



# **CITY COUNCIL**

**AUGUST 1, 2000**

# **SYNOPSIS**

LINDA J. LE ZOTTE  
CHARLOTTE POWERS  
CINDY CHAVEZ  
VACANT  
MANNY DIAZ

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

RON GONZALES MAYOR

FRANK FISCALINI  
GEORGE SHIRAKAWA, JR.  
ALICE WOODY  
JOHN DIQUISTO  
PAT DANDO

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

**To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.**

**On occasion the City Council may consider agenda items out of order.**

## **1 CALL TO ORDER AND ROLL CALL**

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**9:30 a.m. - Closed Session, Room 600, City Hall**

**Absent: Council Members Shirakawa, Jr., Woody (both excused)  
District 4 - Vacant**

**1:30 p.m. - Regular Session, Council Chambers, City Hall**

**Absent: Council Member Shirakawa, Jr. (excused)  
District 4 - Vacant**

**7:00 p.m. - Public Hearings, Council Chambers, City Hall**

**Absent: Council Members Diaz, Shirakawa, Jr. (both excused)  
District 4 - Vacant**

## **2 INVOCATION**

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**Father Kevin Joyce, St. Maria Goretti, delivered the invocation.  
(District 7)**

## **3 PLEDGE OF ALLEGIANCE**

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

## **4 ORDERS OF THE DAY**

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**Approved.**

## 5 CEREMONIAL ITEMS

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- a. Presentation of plaques to Eve Mathias for 2 years 10 months service on the Arts Commission, to André Luthard for 3 years 9 months service on the CDBG Steering Committee, to Harley Roth for 4 years 7 months service on the CDBG Steering Committee, to Charlene Della Maggiore for 4 years service on the Child Care Commission, to Albaelena Diaz Diaz for 5 years 7 months service on the Child Care Commission, to Barbara Jo Clifford for 4 years service on the Disability Advisory Commission, to Mary Ellen Peterson for 1 year 7 months service on the Disability Advisory Commission, to Laurel Truan for 5 years 7 months service on the Disability Advisory Commission, and to Mindy Pelz for 1 year 2 months service on the Downtown Parking Board. (Mayor)

**Mayor Gonzalez presented plaques to Eve Mathias, André Luthard, Charlene Della Maggiore, Barbara Jo Clifford, and Laurel Truan, and expressed appreciation for the volunteers' contributions to the citizens of San José. Plaques for Harley Roth, Albaelena Diaz Diaz, and Mary Ellen Peterson will be mailed, as the honorees were unable to attend the meeting.**

- b. Proclamation of August 1, 2000 as "National Night Out 2000" in the City of San Jose. (Diaz)

**Joining Mayor Gonzales at the Podium, Council Member Diaz introduced Chief of Police William M. Lansdowne, and Crime Prevention Specialist and Team Leader Amy Skalland-Lang who honored each Council Member with the "Blue Ribbon – Who I Am Makes A Difference" award, and invited them to wear the *Ribbon* as an invitation to others to share in the spreading of the "Power of Acknowledgement". She stated the *National Night Out* Celebration is part of a national campaign to acknowledge every person in the United States by the 2002 Winter Olympics.**

## 6 CONSENT CALENDAR

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### a. Minutes for Approval

- (1) Regular Meeting of May 2, 2000  
**Approved.**
- (2) Joint City Council/Redevelopment Agency Meeting of May 2, 2000  
**Approved.**
- (3) Regular Meeting of May 9, 2000  
**Approved.**
- (4) Regular Meeting of May 16, 2000  
**Approved.**

## 6 CONSENT CALENDAR

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### a. Minutes for Approval

- (5) Adjourned Regular Meeting of May 22, 2000  
**Approved.**

### b. Ordinances for Final Adoption

- (1) ORD. NO. 26153 – Amends Title 14 of the San José Municipal Code to establish a procedure for the financing of certain municipal improvements through the issuance of general obligation bonds.  
**Ordinance No. 26153 adopted.**
- (2) ORD. NO. 26154 – Rezones certain real property situated on the east side of South 11<sup>th</sup> Street, 130 feet northerly of East San Carlos Street (200 S. 11<sup>th</sup> Street). PDC 96-12-080/RA 00-04-004  
**Ordinance No. 26154 adopted.**

### c. Public Hearings Set by Council

- (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 06/20/00 – Item 6c(1)]  
**Deferred to 08/15/00.**
- (2) Adoption of a resolution of the City’s intention to vacate portions of Hillsdale and Pearl Avenues at Foxworthy Avenue, reserve a public easement over the entire area, and set a public hearing on August 29, 2000 at 1:30 p.m. CEQA: Resolution No. 67894. (Public Works)  
**Resolution No. 69799 adopted.**
- (3) Adoption of a resolution of the City’s intention to vacate a portion of North San Pedro Street, reserve a public service easement on the entire area and set a public hearing on August 29, 2000 at 1:30 p.m. CEQA: Resolution No. 65071.  
(Public Works)  
**Resolution No. 69800 adopted.**

## 6 CONSENT CALENDAR

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### d. Plans and Specifications

- (1) Adoption of resolutions approving plans, final map, and contract for subdivision tracts.

**None.**

### e. Contracts/Agreements

- (1) Report on bids and award of contract for the Berryessa Creek Park Irrigation Renovation Rebid 2 Project to the low bidder, Karleskint-Crum, Inc., for the base bid and Add Alternates Nos. 1, 2, 3, and 4 in the amount of \$320,610, and approval of a contingency in the amount of \$32,000. CEQA: Exempt.

(Public Works)

[Deferred from 6/27/00 – Item 6e(62)]

**Deferred to 08/22/00.**

- (2) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 1999-2000 # 3, and authorization for the Director of General Services to execute the purchase orders. (General Services)

**Approved.**

- (3) Adoption of a resolution authorizing the City Manager to execute an addendum to the agreement with New Energy Ventures (NEV), for the purchase of electricity and associated services, for the period of April 1, 2000 to May 31, 2000, in an amount of \$248,056.96.

(General Services)

**Resolution No. 69801 adopted.**

- (4) Report on Request for Quotation for the installation of additional fiber optic cable for the Department of Aviation and award to Cable Tech, Inc., in the amount of \$152,000, including tax, and authorizing the Director of General Services to:

- (a) Execute the purchase order for the initial work, and

- (b) Approve a contingency of \$15,000 for unforeseen repairs or replacements.

(General Services)

**Approved.**

- (5) Adoption of a resolution authorizing the Director of General Services to execute an amendment to the agreement with Millar Elevator Service Company, for elevator maintenance service at City facilities, to increase the supplemental monies by \$10,000, from \$10,000 to \$20,000, for the option period December 1, 1999 through November 30, 2000.

(General Services)

**Resolution No. 69802 adopted.**

## 6 CONSENT CALENDAR

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### e. Contracts/Agreements

- (6) Adoption of a resolution authorizing the Director of General Services to execute the sixth amendment to the agreement with Acme Building Maintenance Company, to increase the number of days that custodial service is provided at community centers and increase compensation by \$226,504, from \$1,671,725 to \$1,898,229, for the period January 11, 2000 to January 10, 2001.  
(General Services)  
**Resolution No. 69803 adopted.**
- (7) Adoption of a resolution authorizing the City Manager to:
- (a) Execute a one year agreement for the period July 1, 2000 through June 30, 2001 for software maintenance on the City of San Jose's Computer Aided Dispatch System with PRC Public Sector, Inc. at a total cost, including tax, of \$46,500; and
  - (b) Execute four (4) one year (1) options to renew at a total cost of \$203,205, contingent upon Council appropriation of the funds each year.
- (General Services)  
**Resolution No. 69804 adopted.**
- (8) Approval of an agreement with artist Therman Statom to fabricate and install a work of art at the Ice Centre, in an amount not to exceed \$108,500.  
(Conventions, Arts and Entertainment)  
**Approved.**
- (9) Report on bids and award of contract for Customer Service Call Center Project at City Hall to the low bidder, Eddie Torrez Construction, Inc., in the amount of \$154,630, and approval of contingency in the amount of \$15,000. CEQA: Exempt.  
(Public Works)  
**Approved.**
- (10) Approval of Contract Change Order (CCO) No. 3 with Lowery Engineering Construction, for the Construction of Storm Drain Inlets and Appurtenances located at Delmas Street in the amount of \$3,500, for a total contract amount of \$49,980. CEQA: Exempt.  
(Public Works)  
**Approved.**

## 6 CONSENT CALENDAR

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### f. Routine Legislation

- (1) Adoption of a resolution determining that public use and necessity require the acquisition of a portion of a parcel of land owned by Vincent R. Maestri, et al, together with a right of entry over a portion of the remainder of the property located at 2050 North First Street, and directing the City Attorney to file an eminent domain action. CEQA: Resolution No. 67567. (Public Works)  
[Deferred from 6/20/00 – Item 6f(2) and 6/27/00 – Item 6f(8)]  
**Resolution No. 69805 adopted.**
- (2) Adoption of a resolution determining that public use and necessity require the acquisition of a portion of a parcel of land owned by Vincent R. Maestri, et al, together with a right of entry over a portion of the remainder of the property located at 2040 North First Street, and directing the City Attorney to file an eminent domain action. CEQA: Resolution No. 67567. (Public Works)  
[Deferred from 6/20/00 – Item 6f(3) and 6/27/00 – Item 6f(9)]  
**Resolution No. 69806 adopted.**
- (3) Approval of the Fiscal Years 1998-1999 and 1999-2000 San José Arena Management Normal Capital Repairs and Replacements and Parking Capital Repairs and Replacements Budgets. (San José Arena Authority)  
[Deferred from 6/13/00 – Item 6f(5) and 6/27/00 – Item 6f(10)]  
**Deferred to 08/15/00.**
- (4) Adoption of an appropriation ordinance and funding sources resolution amendments in the Construction Excise Tax Fund for the Cisco: North Coyote Valley Improvement Project, with a net impact to the fund of \$250,000. (City Manager's Office)  
**Ordinance No. 26158 adopted.**  
**Resolution No. 69807 adopted.**
- (5) Approval of Independent Police Auditor Teresa Guerrero-Daley's travel to Kauai, Hawaii, September 19-24, 2000, to attend the National Association of Civilian Oversight of Law Enforcement conference. Funding: Office of the Independent Police Auditor. (Independent Police Auditor)  
**Approved.**
- (6) (a) Adoption of a resolution to accept a grant award from Luke B. Hancock Foundation in the amount of \$30,000, for the purchase of twenty-two (22) mountain bikes and related bike equipment for the Police Department.  
**Resolution No. 69808 adopted.**

*This item continued on the next page.*

## 6 CONSENT CALENDAR

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### f. Routine Legislation

- (6) (b) Adoption of appropriation ordinance and funding sources resolution amendments in the General Fund for grant related increases to the Police Department's Non-Personal expenses appropriation.  
(Police Department)  
**Ordinance No. 26159 adopted.**  
**Resolution No. 69809 adopted.**
- (7) Adoption of an appropriation ordinance and funding sources resolution amendments in the General Fund to increase the Police Department's Non-Personal expenses appropriation by \$100,000 for expenses related to the acquisition of a Forensic Image Tracking and Processing System (Automated Fingerprint Identification System) for the CAL-ID Project, at no cost to the City.  
(Police Department)  
**Ordinance No. 26160 adopted.**  
**Resolution No. 69810 adopted.**
- (8) (a) Adoption of a resolution to accept the Office of Criminal Justice Planning's "Domestic Violence – Making the Technical Connection" grant, in the amount of \$110,000, for the Police Department's Family Violence Center.  
**Resolution No. 69811 adopted.**
- (b) Adoption of appropriation ordinance and funding sources resolution amendments in the General Fund to increase the Police Department's Personal Services and Non-Personal Expenses appropriations for expenses related to the grant.  
(Police Department)  
**Ordinance No. 26161 adopted.**  
**Resolution No. 69812 adopted.**
- (9) Approval of Council Member Woody's travel to Portland, Oregon, from July 17- July 19, 2000, to attend the National Coalition Against Domestic Violence Annual Conference. Funding: District 8 Budget. (Woody)  
**Approved.**

**END OF CONSENT CALENDAR**

## 7 COMMISSION, COMMITTEE, AND STANDING REPORTS

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### a. Report of the Study Session

#### Mayor Gonzales, Chair

- (1) Meeting of May 11, 2000
  - (a) FY 2000-2001 Capital Budget  
**The Council accepted the Administration's Overview and presentations on the Proposed FY 2000-2001 Capital Budget and Budget Programs for each City Department and directed the Administration to take appropriate action to resolve the issues and address the concerns expressed by Council Members and to make appropriate budget adjustments as required.**
  
- (2) Meeting of May 15, 2000
  - (a) FY 2000-2001 Operating Budget Departmental/Appointee Review  
**The Council accepted the Administration's Overview of the Proposed FY 2000-2001 Operating Budget, the report on the Auditor's Recommendations, and the presentation on the Efficient Transportation Services policy priority, and referred back to the Administration the requests for additional information and related actions.**
  
- (3) Meeting of May 17, 2000
  - (a) FY 2000-2001 Operating Budget Departmental/Appointee Review  
**The Council accepted the Administration's report on the Fiscal Year 2000-2001 Proposed Operating Budget, continued from May 15, 2000, with presentations on the Safe Community and Competitive Business Environment policy priorities, and referred back to the Administration the requests for additional information and related actions.**
  
- (4) Meeting of May 18, 2000
  - (a) FY 2000-2001 Operating Budget Departmental/Appointee Review  
**The Council accepted the Administration's report on the Fiscal Year 2000-2001 Proposed Operating Budget, continued from May 17, 2000, with presentations on the Neighborhood Price, Personal Growth and Enrichment and Customer Driven Government/Support Services/City Wide Area policy priorities, and referred back to the Administration the requests for additional information and related actions.**
  
- (5) Meeting of May 22, 2000
  - (a) FY 2000-2001 Operating Budget Departmental/Appointee Review  
**The Committee accepted the Administration's report on the Fiscal Year 2000-2001 Proposed Operating Budget, continued from May 18, 2000, with presentations on the clean and Sustainable Environment policy priority, the Fees & Charges report by the Budget Director, and referred back to the Administration the requests for additional information and related actions, and concluded the Study Session with Council discussion of the Manager's Budget Addenda.**

## **7 COMMISSION, COMMITTEE, AND STANDING REPORTS**

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**b. Report of the Rules Committee**

**Vice Mayor Fiscalini, Chair**

**No Report.**

**c. Report of the Finance and Technology Committee – June 28, 2000**

**Council Member Woody, Chair**

(1) Monthly Financial Statement for May 2000

(2) Capital Cost Report for May 2000

(3) Cash Flow Projection

**Items 7c(1)-7c(3) were referred to the Redevelopment Agency Board.**

(4) May Monthly Report

**The Committee recommended acceptance of the staff report.**

(5) Auditor's Workplan for FY 2000-01

**The Committee accepted the Workplan.**

(6) Quarterly Sales and Business Tax Report ending March 2000

**The Committee recommended acceptance of the staff report.**

(7) Pilot Program for Use of Guaranteed Investment Agreements for Municipal Bond Construction Proceeds

**The Committee deferred this item to August 9, 2000 Finance & Technology Committee meeting.**

## **7 COMMISSION, COMMITTEE, AND STANDING REPORTS**

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**c. Report of the Finance and Technology Committee – June 28, 2000 – (Cont'd)  
Council Member Woody, Chair**

- (8) Finance and Technology Committee Workplan for August through December 2000

**The Committee recommended acceptance of the Workplan with the changes outlined.**

- (9) Ballot measure to amend City Charter Section 1217 regarding Bid Requirements  
**The Committee recommended acceptance of the staff recommendation.**  
Noes: Woody.

**See Item 9a for Council action taken.**

- (10) Oral petitions  
**William Garbett spoke on the proposed ballot measure and on the Guaranteed Investment Agreement option. Bill Chew spoke on broadcasting Committee meetings to the public.**

- (11) Adjournment  
**The meeting was adjourned at 11:20 a.m.**

**The Finance and Technology Committee Report and actions of June 28, 2000 accepted with Council action on Item 7c(9) taken at Item 9a and Items 7c(1)-7c(3) referred to the Redevelopment Agency Board for consideration.**

**d. Report of the Economic and Community Development Committee  
Council Member Diaz, Chair**

**No Report.**

**e. Report of the Transportation and Environment Committee  
Council Member Powers, Chair**

**No Report.**

**f. Education, Neighborhoods, Youth, and Seniors Committee  
Council Member Shirakawa, Jr., Chair**

**No Report.**

## 8 LAND USE AND DEVELOPMENT

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- a. PUBLIC HEARING on Historic District amendment to expand the River Street City Landmark Historic District to include eight additional properties located west of N. Almaden Street on both sides of W. St. John Street. (Vellequette-Winninger Investors and Green Valley Corporation, Owners). CEQA: Resolution No. 64273.  
HD 97-107 – District 3  
**Continued to 08/15/00.**

## 9 GENERAL GOVERNMENT

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- a. Adoption of a resolution authorizing the submittal of a ballot measure:
- (1) To amend Section 1217 of the Charter of the City of San José by removing the specific bid requirements for supplies, materials and equipment as procedure set forth in the Charter and to add a section to authorize that the procedures be set forth in the Municipal Code.
  - (2) To amend Section 1217 of the Charter of the City of San José to increase the bidding requirement for Public Works projects from \$50,000 to \$100,000.  
(General Services/Public Works)  
[Finance and Technology Committee referral 6/28/00 – Item 7c(9)]  
**Resolution No. 69813 adopted.**  
**Council approved the staff recommendation with direction to the Administration to submit responses to the follow-up items to the Finance & Technology Committee for consideration.**
- b. Discussion of a proposed General Obligation Bond measure to be placed on the November 2000 ballot to finance construction of, and improvements to, branch libraries, fire facilities, and parks and recreation facilities and direct the City Attorney to Develop bond measure language for consideration at the August 8, 2000 City Council meeting.  
(City Manager's Office)  
**Council approved recommendations contained in Mayor Gonzales' 07/28/00 memorandum placing the bond measures on the November 2000 Ballot; directed the City Attorney to develop ballot measure language for each bond measure for consideration at the 08/08/00 City Council meeting; and directed the Administration to work with the Airport Land Use Commission regarding the Reid-Hillview Airport and proposed library extension and community center to identify resolutions to potential issues.**
- c. Adoption of a resolution authorizing the City Manager to execute an agreement with Oracle, Inc. for software maintenance on Oracle software owned by the City at a total cost of \$324,750, including tax, for the period July 1, 2000 through June 30, 2001.  
(General Services)  
**Resolution No. 69814 adopted.**

## 9 GENERAL GOVERNMENT

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- d. Report on bids and award the purchase of one (1) 100-foot mid-mount aerial fire truck for the Fire Department to the low bidder, Ferarra Fire Apparatus, in the amount of \$650,354.09, including tax and delivery, and authorize the Director of General Services to:
- (1) Execute the purchase order for the immediate purchase of one (1) unit;
  - (2) Execute the purchase order for the subsequent purchase of additional units at the same bid price, for one (1) year, without further Council action other than the appropriation of necessary funds; and
  - (3) Approve a contingency of \$33,000 for unforeseen engineering requirements that may arise subsequent to the publication of the bid specifications.
- (General Services)  
**Approved.**
- e. Report on bids and award of contract for the FY 1999-00 Remove and Replace Asphalt Concrete Pavement 2000 Project to the low bidder, Granite Rock/Pavex Construction in the amount of \$2,5644,600. CEQA: Exempt (Streets and Traffic)  
**Approved.**
- f. Adoption of a resolution supporting placement of a measure on the November 2000 ballot to extend the Measure A/B Transportation Program and supporting the projects recommended by Santa Clara Valley Transportation Authority for funding through the program. (Mayor)  
(Rules in Lieu referral 7/26/00)  
**This Item considered with Item 9g.  
Resolution No. 69815 adopted.**
- g. Adoption of a resolution opposing Assembly Bill 2929 (Torlakson) relating to “buy-in” conditions for extending BART service. (Mayor)  
(Rules in Lieu referral 7/26/00)  
**This Item considered with Item 9h.  
Resolution No. 69816 adopted.**

## 10 FISCAL AFFAIRS

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- a. PUBLIC HEARING on the report that has been filed with the City Clerk’s Office concerning Sanitary Sewer Service and Use charges and Storm Sewer Service charges, hear any protest thereon, and approve the placement, with modifications that Council may make, of Sanitary Sewer Service and Use charges and Storm Sewer Service charges on the tax roll. (Finance)  
**Public Hearing Held. No Protests Filed.  
Council accepted the report and approved the placement of the charges on the County of Santa Clara tax roll.**

## **11 JOINT CITY COUNCIL/REDEVELOPMENT AGENCY ITEMS**

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### **CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEM 11a IN A JOINT SESSION**

- a. Approval of Council Policy 12-1 which establishes a consistent and uniform approach for estimating and reporting construction project costs and establishing construction project budgets. (City Manager's Office/Redevelopment Agency)  
(Deferred from 6/27/00 – Item 11a)  
**Deferred to 08/15/00.**

### **ADJOURN REDEVELOPMENT AGENCY BOARD PORTION OF THE MEETING**

## **12 PERMITS AND LICENSES**

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## **13 PUBLIC SAFETY AND WELFARE**

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## **14 ORAL COMMUNICATIONS**

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- (1) **Vilma Palette and David Crosson invited the City Council to attend the *Celebration 150 - California's Sesquicentennial in San José*, on September 9, 2000, 10:00 a.m. to 5:00 p.m., Peralta Adobe at Historic San Pedro Square. They presented a "California Golden Bear" to each Council Member and tie-tac souvenir of the "State of California" engraved with the word *Celebration 150*.**
- (2) **Bill Chew commented on the San José Senior Games.**
- (3) **Ross Signorino spoke on the timely distribution of information to Council Members.**

**Following Oral Communications, Council recessed at 3:30 p.m. and reconvened at 7:00 p.m., Council Chambers, City Hall.**

**SAN JOSÉ CITY COUNCIL**  
**AUGUST 1, 2000**  
**7:00 P.M.**

**15 PUBLIC HEARINGS**

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- a. (1) PUBLIC HEARING for the re-authorization of Maintenance District 12 (North First – Tasman Landscaping).  
**Public Hearing Held.**  
**No Public Testimony Presented.**
- (2) Order tabulation of the property owner ballots; and
- (3) Depending on the outcome of the balloting, adopt a resolution approving the Engineer’s Report for Maintenance District 12 (North First - Tasman Landscaping), Fiscal Year 2000-2001, and approving and imposing the respective assessments.
- (Public Works)  
**Official Ballot Results Tabulated by the Office of the City Clerk:**  
**Property Owners to be assessed in the amount of \$8,031.18 have returned ballots in support of the assessment. Property Owners to be assessed in the amount of \$32,448.32 have returned ballots in opposition to the assessment. The ballots submitted in opposition to the assessment exceed the ballots submitted in support of the assessment. The City Council may not impose the assessment.**
- b. PUBLIC HEARING and approval of an ordinance amending Title 20 of the San José Municipal Code to include a height exception for wireless communication antenna, to amend Chapter 20.04 revising the definition of “wireless communication antenna, building mounted,” and to amend Chapter 20.24 making a technical change to the R-2 and R-3 residence. Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommends approval (7-0-0).  
(Planning, Building, and Code Enforcement)  
**Ordinance No. 26162 passed for publication.**
- c. 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 two single-family detached residential units on 0.37 gross acre. (Daryoush Marhamat, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval with conditions. Planning Commission recommends approval with the conditions that the minimum rear setback be at least 10 feet and that the roof of the existing historic structure be replaced by the developer if a flat roof is structurally feasible (4-3-0).  
PDC 98-09-069 – District 1  
(Continued from 3/2/99 – Item 15d et al., and 6/20/00 – Item 15c)  
**Continued to 08/15/00.**

## 15 PUBLIC HEARINGS

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- d. PUBLIC HEARING ON CONVENTIONAL REZONING of the property located at the east side of Monterey Road approximately 250 feet southerly of Alma Avenue, from M-1 and M-4 Manufacturing Zoning District to C-3 Commercial Zoning District, to allow commercial uses on 16.86 gross acres. (Schiro, Shirlee, DiNapoli Trust and Mulcahy Trust, Owner/Developer) CEQA: Resolution No. 65657.  
C 00-04-023 - District 7  
(Continued from 6/6/00 – Item 15e and 6/20/00 – Item 15e)  
**Dropped.**
- e. PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northeast corner of The Villages Parkway and Ashley Way, from R-1:B-3 (PD) Zoning District to A(PD) Planned Development Zoning District, to allow up to 96 affordable senior apartment units on 1.96 gross acres. (JSM Enterprises, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommends approval (6-1-0).  
PDC 00-02-011 – District 8  
(Continued from 6/20/00 – Item 15g)  
**Ordinance No. 26169 passed for publication.**  
**Council approved the PD rezoning with the amendments contained in Council Member Woody’s 08/01/00 memorandum.**
- f. PUBLIC HEARING ON SINGLE-FAMILY HOUSE PERMIT for the property located at 1865 Arbor Drive to allow an approximately 178 square foot dormer addition to a previously approved single-family residence on a 0.13 acre site in the R-1 Residence District. (James and Maria Fox, Owner/Developer). CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommends approval (7-0-0).  
SF 00-05-049 - District 6  
(Continued from 6/20/00 – Item 15k)  
**Ordinance No. 69817 passed for publication.**
- g. PUBLIC HEARING ON CONVENTIONAL REZONING of the property located at the southwest corner of Redmond Avenue and El Paseo Drive (1200 Redmond Avenue), from R-1:B-3 Residence Zoning District to R-1 Residence Zoning District, to allow subdivision of property containing an existing church and elementary school approved by Conditional Use Permit File No. CP 99-06-026 on 6.25 gross acres. (Roman Catholic Bishop of San José, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommends approval (7-0-0).  
C 00-05-040 - District 10  
**Ordinance No. 26163 passed for publication.**

## 15 PUBLIC HEARINGS

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- h. PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the terminus of Hostetter Road and Frost Drive, from A-Agricultural Zoning District to A(PD) Planned Development Zoning District, to allow an approximately 7,000 square foot commercial use on 0.63 gross acres. (Robert Petithomme, Henry Petithomme, and Elizabeth Alford, Owner; Pacific Capital Commercial, Developer). CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommends approval (7-0-0).

PDC 00-03-017 - District 4

**Ordinance No. 26164 passed for publication.**

- i. PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the east side of Pleasant Knoll drive, approximately 300 feet westerly from the intersection of Silence Drive and Pleasant Crest Drive, from A-Agricultural Zoning District to A(PD) Zoning District, to allow 12 single-family detached dwelling units on 3.9 gross acres. (Peter and Judith Felthousen, Owner/Developer). CEQA: Negative Declaration.

PDC 99-05-045 - District 8

**Continued to 08/15/00.**

- j. PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the west side of Silver Creek Valley Road, 700 feet northerly of Beaumont Canyon Drive, from A-Agriculture Zoning District to A(PD) Planned Development Zoning District, to allow up to 12 single-family detached units on 4.81 gross acres. (Arthur Grisham, Owner; Pacific Diversified, Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommends approval (7-0-0).

PDC 99-07-067 - District 8

**Ordinance No. 26165 passed for publication.**

- k. PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at northwest corner of Almaden Expressway and Highway 85, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow two commercial buildings totaling 140,314 square feet on 18.2 gross acres. (Giacommazzi, Owner; The Home Depot, Developer). CEQA: Negative Declaration.

PDCSH 99-11-092 - District 9

**Continued to 08/15/00.**

- l. PUBLIC HEARING ON CONFORMING REZONING of the property bounded by North First Street, Bassett Street, Ryland Street, and State Route 87 (Guadalupe Parkway), from M-1, M-4 Manufacturing Zoning Districts to A-Agricultural Zoning District, on 12.9 gross acres. (Union Pacific Railroad, Owner/Developer). CEQA: Resolution No. 65459. Director of Planning, Building, and Code Enforcement recommends approval. No Planning Commission action required.

C 00-04-026 - District 3

**Ordinance No. 26166 passed for publication.**

## 15 PUBLIC HEARINGS

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- m. PUBLIC HEARING ON CONFORMING REZONING of the property located at the south side of The Alameda, approximately 100 feet easterly of Sunol Street (830 The Alameda), from M-1 Manufacturing Zoning District to C-2 Commercial Zoning District, to allow a motorcycle and apparel retail shop on a .15 gross acre site. (Ana Maria Martins, Owner/Developer). CEQA: Resolution No. 65459. Director of Planning, Building, and Code Enforcement recommends approval. No Planning Commission action required.

C 00-04-028 – District 6

**Ordinance No. 26167 passed for publication.**

- n. PUBLIC HEARING ON CONFORMING REZONING of the property located at the southeast corner of Delta and San Felipe Roads, from A-Agricultural Zoning District to R-1:B-8 Residence Zoning District, to allow single-family detached residential uses on 37.12 gross acres. (Cortese Bros., Owner; Brookfield Homes, Developer). CEQA: Resolution No. 65459. Director of Planning, Building, and Code Enforcement recommends approval. No Planning Commission action required.

C 00-05-034 – District 8

**Ordinance No. 26170 passed for publication.**

- o. PUBLIC HEARING ON CONFORMING REZONING of the property located at the east side of Almaden Expressway, approximately 650 feet north of Winfield Boulevard, from A-Agricultural Zoning District to the C-1 Commercial Zoning District, to allow the expansion of an existing veterinary hospital on 0.95 gross acres. (Dr. Rene M. Acornero, Owner; Veterinary Centers of America, Inc., Developer). CEQA: Resolution No. 65459. Director of Planning, Building, and Code Enforcement recommends approval. No Planning Commission action required.

C 00-06-050 – District 10

**Ordinance No. 26168 passed for publication.**

## 16 CLOSED SESSION REPORT

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**Disclosure of Closed Session Actions of August 1, 2000 submitted by City Attorney, J. Richard Doyle:**

**A. Authority to Enter Litigation Cases as *Amicus Curiae*:**

**1. Case Name: City and County of San Francisco v. Servantes**

**Adverse Party or Parties: Servantes**

*This item continued on the next page.*

