



# CITY COUNCIL AGENDA

**DECEMBER 18, 2001**

## **SYNOPSIS**

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

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

RON GONZALES MAYOR

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

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

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

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

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

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

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

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

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

- **Call to Order and Roll Call**  
**9:30 a.m. - Closed Session, Room 600, City Hall**  
**Absent: Council Member – Vice Mayor Shirakawa, Jr. (excused).**  
  
**1:30 p.m. - Regular Session, Council Chambers, City Hall**  
**Absent: Council Members – None.**  
  
**7:00 p.m. - Public Hearings, Council Chambers, City Hall**  
**Absent: Council Members Campos and Dando (both excused).**
- **Invocation (Mayor)**  
**The Reverend Dick Roe, Executive Director of the Santa Clara County Council of Churches, delivered the invocation from several religious traditions and expressions, including a poem written by Author Howard Thurman.**
- **Pledge of Allegiance**  
**Mayor Gonzales led in the Pledge of Allegiance.**
- **Orders of the Day**  
**Approved with one addition: Item 1.1 Deferred to 01/15/02.**

## **1 CEREMONIAL ITEMS**

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- 1.1** Presentation of a commendation to Lillian Silberstein for her years of service to the community. (Mayor)  
 (Deferred from 12/11/01 – Item 1.3)  
**Deferred to 01/15/02.**
- 1.2** **Special introduction of the newly appointed Assistant City Manager, Mark R. Linder, who was selected from a nationwide competitive process. The Mayor and the City Council joined City Manager, Del D. Borgsdorf, in congratulating Mark Linder on the appointment and thanking him for the exemplary performance as Director of the Department of Parks, Recreation and Neighborhood Services.**

## **2 CONSENT CALENDAR**

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

## 2 CONSENT CALENDAR

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### 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances:

- (a) ORD. NO. 26527 – Rezones certain real property situated at the east side of Ruby Avenue, 50 feet northerly of Murrillo Avenue, from County to A(PD) Planned Development Zoning District, to allow a 22,570 square foot church on 2.5 gross acres. PDC 00-04-024  
**Ordinance No. 26527 adopted.**
- (b) ORD. NO. 26528 – Rezones certain real property situated at the southeastern corner of South Bascom Avenue and Moorpark Avenue. PDC 01-03-043  
**Ordinance No. 26528 adopted.**
- (c) ORD. NO. 26529 - Rezones certain real property situated at the east side of Coastland Avenue, approximately 80 feet south of Lincoln Court and Ardis Drive. PDC 00-12-127  
**Ordinance No. 26529 adopted.**
- (d) ORD. NO. 26530 - Rezones certain real property situated at the southeast corner of Yerba Buena Road and Dove Hill Road to A(PD) Planned Development. PDC 99-04-028  
**Ordinance No. 26530 adopted.**
- (e) ORD. NO. 26531 - Rezones certain real property situated at the southerly terminus of Hampton Falls Place, approximately 650 feet southerly of Branham Lane. PDC 00-12-125  
**Ordinance No. 26531 adopted.**
- (f) ORD. NO. 26532 - Rezones certain real property situated at the west side of North Bascom Avenue, approximately 130 feet southerly of Forest Avenue. PDC 01-02-020  
**Ordinance No. 26532 adopted.**
- (g) ORD. NO. 26533 - Rezones certain real property situated at the northeast corner of West Taylor and Elm Streets. PDC 01-02-029  
**Ordinance No. 26533 adopted.**
- (h) ORD. NO. 26536 – Amends Chapter 3.36 of Title 3 of the San José Municipal Code by adding a Section 3.36.580 to establish a Supplemental Retiree Benefit Reserve in the Police and Fire Department Retirement Plan.  
**Ordinance No. 26536 adopted.**

## 2 CONSENT CALENDAR

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### 2.3 Approval to determine that public use and necessity require the acquisition of certain property and directing the filing of eminent domain action.

**Recommendation:** Adoption of a resolution determining that public use and necessity require the acquisition of certain property owned by Hilltop Manor, Inc., located at 790 Ironwood Drive, and directing the filing of eminent domain action. CEQA: ND. Council District 6. (Public Works)  
(Deferred from 11/27/01 – Item 2.7)

**Dropped.**

### 2.4 Approval of agreements related to the Airport.

**Recommendation:** Adoption of resolutions authorizing the City Manager to negotiate and execute:

- (a) A first amendment to the Commercial Cargo Operating Agreement with BAX Global, Inc., to extend the term of the agreement through February 28, 2007, and change the airline name to Air Transport International, L.L.C., with estimated annual revenue to the City of \$170,00.

**Resolution No. 70756 adopted.**

- (b) A second amendment to the lease agreement with BAX Global, Inc., for office and asphalt ramp space at 1311 Airport Boulevard, to extend the term of the lease through February 28, 2007, and change the tenant name to Air Transport International, L.L.C., with annual rental revenue to the City in the amount of \$3,892.44.

CEQA: Resolution No. 67380. (Airport)

**Resolution No. 70757 adopted.**

### 2.5 Approval to extend the term for rental fees at the Airport.

**Recommendation:** Approval of an eighth amendment to the Federal Inspection Services Facility Lease Agreement with Williams Scotsman, to extend the lease term from February 1, 2002 through July 31, 2002, at a total annual cost not to exceed \$82,740, and authorizing the City Manager to exercise the right to hold over on a month-to-month basis with no increase in rent or change in terms, at the sole discretion of the City.

CEQA: Resolution No. 67380. (Airport)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.6 Approval to amend an agreement related to Phase 5 of the Acoustical Treatment Program.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a fourth amendment to the agreement with Anderson Brule Architects, Inc., for consultant services related to Phase 5 of the Acoustical Treatment Program, increasing compensation by \$125,170, from \$4,193,921 to \$4,319,091, and extending the term of the agreement from December 31, 2001 to June 30, 2002. CEQA: Resolution No. 67380. (Airport)

**Resolution No. 70758 adopted.**

### 2.7 Adopt a resolution approving an amendment to the legal services agreement with Sonnenschein Nath & Rosenthal.

**Recommendation:** Adoption of a resolution authorizing the City Attorney to execute a second amendment to the agreement for legal services with Sonnenschein Nath & Rosenthal, to increase the amount of total compensation to a total amount not to exceed \$200,000. (City Attorney's Office)

**Resolution No. 70759 adopted.**

### 2.8 Adopt a resolution approving an amendment to the legal services agreement with Robinson & Wood, Inc.

**Recommendation:** Adoption of a resolution authorizing the City Attorney to negotiate and execute an amendment to the agreement for legal services with Robinson & Wood, Inc., to modify the scope of services and to extend the term of the agreement through December 31, 2002, at no additional cost to the City. (City Attorney's Office)

**Resolution No. 70760 adopted.**

### 2.9 Approval of various actions related to the Compaq Center at San José.

**Recommendation:** Approval of distribution of Compaq Center at San José naming rights community fund and associated appropriation ordinance and funding sources amendments in the General Fund. (City Manager's Office)

**Ordinance No. 26537 adopted.**

**Resolution No. 70761 adopted.**

### 2.10 Approval of amendments to the annual appropriation ordinance related to enhancing security in City Facilities.

**Recommendation:** Adoption of amendments to the annual appropriation ordinance in the General Fund for expenses related to enhancing security in City Facilities. (City Manager's Office)

**Ordinance No. 26538 adopted.**

## 2 CONSENT CALENDAR

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### 2.11 Adoption of an urgency ordinance extending the terms of the current Cable Television Franchise originally granted to Gill Industries, Inc.

**Recommendation:** Adoption of an urgency ordinance extending the terms of the current Cable Television Franchise originally granted to Gill Industries, Inc., from December 31, 2001 to June 30, 2002. (City Manager's Office)

**Urgency Ordinance No. 26539 adopted.**

### 2.12 Approval of action related to the proposed Olympic Torch Relay through San José on January 18, 2002.

**Recommendation:** Approval of an agreement for Torch Relay Services and a Designated Marks and Copyrights License Agreement related to the proposed Olympic Torch Relay through San José on January 18, 2002, and the related Host Community Celebration, each agreement with the Salt Lake Organizing Committee. (Conventions, Arts and Entertainment)

**Approved.**

### 2.13 Approval of an agreement for a work of art for the Alviso Branch Library and Community Center.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with artist Donna Billick to fabricate and install a work of art for the Alviso Branch Library and Community Center, in an amount not to exceed \$30,600. CEQA: Exempt. Council District 4. (Conventions, Arts and Entertainment)

**Resolution No. 70762 adopted.**

### 2.14 Approval of an agreement for a work of art for the Paseo Villas Condominiums.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement between the City of San José, property owners of Paseo Villa Condominiums, and artist Ned Smyth to fabricate and install a work of art for the Paseo Villas Condominiums, in an amount not to exceed \$177,600. CEQA: Exempt. Council District 3. (Conventions, Arts and Entertainment)

**Resolution No. 70763 adopted.**

### 2.15 Approval to amend certain policies, requirements, and guidelines of the Arts Venture Grants Initiative.

**Recommendation:** Approval of the Arts Commission recommendations to amend certain policies, requirements, and guidelines of the Arts Venture Grants Initiative. (Conventions, Arts and Entertainment)

**Approved with Staff directed to create opportunities for linkages between large public art projects and historical architecture.**

## 2 CONSENT CALENDAR

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### 2.16 Approval of urgency ordinances related to the Economic Growth Tax Relief and Reconciliation Act.

**Recommendation:** Adoption of:

- (a) An urgency ordinance amending Chapter 3.48 of the San José Municipal Code, the City of San José Deferred Compensation Plan, to implement changes enacted by the Economic Growth Tax Relief and Reconciliation Act.

**Urgency Ordinance No. 26540 adopted.**

- (b) An urgency ordinance amending Chapter 3.50 of the San José Municipal Code, to implement changes enacted by the Economic Growth Tax Relief and Reconciliation Act.

(Deferred Compensation Advisory Committee)

**Urgency Ordinance No. 26541 adopted.**

### 2.17 Approval to amend an agreement for Salt Marsh Conversion Assessment.

**Recommendation:** Approval of the second amendment to the professional services agreement with H.T. Harvey and Associates for Salt Marsh Conversion Assessment, extending the term for one year, amending the scope of services to include vegetative mapping services for Year 2002, and increasing compensation by \$79,500, from \$375,000 to a total amount not to exceed \$454,500. CEQA: Exempt.

(Environmental Services)

**Approved.**

### 2.18 Approval to issue a Request For Proposal for Recycle Plus billing, customer service, and performance monitoring.

**Recommendation:** Approval to issue a Request For Proposal for an integrated service solution for Recycle Plus billing, customer service, and performance monitoring.

(Environmental Services/Information Technology/Finance)

**Approved with direction to Staff to apply the City Competition Policy to criteria for the Request For Proposal (RFP).**

### 2.19 Approval to amend an agreement for workers' compensation diagnostic testing.

**Recommendation:** Approval of the third amendment to the agreement with PHM Diagnostics, Inc. for workers' compensation diagnostic testing services in order to extend the term for an additional 6 months until June 30, 2002, at an additional cost not to exceed \$115,000, for a total cost not to exceed \$580,000. (Finance)

**Approved.**

## 2 CONSENT CALENDAR

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**2.20 Approval to amend an agreement for workers' compensation medical bill review services and to administer the preferred provider organization medical network.**

**Recommendation:** Approval of the second amendment to the agreement with Diversified HealthCare Services to provide workers' compensation medical bill review services and administer the preferred provider organization medical network in order to extend the term for an additional 6 months until June 30, 2002, at an additional cost not to exceed \$250,000, for a total cost not to exceed \$1,050,000. (Finance)

**Approved.**

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

**Recommendation:** Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2001-2002 #16, and authorization for the Director of General Services to execute the purchase orders. (General Services)

**Approved.**

**2.22 Approval to amend the agreements for the Integrated Development Tracking System.**

**Recommendation:**

(a) Approval of the third amendment to the agreement with Intergraph Corporation for the IDTS Project to:

- (1) Increase the compensation by \$25,000 for additional consulting and training services; and
- (2) Extend the term of the agreement from December 30, 2001 to December 31, 2002.

**Approved.**

(b) Adoption of a resolution authorizing the City Manager to negotiate and execute agreement(s) with Intergraph Corporation and/or IDTS subcontractors for Maintenance and Support of the IDTS in an amount not to exceed \$375,000.

(City Manager's Office)

**Resolution No. 70764 adopted.**

## 2 CONSENT CALENDAR

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### 2.23 Adoption of a resolution approving the reorganization of Burbank No. 35.

**Recommendation:** Adoption of a resolution authorizing the reorganization of territory designated as Burbank No. 35 which involves the annexation to the City of San José of 0.13 acre of land, located on the east side of North Bascom Avenue, approximately 90 feet north of Olive Avenue and generally bounded by the City of San José Annexation #762 – Sunol No. 14, the City of San José Annexation #678 – Cory No. 6, and the City of San José Annexation #238 – Burbank No. 6-A, and the detachment of the same from the appropriate special districts including: Central Fire Protection District, County Library Service Area, and County Lighting Service. CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. Council District 6. (Planning, Building and Code Enforcement)

**Resolution No. 70765 adopted.**

### 2.24 Approval of lease agreements for office space at 777 North First Street for the Department of Information Technology and Code Enforcement.

**Recommendation:** Approval of two lease agreements with La Familia, LP for office space at 777 North First Street for the Department of Information Technology and Code Enforcement, for a combined monthly rent of \$6,880.75 per month during the first year of the leases, with annual increases of approximately three percent (3%), to a maximum rate of \$8,084.56 per month during the fifth and final year of the leases. (Public Works)

**Approved.**

### 2.25 Approval of an agreement for the Evergreen Industrial Development.

**Recommendation:** Approval of a cooperation agreement with Yerba Buena, OPCO, LLC to fund with an initial deposit of \$30,000 and for the City to investigate the feasibility of providing public financing for the acquisition and construction of public infrastructure improvements required for the Evergreen Industrial Development. Council District 8. (Public Works)

**Approved.**

### 2.26 Approval of an agreement related to the Floyd and Locust Street Park and Sixth and William Street Park.

**Recommendation:** Approval of an agreement with Callander Associates Landscape Architects, Inc. for consultant services for the development of master plans and construction documents for Floyd and Locust Street Park and Sixth and William Street Park, from the date of execution of the agreement to June 30, 2003, in the amount of \$162,000, and additional services in the amount of \$5,000, for a total agreement amount of \$167,000. Council District 3. SNI: University & Washington. (Public Works)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.27 Approval of an agreement for the King Road Bridge at Penitencia Creek.

**Recommendation:** Approval of a continuation agreement with Creegan + D'Angelo for consultant services for the design of improvements to the King Road Bridge at Penitencia Creek, extending the term from December 31, 2001 to December 31, 2003, at no additional cost to the City. Council District 4. (Public Works)

**Approved.**

### 2.28 Approval to consider and set a public hearing for the establishment of Rule 20A Underground Utility District (PG&E set aside funds for reimbursement).

**Recommendation:** Adoption of a resolution to consider the establishment of Rule 20A Underground Utility District bounded by South Fourth Street, South Fifth Street, and South Sixth Street, between East San Fernando Street and East Santa Clara Street and setting a public hearing on January 15, 2002 at 1:30 p.m. CEQA: Exempt. Council District 3. SNI: University. (Public Works)

**Resolution No. 70766 adopted.**

### 2.29 Approval of a Parking Lot Lease Agreement for the Almaden/Woz Way parking lot.

**Recommendation:** Approval of a Parking Lot Lease Agreement between the City of San José and Boston Properties dba BP Almaden Associates, LLP, in the amount of \$240,000, \$20,000 per month, for the Almaden/Woz Way parking lot, located at 282 Almaden Boulevard, for the period December 23, 2001 to December 31, 2002. (Transportation)

**Approved.**

### 2.30 Nominations to the Metcalf Community Advisory Committee.

**Recommendation:** Approval of the nominations to the Metcalf Community Advisory Committee. (Mayor)  
(Deferred from 10/30/01 – Item 2.11 et al., and 12/11/01 – Item 2.13)

**Council approved the appointment of Phil Mitchell and Elizabeth Cord as the City of San José neighborhood representatives on the Metcalf Community Advisory Committee.**

### 2.31 Approval of a Community Event for use at the Compaq Center on December 29, 2001, for a San José State University vs. Fresno State University basketball game.

**Recommendation:** Approval of a Community Event for use at the Compaq Center on December 29, 2001, for a San José State University vs. Fresno State University basketball game. (San José Arena Authority)  
(Rules Committee referral 12/12/01)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.32 Acceptance of the 2001 Public Art Workplan Third Quarter Report and Maintenance and Repair Report for Public Artworks.

**Recommendation:** Acceptance of the 2001 Public Art Workplan Third Quarter Report and Maintenance and Repair Report for Public Artworks. (Conventions, Arts and Entertainment)

**This Item Renumbered From Item 5.5  
Council accepted the reports.**

### 2.33 Approval of various actions related to a Minor Amendment to the Airport Master Plan.

**Recommendation:** Adoption of a resolution:

- (a) Approving a Minor Amendment to the adopted Airport Master Plan to terminate and remove the 94<sup>th</sup> Aero Squadron Restaurant leasehold improvements prior to the 2004 expiration date of the existing lease and to reuse the site on an interim basis for a cement batch plant for the Runway 12R-30L reconstruction project; and
- (b) Authorizing the City Manager to exercise the City's option to terminate the lease between the City and Specialty Restaurant Corporation (94<sup>th</sup> Aero Squadron), by negotiating and executing a leasehold termination agreement with Specialty Restaurant Corporation, in an amount to be paid by the City not to exceed \$100,000.

CEQA: Resolution No. 67380. (Airport)  
(Rules Committee referral 12/12/01)

**Resolution No. 70767 adopted.**

### 2.34 Approval of an agreement amendment for elevator and escalator maintenance at various City facilities.

**Recommendation:** Adoption of a resolution authorizing the Director of General Services to execute a third amendment to the agreement with Millar Elevator Service Company, to extend the agreement from December 1, 2001 to June 30, 2002, for elevator and escalator maintenance at various City facilities at a total cost not to exceed \$85,000. (General Services)

(Rules Committee referral 12/12/01)

**Resolution No. 70768 adopted.**

## 2 CONSENT CALENDAR

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### 2.35 Approval of a consultant agreement for the Alviso Environmental Education Center Remediation Project.

**Recommendation:** Approval of a first amendment to the consultant agreement for the Alviso Environmental Education Center Remediation Project with URS Corporation, formerly known as “URS Greiner Woodward-Clyde International-Americas, Inc.,” extending the term of the agreement from January 1, 2002 to June 30, 2003, at no additional cost to the City. Council District 4. (Public Works)  
(Rules Committee referral 12/12/01)

**Approved.**

### 2.36 Approval of legal services agreement amendments related to the development of the North Coyote Valley Industrial Campus Area.

**Recommendation:** Adoption of resolutions authorizing the City Attorney to negotiate and execute the following amendments to legal services agreements related to the development of the North Coyote Valley Industrial Campus Area, with all costs to be reimbursed to the City by the developer:

- (a) A fourth amendment to the agreement with McCutchen, Doyle, Brown & Enersen, LLP, extending the term through June 30, 2002, and increasing compensation by \$100,000, to a total amount not to exceed \$500,000.

**Resolution No. 70769 adopted.**

- (b) A continuation agreement with Morrison & Foerster, LLP, extending the term through December 31, 2001, and increasing compensation by \$8,500, to a total amount not to exceed \$188,500.

**Resolution No. 70770 adopted.**

- (c) Adoption of appropriation ordinance and funding sources resolution amendments in the Construction Excise Tax Fund in the amount of \$108,500 to provide funding for the fourth amendment to the agreement with McCutchen, Doyle, Brown & Enersen, LLP, and for the continuation agreement with Morrison & Foerster, LLP. (City Manager's Office)

(City Attorney's Office)

(Rules Committee referral 12/12/01)

**Ordinance No. 26542 adopted.**

**Resolution No. 70771 adopted.**

**END OF CONSENT CALENDAR**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.1 Report of the Study Session

Mayor Gonzales, Chair

No Report.

#### 3.2 Report of the Rules Committee – Meeting of December 5, 2001

Vice Mayor Shirakawa, Jr., Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting  
**The Redevelopment Agency items to be reported out at Redevelopment Agency Board meeting.**
- (b) City Council
  - (1) Review December 18, 2001 Draft Agenda  
**The Committee approved the December 18, 2001 Agenda with three additions.**
  - (2) Add New Items to December 11, 2001 Amended Agenda  
**The Committee recommended two additions to the December 11, 2001 City Council Agenda and directed the City Manager to redistribute his November 26, 2001 memorandum regarding executive recruitment.**
- (c) City Council Committees
  - (1) Amendments to Council Committee Agendas
    - (a) Finance and Infrastructure Committee
    - (b) Economic Development and Environment Committee
    - (c) Education, Neighborhoods, Youth, and Seniors Committee**None Filed.**
- (d) Meeting Schedules  
**None Presented.**
- (e) The Public Record for the period November 21-27, 2001  
**The Committee noted and filed the Public Record for the period November 17-27, 2001.**
- (f) Boards, Commissions and Committees  
**None Presented.**
- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee  
**None Presented.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – Meeting of December 5, 2001 – (Cont'd.)

Vice Mayor Shirakawa, Jr., Chair

(h) Administrative Reviews and Approval

**None Presented.**

(i) Oral communications

**None Presented.**

(j) Adjournment

**The meeting was adjourned at 2:35 p.m.**

**The Rules Committee Report and actions of December 5, 2001 accepted.**

#### Report of the Rules Committee – Meeting of December 12, 2001

Vice Mayor Shirakawa, Jr., Chair

(a) Redevelopment Agency items reported out at Redevelopment Agency meeting

**The Redevelopment Agency items to be reported out at Redevelopment Agency Board meeting.**

(b) City Council

(1) Review December 25, 2001 Draft Agenda

**This Item Dropped – Holiday Closure.**

(2) Add New Items to December 18, 2001 Amended Agenda

**The Committee recommended seven additions to the December 18, 2001 City Council Agenda and directed the Administration to provide an information memorandum to Council on Thursday, December 20, 2001, which would address the following: (1) Presentation to Council of an interim staff report in January 2002 on the progress made by the Taxi Advisory Task Force; (2) Provide a Schedule of Task Force Meetings and an effort to present final recommendations sooner than March 2002; and (3) Information on Holiday taxi issues to be covered.**

(c) City Council Committees

(1) Amendments to Council Committee Agendas

(a) Finance and Infrastructure Committee

(b) Economic Development and Environment Committee

(c) Education, Neighborhoods, Youth, and Seniors Committee

**None Presented.**

### **3 STRATEGIC SUPPORT SERVICES**

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#### **3.2 Report of the Rules Committee – Meeting of December 12, 2001 – (Cont'd.) Vice Mayor Shirakawa, Jr., Chair**

- (d) Meeting Schedules  
**The Committee recommended a Joint City Council/Santa Clara Valley Water District (SCVWD) Meeting on January 22, 2002, 11:00 a.m. to 12:30 p.m., to be held at the Santa Clara Valley Water District Office, located at 5750 Almaden Expressway, to discuss and act on the SCVWD contribution for the Metcalf Energy Center's recycled water pipeline and the framework for continued discussion on an equity partnership in the recycled water system between the District and the City.**
  
- (e) The Public Record  
**None Filed.**
  
- (f) Boards, Commissions and Committees  
**None Presented.**
  
- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee  
**None Presented.**
  
- (h) Administrative Reviews and Approval
  - (1) 2001 Federal Legislative Summary  
**The Committee accepted the 2001 Federal Legislative Summary.**
  
  - (2) 2001 State Legislative Summary  
**The Committee accepted the 2001 State Legislative Summary.**
  
- (i) Oral communications  
**None Presented.**
  
- (j) Adjournment  
**The meeting was adjourned at 3:05 p.m.**

**The Rules Committee Report and actions of December 12, 2001 accepted.**

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

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.4 Certification of Council's Policy Recommendations Report.

**Recommendation:**

- (a) Direction to the City Manager to undertake actions on the following top ten ranked Policy Recommendations, as detailed in the report:
  - (1) Construction Dispute Resolution Program
  - (2) School Traffic Calming
  - (3) Day Laborers
  - (4) Construction Impact Mitigation Ordinance
  - (5) Increased Garbage/Litter Clean-up
  - (6) Neighborhood Street Improvements
  - (7) Updated Parking Ratio Requirements
  - (8) Ordinance Change Notification
  - (9) Public Improvement Reimbursements
  - (10) Business District Cleaning.
- (b) Direction to the City Manager to undertake action on the Policy Recommendations that ranked 11 through 20 and that were assigned an Impact Assessment 1:
  - (1) Self Insurance Claims
  - (2) Home Value for Home Improvement Loans
  - (3) Increased Underground Wiring

(City Manager's Office)

**This Item Heard Last.**

**(1) Council approved the direction to the City Manager to undertake actions on the top-ten ranked Policy recommendations and those ranked 11 through 20 that were assigned an Impact Assessment 1; and directed the Administration to recalculate the ranking on Policy Title #39 – Living Wage Ordinance – using 29 points instead of the original 45 policy recommendations. (2) The Administration to work with Mayor's Office on the scheduling of the Priority Setting Study Sessions in 2002 and the frequency of those sessions, and a public forum conducive to in-depth deliberation of only Policy Priorities. (3) Council Members encouraged to forward to the Mayor's Office any suggestions for improving or revising the overall process. (4) The Administration directed to eliminate the "Dropped" ranking and substitute the actual action taken on the Referral.**

#### 3.5 Approval of amendments to the agreement with the San José Police Officers' Association.

**Recommendation:** Adoption of a resolution approving the terms of an agreement with the San José Police Officers' Association amending the 2000-2003 Memorandum of Agreement and authorizing the City Manager to execute the agreement.

(City Manager's Office)

**Resolution No. 70772 adopted.**

### **3 STRATEGIC SUPPORT SERVICES**

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**3.6 Direction to exempt domestic partners from the City’s Real Property Conveyance Tax.**

**Recommendation:** Direction to the City Attorney to draft an ordinance to exempt domestic partners from the City’s Real Property Conveyance Tax using the same definition for domestic partners as the State Registry. (Finance)  
**Dropped.**

**3.7 Approval of Council Appointee salary adjustments.**

**Recommendation:** Adoption of a resolution approving Council Appointee salary adjustment recommendations. (Mayor)  
(Rules Committee referral 12/12/01)  
**Resolution No. 70773 adopted.**

### **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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**4.1 Report of the Economic Development & Environment Committee – December 3, 2001**

**Council Member Williams, Chair**

- (a) Annual Report of the First Source Employment Program
- (b) Report on Implementation Efforts of Green Building Policies
- (c) Parkland Ordinances Fee Adjustment Report
- (d) Monthly Status Report on Housing Production Team Action Items
- (e) Quarterly Report on Activity in the Project Development Program
- (f) Quarterly Report on Housing Rehabilitation Program
- (g) Quarterly Report on the Housing and Homeless Fund
- (h) Monthly Report on Affordable Housing Production  
**The Committee accepted the staff reports.**

- (i) Five Year Homeless Plan  
**The Committee deferred this item to 02/04/02.**

- (j) Oral petitions  
**None Presented.**

- (k) Adjournment  
**The meeting was adjourned at 3:30 p.m.**

**The Economic Development & Environment Committee Report and actions of December 3, 2001 accepted.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.2 Discussion of reasonable accommodation policies and process of notification.**

**Recommendation:** Staff presentation and discussion of reasonable accommodation policies and process of notification. (City Attorney's Office)  
[Economic Development & Environment Committee referral – Item 4.1(i)]  
(Deferred from 11/20/01 – Item 4.4 and 12/4/01 – Item 4.3)  
**Deferred to 01/22/01 – To Be Heard in the Evening.**

### **4.3 Public Hearing and approval of various actions related to the Roberts Avenue Family Housing Development.**

**Recommendation:** Public Hearing and adoption of a resolution:

- (a) Approving a Disposition and Development Agreement (DDA) between the City of San José and Community Home Builders & Associates (CHBA), or its designated affiliate, for the acquisition and development of the Roberts Avenue Family Housing Development, a 100- unit family development on 3.42 acres of City-owned property, located at the northwest corner of Lucretia Avenue and Vintage Way.
- (b) Approving business terms for an acquisition/predevelopment loan in an amount not to exceed \$3,922,778, a construction loan of up to \$7,184,002 (which includes the refinancing of an acquisition loan of \$3,422,778 and a predevelopment loan of \$500,000), and a permanent loan of up to \$4,300,000.
- (c) Authorizing the Director of Housing to negotiate and execute all necessary documents evidencing the subject DDA with CHBA, or its designee, including loans, deeds, and other related agreements on behalf of the City related to the housing development.

CEQA: ND. Council District 7. SNI: Tully/Senter. (Housing)

**Resolution No. 70774 adopted.**

### **4.4 Approval to utilize ornamental fixtures when installing street light systems in Historic Districts and Conservation areas.**

**Recommendation:** Direction to staff to utilize ornamental fixtures when installing street light systems in Historic Districts and Conservation areas. CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. (Public Works/Planning, Building and Code Enforcement)  
**Approved.**

## **5 RECREATION & CULTURAL SERVICES**

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### **5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee Council Member Chavez, Chair No Report.**

## **5 RECREATION & CULTURAL SERVICES**

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### **5.2 Acceptance of the annual report on the branch library bond projects.**

**Recommendation:** Acceptance of the annual status report on the branch library bond projects. (Citizen Oversight Committee for the Library Bond Projects)

**Annual Report accepted.**

### **5.3 Acceptance of the annual report on the Safe Neighborhood Parks and Recreation Bond Projects.**

**Recommendation:** Acceptance of the first annual report regarding the implementation of the Safe Neighborhood Parks and Recreation Bond Projects. (Citizen Oversight Committee for the Parks and Recreation Bond Projects)

**Annual Report accepted.**

### **5.4 Approval to provide funding to implement an open space settlement agreement with the City of Morgan Hill.**

**Recommendation:** Adoption of appropriation ordinance and funding sources resolution amendments in the General Fund providing funding in the amount of \$3.5 million to implement an open space settlement agreement with the City of Morgan Hill and the Morgan Hill Unified School District. (City Manager's Office)

**Ordinance No. 26543 adopted.**

**Resolution No. 70775 adopted.**

### **5.5 Acceptance of the 2001 Public Art Workplan Third Quarter Report and Maintenance and Repair Report for Public Artworks.**

**Recommendation:** Acceptance of the 2001 Public Art Workplan Third Quarter Report and Maintenance and Repair Report for Public Artworks. (Conventions, Arts and Entertainment)

**This Item Renumbered to Item 2.32.**

**See Item 2.32 for Council action taken.**

### **5.6 Approval to award a contract for the Tuers-Capitol Golf Course Mitigation Project.**

**Recommendation:** Report on bids and award of contract for the Tuers-Capitol Golf Course Mitigation Project to the low bidder, Ecological Concerns Incorporated dba Central Coast Wilds, to include the base bid and Add Alternate No. 1 in an amount not to exceed \$284,598.13, and approval of a contingency in the amount of \$29,000. Council District 7. (Public Works)

**Approved.**

## **5 RECREATION & CULTURAL SERVICES**

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### **5.7 Approval to award a contract for the South Central Swim Center Project.**

#### **Recommendation:**

- (a) Report on bids and award of contract for the South Central Swim Center Project to the low bidder, West Bay Builders, Inc., to include the base bid and Add Alternate Nos. 1, 2, and 3 in the amount of \$4,649,800, and approval of a contingency in the amount of \$465,000. CEQA: Negative Declaration.

**Approved.**

- (b) Adoption of the following appropriation ordinance amendments:
- (1) In Council District 7 Construction & Conveyance Tax Fund for the Parks, Recreation and Neighborhood Services Department:
- (a) Increase the South Central Swim Center project by \$170,000.
- (b) Decrease the Ending Fund Balance by \$170,000.
- (2) In the Park Trust Fund for the Parks, Recreation and Neighborhood Services Department:
- (a) Increase the South Central Swim Center project by \$700,000.
- (b) Decrease the Reserve: Future PDO/PIFO Projects by \$700,000.

CEQA: ND. Council District 7. SNI: Santee. (Public Works/City Manager's Office)

**Ordinance No. 26544 adopted.**

### **5.8 Approval to file various grant applications with the State related to local assistance funds, Guadalupe River Trail, and the Edenvale Garden Park.**

#### **Recommendation:**

- (a) (1) Adoption of a resolution approving the filing of an application for local assistance funds up to \$5,942,000 from the Per Capita Grant Program under the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 as administered by the State Department of Parks and Recreation.

**Resolution No. 70776 adopted.**

- (2) Authorization for the City Manager to negotiate and execute all documents relating to the grant funding agreement.

Council Districts 1, 2, and 9. (Parks, Recreation and Neighborhood Services)

**Approved.**

- (b) (1) Adoption of a resolution approving the submittal of a grant application for funding up to \$1.27 million from the State Resources Agency for the Guadalupe River Trail between Interstates 280 and 880.

**Resolution No. 70777 adopted**

## **5 RECREATION & CULTURAL SERVICES**

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### **5.8 Approval to file various grant applications with the State related to local assistance funds, Guadalupe River Trail, and the Edenvale Garden Park. (Cont'd)**

**Recommendation:**

- (b) (2) Adoption of a resolution approving the submittal of a grant application for funding up to \$895,000 from the State Coastal Conservancy for the Guadalupe River Trail between Interstates 280 and 880.  
**Resolution No. 70778 adopted.**
- (3) Authorization for the City Manager to negotiate and execute all documents relating to these grant funding agreements.  
Council District 3. (Parks, Recreation and Neighborhood Services)  
**Approved.**
- (c) (1) Adoption of a resolution to approve the submission of a grant application for \$147,750 from the State Department of Parks and Recreation for the Edenvale Garden Park.  
**Resolution No. 70779 adopted.**
- (2) Authorization for the City Manager to negotiate and execute all documents relating to the grant funding agreement.  
Council District 2. (Parks, Recreation and Neighborhood Services)  
(Rules Committee referral 12/12/01)  
**Approved.**

## **6 TRANSPORTATION SERVICES**

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### **6.1 Approval of various actions related to the Managed Competition Pilot for Roadway Markings Services.**

**Recommendation:**

- (a) Acceptance of the second and third year evaluation of the performance of the Roadway Markings Service Team showing that service requirements were met in both years and a cost savings was achieved in year three of approximately \$115,000;
- (b) Approval of the five year exemption from managed competition for the Roadway Markings Services Team, due to successful completion of performance requirements during the term of the Service Resolution, as provided by Section 8A of the Service Resolution;

*This item continued on the next page.*

## 6 TRANSPORTATION SERVICES

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### 6.1 Approval of various actions related to the Managed Competition Pilot for Roadway Markings Services – (Cont'd.)

**Recommendation:**

- (c) Approval of a cost savings award of approximately \$3,170 per full-time member and approximately \$1,590 per part-time member of the Roadway Markings Team, for a total of approximately \$46,000, 40% of total savings.

(City Manager's Office)

**Approved with direction to Staff to return to Council with a report on the cost and benefits of continuing the cost sharing for the Roadway Markings Services Team.**

### 6.2 Approval of an agreement for construction of public improvements on Communication Hill.

**Recommendation:** Approval of an agreement with KB Home South Bay, Inc., for construction of public improvements in connection with their development project on Communication Hill that provides for City reimbursement in an amount not to exceed \$618,972 for construction of center-strip paving, a landscaped median island, and a new traffic signal. CEQA: Resolution No. 70194. Council District 7. (Public Works)

**Approved.**

### 6.3 Approval to award a contract for the Improvement of Colleen Drive at Blossom Avenue.

**Recommendation:**

- (a) Acceptance of the report on bids and the award of contract for the Improvement of Colleen Drive at Blossom Avenue, to the low bidder, Grade Tech, Inc., in the amount of \$254,766.50, and approval of a contingency in the amount of \$25,500.

**Approved.**

- (b) Adoption of the following appropriation ordinance amendments in the Construction Excise Tax Fund:

- (1) Establish an appropriation to the Department of Public Works for the Colleen Drive Improvements project in the amount of \$124,000.
- (2) Decrease the estimate for Ending Fund Balance by \$124,000.

CEQA: ND. Council Districts 2 and 10. (Public Works/City Manager's Office)  
(Rules Committee referral 12/12/01)

**Ordinance No. 26545 adopted.**

## **6 TRANSPORTATION SERVICES**

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### **6.4 Approval to award a contract for Community Facilities District No. 6 (Great Oaks-Route 85).**

**Recommendation:** Report on bids and award of contract for Community Facilities District No. 6 (Great Oaks-Route 85) to the lowest responsive bidder, McGuire and Hester, in the amount of \$4,642,560, and approval of a contingency in the amount of \$696,384. CEQA: Resolution No. 69699. Council District 2. (Public Works)  
(Rules Committee referral 12/12/01)

**Approved.**

## **7 ENVIRONMENTAL & UTILITY SERVICES**

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## **8 AVIATION SERVICES**

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## **9 PUBLIC SAFETY SERVICES**

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### **9.1 Public Hearing on the 2001-2002 Weed Abatement Report.**

**Recommendation:** Adoption of a resolution:

- (a) Overruling any and all objections to the 2001-2002 Hazardous Vegetation Commencement Report (Report); and
- (b) Directing the Office of the Santa Clara County Fire Marshal to abate the seasonal and/or recurrent public nuisances on those properties identified in the Report pursuant to Chapter 9.12 of Title 9 of the San Jose Municipal Code and the Weed Abatement Agreement between the City of San José and the County of Santa Clara.

(Planning, Building and Code Enforcement)

**Resolution No. 70780 adopted.**

### **9.2 Approval to award a contract for the Fire Station No. 20 Improvements.**

**Recommendation:** Report on bids and award of contract for the Fire Station No. 20 Improvements to the low bidder, Western Construction, Inc., in the amount of \$532,852, and approval of a contingency in the amount of \$90,000. CEQA: Exempt. Council District 3. (Public Works)

**Approved.**

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

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### **REDEVELOPMENT AGENCY BOARD CONVENED AT 3:10 P.M. TO CONSIDER ITEM 10.1 IN A JOINT SESSION**

#### **10.1 Approval of a cooperation agreement for the loan of the Assistant City Manager to the Agency.**

##### **Recommendation:**

- (a) The City Council adopt a resolution amending the City Pay Plan to add the position of Assistant Redevelopment Manager to the City Pay Plan in the same range as Deputy City Manager (U) (1686); and,  
**Dropped (Item 10.1(a) only).**
- (b) The City Council approve a Cooperation Agreement between the City and the Agency for the loan of the Assistant City Manager to the Agency.  
**Approved.**
- (c) The Agency Board approve a Cooperation Agreement between the City and the Agency for the loan of the Assistant City Manager to the Agency.  
(City Manager's Office/Redevelopment Agency)  
**Approved.**

### **REDEVELOPMENT AGENCY BOARD ADJOURNED AT 3:11 P.M.**

- 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:**

Tract	Location	Council District	Developer	Lots/Units	Type	Proposed Decision
9307	Northeasterly side of Monterey Road, n/o Rodling Drive	2	Bennie & Linda Schulman	8 units	Single-Family Detached	Approve
9395	E/S of US 101, eastern terminus of Coyote Creek Golf Drive	2	Castle and Cooke Corp	6 lots	Environmental Subdivision	Approve
9179	South side of Aborn Road, east of Altamara Ave	8	Shappell	90 units	Single-Family Attached	Approve

**In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:**

None.

- **Open Forum**

- (1) **David Wall spoke on employee participation in the "One-On-One Communication Program.**
- (2) **Pete Campbell spoke on the Santana Row Development and in opposition to the Holiday Kiosk supported by Redevelopment Agency funds.**
- (3) **Steve Cohn expressed concern regarding a property purchase totaling \$800,000 that was approved October 30, 2001.**

**Following Open Forum, the City Council recessed at 4:30 p.m., reconvened at 7:00 p.m., Council Chambers, City Hall.**

# 11 PUBLIC HEARINGS

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## 11.1 Public Hearing on a street renaming.

**Recommendation:** PUBLIC HEARING ON STREET RENAMING of a proposed frontage road running parallel to the east of State Highway 87, between the northerly line of West Hedding Street and southerly line of Coleman Avenue to Guadalupe Road.

CEQA: Exempt.

District 3

(Continued from 12/4/01 – Item 11.1)

**Continued to 01/08/02.**

## 11.2 Public Hearing on planned development rezoning at Capitol Expressway and Vista Park Drive.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northeast corner of Capitol Expressway and Vista Park Drive, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow up to 355 single-family and multi-family attached residential units on 15 gross acres. (Capitol Vista Oaks LP, Owner; Pinn Brothers Fine Homes, Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommends denial (4-2-1). Council District 10.

PDC 01-02-028 - District 10

(Continued from 11/20/01 – Item 11.6 and 12/4/01 – Item 11.5)

**Ordinance No. 26546 passed for publication.**

**Council approved the PD rezoning with conditions related to traffic mitigation, Capitol Expressway improvements, and noise reduction.**

## 11.3 Public Hearing on planned development rezoning at North First, Taylor, Miller, and Asbury Streets.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the block bounded by North First, Taylor, Miller, and Asbury Streets, from R-2 Residence and CG Commercial Zoning District to A(PD) Planned Development Zoning District, to allow up to 400 attached residential units and 7,000 square feet of commercial uses on 2.8 gross acres. (Barry Swenson Builder, Owner/Developer). CEQA: Negative Declaration.

PDC 00-09-086 - District 3

(Continued 12/4/01 – Item 11.6)

**Continued to 01/22/02.**

# 11 PUBLIC HEARINGS

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## 11.4 Public Hearing on planned development rezoning at Capitol Expressway and Monterey Road.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northwesterly corner of Capitol Expressway and Monterey Road, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow construction of a 92,600 square-foot self storage facility and a 7,000 square-foot tire sales and installation facility at an existing flea market and movie theatre on 32.9 acres. (Sywest Development, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 01-05-058 - District 7

(Continued 12/4/01 – Item 11.11)

**Ordinance No. 26547 passed for publication.**

## 11.5 Public Hearing on planned development rezoning at Camden Avenue and Vista Loop.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southwest corner of Camden Avenue and Vista Loop, from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District, to allow up to 5 single-family detached residences on 0.74 gross acre. (Mashom RLC c/o Omid Shakeri, Owner; The Ridgecrest Group, Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-0-1).

PDC 01-03-041 - District 9

**Ordinance No. 26548 passed for publication.**

## 11.6 Public Hearing on planned development rezoning at Foxworthy Avenue and Leigh Avenue.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southeast corner of Foxworthy Avenue and Leigh Avenue, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow the conversion of a medical office complex to a special education school (Kindergarten through 12<sup>th</sup> grade) for up to 140 students on 1.66 gross acres. (John Herringer, Owner; Second Start Schools, Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 01-09-090 - District 9

**Ordinance No. 26549 passed for publication.**

# 11 PUBLIC HEARINGS

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## 11.7 Public Hearing on planned development rezoning at West Alma Avenue.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the north side of West Alma Avenue, between Belmont Way and Minnesota Avenue, from CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District, to allow a mixed use development with up to fourteen residential units and up to 10,700 square feet of gross commercial area on 1.16 gross acres. (Bob Vlahopoulos, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 99-07-066 - District 6

**Ordinance No. 26550 passed for publication.**

## 11.8 Public Hearing on planned development rezoning at Almaden Avenue and Oak Street.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southwest corner of Almaden Avenue and Oak Street, from CN Neighborhood Commercial Zoning District to A(PD) Planned Development Zoning District, to allow up to four multi-family attached residential living units on 0.16 gross acre. (ASE Consulting Engineering, Inc., Owner; Luke Bollinger, Developer). CEQA: Exempt.

PDC 01-07-080 - District 3

**Continued to 01/22/02.**

## 11.9 Public Hearing on planned development rezoning at Fleming Avenue.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the north side of Fleming Avenue opposite Warner Drive, from A-Agriculture Zoning District to A(PD) Planned Development Zoning District, to allow up to twelve (12) single-family two story houses on approximately 7.5 gross acres. (Touché Properties, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 00-12-126 - District 5

**Ordinance No. 26551 passed for publication.**

# 11 PUBLIC HEARINGS

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## 11.10 Public Hearing on planned development rezoning at McLaughlin Avenue.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the east side of McLaughlin Avenue, approximately 140 feet southerly of Story Road, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow up to 130 affordable multi-family attached residential units on 1.84 gross acres. (Ashok Ramchandani, MD, Owner; 2100 Sandhill Development, Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 01-09-089 - District 7

**Ordinance No. 26552 passed for publication.**

## 11.11 Public Hearing on planned development conforming rezoning at Magliocco Drive and Huff Avenue.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT CONFORMING REZONING of the property located at the northwestern corner of Magliocco Drive and Huff Avenue, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow up to 50 single-family attached residential units on 0.79 gross acre. (Mark Migdal, Two Towers Group, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building, and Code Enforcement recommends approval. No Planning Commission action required.

PDC 01-11-099 - District 6

**Ordinance No. 26553 passed for publication.**

- Open Forum

- Adjournment

**The Council of the City of San José adjourned at 8:05 p.m.**

## **JOINT REDEVELOPMENT AGENCY/COUNCIL ACTION**

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The following resolution was adopted at the Joint Redevelopment Agency Board/City Council meeting on Tuesday, December 18, 2001:

**7.1 Approval of the Annual Report of Financial Transactions of Community Redevelopment Agencies, Fiscal Year 2000-2001.**

**Recommendation: Adoption of resolutions by the City Council and Agency Board approving the Annual Report of Financial Transactions of Community Redevelopment Agency, Fiscal Year 2000-2001, and directing Staff to forward the report to the State of California Controller.**

**(MERGED)**

**Resolution No. 70781 adopted.**

**Redevelopment Agency Board Resolution Adopted.**

**Vote: 7-0-4-0. Absent: Council Members Campos, Dando, Reed and Yeager.**