

## MINUTES OF THE CITY COUNCIL

**SAN JOSÉ, CALIFORNIA**

**TUESDAY, FEBRUARY 15, 2005**

The Council of the City of San José convened in regular session at 9:00 a.m. in the Mayor's Conference Room 600, at City Hall.

Present: Council Members - Campos, Chavez, Chirco, Cortese, LeZotte, Pyle, Reed, Williams, Yeager; Gonzales.

Absent: Council Members - None.

Upon motion unanimously adopted, Council recessed at 9:01 a.m. to a Closed Session in Room 600, (A) to confer with Legal Counsel with respect to existing litigation pursuant to Government Code Section 54956.9 subsection (a) to consider the cases of (1) Tanner v. City of San José; (2) Proposition 22 Legal Defense & Education Fund, et al. Gonzales, et al. (B) To confer with Legal Counsel to discuss anticipated litigation pursuant to subsection (b) 54956.9 in one (1) matter. (C) Conference with Labor Negotiator pursuant to Government Code Section 54957.6, City Negotiator: City Manager designee Alex Gurza, and the following Employee Organizations: (1) San José Police Officers' Association; (2) International Association of Firefighters; (3) Municipal Employees Federation; (4) Confidential Employees Organization; (5) City Association of Management Personnel; (6) Association of Maintenance Supervisory Personnel; (7) Operating Engineers, Local 3; (8) International Brotherhood of Electrical Workers; (9) Association of Building and Mechanical and Electrical Inspectors; (10) Association of Engineers and Architects; (11) International Federation of Professional and Technical Employees, Local 21.

By unanimous consent, Council reconvened from the Closed Session and recessed at 9:40 a.m. and reconvened at 1:36 p.m. in the Council Chambers.

Present: Council Members - Campos, Chavez, Chirco, Cortese, LeZotte, Pyle, Reed, Williams, Yeager; Gonzales.

Absent: Council Members - None.

### INVOCATION

Pastor Bill Buchholz, Family Community Church recited a prayer. (District 2)

### PLEDGE OF ALLEGIANCE

Mayor Gonzales led the Pledge of Allegiance.

## ORDERS OF THE DAY

Upon motion by Vice Mayor Chavez, seconded by Council Member Yeager, and carried unanimously, the Orders of the Day and the Amended Agenda were approved. (10-0.)

## CEREMONIAL ITEMS

**1.4 Presentation of a commendation recognizing Aspect Communications Corporation for its important contribution to the San José economy. (Mayor/Reed)  
(Rules Committee referral 2/9/05)**

Action: Mayor Gonzales and Council Member Reed recognized Aspect Communications Corporation for being a global leader in telecommunications and for contributing to the economy of the City of San José.

## CONSENT CALENDAR

Upon motion by Vice Mayor Chavez, seconded by Council Member Williams, and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (10-1.)

**2.2 (a) ORD. NO. 27343 – Rezoning certain real property situated at the southwest corner of Jackson Avenue and McKee road to A(PD) Planned Development Zoning District. PDC03-093  
[Deferred from 2/8/05 – Item 2.2(d)]**

Documents Filed: (1) Memorandum from Director of Planning, Building and Code Enforcement Stephen Haase, dated February 9, 2005, providing follow-up information. (2) Proof of Publication of Notice of Public Hearing, executed on February 1, 2005, submitted by the City Clerk.

Action: Ordinance No. 27343 was adopted. (10-0.)

**2.3 Approval of Vice Mayor Chavez’s travel to Washington D.C. on March 6 – 8, 2005, for the purpose of participating in the American Public Transportation Association (APTA) Legislative Conference. Funding: VTA. (Chavez)  
(Rules Committee Referral 2/2/05)**

Documents Filed: None.

Action: Vice Mayor Chavez’s travel was approved. (10-0.)

- 2.4 Approval of the City Auditor Gerald Silva's travel calendar through June 30, 2005, at a total cost to the City of \$2,353. (City Auditor)**  
(Deferred from 2/1/05 – Item 2.5)

Documents Filed: None.

Action: Deferred to March 1, 2005.

- 2.5 Approval of the appointments to the Project Diversity Screening Committee. (City Clerk)**  
**(Rules Committee Referral 2/2/05)**

Documents Filed: None.

Action: Deferred to March 1, 2005.

- 2.6 Adoption of a resolution authorizing the City Manager to negotiate and execute an Investment Return Agreement with Team San José. CEQA: Not a Project. (City Manager's Office)**  
(Deferred from 1/11/05 – Item 2.4)

Documents Filed: None.

Action: Deferred to March 1, 2005.

- 2.7 Acceptance of the annual report on San José/Santa Clara Water Pollution Control Plant watershed protection activities, including update on the South Bay Action Plan, Contingency Plan, and Pollutant Prevention and Minimization Plan, as required by the Plant's National Pollutant Discharge Elimination System (NPDES) permit. CEQA: Not a Project. (Environmental Services)**

Documents Filed: (1) Memorandum from Director of Environmental Services Carl Mosher, dated January 26, 2005, recommending acceptance, and transmitting the annual report. (2) Letter from the Treatment Plant Advisory Committee, dated February 10, 2005, stating concurrence with the Staff recommendation.

Action: The report was accepted. (10-0.)

- 2.8 (a) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2004-2005 #8 and authorization for the Director of General Services to execute the purchase orders. CEQA: See memo for CEQA designation(s). (General Services)**
- (b) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2004-2005 #9 and authorization for the Director of General Services to execute the purchase orders. CEQA: See memo for CEQA designation(s). (General Services)**

**2.8 (Cont'd.)**

Documents Filed: (1) Memoranda from Interim Director of General Services Jim McBride, both dated January 26, 2005, recommending approval of the award of open purchase orders 8 and 9. (2) Letter from the Treatment Plant Advisory Committee, dated February 10, 2005, stating concurrence with the Staff recommendation.

Action: The award of open purchase orders 8 and 9, were approved. (10-0.)

**2.9 Approval of the nomination of Katherine Ricossa to the San José Silicon Valley Workforce Investment Network Board of Directors. (Mayor)  
(Rules Committee Referral 2/2/05)**

Documents Filed: Memorandum from Mayor Gonzales, dated January 27, 2005, recommending approval of the nomination.

Action: The nomination of Katherine Ricossa was approved. (10-0.)

**2.10 Adoption of the following amendments to the annual appropriation ordinance and the annual funding sources resolution in the General Fund to:**

(a) **Establish an appropriation in City Wide to the Police Department for the OTS 2004-06 California Seat Belt Compliance Campaign Mini-Grant in the amount of \$89,978.**

(b) **Increase Earned Revenue Estimate from the State by \$89,978.**

**CEQA: Not a Project. (Police/City Manager's Office)**

Documents Filed: Memorandum from Budget Director Larry Lisenbee, and Police Chief Robert Davis, dated January 26, 2005, recommending adoption of the annual appropriation ordinance and funding sources resolution.

Action: Ordinance No. 27353 and Resolution No. 72529 were adopted. (10-0.)

**2.11 Approval of an ordinance pursuant to Charter Section 1702 to authorize the establishment of public right of way over a 392-foot long strip of City-owned property currently comprising a portion of Emma Prusch Memorial Park, between 16 and 59 feet in width, to accommodate the widening of King Road between Story Road and Route 680. CEQA: Exempt, PP01-03-050. Council Districts 5 and 7. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated January 26, 2005, recommending approval of an ordinance.

Action: Ordinance No. 27354, entitled: "An Ordinance of the City of San José Establishing a Public Right of Way Over a Portion of Emma Prusch Memorial Park to Accommodate the Widening of King Road in Accordance with Charter Section 1702", was passed for publication. (10-0.)

- 2.12 Adoption of a resolution authorizing the City Manager to execute an agreement with the Santa Clara Valley Transportation Authority (VTA) for the purchase of a portion of the land, located at Younger Avenue, together with a Temporary Construction Easement (TCE) and a Temporary Access Easement (TAE) on an adjoining portion of the subject property in the total amount of \$168,180, and authorizing the Director of Public Works to execute any additional documents necessary to complete the transaction. CEQA: Mitigated Negative Declaration, PP03-12-378. Council District 3. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated January 26, 2005, recommending adoption of a resolution.

Action: Resolution No. 72530, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute an Agreement with the Santa Clara Valley Transportation Authority for the Purchase of a Portion of the Land, Located at Younger Avenue, and a Temporary Construction Easement, and a Temporary Access Easement, for an Amount Not To Exceed \$168,180, and Authorizing the Director of Public Works to Execute Any Documents Necessary to Complete the Transaction", was adopted. (10-0.)

- 2.13 Approval of the first amendment to the Cooperative Agreement with the Santa Clara Valley Transportation Authority for the US 101 Corridor Studies and River Oaks Bicycle/Pedestrian Bridge over Guadalupe River Project to increase City's required amount by \$200,000, for a total City contribution not to exceed \$1,200,000. CEQA: VTA, Mitigated Negative Declaration. Council District 4. (Transportation)**

Documents Filed: Memorandum from Director of Transportation James Helmer, dated January 27, 2005, recommending approval of the agreement.

Action: The agreement was approved. (10-0.)

- 2.14 (a) Adoption of a resolution authorizing the City Manager to negotiate and execute a cooperative agreement with the U.S. Environmental Protection Agency for a grant total of \$200,000.**
- (b) Adoption of the following appropriation ordinance amendments in the Parks City-wide Construction and Conveyance Tax Fund (Fund 391):**
- (1) Establish an appropriation to the Department of Parks, Recreation and Neighborhood Services for the Brownfields Assessment Project in the amount of \$200,000.**
- (2) Decrease the Ending Fund Balance by \$200,000.**
- CEQA: Not a Project. SNI: Spartan/Keys, Washington, Burbank/Del Monte, Market/ Almaden, Tully/Senter, West Evergreen and Gateway East. (Parks, Recreation and Neighborhood Services/City Manager's Office)**  
**(Rules Committee referral 2/9/05)**

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Sara Hensley, and Budget Director Larry Lisenbee, dated February 9, 2005, recommending adoption of a resolution and appropriation ordinance.

**2.14 (Cont'd.)**

Action: Resolution No. 72531, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Cooperative Agreement with the U.S. Environmental Protection Agency for a Reimbursable Grant to Conduct Environmental Assessments at Various Properties in an Amount Not To Exceed \$200,000"; and Ordinance No. 27355, were adopted. (10-0.)

- 2.15 (a) Approval of design changes in park perimeter fencing proposed by the surrounding community.**  
**(b) Approval of a contingency budget increase in the amount of \$47,000, from \$28,000 to \$75,000.**  
**(c) Approval of an increase in the Project Delivery budget by \$8,000, for additional time for contract administration.**  
**(d) Approval of Contract Change Order No. 3 with Jensen Corporation for the O'Donnell's Gardens Park Project in the amount of \$47,096, for a total contract amount of \$55,551.**

**CEQA: Exempt, PP02-08-208. Council District 3. SNI: University. (Public Works)**  
**(Rules Committee referral 2/9/05)**

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated February 8, 2005, recommending approval of the project changes.

Action: The approval of the design changes, contingency budget increase, increase in the project delivery budget and contract change order 3, were approved. (10-0.)

- 2.16 (a) Report on bids and award of contract for the Great Oaks Skateboard Facility Project to the low bidder, Blossom Valley Construction, in the amount of \$322,504, and approval of a contingency in the amount of \$16,125.**  
**(b) Adoption of the following appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-wide Redevelopment Fund):**  
**(1) Increase the appropriation to the Department of Parks, Recreation and Neighborhood Services for the Great Oaks Skate Park (PSM 362#1) in the amount of \$380,000.**  
**(2) Increase the estimate for Earned Revenue by \$380,000.**

**CEQA: Exempt, PP03-09-273. Council District 2. SNI: Edenvale/Great Oaks. (Public Works/Parks, Recreation and Neighborhood Services/City Manager's Office)**  
**(Rules Committee referral 2/9/05)**

Documents Filed: Memorandum from Director of Public Works Katy Allen, Director of Parks, Recreation and Neighborhood Services Sara Hensley, and Budget Director Larry Lisenbee, dated February 4, 2005, recommending award of contract and adoption of an appropriation ordinance and funding sources resolution amendments.

## 2.16 (Cont'd.)

Action: The contract was approved, Ordinance No. 27356 and Resolution No. 72532 were adopted. (10-0.)

### END OF CONSENT CALENDAR

## STRATEGIC SUPPORT SERVICES

### 3.2 Report of the Rules Committee – February 2, 2005

**Vice Mayor Chavez, Chair**

Documents Filed: The Rules Committee Report dated February 2, 2005.

(a) Redevelopment Agency items reported out at Redevelopment Agency meeting

(b) City Council

(1) Review February 15, 2005 Council Agenda

The Committee recommended approval of the February 15, 2005 Council Agenda with 3 additions.

(2) Add New Items to February 8, 2005 Amended Agenda

The Committee recommended approval of the February 8, 2005 Council Agenda with two additions.

(3) List of Reports Outstanding

The Committee noted and filed the City Manager's report.

(c) Legislative Update

(1) State - There were none.

(2) Federal - There were none.

(d) Meeting Schedules - There were none.

(e) The Public Record. Attachment: Memorandum from City Clerk Lee Price, dated January 26, 2005, transmitting items for public record for the period of January 19-25, 2005.

The Committee noted and filed the Public Record.

**3.2 Report of the Rules Committee – February 2, 2005 (Cont'd.)  
Vice Mayor Chavez, Chair**

- (f) Appointments to Boards, Commissions and Committees
  - (1) Recommendation of two Council Member appointments to Project Diversity Screening Committee. Attachment: (1) Memorandum from Council Member Williams, dated January 26, 2005, recommending Jesse Casteneda and Nelly Vernon to the committee. (2) Memorandum from Council Member Chirco recommending Rebecca Hughes to the committee.

The Committee recommended appointment of Jesse Casteneda and Rebecca Hughes to the Project Diversity Screening. The Committee also forwarded nomination of Nelly Vernon to Mayor Gonzales.

- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Approve Council Committee Work Plan
    - (a) All Children Achieve

This item was reported at the February 8, 2005 City Council Meeting, Item 3.2(g)(1)(a).

- (h) Oral Communications - There were none.
- (i) Adjournment - The meeting was adjourned at 2:14 p.m.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Williams, and carried unanimously, the Report of the Rules Committee and the actions of February 2, 2005, were accepted. (10-0.)

- 3.4 (a) Approval of an ordinance amending Section 4.12.149 of Chapter 4.12 of Title 4 of the San José Municipal Code to revise the requirements for standardization with respect to the procurement of brand name products.**
- (b) Direction to the City Manager to report after one year to the City Council in coordination with the City Attorney and City Auditor on the results of the changes to the standardization procedures.**
- (City Attorney's Office/City Manager's Office)**

Documents Filed: Memorandum from City Attorney Richard Doyle, and City Manager Del Borgsdorf, dated February 9, 2005, recommending approval of an ordinance and direction to the City Manager.

Deputy City Manager Jim Holgersson, Acting Chief Information Officer James Helmer, and Interim Director of General Services Jim McBride presented an overview of the requirements for standardization with respect to the procurement of brand name products.

### 3.4 (Cont'd.

A short discussion followed.

Public Comment: William Garbett spoke in opposition to the Staff recommendation.

Action: Upon motion by Council Member Williams, seconded by Vice Mayor Chavez, and carried unanimously, Ordinance No. 27357, entitled: "An Ordinance of the City of San José Amending Section 4.12.149 of Chapter 4.12 of Title 4 of the San José Municipal Code to Revise the Process for Purchases of Brand Name or Proprietary Equipment, Materials and Supplies", was passed for publication, and the City manager was directed to report after one year to the City Council in coordination with the City Attorney and City Auditor on the results of the changes to the standardization procedures. (10-0.)

- 3.5 (a) **Acceptance of the San José Arts Commission Ad Hoc Task Force Report on the New City Hall programming and exhibits; and**  
(b) **Authorization of the one time use of the FY 2004-05 Arts Venture Fund appropriation, in the amount of \$200,000, as seed money for activation of the New City Hall through an implementation plan to be developed by staff consistent with the Task Force Report.**

**CEQA: Resolution No. 68905, PP98-03-072. (Cultural Affairs)**

Documents Filed: None.

Action: Deferred to March 1, 2005.

- 3.6 **Adoption of a resolution authorizing the Director of General Services to negotiate and execute a Software License and Maintenance Agreement with Oracle, Inc. for expanded licensing and an optional five year maintenance plan, at a total cost of \$2,676,056, with an initial licensing cost of \$532,556, including tax. CEQA: Not a Project. (General Services/Information Technology/Finance)**

Documents Filed: Memorandum from Interim Director of General Services Jim McBride, Interim Director Information Technology James Helmer, and Director of Finance Scott Johnson, dated February 8, 2005, recommending adoption of a resolution.

Public Comment: William Garbett spoke in opposition to the Staff recommendation.

Action: Upon motion by Council Member Williams, seconded by Vice Mayor Chavez, and carried unanimously, Resolution No. 72533, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of General Services to Negotiate and Execute a Software License and Maintenance Agreement with Oracle, Inc. for Expanded Licensing and an Optional Five Year Maintenance Plan", was adopted. (10-0.)

- 3.7 (a) **Adoption of a resolution approving the terms of a Memorandum of Agreement with the Association of Engineers and Architects, International Federation of Professional and Technical Engineers, Local 21, Units 041/042, and authorizing the City Manager to execute the agreement with a term of February 1, 2005, through June 30, 2007.**
- (b) **Adoption of a resolution approving the terms of a Memorandum of Agreement with the Association of Engineers and Architects, International Federation of Professional and Technical Engineers, Local 21, Unit 043, and authorizing the City Manager to execute the agreement with a term of February 1, 2005, through June 30, 2007.**
- (City Manager's Office)

Documents Filed: (1) Memoranda from Director of Employee Relations Alex Gurza, both February 10, 2005, recommending adoption of the resolutions. (2) Supplemental memorandum from Director of Employee Relations Alex Gurza, dated February 15, 2005, transmitting corrected information.

Public Comment: Mary Follenweider, Associate Architect, spoke in favor of the Staff recommendation.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Reed, and carried unanimously, Resolution No. 72534, entitled: "A Resolution of the Council of the City of San José Approving a Memorandum of Agreement Between the City of San José and Association of Engineers and Architects, International Federation of Professional and Technical Engineers, Local 21, (AEA), Units 041 and 042 with a Term of February 1, 2005 through June 30, 2007"; and Resolution No. 72535, entitled: "A Resolution of the Council of the City of San José Approving a Memorandum of Agreement Between the City of San José and Association of Engineers and Architects, International Federation of Professional and Technical Engineers, Local 21, (AEA), Unit 043 with a Term of February 1, 2005 through June 30, 2007", were adopted. (10-0.)

- 3.8 **Adoption of a resolution of the City Council approving the form of and authorizing the City Manager or his designee to execute and deliver a purchase and sale agreement and related documents with respect to the sale of the City's vehicle license fee receivable from the State; and directing and authorizing certain other actions in connection therewith. CEQA: EIR Resolution No. 68905, PP98-03-072, Civic Plaza Redevelopment Plan (completed in 1999) SEIR Resolution No. 71743, PP03-03-088 (completed in 2003), FRSEIR Resolution Nos. 72230 and 72230.1 (adopted June 29, 2004). (Finance)**  
[Referred from 2/1/05 – Item 3.4(b)]

Documents Filed: (1) Memorandum from Director of Finance Scott Johnson, dated February 10, 2005, recommending adoption of a resolution. (2) Supplemental memorandum from Deputy City Manager Terry Roberts, and Deputy City Manager Ed Shikata, dated February 11, 2005, transmitting further information.

Public Comment: William Garbett spoke in opposition to the Staff recommendation.

### 3.8 (Cont'd.)

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Campos, and carried unanimously, Resolution No. 72536, entitled: "A Resolution of the Council of the City of San José Approving the Form of and Authorizing the Execution and Delivery of a Purchase and Sale Agreement and Related Documents with Respect to the Sale of the Seller's Vehicle License Fee Receivable from the State; and Directing and Authorizing Certain Other Actions in Connection Thereof", was adopted. (10-0.)

### 3.9 **Acceptance of the Procurement Strategy Report that outlines the process to be used for selecting hardware, software, servers, storage and licenses required for the successful implementation of the New City Hall (NCH) Servers and Storage Area Network (SAN), and direct the City Manager to proceed with the procurement process and schedule as defined. CEQA: Not a Project. (Information Technology/General Services/Finance)**

Documents Filed: Memorandum from Acting Chief Information Officer James Helmer, Interim Director of General Services Jim McBride, and Director of Finance Scott Johnson, dated February 9, 2005, recommending acceptance of the report.

Action: Upon motion by Council Member Williams, seconded by Vice Mayor Chavez, and carried unanimously, the Procurement Strategy Report was accepted. (10-0.)

### 3.10 **Acceptance of the 2004-2005 Mid-Year City Service Area Performance Report. (City Manager's Office)** (Deferred from 2/8/05 – Item 3.6)

Documents Filed: Memorandum from City Manager Del Borgsdorf, dated February 7, 2005, transmitting and recommending acceptance of the report.

Council questions and comments followed.

Mayor Gonzales requested that Council Appointees be included under Strategic Support. Council Member Campos requested more information relating to outreach to Non-English speaking residents about emergency preparedness. Council Member Williams asked for more information about the City's computer network.

Action: Upon motion by Council Member Yeager, seconded by Vice Mayor Chavez, and carried unanimously, the 2004-2005 Mid Year City Service Area Performance Report was accepted, with Staff requested to provide more information on San José Prepared outreach to non-English speaking residents and about improved performance of the City computer network, and in addition, Staff was directed to include Council Appointees, under Strategic Support, on the Organizational/CSA Chart. (10-0.)

## ECONOMIC & NEIGHBORHOOD DEVELOPMENT

- 4.3 (a) Approving an option agreement for the sale of the Casa Feliz special needs, single-room-occupancy facility, a 64-unit three-story residential building located at 525 South Ninth Street, for the amount of \$2,388,642 to a proposed partnership between First Community Housing (“FCH”) and the John Stewart Company (“JSCo”) or its designated affiliate.
- (b) Approving a funding commitment for a loan of up to \$1,620,642 to the proposed partnership between FCH and JSCo, or its designated affiliate, to fund a portion of acquisition, of the facility.
- (c) Accepting the Relocation Plan for residents at Casa Feliz and approving implementation of the Relocation Plan for residents of Casa Feliz in an amount not to exceed \$1,020,000.

**CEQA: Not a Project. Council District 3. SNI: University. (Housing)**

Documents Filed: (1) Memorandum from Director of Housing Leslye Corsiglia, dated February 4, 2005, recommending adoption of a resolution. (2) Memorandum from Director of Housing Leslye Corsiglia, dated February 11, 2005, transmitting a Final Relocation Plan.

A short discussion followed with direction as noted in “Action”.

Public Comment: Dave Bennett suggested that the City take their time with this issue.

Action: Upon motion by Council Member Chirco, seconded by Council Member Williams, and carried unanimously, Resolution No. 72537, entitled: “A Resolution of the Council of the City of San José (1) Authorizing the Director of Housing to Execute an Option Agreement with First Community Housing and the John Stewart Company or their Designated Affiliate; (2) Approving a Funding Commitment of up to \$1,620,642.00 to Fund a Portion of the Acquisition of the Property; (3) Accepting the Relocation Plan for Residents at the Casa Feliz Apartments and Implementation of the Plan in an Amount Not To Exceed of \$1,020,000.00 and (4) Authorizing the Director of Housing to Negotiate and Execute all Documents Necessary to Carry Out the Purposes of this Resolution on Behalf of the City”, was adopted, with Staff directed to: (1) Monitor closely the relocation plan and inform Council of any problems; (2) Return to Council with a final report on the relocation effort, including how residents are adjusting, all strategies used and what worked well and what did not. (10-0.)

## TRANSPORTATION SERVICES

- 6.2 Adoption of a resolution authorizing the Director of Public Works to award a contract for the King/Story Road Street and Sidewalk Improvements Project to the low bidder, Top Grade Construction, Inc., in the amount of \$2,057,057.13, and approval of a contingency in the amount of \$145,000, if and when the City obtains acceptable title to all property necessary to construct the project. **CEQA: Exempt, PP01-03-050. Council Districts 5 and 7. (Public Works)**

## 6.2 (Cont'd.)

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated January 26, 2005, recommending adoption of a resolution.

Public Comment: Ross Signorino spoke in favor of cameras for the intersections.

Action: Upon motion by Council Member Campos, seconded by Vice Mayor Chavez, and carried unanimously, Resolution No. 72538, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Public Works to Award a Contract for the King/Story Road Street and Sidewalk Improvements Project to the Low Bidder, Top Grade Construction, Inc., in the Amount of \$2,057,057.13, if and when the City Obtains Acceptable Title to all Property Necessary to Construct the Project, and Approval of a Contingency in the Amount of \$145,000", was adopted. (10-0.)

## ENVIRONMENTAL & UTILITY SERVICES

### 7.1 **Authorization for the City Manager to certify and submit the Fiscal Year 2005-2006 City of San José Work Plans for Urban Runoff Management to the San Francisco Bay Regional Water Quality Control Board (Water Board). CEQA: Not a Project. (Environmental Services/General Services/Parks, Recreation and Neighborhood Services/Planning, Building and Code Enforcement/Public Works/Transportation)**

Documents Filed: Memorandum from Director of Environmental Services Carl Mosher, Interim Director of General Services Jim McBride, Director of Parks, Recreation and Neighborhood Services Sara Hensley, Director of Planning, Building and Code Enforcement Stephen Haase, Director of Public Works Katy Allen, and Director of Transportation James Helmer, dated January 26, 2005, recommending authorization for the City Manager to certify and submit the City of San José Urban Runoff Management Plan, and transmitting the plan.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Yeager, and carried unanimously, the Urban Runoff Management Plan Fiscal Year 2005-2006 Work Plan was approved. (10-0.)

- 7.3 (a) Report on bids and award of contract for the San José/Santa Clara, “WPCP Reliability Improvements Project,” to the low bidder, Kiewit Pacific Company, in an amount of \$69,522,000; and approval of a contingency in the amount of \$6,952,200 for a total not to exceed amount of \$76,474,200.
- (b) Reject letter of protest from Shimmick Construction.
- (c) Adoption of the following appropriation ordinance and funding sources resolution amendments in the San José/Santa Clara Treatment Plant Capital Fund:
- (1) Increase the WPCP Reliability Improvements Project appropriation by \$24,974,200.
  - (2) Increase the estimate for Transfers by \$10,000,000.
  - (3) Increase the estimate for Earned Revenue by \$3,127,000.
  - (4) Decrease the Ending Fund Balance by \$9,147,200.
  - (5) Decrease the Salt Marsh Restoration appropriation by \$1,650,000.
  - (6) Decrease the Alternative Disinfection appropriation by \$400,000.
  - (7) Decrease the Inactive Lagoons Bio-Solids Removal appropriation by \$150,000.
  - (8) Decrease the Raw Sewage and Effluent Sampling Stations appropriation by \$100,000.
  - (9) Decrease the Administration Building and Gate Security Improvements appropriation by \$150,000.
  - (10) Decrease the Land Acquisition and Improvements appropriation by \$50,000.
  - (11) Decrease the Revised South Bay Action Plan–Industrial Recycle/Reuse appropriation by \$200,000.
- (d) Adoption of the following appropriation amendments in the Sewage Treatment Plant Connection Fee Fund:
- (1) Decrease the Reserve for Treatment Plant Expansion by \$10,000,000.
  - (2) Establish a transfer to the San José/Santa Clara Treatment Plant Capital Fund on or about February 15, 2005 in the amount of \$10,000,000.

**CEQA: Emergency Basin Exempt, PP03-05-183; WPCP Reliability Improvements Exempt, PP04-07-217. (Environmental Services/City Manager’s Office)**

Documents Filed: (1) Memorandum from Director of Environmental Services Carl Mosher, and Budget Director Larry Lisenbee, dated February 8, 2005, recommending approval of the contract, reject letter of protest, and adoption of the appropriation ordinances and funding sources resolution. (2) Letter from the Treatment Plant Advisory Committee, dated February 10, 2005, stating concurrence with the Staff recommendation.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Reed, and carried unanimously, Ordinance No. 27358; Resolution No. 72540; and Ordinance No. 27359 ,were adopted. (10-0.)

- 7.4 Approval of the first amendment to the agreement with the consulting firm, Carollo Engineers for the project entitled, “San José/Santa Clara Water Pollution Control Plant: Wet Weather Reliability and Hydraulic Capacity Project,” increasing the total compensation by \$2,000,000, from \$3,450,000 for a total maximum compensation amount not to exceed \$5,450,000; and extending the term of agreement for twenty-nine months from December 2006 to May 2009. CEQA: Not a Project. (Environmental Services)**

Documents Filed: (1) Memorandum from Director of Environmental Services Carl Mosher, dated February 7, 2005, recommending approval of the first amendment. (2) Letter from the Treatment Plant Advisory Committee, dated February 10, 2005, stating concurrence with the Staff recommendation.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Reed, and carried unanimously, the first amendment to the agreement was approved. (10-0.)

## **AVIATION SERVICES**

- 8.1 Adoption of a resolution authorizing the City Manager to apply for, and execute upon receipt, a grant from the Federal Aviation Administration in an amount not to exceed \$967,080, to be used to partially defray total estimated costs of \$1.2 million for the Airfield Taxiway Sign Replacement Project at the Norman Y. Mineta San José International Airport. CEQA: Resolution Nos. 67380 and 71451, PP 05-023. (Airport)**

Documents Filed: Memorandum from Acting Director of Aviation Frank Kirkbride, dated January 26, 2005, recommending adoption of a resolution.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Pyle and carried unanimously, Resolution No. 72541, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Apply for a Grant from the Federal Aviation Administration for the Airfield Taxiway Sign Replacement Project at the Norman Y. Mineta San José International Airport in an Amount Not To Exceed \$967,080, To Accept the Grant if Awarded, and to Execute All Related Documents”, was adopted. (10-0.)

- 8.2 Adoption of a resolution authorizing the City Manager to apply for, and execute upon receipt, a \$1,400,000 grant from the Federal Aviation Administration to be used to partially defray total estimated costs of \$1,700,000 for the Noise Monitoring System Upgrade Project at the Norman Y. Mineta San José International Airport. CEQA: Resolution Nos. 67380 and 71451, PP04-326. (Airport)**

Documents Filed: Memorandum from Acting Director of Aviation Frank Kirkbride, dated January 28, 2005, recommending adoption of a resolution.

## 8.2 (Cont'd.)

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Reed, and carried unanimously, Resolution No. 72542, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute and Submit an Application to the Federal Aviation Administration for a Grant for the Noise Monitoring System Upgrade Project at the Norman Y. Mineta San José International Airport in an Amount Not To Exceed \$1.7 Million, to Accept the Grant if Awarded, and To Execute All Related Documents", was adopted. (10-0.)

## PUBLIC SAFETY SERVICES

- 9.1 (a) **Accept the Public Technology Institute (PTI) SWAT Team review of the City's Computer-Aided Dispatch (CAD) System.**  
(b) **Accept staff's response to the PTI report and recommendations.**  
**(Police/Fire/Public Works/Information Technology)**

Documents Filed: None.

Action: Deferred to March 1, 2005.

## JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board convened at 2:49 p.m. to consider Items 10.1, 10.2, and 10.3 in a Joint Session.

- 10.1 (a) **City Council and Redevelopment Agency Board approval of:**  
(1) **A Cooperation Agreement between the City of San José and the Redevelopment Agency for implementation of the Strong Neighborhoods Initiative; and,**  
(2) **An Amendment to the FY 2004-05 Operating Expenses Cooperation Agreement between the City of San José and the Redevelopment Agency to incorporate changes related to the implementation of the Strong Neighborhoods Initiative.**  
(b) **Adoption of a resolution by the Redevelopment Agency Board appropriating \$32,920 from the Redevelopment Agency's Adopted FY 2004-05 Capital Budget, Line Item SNI-Outreach and Training in the FY 2004-05 Operating Budget Support Services and amending the FY 2004-2005 Agency appropriation resolution.**  
**(City Manager's Office/Redevelopment Agency)**  
**(Deferred from 1/11/05 – item 10.1)**

## 10.1 (Cont'd.)

Documents Filed: Memorandum from City Manager Del Borgsdorf, and Redevelopment Agency Interim Director Harry Mavrogenes, dated February 10, 2005, recommending approval of the Cooperation Agreement, amendment to the FY 2004-2005 Operating Expenses Cooperation Agreement, and adoption of a resolution by the Redevelopment Agency Board.

Action: Upon motion by Council Member Campos, seconded by Vice Mayor Chavez, and carried unanimously, the Cooperation Agreement, and Amendment to the FY 2004-2005 Operating Expenses Cooperation Agreement were approved, and Redevelopment Agency Board Resolution No. 5581, entitled: "A Resolution of the Board of Directors of the Redevelopment Agency of the City of San José Approving Adjustments to the Fiscal Year 2004-2005 Capital Budget, Fiscal Year 2004-2005 Operating Budget and Fiscal Year 2004-2005 Annual Appropriations Resolution", was adopted. (10-0.)

- 10.2 (a) **Acceptance by the City Council and Redevelopment Agency Board of the progress report with regard to the San Jose Medical Center site; and**  
(b) **Approval by the City Council and Redevelopment Agency Board of the issuance of the Request for Qualifications with business terms to determine the viability of health care providers' options for site reuse.**

**CEQA: Not a Project. (City Manager's Office/Redevelopment Agency)  
(Referred from 1/11/05 – Item 4.3)**

Documents Filed: (1) Memorandum from Mayor Gonzales, Vice Mayor Chavez, and Council Members Campos and Cortese, dated February 15, 2005, recommending approval of the Staff recommendation. (2) Memorandum from City Manager Del Borgsdorf, and Redevelopment Agency Interim Director Harry Mavrogenes, dated February 10, 2005, recommending acceptance of the report and Request for Qualifications. (3) Four letters from the public.

Deputy City Manager Jim Holgersson outlined the Request for Qualifications process.

Public Comment: Rosylin Dean spoke in support of the Staff recommendation. Phillip Bump, South Bay Labor Council, stated it is critical to look at short and long term medical care.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Pyle, and carried unanimously, the progress report with regard to the San José Medical Center site was approved, and the issuance of the Request for Qualifications was approved. (10-0.)

- 10.3 (a) Support for the Local Salvation Army's Feasibility Application for a Salvation Army Kroc Community Center grant;**  
**(b) An intent to convey a portion of the Rancho del Pueblo Golf Course, not to exceed 12 acres, to the Local Salvation Army if Joan Kroc funds are awarded;**  
**(c) Direction to staff to commence feasibility studies, including project and program development and determine environmental impacts.**  
**CEQA: Not a Project. Council Districts 5. SNI: Gateway East. (City Manager's Office/Redevelopment Agency)**  
**(Rules Committee referral 2/9/05)**

Documents Filed: (1) Memorandum from Vice Mayor Chavez, and Council Member Campos, dated February 15, 2005, recommending adoption of a resolution, including direction. (2) Memorandum from Deputy City Manager Jim Holgersson, dated February 14, 2005, recommending adoption of a resolution. (3) Staff presentation of the Salvation Army KROC Community Center Feasibility Grant Application, dated February 15, 2005.

Council Member Chirco abstained due to a potential conflict of interest (serves on the Board of Directors of the Salvation Army). Mayor Gonzales abstained due to a potential conflict of interest (lives in close proximity to the Salvation Army facility). Mayor Gonzales requested that the City Clerk strike his name from the memorandum dated February 15, 2005.

Deputy City Manager Jim Holgersson and Redevelopment Agency Planning Coordinator Kip Harkness presented the Salvation Army KROC Community Center Feasibility Grant Application. Major Douglas Tollerud, Salvation Army, mentioned that the preferred site is King Road, clarified that no City funding would be required for operations, and report that the deadline for the application has been extended to April 4, 2005. Discussion ensued.

Council Member Campos expressed concern about moving forward without the involvement of the community, adding that open space is very valuable and the community should have full disclosure.

Vice Mayor Chavez summarized recommendations outlined in the joint memorandum dated February 15, 2005.

Council Member Cortese expressed interest in knowing more about the 27 potential sites analyzed.

Council Member Pyle voiced concern about receiving information late and noted it was difficult to consider all the impacts.

In response to an inquiry by Council Member Yeager, Major Tollerud reported that the next phase of the proposal would include more discussion with the community about uses and programs. Council Member LeZotte asked that Major Tollerud participate at community meetings.

### 10.3 (Cont'd.)

Motion: Council Member Campos moved approval of the memorandum she cosigned with Vice Mayor Chavez, dated February 15, 2005, requesting prior to the submission of the grant, that the City Manager work with Vice Mayor Chavez's office, and return to Council March 15, 2005. Council Member Pyle seconded the motion.

Public Comment: The following spoke in support of submitting the grant applications: Earl Thompson and Chris Wall representing Salvation Army, and Howard Bennett, Emmanuel Gibson, Wanda Buck, Ernest Guzman, Jeffrey Dennis, Fred Kim and Mark Trout.

Council Member Reed asked if the proposed facility would be open to everyone. Salvation Army representatives indicated it would and added that it would not discriminate against anyone. City Attorney Richard Doyle confirmed that this would not be an issue and clarified that the facility would be owned and operated by the Salvation Army.

Council Member LeZotte provided additional background about the Salvation Army's initial communications with the City of San José. She spoke in favor of proceeding with the application as the first step.

Action: On a call for the question, the motion carried unanimously, Staff was directed to consider the following and return to Council on March 15, 2005: (1) Prior to submission of the grant application, the City Manager will work with the Vice Mayor's Office and appropriate Council offices, not to exceed four, to coordinate and attend community meetings in order to respond to community stakeholders regarding the grant application process and proposed community center. (2) In determining the most appropriate site: (a) The City Manager will work with the Vice Mayor's Office to determine the location in San José that meets the requirements of the Salvation Army, SNI Area Neighborhood Improvement Plan Goals, and the San José Greenprint for Parks and Community Facilities and Programs; (b) Programming of City facilities and other nonprofit organizations located near a proposed site should not be negatively impacted; (c) The City Manager will keep community stakeholders informed of the grant application process/progress by working with community leaders to include information on agendas or regularly established meetings, such as NAC meetings, or if necessary, holding special community meetings; (d) Community stakeholder support will weigh heavily in the determination of the site. (3) Upon determination of a site to meet the April 4, 2005 application deadline, Staff will submit an expanded information memorandum to all Council Offices before March 15, 2005, with a site recommendation that includes a work plan for extensive community outreach for all community stakeholders, that reflects the input and support from community leaders. Disqualified: Chirco (Salvation Army Board Member); Gonzales (Proximity to Salvation Army Facility).

The Redevelopment Agency Board portion of the meeting was adjourned at 5:08 p.m.

## NOTICE OF CITY ENGINEER'S PENDING DECISION ON FINAL MAPS

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9684	S/E corner of 12 <sup>th</sup> St. Keyes St.	3	Roem Developers	1 Lot	Condo	Approve

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9354	N/S Hillsdale Ave. E/O Narvaez Ave.	7	KB Homes South Bay	134 Lots	SF	Approve

## OPEN FORUM

- (1) Ross Signorino complimented the Mayor and Council on the Business Appreciation and Recognition Program.
- (2) Mark Trout expressed personal religious viewpoints.

## ADJOURNMENT

The Afternoon Council Session was adjourned at 4:38 p.m.

## RECESS/RECONVENE

The City Council recessed at 4:38 p.m. from the Joint City Council/Redevelopment Agency Board, and reconvened at 7:06 p.m. in the Council Chambers, City Hall.

Present: Council Members - Campos, Chavez, Chirco, Cortese, Dando, LeZotte, Reed, Williams, Yeager; Gonzales.

Absent: Council Members - None.

## CEREMONIAL ITEMS

### **1.1 Swearing-in of District 2 Youth Commissioner, Lydia Kim. (City Clerk) (Deferred from 2/1/05 – Item 1.1)**

Documents Filed: Memorandum from City Clerk Lee Price, dated January 21, 2004, regarding the appointment and swearing in of the new Youth Commissioner.

Action: Council Member Williams introduced Lydia Kim, a Junior at Oak Grove High School. City Clerk Lee Price administered the Oath of Office.

### **1.2 Presentation of plaques to Nedra Jones for four years of service on the Council Salary Setting Commission; Jeffrey Dennison for two years and eleven months of service on the Housing Advisory Commission; Jose Hernandez for four years of service on the Human Rights Commission; Jeanette Leach for four years and six months of service on the Human Rights Commission; James Weston for four years of service on the Human Rights Commission; and Brendan Nwachukwu for two years and eleven months of service on the Small Business Development Commission. (Mayor) (Deferred from 2/1/05 – Item 1.3)**

Action: Mayor Gonzales presented plaques to Nedra Jones for four years service on the Council Salary Setting Commission, and Jeffrey Dennison for two years and eleven months service on the Human Rights Commission. Jeanette Leach, James Weston and Brendan Nwachukwu were recognized also, but were not present.

### **1.3 Presentation of plaques to the Commissioners on the Project Diversity Screening Committee: Muhammed Chaudhry for two years of service; Rebecca Hughes for two years of service; Ed Mendence for one year of service; Richard Patterson for two years of service; Victoria Taketa for two years of service; Dave Wilkins for two years of service, and Sue Williams for one year of service. (Mayor)**

Action: Mayor Gonzales presented plaques to Muhammed Chaudhry, Rebecca Hughes, Ed Mendence, Victoria Taketa, Dave Wilkins and Sue Williams in recognition for service on the Project Diversity Screening Committee.

## ENVIRONMENTAL AND UTILITY SERVICES

- 7.2 Public Hearing on and adoption of a resolution approving proposed revisions to the City Council Policy on Post-Construction Urban Runoff Management in order to:**
- (a) Maintain consistency with the requirements of the National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System (NPDES MS4 Permit) issued to the City of San José and the other co-permittees that constitute the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP); and**
  - (b) Revise the waiver program that allows project proponents to request a waiver from the requirement to install treatment Best Management Practices (BMPs) for a given project on site, upon an appropriate showing of impracticability, and with provision to treat an equivalent pollutant loading or quantity of stormwater runoff, or provide other equivalent water quality benefit. CEQA: Exempt, PP 05-012.**
- (Planning, Building and Code Enforcement)**

Documents Filed: (1) Memorandum from Director of Planning, Building and Code Enforcement Stephen Haase, dated February 2, 2005, recommending approval on the proposed revisions. (2) Supplemental memorandum from Director of Planning, Building and Code Enforcement Stephen Haase, dated February 15, 2005, providing additional information.

Director of Planning, Building and Code Enforcement Stephen Haase presented the Post-Construction Urban Runoff Management Policy.

A short discussion followed.

Public Comment: Bruce Wolfe, Regional Water Quality Control Board, spoke in support of the proposed revisions. He stated this is still in early stages and there will be an opportunity to continue to learn, improve and address quality, quantity and speed of water. In response to an inquiry from Mayor Gonzales, he explained that the focus is Statewide and assured the Council that other agencies (i.e. Caltrans) will be plugged in, even if they don't require a City Permit.

Action: Upon motion by Council Member Cortese, seconded by Council Member Yeager and carried unanimously, Resolution No. 72539, entitled: "A Resolution of the Council of the City of San José Approving a City Council Policy Revising Requirements Related to the Control of Stormwater Runoff from New and Redevelopment Projects", was adopted. (10-0.)

## PUBLIC HEARINGS

City Clerk Lee Price read the requests for continuance of the applications. Upon motion by Vice Mayor Chavez, seconded by Council Member Chirco, and carried unanimously, the below noted continuances were granted. (10-0.)

- 11.1 Public Hearing on and consideration of approval of an ordinance on Conforming Conventional Rezoning of the property located at the southeast corner of Branham Lane and Birkenshaw Place (4558 Birkenshaw Pl.), from R-1-1 Residence Zoning District to R-1-8 Residence Zoning District, on a 0.23 gross acre site (Lin Mon F, Owner). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.**  
**C 04-079 - District 10**  
**(Continued from 12/7/04 - Item 11.9 et al and 1/25/05 – Item 11.3)**

Documents Filed: None.

Action: Continued to March 1, 2005.

- 11.2 Public Hearing on and consideration of approval of an ordinance on a Conventional Prezoning from County to R-1-8 Residential Zoning District on approximately 4.6 gross acres and from County to CP Pedestrian Commercial Zoning District on approximately 0.6 acres located on the north side of McKee Road approximately 380 feet easterly of Toyon Avenue (5301 McKee Rd.) (Presbytery of San José & Mr. and Mrs. Reek, Owner). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).**  
**C04-038 - District 5**

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C04-038, dated January 20, 2005, recommending approval on the subject property. (2) Memorandum from Secretary of Planning Commission Stephen Haase, dated January 27, 2005, transmitting the Planning Commission recommendation of the subject property. (3) Proofs of Publications of Notice of Public Hearing, executed on January 14, 2005, and January 23, 2005, submitted by the City Clerk.

Public Comment: Mayor Gonzales opened the public hearing. There was no testimony from the floor. Mayor Gonzales closed the public hearing.

Action: Upon motion by Council Member Campos, seconded by Vice Mayor Chavez, the recommendation of the Planning Commission and the Planning Director was approved, and Ordinance No. 27360, was passed for publication. (10-0.)

- 11.3 Public Hearing on and consideration of approval of an ordinance on a Planned Development Rezoning from R-1-8 to A(PD) District to allow one existing and one new single-family attached residence on a 0.46 gross acre site, located at/on the southwest corner of Pine Avenue and Cottle Avenue (1260 Pine Avenue) (Fortune Fred and Cathleen, Owner). CEQA: Exempt.  
PDC04-105 - District 6**

Documents Filed: None.

Action: Continued to March 1, 2005.

- 11.4 Public Hearing on and consideration of an ordinance on a Conforming Prezoning from County to CP Commercial Pedestrian Zoning District on a 0.53 gross acre site, located on the west side of South White Road, approximately 300 feet north of Story Road (1075 S. White Road) (John M. Powell, Owner). SNI: East Valley/680 Communities. CEQA: Resolution No. 65459.  
C04-108 - District 5**

Documents Filed: None.

Action: Dropped, to be renoticed.

- 11.5 Public Hearing on and consideration of approval of an ordinance on a Conforming Rezoning from R-1-2-Single-Family Residence District to R-1-5 Single-Residence District to allow residential uses on a 1.05 gross acre site at/on the west end of Perigrino Way, approximately 150 feet northerly of Dry Creek Road (1726 Peregrino Way) (West Valley Financial Group Inc., Owner). SNI: None. CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.  
C04-084 - District 6**

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C04-084, dated January 26, 2005, recommending approval on the subject property. (2) Proofs of Publications of Notice of Public Hearing, executed on February 4, 2005, and February 6, 2005, submitted by the City Clerk.

Public Comment: Mayor Gonzales opened the public hearing. There was no testimony from the floor. Mayor Gonzales closed the public hearing.

Action: Upon motion by Council Member Yeager, seconded by Council Member Reed, the recommendation of the Planning Director was approved, and Ordinance No. 27361, entitled: "An Ordinance of the City of San José Rezoning Certain Real Property Situated on the West End of Perigrino Way, Approximately 150 Feet Northerly of Dry Creek Road to R-1-5 Single Family Residence Zoning District", was passed for publication. (10-0.)

- 11.6 Public Hearing on and consideration of approval of an ordinance of a Conventional Rezoning from LI Light Industrial and HI Heavy Industrial Zoning Districts to CN Neighborhood Commercial Zoning District to allow commercial uses on a 1.33 gross acre site, located at the west side of Monterey Road, 250 feet southerly of Lewis Road (2955 Monterey Road) (Reppas & Sons, Owner). SNI: None. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).  
C04-097 - District 7**

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C04-097, dated January 28, 2005, recommending approval on the subject property. (2) Memorandum from Secretary of Planning Commission Stephen Haase, dated February 8, 2005, transmitting the Planning Commission recommendation of the subject property. (3) Proofs of Publications of Notice of Public Hearing, executed on January 28, 2005, and February 6, 2005, submitted by the City Clerk.

Public Comment: Mayor Gonzales opened the public hearing. There was no testimony from the floor. Mayor Gonzales closed the public hearing.

Action: Upon motion by Council Member Williams, seconded by Vice Mayor Chavez, the recommendation of the Planning Commission and the Planning Director was approved, and Ordinance No. 27362, entitled: "An Ordinance of the City of San José Rezoning Certain Real Property Situated on the West Side of Monterey Road, 250 Feet Southerly of Lewis Road (2955 Monterey Road) to CN Commercial Neighborhood Zoning District", was passed for publication. (10-0.)

- 11.7 Public Hearing on and consideration of approval of an ordinance of a Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow minor modifications to the building height limit for 265 single-family attached residential units on a 4.2 gross acre site, located on the southeast corner of The Alameda and Bush Street (200 Bush Street) (Cahill North LLC, Owner; Centex Homes, Developer). CEQA: Addendum to EIR. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0). CEQA: Resolution No. 69355 and Addendum thereto.  
PDC04-096 - District 6**

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. PDC04-096, dated January 28, 2005, recommending approval on the subject property. (2) Memorandum from Secretary of Planning Commission Stephen Haase, dated February 8, 2005, transmitting the Planning Commission recommendation of the subject property. (3) Proofs of Publications of Notice of Public Hearing, executed on January 28, 2005, and February 6, 2005, submitted by the City Clerk.

## 11.7 (Cont'd.)

Public Comment: Mayor Gonzales opened the public hearing. Josué Garcia, Building Trades Council spoke in favor of the Staff recommendation, which would bring more jobs to San José. Mayor Gonzales closed the public hearing.

Action: Upon motion by Council Member Yeager, seconded by Vice Mayor Chavez, the recommendation of the Planning Commission and the Planning Director was approved, and Ordinance No. 27363, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property Situated on the East Side of Bush Street Approximately 190 Feet South of The Alameda (200 Bush Street) to A(PD) Planned Development Zoning District”, was passed for publication. (10-0.)

## ADJOURNMENT

The Council of the City of San José was adjourned in memory of Lewis Fenton, father of Dan Fenton, President and CEO of San José Convention and Visitors Bureau and in memory of Santa Clara County Fire Captain Mark McCormack, a District 6 resident, who died in the line of duty.

The Council of the City of San José was adjourned at 7:46 p.m.

**RON GONZALES, MAYOR**

**ATTEST:**

**LEE PRICE, CMC, CITY CLERK**

smd/02/15/05min