

MINUTES OF THE CITY COUNCIL

SAN JOSÉ, CALIFORNIA

TUESDAY, AUGUST 7, 2007

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

Present: Council Members - Campos, Chirco, Chu, Constant, Cortese, Liccardo, Nguyen, Oliverio, Pyle, Williams; Reed.

Absent: Council Members - None.

Upon motion unanimously adopted, Council recessed at 9:31 a.m. to a Closed Session in Room W133, (A) to confer with Legal Counsel pursuant to Government Code Section 54956.9 subsection (a) with respect to existing litigation to consider the case of: (1) Callaway v. City of San José, et al.; (2) South Almaden Rural Alliance, et al. v. City; (3) Calderon, et al. v. City, et al. (B) to confer with Legal Counsel pursuant to: Government Code Section 54956.9 with respect to anticipated litigation, (1) subsection (b), initiation of litigation in two (2) matters; (2), subsection (c) with significant exposure in one (1) matter. (C) Public Employee Performance Evaluation Pursuant to Government Code Section 54957: Title: Director, Retirement Services. (D) to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Manager designee Alex Gurza; Employee Organizations: (1) Association of Maintenance Supervisory Personnel Agreement (AMSP); (2) Association of Engineers and Architects (AEA), IFPTE, Local 21, Units 041 and 042; (3) Association of Engineers and Architects (AEA), Local 21, Unit 043; (4) Association of Building, Mechanical and Electrical Inspectors (ABMEI); (5) Confidential Employees' Organization (CEO), AFSCME, Local 101; (6) International Brotherhood of Electrical Workers (IBEW), Local 332; (7) International Union of Operating Engineers, Local No. 3 (OE#3); (8) Municipal Employees' Federation (MEF), AFSCME, Local 101; (9) International Association of Firefighters (IAFF); (10) San José Police Officers' Association; (11) City Association of Management Personnel Agreement (CAMP).

By unanimous consent, Council recessed from the Closed Session at 11:20 a.m. and reconvened at 1:32 p.m. in the Council Chambers.

Present: Council Members - Campos, Chirco, Chu, Constant, Cortese, Liccardo, Nguyen, Oliverio, Pyle, Williams; Reed.

Absent: Council Members - None.

(Cont'd.)

Upon motion unanimously adopted, Council recessed at 3:54 p.m. to a Closed Session in Room W133.

Present: Council Members - Campos, Chirco, Chu, Constant, Cortese, Liccardo, Nguyen, Oliverio, Pyle, Williams; Reed.

Absent: Council Members - None.

INVOCATION

Pastor Dam Nhat from Duc Vien Temple presented the Invocation. (District 7)

PLEDGE OF ALLEGIANCE

Mayor Reed led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Council Member Williams, seconded by Council Member Campos and carried unanimously, the Orders of the Day and the Amended Agenda were approved, Item 1.5 was deferred, Items 2.1, 3.1 through 3.10, 4.1, 4.2 were deferred to August 14, 2007; and Item 3.12 was deferred to a date to be determined by the Rules and Open Government Committee. (10-0-1. Absent: Cortese.)

CLOSED SESSION REPORT

City Attorney Doyle disclosed the following Closed Session action(s) of August 7, 2007:

A. Public Employee Appointment Pursuant to Government Code Section 54957:

1. Title: Director of Retirement Services

Name: Russell Crosby

Council Vote: Ayes: Campos, Chirco, Chu, Constant, Cortese, Liccardo, Nguyen, Oliverio, Pyle, Williams; Reed.

Noes: None.

Disqualified: None.

Absent: None.

B. Public Employee Discipline Pursuant to Government Code Section 54957:

1. Title: City Auditor

Name: Gerald Silva

Council Vote: Ayes: Campos, Chirco, Chu, Constant, Cortese, Liccardo, Nguyen, Oliverio, Pyle, Williams; Reed.

Noes: None.

Disqualified: None.

Absent: None.

C. Authority to Pursue Appellate Review in Litigation Case:

Case Name: South Almaden Valley Rural Alliance, et al. v. City of San José

Adverse Parties: South Almaden Rural Alliance and Committee for Green Foothills

Substance of Litigation: Lawsuit filed under the California Environmental Quality Act, challenging City's development of a youth sports complex on McKean Road

Council Vote: Ayes: Campos, Chirco, Chu, Constant, Cortese, Liccardo, Nguyen, Oliverio, Pyle, Williams; Reed.

Noes: None.

Disqualified: None.

Absent: None.

CEREMONIAL ITEMS

1.1 Presentation of a proclamation declaring August 7, 2007 as National Night Out in the City of San José. (Constant)

Action: Mayor Reed and Council Members Constant and Nguyen recognized August 7, 2007 as "National Night Out" in the City of San José.

1.2 Presentation of a commendation to Lillian Woodward for her compassion and service towards the elderly as a home care worker in the City of San José. (Pyle/Williams)

Action: Mayor Reed and Council Members Pyle and Williams recognized and commended Ms. Lillian Woodward for her outstanding efforts as a home care worker in the City of San José.

1.3 Presentation of commendations to Aaron Morrow and Karl Vidt for their outstanding dedication to the City of San José and years of involvement and service on the Disability Advisory Commission. (Pyle/Nguyen/Liccardo)

Action: Mayor Reed and Council Members Pyle, Nguyen and Liccardo recognized and commended Aaron Morrow and Karl Vidt for their exceptional dedication and service on the Disability Advisory Commission.

1.4 Presentation of a commendation to the Recycle Plus Transition Team for their outstanding efforts and dedication. (Mayor)

Action: Mayor Reed recognized and commended the Recycle Plus Transition Team for their excellent efforts and dedication.

**1.5 Acceptance of recognition of local leaders' support for the East Bay Leadership Foundation. (Constant)
(Rules Committee referral 6/20/07)**

Action: Deferred per Orders of the Day.

CONSENT CALENDAR

Upon motion by Council Member Pyle, seconded by Council Member Williams, and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0.)

2.1 Approval of Minutes.

- (a) **Regular Minutes of April 3, 2007**
 - (b) **Regular Minutes of April 10, 2007**
 - (c) **Regular Minutes of April 17, 2007**
 - (d) **Joint City Council/Santa Clara Valley Water District Study Session Minutes on Water Quality Issues of April 20, 2007**
 - (e) **Regular Minutes of April 24, 2007**
 - (f) **Council Study Session Minutes on Evergreen East Hills Vision Strategy of April 30, 2007**
 - (g) **Regular Minutes of May 1, 2007**
 - (h) **Council Study Session Minutes on the General Plan Update of May 3, 2007**
 - (i) **Regular Minutes of May 8, 2007**
 - (j) **Regular Minutes of May 15, 2007**
 - (k) **Regular Minutes of May 22, 2007**
 - (l) **2007-2008 Operating and Capital Budget; 2008-2012 Capital Improvement Program Study Session Minutes of May 7, 2007 through May 17, 2007**
 - (m) **Minutes of the San José Financing Authority of May 22, 2007**
 - (n) **Special Closed Session Minutes of May 29, 2007**
 - (o) **Special Closed Session Minutes of May 30, 2007**
- [Deferred from 6/26/07 – Items 2.1 (a)-(o)]

Action: Deferred to August 14, 2007 per City Clerk under Orders of the Day.

- 2.2 (a) **ORD. NO. 28083 – Amending Section 18 of Ordinance No. 27712 to revise the transition provisions relating to domestic partners in the Police and Fire Department Retirement Plan.**

Documents Filed: Proof of Publication of Notice of Public Hearing, executed on July 17, 2007, submitted by the City Clerk.

Action: [Ordinance No. 28083](#) was adopted. (11-0.)

- 2.3 **Approval of City Manager Debra Figone’s travel to Sacramento, California on September 5-7, 2007 to participate in the League of California Cities’ Annual Conference. Source Funds: City Manager’s Office. (City Manager’s Office)**

Documents Filed: Memorandum from City Manager Debra Figone, dated July 23, 2007, requesting approval of travel.

Action: The travel request for City Manager Debra Figone was approved. (11-0.)

- 2.4 (a) **Approval of an agreement with Fernanda D’Agostino to fabricate and install artwork for the Mayfair Community Center in a total amount not to exceed \$195,400.**
- (b) **Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Parks and Recreation Bond Projects Fund (Fund 471):**
- (1) **Increase appropriation to the Office of Economic Development for the Public Art-Park and Recreation Bond Projects by \$141,000.**
- (2) **Increase the Beginning Fund Balance estimate by \$141,000.**
- (c) **Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (Fund 450):**
- (1) **Increase the appropriation to the Department of Public Works for the Mayfair Community Center project by \$64,000;**
- (2) **Increase the Beginning Fund Balance estimate by \$64,000.**
- (d) **Adoption of the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund (Fund 375):**
- (1) **Establish an appropriation to the Office of Economic Development in the amount of \$10,000 for the Mayfair Community Center Public Art project;**
- (2) **Decrease the appropriation to the Office of Economic Development for the Plata Arroyo Skate Park Development Public Art project by \$8,000; and**
- (3) **Decrease the appropriation to the Office of Economic Development for the Children of the Rainbow Park Renovation Public Art project by \$2,000.**

CEQA: Exempt, File No. PP05-184. (City Manager’s Office/Economic Development)

Action: Deferred to August 14, 2007 per Council District 5.

- 2.5 Adoption of a resolution initiating proceedings and setting August 21, 2007 at 1:30 p.m. for Council consideration on the reorganization of the territory designated as McKee No. 129 which involves the annexation to the City of San José of 0.82 acres more or less of land located at the southeast corner of North Capitol Avenue and Grandview Drive, and generally bounded by the City of San José Annexations McKee Nos. 9, 44 and 97, and the detachment of the same from the appropriate special districts including Central Fire Protection and Area No. 01 (Library Services) County Service. CEQA: Resolution No. 65459, File No. C06-106. Council District 4. (Planning, Building and Code Enforcement)**

Documents Filed: Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated July 16, 2007, recommending adoption of a resolution.

Action: [Resolution No. 73932](#), entitled: “A Resolution of the Council of the City of San José Initiating the Reorganization Proceedings for the Annexation and Detachment of Certain Uninhabited Territory Designated as McKee No. 129 Described Herein and Setting the Date, Time and Place for Consideration of Such Reorganization”, was adopted. (11-0.)

- 2.6 Approval of an ordinance amending Section 3.36.550 of Chapter 3.36 of Title 3 of the San José Municipal Code to authorize the Board of Administration for the Police and Fire Department Retirement Plan to make real estate investments through Limited Liability Companies as title holding entities. CEQA: Not a Project. (Police and Fire Retirement Board)**

Documents Filed: Memorandum from Federated City Employees’ Retirement System Secretary Edward Overton, dated July 16, 2007, recommending approval of an ordinance.

Action: [Ordinance No. 28088](#), entitled: “An Ordinance of the City of San José Amending Section 3.36.550 of Chapter 3.36 of Title 3 of the San José Municipal Code to Authorize Limited Liability Companies as a Vehicle in which the Board of Administration for the Police and Fire Department Retirement Plan May Invest in and Take Title to Real Estate Investments”, was passed for publication. (11-0.)

STRATEGIC SUPPORT SERVICES

- 3.1 Report of the Rules and Open Government Committee – May 23, 2007
Mayor Reed, Chair**

Action: Deferred to August 14, 2007 per Orders of the Day.

- 3.2 Report of the Rules and Open Government Committee – May 30, 2007
Mayor Reed, Chair**

Action: Deferred to 8/14/07 per Orders of the Day.

**3.3 Report of the Rules and Open Government Committee – June 6, 2007
Mayor Reed, Chair**

Action: Deferred to 8/14/07 per Orders of the Day.

**3.5 Report of the Rules and Open Government Committee – June 20, 2007
Mayor Reed, Chair**

Action: Deferred to August 14, 2007 per Orders of the Day.

**3.6 Joint Meeting of the Rules and Open Government Committee and the Sunshine Reform Task Force – June 27, 2007
Mayor Reed, Chair**

Action: Deferred to August 14, 2007 per City Clerk.

**3.7 Report of the Public Safety, Finance and Strategic Support Committee – June 21, 2007
Councilmember Nguyen, Chair**

Action: Deferred to August 14, 2007 per Orders of the Day.

**3.8 Adoption of a resolution approving a City Council Expenditure and Reimbursement Policy. (City Attorney/City Clerk/Finance)
[Rules Committee referral 6/20/07 – Item (g)(1)]**

Action: Deferred to August 14, 2007 per City Clerk.

**3.9 Adoption of a resolution approving a City Council Policy establishing a code of conduct for persons attending, bringing signs or banners to, or participating in public meetings in the Council Chambers and Committee Rooms. (City Attorney/City Clerk)
[Rules Committee referral 6/20/07 – Item (g)(6)]**

Action: Deferred to August 14, 2007 per City Clerk.

**3.10 Adoption of a resolution amending the Rules Resolution for the Conduct of City Council Meetings to make technical and conforming changes, and superseding Resolution No. 73586. (City Attorney/Mayor)
[Rules Committee referral 6/20/07 – Item (g)(7)]**

Action: Deferred to August 14, 2007 per City Clerk.

- 3.11 (a) Acceptance of the report on Retiree Health Care.
(b) Direct staff to develop options to achieve full pre-funding of the retiree healthcare liability.
(c) Direct staff to develop options to reduce the retiree healthcare liability.
CEQA: Not a Project. (City Manager’s Office)**

3.11 (Cont'd.)

Director of Human Resources Mark Danaj, Director of Finance Scott Johnson and Director of Employee Relations Alex Gurza presented the Staff Report on Retiree Health Care and responded to Council questions. Discussion followed.

Public Comments: Speaking against reducing retiree benefits were Walter Lin, Brad Inamura, David Rodriguez, Shirley Hansen, Linda Dittes, Erik Larsen, Yolanda Cruz, AFSCME MEF, Brian Doyle, Tracy Deitschman, Bill Pope, Bob Leininger, San José Retired Employers Association, Daniel Finn, Matt Loesch, Association of Engineers and Architects, Ken Heredia, Randy Sekany, San José Firefighters, Mark Skeen, San José Police and Firefighters Retirement Board and Trish Glassey, Confidential Employees Organization. Mary Follenweider also spoke to the issue.

Action: Upon motion by Council Member Williams, seconded by Council Member Chirco and carried unanimously, discussion on the Retiree Healthcare Report was continued to August 28, 2007. (11-0.)

3.12 **Approval of the Sunshine Reform Task Force Phase I Report and Recommendations for Closed Session and Public Information, as amended by the Rules and Open Government Committee, and direction to Staff to proceed with implementation on a pilot basis. CEQA: Not a Project. (City Manager's Office)**

Action: Deferred per Orders of the Day to a date to be determined by Rules Committee.

3.13 **Public hearing on the Sanitary Sewer Service and Use Charges and Storm Sewer Service Charges report filed by the Director of Finance with the City Clerk's Office to approve the placement of recommended charges on the 2007-2008 tax roll, with such modifications as Council may make based on public hearing testimony. CEQA: Not a Project. (Finance)**

Documents Filed: Memorandum from Director of Finance Scott Johnson, dated July 18, 2007, recommending holding a public hearing and approve the recommended charges on the 2007-2008 tax roll.

Motion: Council Member Oliverio moved approval of the Staff recommendations. Council Member Pyle seconded the motion.

Public Comments: William Garbett objected to the Staff recommendation.

Vice Mayor Cortese asked about in-lieu fee charges related to the Sanitary Sewer Service and Use Charges and Storm Service Charges. Director of Finance Scott Johnson responded that he would provide Council with updated information about those fees.

3.13 (Cont'd.)

Action: On a call for the question, the motion carried, [Resolution No. 73933](#), entitled: “A Resolution of the Council of the City of San José Approving the Annual Report for the Fiscal Year 2007-2008 of the Director of Finance on Sanitary Sewer Service and Use Charges and Storm Sewer Service Charges and Approving the Placement of Charges as Set Forth Therein on the 2007-2008 Tax Roll”, was adopted, with Staff directed to provide an information memorandum on in-lieu fees. (10-1. Noes: Cortese.)

3.14 Adoption of a resolution establishing the FY 2007-2008 tax levy on all taxable property for general obligation bonded indebtedness. CEQA: Not a Project. (Finance)

Documents Filed: Memorandum from Director of Finance Scott Johnson, dated July 16, 2007, recommending adoption of a resolution.

Public Comments: William Garbett objected to the Staff recommendation.

Action: Upon motion by Council Member Oliverio, seconded by Council Member Williams and carried unanimously, [Resolution No. 73934](#), entitled: “A Resolution of the Council of the City of San José Establishing the Fiscal Year 2007-2008 Property Tax Levy for the City’s General Obligation Bond Indebtedness”, was adopted. (11-0.)

COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Community & Economic Development Committee – June 25, 2007 Councilmember Pyle, Chair

Action: Deferred to August 14, 2007 per Orders of the Day.

4.2 Public hearing and adoption of a resolution:

- (a) **Accepting the summary of costs and findings of the Summary 33433 Report pursuant to Health and Safety Code Section 33433 for the conveyance and disposition of the property located at the Northeast corner of Almaden Expressway and Coleman Road under the terms and conditions of the proposed Disposition and Development Agreement (“DDA”).**
- (b) **Approving a DDA between the City of San José and Barry Swenson Builder, or its designated affiliate, enabling the development of Sycamore Terrace, a 32-unit for-sale housing development, and authorizing the City Manager or her designee to negotiate, execute, and record all documents reasonably necessary to convey the property as provided in the DDA.**
- (c) **Approving a funding commitment of up to \$1,600,000 for the project to fund second mortgages for 16 moderate-income homebuyers.**

CEQA: Mitigated Negative Declaration, File No. PDC 90-061. Council District 10. (Housing)

Action: Deferred to August 14, 2007 per Orders of the Day.

4.3 Adoption of a resolution:

- (a) Approving an increase to the City permanent loan to Cinnabar Commons, a California limited partnership, or an affiliated entity (“Sponsor”) for up to \$2,084,521 to fund increased affordability for 39 of the 245 units in the Cinnabar Commons Family Apartments project located on the West side of Stockton Avenue between Cinnabar Street and Lenzen Avenue.**
- (b) Approving an exception to the Council Policy on Loan to Value (LTV) ratio allowing up to 119% of the LTV for the Cinnabar Commons Family Apartments Project.**

CEQA: Resolution No. 7114. Council District 6. (Housing)

Documents Filed: (1) Memorandum from Director of Housing Leslye Krutko, dated July 24, 2007, recommending adoption of a resolution. (2) Proofs of Publications of Notices of Public Hearing, executed on July 23, 2007 and July 30, 2007, submitted by the City Clerk.

Director of Housing Leslye Krutko responded to Council questions.

Action: Upon motion by Council Member Oliverio, seconded by Council Member Williams and carried unanimously, [Resolution No. 73935](#), entitled: “A Resolution of the Council of the City of San José Approving an Increase of Up to \$2,084,521 to the Permanent Loan and an Exception to the City Policy to Allow Increase in Loan to Value Ratio for the Cinnabar Commons Apartment Project”, was adopted. (11-0.)

4.4 Approval of the Envision San José 2040 General Plan Update Task Force membership. (Mayor/Liccardo)

Documents Filed: Memorandum from Mayor Reed and Council Member Liccardo, dated July 20, 2007, recommending approval of the Envision San José 2040 General Plan Update Task Force membership.

Motion: Council Member Liccardo moved approval of the memorandum he cosigned with Mayor Reed dated July 20, 2007. Vice Mayor Cortese seconded the motion.

Council discussion followed. Council Member Campos requested that Staff provide biographical information on each task force member.

Public Comments: Brian Schmidt, Committee for Green Foothills, spoke in favor of the General Plan Task Force.

Action: On a call for the question, the motion carried unanimously, the Envision San José 2040 General Plan Update Task Force Membership was approved, with Staff requested to provide bios on each task force member. (11-0.)

**4.5 Adoption of a resolution approving the City Hall Exhibits Policy. CEQA: Not a Project. (Economic Development)
[Community and Economic Development referral 6/25/07 – Item 4.1(f)]**

Action: Deferred to August 14, 2007 per Administration.

JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board was convened at 3:35 p.m. to consider Item 9.1 in a Joint Session.

- 9.1**
- (a) Public hearing for the formation of a Property and Business Improvement District (PBID) in Downtown San José and authorize the City Clerk to tabulate the ballots.**
 - (b) Adoption of a resolution by the City Council casting a ballot in favor of the establishment of a Downtown San José PBID and the imposition of an assessment on City-owned property in the amount of \$283,414 with annual increases over the next four years of up to 5% per year.**
 - (c) Adoption of a resolution by the Agency Board casting a ballot in favor of the establishment of a Downtown PBID and the imposition of an assessment on Agency-owned property in the amount of \$66,441, as clarified by City Clerk Lee Price, with annual increases over the next four years of up to 5% per year.**
 - (d) If the proposed PBID is approved by property owners, adoption of a resolution by the City Council:
 - (1) Approving the Downtown San José PBID Management Plan/Engineer's Report; and,**
 - (2) Approving and imposing the respective assessments.****
 - (e) If the Downtown San José PBID is approved, then direct staff to return to Council with recommendations on establishing a fund and adopting Appropriation Ordinance and Funding Sources Resolution amendments in the full amount of the assessments.**

CEQA: Not a Project. Council District 3. (City Manager's Office/Redevelopment Agency)

Documents Filed: (1) Memorandum from City Manager Debra Figone and Redevelopment Agency Executive Director Harry S. Mavrogenes, dated July 21, 2007, recommending conducting a public hearing and adoption of resolutions. (2) Memorandum from Senior Deputy City Attorney Susan Devencenzi, dated August 31, 2007, clarifying that Ordinance No. 28089 and Resolution No. 73938 were not used. (3) Proof of Publication of Notice of Public Hearing, executed on June 22, 2007, submitted by the City Clerk.

Mayor Reed opened the public hearing at 1:59 p.m.

City Clerk Lee Price clarified that the imposition of an assessment on Agency-owned property was in the amount of \$66,441, in lieu of \$86,479.

9.1 (Cont'd.)

Director of Transportation James Helmer presented a brief overview of the Downtown San José Property and Business Improvement District. Assistant City Clerk Barbara Conly read the results of the ballots and assessments.

Public Comments: William Garbett objected to the Staff recommendations. Scott Knies spoke in favor of a formation of a Property and Business Improvement District.

Motion: Council Member Liccardo moved approval of Staff recommendations (b) and (c). Council Member Oliverio seconded the motion.

Assistant City Clerk Barbara Conly added that the new numbers show 90% of the ballots were in favor of the establishment of a Property and Business Improvement District.

Motion: Council Member Liccardo moved approval of Staff recommendations (d) and (e). Council Member Pyle seconded the motion.

Mayor Reed closed the public hearing.

Action: On a call for the question, the motion carried unanimously, [Resolution No. 73936](#), entitled: “A Resolution of the Council of the City of San José Casting a Ballot in Favor of the Establishment of a Downtown Property Business Improvement District and the Imposition of an Assessment on City Owned Property in the Amount of \$283,414, with Annual Increases over the Next Four Years of Up to 5% Per Year”; [Redevelopment Agency Resolution No. 5774](#), entitled: entitled: “A Resolution of the Board of Directors of the Redevelopment Agency of the City of San José Casting a Ballot in Favor of the Establishment of a Downtown Property Business Improvement District and the Imposition of an Assessment on City Owned Property in the Amount of \$61,441, with Annual Increases over the Next Four Years of Up to 5% Per Year”, as amended; [Resolution No. 73937](#), entitled: “A Resolution of the Council of the City of San José Approving the Downtown Business Improvement District Management Plan/Engineer’s Report; and Approving and Imposing the Respective Assessments”, were adopted. Note that Ordinance No. 28089 and Resolution No. 73938 were reserved for this action but were not used. (11-0.)

NOTICE OF CITY ENGINEER’S PENDING DECISION ON FINAL MAPS

In accordance with Sec. 19.16.140d of the San José 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> |
|--------------|---|-------------------------|---------------------------|-----------------------|-------------|--------------------------|
| 9780 | E/S of N 9th St., Taylor/Jackson Sts | 3 | Standard Pacific Corp. | 26 Lots / 20 Units | SFD | Approve |
| 9892 | NE corner of SW Exp/Fruitdale Ave. | 6 | Fruitdale Assoc LLC | 1 Lot / 91 Units | MFA | Approve |

NOTICE OF CITY ENGINEER’S PENDING DECISION ON FINAL MAPS

In accordance with Sec. 19.16.140d of the San José 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> |
|--------------|--|-------------------------|----------------------------|--------------------|-------------------------------------|
| 9932 | Northwest corner of Lucretia Avenue and Phelan Avenue | 7 | Freeman Chu | 21 Lots / 20 Units | Single Family Detached |
| 9935 | East side of De Anza Boulevard, 350 feet north of Sharon Drive | 1 | David Perng Yu-Sheng Kao | 5 Lots / 4 Units | Single Family Detached and Attached |
| 9940 | Southwest corner of Capitol Avenue and Mabury Road | 4 | Pinn Brothers Construction | 1 Lot / 110 Units | Multi- Family Attached |

OPEN FORUM

- (1) Brian Schmidt, Committee for Green Foothills, spoke regarding the Coyote Valley Impact Report.
- (2) Stephen Hazel voiced personal points of view.
- (3) Robert Apgar voiced personal observations.
- (4) Mark Trout presented religious points of view.
- (5) Cindy Trout voiced religious viewpoints.

ADJOURNMENT

The Council of the City of San José adjourned at 5:28 p.m. in memory of Robert J. Causor, Jr., a graduate of Overfelt High School who was recently killed in Iraq.

Minutes Recorded, Prepared and Respectfully Submitted by,

Lee Price, MMC
City Clerk

smd/8-7-07MIN

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