission, dated November 17, 1999, recommending Council adopt an ordinance approving the subject rezoning. (2) Public Hearing Notice to consider a change in Zoning for PDCSH 99-06-057, dated October 14, 1999, and Proof of Publication executed on October 22, 1999, submitted by the City Clerk.

Discussion/Action: Mayor Gonzales opened the public hearing on the planned development rezoning of the subject property. There was no discussion from the Floor. Upon motion by Council Member Woody, seconded by Council Member LeZotte and unanimously carried, the public hearing was closed, the Planning Commission recommendation approved, and Ordinance No. 26000, entitled: "Ordinance of the City of San José Rezoning Certain Real Property Located at the East Side of Murillo Avenue, 300 Feet Northerly of Villa Vista Road", was passed for publication. Vote: 11-0-0-0.

15l PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the west side of South 23rd Street, 86 feet southerly of East Santa Clara Street, from C-3 Commercial and R-3 Residence Zoning District to A(PD) Planned Development Zoning District, to allow 2 single-family attached dwelling units on 0.18 gross acre. (Chien Kun Chiang, Owner/Developer). CEQA: Exempt. Director of Planning, Building, and Code Enforcement recommends approval. Planning Commission recommends approval (6-0-1).

PDC 99-01-004 - District 3

Documents Filed: (1) Memorandum from the Planning Commission, dated November 18, 1999, recommending Council adopt an ordinance approving the subject rezoning. (2) Public Hearing Notice to consider a change in Zoning for PDC 99-01-004 dated October 25, 1999, and Proof of Publication executed on November 5, 1999, submitted by the City Clerk.

Discussion/Action: Mayor Gonzales opened the public hearing on the planned development rezoning of the subject property. Council Member Chavez recommended approval of the rezoning with direction to Staff to work with the applicant to further refine the design to ensure appropriate unit design and to include the District 3 Office in those discussions. Upon motion by Council Member Chavez, seconded by Council Member LeZotte and unanimously carried, the public hearing was closed, the Planning Commission recommendation approved, and Ordinance No. 26001, entitled: "Ordinance of the City of San José Rezoning Certain Real Property Situated at the West Side of South 23rd Street, 86 Feet Southerly of East Santa Clara Street", was passed for publication and Staff directed to work with District 3 Office at the Planned Development Permit stage of the project to ensure better articulation of the building. Vote: 11-0-0-0.

15m PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the west side of Cahalan Avenue, 100 feet southerly of Dailey Avenue, from R-1:B-6 Residence Zoning District to A(PD) Planned Development Zoning District, to allow an 8,860 square foot addition to an existing church and up to 16 single family detached residences on 3.96 gross acres. (St. Andrew Lutheran Church of San José, Owner; DKB Homes, Developer). CEQA: Negative Declaration. Director of Planning, Building, and Code Enforcement recommends approval. Planning

Commission recommends approval (6-0-1).
PDC 99-06-049 - District 10

Documents Filed: (1) Memorandum from the Planning Commission, dated November 18, 1999, recommending Council adopt an ordinance approving the subject rezoning. (2) Public Hearing Notice to consider a change in Zoning for PDC 99-06-049 dated October 25, 1999, and Proof of Publication executed on November 5, 1999, submitted by the City Clerk.

Discussion/Action: Mayor Gonzales opened the public hearing on the planned development rezoning of the subject property. There was no discussion from the Floor. Upon motion by Council Member Dando, seconded by Vice Mayor Fiscalini and unanimously carried, the public hearing was closed, the Planning Commission recommendation approved, and Ordinance No. 26002, entitled: "Ordinance of the City of San José Rezoning Certain Real Property Situated at the West Side of Cahalan Avenue, 100 Feet Southerly of Dailey Avenue", was passed for publication. Vote: 11-0-0-0.

15h PUBLIC HEARING ON APPEAL OF THE PLANNING COMMISSION'S DECISION TO DENY A CONDITIONAL USE PERMIT for a project located at the north side of W. San Carlos Avenue, approximately 200 feet westerly of Dana Avenue (1665 W. San Carlos Avenue) on a 0.26 gross acre site in the C-2 Commercial Zoning District, to allow a restaurant/karaoke/nightclub with operation until 5:00 a.m. in an existing shopping center. (Hanin Town Center - John Kim, Owner; Young Hwa Heo, Developer). CEQA: Incomplete. Planning Staff recommends upholding the Planning Commission's recommendation to deny the Conditional Use Permit.
CP 99-06-029 - District 6

Documents Filed: (1) Memorandum from Vice Mayor Fiscalini, dated December 7, 1999, recommending Council uphold the Planning Commission's denial of a Conditional Use permit for a late-night restaurant with karaoke. (2) Memorandum from Director of Planning, Building and Code Enforcement, James R. Derryberry, dated November 17, 1999, recommending Council uphold the decision of the Planning Commission and deny the CUP for the subject project. (3) Declaration of Mailing of the Public Hearing Notice on Permit Appeal Project CP 99-6-29 to project applicants and owners of parcels of land within 300 feet of the subject project, dated November 19, 1999. (4) Public Hearing Notice to consider certification by the Planning Commission of the Final Environmental Impact Report prepared for the subject project, and Proof of Publication executed on November 26, 1999, submitted by the City Clerk. (5) Letter from Ken Yeager, President, Rose Garden Neighborhood Preservation Association, dated December 7, 1999, urging Council to deny the Conditional Use Permit.

Discussion/Action: Mayor Gonzales opened the public hearing on the appeal of the Planning Commission's decision to deny a Conditional Use Permit for the subject project. Director of Planning, Building and Code Enforcement, James R. Derryberry, reviewed the Staff recommendation in opposition to the development at the location proposed, and reiterated that recommendation to Council for approval. The following individuals addressed Council on various aspects of the proposed development: Jordan Dancer, President, Buena Vista Neighborhood Association; Ken Yeager, President, Rose Garden Neighborhood Preservation Association; Peter Hubart; Kosar Jaff, representing Shasta/Hanchett Neighborhood Association; Kris Cunningham; and Rick Bernardi. Upon motion by Vice Mayor Fiscalini, seconded by Council Member Woody and unanimously carried, the public hearing was closed, the Planning Commission recommendation approved, and Resolution No. 69260, entitled: "Resolution of the City of San José Denying a Conditional Use Permit to Use Certain Real Property Described Herein for the

Purpose of a Restaurant/Karaoke/Nightclub With Operation Until 5:00 a.m. on That Certain Real Property", was adopted. Vote: 11-0-0-0.

RECESS/RECONVENE

The City Council recessed at 7:25 p.m. to consider the 1999 Annual Review of the General Plan and reconvened at 8:50 p.m., with all Council Members in attendance, to consider the remaining land use items.

Items 15b, 15c, and 15d were heard together.

15b PUBLIC HEARING and approval of an ordinance amending Sections 20.44.310 and 20.44.810 of Chapter 20.44 of Title 20 of the San José Municipal Code to specify the circumstances under which a Site Development Permit is required for single family homes. CEQA: Exempt. Director of Planning, Building, and Code Enforcement recommends approval. Planning Commission recommends approval (6-0-0) with the addition of the following triggers to the staff proposal:

- (1) All second-story additions/additions
 - (2) Any home that exceeds a .45 F.A.R.
(Planning, Building, and Code Enforcement)
- (Continued from 6/15/99 - Item 15d et al., and 11/2/99 - Item 15a)

15c PUBLIC HEARING and approval of an ordinance amending Section 20.24.040 of Chapter 20.24 of Title 20 of the San José Municipal Code to reduce the allowable height to 2 stories and 30 feet and establishing a maximum floor area ratio in all R-1 Residence Zoning Districts. Director of Planning, Building, and Code Enforcement recommends approval. Planning Commission recommends approval (5-1-0) with the following amendments to the staff:

- (1) Establish a maximum floor area ratio (F.A.R.) of .60,
 - (2) Add exceptions to the proposed height of 2 stories and 30 feet to allow 35 feet for (1) lots in floodplains, (2) Victorian and other style homes with steep-pitched roofs, (3) houses on lots 10,000 square feet or greater, and (4) lots which increase the required setback by 15 feet on all sides.
 - (3) Do not include attached garage square footage in the calculation of F.A.R. if the garage is setback 15 feet or more from the building face closest to the street.
(Planning, Building, and Code Enforcement)
- (Continued from 11/2/99 - Item 15b)

15d PUBLIC HEARING and adoption of new single-family design guidelines to be used in the discretionary review of single-family homes subject to a site development permit. Director of Planning, Building, and Code Enforcement recommends approval. Planning Commission recommends approval (5-0-1), endorsing stronger language verifying requirements versus advisory guidelines and more specific illustrations reflecting San José housing styles.
(Planning, Building, and Code Enforcement)

(Continued from 11/16/99 - Item 15b)

Documents Filed: Memorandum from Mayor Gonzales, dated December 3, 1999, recommending Council allow the public to provide testimony on the proposed actions in Items 15b, 15c and 15d, and defer Council action to December 14, 1999.

Discussion/Action: Mayor Gonzales opened the public hearings on the R-1 Development Standards, Discretionary Design Review, and the Single Family Design

Guidelines with a request for Staff to present background information on proposed criteria to determine the level of design review for single-family home construction or alteration and the single-family design review process. He stated the proposed legislation deals with one of the fundamental rights of property ownership, and that the goal of the City of San José is to create a process that is simple, with rules that are easy to understand, and one which will preserve the character of older neighborhoods while allowing individual homeowners to meet the present-day needs of their families. To provide adequate time for comprehensive review of the questions, concerns and feedback from residents of San José, he stated Council would only accept public testimony during tonight's public hearings and then would continue the public hearings to December 14, 1999 for Council discussion and action. Including the following individuals, approximately 30 speakers addressed Council on various aspects of the proposed ordinances: Christopher Mossing and Lee Dimmitt, representing Woodside Homeowners Association; Richard Calhoun; Gary Jansen; J. Michael Gonzales, representing Willow Glen Neighborhood Association; Peggy Rossignol; Kris Cunningham; John Leahy; Rebecca Elliot, Santa Clara County Association of Realtors; Larry Ames; Rick Janowski; Dan Byrne; Johnathan Lane; April Halberstadt, Preservation Action Council; Gloria Bingham; Jamie White; Bryan Shaner; Tim Casey; Don Harshman; Randy Killen; James H. McNeil; Nancy White; Tom & Mary Helmers; Joe Head, Summer Hill Homes; Chris Justi; Ron Green; Sarah Madden; Paul Manley; and Michael Goldberg. By unanimous consent, the public hearings were continued to December 14, 1999, and the recommendations contained in the October 26, 1999 memorandum from Mayor Gonzales and Vice Mayor Fiscalini to be included in the deliberations. Vote: 11-0-0-0.

ORAL COMMUNICATIONS

Representing the Coalition for Better Community, approximately 10 residents of Berryessa spoke on the AAA Crematorium issue.

ADJOURNMENT

The Council of the City of San José adjourned at 10:15 p.m. in memory of the six Firefighters who died protecting the lives and property of Worcester, Massachusetts: Paul Brotherton, Jeremiah Lucey, Thomas Spencer, Timothy Jackson, James Lyons, and Joseph McGuirk; and in memory of Pat Barfield, an active member of the Berryessa community.

RON GONZALES, MAYOR

ATTEST:

PATRICIA L. O'HEARN, CITY CLERK