



# CITY COUNCIL AGENDA

**NOVEMBER 14, 2000**

## SYNOPSIS

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

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

RON GONZALES MAYOR

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

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

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

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

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

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**9:05 a.m. - Closed Session, Room 600, City Hall**  
**Absent - Council Members: Diaz (Excused).**  
**Vacant: District 4.**

**1:35 p.m. - Regular Session, Council Chambers, City Hall**  
**Absent - Council Members: Diaz (Excused).**  
**Vacant: District 4.**

**7:03 p.m. - Public Hearings, Council Chambers, City Hall**  
**Absent - Council Members: Diaz (Excused).**  
**Newly-appointed Council Member-Elect Chuck Reed, District 4,**  
**attended the evening session of Council.**

## **2 INVOCATION**

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**Pastor David Sawkins, South Valley Community Church, delivered the Invocation.**  
**(District 10)**

## **3 PLEDGE OF ALLEGIANCE**

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

## **4 ORDERS OF THE DAY**

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**Item 11c was deferred to 11/21/00, at the request of Council Member Chavez.**

## **5 CEREMONIAL ITEMS**

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- a. Presentation of a commendation to the Mexican American Community Services Agency (MACSA) Youth Center's three divisions of Eagle Warrior Athletics Soccer Teams.  
(Diaz)  
**Deferred to 11/21/00.**

**NOTICE TO THE PUBLIC**

THERE WILL BE NO SEPARATE DISCUSSION OF ITEMS 6a-f AS THEY ARE CONSIDERED TO BE ROUTINE BY THE CITY COUNCIL AND WILL BE ADOPTED BY ONE MOTION. IF DISCUSSION IS REQUESTED BY A MEMBER OF THE CITY COUNCIL, STAFF, OR PUBLIC, THAT ITEM WILL BE REMOVED FROM THE CONSENT CALENDAR AND CONSIDERED SEPARATELY.

**a. Minutes for Approval**

- (1) Regular Meeting of October 3, 2000  
**Approved.**

**b. Ordinances for Final Adoption**

- (1) ORD. NO. 26225 – Rezones certain real property situated at the southwest corner of Coleman Avenue and West Hedding Street. PDC 00-05-046  
**Ordinance No. 26225 adopted.**

**c. Public Hearings Set by Council**

- (1) Adoption of a resolution initiating proceedings and setting a date for Council consideration on December 12, 2000 for the reorganization of territory designated as Buena Vista No. 1 which involves the annexation to the City of San José of 38.0 acres of land, bounded by West San Carlos Avenue, Scott Street, Chiechi Avenue, Meridian Avenue, and both sides of Buena Vista Avenue, and the detachment of the same from the Sunol Sanitary District, Burbank Sanitary District, County Lighting District, and Central Fire District. CEQA: Resolution No. 65459. (Planning, Building and Code Enforcement)  
[Deferred from 8/3/99 – Item 6c(1) et al., and 11/7/00 – Item 6c(1)]  
**Resolution No. 70001 adopted.**

**d. Plans and Specifications**

- (1) Adoption of resolutions approving plans, final map, and contract for subdivision tracts, if any.  
**None.**

## 6 CONSENT CALENDAR

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### e. Contracts/Agreements

- (1) Adoption of a resolution authorizing the City Attorney to execute the fourth amendment to the legal services agreement with Ogden, Gibson, White, and Brooks to increase the compensation by \$150,000, for a total agreement amount not to exceed \$400,000. (Board of Administration for the Police and Fire Department Retirement Plan)

**Resolution No. 70002 adopted.**

- (2) Approval of a continuation agreement with Moore, Iacofano, Goltsman, Inc. to provide facilitation services for the Santa Clara Basin Watershed Management Initiative, extending the term of the agreement from November 3, 2000 to June 30, 2001, at no additional cost to the City. (Environmental Services)

**Approved.**

- (3) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2000-2001 #18, and authorization for the Director of General Services to execute the purchase orders. (General Services)

**Approved.**

- (4) Adoption of a resolution authorizing the Director of General Services to:

(a) Execute an agreement with Helen Streck, dba C&H Solutions, as consultant for the Records and Information Management Project - Phase II, for the period November 15, 2000 to June 30, 2001, in an amount not to exceed \$145,500.

(b) Execute change orders in an amount not to exceed \$34,500.

(General Services)

**Resolution No. 70003 adopted.**

- (5) Approval of request from A. P. Construction Company, Inc. to substitute T & L Landscaping in place of RMT Landscape Contractors, Inc. as subcontractor to perform the landscape and irrigation work for the Starbird Park Renovation Project. CEQA: Exempt. (Public Works)

**Approved.**

- (6) Approval of the first amendment to the master agreement with Amphion Environmental, Inc. for design and construction support for various park and recreational projects, to increase the maximum amount of compensation by an amount not to exceed \$40,000, and for a total master agreement amount not to exceed \$200,000. (Public Works)

**Approved -- Staff was directed to pursue better coordination with the Santa Clara Valley Water District on this and similar projects which are developed jointly with the Water District.**

## 6 CONSENT CALENDAR

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### e. Contracts/Agreements

- (7) Approval of Contract Change Order No. 3 for the Installation of Traffic Signal Unit 98B-1 Project with Freeway Electric Inc. in the amount of \$26,135.25, for a total contract amount of \$548,951.41, and an extension of five (5) working days, for a total contract time of 105 working days. CEQA: Exempt. (Public Works)  
**Approved.**
- (8) Approval of a five (5) year lease agreement with J.R. Realty #1 and Bascom Equity Partners, LLC for 4,162 useable square feet of office space on the second floor of their building located at 1190 Bascom Avenue for the Department of Parks, Recreation and Neighborhood Services' Office of Aging, for a monthly rent of \$15,112.50 per month during the first year of the lease with annual increases of approximately 5% to a maximum rate of \$18,367.50 per month during the fifth and final year of the lease. (Public Works)  
**Approved.**
- (9) Approval of three 5 year lease agreements with La Familia, LP for office space on the second, third, and seventh floors of 777 North First Street, for a combined monthly rent of \$72,599.00 per month during the first year of the leases with annual increases of approximately 5% to a maximum rate of \$84,939.36 per month during the fifth and final year of the leases. (Public Works)  
**Approved.**
- (10) Approval of a five (5) year property use agreement, with one 5 year option, with Bay Area Cellular Telephone Company allowing for the construction, installation, maintenance, and operation of up to five (5) telecommunications antennas at 1661 and 2077 Airport Boulevard, at an annual fee of \$60,000 per year, (with yearly increases at the greater of 4% or the rise in the Consumer Price Index) and permitting the addition of additional antennae at that site for a fee starting at an additional \$12,000 each (which fee will also increase by the greater of 4% or the rise in the CPI). (Public Works/Airport)  
**Approved.**
- (11) Approval of a five (5) year property use agreement, with one 5 year option, with Wayport Incorporated allowing for the construction, installation, maintenance, and operation of 16 telecommunications radio repeaters on City Airport property located at 1661 and 2077 Airport Boulevard at an annual rent of \$45,000 per year, (with yearly increases of the greater of 4% or increases in the Consumer Price Index) and permitting Wayport to add additional repeaters for an annual fee starting at \$2,640 each (which fee will also increase by the greater of 4% or the rise in the CPI). (Public Works/Airport)  
**Approved.**

## 6 CONSENT CALENDAR

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### e. Contracts/Agreements

- (12) Approval of Contract Change Order (CCO) No. 2 with RGW Construction, Inc. for the Boulder Drive Sanitary Sewer Emergency Reconstruction Project in the amount of \$59,958, for a total contract amount of \$343,944, and a time extension of five (5) working days, for a total of fifty (50) working days. CEQA: Exempt. (Public Works)  
**Approved.**

### f. Routine Legislation

- (1) Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment fund) with a net impact to the fund of \$483,000. (City Manager's Office)  
**Ordinance No. 26228 adopted.**  
**Resolution No. 70004 adopted.**
- (2) Approval of an ordinance amending Chapter 3.36 of the San José Municipal Code to increase the retirement formula in the Police and Fire Retirement Plan to 4% per year of service for years 26-30 with a maximum benefit of 85% of final compensation. (City Manager's Office)  
**Ordinance No. 26229 passed for publication.**
- (3) Adoption of a resolution initiating proceedings and setting November 21, 2000 at 1:30 p.m. for council consideration of the reorganization of territory designated as Evergreen No. 186, which involves the annexation to the City of San José of 5.26 gross acres of land, located on the northeast corner of Murillo Avenue and Ruby Avenue, and detachment of the same from the Central Fire Protection District and the Santa Clara County Library Services Area. CEQA: ND. (Planning, Building and Code Enforcement)  
**Resolution No. 70005 adopted.**
- (4) Adoption of appropriation ordinance and funding sources resolution amendments in the General Fund in a total amount of \$274,898, to increase the Police Department's personal services and non-personal expenses appropriations for expenses related to the Peace Officer Standards and Training (P.O.S.T.) Reimbursed Simulator Training Program. (Police/City Manager's Office)  
**Ordinance No. 26230 adopted.**  
**Resolution No. 70006 adopted.**

## 6 CONSENT CALENDAR

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### f. Routine Legislation

- (5) Adoption of a resolution declaring an 82,067 square foot parcel of City-owned land located at the northeast corner of Meridian Avenue and Coleman Road, surplus to the needs of the City, and authorizing its transfer to the adjoining property owner, Santa Clara Valley Water District. (Public Works)

**Staff was directed to report back on the feasibility of the Santa Clara Valley Water District opening up the trails as public spaces for use by residents on this and similar areas.**

**Resolution No. 70006.1 adopted.**

**END OF CONSENT CALENDAR**

## 7 COMMISSION, COMMITTEE, AND STANDING REPORTS

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### a. Report of the Study Session Mayor Gonzales, Chair

**No Report.**

### b. Report of the Rules Committee – November 1, 2000 Vice Mayor Fiscalini, Chair

- (1) Review November 14, 2000 Draft Agenda  
**The Committee approved the November 14, 2000 Redevelopment Agency agenda.**
- (2) Add New Items to November 7, 2000 Amended Agenda  
**The Committee recommended five additions to the November 7, 2000 City Council agenda.**
- (3) Meeting Schedules  
**The Committee recommended the following: Reschedule the City Council Study Session on Smart Growth from November 13, 2000 to the week of December 11, 2000; and schedule a Redevelopment Agency Board Study Session on Greater Downtown Development Strategy to be held Monday, November 13, 2000, 1:30-4:00 p.m. in the City Council Chambers.**
- (4) The Public Record  
**The Committee noted and filed the Public Record.**
- (5) Council Referrals for Assignment to Appropriate Committee, Administration or Council Appointee  
**There were none.**

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

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### **b. Report of the Rules Committee – November 1, 2000 (Cont'd.)**

**Vice Mayor Fiscalini, Chair**

(6) Oral Communications

**Member Manny Diaz introduced State Assemblyman Tony Cardenas to the Committee.**

(7) Adjournment

**The meeting was adjourned at 2:05 p.m.**

**Rules Committee report and actions of November 1, 2000 accepted.**

### **c. Report of the Finance and Technology Committee**

**Council Member Woody, Chair**

**No report.**

### **d. Report of the Economic and Community Development Committee**

**Council Member Diaz, Chair**

**No report.**

### **e. Report of the Transportation and Environment Committee**

**Council Member Powers, Chair**

**No report.**

### **f. Report of the Education, Neighborhoods, Youth, and Seniors Committee**

**Council Member Shirakawa, Jr., Chair**

**No report.**

## **8 LAND USE AND DEVELOPMENT**

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## **9 GENERAL GOVERNMENT**

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- a. Approval of the second amendment to the agreement with Corlett, Skaer & DeVoto Architects for consultant services on Phase 6 of the Airport Acoustical Treatment (ACT) Program for 83 additional dwellings, increasing maximum compensation in an amount not to exceed \$739,140, and extending the term for completion from December 31, 2000 to June 30, 2002. CEQA: Resolution 67380. (Airport)

**Approved.**

- b. Recommendation of the Parks & Recreation Commission to name the new center at the corner of Azucar Avenue and Bendorf Drive as the “Edenvale Youth and Family Center.” (City Clerk)

**Approved.**

## 9 GENERAL GOVERNMENT

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- c. Adoption of a resolution:
- (1) Authorizing the issuance of three (3) series of tax-exempt multifamily housing revenue bonds in the aggregate principal amount not to exceed \$11,715,000.
  - (2) Approving a loan of bond proceeds to Bascom HACSC Associates, L.P., a California limited partnership created by the Housing Authority of the County of Santa Clara for financing the construction of the El Parador Apartments Project.
  - (3) Approving in substantially final form the Bonds, Indentures, Loan Agreements, Regulatory Agreement and Declaration of Restrictive Covenants, Bond Purchase Agreement, Preliminary Official Statements and Intercreditor Agreement.
  - (4) Authorizing the Acting Director of Finance and Director of Housing to execute and, as appropriate, to negotiate, execute, and deliver these documents and other related documents as necessary.
  - (5) Approving an exception to the City's Investment Policy to allow the proceeds of the Bonds and loan repayments to be invested in one or more investment agreements with an institution(s) whose participation in the financing will not adversely affect the expected rating on the Bonds, as approved by the Acting Director of Finance.
  - (6) Authorizing the City Attorney to enter into an agreement with Orrick, Herrington & Sutcliffe LLP for bond counsel services in the amount of \$75,000 plus expenses.

(Finance/Housing)

**Resolution No. 70007 adopted.**

- d. Public Hearing and adoption of a resolution approving a Disposition and Development Agreement (DDA) with Concern for the Poor, Inc., or its designated affiliate, including business terms for a conditional grant of up to \$5,832,500 and bridge loan of up to \$5,232,500 for the acquisition of 2.2 acres of City-owned property and the construction and permanent financing of 51 units of transitional rental housing for extremely low-income families at the southeast corner of Las Plumas Avenue and Nipper Avenue.  
CEQA: ND. (Housing)

**Deferred to 12/12/00.**

- e. Adoption of resolutions by the City Council and Redevelopment Agency Board:
- (1) Approving the transfer of the Redevelopment Agency-owned property located at 937-943 Locust Street to the Housing Department to provide transitional housing for fire victims and others displaced through no fault of their own;
  - (2) Authorizing the expenditure of up to \$500,000 in 20% Low and Moderate Income Housing Funds to make necessary repairs to the SRO building;
  - (3) Authorizing the City Manager to select a provider to own and manage the property and to negotiate the terms of occupancy; and
  - (4) Finding that the use of 20% Housing Funds for the project is of benefit to the Redevelopment Project Areas in San Jose.

(Fire/Housing)

(Deferred from 11/7/00 – Item 9c)

**Renumbered to 11c.**

## 9 GENERAL GOVERNMENT

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- f. Acceptance of the follow-up report for the 2002 Recycle Plus Program, which forecasts that existing garbage rates can be maintained until FY 2005-06 with the service enhancements contained in the proposals previously approved by Council, and report on labor peace issues related to the Request for Proposals. (Environmental Services) (Deferred from 10/31/00 – Item 9d and 11/7/00 – Item 9i)

**Deferred to 11/28/00.**

- g. Adoption of a resolution:

- (1) Approving a \$1,000,000 grant to Neighborhood Housing Services Silicon Valley to establish a revolving loan fund that will assist in the acquisition, rehabilitation, and resale of properties in connection with the Mayfair Neighborhood Acquisition/Rehabilitation Pilot Program.
- (2) Approving business terms for converting up to \$1,000,000 of the grant to NHSSV to finance second mortgages for qualified moderate-income households.
- (3) Authorizing the Director of Housing to negotiate and execute a contract with NHSSV for acquisition and loan financing services, for a contract amount not to exceed \$100,000.
- (4) Authorizing the Director of Housing to approve advances of grant funds resulting in an amount of up to 120% of after rehabilitation value.
- (5) Authorizing, as an exception to current policy, incomes of up to 120% of area median income, by household size, as qualifying for home-purchase assistance in conjunction with the Pilot Program.
- (6) Finding that the use of 20% Housing Funds to capitalize the Mayfair Acquisition Rehabilitation Pilot Program and to underwrite expenses by NHSSV to administer the program are a benefit to redevelopment project areas in San Jose.
- (7) Authorizing the Director of Housing to negotiate and execute all necessary documents on behalf of the City.

(Housing) (Deferred from 10/24/00 – Item 9d et al., and 11/7/00 – Item 9j)

**Resolution No. 70008 adopted.**

- h. (1) Approval of the consultant's final report entitled "City of San José, California, Tow Company Rate Study" dated May 24, 2000.
- (2) Direction to staff to issue a Request for Proposal (RFP) which would include:
- (a) Revision of two (2) zones.
  - (b) Revised rate structure including a proportionate model based on a fixed return to the City and the City's revenue requirements.
  - (c) An updated survey of comparable cities' rates and services provided.

(Planning, Building and Code Enforcement)

(Deferred from 10/24/00 – Item 9f et al., and 11/7/00 – Item 9k)

**Council accepted the consultant's final report and the Staff recommendations, with the additions dated November 13, 2000, by Mayor Gonzales, Vice Mayor Fiscalini, Council Member Powers and Council Member Chavez, to: (1) Increase Tow Storage Fee \$3.00 per day immediately, and an additional \$4.00 per day when a contract extension is signed in 2001; and (2) Refer Staff's recommendations for a new RFP to the appropriate committee for further Council review before developing a new tow contract RFP.**

## 9 GENERAL GOVERNMENT

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- i. (1) Adoption of a resolution authorizing the City Manager to:
- (a) Negotiate and execute an agreement with Suncoast Scientific Incorporated, in an amount not to exceed \$289,614, for customer service software and implementation services for the Call Center, for the term of November 2000 through September 30, 2001; and,
  - (b) Execute change orders to the agreement in an amount not to exceed \$60,000.

**Resolution No. 70009 adopted.**

- (2) Adoption of the following appropriation ordinance amendments in the General Fund:
- (a) Increase the Customer Service Call Center appropriation by \$220,000;
  - (b) Decrease the General Fund Contingency Reserve appropriation by \$220,000.

(City Manager's Office)

(Deferred from 11/7/00 – Item 9m)

**Ordinance No. 26231 adopted.**

- j. Approval of the Lincoln Glen Park Master Plan Amendment. CEQA: Exempt. (Public Works/Parks, Recreation and Neighborhood Services)  
(Rules Committee referral 11/8/00)

**Approved.**

- k. Appointment of Council Member-Elect Chuck Reed to serve as Council Member in District 4, for the term expiring December 31, 2000. (Mayor)  
(Rules Committee referral 11/8/00)

**Council Member-Elect Chuck Reed was appointed unanimously Council Member, District 4, to serve an unexpired term ending December 31, 2000.**

- l. Adoption of a resolution calling for a Special Municipal Election to fill a vacancy in Council District 5 for the term expiring December 31, 2002. (Mayor)  
(Rules Committee referral 11/8/00)

**Deferred to 11/21/00.**

## 10 FISCAL AFFAIRS

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

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**REDEVELOPMENT AGENCY BOARD WAS CONVENED AT 2:30 P.M. TO CONSIDER ITEMS 11a, 11b, AND 11c IN A JOINT SESSION**

- a. (1) Acceptance of the Industrial Development Study report of Chabin Concepts, Inc., analyzing the economic impacts from the loss of heavy and light industrial property.
- (2) Direction to staff to develop recommendations that strengthen San José's remaining heavy and light industrial land and bring them forward in the FY 2001-2002 General Plan Process.

(City Manager's Office/Redevelopment Agency)

**Approved, with direction for Staff to bring the recommendations on heavy and light industrial land use to a City Council Study Session and then to an appropriate committee for review prior to scheduling the General Plan amendments.**

- b. (1) Adoption of a resolution by the Agency Board:
  - (a) Authorizing the sale of the Redevelopment Agency of the City of San Jose Merged Area Redevelopment Project Housing Set-Aside Taxable Tax Allocation Bonds, Series 2000F in the aggregate principal amount not to exceed \$49,000,000, (the "Bonds"), at an interest rate not to exceed 9.5%;
  - (b) Approving in substantially final form and authorizing the Executive Director, or her designee, to execute the Fifth Supplemental Agreement with U.S. Bank, as successor Fiscal Agent; Continuing Disclosure Agreement with the Fiscal Agent;
  - (c) Approving the form of and authorizing the distribution of the Preliminary Official Statement, Official Notice of Sale and Bid Form, and authorizing the Executive Director or her designee to execute and deliver the Official Statement;
  - (d) Authorizing the Executive Director and the Director of Finance and Administration to take all necessary actions in connection with the issuance of the Bonds.

**Redevelopment Agency Resolution adopted.**

- (2) Adoption of a resolution by the City Council:
  - (a) Approving the issuance of the Bonds by the Redevelopment Agency; making a finding pursuant to Redevelopment law that the Merged Area will benefit from the projects funded by the Bonds that are located outside of the Merged Area;
  - (b) Authorizing certain City officials to take all necessary actions in connection with issuance of the Bonds, which include the hiring of bond counsel and financial advisor.

(City Manager's Office/Redevelopment Agency)

(Rules Committee referral 11/8/00)

**Resolution No. 70010 adopted.**

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

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- c. Adoption of resolutions by the City Council and Redevelopment Agency Board:
  - (1) Approving the transfer of the Redevelopment Agency-owned property located at 937-943 Locust Street to the Housing Department to provide transitional housing for fire victims and others displaced through no fault of their own;
  - (2) Authorizing the expenditure of up to \$500,000 in 20% Low and Moderate Income Housing Funds to make necessary repairs to the SRO building;
  - (3) Authorizing the City Manager to select a provider to own and manage the property and to negotiate the terms of occupancy; and
  - (4) Finding that the use of 20% Housing Funds for the project is of benefit to the Redevelopment Project Areas in San Jose.

(Fire/Housing)

(Deferred from 11/7/00 – Item 9c)

**(Renumbered from 9e)**

**Deferred to 11/21/00.**

**REDEVELOPMENT AGENCY BOARD PORTION OF THE MEETING WAS  
ADJOURNED AT 2:54P.M.**

**12 PERMITS AND LICENSES**

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**13 PUBLIC SAFETY AND WELFARE**

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**14 ORAL COMMUNICATIONS**

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**HEARD JOINTLY WITH REDEVELOPMENT AGENCY PUBLIC DISCUSSION**

**Susie Wilson presented information on a holiday program at Vasona Park called Fantasy of Lights, to run from November 23 through January 1, from 6-10 p.m.**

Following Oral Communications, Council recessed until 7:00 p.m.

**SAN JOSÉ CITY COUNCIL**  
**NOVEMBER 14, 2000**  
**7:00 P.M.**

**15 PUBLIC HEARINGS**

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- a. PUBLIC HEARING and approval of an ordinance to comprehensively rewrite and update Title 20, the Zoning Code. Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommends approval (6-0-1). (Planning, Building, and Code Enforcement)  
(Continued from 10/17/00 – Item 15a)  
**Continued to 11/28/00 in the afternoon.**
- b. PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the south side of Payne Avenue between Essex Way and Lexington Drive, from R-4 Residence Zoning District to A(PD) Planned Development Zoning District, to allow up to 16 single-family attached residences on a 0.98 gross acre site. (Pfeiffer Ranch Investors, Inc. and Madeline Mestice, Owners; Pinn Brothers Fine Homes, Developer). CEQA: Negative Declaration.  
PDC 00-05-038 - District 1  
(Continued from 9/5/00 – Item 15h et al., and 10/17/00 – Item 15b)  
**Continued to 11/21/00.**
- c. PUBLIC HEARING ON CONDITIONAL USE PERMIT Appeal of the Planning Commission’s Decision to Approve a Conditional Use Permit for a project located at the south side of Moorpark Avenue on a 3.15 gross acre site in the R-1 Residence Zoning District for the demolition of a portion of an existing church, an addition resulting in a net increase of 48,910 square feet, and other site improvements with a condition limiting building occupancy to 868 people. (Crossroads Bible Church, Owner/Developer). CEQA: Negative Declaration.  
CP 98-12-062 - District 6  
**The Staff recommendation to uphold the applicant’s appeal of the Planning Commission’s addition of a condition limiting building occupancy to 868 people was approved, and the CUP was approved with the occupancy limitation condition removed.**  
**Resolution No. 70012 adopted.**
- d. PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northwest side of Capitol Expressway and Quimby Road, from C-3 Zoning District to A(PD) Planned Development Zoning District, to allow a 40,184 square foot combined industrial/commercial building on 2.98 gross acres. (Lion Venture Group, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommends approval (6-0-1).  
PDC 00-06-053 - District 8  
**Ordinance No. 26232 passed for publication.**

## 15 PUBLIC HEARINGS

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- e. PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the east side of South Third Street, 50 feet northerly of East William Street (480 South Third Street), from R-4 Residence Zoning District to A(PD) Planned Development Zoning District, to allow up to 20 multi-family attached dwelling units on 0.24 gross acres. (480 South Third Street Partners, Owner/Developer). CEQA: Resolution No. 68839.  
PDC 00-05-045 - District 3  
**Continued to 11/21/00.**
- f. PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southeast corner of North Fourth and East Washington Streets, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow two duplexes and two single-family dwellings on 0.50 gross acres. Four historic structures displaced by the Civic Center Project are proposed for relocation to this site, two proposed for use as duplexes, two as single-family dwellings. The four structures are currently located at 26-28, 36-38, 44, and 47 South Fifth Street, respectively. (Redevelopment Agency of the City of San José, Owner/Developer). CEQA: Resolution No. 68905. Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommends approval (6-0-1).  
PDC 00-09-090 - District 3  
**Ordinance No. 26233 passed for publication.**
- g. PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southeast corner of Las Plumas and Nipper Avenues, from M-1 Manufacturing to A(PD) Planned Development Zoning District, to allow 51 multiple family attached transitional housing units and associated office, services, and childcare facilities, and a job training center in an existing warehouse on 6 gross acres. (Santa Clara County Housing Authority/Developer; City of San José/Owner). CEQA: Negative Declaration.  
PDC 00-08-066 - District 5  
**Continued to 11/21/00.**
- h. PUBLIC HEARING ON CONVENTIONAL REZONING of the property located at the north side of Story Road, approximately 300 feet easterly of King Road, from C-1 Commercial Zoning District to C-2 Commercial Zoning District, to allow retail uses on 4.29 gross acres. (Juvenal Chavez, Owner; Cha Cha Enterprises, Developer). CEQA: Resolution No. 62615. Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommends approval (4-2-1).  
C 00-08-073 - District 5  
**Ordinance No. 26234 passed for publication.**

**16 CLOSED SESSION REPORT**

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**17 ORAL COMMUNICATIONS**

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**18 ADJOURNMENT**

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The Council of the City of San José adjourned at 7:08 p.m. in memory of Adelina Rebolledo, a member of the Disability Advisory Commission.

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**The following resolution was adopted at the Joint City Council/Redevelopment Agency meeting on Tuesday, November 14, 2000:**

8a Adoption of resolutions:

- (1) By the City Council making certain determinations required by California Redevelopment Law for the funding of Public Improvements, under an Owner Participation Agreement with Cahill North LLC and Cahill South LLC; and,  
**City Resolution No. 70011 adopted.**
- (2) By the Agency Board stating that the use of Agency funds for construction of public infrastructure improvements located adjacent to The Alameda Redevelopment Project Area will primarily benefit the Project Area; and,
- (3) By the Agency Board finding that the proposed public and private improvements are so interwoven and interrelated that it is not practical or economical for them to be separately constructed by the Agency; and,
- (4) By the Agency Board approving an Owner Participation Agreement with Cahill North LLC and Cahill South LLC, in an amount not to exceed \$500,000, for construction of the public infrastructure improvements for the Del Monte Plant No. 51 housing development project.

CEQA: Resolution No. 69355. [MERGED]

**Agency Resolutions adopted.**