

CITY COUNCIL AGENDA

NOVEMBER 9, 2004

AMENDED AGENDA

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

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**
9:00 a.m. - Closed Session, Room 600, City Hall
[See Separate Agenda](#)
1:30 p.m. - Regular Session, Council Chambers, City Hall
7:00 p.m. - Public Hearings, Council Chambers, City Hall

- **Invocation (District 10)**
Dave Bridgen, San José Police Department Chaplin

- **Pledge of Allegiance**
- **Orders of the Day**

Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

- * **THERE WILL BE A JOINT CITY COUNCIL/SAN JOSÉ FINANCING AUTHORITY MEETING FOLLOWING THE REGULAR SESSION OF THE COUNCIL MEETING.**

Adjournment: This meeting will be adjourned in memory of Dave McKay.

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

- * **See New Item 1.7**, Presentation of a commendation to Jo Anne McCracken for her excellent work in battling truancy at schools within the East Side Union High School District.
TO BE HEARD IN THE EVENING

1 CEREMONIAL ITEMS

- 1.1** Presentation of a proclamation designating November 14-20, 2004 as “National Hunger and Homelessness Awareness Week.” (Housing)

1 CEREMONIAL ITEMS

1.2 Presentation of plaques to William Pope, for 3 years 7 months service on the Deferred Compensation Advisory Committee; to Jason Loia, for 1 year 5 months service on the Small Business Development Commission; to Arturo Rivera, for 1 year 10 months service on the Small Business Development Commission; to Sean Deleev, for 1 year 9 months service on the Youth Commission; and to Erica Garcia, for 5 years two months service on the Youth Commission. (Mayor)

* (Rules Committee referral 11/03/04)

1.3 Presentation of a commendation to De Mattei Construction recognizing its important contribution to the economy. (Mayor/Yeager)

* (Rules Committee referral 11/03/04)

1.4 Presentation of an award from American Legion Post 419 and presentation of a commendation recognizing Fire Engineer Stacey Hansen for her efforts on behalf of Vietnam Veterans. (Mayor/Williams)

* (Rules Committee referral 11/03/04)

1.5 Presentation of a United States flag from our reservists that was flown in Guantanamo Bay, Cuba. The flag is accompanied by a certificate from the Base Commander stating it was flown in honor of the City of San José. (Mayor/LeZotte)

* (Rules Committee referral 11/03/04)

* **TO BE HEARD IN THE EVENING**

1.6 Presentation of a commendation to Valley Christian High School for its contribution to the City of San José as a model school, supporting our community's youth, education and overall growth. (Williams)

* (Rules Committee referral 11/03/04)

1.7 Presentation of a commendation to Jo Anne McCracken for her excellent work in battling truancy at schools within the East Side Union High School District. (Cortese)

* (Orders of the Day)

TO BE HEARD IN THE EVENING

2 CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

2.1 Approval of Minutes.

* **Recommendation:** Approval of City Council minutes for:

(a) Regular meeting of September 14, 2004.

2 CONSENT CALENDAR

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) [ORD. NO. 27271](#) – Amends Chapter 12.10 of Title 12 of the San José Municipal Code to revise the City of San José Revolving Door Ordinance.
- (b) [ORD. NO. 27273 – Amends Title 7 of the San José Municipal Code to add a new Chapter 7.11 to ban the feeding of wild animals.](#)

2.3 [Approval to amend an agreement for the Central Expressway/De La Cruz Boulevard Intersection Improvement Project.](#)

Recommendation: Approval of a first amendment to the cooperation agreement with the County of Santa Clara for the Central Expressway/De La Cruz Boulevard Intersection Improvement Project, extending the term of the agreement from December 31, 2004 to December 31, 2005, with no increase in cost to the City. CEQA: Resolution Nos. 67380 and 71451, PP04-280. (Airport)

2.4 Approval of fiscal actions for Redevelopment Agency Capital Projects.

Recommendation:

- (a) Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the Market Almaden Pedestrian Lighting Project (PSM 385), with a net impact to the fund of \$62,404.
- (b) Adoption of a resolution making certain determinations regarding the related expenditures of Redevelopment Agency funds on certain public improvements in connection with the Market Almaden Pedestrian Lighting Project, as more specifically described in the memorandum from the Redevelopment Agency, Dated September 27, 2004.

CEQA: Not a Project. Council District 3. SNI: Market Almaden. (City Manager's Office)

2.5 [Approval of actions to submit an application to the California Integrated Waste Management Board, Reuse Assistance Grant Program.](#)

- * **Recommendation:** Adoption of a resolution authorizing the Director of the Environmental Services Department to submit an application to the California Integrated Waste Management Board, Reuse Assistance Grant Program, in the amount of \$43,900 for the purpose of supporting recycling programs in San José public Schools, to accept the grant on behalf of the City of San José, and to execute all documents necessary to implement the grant. (Environmental Services)

2 CONSENT CALENDAR

2.6 [Approval to submit and process grant applications to the State Department of Parks and Recreation.](#)

- * **Recommendation:** Adoption of a resolution authorizing the City Manager to submit grant applications to the State Department of Parks and Recreation for the following projects:

- (a) Police Activities League Sports Complex Repairs, in an amount not to exceed \$1,000,000, from the California Youth Soccer and Recreation Development Program; and
- (b) Martin Park Soccer and Softball Field Project, in amount not to exceed \$1,000,000, from the State Urban Parks and Healthy Communities Program and include a required match to the grant funding of up to \$334,000 by the City.

CEQA: Not a Project. SNI: Five Wounds/Brookwood Terrace, Gateway East. (Parks, Recreation and Neighborhood Services)

2.7 [Approval of action related to the annexation of McKee No. 124.](#)

Recommendation: Adoption of a resolution initiating proceedings and setting November 30 at 1:30 p.m. as the date for Council consideration of the reorganization of territory designated as McKee No. 124, which involves the annexation to the City of San José of 0.76 acre of land more or less, located on the north side of Madeline Drive, approximately 220 feet easterly of White Road and adjacent to the City of San José annexations McKee Nos. 39 and 75-A, and the detachment of the same from County Lighting County Service, Central Fire Protection, Area No. 01 (Library services) County Services and County Sanitation District 2-3. CEQA: Resolution No. 65459, C04-049. Council District 5. (Planning, Building and Code Enforcement)

2.8 **Recommendation:** Acceptance of the Office of the Independent Police Auditors Mid-Year Report. (Independent Police Auditor)

- * **RENUMBERED FROM 9.1**

2.9 **Approval of appointments to the San José Housing Trust Fund Oversight Committee.**

- * **Recommendation:** Approval of three appointments to the San José Housing Trust Fund Oversight Committee. (Mayor)

RECOMMEND DEFERRAL TO 11/16/04

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair

3.2 Report of the Rules Committee - October 27, 2004

Vice Mayor Dando, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review November 9, 2004 Draft Agenda
 - (2) Add New Items to November 2, 2004 Amended Agenda
 - Mayor and Council Member Requests
 - City Manager Requests
 - City Attorney Requests
 - City Clerk Requests
 - (3) List of Reports Outstanding
- (c) Legislative Update
 - (1) State
 - (2) Federal
 - (a) Federal Legislative Report
- (d) Meeting Schedules
- (e) The Public Record
- (f) Appointment to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Affordable Housing Risk Analysis Workload Assessment
- (h) Oral communications
- (i) Adjournment

*** Report of the Rules Committee – November 3, 2004 (Partial)**

Vice Mayor Dando, Chair

- (g) Rule Committee Reviews, Recommendations and Approvals
 - (1) Approve the proposed designation of Vice Mayor Pat Dando as the voting delegate and Council Member Ken Yeager as the alternate voting delegate at the December 4, 2004 Annual Business Meeting for the National League of Cities (NLC).

3.3 Report of the Making Government Work Better Committee Council Member Campos, Chair

3 STRATEGIC SUPPORT SERVICES

3.4 [Approval of actions related to the Procurement Process Integrity Guidelines for the New City Hall Converged Network RFP.](#)

[Supplemental](#)

Recommendation: Acceptance of the report on Procurement Process Integrity Guidelines for the New City Hall Converged Network Request for Proposals (RFP), and direction to the City Manager to disseminate applicable provisions to prospective proposers, consultants, and staff involved in the RFP. CEQA: Not a Project. (City Manager's Office/Finance/General Services)

3.5 **Adoption of a revised Council Policy for Retaining Architectural and Engineering Services.**

* **Recommendation:** Adoption of a revised Council Policy for Retaining Architectural and Engineering Services. CEQA: Not a Project. (Public Works)

RECOMMEND DEFERRAL TO 11/16/04

3.6 [Adoption of an ordinance ratifying final expenditures in various appropriations for FY 2003-04.](#)

Recommendation: Adoption of an ordinance ratifying final expenditures in various appropriations for FY 2003-04. (City Manager's Office)
(Deferred from 10/12/04 – Item 3.5, et al; and 11/2/04 – Item 3.4)

3.7 *Number not used.

3.8 [Approval of actions related to the Customer Service and Performance Management System \(CUSP\).](#)

* **Recommendation:**

(a) Adoption of a resolution authorizing the City Manager to negotiate and execute a contract from November 10, 2004 to June 30, 2005 in an amount not to exceed \$440,220 with BearingPoint, Inc. to participate in Stage 1 of the CUSP Project, which includes a comprehensive business process gap fit readiness analysis related to the ultimate installation and implementation of CUSP.

(b) Adoption of a resolution authorizing the City Manager to negotiate and execute a Customer Information System (CIS) consultant services contract from November 10, 2004 to June 30, 2005 in an amount not to exceed \$325,700 with Blue Heron Consulting to assist City staff with Stage 1 of the CUSP Project, which includes providing the City with an independent, third party overview and analysis of a comprehensive business process gap fit readiness analysis and contract negotiations related to the City's development of the BearingPoint contract scope of services for Stage 2 of the CUSP Project.

3 STRATEGIC SUPPORT SERVICES

3.8 Approval of actions related to the Customer Service and Performance Management System (CUSP). (Cont'd.)

Recommendation:

- (c) Adoption of the following appropriation ordinance and funding sources resolution amendments:
 - (1) Increase the estimate for Earned Revenue in the Integrated Waste Management Fund by \$4,389,242.
 - (2) Establish a CUSP Project appropriation to the Finance Department in the Integrated Waste Management Fund in the amount of \$4,389,242.

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

(Deferred from 10/5/04 et al and 11/2/04 - Item 3.6)

**RENUMBERED TO ITEM 3, JOINT CITY COUNCIL/FINANCING
AUTHORITY AGENDA FOR COUNCIL ACTION TO BE TAKEN**

3.9 Consideration of approval of various actions related to an appropriation for Retention of an Independent Investigator.

*** Recommendation:**

- (a) Consideration of authorizing an appropriation of funds for the Mayor to hire an Independent Investigator regarding allegations of wrongful termination and improper or illegal conduct by Council Member Gregory. (Mayor)
 - (b) Upon approval of above item, adoption of the following appropriation ordinance amendments in the General Fund:
 - (1) Establish a City-Wide Expenses appropriation to the City Clerk's Office for an Independent Investigator for Councilmember Gregory, in the amount of \$50,000.
 - (2) Decrease the Contingency Reserve by \$50,000.
(City Manager's Office)
- (Rules Committee referral 11/03/04)

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee Council Member Chavez, Chair

4.2 Report of the Driving a Strong Economy Committee – October 25, 2004 Council Member Williams, Chair

- (a) Development Services Program Status Report
- * SEE ITEM 4.4 FOR COUNCIL ACTION TO BE TAKEN**
- (b) Secondary Units
 - (c) International Economic Development Activity
 - (d) Oral Petitions
 - (e) Adjournment

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.3 City Council Initiated Conforming Rezoning of Parcels Along San Juan Avenue from R-2 to R-1-8, consistent with the City's General Plan.

- * **Recommendation:** Approve initiation of a conforming rezoning of the parcels along San Juan Avenue from R-2 to R-1-8, consistent with the City's General Plan. (Chavez)
(Rules Committee referral 11/03/04)

4.4 Acceptance of the report on the status of the Development Services Program.

- * **Recommendation:** Acceptance of the report on the status of the Development Services Program. (Planning, Building, and Code Enforcement)
[Driving a Strong Economy Committee referral 10/25/04 – Item 4.2(a)]

5 RECREATION & CULTURAL SERVICES

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

5.2 [Approval of actions related to acquisition of a property by eminent domain.](#)

Recommendation: Adoption of a resolution:

- (a) Determining that public use and necessity require the acquisition of a surface trail easement on a portion of an automobile tow and storage property owned by Vincent S. Alongi and Ida A. Alongi, Co-Trustees of the Vincent S. Alongi and Ida A. Alongi Revocable Living Trust dated August 20, 1992, and Carmel M. Alongi and Stanley Paul Alongi, Co-Trustees of the Nicholas N. Alongi Exemption Trust under the Nicholas N. Alongi and Carmel M. Alongi Revocable Living Trust dated January 7, 1992, located at 940 Lonus Street;
- (b) Finding that:
 - (1) The property interest to be acquired is necessary for the completion of the Los Gatos Creek Trail - Reach 4 Project;
 - (2) The proposed project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury;
 - (3) City staff established an amount of just compensation not less than the full amount of the approved appraisal;
 - (4) City staff made an offer to the owners for the full appraised amount; and
 - (5) The proposed taking and use are authorized by law.
- (c) Directing the City Attorney to file an eminent domain action to acquire the above property interest.

CEQA: Mitigated Negative Declaration, PP04-01-014. Council District 6. (Public Works)

- * **RECOMMEND DEFERRAL TO 11/30/04**

5 RECREATION & CULTURAL SERVICES

5.3 [Approval of actions for the San José Municipal Golf Course.](#)

Recommendation: Approval of a five-year property use agreement, and one five-year option, with MetroPCS allowing for construction, installation, maintenance, and operation of a telecommunications facility at San José Municipal Golf Course, and the approval of a Right of Entry/Revenue Sharing agreement with MetroPCS and Mike Rawitser Golf Shop to allow for MetroPCS's entry onto the Golf Course and for the equal sharing of the revenue generated by this installation between the City and Rawitser Golf. CEQA: Exempt, PP04-272. Council District 4. (Public Works/Parks, Recreation and Neighborhood Services/Information Technology)

* **RECOMMEND DEFERRAL TO 11/16/04**

6 TRANSPORTATION SERVICES

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

6.2 [Approval to award a contract for the Story Road Widening Project.](#)

Recommendation: Report on bids and award of contract for the Story Road Widening (Senter Road to McLaughlin Avenue) Project to the low bidder, Top Grade Construction, Inc., in the amount of \$1,578,798.70, and approval of a contingency in the amount of \$79,000. CEQA: Exempt, PP04-03-084. Council District 7. SNI: Tully/Senter. (Public Works/Transportation)

6.3 [Approval of the filing of an extension request for the Bailey Avenue Overhead Grade Separation Project.](#)

[Supplemental](#)

* **Recommendation:** Adoption of the following resolutions related to the Bailey Avenue Overhead Grade Separation Project:

- (a) Adoption of a resolution authorizing the Director of Public Works to execute and file with the California Department of Finance a request to extend the availability of the unspent portion of the encumbered \$5,000,000 appropriated from the State Grade Separation Funds, and to execute any documents necessary to implement the extension.
- (b) Adoption of a resolution authorizing the Director of Public Works to execute an amendment to the agreement with the California Department of Transportation extending the agreement expiration date from December 31, 2004 to December 31, 2006 for reimbursement to the City from the State Grade Separation fund for the Bailey Avenue Overhead at Monterey Road.

CEQA: Resolution No. 68705. Council District 2. (Public Works)
(Rules Committee referral 11/3/04)

7 ENVIRONMENTAL & UTILITY SERVICES

8 AVIATION SERVICES

9 PUBLIC SAFETY SERVICES

9.1 Acceptance of the Office of the Independent Police Auditor's 2004 Mid-Year Report.

Recommendation: Acceptance of the Office of the Independent Police Auditors Mid-Year Report. (Independent Police Auditor)
RENUMBERED TO 2.8

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

- Closed Session Report
- 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:

None.
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—To be heard jointly with Redevelopment Agency Public Discussion. Following Open Forum, Council will recess until 7:00 p.m.

11 PUBLIC HEARINGS

(To be heard by the City Council at 7:00 p.m.)

- 11.1 Public Hearing on Director-initiated conventional rezoning of the area generally bounded by East Santa Clara Street to the north, 30th Avenue to the east, San Antonio Street and William Street to the south, and South 22nd 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, 30th Avenue to the east, San Antonio Street and William Street to the south, and South 22nd 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 et al., and 10/5/04 – Item 11.2)

- * **RECOMMEND CONTINUANCE TO 12/7/04**

- 11.2 [Public Hearing on and consideration of approval of an ordinance on amending Chapter 20.100 of Title 20 of the San José Municipal Code.](#)**

Recommendation: Public Hearing on and consideration of approval of an ordinance amending Chapter 20.100 of Title 20 of the San José Municipal Code to allow exemptions from single-family house permit requirements for building height for construction of and additions to houses located in flood zones. CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PP04-08-227 – Citywide

(Continued from 10/19/04 – Item 11.1)

- 11.3 Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning of the property located at 568 Hillsdale Avenue.**

Recommendation: Public Hearing on and consideration of 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 from 10/5/04 – Item 11.4 and 10/19/04 – Item 11.3)

- * **RECOMMEND CONTINUANCE TO JANUARY 2005**

11 PUBLIC HEARINGS

11.4 [Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning of the property located at the southwesterly corner of Chynoweth Avenue and Cedar Grove Circle.](#)

[Attachment A](#)

Recommendation: Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning of the property located at the southwesterly corner of Chynoweth Avenue and Cedar Grove Circle, from A-Agricultural District to A(PD) Planned Development Zoning District, to allow the demolition of a single-family detached residence and the construction of 6 single family detached residences on a 0.83 gross acre site. (Vang Van Ho and Chinh Nguyen, Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 01-040 - District 2

11.5 [Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning of the property located at 100 Skyway Drive.](#)

[Attachment A](#)

Recommendation: Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning of the property located at the easterly terminus of Skyway Drive, approximately 1,000 feet easterly of the intersection of Monterey Highway and Skyway Drive (100 Skyway Drive), from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow the addition of stadium lighting on an existing football field, to allow use of the lights for a maximum of 15 evening events per year (including football games), to remove the requirement for fencing around plan preservation areas on the campus site, and to eliminate the numerical requirement for trip reduction, on an approximately 53-gross acre school campus. (Valley Christian School/South Valley Christian Church, Owners). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 02-063 - District 2

11.6 [Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning of the property located at 1650 E. San Antonio Street.](#)

[Attachment A](#)

[Attachment B](#)

[Memo From Councilmember Campos](#)

Recommendation: Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning of the property located at the south side of East San Antonio Street, at South 34th Street (1650 E. San Antonio Street), from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District, to allow up to 19 single-

family detached residences on a 1.75 gross acre site. (Pham Think et al, Robert Ross and Janet Rausch, Owners; DKB Homes, Charles Walton, Developer). CEQA: Mitigated Negative Declaration. SNI: Gateway East. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).
PDC 04-040 - District 5

11 PUBLIC HEARINGS

11.7 [Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning of the property located at 321 S 34th Street.](#)

[Attachment A](#)

Recommendation: Public Hearing on and consideration of approval of an ordinance on a Planned Development Rezoning from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District, to allow up to five single-family detached residences on a 0.48 gross acre site, located at the northwesterly terminus of South 34th Street (321 S 34th St.). (Innovative Housing Solutions LLC, Owner/Developer). CEQA: Mitigated Negative Declaration. SNI: Gateway East. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).
PDC 04-033 - District 5

11.8 **Public Hearing on and consideration of approval of ordinances on Planned Development Rezoning, Planned Development Permit and Planned Tentative Map Permit for the property located at the southwest corner of Kirk Road and Salisbury Drive.**

[Attachment A](#)

[Attachment B](#)

*

[Recommendation:](#)

- (a) Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning from A(PD) Planned Development District to A(PD) Planned Development Zoning District, to allow 6 single-family detached residential units on a 0.81 gross acre site, located at/on the southwest corner of Kirk Road and Salisbury Drive. (Iranian Christian Church, Owner). CEQA: Mitigated Negative Declaration.
PDC 03-105 - District 9
- (b) Public Hearing on and consideration of adoption of a resolution on Planned Development Permit to allow the construction of 6 single-family detached residential units, located on the southwest corner of Kirk Road and Salisbury Drive, in the A(PD) Planned Development Zoning District on a .81-acre site. (Iranian Christian Church, Owner). CEQA: Mitigated Negative Declaration.
PD04-047 - District 9
- (c) Public Hearing on and consideration of adoption of a resolution on Planned Tentative Map Permit to reconfigure 2 parcels into 6 lots for single-family detached residential uses, located on the southwest corner of Kirk Road and Salisbury Drive, in the A(PD) Planned Development Zoning District on a .81-acre site. (Iranian Christian Church, Owner). CEQA: Mitigated Negative Declaration.
PT04-059 - District 9

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

11 PUBLIC HEARINGS

11.9 Public Hearing on and consideration of approval of an ordinance on Conforming Conventional Rezoning of the property located at 1726 Peregrino Way.

Recommendation: Public Hearing on and consideration of approval of an ordinance on Conforming Conventional Rezoning from R-1-2 Residential Zoning District to R-1-5 Residential Zoning District to allow residential uses on a 1.05 gross acre site, located at/on the west end of Peligrino Way, approximately 150 feet northerly of Dry Creek Road (1726 Peregrino Way). (West Valley Financial Group Inc., Owner). CEQA: Resolution No. 65459.

C04-084 - District 6

DROP

11.10 Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning of the property located at 1795 Mt. Pleasant Road.

[Attachment A](#)

[Attachment B](#)

Recommendation: Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning from R-1-8 District to A(PD) District to allow construction on six single-family detached Residences on a 0.73 gross acre site, located between Mount Pleasant Road and Mount Kenya Drive, approximately 250 feet northerly of Marten Avenue (1795 Mount Pleasant Road). (Norman C. Robbins, Calandev, LLC, Owner/Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend denial (4-2-1). (Continued from 10/5/04, Item 11.2)

PDC04-016 - District 5

11.11 Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning from A Agricultural Zoning District and R-1-5 Residence Zoning District to A(PD) Planned Development Zoning District.

[Attachment A](#)

[Attachment B](#)

Recommendation: Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning from A-Agricultural Zoning District and R-1-5 Residence Zoning District to A(PD) Planned Development Zoning District, to allow up to 15 single-family detached residences on a 2.25 gross acre site, located on the southwest corner of Story Road and Clayton Road (Davis Jim W and Janet M, Trustee, Echavarria Ernest J and Cecilia, Echavarria Ernest, Owners; DKB Homes, Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC04-026 - District 5

**JOINT CITY OF SAN JOSÉ
CITY COUNCIL/FINANCING AUTHORITY
AGENDA**

3. **[Approval of actions related to the Customer Service and Performance Management System \(CUSP\).](#)**

Recommendation:

- (a) Adoption of a resolution by City Council authorizing the City Manager to negotiate and execute a contract from November 10, 2004 to June 30, 2005 in an amount not to exceed \$440,220 with BearingPoint, Inc. to participate in Stage 1 of the CUSP Project, which includes a comprehensive business process gap fit readiness analysis related to the ultimate installation and implementation of CUSP.
- (b) Adoption of a resolution by City Council authorizing the City Manager to negotiate and execute a Customer Information System (CIS) consultant services contract from November 10, 2004 to June 30, 2005 in an amount not to exceed \$325,700 with Blue Heron Consulting to assist City staff with Stage 1 of the CUSP Project, which includes providing the City with an independent, third party overview and analysis of a comprehensive business process gap fit readiness analysis and contract negotiations related to the City's development of the BearingPoint contract scope of services for Stage 2 of the CUSP Project.
- (c) Adoption of the following appropriation ordinance and funding sources resolution amendments by City Council to:
 - (1) Increase the estimate for Earned Revenue in the Integrated Waste Management Fund by \$4,389,242.
 - (2) Establish a CUSP Project appropriation to the Finance Department in the Integrated Waste Management Fund in the amount of \$4,389,242.CEQA: Not a Project. (Finance/City Manager's Office)
(Deferred from 10/5/04 et al and 11/2/04 – Item 3.6)

RENUMBERED FROM 3.8, SAN JOSE CITY COUNCIL AGENDA

4. Adjourn the San José Financing Authority.