



CITY COUNCIL AGENDA

AUGUST 21, 2001
SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
GEORGE SHIRAKAWA, JR.
DAVID D. CORTESE
JOHN DIQUISTO
PAT DANDO

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Economic and Neighborhood Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Recreation and Cultural Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Aviation Services** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

- **Call to Order and Roll Call**
 9:30 a.m. - Closed Session, Room 600, City Hall
Absent: - Vice Mayor Shirakawa, Jr. (excused)

 1:33 p.m. - Regular Session, Council Chambers, City Hall
Absent: - Council Members – None.

 7:00 p.m. - Public Hearings/General Plan, Council Chambers, City Hall
Absent: - Council Members – None.
- **Invocation (District 7)**
Under the direction of Cipriano Galindo, Director, and Michelle Avila, Instructor, Grupo Folkloric Dancers Felicia Landeros, Sylvia Barrientos, Elaine Nieto, Ashley Traylor, Candice Guillen, Corina Nieto, and JuliAnn Valerio from the Alma Community Center, performed as the *Alika del Nayar de San José.*
- **Pledge of Allegiance**
Mayor Gonzales led in the Pledge of Allegiance.
- **Orders of the Day**
Approved with Items 1.4 rescheduled to the evening session.

1 CEREMONIAL ITEMS

- 1.1** Presentation of plaque to David Marshall for 2 years service on the Airport Commission. (Mayor)
Mayor Gonzales presented the plaque to David Marshall and thanked the volunteer for the service to the City of San José.
- 1.2** Presentation of commendations from the Home Builders Association and the Chamber of Commerce to the Department of Public Works’ Development Services Division and Ron Conn, Division Manager for 30 years of service. (City Manager’s Office)
Mayor Gonzalez, City Manager Del Borgsdorf, and Acting Director of Public Works Rajeev Batra were joined at the Podium by Tom Armstrong from the Home Builders Association, Jim Cunneen from the San José-Silicon Valley Chamber of Commerce, and Jerry deYoung from Development Engineers who congratulated Ron Conn on his retirement and his 30 years of outstanding public service to the City of San José. Jim Cunneen presented a plaque to Ron in recognition of the Division Manager’s goal-oriented leadership and

This item continued on the next page.

1 CEREMONIAL ITEMS

1.2 (Cont'd.)

dedicated commitment to the implementation of recommendations, which were developed from the 1992 Business Climate Study, and continued improvement of customer communications and the streamlining of the development review process. Jim, Jerry and Tom presented commendations to Ron in recognition of the consistent efforts of the Division to work effectively with its customers; and on behalf of the City Council, Mayor Gonzales presented a special award to the honoree in appreciation of the many years of outstanding service as a City employee. City Manager Del Borgsdorf and Acting Director of Public Works Rajeev Batra acknowledged Ron for his extraordinary goal achievements among the development community and the City of San José.

1.3 Presentation of a commendation to San José RACES for donating volunteer services to the City. (Emergency Services)

Joining Mayor Gonzales at the Podium were Radio Amateur Civil Emergency Service (R.A.C.E.S.) volunteers Dave Pratt, Chief Radio Operator, John Amos, Coordinator, and Sr. Communications. On behalf of the 140-member organization, Trish and Dave accepted the commendation that was presented by Mayor Gonzales, who commended San José R.A.C.E.S. for their continuing service to the community and urged all citizens to familiarize themselves with the value of alternative communications systems during a disaster.

1.4 Presentation of a commendation to the First Graduating Class of San José Smart Start's New Business Creation and Retention Services Programs. (Williams, Mayor) (Rules Committee referral 8/15/01)

Council Member Williams joined Mayor Gonzales at the Podium and introduced Program Coordinators Diane Jackson, Deborah Simon, Angel Rios, Mark Linder, and Monica Kitchner who accepted the commendation that was presented by Mayor Gonzales. Council Member Williams introduced the first 39 graduates of the New Business Creation and Retention Service component of the Smart Start's Program, and asked them to stand and be recognized.

1.5 Presentation of a commendation to Fernando Mendoza for his life saving efforts to rescue a fellow citizen. (Mayor) (Orders of the Day)

Joining Mayor Gonzales at the Podium was Fernando Mendoza who accepted the commendation and recognition for the bravery and quick thinking that saved the life of a San José resident.

2 CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
None.

- 2.2 **Final adoption of ordinances.**
None.

- 2.3 **Approval of open purchase orders for the purchase of supplies, materials, equipment, and services.**

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2001-2002 #4, and authorization for the Director of General Services to execute the purchase orders. (General Services)
Approved.

- 2.4 **Appointment to the Revolving Loan Fund.**

Recommendation: Approval of the appointment of Council Member Cortese to the Revolving Loan Fund. (Mayor)
Approved.

- 2.5 **Approval of a lease agreement for communications antenna placement at the Mount Chual facility for the 911 communications system.**

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a site lease agreement for communications antenna placement and corresponding rack space from Pinnacle Towers, Inc. at their Mount Chual facility, for an initial term of 60 months, with three automatic 60-month renewal options, for a total term of 240 months, at a rental rate of \$1,339.80 per month during the first year with annual increases of 4 percent throughout the lease term. (Public Works)
Resolution No. 70582 adopted.

- 2.6 **Approval of an agreement for the Monterey Road Streetscape Improvement Project.**

Recommendation:

- (a) Approval of an agreement with Bellecci & Associates, Inc. for consultant services including project design and preparation of construction documents for the new Monterey Road Streetscape Improvement Project - Keyes Street/Curtner Avenue, for the period August 21, 2001 to September 30, 2003, in the amount of \$391,000. Council Districts 3 and 7. SNI: Spartan/Keyes and Washington. (Public Works)
Approved.

This item continued on the next page.

2 CONSENT CALENDAR

2.6 Approval of an agreement for the Monterey Road Streetscape Improvement Project. – (Cont'd.)

Recommendation:

- (b) Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-Side Redevelopment Fund) for the Monterey Corridor Median Improvement Project with a net impact to the fund of \$226,000, and adoption of a resolution making certain determinations regarding the expenditure of Agency funds on certain public improvements. (City Manager's Office)

Ordinance No. 26463 adopted.

Resolution No. 70583 adopted.

Resolution No. 70584 adopted.

2.7 Approval of a Parking Lot Lease Agreement for San José Arena Management employees.

Recommendation: Approval of a Parking Lot Lease Agreement between the City of San José and Michael G. Akatiff and Christy D. Akatiff in the amount of \$120,000 for the first year, with annual cost of living adjustments using the Consumer Price Index for the term of the agreement for the period September 1, 2001 to August 31, 2006. Council District 3. (Transportation)

Approved.

2.8 Appointment of the Independent Police Auditor.

Recommendation: Appointment of the Independent Police Auditor to a four-year term, and approval of an employment agreement with Teresa Guerrero-Daley to provide services as Independent Police Auditor. (Mayor)
(Rules Committee referral 8/15/01)

Approved.

2.9 Approval of award of contract for the Central Service Yard Emergency Generator Project.

Recommendation: Report on bids and award of contract for the Central Service Yard Emergency Generator Project to the low bidder, Steiny and Co., Inc., in the amount of \$270,620, and approval of a contingency in the amount of \$30,000. CEQA: ND.
(Public Works)

(Deferred from 6/5/01 – Item 2.14 et al., and 8/14/01 – Item 2.15)

Dropped.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Gonzales, Chair

- (a) May 10, 2001- Proposed FY 2001-02 Capital Budget, FY 2002-06 Capital Improvement Program, and FY 2001-02 Operating Budget
The City Council accepted detailed presentations on Proposed Budgets for City Service Areas of Support Services, Environmental Services, and Aviation Services.

- (b) May 11, 2001 – Proposed FY 2001-02 Operating Budget
The City Council accepted presentations organized around the City Service Areas developed to review the budget based on services provided rather than by City department.

3.2 Report of the Rules Committee

Vice Mayor Shirakawa, Jr., Chair

Meeting of August 8, 2001

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
The Redevelopment Agency items to be reported out at Redevelopment Agency Board meeting.

- (b) City Council
 - (1) Review August 21, 2001 Draft Agenda
The Committee approved the August 21, 2001 General Plan Agenda and the City Council Agenda with one addition to the Council Agenda.

 - (2) Add New Items to August 14, 2001 Amended Agenda
The Committee directed the City Clerk to place the following item on the August 15, 2001 Rules Committee Agenda: “Discussion of whether or not there should be a City-owned full service cafeteria in or near the main City Hall building (LeZotte)”. The Committee recommended one addition to the August 14, 2001 City Council Agenda.

- (c) City Council Committees
 - (1) Amendments to Council Committee Agendas
 - (a) Finance and Infrastructure Committee
 - (b) Economic Development and Environment Committee
 - (c) Education, Neighborhoods, Youth, and Seniors Committee**None Filed.**

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – (Cont'd.)
Vice Mayor Shirakawa, Jr., Chair
Meeting of August 8, 2001

(c) City Council Committees

- (2) Approve additions to Economic Development and Environmental Committee Workplan for the period July – December 2001

The Committee recommended approval of the following reports to be included in future Economic Development Environmental Committee Agendas:

Status Report on the Mayor's Housing Production Team Referrals (Housing)

- September 10, 2001
- October 1, 2001
- November 5, 2001
- December 3, 2001

Quarterly Report on the Project Development Program (Housing)

Quarterly Report on the Housing Rehabilitation Program (Housing)

Quarterly Report on the Housing and Homeless Fund (Housing)

- November 5, 2001

Status Report on the Implementation of the 1999-04 Five-Year Spending and Operations Plan For Affordable Housing (Housing)

- September 10, 2001
- October 1, 2001
- November 5, 2001
- December 3, 2001

(d) Meeting Schedules
None Presented.

(e) The Public Record
The Committee noted and filed the Public Record for the period June 13, 2001 through July 31, 2001

(f) Boards, Commissions and Committees

- (1) Historic Landmarks Commission

The Committee recommended appointment of Sandra Paim, Stephen Polcyn, and Michael Youmans to the Historic Landmarks Commission to serve unexpired terms ending June 30, 2005.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – (Cont'd.)

Vice Mayor Shirakawa, Jr., Chair

Meeting of August 8, 2001

- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
 - (1) Referral to Administration to determine feasibility of locating Council offices on a single floor in the New City Hall
The Committee deferred this item to the August 15, 2001 Rules Committee meeting.

- (h) Administrative Reviews and Approval
 - (1) Approve City Auditor's Workplan for 2001-2002
The Committee recommended approval of the City Auditor's finalized 2001-02 Audit Workplan.

 - (2) Donation Policy – Approve the Director of General Services' recommendation for disposition of surplus property
The Committee recommended approval of the Acting Director of General Services' notice that four former Police patrol Chevrolet sedans and four former Police patrol Ford sedans are eligible for sale or donation to an eligible organization.

 - (3) League of California Cities - Appoint voting delegate and alternate for the 2001 Annual Business Meeting
This Item reported to Council on 08/14/01.

 - (4) Request to use Council General Funds:
 - (a) by Council Members Dando and LeZotte to attend League of California Cities' Transportation, Communications & Public Works Committee Meeting in Los Angeles, CA, July 19-20, 2001
The Committee recommended approval for Council Members Dando and LeZotte to use Council General funds to attend the League of California Cities' Transportation, Communications & Public Works Committee Meeting in Los Angeles, CA, July 19-20, 2001.

 - (b) by Council Member Yeager to attend League of California Cities' Mayors and Council Members Executive Forum in Monterey, CA, July 25-27, 2001
The Committee recommended approval for Council Member Yeager to use Council General funds to attend the League of California Cities' Mayors and Council Members Executive Forum in Monterey, CA, July 25-27, 2001.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – (Cont'd.)

Vice Mayor Shirakawa, Jr., Chair

Meeting of August 8, 2001

- (h) Administrative Reviews and Approval
 - (4) Request to use Council General Funds:
 - (c) by Council Members Campos, Dando, and Yeager to attend League of California Cities' Annual Conference in Sacramento, CA, September 12-15, 2001
The Committee recommended approval for Council Members Campos, Dando, and Yeager to use Council General funds to attend League of California Cities' Annual Conference in Sacramento, CA, September 12-15, 2001.
- (i) Oral communications
None Presented.
- (j) Adjournment
The meeting was adjourned at 2:25 p.m.

The Rules Committee Report and actions of August 8, 2001 accepted.

3.2 Report of the Rules Committee

Vice Mayor Shirakawa, Jr., Chair

Meeting of August 15, 2001 – Partial

- (d) Meeting Schedules
 - (1) Request to Schedule Various City Council Meetings/Study Sessions
The Committee recommended approval of the following additions to the City Council Meeting schedule through October 2001:
 - August 28, 2001 – Evening Session – 7:00 p.m.
 - September 11, 2001 – Evening Session – 7:00 p.m.
Airport Improvement Program Session #1
 - September 12, 2001 – Evening Session – 7:00 p.m.
Airport Improvement Program Session #2
 - September 20, 2001 – 8:00 a.m. – 12:00 p.m.
Recycle Plus! Program Transition
 - October 9, 2001 – Evening Session – 7:00 p.m.
Smart Growth, Land Use and Transportation Policies & Strategies
 - October 30, 2001 – Immediately Following 1:30 p.m. Council Meeting
Fire Strategic & Master Plan Session

The Rules Committee Report and actions (partial) August 15, 2001 accepted.

3 STRATEGIC SUPPORT SERVICES

- 3.3 Report of the Finance and Infrastructure Committee
Council Member Dando, Chair
No Report.**

- 3.4 Ratification of final expenditures for FY 2000-2001.**

Recommendation: Adoption of an ordinance ratifying final expenditures in various appropriations for FY 2000-2001. (City Manager's Office)

Deferred to 08/28/01.

- 3.5 Approval of a redistricting ordinance.**

Recommendation:

- (a) Second Public Hearing on Proposed Redistricting. (City Clerk)

Second Public Hearing Held.

No Public Testimony Presented.

- (b) Approval of an ordinance establishing and declaring the City of San José City Council Districts and their boundaries using 2000 Federal Census Data. (City Attorney's Office)

(Continued from 8/14/01 – Item 3.5)

Ordinance No. 26466 passed for publication.

This item Heard in the Evening Council approved the report and recommendations from the Redistricting Advisory Commission with the following adjustments:

(1) Restore Census Tract 5035.11, the Ocala Neighborhood north of Cunningham Avenue, west of White Road, and east of Capitol Expressway, to District 8;

(2) Transfer part of Census Tract 5035.09, defined as the remaining neighborhoods north of Marten Avenue and continuing to the east end of Marten Avenue at the foothills to District 5 and (3) include media strategy that provides community outreach in more than one language regarding the implementation of the changes, and to submit status reports to Council.

- 3.6 Approval to permit members of the Police and Fire Department Retirement Plan to purchase service credit for eligible prior military service.**

Recommendation: Adoption of an urgency ordinance amending Chapter 3.36 of the San José Municipal Code to permit members of the Police and Fire Department Retirement Plan to purchase service credit for eligible prior military service, and stating the reasons for the urgency. (City Manager's Office)

(Rules Committee referral 8/15/01)

Ordinance No. 26464 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Economic Development & Environment Committee – August 6, 2001 Council Member Williams, Chair

- (a) Monthly Status Report on Housing Production Team Action Items
- (b) Quarterly Report on Activity in the Project Development Program
- (c) Quarterly Report on the Housing Rehabilitation Program, Fourth Quarter 2001
- (d) Quarterly Report on the Housing and Homeless Fund, Fourth Quarter
- (e) Fourth Quarter Downtown Housing Report
- (f) OED Semi Annual Report: January 1 to July 30, 2001
- (g) Workforce Investment Act Program – Fourth Quarter Performance Report
- (h) Update on Status of Rental Housing Action Items, Including Outreach, Mediation, and Evictions

The Committee accepted the reports.

- (i) Proposed Ordinance for Suspending the Collection of Taxes Associated with the Installation of Solar Energy Technologies

The Committee accepted the report and recommended Council adopt the proposed ordinance.

See Item 4.2 for Council action taken.

- (j) Oral petitions
Saul Wachter, Affordable Housing Network, asked how many more units/goal for new ELI units are being projected with the new fiscal budget.
- (k) Adjournment
The meeting was adjourned t 3:10 p.m.

The Economic, Development & Environment Committee Report and actions of August 6, 2001 accepted with Item 4.1(i) acted upon at Item 4.2.

4.2 Approval of an ordinance suspending the collection of taxes associated with the installation of solar energy technologies.

Recommendation: Approval of an ordinance amending Chapters 4.46, 4.47, and 4.54 of Title 4 of the San José Municipal Code to add sections to suspend the collection of taxes imposed under such chapters for the construction of solar building service equipment. (Environmental Services/Planning, Building and Code Enforcement)

[Economic & Neighborhood Development referral 8/6/01 – Item 4.1(i)]

Ordinance No. 26465 passed for publication.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.3 Approval of a sign remediation agreement to alter the heights of and to remove certain billboards.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a sign remediation agreement with Clear Channel (formerly Eller Media Company) to:

- (a) Alter the height of billboards on the property located at the north side of State Highway 237, approximately 150 feet westerly of Gold Street, to allow two (2) existing billboard panels to be increased in height from approximately 34 feet to a maximum of 50 feet in height on 0.7 gross acre. CEQA: Negative Declaration.
BB 01-06-001 – District 5
- (b) Alter the height of a billboard on the property located at the north side of Las Plumas Avenue, approximately 100 feet northeasterly of US Highway 101, to allow an existing billboard panel to be increased in height from approximately 28 feet to a maximum of 50 feet in height on 2.87 gross acres. CEQA: Negative Declaration.
BB 01-06-002 – District 4
- (c) Remove five billboards located on the west side of South 1st Street, 145 feet northerly of Edwards Avenue (APN 264-37-075), on the north side of Alum Rock, 310 feet easterly of Jose Figueres Avenue (APN 481-07-041), at the southeast corner of North 4th Street and Washington Street (APN 249-46-078), on the south side of The Alameda, 50 feet east of Morrison Avenue (APN 261-32-074), and on the northeast corner of Auzerais Avenue and Race Street (APN 264-14-121), all consistent with Council direction.

(Planning, Building, and Code Enforcement)

(Deferred from 8/7/01 – Item 4.3 and 8/14/01 – Item 4.3)

Deferred to 08/28/01.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee Council Member Chavez, Chair

None Presented.

5.2 Acceptance of staff's recommendation that a golf course on the San José/Santa Clara Water Pollution Control Plant Lands should not be permitted.

Recommendation: Acceptance of the staff report finding that a golf course on the San José/Santa Clara Water Pollution Control Plant Lands should not be permitted due to inconsistency with the October 2000 Council Policy for Use of Plant Lands.

(Environmental Services)

Dropped.

6 TRANSPORTATION SERVICES

7 ENVIRONMENTAL & UTILITY SERVICES

8 AVIATION SERVICES

8.1 Approval of Taxicab Concession Agreements for Terminals A and C at the San José International Airport.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute Taxicab Concession Agreements with:

- (a) United Taxicab Corporation (United Cab) for Terminal A on-demand taxicab services at the San José International Airport, with estimated annual revenues to the City of \$471,755, for a term of two years, with five 1-year options to extend the term for a total of up to seven years at the City's sole discretion; and
- (b) Friendly Cab Co. Inc. dba Alpha Cab for Terminal C on-demand taxicab services at the San José International Airport, with estimated annual revenues to the City of \$292,662, for a term of two years, with five 1-year options to extend the term for a total of up to seven years at the City's sole discretion.

(Airport)

(Continued from 8/14/01 – Item 8.1)

Deferred to 08/28/01.

9 PUBLIC SAFETY SERVICES

9.1 Approval of the City's response to the 2000-2001 Santa Clara County Civil Grand Jury's Report on Use-of-Force Training Procedures.

Recommendation: Approval of the San José Police Department's response to the 2000-2001 Santa Clara County Civil Grand Jury's report entitled "Inquiry into the City of San José Police Department's 'Use-of-Force' Training Procedures." (Police)

Dropped.

9.2 Approval of staff's recommendation to establish the Central Division Community Policing Center in Alviso.

Recommendation: Approval of staff's recommendation to establish the Central Division Community Policing Center at the former Alviso Library, located at 1060 Taylor Street in Alviso. CEQA: Exempt. Council District 4. (Police)

Approved.

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

- **Closed Session Report**
None Presented.
- **Notice of City Engineer's Pending Decision on Final Maps**
None filed.
- **Open Forum**
Linda Rae Hermann and William J. Garbett spoke on the level of authority vested in the Redevelopment Agency.
- **Following Open Forum, Council recessed at 2:20 p.m. and reconvened at 7:05 p.m., Council Chambers, City Hall.**

11 PUBLIC HEARINGS

11.1 Public Hearing on planned development rezoning of the north side of Broadway Avenue.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the north side of Broadway Avenue, approximately 190 feet northeasterly of Ramona Avenue, from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District, to allow the subdivision of one lot into two lots for construction of an additional single-family residence on 0.4 gross acre. (Emily Chen, Owner/Developer). CEQA: Negative Declaration.

PDC 00-02-014 - District 6

Continued to 10/02/01.

11.2 Public Hearing on planned development rezoning of 835 East William Street.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the north side of East William Street, 65 feet easterly of Brookwood Avenue (835 East William Street), from R-2 Residence Zoning District to A(PD) Planned Development Zoning District, to allow four single-family attached dwelling units on 0.26 gross acre. (Emily Chen, Owner/Developer). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

Ordinance No. 26467 passed for publication.

11.3 Public Hearing on planned development rezoning southerly of Kentucky Place.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southerly terminus of Kentucky Place, from R-1-8 Residence and CG Commercial Zoning Districts to A(PD) Planned Development Zoning District, to allow 50 multiple family attached affordable senior housing units on 1.56 gross acres. (Mexican American Community Services Agency (MACSA), Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 00-12-129 - District 5

Ordinance No. 26468 passed for publication.

11.4 Public Hearing on planned development rezoning at Madden and Interstate 680.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at easterly terminus of Madden at Interstate 680, from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District, to allow up to 32 attached housing units on a 1.32 gross acre site. (William Strohmeyer and Michael Waeiss, Owners; HMH, Inc., Developer). CEQA: Negative Declaration.

Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 01-01-004 - District 5

Ordinance No. 26469 passed for publication.

11 PUBLIC HEARINGS

11.5 Public Hearing on appeal of a Conditional Use Permit for the southwest corner of Moorpark and Mitty Avenues.

Recommendation: PUBLIC HEARING ON APPEAL OF A CONDITIONAL USE PERMIT for a project located at the southwest corner of Moorpark Avenue and Mitty Avenue, on a 26.9 gross acre site in the R-1-8 Zoning District, for addition of two modular buildings for classroom use at the existing Queen of Apostles private school. (Roman Catholic Welfare Corp. of San José, Owner; Mission City Contractors, Inc., Developer). CEQA: Exempt. Director of Planning, Building and Code Enforcement upheld Planning Commission's decision for conditional approval (4-2-1).

CP 01-03-022 - District 1

Resolution No. 70585 adopted.

Council approved the Applicant's Appeal and granted a CUP to allow the modular buildings addition and directed Staff to work with the Applicant to determine the appropriate height and building materials and/or appropriate landscaping to create a visual screen of the modular on Mitty Way.

11.6 Public Hearing on planned development rezoning at Monterey Road and Stauffer Boulevard.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northwest corner of Monterey Road and Stauffer Boulevard, from HI Heavy Industrial Zoning District to A(PD) Planned Development Zoning District, to allow commercial and health club uses on 6.8 gross acres. (Green Valley Corporation, Owner; 1887 Monterey Road Partners, Developer). CEQA: Resolution No. 65459. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 00-10-108 - District 7

(Continued from 8/14/01 – Item 11.8)

Ordinance No. 26470 passed for publication.

Council approved the Planning Commission recommendation with the condition modified to allow the office and health club uses for the life of the building.

11.7 Public Hearing on conforming rezoning on Woodard Road.

Recommendation: PUBLIC HEARING ON CONFORMING PREZONING of the property located at the south side of Woodard Road, 110 feet easterly of Starview Drive (15710 Woodard Road), from County to R-1-8 Residence Zoning District, to allow residential uses on 0.76 gross acre. (Glen Geisinger, Owner/Developer). CEQA: Exempt.

C 01-03-034 - District 9

(Continued from 8/14/01 – Item 11.11)

Ordinance No. 26471 passed for publication.

- **Open Forum**
None Presented.

- **Adjournment**
The Council of the City of San José adjourned at 7:34 p.m., convened the San José General Plan Hearings at 7:35 p.m., Council Chambers, City Hall.