

# CITY COUNCIL AGENDA

**DECEMBER 7, 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**  
9:30 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  
7:00 p.m. General Plan Hearings, Council Chambers, City Hall
- **Invocation (Mayor)**  
Holy Spirit School performed a song presentation, titled: “Thankful for the U.S.A.”
- **Pledge of Allegiance**  
Mayor Gonzales led the Pledge of Allegiance.
- **Orders of the Day**  
The Orders of the Day and Amended Agenda were approved.

## **1 CEREMONIAL ITEMS**

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- 1.1** Presentation of plaques to Chandra Agrawal, for three years and four months of service on the Senior Citizens Commission and to Natasha Ogunnupe, for two years and three months of service on the Youth Commission. (Mayor)  
(Rules Committee referral 11/24/04)  
**Heard in the evening.**  
**Mayor Gonzales presented plaques to Natasha Ogunnupe, for two years and three months of service on the Youth Commission and to Chandra Agrawal, who could not attend, for three years and four months of service on the Senior Citizens Commission. Ms. Agrawal will be sent her plaque.**

# 1 CEREMONIAL ITEMS

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- 1.2 Presentation of a commendation to San José Police officers who volunteered their time and energy at the 2004 Susan G. Komen Breast Cancer Walk. (Chavez)  
(Rules Committee referral 11/24/04)  
**Deferred to January.**
- 1.3 Presentation of commendation to the Staff of HOPE Services for their dedication and hard work in providing essential service and care to adults with developmental disabilities.  
(Rules Committee referral 11/24/04)  
**Mayor Gonzales was joined by Council Member Williams at the podium to present a commendation to Scott McNaire and Ruby Sandalvez of HOPE services for their dedication and hard work in providing essential services and care to adults with the developmental disabilities.**
- 1.4 Presentation of a commendation to the Vietnamese American Public Research Institute (VAPRI) for their efforts to inform the Vietnamese Community on political issues and assisting Vietnamese Americans in registering to vote. (Cortese)  
(Orders of the Day)  
**Heard in the evening.**  
**Mayor Gonzales and Council Member Cortese presented a commendation to the Vietnamese American Public Research Institute (VAPRI) for their efforts to inform the Vietnamese Community on political issues and assisting Vietnamese Americans in registering to vote.**

# 2 CONSENT CALENDAR

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**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.

- (a) Regular Minutes of September 21, 2004.
  - (b) Regular Minutes of September 28, 2004.
  - (c) Joint City Council/Financing Authority Minutes of September 28, 2004
  - (d) Regular Minutes of October 5, 2004.
  - (e) Joint City Council/Redevelopment Agency Board Minutes of October 5, 2004
- Approved.**

## 2.2 Final adoption of ordinances.

**None.**

## 2 CONSENT CALENDAR

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### 2.3 Approval to amend an agreement for Recycle Plus Integrated Waste Management Services.

**Recommendation:** Approval of the third amendment to the agreement with GreenTeam of San José for Recycle Plus Integrated Waste Management Services, to convert the successful compostable pilot program at multi-family properties into a permanent ongoing service, at no additional cost to the City. CEQA: Negative Declaration, PP92-05-98. (Environmental Services)

**Deferred to 12/14/04.**

### 2.4 Approval to amend the 2004-2005 Schedule of Fees and Charges to establish the Pricing structure for the *Libraries – the San José way* consulting program.

**Recommendation:** Adoption of a resolution amending the 2004-2005 Schedule of Fees and Charges to establish the Pricing structure for the *Libraries – the San José way* consulting program under development by the Library Department. CEQA: Not a Project. (Library/City Manager's Office)

**Resolution No. 72410 adopted.**

### 2.5 Approval of various actions related to the 2004-2005 Weed Abatement Report (2004-2005 Hazardous Vegetation Commencement Report).

**Recommendation:** Adoption of a resolution:

- (a) Accepting the 2004-2005 Hazardous Vegetation Commencement Report compiled by the Santa Clara County Department of Agriculture and Resource Management; and
- (b) Declaring that those certain noxious or dangerous seasonal and recurrent weeds, growing or likely to be growing, and refuse, situated or likely to be situated, on those properties identified in the report are a nuisance; and
- (c) Directing the Santa Clara County Department of Agriculture and Resource Management to mail notices of a public hearing before the City Council, on January 11, 2005 at 1:30 p.m., on the report to property owners of affected real properties, pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Agreement between the City of San José and the County of Santa Clara.

CEQA: Not a Project. (Planning, Building and Code Enforcement)

**Resolution No. 72411 adopted.**

### 2.6 Approval to award a contract for the Fontana Dog Park Project.

**Recommendation:** Report on bids and award of contract for the Fontana Dog Park to the low bidder, Jensen Corporation Landscape Contractor, to include the base bid and Add Alternate No. 1 in the amount of \$228,388, and approval of a contingency in the amount of \$12,000. CEQA: Exempt, PP04-03-088 Council District 10. (Public Works)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.7 Approval of an ordinance that temporarily limits the number of taxicab driver permits and taxicab vehicles.

**Recommendation:** Approval of an ordinance to impose limits until October 30, 2005 on both the total number of taxicabs that all taxicab company licensees are authorized to operate under their licenses, pursuant to Part 4 of Chapter 6.64 of San José Municipal Code to 572 and the number of taxicab driver permits issued pursuant to Part 6 of Chapter 6.64 of the San José Municipal Code to 571. CEQA: Not a Project.

(City Attorney's Office)

(Rules Committee referral 12/1/04)

**Deferred to January 2005.**

## 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

Vice Mayor Dando, Chair

None.

### 3.3 Report of the Making Government Work Better Committee

Council Member Campos, Chair

None.

### 3.4 Certification of the Results of the Municipal Election held November 2, 2004.

**Recommendation:** Adoption of a resolution declaring the results of the November 2, 2004 Municipal Election, pursuant to Elections Code Section 15400. (City Clerk)

(Rules Committee referral 11/24/04)

**Resolution No. 72412 adopted.**

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

**Recommendation:** Adoption of a Council Policy revising the process for selecting architectural, landscape architectural, engineering, environmental, land surveying, and construction project management consultants to provide professional services on capital projects. CEQA: Not a Project. (Public Works)

(Deferred from 11/9/04 – Item 3.5 et al, and 11/30/04 – Item 3.4)

**Resolution No. 72413 adopted.**

**Staff directed to return to Council with further information pertaining to outreach for the small business community, per an informational memorandum.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.6 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 December 7, 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.

**Resolution No. 72414 adopted.**

- (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 December 7, 2004 to June 30, 2005 in an amount not to exceed \$361,830 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.

**Resolution No. 72415 adopted.**

- (c) Adoption of a resolution authorizing the City Manager to negotiate and execute Amendments to the Software License and Services Agreements with PeopleSoft for the City's previously licensed supportable PeopleSoft modules.

**Resolution No. 72416 adopted.**

- (d) Adoption of a resolution authorizing the City Manager to negotiate and execute a Software License and a Services Agreement with PeopleSoft for CUSP related modules in an amount not to exceed \$2,000,000 for the first year, and

**Resolution No. 72417 adopted.**

- (e) 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 11/30/04 – Item 3.6)

**Ordinance No. 27304 adopted.**

**Resolution No. 72418 adopted.**

**Staff directed to track the incentives for utilizing the proposed system.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.1 Report of the Building Strong Neighborhoods Committee**

**Council Member Chavez, Chair**

None.

### **4.2 Report of the Driving a Strong Economy Committee**

**Council Member Williams, Chair**

None.

## **5 RECREATION & CULTURAL SERVICES**

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### **5.1 Report of the All Children Achieve Committee**

**Council Member Yeager, Chair**

None.

### **5.2 Approval of actions for a sports field project on McKean Road.**

#### **Recommendation:**

- (a) Approve a Memorandum of Understanding with the Almaden Youth Association (AYA) setting forth the basis for negotiations of an agreement with AYA for design, construction, maintenance, and operation of the proposed McKean Sports Complex.

**Approved.**

- (b) Direction to the City Manager to return to the City Council with the final agreement between the City of San José and the Almaden Youth Association for the design, construction, maintenance, and operation of the proposed McKean Sports Complex; and

**Approved.**

**Staff directed to return to Council with clarification as to the length in terms of the lease agreement and a timeline of the Almaden Youth Association's fundraising plan.**

- (c) Adoption of the following appropriation ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #10:

- (1) Establish an appropriation in the amount of \$739,000 to the Department of Parks, Recreation and Neighborhood Services for the McKean Road Youth Sports Complex Project; and
- (2) Decrease the Reserve: Sports Field Development by \$739,000.

CEQA: Resolution to be adopted. (City Manager's Office)

**Ordinance No. 27311 adopted.**

**Heard in the evening concurrently with Items 12.4(a) and (b).**

## 5 RECREATION & CULTURAL SERVICES

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### 5.3 Approval of an agreement for the Roosevelt Community Center – Multi-Service Project.

**Recommendation:** Approval of an agreement with Group 4 Architects, Research and Planning, Inc. for consultant design services for the Roosevelt Community Center - Multi-Service Project in an amount not to exceed \$1,798,887 from the date of execution of the agreement to December 31, 2008. CEQA: Mitigated Negative Declaration, PP03-12-397. Council District 3. SNI: Five Wounds/Brookwood Terrace. (Public Works/Parks, Recreation and Neighborhood Services)  
(Rules Committee referral 12/1/04)

**Approved.**

## 6 TRANSPORTATION SERVICES

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

None.

## 7 ENVIRONMENTAL & UTILITY SERVICES

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## 8 AVIATION SERVICES

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### 8.1 Approval to amend agreements for noise attenuation and acoustical testing of properties within the Noise Impact Area.

**Recommendation:**

(a) Adoption of a resolution authorizing the City Manager to negotiate and execute a first amendment to the agreement with Corlett, Skaer and DeVoto Architects, Inc. for consultant services related to noise attenuation of properties located within the Noise Impact Area, increasing the compensation by \$3,314,585 to \$7,330,066, and extending the term of the agreement from December 31, 2005 to June 30, 2007. CEQA: Resolution Nos. 67380 and 71451, PP 04-307. (Airport)

**Resolution No. 72419 adopted.**

(b) Adoption of a resolution authorizing the City Manager to negotiate and execute a third amendment to the agreement with Corlett, Skaer and DeVoto Architects, Inc., for consultant services related to noise attenuation of properties located within the Noise Impact Area, extending the term of the agreement from December 30, 2004 to December 31, 2005, with no increase in total compensation. CEQA: Resolution Nos. 67380 and 71451, PP 04-308. (Airport)

**Resolution No. 72420 adopted.**

## 8 AVIATION SERVICES

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### 8.1 Approval to amend agreements for noise attenuation and acoustical testing of properties within the Noise Impact Area. (Cont'd.)

**Recommendation:**

- (c) Adoption of a resolution authorizing the City Manager to negotiate and execute a fourth amendment to the agreement with Charles M. Salter Associates for consultant services related to noise attenuation and acoustical testing of properties located within the Noise Impact Area, extending the term of the agreement from December 30, 2004 to December 31, 2006, with no increase in total compensation. CEQA: Resolution Nos. 67380 and 71451, PP 04-309. (Airport)  
**Resolution No. 72421 adopted.**

### 8.2 Approval of a Minor Amendment to the Airport Master Plan for the Norman Y. Mineta San José International Airport to increase the estimated size of terminal building space.

**Recommendation:** Adoption of a resolution approving a Minor Amendment to the Airport Master Plan for the Norman Y. Mineta San José International Airport to increase the estimated size of terminal building space needed to adequately accommodate projected passenger demand from a total of 1,075,000 square feet to 1,700,000 square feet of enclosed building space. CEQA: Resolution Nos. 67380 and 71451, PP04-305. (Airport)

[Deferred from 11/16/04 – Item 8.1(d)]

**Deferred to 1/25/05.**

### 8.3 Approval of an agreement for the Airline Maintenance Facility Project.

**Recommendation:** Approval of a master agreement with Carter & Burgess, Inc. for architectural consultant services for the Airline Maintenance Facility Project in an amount not to exceed \$750,000, from November 30, 2004 to December 31, 2007. CEQA: Resolution Nos. 67380 and 71451, PP 04-292. (Public Works/Airport)  
(Deferred from 11/30/04 – Item 8.1)

**Deferred to 12/14/04.**

### 8.4 Approval of various actions for the Airport Master Plan.

**Recommendation:** Approval of the following policy direction in the development of the Airport's North Concourse Concession Program:

- (a) A single prime operator for the food and beverage element of the North Concourse.  
(b) One or two prime operators for the retail portion of the North Concourse.  
CEQA: Not a Project. (Airport)

(Deferred from 11/16/04 – Item 8.1(b) and 11/30/04 – Item 8.3)

**Deferred to 12/14/04.**

## 9 PUBLIC SAFETY SERVICES

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## 10 JOINT COUNCIL/REDEVELOPMENT AGENCY

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The Redevelopment Agency Board convened at 2:45 P.M. to consider Items 10.1 and 10.2 in a Joint Session.

### 10.1 Approval of actions for the San José Grand Prix in Downtown San José.

**Recommendation:**

- (a) Adoption of resolutions by City Council and Agency Board authorizing City Manager and Redevelopment Agency Executive Director to negotiate and execute a Cooperation Agreement between the City and Agency transferring \$250,000 of Agency funds to the City for the Financing of the modifications to the Parking Lot at the HP Pavilion to accommodate the San José Grand Prix Race Circuit, and making certain findings regarding the construction of these public facilities.

**Resolution No. 72422 adopted.**

- (b) City Council adoption of appropriation ordinance amendments in the Economic Development Enhancement Special Fund as follows:
- (1) Establish an appropriation to transfer \$400,000 to the General Fund for the San José Grand Prix;
  - (2) Decrease the Ending Fund Balance by \$400,000;

**Ordinance No. 27305 adopted.**

- (c) City Council adoption of appropriation ordinance and funding sources resolution amendments in the General Fund as follows:
- (1) Establish a capital appropriation in the amount of \$975,000 for the San José Grand Prix;
  - (2) Increase the earned revenue estimate for Other Revenues by \$325,000 to recognize funding from the Sports Authority;
  - (3) Increase the earned revenue estimate for Transfers by \$650,000 to recognize funding from the Economic Development Enhancement Fund and the San José Redevelopment Agency.

**Ordinance No. 27306 adopted.**

**Resolution No. 72423 adopted.**

- (d) City Council approval of an agreement with Canary Enterprises LLC, San José Arena Management LLC, and the San José Sports Authority for the conduct of a San José Grand Prix, an annual road race in the vicinity of HP Pavilion for a five-year term with three five-year options, with a combined City/Agency Contribution toward required modifications of the parking lot at the HP Pavilion in the amount of \$650,000.

**Resolution No. 72424 adopted.**

## **10 JOINT COUNCIL/REDEVELOPMENT AGENCY**

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### **10.1 Approval of actions for the San José Grand Prix in Downtown San José. (Cont'd.)**

**Recommendation:**

(e) If the City Council approves the proposed agreement with Canary Enterprises LLC, San José Arena Management, and the San José Sports Authority for the conduct of a San José Grand Prix, that it concurrently adopt a resolution doing the following:

- (1) Finding that publicly bidding the right-of-way improvement work that needs to be completed to the Race Car Circuit would be an “idle act” because, pursuant to the Agreement, Canary Enterprises is agreeing to construct and pay for these improvements using private funds; and
- (2) Waiving the requirement that Canary Enterprises obtain a performance bond for the right-of-way improvement work to the race car circuit that it is agreeing to construct and pay for pursuant to the Agreement.

CEQA: PP04-324; Resolutions: No. 68839 Downtown Strategy Plan; No. 60199 San José Arena Facility; No. 71952 San José Water Company Rezoning. Council District 3. (City Manager's Office/Redevelopment Agency)

**Resolution No. 72425 adopted.**

**Staff directed to increase neighborhood outreach to address resident concerns and to provide translators for the December 15, 2004 Community Meeting.**

### **10.2 Approval of actions for the salary and benefits of the Executive Director, Redevelopment Agency.**

**Recommendation:** Approval of actions for the salary and benefits of the Executive Director, Redevelopment Agency:

(a) Adoption of a resolution by the City Council appointing Harry Mavrogenes to the class of Redevelopment Manager (U).

**Resolution No. 72426 adopted.**

(b) Adoption of a resolution by the Agency Board approving salary and benefits for the Executive Director.

(Mayor)

(Rules Committee referral 12/1/04)

**Agency Resolution No. 5560 adopted.**

**The Redevelopment Agency Board portion of the meeting adjourned at 3:27 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>
9638	Northwest corner of Campbell Avenue and Woodglen Drive	1	Summerhill Homes	35 units	SFDR	Approve
9464	Eastside of North White Road North of Eastside Drive	5	White Road Townhomes LLC	12 units	SFA	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—**

- 1) **Ross Signorino spoke on issues pertaining to changing building codes and the addition of Women’s restrooms in City and County facilities.**

# 11 PUBLIC HEARINGS

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(Heard by the City Council at 7:10 p.m.)

## 11.1 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.

**Recommendation:** Public Hearing on and consideration of approval of an ordinance 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 et al., and 11/9/04 – Item 11.1)

**Council approved Council Member Chavez’ memorandum, dated December 7, 2004, recommending approval of the proposed rezoning, as amended by the Planning Staff.**

**Ordinance No. 27307 passed for publication.**

## 11.2 Public Hearing on Planned Development Rezoning of the property located on the southwest corner of McKee Road and North Jackson Avenue.

**Recommendation:** Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning of the property located on the southwest corner of McKee Road and North Jackson Avenue, from A-Agriculture, CG – Commercial General, CO Commercial Office, A(PD) Planned Development, and R-2 Two Family Residence Districts to A(PD) Planned Development Zoning District, to allow up to 1,030,000 square feet of medical facility uses including a new emergency department, trauma center, a roof-top helipad, intensive care facilities, women’s and infant services, and medical offices on a 34.2 gross acre site. (San José Healthcare System, LP, Owner). CEQA: Resolution to be adopted.. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 03-093 – District 5

**Heard after 12.3(b). Action to be taken under 12.3(c).**

## 11.3 Public Hearing on a Conventional Rezoning located at/on the west side of North White Road, approximately 300 feet south of McKee Road.

**Recommendation:** Public Hearing on and consideration of approval of an ordinance on Conventional Rezoning from R-1-8 Residential Zoning District to CP Commercial Pedestrian Zoning District, to allow commercial/ retail uses on a 1.29 gross acre site, located at/on the west side of North White Road, approximately 300 feet south of McKee Road (253 N. White Rd.). (Rumi Group, LLC, Owner). CEQA: Negative Declaration.

C04-083 - District 5

**Continued to 12/14/04.**

## 11 PUBLIC HEARINGS

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### 11.4 Public Hearing on a Planned Development Rezoning located at/on the southwest corner of West Hedding Street and Coleman Street.

**Recommendation:** Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow demolition of the existing restaurant and construction of up to 5,500 square feet for commercial uses on a 0.46 gross acre site, located at/on the southwest corner of West Hedding Street and Coleman Street (879 Coleman Ave.). (Pinn Brothers Properties Limited Partnership, Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC04-053 - District 3

**Council moved approval of Council Member Chavez' memorandum, dated December 7, 2004, recommending approval of the proposed rezoning, as recommended by the Planning Commission.  
Ordinance No. 27308 passed for publication.**

### 11.5 Public Hearing on a Planned Development Rezoning located at the northeast corner of Bonita Avenue and Sunny Court.

**Recommendation:** Public Hearing on and consideration of approval of an ordinance of a Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 80 single-family detached residences on an 8.0 gross acre site, located at the northeast corner of Bonita Avenue and Sunny Court (370 Bonita Avenue) (California Cheese Co, Owner; KB Home South Bay, Inc. Jeff McMullen, Developer). SNI: Five Wounds/Brookwood Terrace. CEQA: Mitigated Negative Declaration.

PDC03-103 - District 3

**Heard after 12.1(e)(1). Action to be taken under 12.1(e)(2)**

### 11.6 Public Hearing on a Conventional Rezoning located at/on the southeast corner of North Fourth Street and Koll Circle

**Recommendation:** Public Hearing on and consideration of approval of an ordinance on a Conventional Rezoning from LI Light Industrial Zoning District to CG Commercial General Zoning District to allow Commercial uses on a 0.61 gross acre site, located at/on the southeast corner of North Fourth Street and Koll Circle (1516 North Fourth Street) (Fong Lawrence Trustee et al, Owner). CEQA: Resolution No. 65459.

C04-081 - District 3

**Dropped. Heard by Council 11/16/04.**

# 11 PUBLIC HEARINGS

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## 11.7 Public Hearing on a Planned Development Rezoning located on the south side of San Antonio Road.

**Recommendation:** Public Hearing on and consideration of approval of an ordinance for Planned Development Rezoning from R-2 Residential Zoning District to A(PD) Planned Development Zoning District to allow up to 24 single-family attached residences on a 1.10 gross acre site, located on the south side of San Antonio Road approximately 270 feet easterly of King Road (1716 E. San Antonio Street). (Volunteers of America Bay Area Inc., Owner; Core Development, Developer). SNI: Mayfair. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-1-1).

PDC04-052 - District 5

**Ordinance No. 27309 passed for publication.**

## 11.8 Public Hearing on a Conservation Area Designation request.

**Recommendation:** Public Hearing on and consideration of approval of Conservation Area Designation request to designate as a Conservation Area the area approximately bounded by the rear of properties on Balbach Street to the north, the rear of properties on South Market to the East, Highway 280 to the south, and Almaden Avenue to the west on a 10.5 acre site. (Various Owners/City of San José, Applicant). CEQA: Exempt. SNI: Market/Almaden

CA04-001 - District 3

**Continued to 12/14/04.**

## 11.9 Public Hearing on a Conforming Conventional Rezoning of the property located at 4558 Birkenshaw Place.

**Recommendation:** Public Hearing on and consideration of approval of an ordinance on Conforming Conventional Rezoning of the property located at the southeast corner of Branham Lane and Birkenshaw Place (4558 Birkenshaw Pl.), from R-1-1 Residence Zoning District to R-1-8 Residence Zoning District, on a 0.23 gross acre site. (Lin Mon F, Owner). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C 04-079 - District 10

**Continued to 1/11/05.**

## 12 GENERAL PLAN PUBLIC HEARINGS

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### 12.1 Tentative Approval of General Plan Consent Calendar items.

**Recommendation:**

- (a) PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Light Industrial to Medium Density Residential (8-16 DU/AC) on 3.4-acres and Medium High Density (12-25 DU/AC) on 3.5-acres for property bounded by Julian Street to the north, North 27<sup>th</sup> Street to the east, East Santa Clara Street to the south and North 26<sup>th</sup> Street to the west, on a 6.9-acre site. (City of San José, Applicant). SNI: Five Wounds/Brookwood Terrace.  
GP03-03-13 - District 3  
**Dropped.**
- (b) PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram destination from Light Industrial to Medium Density Residential (8-16 DU/AU) for property located on the southeast corner of Marburg Way and Highway 101 on a 3.24-acre site. (Borrelli Investment Company, Owner/Ray Hashimoto, Applicant). SNI: Five Wounds/Brookwood Terrace.  
GP03-03-16 - District 3  
**Dropped. To be renoticed.**
- (c) PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Industrial Park to Transit Corridor Residential (20+ DU/AC) for property located on the north side of Berryessa Road, west of the Union Pacific Railroad Tracks on a 13.5-acre site. (Facchino Robert B&B II, Owner/City of San José, Applicant).  
GP03-04-08 - District 4  
**Dropped. To be renoticed.**
- (d) PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Medium Density Residential (8-16 DU/AC) to Medium High Density Residential (12-25 DU/AC) for property located on the northwest corner of Blossom Hill Road and Blossom Avenue on a 14.4-acre site. (Santa Clara Valley Transit Authority et al, Owner/City of San José, Applicant).  
GP03-10-02 - District 6  
**Dropped. To be renoticed.**

## 12 GENERAL PLAN PUBLIC HEARINGS

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### 12.1 Approval of General Plan Consent Calendar items (Cont'd.)

- (e) PUBLIC HEARING on Tentative Approval of the following items located on the west side of Highway 101 between Sunny Court and Kelly Court on an approximately 8-acre site. (California Cheese Co., Owner/KB Home Family, Applicant).
- (1) PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation on an 8-acre site from Light Industrial to Medium Density Residential (8-16 DU/AC) on 7 acres and Public Park/Open Space on 1 acre, for property located on the west side of Highway 101 between Sunny Court and Kelly Court on approximately 8-acre site. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval of Medium Density Residential (8-16 DU/AC) on 7 acres and Public Park/Open Space on 1 acre (7-0-0). GP03-03-15 - District 3
- (2) PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 80 single-family detached residences on a 8.0 gross acre site. CEQA: Mitigated Negative Declaration, PDC03-093. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval of A(PD) Planned Development Zoning District to allow up to 80 single-family detached residences on a 8 gross acre site (5-2-0; Levy and Zito opposed). PDC03-103 - District 3

**Council tentatively approved Council Member Chavez memorandum, dated December 7, 2004, recommending approval of the Planning Commission's recommendation to; (1) Approve the proposed General Plan amendment with the following change: Designate the open space with a floating park designation on the site, (2) Approve proposed Planned Development Rezoning with the following conditions: (a) Explore development of a .9+/- acre park located at the intersection of Sunny Court and Bonita during the PD Permit phase, (b) Acceptance of the developer's offer to develop traffic calming elements along Bonita Avenue and perform additional operational improvements at the intersection of Bonita Avenue and San Antonio Street, (c) Acceptance of the developer's contribution to fully fund signal upgrades at the McLaughlin Avenue and William Street intersection, and (d) Approve the Planning Commission change to condition number 1, that states, "the setback for units on private drives for living area to perimeter lot line shall correspond with the setback of buildings on the adjacent property with a maximum setback of 15 feet for the satisfaction of the Director of Planning, Building, and Code Enforcement."**

**Ordinance No. 27310 passed for publication.**

## 12 GENERAL PLAN PUBLIC HEARINGS

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### 12.1 Approval of General Plan Consent Calendar items (Cont'd.)

- (f) PUBLIC HEARING on Tentative Approval of General Plan Amendment request to change the Land Use/Transportation Diagram designation from Light Industrial with Mixed Industrial Overlay to High Density Residential (25-50 DU/AC) for property bounded by Highway 87, Curtner Avenue, and Canoas Garden Avenue on a 8.3-acre site. (City of San José, Applicant). CEQA: Resolution to be adopted. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1; Zito Absent).  
GP03-06-01 - District 6  
**Staff/Planning Commission recommendation tentatively approved.**
- (g) PUBLIC HEARING on Tentative Approval of General Plan Amendment request to change the Land Use/Transportation Diagram designation from Public/Quasi-Public (2.8 acres) and Office (2.1 acres) to Transit Corridor Residential (20+ DU/AC) for property located on the southwest corner of Curtner Avenue and Canoas Garden Avenue on a 4.9-acre site. (Santa Clara Valley Transportation Authority et al, Owner/City of San José, Applicant). CEQA: Resolution to be adopted. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1; Zito Absent).  
GP03-06-02 - District 6  
**Staff/Planning Commission recommendation tentatively approved.**
- (h) PUBLIC HEARING on and consideration of Tentative Approval of General Plan Amendment request to change the Land Use/Transportation Diagram designation from Combined Industrial/Commercial to Public Park/Open Space for property bounded by Auzerais Avenue, Sunol Street, West Home Street and Los Gatos Creek on a 6.7-acre site. (Owners, various/City of San José, Applicant). CEQA: Resolution to be adopted. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1; Zito Absent).  
GP03-06-07 - District 6  
**Staff/Planning Commission recommendation tentatively approved.**
- (i) PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Heavy Industrial to Industrial Park for property located on the northwest corner of Savaker Street and Sunol Street on a 5.1-acre site. (Owners, various/City of San José, Applicant). CEQA: Resolution to be adopted. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1; Zito Absent).  
GP03-06-08 - District 6  
**Staff/Planning Commission recommendation tentatively approved.**

## 12 GENERAL PLAN PUBLIC HEARINGS

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### 12.1 Approval of General Plan Consent Calendar items (Cont'd.)

- (j) Public Hearing on the following items located at the west side of North White Road and 300 feet south of McKee Road (253 and 271 North White Road) on a 1.38-acre site (Ali Kalbali, Owner/Applicant).
- (1) PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Medium Low Density Residential designation (8 DU/AC) to Neighborhood/Community Commercial. CEQA: Mitigated Negative Declaration.  
GP04-05-04 - District 5
- (2) PUBLIC HEARING ON CONVENTIONAL REZONING from R-1-8 Residential Zoning District to CP Commercial Pedestrian Zoning District to allow commercial/retail uses. CEQA: Mitigated Negative Declaration.  
C04-083 - District 5
- Continued to 12/14/04.**
- (k) PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Industrial Park with Mixed Industrial Overlay to High Density Residential (25-50 DU/AC) for property located on the southeast corner of Senter Road and Needles Drive (1870 and 1888 Senter Road) on a 6.21-acre site. (DDD Partners, Owner/Henry Cord, Applicant). SNI: Tully/Senter. CEQA: Mitigated Negative Declaration.  
GP03-07-09 - District 7
- Continued to 12/14/04.**
- (l) PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Industrial Park to General Commercial for property located on the north side of Story Road (915 Story Road) approximately 720 feet southwesterly of McLaughlin Avenue on a 19.59-acre site. (Hewlett-Packard, Owner/Jerry Strangis, Applicant). CEQA: Mitigated Negative Declaration.  
GP03-07-10 - District 7
- Continued to 12/14/04.**

## 12 GENERAL PLAN HEARINGS

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### 12.2 Public Hearing on Tentative Approval of a General Plan Amendment for property located at the south side of Berryessa Road, east of Jackson Avenue on a 2.5-acre site.

**Recommendation:** PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Medium Density Residential (8-16 DU/AC) to Medium High Density Residential (12-25 DU/AC) with a Floating Public Park/Open Space for property located at the south side of Berryessa Road, east of Jackson Avenue on a 2.5-acre site. (Grace R. Nola Trustee et al, Owner/City of San José, Applicant). CEQA: Resolution to be adopted. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1; Zito Absent).

GP03-04-07 - District 4

**Deferred to future General Plan Hearing, date to be determined.**

**Staff directed to continue working with surrounding neighborhood issues.**

### 12.3 Public Hearing on of the following items located at the southwest corner of Jackson Avenue and McKee Road on a 34.4-acre site. (San Jose Health System, LP, Owner/Applicant).

**Recommendation:**

- (a) PUBLIC HEARING ON APPEAL OF PLANNING COMMISSION'S CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT (EIR) to allow the expansion of medical facility uses on the Regional Medical Center of San José 34.4 gross-acre site. The project proposes a General Plan Amendment (GP03-05-10) on 17.2-acres of the site from Medium-High Density Residential (12-25 DU/AC) on 7.9 acres, Office on 4.7 acres, and Neighborhood/ Community Commercial on 4.6 acres to Public/Quasi-Public, and a Planned Development Rezoning (PDC03-093) to allow up to 1,030,000 square feet of medical facility uses on the site, including a new emergency department, trauma center, a roof-top helipad, intensive care facilities, women's and infant services, and medical offices. CEQA: Resolution to be adopted. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval of the Final EIR prepared for this project which has been completed in compliance with and conforms to the requirements of CEQA and that the Final EIR reflects the City's independent judgment and analysis (7-0-0).

**Dropped.**

## 12 GENERAL PLAN PUBLIC HEARINGS

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- 12.3 Public Hearing on Tentative Approval of the following items located at the southwest corner of Jackson Avenue and McKee Road on a 34.4-acre site. (San Jose Health System, LP, Owner/ Applicant). (Cont'd.)**

**Recommendation:**

- (b) Public Hearing on and consideration of Tentative Approval of General Plan Amendment request to change the Land Use/Transportation Diagram designations from Medium High Density Residential (12-25 DU/AC) on 7.9 acres, Office on 4.7 acres, and Neighborhood/Community Commercial on 4.6 acres to Public/Quasi Public on 17.2 acres. CEQA: Resolution to be adopted. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval for Public/Quasi-Public on 17.2 acres (7-0-0).

GP03-05-10 - District 5

**Continued to 12/14/04.**

- (c) PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING from A Agriculture, CG Commercial General, CO Commercial Office, A(PD) Planned Development, R-2 Two Family Residence Districts to A(PD) Planned Development Zoning District, to allow up to 1,030,000 square feet of medical office uses on a 34.4 gross-acre site. CEQA: Resolution to be adopted. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval A(PD) Planned Development Zoning District to allow up to 1,030,000 square feet of medical office uses on a 34.4 gross-acre site (7-0-7).

PDC03-093 - District 5

**Continued to 1/25/05.**

- 12.4 Public Hearing on Tentative Approval of the following item located on the north side of McKean Road, approximately 1,500 feet westerly of Fortini Road on a 35.4-acre site.**

**Recommendation:**

- (a) PUBLIC HEARING ON APPEAL OF PLANNING COMMISSION'S CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT (EIR) to allow certain limited interim outdoor recreational uses on public property that are consistent with the long-term character of the South Almaden Valley Urban Reserve for property located on the north side of McKean Road, approximately 1,500 feet westerly of Fortini Road on a 35.4-acre site. CEQA: Resolution to be adopted. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval of the Final EIR prepared for this project which has been completed in compliance with and conforms to the requirements of CEQA and that the Final EIR reflects the City's independent judgment and analysis (6-1-0; Zito opposed).

**Appeal denied, EIR certified. Noes: LeZotte.**

## 12 GENERAL PLAN PUBLIC HEARINGS

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### 12.4 Public Hearing on Tentative Approval of the following item located on the north side of McKean Road, approximately 1,500 feet westerly of Fortini Road on a 35.4-acre site. (Cont'd.)

- (b) Public Hearing on and consideration of Tentative Approval of General Plan Amendment request to amend the text to allow certain limited interim outdoor recreational uses on public property that are consistent with the long-term character of the South Almaden Valley Urban Reserve for property located on the north side of McKean Road, approximately 1,500 feet westerly of Fortini Road on a 35.4-acre site. (San José Unified School District, Owner/City Council, Applicant). CEQA: Resolution to be adopted. Director of Planning, Building and Code Enforcement recommends approval and Planning Commission recommends denial to amend the text of the General Plan to allow certain limited interim outdoor recreational uses on public property that are consistent with the long-term character of the South Almaden Valley Urban Reserve (5-2-0 motion to deny; Platten and Campos opposed)

GPT01-10-02 - District 10

**Staff recommendation tentatively approved.**

**Heard concurrently with Items 5.2(a) and (b)**

- (1) Council tentatively approved Council Member Dando' memorandum, dated December 3, 2004, recommending; (1) Approval of the Planning Staff report to certify the Environmental Impact Report (EIR) and approve the General Plan Amendment, (2) Approve the recommendation of both staff reports regarding appropriations of funds and authorizing the City Manager to execute a Memorandum of Understanding (MOU) with the Almaden Youth Association (AYA), (3) Direct staff to begin discussions with AYA, San José Unified School District (SJUSD) and the Santa Clara Valley Water District (SCVWD) for the first phase of the project, (4) Direct staff to transfer \$500,000 from District 10 Parks and Acquisition Fund to the Department of Parks, Recreation and Neighborhood Services for design, construction management, roadway and frontage improvements.**
- (2) Vice Mayor Dando read into record the Statement of Overriding Considerations.**
- (3) Staff directed to return to Council with clarification as to the length in terms of the lease agreement and a timeline of the Almaden Youth Association's fundraising plan.**

### 12.5 Continuance of adoption of a resolution approving all General Plan amendment actions to December 14, 2004.

**Recommendation:** Continuance of adoption of a resolution approving all General Plan amendment actions to December 14, 2004. (Planning, Building and Code Enforcement)

**Continued to 12/14/04.**

- **Open Forum**
  - 1) **Daniel McCall spoke on mental health issues**
  
- **Adjournment**

**The meeting was adjourned in memory of George Kukar at 10:27 P.M.**

**The following resolutions were adopted (appropriation ordinances adopted) (ordinances passed for publication) at the Joint City Council/Redevelopment Agency meeting on Tuesday, December 7, 2004:**

**7.1 Approval of the Annual Report of Financial Transactions of Community Redevelopment Agencies, FY 2003-04.**

**Recommendation:** Adoption of resolutions by the City Council and Agency Board approving, in substantial form, the Annual Report of Financial Transactions of Community Redevelopment Agencies, Fiscal Year 2003-04, and directing staff to forward the report to the State of California Controller. [MERGED]

**Resolution No. 72427 adopted.**

**Agency Resolution No. 5559 adopted.**