

**CITY COUNCIL
&
GENERAL PLAN AGENDA**

DECEMBER 16, 2003

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

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**
 - 9:37 a.m. - Closed Session, Room 600, City Hall
Absent Council Members: None.

 - 1:34 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: None.

 - 7:05 p.m. - Public Hearings, Council Chambers, City Hall
General Plan Hearings, Council Chambers, City Hall
Absent Council Members: None.

- **Invocation (Mayor)**

The President of Ahmadiyya Muslim Community, Wasim Malik could not be present at the Council Meeting.

Mayor Gonzales asked for everyone to take a moment, and think about the opportunities for world peace.

- **Pledge of Allegiance**

Mayor Gonzales led the Pledge of Allegiance.

- **Orders of the Day**

The Orders of the Day, and the Amended Agenda were approved.

1 CEREMONIAL ITEMS

- 1.1 Presentation of 2003 Annual Giving Campaign City Employee/Retiree Contribution Total to Arts Council of Silicon Valley, Community Health Charities, Earth Share of California, and United Way Silicon Valley. (City Manager's Office)
- Mayor Gonzales was joined at the podium by Director of Transportation James Helmer to present the 2003 Annual Giving Campaign City Employee/Retiree Contribution check to the Federations. Director Helmer introduced Bill Maggs, Executive Director, Earth Share of California; Don Watters, Chairman of the Board, United Way; Bruce Davis, Executive Director, The Arts Council, and Harold Pyle, Executive Director, Community Health Charities. Director Helmer also recognized all the hard work of the Department Coordinators. On behalf of the City Council, City Manager Del Borgsdorf, and Director of Transportation James Helmer, Mayor Gonzales presented a ceremonial check of \$410,995 to the four Federations that make up the City's campaign, and represent over 280 agencies the community counts on to improve their quality of life. Bill Maggs, Earth Share, expressed gratitude on behalf of all the Federations, to the Mayor, the City Council, and employees of the City of San José.**
- 1.2 Recognition of City staff who have achieved Accreditation in the Leadership in Energy and Environmental Design (LEED) Program, a key aspect of the City's Green Building Policies and Program. (LeZotte)
- Mayor Gonzales was joined at the podium by Council Member LeZotte to recognize the City Staff who have achieved accreditation in leadership, energy and environmental design in the LEED Program, which is the key aspect of the City of San José's Green Building Policy and Program. Council Member LeZotte stated this is a performance based system for determining whether a business or other agency has designed and built their facilities with energy and water efficiency in mind, as well as other environmentally sound practices. She stated LEED accreditation certifies that an individual has past a rigorous examination designed to demonstrate their knowledge of integrated design and test their familiarity with Green Building and LEED requirements, resources, and processes. She stated San José has been State and National leader promoting sustainable environment and energy building design through adoption of the San José's Green Building Program in 2001, and is committed to making its public buildings meet leadership, environmental and energy design certification. Mayor Gonzales on behalf of Council Member LeZotte, and the Council Members, recognized and congratulated all the individuals on the attainment of accreditation as a leadership, environmental and energy design professional that will enhance the efforts of the City of San José to bring the benefits of sustainable design and construction to the community. Mayor Gonzales presented the certificates to Ruben Alvarez, Deedee Flauding, Mary Follenweider, Ashwini Kantik, Lili Matthews, Mara Meydbray, Jennifer Seguin, Mary Jo McCully, and Mike Foster. Mike Foster was not present.**

1 CEREMONIAL ITEMS

- 1.3 Presentation of a certificate from the San José Unified School District to the San José Fire Department for their efforts in the Gardner Elementary and Pioneer School fires. (Chavez/Yeager) (Orders of the Day) **Heard in the evening.** Mayor Gonzales was joined at the podium by Vice Mayor Dando, and Council Members Chavez and Yeager to present a certificate to the San José Fire Department for their efforts in fighting the Gardner and Pioneer School fires. Council Member Chavez introduced the Fire Fighters on scene for the fire at Gardner Academy including, Acting Fire Chief Dale Foster, Deputy Chief Jim Carter, Battalion Chief No. 1 Kevin Conant, Battalion Chief No. 13 Tom Afflixio, Engine No. 1 Captain Joel Phelan, Engineer Jesus Corona, Fire Fighter Jeff Seaton, Fire Fighter Brad Cloutier, Fire Paramedic Mike Van Elgort, Truck No. 2 Captain Phil Demers, Engineer Cleo Doss, Engineer Mario Cuestas, Fire Fighter Luis Chacon, and Fire Paramedic Brendan Kasten; and the Fire Fighters on scene for the fire at Pioneer High School were Engine No. 17 Captain Martin Hoenisch, Engineer Rick Bailey, Fire Fighter Peter Nguyen, and Fire Paramedic Chris Murphy. Dr. Linda Murray, the Superintendent of San José Unified School expressed her sincere appreciation to the San José Fire Fighters for saving the two schools. Acting Fire Chief Dale Foster stated the Fire Department performs our job with pride not expecting to be recognized, but it is very much appreciated, and stated these fires were very challenging. Vice Mayor Dando stated the City of San José is fortunate to have the finest Fire Fighters who are willing to serve our community on a moment's notice and do an excellent job. Council Member Yeager stated our Fire Department is constantly looking for ways to improve their already excellent efforts, and expressed his appreciation for all their hard work.

Mayor Gonzales announced a special acknowledgement to very special employee retiring from the City of San José, and invited City Clerk Patricia L. O'Hearn to join him at the podium. Mayor Gonzales stated Ms. O'Hearn has demonstrated an exemplary commitment to public service throughout her career of more than 30 years working for local government in California, including 18 years with the Office of the City Clerk. He stated Ms. O'Hearn has been responsible for maintaining public records, conducting municipal elections, and has managed a staff of 14 professionals who support the City's Advisory Boards and Commissions, maintained the Municipal Code, administered the California Political Reform Act, and ensured public access to records and notification of meetings. He stated that Ms. O'Hearn has successfully conducted many San José municipal elections and has sworn into office dozens of Mayors and City Council Members, produced minutes for hundreds of City Council meetings, and has served the people of San José with a strong dedication to full public access to the records and process of government. Mayor Gonzales, along with his colleagues on the City Council recognized and commended Ms. Patricia L. O'Hearn for her dedication, integrity, and commitment to the residents of San José during her eighteen years of service with the City of San José, and her twelve years as the City Clerk. Ms. O'Hearn accepted the plaque commendation on behalf of the Staff of the City Clerk's office, and thanked the Mayor and Council for all the courtesies extended to her and her staff over the years.

2 CONSENT CALENDAR

2.1 Approval of Minutes.

There were none.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 27027 – Approves a development agreement between the City of San José and EBAY, Inc. relative to the development of property in North San José.
Ordinance No. 27027 adopted.
- (b) ORD. NO. 27028 – Rezones certain real property situated on the west side of North First Street, either side of Component Drive to IP(PD) Planned Development Zoning District. PDC 03-073
Ordinance No. 27028 adopted.
- (c) ORD. NO. 27030 - Rezones certain real property situated on the southwest corner of Stevens Creek and South Winchester Boulevards (Santana Row) to A(PD) Planned Development Zoning District. PDC 03-083
Ordinance No. 27030 adopted.
- (d) ORD. NO. 27031 - Rezones certain real property situated on the northeast corner of S. Fifth and Keyes Streets to A(PD) Planned Development Zoning District. PDC 03-029
Ordinance No. 27031 adopted.
- (e) ORD. NO. 27032 – Rezones certain real property situated at the southeast corner of Blossom Hill and Cottle Roads to IP(PD) Planned Development Zoning District. PDC 02-086
[Deferred from 12/9/03 – Item 2.2(c)]
The supplemental memorandum, from Director of Planning, Building and Code Enforcement Stephen Haase, dated December 16, 2003 was approved, and Ordinance No. 27032 adopted.
Noes: Chavez, Cortese, LeZotte. Disqualified: Williams.
- (f) ORD. NO. 27033 – Amends Part 3 of Chapter 13.48 of Title 13 of the San José Municipal Code to amend Section 13.48.250 and add Sections 13.48.330 and 13.48.340 to provide for Historic Preservation (HP) Permit Amendments and HP Permit Adjustments.
Ordinance No. 27033 adopted.
- (g) ORD. NO. 27034 – Amends Part 1 of Chapter 23.04 and Section 23.02.1010 of Chapter 23.02, all of Title 23 of the San José Municipal Code, to reduce and simplify signage regulations in Industrial and Commercial Zones of the City.
Ordinance No. 27034 adopted.

2 CONSENT CALENDAR

2.2 Final Adoption of Ordinances (Cont'd.)

- (h) ORD. NO. 27035 – Repeals Ordinance 23523 to transfer the permitting authority in the Downtown Core and Julian Stockton Area from the Executive Director of the Redevelopment Agency to the Director of the City's Planning, Building, and Code Enforcement Department.

Ordinance No. 27035 adopted.

2.3 Approval of actions related to the extension of Runway 30L at the Airport.

Recommendation: Adoption of a resolution authorizing the City Manager to award the Norman Y. Mineta San José International Airport Runway 30L Extension – 2004 Project to the lowest responsive bidder, and approval of a 15 percent contingency, in an amount not to exceed the funds appropriated for the Project. CEQA: Resolution Nos. 67380 and 71451, PP03-10-344. (Airport/ Public Works)

Resolution No. 71869 adopted.

2.4 Approval of various actions related to Supplemental Retiree Benefit Reserve distribution methodology.

Recommendation: Adoption of a resolution approving the proposed Supplemental Retiree Benefit Reserve (SRBR) distribution methodology and the distribution of \$1,000,000 to all retirees and survivors of retirees as of June 30, 2003. CEQA: Not a Project. (Board of Administration Federated City Employees' Retirement System)

Resolution No. 71870 adopted.

2.5 Approval of actions related to the Los Esteros Critical Energy Facility.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute:

- (a) A first amendment to the Master Agreement for Conveyance of Interests in Real Property between the City and Los Esteros Critical Energy Facility, LLC (LECEF) to modify the process for obtaining an appraisal of fair market value for specific easements and licenses on Water Pollution Control Plant (WPCP) bufferlands; and
- (b) A modified Pole Line License agreement to realign space to be used by the Licensee, and to grant an option to convert the license to an easement at any time prior to expiration of the term.

CEQA: Resolution No. 70259 and Addenda thereto, PDCSH01-088. (City Attorney/Environmental Services)

Resolution No. 71871 adopted.

2 CONSENT CALENDAR

2.6 Approval of an agreement for consultant services.

Recommendation: Approval of the first amendment to the agreement for consultant services between the City of San José and Kennedy/Jenks Consultants, extending the term of the agreement for 24 months, from December 31, 2003 to December 31, 2005; and to modify the scope of the design and construction support services to include alternative retrofit sites and additional recycled water pipelines in San José at no additional cost. CEQA: Resolution No. 64667, SCH# 92-01-3071 and Addenda thereto including No. 12, "SJ-5 Coleman Amendment." (Environmental Services)

Approved.

2.7 Approval of agreements related to the Hayes Mansion.

Recommendation: Adoption of a resolution authorizing the City Manger to negotiate and execute banking service agreements with Comerica Bank and agreements with credit card providers and processors related to the operation of the Hayes Mansion. CEQA: Not a Project. (Finance)

Resolution No. 71872 adopted.

2.8 Approval of fiscal actions related to developing a fire station and auxiliary training site on a portion of the 1608 Las Plumas Avenue site.

Recommendation:

(a) Adoption of the following appropriation ordinance and funding sources resolution amendments in the Multi-Source Housing Fund:

(1) Increase the Transfer from Other Funds by \$1,075,000.

(2) Increase the Ending Fund Balance by \$1,075,000.

Ordinance No. 27036 adopted.

Resolution No. 71873 adopted.

(b) Adoption of the following appropriation ordinance amendments in the Neighborhood Security Bond Fund:

(1) Establish a Transfer to the Multi-Source Housing Fund for Land Acquisition in the amount of \$1,075,000.

(2) Decrease the Land Acquisition - Fire Station appropriation by \$645,000.

(3) Decrease the Land Acquisition - Fire Training Site appropriation by \$430,000.

CEQA: Exempt, PP03-10-337. Council District 3. (Housing/Fire/Public Works/City Manager's Office)

Ordinance No. 27037 adopted.

2 CONSENT CALENDAR

2.9 Approval of various actions related to public art.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute agreements with:

- (a) Clark Wiegman (dba Artifact, Inc.) to fabricate and install artwork at the new Rosegarden Branch Library for an amount not to exceed \$101,609. CEQA: Exempt, PP03-10-309. Council District 6.
- (b) Jun Kaneko to fabricate and install artwork at the Repertory Theatre Public Plaza for the Transit Mall/Twohy Building public art project, for an amount of \$300,000. CEQA: Exempt, PP03-10-319. Council District 3.
- (c) Anna Valentina Murch and Doug Hollis to fabricate and install a water feature at the New Civic Center for an amount not to exceed \$2,350,000. CEQA: Exempt, PP03-02-072. Council District 3.

(Conventions, Arts and Entertainment)

Resolution No. 71874 adopted.

2.10 Approval to amend an agreement for landscape architecture services in SNI areas.

Recommendation: Adoption of a resolution authorizing the Director of Housing to negotiate and execute:

- (a) A second amendment to the agreement with Catalyst for landscape design, architectural, and planning services in SNI areas, increasing the compensation amount by \$75,000, from \$100,000 to \$175,000, and extending the term of the agreement to June 30, 2004.
- (b) A second amendment to the agreement with The Beals Group for landscape design, architectural, and planning services in SNI areas, increasing the compensation amount by \$25,000, from \$100,000 to \$125,000, and extending the term of the agreement to June 30, 2004.

CEQA: Not a Project. (Housing)

Resolution No. 71875 adopted.

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

Recommendation:

- (a) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2003-2004 #8, and authorization for the Director of General Services to execute the purchase orders. CEQA: See memo for CEQA designation(s). (General Services)
- (b) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2003-2004 #9, and authorization for the Director of General Services to execute the purchase orders. CEQA: See memo for CEQA designation(s). (General Services)

Approved.

2 CONSENT CALENDAR

2.12 Approval of various actions related to Neighborhood Housing Services Silicon Valley.

Recommendation: Adoption of a resolution authorizing the Director of Housing to negotiate and execute:

- (a) An agreement with Neighborhood Housing Services Silicon Valley (NHSSV) in the amount of \$550,000 for operation of the Home Ownership Center for the period July 1, 2003, to June 30, 2005.
- (b) An amendment to the Home Venture Fund grant agreement with NHSSV to increase the amount from \$4,500,000 to \$5,200,000, to provide direct down-payment assistance loans to low and moderate-income homebuyers.

CEQA: Not a Project. (Housing)

Resolution No. 71876 adopted.

2.13 Approval of various actions to modify the Teacher Homebuyer Program.

Recommendation: Adoption of a resolution modifying the Teacher Homebuyer Program as follows:

- (a) Decreasing the maximum loan amount from \$40,000 to \$25,000 for teacher households that earn between 90% and 120% of Area Median Income (AMI).
- (b) Continuing the \$40,000 current maximum loan for teacher households earning less than 90% of the AMI.
- (c) Establishing a maximum home purchase price of 95% of the median home price for the San José Metropolitan Area.
- (d) Making the proposed changes applicable to home purchase contracts executed after January 31, 2004.
- (e) Authorizing the Director of Housing to negotiate and execute all necessary documents evidencing the program changes on behalf of the City.

CEQA: Not a Project. (Housing)

Resolution No. 71877 adopted.

2.14 Approval of a lease agreement related to Ramblewood Park.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a lease agreement with the Franklin McKinley School District to allow the design, construction, and operation of an elementary school and surrounding improvements on not more than 4.08 acres of Ramblewood Park. CEQA: Mitigated Negative Declaration adopted by the Franklin McKinley School District on December 9, 2003 (Resolution No. 2003-27). Council District 7. (Parks, Recreation and Neighborhood Services)

Resolution No. 71878 adopted.

2 CONSENT CALENDAR

2.15 Approval of an agreement for animal shelter services.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the Humane Society Silicon Valley for the Humane Society to provide the month-to-month City-specific animal shelter services for the period of January 1, 2004, through June 30, 2004, at a cost to the City not to exceed \$984,000. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

Deferred to 1/13/04.

2.16 Approval of actions related to the annexation of Cambrian No. 32.

Recommendation: Adoption of a resolution approving the reorganization of territory designated as Cambrian No. 32, which involves the annexation to the City of San José of 1.83 acres of land more or less, consisting of one parcel approximately 1.00 acre located at the south side of Curtner Avenue, approximately 630 feet westerly of South Bascom Avenue, and includes a portion of right-of-way of Curtner Avenue and South Bascom Avenue totaling 0.83 acre, located approximately between 300 feet east of Joseph Avenue and the intersection of Curtner and South Bascom Avenues, and between the intersection of Curtner and South Bascom Avenues and Lyle Lane, and generally bounded by the City of San José Annexations Cambrian Nos. 11, 25, 28, 7, 17, 5, 10, and 12-A, Camden Nos. 1, and 2, and Foxworthy No. 3, and the detachment of the same from West Valley Sanitation District, Santa Clara County Lighting Services, Central Fire Protection District, and Santa Clara County (Library Services) Area No.1. CEQA: Mitigated Negative Declaration, PDC03-046. Council District 9. (Planning, Building and Code Enforcement)

Resolution No. 71879 adopted.

2.17 Approval of an agreement for domestic violence victim advocacy services.

Recommendation:

- (a) Approval of a consultant agreement with Next Door Solutions to Domestic Violence to provide domestic violence victim advocacy services for the period of November 1, 2003 through October 31, 2004, in the amount not to exceed \$33,390;

Approved.

- (b) Adoption of a resolution:

- (1) Authorizing the City Manager to exercise the first one-year renewal for the period of November 1, 2004 through October 31, 2005, in the amount not to exceed \$36,730, subject to the annual appropriation of funds; and,
- (2) Authorizing the City Manager to exercise the second one-year renewal for the period of November 1, 2005 through October 31, 2006, in the amount not to exceed \$40,403, subject to the annual appropriation of funds.

CEQA: Not a Project. (Police)

Resolution No. 71880 adopted.

2 CONSENT CALENDAR

2.18 Approval of various actions related to Communications Hill Specific Plan area.

Recommendation:

- (a) Approval of an agreement with Summerhill Homes for funding and investigation of the feasibility of annexing territory to Community Facilities District No. 8 (Communications Hill) to fund maintenance of various areas and amenities within the Communications Hill Specific Plan area.

Approved.

- (b) Adoption of an appropriation ordinance and a funding sources resolution amendment in the Residential Construction Tax Contribution Fund No. 420:
- (1) Establish an appropriation to the Department of Public Works for the Community Facilities District No. 8 Annexation Project in the amount of \$20,000.
- (2) Increase the estimate for Earned Revenue by \$20,000.

CEQA: Negative Declaration and Addenda thereto, PP03-11-361. Council District 7. (Public Works/City Manager's Office)

Ordinance No. 27038 adopted.

Resolution No. 71881 adopted.

2.19 Approval of an agreement for improvement of Montague Expressway and the intersection of Abel Street and Calaveras Boulevard.

Recommendation: Approval of a cooperation agreement with the City of Milpitas and County of Santa Clara for the improvement of Montague Expressway from De La Cruz Boulevard to Highway 680, and the intersection of Abel Street and Calaveras Boulevard. CEQA: Resolution No. 67510, HSH96-12-89. Council District 4. (Public Works)

Approved.

2.20 Approval of actions and setting of a public hearing to vacate a portion of O'Nel Drive.

Recommendation: Adoption of a resolution of intention to vacate a portion of O'Nel Drive between Guadalupe Parkway and Karina Court and reserving a public service easement over the entire area and the sidewalk easement on both sides of O'Nel Drive, and setting a public hearing on January 13, 2004 at 1:30 p.m. CEQA: Resolution to be adopted. Council District 4. (Public Works)

Resolution No. 71882 adopted.

2 CONSENT CALENDAR

2.21 Approval of an agreement related to the New Civic Center Project.

Recommendation: Adoption of a resolution authorizing the Director of General Services to negotiate and execute a first amendment to the agreement with John/Rife Group for professional services related to furniture programming and design services for the New Civic Center Project to provide for additional services, and increasing the compensation from \$634,000, to a total agreement amount to exceed \$1,033,166. CEQA: Resolution No. 68905. Council District 3. (Public Works/General Services)

Resolution No. 71883 adopted.

2.22 Approval of action related to the Almaden Winery Community Center Seismic Retrofit Project.

Recommendation: Report on bids and award of contract for the Almaden Winery Community Center Seismic Retrofit Project to the lowest responsive bidder, John Plane Construction, Inc. to include the base bid and Add Alternate No. 1, in the amount of \$1,764,000, and approval of a contingency in the amount of \$176,400. CEQA: Exempt, PP03-10-328. Council District 10. (Public Works/Parks, Recreation and Neighborhood Services)

Approved.

2.23 Approval of action related to the Rose Garden Branch Library Project.

Recommendation: Report on bids and award of contract for the construction of the Rose Garden Branch Library Project to the low bidder, Robert A Bothman, Inc., to include the base bid and Add Alternates Nos. 1, 2, and 3 in the amount of \$7,405,265, and approval of a contingency in the amount of \$370,000. CEQA: Negative Declaration, PP H02-065. Council District 6. (Public Works/Library)

Approved.

2.24 Approval to amend an agreement for the Route 87 Freeway Project.

Recommendation: Approval of a sixth amendment to the consultant services agreement with Parsons Transportation Group, Inc. relating to the Route 87 Freeway Project, extending the term of the agreement from December 31, 2003 to June 30, 2004, at no additional cost. CEQA: Resolution No. 65071, PP94-1-15. Council District 3. (Transportation)

Approved.

2.25 Award of a contract for the Wheelchair Ramp Project.

Recommendation: Report of the bids and award of contract for the 2002-03 and 2003-04 Wheelchair Ramp Project to the low bidder Valley Concrete and Redwood Inc., in the amount of \$440,524, and approval of a contingency in the amount of \$44,052. CEQA: Exempt, PP02-03-059. (Transportation)

Approved.

2 CONSENT CALENDAR

2.26 Approval of a grant agreement with Our City Forest.

Recommendation: Approval of the Operating and Tree Planting Grant Agreement with Our City Forest for Fiscal Year 2003-2004 and in an amount of \$227,000. CEQA: Exempt, PP03-11-365. (Transportation)

Approved.

2.27 Approval to amend an agreement related to the Almaden/Woz Way Parking Lot.

Recommendation: Approval of the second amendment to a lease agreement with Boston Properties (dba BP Almaden Associates, LLP) in the amount of \$240,000, \$20,000 per month, for the leasing of the property commonly referred to as Almaden/Woz Way parking lot, located at 282 Almaden Boulevard, and extension of the agreement term through December 31, 2004. CEQA: Not a Project. (Transportation)

Approved.

2.28 Approval of an agreement related to the parking access and revenue control system for the Convention Center, 3rd Street, and Market/San Pedro Garages.

Recommendation:

- (a) Adoption of a resolution authorizing the Director of General Services to:
- (1) Execute an agreement with Scheidt and Bachmann USA Inc. for the purchase of parking access and revenue control systems (PARCS) for the Convention Center, 3rd Street, and Market/San Pedro Garages, for a total cost of \$1,508,051 including delivery, installation, training, tax, and first year of maintenance.
 - (2) Execute change orders in an amount not to exceed a \$150,805 (10%) contingency to cover unanticipated changes in the system design and/or installation; and

Resolution No. 71884 adopted.

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

- (1) Increase the appropriation to the Department of Transportation for the Revenue Control Equipment project by \$318,856.
- (2) Decrease the Ending Fund Balance by \$318,856.

CEQA: Exempt, PP03-12-386. (Transportation/General Services/City Manager's Office)

Ordinance No. 27039 adopted.

Staff requested to begin working with the Vendor immediately.

2 CONSENT CALENDAR

2.29 Approval of vacation located on the northeasterly side of Country Club Parkway

Recommendation: Adoption of a resolution summarily vacating a portion of the 15-foot wide Regional Trail Easement lying within Lot 90, Tract 8715 and Lot 128, Tract 8468 located on the northeasterly side of Country Club Parkway, between Assisi Court and Glen Eagles Drive. CEQA: Silver Creek Valley Country Club EIR, adopted October 4, 2003, Resolution No. 61784, PDC91-065. Council District 8. (Public Works)
(Deferred from 12/9/03 – Item 2.14)

Resolution No. 71885 adopted.

2.30 Approval of amendment to agreement for Elections Commission evaluator services.

Recommendation:

(a) Adoption of a resolution authorizing the City Attorney to negotiate and execute a fourth amendment to the agreement with Hanson, Bridgett, Marcus, Vlahos, Rudy LLP, to increase the maximum amount of compensation to provide investigation services as the Evaluator to the San Jose Elections Commission by an additional \$20,000, to a total amount not to exceed \$140,000.

Resolution No. 71886 adopted.

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

- (1) Decrease the Contingency Reserve by \$20,000.
- (2) Increase the Campaign Finance Review/Ethics appropriation in City-Wide to the Office of the City Clerk in the amount of \$20,000.

(City Attorney's Office/City Clerk)

(Rules Committee referral 12/10/03)

Ordinance No. 27040 adopted.

2.31 Approval of amendment to agreement with Prolaw Software to extend the term.

Recommendation: Adoption of a resolution authorizing the City Attorney to negotiate and execute a second amendment to the agreement with West Publishing Company, dba Prolaw Software, to extend the term through June 30, 2004, at no additional cost to the City, and authorizing the City Attorney to negotiate and execute further amendments to the agreement to extend the term, if required. (City Attorney's Office)

(Rules Committee referral 12/10/03)

Resolution No. 71887 adopted.

2 CONSENT CALENDAR

2.32 Approval of amendment to agreement for consultant services for cable television matters.

Recommendation:

- (a) Adoption of a resolution authorizing the City Attorney to negotiate and execute a first amendment to the agreement with Miller & Van Eaton, L.L.P. for consultant services related to cable television franchise renewal matters, modifying the scope of services, extending the term through December 1, 2004, and increasing the amount of total compensation by \$300,000, to a total amount not to exceed \$375,000.

Resolution No. 71888 adopted.

- (b) Adoption of the following Appropriation Ordinance amendments in the General Fund:

- (1) Decrease the Contingency Reserve by \$300,000
- (2) Establish an appropriation in City-Wide for Cable Television Franchise Renewal to the Office of the City Attorney in the amount of \$300,000.

(City Attorney's Office)

(Rules Committee referral 12/10/03)

Ordinance No. 27041 adopted.

2.33 Approval of various fiscal actions related to the Local Law Enforcement Services Block Grant Fund.

Recommendation: Adoption of the following amendments to the annual funding sources resolution in the General Fund (Fund 001) and Local Law Enforcement Services Block Grant Fund (Fund 415) for Fiscal Year 2003-2004:

- (a) Increase the Earned Revenue Estimate from the Federal Government by \$676,505.
- (b) Transfer \$75,167 from the General Fund Contingency Reserve to the Local Law Enforcement Services Block Grant Fund.

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

(Rules Committee referral 12/10/03)

Resolution No. 71889 adopted.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair No Report.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee - Meeting of December 3, 2003

Vice Mayor Dando, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review December 16, 2003 Draft Agenda
The Committee recommended approval of the December 16, 2003 City Council Agenda with one addition.
 - (2) Add New Items to December 9, 2003 Amended Agenda
 - Mayor and Council Member Requests
 - City Manager Requests
 - City Attorney Requests
 - City Clerk Requests**The Committee recommended three additions to the December 9, 2003 City Council Agenda.**
 - (3) List of Reports Outstanding
The Committee noted and filed the City Manager's report listing four staff report outstanding for the December 9, 2003 Council Agenda.
- (c) Legislative Update
 - (1) State
Director of Intergovernmental Affairs Betsy Shotwell updated the Committee regarding various issues being considered by the State Legislature.
 - (2) Federal
 - (a) Federal Lobbyist Monthly Report
The Committee recommended acceptance of the Federal Lobbyist Monthly Report for October and early November 2003.
 - (3) 2004 Legislative Priorities
The Committee accepted the draft 2004 Legislative Priorities for the second year of the two year Legislative Session in Sacramento and the 108th Congress.
- (d) Meeting Schedules
There were none.
- (e) The Public Record
The Committee noted and filed the Public Records.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee - Meeting of December 3, 2003 (Cont'd.) Vice Mayor Dando, Chair

- (f) Appointment to Boards, Commissions and Committees
 - (1) Disability Advisory Commission
The Committee recommended appointment of Barbara Stahl to a term ending June 30, 2005; and Emma Elijas and Jeffrey Lewis to terms ending June 30, 2006. Deferred from 11/19/03.
 - (2) Parks and Recreation Commission
The Committee recommended appointment of Felicia Borrego to a term ending June 30, 2006. Deferred from 11/19/03.
 - (3) Senior Citizens Commission
The Committee recommended appointment of Constance Langford to a term ending June 30, 2004, and the subsequent three year term ending June 30, 2007; and Michael Peck to a term ending June 30, 2005. Deferred from 11/19/03.
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Analysis of policies and criteria for seizing dangerous domestic animals
City Attorney Richard Doyle reviewed his memorandum, and informed the Committee that San José's regulations for dangerous or vicious dogs are more stringent than State law or the other jurisdictions listed in the matrix attached to his memorandum. Mr. Doyle told the Committee that in January his office would submit proposals to amend ordinances relating to animals. The Committee accepted the City Attorney's report.
 - (2) Request to remove an audit of the Redevelopment Agency Development Review Process
The Committee recommended approval to remove an audit of the *Redevelopment Agency Development Review Process* from the City Auditor's 2003-2004 Work Plan.
- (h) Oral communications
Pete Campbell, From District 1, presented a letter to the Committee requesting an item be placed on a future Council Agenda.
- (i) Adjournment
The meeting was adjourned at 2:30 p.m.

The Report of the Rules Committee and the Actions of December 3, 2003, was accepted.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee - Meeting of December 10, 2003

Vice Mayor Dando, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review December 23, 2003 Draft Agenda
This item was dropped, Holiday Closure.
 - (2) Add New Items to December 16, 2003 Amended Agenda
 - Mayor and Council Member Requests
 - City Manager Requests
 - City Attorney Requests
 - City Clerk Requests**The Committee recommended eight additions to the December 16, 2003 City Council Agenda.**
 - (3) List of Reports Outstanding
The Committee noted and filed the City Manager's report listing nine staff reports outstanding for the December 16, 2003 Council Agenda.
- (c) Legislative Update
 - (1) State
There was no report.
 - (2) Federal
There was no report.
- (d) Meeting Schedules
There were none.
- (e) The Public Record
The Committee directed Item (a) from the Public Record, "Resolutions submitted by the Airport Commission requesting the naming of the new airfield and the new passenger terminal building complex at Norman Y. Mineta San José International Airport..." be placed on the December 16, 2003 Council Agenda. The Committee noted and filed the Public Record.
- (f) Appointment to Boards, Commissions and Committees
There were none.
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Report back on Labor Code requirements for payment of workers' compensation benefits
The Committee deferred this item to the December 17, 2003 Rules Committee Meeting.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee - Meeting of December 10, 2003 (Cont'd)

Vice Mayor Dando, Chair

- (g) Rules Committee Reviews, Recommendations and Approvals (Cont'd.)
 - (2) Request to remove Business Tax Audits from the City Auditor's 2003-2004 Workplan
The Committee recommended approval to remove Business Tax Audits from the City Auditor's 2003-2004 Work Plan.

- (h) Oral communications
None were presented.

- (i) Adjournment
The meeting was adjourned at 2:15 p.m.

The Report of the Rules Committee and the Actions of December 10, 2003, was accepted.

3.3 Report of the Making Government Work Better Committee

Council Member Campos, Chair

No Report.

3.4 Extension of Military Benefits for City employees called to military duty.

Recommendation: Adoption of a resolution extending Military Benefits for City employees called to military duty. (Chavez/Dando/LeZotte/Reed)
(Rules Committee referral 12/10/03)

Resolution No. 71892 adopted.

Staff to amend extension of Military Benefits for all City Employees to continue until such time the employee returns back to work.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee

Council Member Chavez, Chair

No Report.

4.2 Report of the Driving a Strong Economy Committee

Council Member Williams, Chair

No Report.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.3 Acceptance of staff's report on the New Civic Center Project.

Recommendation: Acceptance of staff's report on the New Civic Center Project. CEQA: New Civic Center Project: Resolution No. 68905; New Civic Center Parking Garage: Resolution No. 68905. (City Manager's Office)

The Staff Report was Accepted.

4.4 Approval of various actions related to Getting Families Back to Work.

Recommendation:

- (a) Approve the following recommendations for items discussed in Sections B and C and in the Additional Directives to the City Manager section:
 - (1) Direct the City Attorney to draft an Ordinance amending Section 4.46.050 of Chapter 4.46 of Title 4 of the San José Municipal Code to:
 - (a) Clarify the procedures to collect taxes for building permits that are issued separately for building shell and the first tenant improvements;
 - (b) Clarify the industrial use designation for buildings or structures subject to collection of Building and Structure Construction Taxes;
 - (c) Add certain Driving Industry uses to the expanded list eligible for the suspension on collecting Building and Structure Construction Taxes.
 - (2) Direct the City Attorney to draft amendments to the Zoning Code to clarify and further develop a concurrent Planned Development Zoning and Planned Development Permits;
 - (3) Present in Spring 2004 recommendations related to increased higher-density residential development in the Downtown and proceed with the Request for Proposals schedule, as outlined in the report;
 - (4) Direct the City Attorney to draft an ordinance to implement tax relief City-wide by suspending for 18 months the Construction Excise Tax by 50% for new companies of 3,000 sq. ft. or less or existing small businesses expanding to no more than 3,000 sq. ft.

Approved.

(Item continued on the next page)

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.4 Approval of various actions related to Getting Families Back to Work. (Cont'd)

- (a) Approve the following recommendations for items discussed in Sections B and C and in the Additional Directives to the City Manager section (Cont'd.)
- (5) Accept the proposed reporting schedules on the Getting Families Back to Work effort and on the "One Voice" effort with direction to bring forward a request to schedule a Study Session in April 2004; and,
The proposed reporting Schedules, and "One Voice" effort with direction was accepted.
- (6) Accept staff's status reports on:
- (a) Improving convenience and accessibility of doing business in San José;
 - (b) Strengthening City's ability to keep and grow sports teams and events;
 - (c) Amateur Sports Complex Partnership opportunities;
 - (d) Creating a One Start Center;
 - (e) Countywide Conceptual Agreement/Collaborative Strategy;
 - (f) Citywide effort to achieve 100% high-speed and wireless access service coverage in the City of San José; and,
 - (g) Streamlining Special Events process.
- CEQA: Not a Project. (City Manager's Office)
The Staff Status Reports were Accepted.

Recommendation:

- (b) Adoption of a resolution of the Council of the City of San José initiating proceedings on its own motion to amend Title 20 of the San José Municipal Code by amending Part 9 of Chapter 20.100 to streamline the single family house permitting process, to amend Section 20.50.100 to modify the industrial district use regulations to treat assembly uses consistently as a conditional use in areas with a mixed industrial overlay General Plan designation, setting a public hearing thereon, and referring said proposed amendments to the Planning Commission for report or recommendation. (City Attorney's Office/Planning, Building and Code Enforcement)

(City Manager's Office)

Resolution No. 71893 adopted.

- (1) **Staff requested to present one list of the strategic initiative activities in the February 2004 Status Report, and not lose the flexibility in the City's Zoning Code and General Plan as mentioned in the Study Sessions.**
- (2) **Staff to explore the use of a Facilitator during Budget Sessions, and work with the Council Appointees to identify a place in the existing performance evaluation format to report out on Getting Families Back to Work performance measures, and bring back recommendations in the February 2004 Status Report.**

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.5 Approval of actions related to the Coyote Valley Specific Plan.

Recommendation:

- (a) Adoption of a resolution to formalize the initiation of the Coyote Valley Specific Plan process.

Resolution No. 71894 adopted.

- (b) Accept the Coyote Valley Greenbelt Interim Planning Principles Report. CEQA: Exempt, PP03-11-366. Council District 2. (Planning, Building and Code Enforcement)

The Coyote Valley Greenbelt Interim Planning Principles Report was Accepted.

4.6 Public Hearing and action on the Bella Castello at Kelley Park Apartments.

Recommendation: Adoption of a resolution:

- (1) Authorizing the Director of Housing to negotiate and execute a Disposition and Development Agreement with ROEM Development Corporation or its designated affiliate, for the acquisition and development of the Bella Castello at Kelley Park Apartments Housing Project;
- (2) Approving business terms for an acquisition/predevelopment loan in an amount not to exceed \$4,265,000 with ROEM Development Corporation or its designated affiliate; and
- (3) Authorizing the Director of Housing to negotiate and execute all other documents and agreements related to these transactions.

CEQA: PDC 03-018, Mitigated Negative Declaration. Council District 3. SNI: Spartan-Keyes. (Housing)

Resolution No. 71895 adopted.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the All Children Achieve Committee Council Member Yeager, Chair No Report.

5 RECREATION & CULTURAL SERVICES

5.2 Approval of the Bellevue Park Master Plan.

Recommendation: Approval of the Bellevue Park Master Plan. CEQA: Mitigated Negative Declaration PP03-09-289. Council District 7. SNI: Washington. (Parks, Recreation and Neighborhood Services)

Approved.

Staff to pay close attention to issues such as illegal activities and dumping along the fence line of the railroad tracks, as the final design and construction documents move forward; Staff to review location of the basketball courts.

5.3 Approval of various actions related to the Healthy Neighborhood Venture Fund.

Recommendation:

- (a) Adoption of the application process, rating criteria, schedule and associated policies for HNVF Cycle 5.
- (b) Approval of continued funding for the following HNVF projects:
 - (1) Homework Centers.
 - (2) Children's Health Initiative.
 - (3) HNVF Administration.
- (c) Approval of HNVF Policies as follows:
 - (1) Leverage Policy requiring that proposed projects also provide funding from non-City sources;
 - (2) Innovation Fund Policy setting up of a Fund for "innovative" projects, the amount for which shall be the higher of \$500,000 or 5% of available funds for allocation;
 - (3) Fiscal Agent Policy allowing applicants to use a fiscal agent to apply on an agency's behalf only one time;
 - (4) For-profit Applicants Policy strongly encouraged that for-profits collaborate and apply for HNVF funding through an eligible nonprofit organization or a public entity;
 - (5) Multi-Year Funding Policy allowing multi-year funding of up to three (3) years for vital services and only for special cases;
 - (6) Appeals Policy designating the Director of Parks, Recreation and Neighborhood Services and one HNVF Advisory Committee member as the final authority for determining the disposition of an appeal; and
 - (7) Number of Applications Policy limiting the number of applications that may be submitted to two (2) per category, except for vital services identified by the City Council as priority services.

CEQA: Not a Project. (Dando)

The replacement memorandum from Vice Mayor Dando, dated December 11, 2003 was approved.

5 RECREATION & CULTURAL SERVICES

5.4 Naming of public facilities.

Recommendation: Recommendation of the Parks and Recreation Commission to name a new park located at the intersection of Sixth and William Streets "O'Donnell's Gardens Park." Council District 3. (Parks and Recreation Commission/City Clerk)

Heard in the evening.

Approved.

5.5 Approval to award a contract for the Noble Park Play Area Renovation Project.

Recommendation: Report on bids for the Noble Park Play Area Renovation Project with a recommendation to:

- (a) Find the apparent low bidder, Star Construction, Inc., not responsible based on a history of continuing wage compliance issues and poor performance on both City of San José and other municipal projects by the listed responsible managing office; and
- (b) Award the contract to the lowest responsible bidder, ESR Construction, Inc., for the base bid and Add Alternate No. 1 in the amount of \$261,163, and approval of a ten percent contingency in the amount of \$26,000.

CEQA: Exempt, PP03-09-284. Council District 4. (Public Works/Parks, Recreation and Neighborhood Services)

(Deferred from 11/25/03 – Item 2.11 and 12/9/03 – Item 2.4)

Deferred to 1/13/04.

6 TRANSPORTATION SERVICES

6.1 Report of the Building Better Transportation Committee – December 1, 2003 Council Member Cortese, Chair

- (a) Expansion and Improvement of Transit and Transportation Systems
 - (1) Highway 101 Corridor Report and Policy Direction
The Committee accepted the Staff Report.
- (b) Traffic Relief/Safe Streets
 - (1) Taxicab Service Model Study Progress Report
The Committee accepted the Staff Report, including the recommendation for the request of the 180 day extension to the existing agreement that would be brought to Council by Staff at a future date.
- (c) Supporting Smart Growth
 - (1) **There were not items.**

6 TRANSPORTATION SERVICES

6.1 Report of the Building Better Transportation Committee – December 1, 2003 (Cont'd.)

Council Member Cortese, Chair

- (d) Regional Relationships/Funding/Policy
 - (1) Update on State, Federal, and Local Legislative
The Committee accepted the Staff Report.
 - (2) Update on the Santa Clara Valley Transportation Agency (VTA), Valley Transportation Plan (VTP) 2030
The Committee accepted the Staff Report, with direction to Staff to submit a final VTP 2030 plan to Council at the December 16, 2003 Council Meeting. See Item 6.2 for Council Action taken.
- (e) Oral petitions
There were none.
- (f) Adjournment
The meeting was adjourned at 2:48 p.m.

The Report of the Building Better Transportation Committee, and the Actions of December 1, 2003, were accepted.

6.2 Approval of recommendations to the Valley Transportation Authority on candidate projects and priorities for Valley Transportation Plan 2030.

Recommendation: Approval of recommendations to the Valley Transportation Authority on candidate projects and priorities for Valley Transportation Plan 2030.

(Transportation)

[Building Better Transportation Committee referral 12/1/03 – item 6.1(d)(2)]

Approved.

6.3 Approval to award a contract for the Winchester Boulevard Median Island Landscape Project.

Recommendation: Report on bids and award of contract for the Winchester Boulevard Median Island Landscape Project to the lowest responsive bidder, Wattis Construction Co. Inc., in the amount of \$1,461,313, and approval of a contingency in the amount of \$102,000. CEQA: Exempt, PP03-03-079. Council Districts 1 and 6. NI: Winchester.

(Public Works)

Approved.

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Acceptance of the report on Green Building Policies.

Recommendation: Acceptance of staff's report on implementation of Green Building Policies. CEQA: Not a Project. (Environmental Services Department)

The Staff report was Accepted.

Staff directed to refer to Policy #3, the City of San José shall provide leadership and guidance to encourage the application of Green Building practices in the private sector, and link the ESD Green Building Policy to the Planning web site.

8 AVIATION SERVICES

8.1 Approval of an agreement related to the Airport's baggage and security screening system.

Recommendation: Approval of an agreement with URS Corporation for consultant services associated with baggage and security screening system design development for the Norman Y. Mineta San José International Airport Master Plan, in an amount not to exceed \$1,177,986, for a term retroactive from October 1, 2003 through September 30, 2004. CEQA: Resolution Nos. 67380 and 71451, PP 03-10-325. (Airport)

Approved.

8.2 Airport Commission resolutions requesting the naming of the new airfield and new passenger terminal building complex.

Recommendation:

(a) Adoption of a resolution naming the airfield at the Norman Y. Mineta San José International Airport the "Ernie Renzel Airfield."

Resolution No. 71890 adopted.

(b) Adoption of a resolution naming the passenger terminal building complex at Norman Y. Mineta San José International Airport the "James M. Nissen Terminal."

(Airport Commission)

Resolution No. 71891 adopted.

9 PUBLIC SAFETY SERVICES

9.1 Approval of an agreement related to the purchase of property for Fire Station No. 17.

Recommendation: Adoption of a resolution authorizing the City Manager to:

- (a) Execute all documents related to the purchase of a property located at 12395 Blossom Hill Road, for a purchase amount of \$1,040,000; and
 - (b) Settle any relocation claims stemming from the City's purchase of that property.
- CEQA: Exempt, PP03-11-364. Council District 9. (Public Works/Fire)
(Rules Committee referral 12/10/03)

Resolution No. 71896 adopted.

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

- Closed Session Report

City Attorney Richard Doyle disclosed the following Closed Session action(s) of December 16, 2003:

A. Authority to Initiate Litigation:

Authority to initiate litigation was given in one (1) matter. The name of the action and the defendants as well as the substance of the litigation shall be disclosed to any person upon inquiry once the action is formally commenced.

Council Vote: Ayes: Nora Campos, Cindy Chavez, Judy Chirco, David Cortese, Pat Dando, Terry Gregory, Linda LeZotte, Chuck Reed, Forrest Williams, Ken Yeager; Ron Gonzales.

 Noes: None.
Disqualified: None.
 Absent: 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>
9503	Southwest corner of Curtner Avenue and Custer Drive	9	DeMattei and Cullen Development	6 units	SFD	Approve
9497	Northeast corner of Asbury and Miller Streets	3	Green Valley Corporation	67 units & 6600 sf Commercial	Multi-Family/ Mixed Use	Approve
9425	Northeast corner of Alum Rock and Jose Figueras Avenues	5	MACSA, Inc.	66 units	MFDR Condo	Approve
9494	W/S of Boynton Ave., 400 feet s/o Stevens Creek	1	Advance Development Group	6 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 mentioned Mervyn’s of California has a program that assists women in many ways, and stated the City of San José has the easiest system in order to obtain a Permit.**
- **Adjournment**
The Council of the City of San José was adjourned at 5:15 p.m.

11 PUBLIC HEARINGS

11.1 Public Hearing on conforming rezoning of the property located at 500 W. San Carlos Street.

Recommendation: PUBLIC HEARING ON CONFORMING REZONING of the property located at the southwest corner of West San Carlos and Josefa Street (500 W. San Carlos Street), from LI Light Industrial Zoning District to CP Pedestrian Commercial Zoning District, to allow commercial uses on a 0.18 gross acre site. (Cismondi Edward L. Trustee, Owner). CEQA: Resolution No. 65459. SNI: Delmas Park. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C 03-080 - District 3

(Continued from 12/2/03 – Item 11.7)

Ordinance No. 27042 passed for publication.

11.2 Public Hearing on planned development rezoning of the property located at 1952 Hicks Avenue.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the east side of Hicks Avenue, approximately 320 feet southerly of Dry Creek Road (1952 Hicks Ave.), from R-1-5 Residence District to A(PD) Planned Development Zoning District, to allow up to 8 single-family detached residences on a 1.74 gross acre site. (Chiesa Christiana Apostolica, Owner; Charles W. Davidson Co., Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval with the through public pedestrian connection and Planning Commission recommends approval as proposed by the applicant (4-3-0).

PDC 03-050 - District 6

Ordinance No. 27043 passed for publication.

The Planning Commission recommendation to approve the rezoning as proposed by the applicant was approved, *without* the public pedestrian connection.

11.3 Public Hearing on conforming planned development rezoning of the property located at Santa Teresa Blvd. and Blossom Hill Road.

Recommendation: PUBLIC HEARING ON CONFORMING PLANNED DEVELOPMENT REZONING of the property located at the northwest corner of Santa Teresa Boulevard and Blossom Hill Road, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow the retention of an existing bowling alley (Oakridge Lanes) that was previously approved for demolition, demolition of an existing 40,850 square foot free-standing commercial building (Michael's/Walgreens), and construction of an approximately 35,500 square foot addition to Oakridge Mall on a 56.6 acre site. (Westfield Corporation, Owner/Applicant). CEQA: EIR addendum. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

PDC 03-075 - District 10

Ordinance No. 27044 passed for publication.

11 PUBLIC HEARINGS

11.4 Public Hearing on conventional rezoning of the property located at 1038 S. White Road.

Recommendation: PUBLIC HEARING ON CONVENTIONAL REZONING of the property located at the southeast corner of South White Road and Buckner Road (1038 S. White Road), from County to CN Commercial Neighborhood Zoning District, to allow commercial uses on 0.62 gross acre site. (Maria and Jose Medina, Owner). CEQA: Resolution No. 65459. SNI: East Valley/680 Communities. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C 02-048 - District 5

Ordinance No. 27045 passed for publication.

11.5 Public Hearing on planned development rezoning of the property located at 1884 Alum Rock Avenue.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the west side of McCreery Avenue, approximately 230 feet southerly of Alum Rock Avenue (1884 Alum Rock Ave.), from CG General Commercial and R-1-8 Residence District to A(PD) Planned Development Zoning District, to allow up to 75 multi-family attached residences and a 0.27 acre park on a 1.44 gross acre site. (Dry Heron LLC, Greg Blackwell, Owner). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-1-1). SNI: Mayfair.

PDC 02-082 - District 5

Ordinance No. 27046 passed for publication.

Staff directed to collaborate with the developer and continue to work with the Mayfair, The Plata Arroyo and the NACs, addressing their concern of safety issues.

11.6 Public Hearing on conforming rezoning of the property located at 1050 St. Elizabeth Drive.

Recommendation: PUBLIC HEARING ON CONFORMING REZONING of the property located at the east side of St. Elizabeth Drive, approximately 530 feet southerly of McKinley Avenue (1050 St. Elizabeth Drive), from R-1-8 Residence Zoning to R-M Multiple Residence Zoning District, to allow senior center, residential care, and adult day and health care on a 2.0 gross acre site. (Sisters of the Holy Family, Owner). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C 03-089 - District 6

Ordinance No. 27047 passed for publication.

12 GENERAL PLAN PUBLIC HEARINGS

12.1 Approval of General Plan Consent Calendar items.

Recommendations:

- (a) PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land use/Transportation Diagram designation from Public/Quasi-Public to Neighborhood/Community Commercial for property located at the north side of Yerba Buena Road, approximately 300 feet easterly of San Felipe Road on a 10.5 acre site. (San José Evergreen Community College District, Owner/HMH, Inc., Applicant). CEQA: Negative Declaration.
GP 02-08-04 - District 8
(Continued from 12/3/02 - Item 1.19 and 11/18/03 - Item 1.1)
Dropped, to be renoticed.
- (b) PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Industrial Park to Medium Density Residential (8-16 Dwelling Units per Acre (DU/AC)) for property located at the southwest corner of Rock Avenue and Oakland Road on a 13.7 acre site. (Orchard Property, LLC, Owner/HMH Engineers, Applicant). CEQA: Incomplete.
GP 03-04-01 - District 4
(Continued from 4/15/03 – Item 1.5 and 11/18/03 – Item 1.2)
Deferred to Winter 2004 Hearings.
- (c) GENERAL PLAN TEXT AMENDMENT request to amend the definition of the Transit Corridor Residential (20+ Dwelling Units Per Acre (DU/AC)) land use designation. (City of San José, Applicant). CEQA: Resolution No. 65459.
GP 03-T-06 - Citywide
Withdrawn.
- (d) The items being considered are located between the Union Pacific Railroad tracks, Market Street, Julian Street, and Highway 87 on a 9-acre site. (Brandenburg Staedler & Moore, Owners/Redevelopment Agency, Applicant). CEQA: Resolution to be adopted. Council District 3.
- (1) FINAL ENVIRONMENTAL IMPACT REPORT for the Mixed use Project/North San Pedro Housing sites General Plan amendment (GP03-03-01a/GPT03-03-01a/GP03-03-01b) to change the Land Use/Transportation Diagram From General Commercial on 6.2 acres, Combined Industrial/Commercial on 1 acre, and Residential Support for the core area (25 + Dwelling Units per Acre (DU/AC)) on 1.8 acres to Core Area, a General Plan text amendment to redefine the Downtown Core Area and Downtown Frame Area boundaries, and a General Plan Transportation Diagram amendment to realign Julian Street between Market and Saint James Streets.
Deferred to Winter 2004 Hearings.

12 GENERAL PLAN PUBLIC HEARINGS

12.1 Approval of General Plan Consent Calendar items.

- (2) GENERAL PLAN AMENDMENT request to change the land use/Transportation Diagram designation from General Commercial on 6.2 acres, Combined Industrial/Commercial on 1 acre, and Residential Support for the core area (25 + Dwelling Units per Acre (DU/AC) on 1.8 acres to Core Area.
GP 03-03-01a
Deferred to Winter 2004 Hearings.
- (3) GENERAL PLAN TEXT AMENDMENT request to redefine the Downtown Core Area and Downtown Frame Area boundaries.
GPT 03-03-01a
Deferred to Winter 2004 Hearings.
- (4) GENERAL PLAN AMENDMENT request to change the Transportation Diagram to realign Julian Street between Market and Saint James Streets.
GP 03-03-01b
Deferred to Winter 2004 Hearings.
- (e) GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Industrial Park to Industrial Park with Mixed Industrial Overlay on the west side of Oakland Road, approximately 300 feet north of Schallenberger Road on a 15.5-acre site. (Marv Fox, Owner/Applicant). CEQA: Mitigated Negative Declaration, GP03-04-05. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-0-1; Dhillon Abstained).
GP 03-04-05 - District 4
Approved.
- (f) PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Industrial Park to Industrial Park with Mixed Industrial Overlay on the northwest corner of Automation Parkway and Hostetter Road on a 13.5-acre site. (Sobrato Development Co., Owner/James R. Fulton, Applicant). CEQA: Mitigated Negative Declaration, GP03-04-06. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).
GP 03-04-06 - District 4
Approved.

12 GENERAL PLAN PUBLIC HEARINGS

12.1 Approval of General Plan Consent Calendar items.

- (g) GENERAL PLAN TEXT AMENDMENT request to amend the definition of the Combined Industrial/Commercial designation. (City of San José, Applicant). CEQA: Resolution No. 65459, GP03-T-02. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (4-3-0; Campos, James & Platten Opposed).
GP 03-T-02 - Citywide
The General Plan text amendment request was approved, with the addition of neighborhood commercial uses.
Vote: 10-1-0-0. Noes: LeZotte.
- (h) GENERAL PLAN TEXT AMENDMENT request to amend the General Plan text to make additions and modifications to the Pedestrian Priority Areas Diagram. (City of San José, Applicant). CEQA: Resolution No. 65459, GP03-T-05. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).
GP 03-T-05 – Citywide
Approved.
- (i) GENERAL PLAN TEXT AMENDMENT request to amend Appendix I- Transportation Bicycle Network Inventory to add roadway segments as future Bicycle facilities to the existing network (City of San José, Applicant). CEQA: Resolution No. 65459, GP03-T-10. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).
GP 03-T-10 – Citywide
Approved.
- (j) GENERAL PLAN TEXT AMENDMENT request to amend the General Plan Text to modify Appendix E - Major Collector Streets. (City of San José, Applicant). CEQA: Resolution No. 65459, GP03-T-11. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0). SNI: Burbank/Del Monte.
GP 03-T-11 – Citywide
Approved.
- (k) GENERAL PLAN TEXT AMENDMENT request to amend the General Plan Review and Amendment Process to reflect multiple hearings on General Plan amendments. (City of San José, Applicant). CEQA: Resolution No. 65459, GP03-T-12. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).
GP 03-T-12 – Citywide
Approved.

12 GENERAL PLAN PUBLIC HEARINGS

12.1 Approval of General Plan Consent Calendar items.

- (1) GENERAL PLAN TEXT AMENDMENT request to amend the description of the Public Park and Open Space designation. (City of San José, Applicant). CEQA: Resolution No. 65459, GP03-T-13. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).
GP 03-T-13 - Citywide
Approved.

12.2 Public Hearing on General Plan amendment for property located on the northwest corner of Arcadia Avenue and Ardis Avenue on a 0.91-acre site.

Recommendation: PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Medium Low Density Residential (8 Dwelling Units per acre (DU/AC)) to General Commercial for property located on the northwest corner of Arcadia Avenue and Ardis Avenue on a 0.91-acre site. (Various, Owners/Hooshang Homara, Applicant). CEQA: Mitigated Negative Declaration, GP03-01-02. Director of Planning, Building and Code Enforcement recommends General Commercial on an expanded 1.11 acre site. Planning Commission recommends no change to the General Plan (7-0-0).
GP 03-01-02 - District 1
Staff/Planning recommendation was tentatively approved.

12.3 Public Hearing on General Plan amendment for property located on the north side of Keyes Street between Seventh Street and Ninth Street on a 1.68-acre site.

Recommendation: PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Light Industrial with a Mixed Use Overlay to General Commercial on a 1.68-acre site located on the north side of Keyes Street between Seventh Street and Ninth Street. (Various, Owners/City of San José, Applicant). CEQA: Mitigated Negative Declaration, GP03-03-05. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0). SNI: Spartan/Keyes.
GP 03-03-05 - District 3
Staff/Planning recommendation was tentatively approved.

12 GENERAL PLAN PUBLIC HEARINGS

- 12.4 Public Hearing on General Plan amendment for property located on both sides of the intersection of 24th Street-McLaughlin Avenue and William Street on a 13.7-acre site.**

Recommendation: PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Light Industrial with Mixed Industrial Overlay on 13.7 acres and Medium Density Residential (8-16 Dwelling Units per acre (DU/AC)) on 0.5 acre to Medium High Density Residential (12-25 DU/AC) on 9 acres and Neighborhood/Community Commercial on 5.2 acres and Floating Park on a 14.2-acre site located on both sides of the intersection of 24th Street, McLaughlin Avenue, and William Street. (Various, Owners/City of San José, Applicant). CEQA: Mitigated Negative Declaration, GP03-03-08. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0). SNI: Fivewounds/Brookwood Terrace.
GP 03-03-08 - District 3

Staff/Planning recommendation was tentatively approved.

- 12.5 Public Hearing on Martha Gardens Specific Plan and associated General Plan land use and text amendments. For property located in an area bounded by Interstate 280 on the north, a line running mid-block between South Sixth Street and Seventh Street to the east, Hollywood Street and Humboldt Street to the South, and South First Street to the west.**

Recommendation: MARTHA GARDENS SPECIFIC PLAN/GENERAL PLAN AMENDMENTS: The items being considered are located within a 134-acre area bounded by Interstate 280 on the north, a line running mid-block between South Sixth Street and Seventh Street to the east, Hollywood Street and Humboldt Street to the South, and South First Street to the west.

- (a) MARTHA GARDENS SPECIFIC PLAN: To establish a framework for the redevelopment of this area and, to encourage and guide the development of a mix of a lively mix of residential, commercial, recreation, education, and arts uses; safe and pleasant pedestrian environments; parks and community facilities; and preserved historic buildings. (City of San José, Applicants). CEQA: Mitigated Negative Declaration. SNI: Spartan/Keyes. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0). Council District 3.

Staff/Planning recommendation was tentatively approved.

- 12.5 Public Hearing on Martha Gardens Specific Plan and associated General Plan land use and text amendments. For property located in an area bounded by Interstate 280 on the north, a line running mid-block between South Sixth Street and Seventh Street to the east, Hollywood Street and Humboldt Street to the South, and South First Street to the west.**

12 GENERAL PLAN PUBLIC HEARINGS

12.5 (Cont'd.)

- (b) GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Residential Support for the Core (25+ Dwelling Units per acre (DU/AC)), Medium Low Density Residential (8 DU/AC), Medium Density Residential (8-16 DU/AC), Medium High Density Residential (12-25 DU/AC), General Commercial, and Light Industrial to Preservation/Single Family (8 DU/AC), Preservation/Single Family/Duplex (8-16 DU/AC), Preservation/Victorian Mixed Use (0-20 DU/AC), High Density Residential (20-50 DU/AC), High Density Residential (40-70 DU/AC), Arts/Related Mixed Use, Commercial/Mixed Use, Commercial/Light Industrial, Public Parks and Community Facilities, Pedestrian Way, Pedestrian Emphasis Public Street, Pedestrian Corridor, Adaptive Reuse, Health Clinic, and Potential Elementary School, and Pedestrian Way. (Various, Owners/City of San José, Applicant). CEQA: Mitigated Negative Declaration, GP03-03-14. SNI: Spartan/Keyes. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

GP 03-03-14 - District 3

Staff/Planning recommendation was tentatively approved.

- (c) GENERAL PLAN TEXT AMENDMENT to add the Martha Gardens Planned Community and other associated text amendments (see GP03-03-14). (City of San José, Applicant). CEQA: Mitigated Negative Declaration, GPT03-03-14. SNI: Spartan/Keyes. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

GPT 03-03-14 - District 3

Staff/Planning recommendation was tentatively approved.

Staff directed to create an implementation and financing action plan that will come before the City Council for consideration as an amendment to the Martha Gardens Specific Plan during the Winter 2004 General Plan Hearings.

12.6 Public Hearing on General Plan amendment for property located on the northeast corner of The Alameda and Rhodes Court on a 0.94-acre site.

Recommendation: PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Mixed Use with No Underlying Designation with the Neighborhood Business District Overlay on 0.8 acre and Medium Density Residential (8-16 Dwelling Units per Acre (DU/AC)) on 0.14 acre to General Commercial with the Neighborhood Business District Overlay for property located on the northeast corner of The Alameda and Rhodes Court on a 0.94-acre site. (Various, Owners/City of San José, Applicant). CEQA: Mitigated Negative Declaration, GP03-06-09. Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommends no change to the General Plan (6-1-0; Campos Opposed).

GP 03-06-09 - District 6

Staff/Planning recommendation was tentatively approved.

12 GENERAL PLAN PUBLIC HEARINGS

12.7 Public Hearing on General Plan amendment for property located on the northwest corner of Curtner Avenue and Monterey Highway on a 55.1-acre site.

Recommendation: PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Heavy Industrial on approximately 45 acres, Heavy Industrial with Mixed Industrial Overlay on approximately 3.5 acres, Industrial Park on approximately 4.6 acres, and Industrial Park with Mixed Industrial Overlay on approximately 2 acres to General Commercial on a 55.1-acre site. Located on the northwest corner of Curtner Avenue and Monterey Highway on a 55.1-acre site. (General Electric Company, Owners/Applicant). CEQA: Resolution to be adopted. Director of Planning, Building and Code Enforcement recommends Combined Industrial/Commercial on 55.1 acres. Planning Commission recommends no change to the General Plan (7-0-0).

GP 03-07-07 - District 7

The memorandum from Council Member Gregory, dated December 16, 2003 was approved, Council Member Gregory read a Statement of Overriding Considerations into the record, and CEQA Resolution No. 71900 adopted. Vote: 10-0-0-1. Disqualified: Dando.

12.8 Public Hearing on General Plan amendment for property located on the west side of South King Road, approximately 800 feet north of Aborn Road on a 9.91-acre site.

Recommendation: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Industrial Park to Light Industrial for property located on the west side of South King Road, approximately 800 feet north of Aborn Road on a 9.91-acre site. (Entravision Communications Corp, Owner/Bay Area Self Storage, Applicant). CEQA: Mitigated Negative Declaration, GP03-07-08. Director of Planning, Building and Code Enforcement and Planning Commission recommends approval (7-0-0). SNI: West Evergreen.

GP 03-07-08 - District 7

Staff/Planning recommendation was tentatively approved.

12 GENERAL PLAN PUBLIC HEARINGS

- 12.9 Public Hearing on General Plan amendment for property located at the north side of Quimby Road, approximately 300 feet easterly of Mission Greens Drive on a 1.56-acre site.**

Recommendation: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Medium Low Density Residential (8 Dwelling Units per acre (DU/AC) to Medium Density Residential (8-16 DU/AC) for property located at the north side of Quimby Road, approximately 300 feet easterly of Mission Greens Drive on a 1.56-acre site. (Sikh Gurdwara-San José, Owner/Braddock and Logan, Applicant). CEQA: Mitigated Negative Declaration, GP03-08-01. Director of Planning, Building and Code Enforcement and Planning Commission recommends approval. Planning Commission recommends no change to the General Plan (4-2-0-1; Zamora, Campos Opposed; Dhillon Abstained).

GP 03-08-01 - District 8

- (1) Staff/Planning recommendation was tentatively approved, with the following recommendations to be incorporated:**
- (a) The determination within the Staff report that states that there are feasible traffic mitigation measures that would support the construction of up to twelve dwelling units is potentially flawed. Issues of possible additional traffic capacity should be determined at the Planned Development Zoning stage.**
 - (b) If the applicant desires to be exempted from the current EDP and policy provisions that preclude piecemeal development, then the application for a Planned Development Zoning for the project site in question shall be accompanied by a voluntary agreement to either:**
 - **Participate proportionately in the Evergreen Smart Growth Strategy Study/Evergreen Visioning Project, or**
 - **Contribute an amount not to exceed \$300,000 to the Evergreen Smart Growth Strategy Study/Evergreen Visioning Project, in addition to the required mitigation (signal improvements, median island/turn lane improvements, cross walk modifications, and installation of traffic video cameras as outlined in the Staff memorandum).**
- (2) The Directors of Planning, Building and Code Enforcement (PBCE), Public Works (PW), and the Department of Transportation (DOT) are to collaboratively bring to the City Council on January 27, 2004, a resolution that explicitly mandates the application of the EDP to properties in the area in a non-piecemeal fashion. The resolution and policy clarification shall include the application to properties that have allocations and those that do not as per the adoption of the EDP.**
- (3) Direct PBCE, PW, and DOT Staff to immediately begin discouraging all rezoning or General Plan applications for additional residential units/allocations on those properties that require additional allocations/density in the EDP area until the Evergreen Smart Growth Strategy Study that is currently underway is completed.**

12 GENERAL PLAN PUBLIC HEARINGS

12.10 Public Hearing on General Plan amendment for property located on the south side of Almaden Road between Barnes Lane and Grimley Lane on a 6.8-acre site.

Recommendation: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Very Low Density Residential (2 Dwelling Units per acre (DU/AC)) to Low Density Residential (5 DU/AC) for property located on the south side of Almaden Road between Barnes Lane and Grimley Lane on a 6.8-acre site. (Various, Owners/Santa Clara Development Co., Applicant). CEQA: Mitigated Negative Declaration, GP03-10-01. Director of Planning, Building and Code Enforcement and Planning Commission recommends approval (7-0-0).
GP 03-10-01 - District 10

Staff/Planning recommendation was tentatively approved.

12.11 Adoption of a resolution approving all General Plan amendment actions taken on December 16, 2003.

Recommendation: Adoption of a resolution approving all General Plan amendment actions taken on December 16, 2003. (Planning, Building and Code Enforcement)

Resolution No. 71901 adopted.

- Open Forum

None.

- Adjournment

The Council of the City of San José was adjourned at 9:10 p.m.

7 JOINT REDEVELOPMENT AGENCY/COUNCIL

The Council of the City of San José convened at 5:29 p.m. to hear Item 7.1, and 7.2 in a Joint Session with the Redevelopment Agency.

7.1 Approval actions related to a lease with The Flames Coffee Shop for Agency-owned space located in the Fourth Street Garage.

Recommendations:

- (a) Adoption of a resolution by the City Council accepting the summary of costs and findings of the Summary 33433 Report and the Estimated Reuse Valuation pursuant to the California Health and Safety Code Section 33433 for the lease of approximately 6, 150 square feet at 88 South Fourth Street to The Flames Coffee Shop, Inc., making certain findings and approving the lease; and ,
Resolution No. 71987 adopted.
Noes: Reed.

- (b) Approval by the Agency Board of a lease between The Flames Coffee Shop, Inc. (Tenant), and the Agency (Landlord) for space of approximately 6,150 square feet located at 88 South Fourth Street, for a fifteen year term, with three five year options; and,
Redevelopment Agency Resolution adopted.
Noes: Reed.

- (c) Adoption of a resolution by the City Council authorizing the City Manager to execute a Certificate of Nondisturbance and Attornment and other documents necessary to effectuate the lease with The Flames Coffee Shop, Inc., under the terms of the Master Lease Between the City and the Agency for the Fourth Street Garage retail space.
CEQA: Resolution No. 68839, PP03-08-263 [CIVIC PLAZA]
(Deferred 12/2/03, Item 7.2)
Resolution No. 71898 adopted.
Noes: Reed.

7 JOINT REDEVELOPMENT AGENCY/COUNCIL

7.2 Approval of a Disposition and Development Agreement with Black Sea Gallery for the sale of the Woolworth Building at 27 South First Street and its rehabilitation and use as a retail store.

Recommendations:

- (a) Adoption of a resolution by the City Council accepting the 33433 Summary Report and Re-Use Appraisal, and finding that the disposition of Woolworth Building at 27 South First Street (APN 259-40-043) to Black Sea Gallery, LLC, will assist in the elimination of blight, is consistent with the Pueblo Uno Redevelopment Project Area objectives, and that the consideration for the property is not less than the fair reuse value for the proposed use, with the covenants and conditions, and development costs authorized by the Disposition and Development Agreement (DDA); and
Resolution No. 71899 adopted.

- (b) Adoption of a resolution by the Redevelopment Agency approving a DDA with Black Sea Gallery, LLC, a California limited liability company, and authorizing the Executive Director to execute the DDA and ancillary documents contemplated by the DDA, to close escrow subject to compliance with the terms of the DDA, and to negotiate and execute amendments to the DDA substantially in conformance with the intent of the DDA and as reasonably necessary to conform to lender requirements.
Redevelopment Agency Resolution adopted.

- (c) Adoption of a resolution approving the additional revenue of \$500,000 to the Adopted 2003-2004 Capital Budget Other/Miscellaneous Revenue, and amending the FY 2003-2004 Agency appropriation resolution.
CEQA: Resolution No. 71039.1, PP03-04-100 [PUEBLO UNO]
Redevelopment Agency Resolution adopted.

ADJOURNMENT

The Council of the City of San José and Redevelopment Agency Board adjourned at 5:31 p.m.