

# CITY COUNCIL AGENDA

**OCTOBER 5, 2004**

## **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  
TERRY O. GREGORY  
DAVID D. CORTESE  
JUDY CHIRCO  
PAT DANDO, VICE MAYOR

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.**

Agendas and Staff Reports for City Council items may be viewed on the Internet at [www.sanjoseca.gov/clerk/agenda.htm](http://www.sanjoseca.gov/clerk/agenda.htm)

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.

- **Call to Order and Roll Call**  
9:33 a.m. - Closed Session, Room 600, City Hall  
**Absent – None.**  
  
1:36 p.m. - Regular Session, Council Chambers, City Hall  
**Absent – None.**  
  
7:06 p.m. - Public Hearings, Council Chambers, City Hall  
**Absent – None.**
- **Invocation (District 9)**  
**Reverend Daniel Selbo of St. Timothy’s Lutheran Church conducted a prayer.**
- **Pledge of Allegiance**  
**Mayor Gonzales led the Pledge of Allegiance.**
- **Orders of the Day**  
**The Orders of the Day and the Amended Agenda were approved.**

## **1 CEREMONIAL ITEMS**

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- 1.1 Presentation of a proclamation declaring the week of October 3-9, 2004 as Fire Prevention Week. (Fire)  
**Mayor Gonzales was joined the podium by Fire Chief Jeff Clet to present a proclamation declaring the week of October 3-9, 2004 as Fire Prevention Week.**

# 1 CEREMONIAL ITEMS

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- 1.2 Presentation of a proclamation declaring October as “Domestic Violence Awareness Month.” (Dando)  
**Mayor Gonzales and Vice Mayor Dando presented a proclamation declaring October as “Domestic Violence Awareness Month”, to Wigsy Silverston, and Eve Castellanes.**
- 1.3 Presentation of plaques to Fred Orillaneda for four years and two months of service on the Senior Citizens Commission; and to Brenda Bains for one year and two months of service on the Downtown Parking Board. (Mayor)  
**Heard in the evening.**  
**Mayor Gonzales presented a plaque to Fred Orillaneda for four years and two months of service on the Senior Citizens Commission. Brenda Bains was also recognized for one year and two months of service on the Downtown Parking Board.**
- 1.4 Presentation of a commendation to the Eastside Church of God in Christ after 34 years of loyal and dedicated service to the community. (Campos)  
(Rules Committee referral 9/29/04)  
**Mayor Gonzales was joined at the podium by Council Member Campos to present a commendation to members of the Eastside Church of God in Christ.**
- 1.5 Presentation of the Silicon Valley/San Jose Business Journal 2004 Structure Awards related to the New City Hall. (City Manager’s Office)  
[Rules Committee Referral 9/29/04]  
**Mayor Gonzales invited Vintage Foster, Publisher of Silicon Valley/San José Business Journal; Michael Palladino, Partner of Richard Meier Partners (RMP); Gary Filizetti, President of Devcon; Daisy Anzoategui, Senior Project Manager of Devcon; Michael O’Brien, Vice President and General Manager of Turner Construction; and Rob Steinberg, President of the Steinberg Group to the podium. Mr. Foster presented the Silicon Valley/San José Business Journal 2004 Structure Awards to the City of San José for the New City Hall, to Turner Construction for their work on the New City Hall, and the Architectural Design Firm of the Year Award to the Steinberg Group.**

## 2 CONSENT CALENDAR

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### 2.1 Approval of Minutes.

- (a) Regular minutes of August 10, 2004.
- (b) Regular minutes of August 17, 2004
- (c) Joint Council/Financing Authority minutes of August 17, 2004

**Approved.**

### 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 27249 – Grants a commercial solid waste and recyclables collection franchise to Sonrise Consolidated Inc.  
**Ordinance No. 27249 adopted.**
- (b) ORD. NO. 27250 – Prezones certain real property situated on the north side of Madeline Drive, approximately 200 feet easterly of White Road (3361 Madeline Drive) to R-I-8 Residence Zoning District. C04-049  
**Ordinance No. 27250 adopted.**
- (c) ORD. NO. 27251 – Rezones certain real property situated on the south side of Story Road, approximately 200 feet westerly of Jackson Avenue (2278 Story Road) to CP Commercial Pedestrian Zoning District. C04-058  
**Ordinance No. 27251 adopted.**
- (d) ORD. NO. 27252 – Rezones certain real property situated at southeast corner of South 12<sup>th</sup> Street and Orvis Avenue and at the northeast corner of South 11<sup>th</sup> and East Virginia Street to A(PD) Planned Development Zoning District. PDC 03-094  
**Ordinance No. 27252 adopted.**
- (e) ORD. NO. 27253 – Rezones certain real property situated on the northeast corner of Gish Road and North First Street to A(PD) Planned Development Zoning District. PDC 04-055  
**Ordinance No. 27253 adopted.**
- (f) ORD. NO. 27254 – Rezones certain real property situated on the southwest corner of Lundy Avenue and McKay Drive (1240 McKay Drive), to A(PD) Planned Development Zoning District. PDC 04-001  
**Ordinance No. 27254 adopted.**

## 2 CONSENT CALENDAR

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### 2.3 Approval of actions to extend the HNVF funding term for the Indian Health Center.

**Recommendation:**

(a) Approval to extend the Healthy Neighborhood Venture Fund (HNVF) funding term for one year, from June 30, 2004 to June 30, 2005, for the following project (second extension):

(1) EH044 Strengthening Our Center - Indian Health Center.

(b) Authorization for the Director of Parks, Recreation and Neighborhood Services to amend, negotiate, and execute the grant agreement.

CEQA: Not a Project. Council District 6. (Parks, Recreation and Neighborhood Services)  
**Approved.**

### 2.4 Adoption of a resolution related to the annexation of Hillview No. 72.

**Recommendation:** Adoption of a resolution authorizing the reorganization of territory designated as Hillview No. 72, which involves the annexation to the City of San José of 0.18 acre of land more or less, located at the northwest corner of Story Road and Lyndale Avenue and adjacent to the City of San José annexations Hillview Nos. 11 and 62, and the detachment of the same from Central Fire Protection, Area No. 01 (Library Services) County Services, County Lighting County Services and County Sanitation District 2-3. CEQA: Mitigated Negative Declaration, PDC04-022. Council District 5. (Planning, Building and Code Enforcement)

**Resolution No. 72337 adopted.**

### 2.5 Adoption of a resolution related to the annexation of McKee No. 126.

**Recommendation:** Adoption of a resolution authorizing the reorganization of territory designated as McKee No. 126, which involves the annexation to the City of San José of 15.32 acres of land more or less, located at the west side of North Capitol Avenue, opposite Penitencia Creek Road and adjacent to the City of San José annexations McKee Nos. 12, 54, and 98, and Berryessa No. 65, and the detachment of the same from Central Fire Protection and Area No. 01 (Library Services) County Services. CEQA: Mitigated Negative Declaration, PDC04-017. Council District 4. (Planning, Building and Code Enforcement)

**Resolution No. 72338 adopted.**

## 2 CONSENT CALENDAR

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### 2.6 Approval of actions to accept a donation for Internet Crimes Against Children Conference.

- (a) Adoption of resolution accepting a \$20,000 donation from San José businesses to be used for Internet Crimes Against Children Conference.  
**Resolution No. 72339 adopted.**
- (b) Adoption of the following amendments to the annual appropriation ordinance and funding sources resolution in the Gift Trust Fund:
  - (1) Establish an appropriation to the Police Department for Internet Crimes Against Children Gifts in the amount of \$20,000.
  - (2) Increase the estimate for Earned Revenue by \$20,000.
 CEQA: Not a Project. (Police/City Manager's Office)  
**Ordinance No. 27257 adopted.**  
**Resolution No. 72340 adopted.**

## 3 STRATEGIC SUPPORT SERVICES

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### 3.1 Report of the Study Session Mayor Gonzales, Chair None.

### 3.2 Report of the Rules Committee – September 29, 2004 (Partial) Vice Mayor Dando, Chair

- (c) Legislative Update
  - (1) State
    - (a) Approve City Positions on November 2004 State Ballot Propositions.  
**The Committee recommended approval of City Positions on the November 2004 State Ballot Propositions: 1A; 59; 60; 60A; 61; 62; 63; 64; 65; 66; 67; 68; 69; 70; 71; and 72.**

**The Partial Report of the Rules Committee of September 29, 2004 was accepted. Council approved the positions on the ballot propositions:**  
**Proposition 1A – to support.**  
**Proposition 59 – to support.**  
**Proposition 60 – to oppose. Noes: Campos, Cortese, Gregory.**  
**Proposition 60A – to support.**  
**Proposition 61 – to support.**  
**Proposition 62 – to support. Noes: Chavez, Cortese.**  
**Proposition 63 – to support. Noes: Chavez, Dando, Reed.**  
**Proposition 64 – to oppose. Noes: Dando.**  
**Proposition 65 – to oppose.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – September 29, 2004 (Partial) (Cont'd.)

**Proposition 66 – to oppose. Noes: Cortese, Gregory, LeZotte.**

**Proposition 67 – to oppose.**

**Proposition 68 – to oppose.**

**Proposition 69 – to support.**

**Proposition 70 – to oppose.**

**Proposition 71 – to support.**

**Proposition 72 – to take no position.**

#### 3.3 Report of the Making Government Work Better Committee – September 16, 2004 Council Member Campos, Chair

(a) Review of Request for Proposal Issues:

(1) Review of the City's RFP Process

(2) Administrative Procedures and Definitions Related to Conflict of Interest with Consultant Contracts

**Deferred until October.**

(b) Transport Vehicle Audit Follow-up

**The Committee accepted the Staff report.**

(c) Major IT Projects Update

**The Committee accepted the Staff report.**

(d) Concentrated Code Enforcement Audit Follow-up

**The Committee accepted the Staff report.**

(e) Follow-up on Fire Department Overtime

**The Committee accepted the Staff report.**

(f) San Jose Municipal Water System (Phase I)

**Deferred until October.**

(g) Oral Petitions

**William Garbett**

(h) Adjournment

**The Committee was adjourned at 3:15 P.M.**

(Deferred from 9/28/04 – Item 3.3)

**The Making Government Work Better Committee Report and Actions were accepted. Staff directed to return to Council in two weeks with a status update on the Computer Aided Dispatch system: 1) What is currently outstanding; 2) What is currently being tested. Staff also directed to review and consider usability study prepared by the Police Officer's Association.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.4 Approval of actions related to the Customer Service and Performance Management System (CUSP).

**Recommendation:** Adoption of a resolution authorizing the City Manager to execute a consultant services contract to assist City staff with a business process gap analysis, contract negotiations, and provide technical architecture and quality assurance support related to the development of the BearingPoint/PeopleSoft contract scope of services.

CEQA: Not a Project. (Finance)

**Deferred to 10/19/04.**

#### 3.5 Approval of a consultant agreement for technical and procurement services to complete the Converged Network RFP for the New City Hall.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Gartner, Inc. for technical and procurement services for the New City Hall Converged Network RFP, in an amount not to exceed \$365,226 plus an additional 15% (\$54,774) for additional services related to Server/SAN procurement. (Information Technology)

**Deferred until 10/12/04. Staff directed to bring back more information, including hourly rates for the top three firms and a list of references for Gartner, Inc.**

#### 3.6 Council consideration of a letter to HCA condemning the imminent closure of San José Medical Center.

**Recommendation:** Council consideration of a letter outlining the City's response to the closure of SJMC and discussion regarding the future of the SJMC site. (Chavez)  
(Rules Committee referral 9/29/04)

**Staff directed to; 1) conduct an appraisal of the site, 2) coordinate a presentation to study, 3) continue working with Santa Clara County to ensure service delivery, 4) to seek partners such as San José State University and Non-Profit sector development and, 5) return with a series of options to consider.**

#### 3.7 Approval of an ordinance amending Chapter 12.08 of Title 12 of San José Municipal Code to revise the City of San José Gift Ordinance.

**Recommendation:** Approve an ordinance amending Chapter 12.08 of Title 12 of San José Municipal Code to revise the City of San José Gift Ordinance. (Blue Ribbon Task Force/City Attorney)

(Rules Committee referral 9/29/04)

**Ordinance No. 27258 passed for publication, with direction to the City Attorney to provide greater clarity to “Gifts given by the sponsor of an event”.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.8 Approval of actions related to Council Members' travel to participate in the San José Silicon Valley Chamber of Commerce/City of San Jose City to City visit.

**Recommendation:** Direct Council Members who wish to participate in the San Jose Silicon Valley Chamber of Commerce/City of San Jose City to City visit in San Antonio, Texas on October 13-15, 2004 proceed with submitting their travel requests through the Rules Committee, as outlined in Council Policy 9-5, and allow for the use of the Mayor and City Council Travel Appropriation, to be established by the City Manager's Budget Office on October 12th, for reimbursement of travel expenses incurred by Council Members participating in this trip.

(City Manager's Office)

(Rules Committee Referral 9/29/04)

**Approved.**

### 4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

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#### 4.1 Report of the Building Strong Neighborhoods Committee – September 20, 2004 Council Member Chavez, Chair

(a) Vehicle Abatement

**The Committee accepted the report with the direction to include the Vehicle Abatement update in the next workplan before the next budget calendar meetings.**

(b) Semi-Annual Greenprint Update

**The Committee accepted the report with the direction to include the scope of work in the next workplan of spring 2005.**

(c) Annual Trail Report

**The Committee accepted the report.**

(d) Anti-Graffiti & Litter Update

**The Committee accepted the report with the direction to submit an information memo on:**

- **Business trash bin overflow**
- **Cleaning of trash bins**
- **Fact Finding Laws and Fees on broader State level**
- **Caltrans litter pickup and DMV assistance**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.1 Report of the Building Strong Neighborhoods Committee – September 20, 2004 (Cont'd.)**

- (e) Neighborhood Development Center (NDC) Update  
**The Committee approved the NDC update with direction to report back in the next workplan before the next budget session.**
- **Committee discussion resulted in direction given to provide the City Council a supplemental memo for action on the use of outside consultants to support leadership development and training activities at the Neighborhood Development Center.**

**SEE ITEM 4.5 FOR COUNCIL ACTION TAKEN**

- (f) Oral Petitions – **None.**
- (g) Adjournment  
**The meeting adjourned at 3:37 P.M.**

**The Building Strong Neighborhoods Committee Report and Actions of September 20, 2004 were accepted.**

### **4.2 Report of the Driving a Strong Economy Committee Council Member Williams, Chair None.**

### **4.3 Approval to award a contract for the Towers Lane Improvement Project.**

**Recommendation:** Reports on bids and award of contract for the Towers Lane Improvement Project (north of Aborn Road) to the low bidder, DeSilva Gates Construction, LP, in the amount of \$626,191, and approval of a 15 percent contingency in the amount of \$94,000. CEQA: Exempt, PP 02-03-046. Council District 7. SNI: West Evergreen. (Public Works/Transportation)  
(Deferred from 8/31/04 – Item 4.3, et al, and 9/21/04 – Item 4.5)  
**Deferred to 10/12/04.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.4 Approval of actions for Building Equity and Growth in Neighborhoods grants.**

#### **Recommendation:**

- (a) Adoption of a resolution:
  - (1) Authorizing the Director of Housing to accept BEGIN housing program grants from the California Department of Housing and Community Development (HCD) and to negotiate and execute the grant agreements and any amendments or other documents necessary to implement the programs funded by the following Building Equity and Growth In Neighborhoods grants:
    - (a) A \$1,410,000 grant to fund downpayment assistance loans to purchasers of homes in the Las Mariposas development.
    - (b) A \$510,000 grant to fund downpayment assistance loans to purchasers of homes in the San Carlos/Fiesta Lanes development.
    - (c) A \$240,000 grant to fund downpayment assistance loans to purchasers of homes in the Previterra Court development.
  - (2) Authorizing the Director of Housing to negotiate and execute an agreement with Neighborhood Housing Services Silicon Valley for the marketing of the program, the qualifying and selection of the borrowers, and processing of City loans.

#### **Resolution No. 72342 adopted.**

- (b) Approval of the following appropriation ordinance and funding sources resolution amendments in the Multi-Source Housing Fund:
  - (1) Establish a new CalHome (BEGIN) appropriation in the amount of \$2,160,000.
  - (2) Increase the estimate for Grant Revenue Proposition 46 in the amount of \$2,160,000.

Council Districts 3, 5, and 6. CEQA: Not a Project. (Housing/City Manager's Office)

#### **Ordinance No. 27259 adopted.**

#### **Resolution No. 72343 adopted.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.5 Discussion and action on the use of outside consultants to support leadership development and training activities at the Neighborhood Development Center.**

**Recommendation:** Discussion and action on the use of outside consultants to support leadership development and training activities at the Neighborhood Development Center. (Parks, Recreation and Neighborhood Services)

[Building Strong Neighborhoods Committee referral 9/20/04 – Item 4.1(e)]

**Staff directed to provide updates to the Building Strong Neighborhoods Committee on the use of outside consultants.**

## **5 RECREATION & CULTURAL SERVICES**

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### **5.1 Report of the All Children Achieve Committee Council Member Yeager, Chair**

**None.**

### **5.2 Recommendation to re-name the Northside Community Center.**

**Recommendation:** As recommended by the Parks and Recreation Commission, re-name the Northside Community Center located near the intersection of 6<sup>th</sup> Street and Empire Street to the Jacinto “Tony” Sequig Northside Community Center. (Parks and Recreation Commission/City Clerk)

(Deferred from 9/21/04 – Item 5.4)

**Heard in the evening.**

**Approved.**

### **5.3 Approval of actions to put in place grant agreements for the San José B.E.S.T. Eligible Service Providers (2004-2007).**

**Recommendation:**

(a) Approval of the list of San José B.E.S.T. Eligible Service Providers for 2004-2007.

(b) Adoption of a resolution authorizing the City Manger to negotiate and execute grant agreements and amendments with the San José B.E.S.T. Eligible Service Providers, consistent with the directives of the Mayor’s Gang Prevention Task Force for a term of September 1, 2004 through August 31, 2005, and for a total amount not to exceed \$2,465,000.

CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

**Deferred to 10/12/04.**

## 5 RECREATION & CULTURAL SERVICES

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### 5.4 Approval of a change order for the Tuers-Capitol (Los Lagos) Golf Course Project.

**Recommendation:**

- (a) Approval of Contract Change Order No. 41 with Granite Construction Company, for the Tuers-Capitol (Los Lagos) Golf Course Project, increasing the compensation by \$594,005.79, for a total contract amount of \$16,198,401.65.

**Approved.**

- (b) Adoption of the following appropriation ordinance amendments in the General Fund:

(1) Increase the Los Lagos Golf Course Enhancements appropriation in the amount of \$113,006.

(2) Decrease the General Liability Claims appropriation in the amount of \$113,006.

CEQA: Resolution No. 69623, PP98-03-064. Council District 7. (Public Works/Parks, Recreation and Neighborhood Services/City Manager's Office)

(Deferred from 9/28/04 – Item 5.2)

**Ordinance No. 27260 adopted.**

### 5.5 Council consideration of a resolution supporting the effort to bring Major League baseball to San José.

**Recommendation:** Council consideration of a resolution supporting the effort to bring Major League baseball to San José. (Mayor)

(Rules Committee referral 9/29/04)

**Resolution No. 72344 adopted.**

### 5.6 Adoption of an urgency ordinance to allow the use of padded-jaw leg-hold traps.

**Recommendation:** Consideration of the Urgency Ordinance amending San José Municipal Code Section 7.10.010 to create an exemption for federal, state, and county employees and their duly authorized agents, in the discharge of their official duties, from the prohibition on animal traps in the City of San José and initiation of a permanent ordinance for the same purpose. CEQA: Exempt, PP04-276. (Parks, Recreation & Neighborhood Services/City Attorney's Office)

(Rules Committee referral 9/29/04)

**Motion to adopt failed; No Council action taken.**

**City Attorney directed to meet with County of Santa Clara's Vector Control and the California Department of Fish and Game to discuss alternative strategies to abate coyotes in the Villas of Almaden, and to report back to Council on October 12, 2004 with a status update.**

## 6 TRANSPORTATION SERVICES

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### 6.1 Report of the Building Better Transportation Committee Council Member Cortese, Chair

None.

### 6.2 Approval of a Cooperative Agreement for Construction Impact Mitigation Plans.

**Recommendation:** Approval of a Cooperative Agreement with the Santa Clara Valley Transportation Authority for the preparation of Construction Impact Mitigation Plans related to major transportation improvement projects. (Transportation)

[Building Better Transportation Committee referral 9/13/04 – Item 6.1(d)(1)]  
(Deferred from 9/28/04 – Item 6.2)

**Deferred to 10/12/04.**

## 7 ENVIRONMENTAL & UTILITY SERVICES

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## 8 AVIATION SERVICES

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### 8.1 Approval to amend an agreement for the Airport Master Plan.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute the ninth amendment to the consultant agreement with PB Aviation, Inc., for consulting services for the Airport Master Plan, increasing the compensation by \$11,126,000, from \$48,840,000, for a total agreement amount not to exceed \$59,966,000, and extending the term of the agreement to July 1, 2006. CEQA: Resolution Nos. 67380 and 71451, PP 04-08-243. District: Citywide. (Airport/Public Works)

**Resolution No. 72345 adopted.**

### 8.2 Approval to amend an agreement for master architectural services for the Airport.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute the third amendment to the agreement with M. Arthur Gensler, Jr. & Associates (Gensler) for master architectural services, increasing compensation by \$13,590,363, from \$25,060,000, for a total agreement amount not to exceed \$38,650,363, and extending the term of the agreement from December 1, 2005 to December 1, 2008. CEQA: Resolution Nos. 67380 and 71451, PP 04-08-241. District: Citywide.

(Airport/Public Works)

**Resolution No. 72346 adopted.**

## 9 PUBLIC SAFETY SERVICES

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## 10 JOINT COUNCIL/REDEVELOPMENT AGENCY

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The Redevelopment Agency Board convened to consider Items 10.1 and 10.2 in a Joint session at 2:17 P.M.

### 10.1 Approval of fiscal actions related to the Delmas Park Apartments Project.

#### Recommendation:

- (a) Adoption of a resolution of the City Council:
- (1) Authorizing the issuance of tax-exempt multifamily housing revenue bonds designated as "City of San José Multifamily Housing Revenue Bonds (Delmas Park) Series 2004C-1 and Series 2004C-2" in an aggregate principal amount not to exceed \$19,379,000 (collectively, the "Bonds" and, individually, the Public Hearing on and consider approval of an ordinance on a Planned Development Rezoning from County to A(PD) Planned Development Zoning District, to allow up to 31 single-family detached residences on a 3.49 gross acre site, located at the north side of Umbarger Road approximately 1,200 feet westerly of Senter Road (425 Umbarger Road). (TLB Properties LLC, Owner; DAL Properties LLC – Mark Lazzarini, Developer). CEQA: Mitigated Negative Declaration. SNI: None.  
PDC 04-054 - District 7 Series 2004C-1 Bonds and Series 2004C-2 Bonds);
  - (2) Approving a loan of Bond proceeds to Delmas Park Associates, L.P., a California limited partnership, for financing the construction of the Delmas Park Apartments Project located at 598 West San Carlos Street in San José;
  - (3) Approving in substantially final form the Bonds, Trust Indenture, Loan Agreement, Regulatory Agreement and Declaration of Restrictive Covenants, Bond Purchase Agreement and Subordination Agreements; and
  - (4) Authorizing the City Manager or other authorized officers to execute and, as appropriate, to negotiate, execute, and deliver these bond documents and other related bond documents as necessary.  
CEQA: Resolution No. 68839, and addenda thereto, PDC 03-016. Council District 3. (Housing/Finance)
- (b) Adoption of a resolution by the Redevelopment Agency Board approving an Owner Participation and Grant Agreement with Delmas Park Associates, L.P., a California limited partnership, or a related entity, in the amount of \$1.5 million for the development of property for a mixed-use residential and retail project located at 598 West San Carlos Street. (Redevelopment Agency)

(Deferred from September 28, 2004 – Item 10.2)

**Deferred to 10/12/04.**

## 10 JOINT COUNCIL/REDEVELOPMENT AGENCY

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### 10.2 Adoption of a resolution expressing interest in the possible future purchase of land from the Alum Rock Elementary School District.

#### Recommendation:

- (a) Adoption of a resolution by the City Council expressing interest in the acquisition of all or a portion of the property identified in the Alum Rock Elementary School District Notice of Availability of Surplus School District Property, dated August 2, 2004 and received on August 6, 2004 at the following schools: Miller Elementary School (Assessor's Parcel Number 486-11-029) (7.1 acres), located on the northwesterly side of Cortez Avenue at Orlandi Drive, and the Ocala Middle School (Assessor's Parcel Number 491-14-002) (surplus acreage not specified) located on the east side of Wonderama Drive, southerly of Ocala Avenue, making findings that public lands in the vicinity of the sites are inadequate to meet foreseeable needs related to recreation and open space areas, amending the School Site Reuse Plan accordingly, and directing the City Manager to notify the Alum Rock Elementary School District by October 5, 2004, of the City's interest. CEQA: Not a project. Council District: 5 and 8. SNI: East Valley/680.

**Resolution No. 72347 adopted.**

- (b) Adoption of a resolution by the Redevelopment Agency Board expressing interest in the acquisition of all or a portion of the property identified in the Alum Rock Elementary School District Notice of Availability of Surplus School District Property, dated August 2, 2004 and received on August 6, 2004 at the following schools: Miller Elementary School (Assessor's Parcel Number 486-11-029) (7.1 acres), located on the northwesterly side of Cortez Avenue at Orlandi Drive, and the Ocala Middle School (Assessor's Parcel Number 491-14-002) (surplus acreage not specified) located on the east side of Wonderama Drive, southerly of Ocala Avenue, making findings that public lands in the vicinity of the sites are inadequate to meet foreseeable needs related to recreation and open space areas, and directing the Agency Director to notify the Alum Rock Elementary School District by October 5, 2004, of the Agency's interest.

CEQA: Not a project. Council District: 5 and 8. SNI: East Valley/680.

(City Manager's Office/Redevelopment Agency)

(Rules Committee Referral 9/29/04)

**Agency Resolution No. 5548 adopted.**

**Staff direction to include the city's interest in Joseph George Middle School.**

**The Redevelopment Agency Board portion of the meeting adjourned at 2:20 P.M.**

- **Closed Session Report**

None.

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9305	sw/c Sands Drive & Canoas Garden Av.	6	Primecore Mortgage	47 lot/ 72 units	SFR Attached	Approve

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:  
**None.**

- **Open Forum—**  
**None.**

# 11 PUBLIC HEARINGS

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(Heard by the City Council at 7:06 p.m.)

## 11.1 Public Hearing on appeal of the Planning Commission's decision to approve a Conditional Use Permit.

**Recommendation:** Public Hearing on appeal of the Planning Commission's decision to approve a Conditional Use Permit in conjunction with an Alcohol Beverage Control Exception to allow for the off-sale of alcoholic beverages at a grocery store on a 9.5 gross acre site in the CG General Commercial Zoning District, located at the northeast corner of Jackson Road and McKee Road (2327 McKee Road). (Chavez Super Market, Developer/Chi Chiu Lo Trust, Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends upholding the Planning Commission's decision to approve the CUP. (6-0-1).

CP 04-046 - District 5

(Continued from 9/21/04 – Item 11.1)

**Resolution No. 72351 adopted.**

**Council approval in the form of Council Member Campos' memorandum, dated October 5, 2004, recommending the upholding of the Planning Commission's decision to approve a Conditional Use Permit (CUP) and ABC Exception to allow off-sale of alcoholic beverages as an ancillary use to a full service grocery store known as the Chavez Supermarket with the following additional conditions:**

- 1) That a C.U.P. be granted for a period of two years, and
- 2) That the grocery store will not operate past 10:00 p.m. daily, and
- 3) That staff report back to the Planning Commission after the market has operated for one full year to determine if there is any increase in criminal activity that can be directly attributed to the Chavez Market.

**Staff directed to include a status update on any police activity related to underage drinking and illegal purchasing of alcohol by a minor within the close vicinity of Independence High School and to supply this report at the compliance hearing; to be heard in one year.**

## 11.2 Public Hearing on Director-initiated conventional rezoning of the area generally bounded by East Santa Clara Street to the north, 30<sup>th</sup> Avenue to the east, San Antonio Street and William Street to the south, and South 22<sup>nd</sup> Street to the west.

**Recommendation:** PUBLIC HEARING ON PLANNING DIRECTOR-INITIATED CONVENTIONAL REZONING of the area generally bounded by East Santa Clara Street to the north, 30<sup>th</sup> Avenue to the east, San Antonio Street and William Street to the south, and South 22<sup>nd</sup> Street to the west, from LI Light Industrial and CP Pedestrian Commercial Zoning Districts to R-2 Two-Family Residence District to reflect residential uses on a 31.34 gross acre site. CEQA: Resolution No. 65459. SNI: Five Wounds/Brookwood Terrace. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

C 04-039 - District 3

(Continued from 6/1/04 – Item 11.11 and 6/15/04 – Item 11.3)

**Continued to 11/9/04.**

# 11 PUBLIC HEARINGS

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## 11.3 Public Hearing on planned development rezoning of the property located at the south side of State Street, approximately 300 feet easterly of Pacific Avenue.

**Recommendation:** Public Hearing on and consider approval of an ordinance on Planned Development Rezoning of the property located at the south side of State Street, approximately 300 feet easterly of Pacific Avenue, from R-M Multiple Residence Zoning District to A(PD) Planned Development Zoning District, to allow up to 6 single-family detached residences on a 0.41 gross acre site. (Next Step Homes, LLC, Owner/Developer). CEQA: Mitigated Negative Declaration.

PDC 03-104 - District 4

(Continued from 9/7/04 – Item 11.3 and 9/21/04 – Item 11.3)

**Continued to 10/19/04.**

## 11.4 Public Hearing on approval of an ordinance on Planned Development Rezoning of the property located at 568 Hillsdale Avenue.

**Recommendation:** Public Hearing on and consider approval of an ordinance on Planned Development Rezoning of the property located at the south side of Hillsdale Avenue, approximately 420 feet east of Highway 87 (568 Hillsdale Avenue), from R-1-5 and R-1-8 Residence Zoning Districts to A(PD) Planned Development Zoning District, to allow 26 single-family attached residential units on a 1.6 gross acre site. (George P Thotus Trustee et al, Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 04-060- District 10

**Continued to 10/19/04.**

## 11.5 Public Hearing on adoption of a resolution on approving City Council Initiated Street Renaming of West Virginia Street between Hannah Street and Highway 280 (755 West Virginia Street) to Hannah Court.

**Recommendation:** Public Hearing on and consider adoption of a resolution on approving City Council Initiated Street Renaming of West Virginia Street between Hannah Street and Highway 280 (755 West Virginia Street), to Hannah Court. (Manuel B. and Lorena S. Serrano, Owner). CEQA: Exempt. SNI: Burbank/Del Monte. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

ST 04-002 - District 6

**Resolution No.72352 adopted.**

- Open Forum  
None.

- **Adjournment**  
**The Council of the City of San José was adjourned in memory of Madge Overhouse, known for years as the godmother of the Democratic Party in Santa Clara County at 9:14 P.M.**

**The Joint Council/Redevelopment Agency Board Meeting convened at 7:42 P.M.**

- 7.1 (a) Ordinance No. 27261 adopted.  
Resolution No. 72348 adopted.**
  - (b) Ordinance No. 27262 adopted.**
  - (c) Ordinance No. 27263 adopted.**
  - (d) Agency Resolution No. 5545 adopted.**
  - (e) Approved.**
  - (f) Agency Resolution No. 5546 adopted.****Staff directed to provide Council, via informational memorandum, budget clarifications relating to transfer of funds.**
- 7.2 (a) Resolution No. 72349 adopted.**
  - (b) Agency Resolution No. 5547 adopted.**
  - (c) Resolution No. 72350 adopted.**
  - (d) Ordinance No. 27264 adopted.**
- 7.3 Heard in the evening.**  
**The Public Hearing was held.**  
**Staff directed to provide a memorandum to Council providing a full report on the issues relating to the Fallon House costs and improvements and to include a timeline for the project.**

**The Joint Council/Redevelopment meeting adjourned at 9:14 P.M.**