

CITY COUNCIL AGENDA

JANUARY 21, 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 GREGORY
DAVID D. CORTESE
JUDY CHIRCO
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.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.ci.san-jose.ca.us/cty_clk/agenda.htm

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

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

- **Call to Order and Roll Call**

9:30 a.m. - Closed Session, Room 600, City Hall
Absent Council Members – None.

10:35 a.m. Joint Redevelopment Agency Board/Santa Clara Valley Water District
Board of Directors, Council Chambers, City Hall
Absent Council Members – None.

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

7:04 p.m. - Public Hearings, Council Chambers, City Hall
Absent Council Members – None.

- **Invocation (District 1)**

Reverend Art Lum of the Chinese Church in Christ, accompanied John Yuen who sang an inspirational song both in English and Chinese.

- **Pledge of Allegiance**

Mayor Gonzales led the Pledge of Allegiance.

- **Orders of the Day**

The Orders of the Day were approved.

1 CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to Jean La Duc for being recognized as “Member of the Year” by the California Agricultural Production Consultants. (General Services)
Mayor Gonzales was joined by Director of General Services Jose Obregon to present the California Agricultural Production Consultants Association (CAPCA) “Member of the Year” award, and a commendation from the City of San José to Jean La Duc. Her husband, Larry La Duc was also recognized.

1 CEREMONIAL ITEMS

- 1.2 Presentation of a commendation to members of the Evergreen Youth Advisory Council for their contribution to the 2002 Day in the Park, a Multicultural Festival. (Cortese)
Mayor Gonzales was joined by Council Member Cortese for presentations of commendations to Evergreen Youth Advisory Council members, Ngoc-Anh Nguyen, Ngoc-Lan Nguyen and Lily Tavassoli for their contribution to the 2002 Day in the Park by creating, planning and organizing the “Hair Drive”.
- 1.3 Presentation of plaque to Alex Stuart for 8 years 10 months service on the Campaign Finance Review and Ethics Board. (Mayor)
Mayor Gonzales presented a plaque to Alex Stuart for 8 years and 10 months of service on the Board and for his many years as its Chair. Mr. Stuart recommended changing the name of Campaign Finance Review and Ethics Board to “Elections Board.”
- 1.4 Presentation of a plaque from the United Neighborhoods of Santa Clara County to the Mayor and City Council commemorating the partnership between the UNSCC, San José neighborhood associations, and the City of San José. (Mayor)
(Rules Committee referral 1/15/03)
A plaque was presented to Mayor Gonzales and the City Council by Scott Shultz, the new Chairman of UNSCC, commemorating City Watch Day, January 21, 2003.
- 1.5 Presentation of a commendation to members of the Presentation High School Varsity Volleyball Team for winning the State Championship in Division III. (Yeager)
(Orders of the Day)
Mayor Gonzales and Council Member Yeager commended Presentation High’s Women Varsity Volleyball Team, the Panthers, in recognition of their achievements. Mayor Gonzales presented a plaque to the Panther’s coach, Stephen Santonastaso, and tee shirts were presented to Mayor Gonzales and Council Member Yeager as a token of the Panthers’ appreciation.
- 1.6 Presentation of a commendation to Melissa Grelli, member of the Presentation High School Varsity Cross-Country Team for winning the Division III State Championship. (Yeager) (Orders of the Day)
Mayor Gonzales and Council Member Yeager commended Melissa Grelli for her outstanding first place achievement in the Cross Country division, running a 5K in 17 minutes and 59 seconds. Mayor Gonzales presented a plaque to Coach Chris Kozort.

Speakers:

1. **Bill Hughes representing Berryessa Citizens Advisory Council spoke on United Neighborhood partnerships and continued support from the Mayor and Council.**
2. **Linda Ray Hermann representing Berryessa Citizens Advisory Council encouraged participation in neighborhood groups.**
3. **Loraine Wallace Rowe representing Coalition for Redevelopment Reform spoke in support of City Watch.**

2 CONSENT CALENDAR

2.1 Approval of Minutes.

None.

2.2 Final adoption of ordinances.

None.

2.3 Approval of a Memorandum of Understanding regarding the South Almaden Urban Reserve.

Recommendation: Approval of a first amendment to the Memorandum of Understanding between the City of San José and San José Unified School District regarding the recreational use of certain property in the South Almaden Urban Reserve, extending the term of the MOU to January 22, 2004. (City Attorney's Office)

Approved.

2.4 Approval of a sole source purchase of parking meters and housings.

Recommendation: Approval of award of the sole source purchase of 350 parking meters and 350 parking housings to Duncan Industries for a total cost of \$180,385.50, including tax and delivery, and authorization for the Director of General Services to execute the purchase order. CEQA: Exempt, PP 03-01-001. (General Services)

Approved.

2.5 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 2002-2003 #21, and authorization for the Director of General Services to execute the purchase orders. CEQA: Not a Project. (General Services)

Approved.

2.6 Approval of various actions related to elevator and escalator preventive maintenance and repair services.

Recommendation: Adoption of a resolution authorizing the Director of General Services to:

- (a) Negotiate and execute a one-year agreement for elevator and escalator preventive maintenance and repair services with ThyssenKrupp Elevator, at a total cost of \$161,712 for the first year; and
- (b) Approve a supplemental fund amount not to exceed \$40,000 in amendments or change orders for the initial term of the agreement, to cover any unanticipated repairs not covered under the agreement; and
- (c) Exercise four one-year options to renew the agreement without further Council action other than appropriation of funds.

CEQA: Not a Project. (General Services)

Resolution No. 71389 adopted.

2 CONSENT CALENDAR

2.7 Approval of an agreement for law enforcement psychological testing for certain employment applicants.

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

- (a) Negotiate and execute an agreement with Law Enforcement Psychological Services, Inc. to administer psychological testing services for the period October 1, 2002 to September 30, 2003, in an amount not to exceed \$147,685; and
- (b) Exercise up to four one-year options to extend the term of the agreement with Law Enforcement Psychological Testing Services, Inc. in which compensation for psychological testing and professional services shall be increased in each subsequent year by the percentage increase in the Consumer Price Index from June of the prior year to June of the current year. The rate for Personal History Questionnaires will not be increased during the option year periods.

CEQA: Not a Project. (Police)

Resolution No. 71390 adopted.

2.8 Approval to award a contract for the Norman Y. Mineta San José International Airport - Modular Parking Office Project.

Recommendation: Report on bids and approval to reject all bids received for the Norman Y. Mineta San José International Airport - Modular Parking Office Project, and authorization for the Director of Public Works to re-advertise and re-bid the project.

CEQA: Resolution No. 67380, PP 02-05-106. (Public Works)

(Deferred from 12/17/02 – Item 2.17 and 1/14/03 – Item 2.3)

Approved.

2.9 Council confirmation of Vice Mayor Pat Dando.

Recommendation: Approval to ratify the appointment of Pat Dando as Vice Mayor. (Mayor) (Rules Committee referral 1/15/03)

Approved.

2.10 Approval of the Coyote Creek Trail grant fund transfer agreement.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a fund transfer agreement with the State of California's Department of Transportation (Caltrans) for the receipt of grant funding to study a section of the Coyote Creek Trail between Selma Olinder Park and Kelley Park, including a trail connection to the Spartan/Keyes Neighborhood, in an amount not to exceed \$144,042, and approve the minimum ten percent match required of \$14,042. CEQA: Exempt, PP03-01-002.

Council District 3. SNI: Spartan/Keyes. (Parks, Recreation and Neighborhood Services) (Orders of the Day)

Resolution No. 71391 adopted.

3 STRATEGIC SUPPORT SERVICES

- 3.1 Report of the Study Session – May 22, 2002**
Mayor Gonzales, Chair
(a) Proposed 2002-2003 Operating Budget
Approved.

- 3.2 Report of the Rules Committee**
Vice Mayor Dando, Chair
None.

- 3.3 Making Government Work Better**
Council Member Campos, Chair
None.

- 3.4 Approval to continue an agreement for consulting services associated with the renewal of the cable franchise agreement.**

Recommendation: Approval of a continuation agreement providing a six-month extension to June 30, 2003 of the existing agreement, at no additional cost, with Miller & Van Eaton for consulting services associated with the renewal of the cable franchise agreement. CEQA: Not a Project. (City Manager's Office)

Dropped.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

- 4.1 Building Strong Neighborhoods**
Council Member Chavez, Chair
None.

- 4.2 Approval of an ordinance relating to street trees.**

Recommendation: Approval of an ordinance amending Chapter 13.28 of Title 13 of the San José Municipal Code to allow licensed contractors to trim, prune, or cut street trees and to allow residents to trim, cut, or prune street trees in emergency situations without the necessity of obtaining a permit and imposing certain notification obligations on a selling or transferring property owner to the purchaser or transferee regarding the condition and existence of street trees on the residential property. (Transportation) [Economic Development & Environment Committee referral 12/2/02 – Item 4.1(e)] (Deferred from 12/17/02 – Item 4.8)

Deferred to 2/4/03.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.3 Public Hearing on the vacation of a portion of the street and an existing public service easement on Union Avenue.

Recommendation: PUBLIC HEARING and adoption of a resolution vacating a portion of the street and an existing public service easement on Union Avenue between Woodard Road and Stratford Avenue, and reserving a public service easement. CEQA: Negative Declaration. Council District 9. (Public Works)

Approved.

4.4 Approval of various actions related to Policy 9-3: Community Identification Signs.

Recommendation: Adoption of a resolution:

- (a) Rescinding the current Council Policy 9-3 prohibiting the installation of community identification signs other than those of a historical nature; and
- (b) Adopting a replacement policy based on the proposed guidelines and criteria for allowing community identification signs and architectural/gateway monuments within the public right-of-ways outside the Greater Downtown Area.

(Planning, Building and Code Enforcement)

[Economic Development & Environment Committee referral 12/2/02 – Item 4.1(b)]

(Deferred from 12/17/03 – Item 4.6 and 1/14/03 – Item 4.3)

Deferred to 1/28/03.

5 RECREATION & CULTURAL SERVICES

5.1 All Children Achieve Council Member Yeager, Chair None.

6 TRANSPORTATION SERVICES

6.1 Approval to award a contract for the Smart Intersections Program Communications System 2002 (Phase 1, Package B Project).

Recommendation: Report on bids and award of contract for the Smart Intersections Program Communications System 2002 (Phase 1, Package B Project) to the low bidder, Prism Engineering, Inc., in the amount of \$707,317 for the base bid, and approval of a contingency in the amount of \$70,730. CEQA: Exempt, PP 02-04-092. SNI:

Tully/Senter. (Public Works)

(Deferred from 12/17/02 – Item 6.1)

(Item Continued on Next Page)

6 TRANSPORTATION SERVICES

6.1 Approval to award a contract for the Smart Intersections Program Communications System 2002 (Phase 1, Package B Project). (Cont'd)

Deferred to 1/28/03, with Staff directed to: (1) Report back on the contractor's wage/trade breakdown for review of prevailing wage compliance; (2) provide quarterly reports on prevailing wage compliance by City contractors, provide debarment regulations, report to Council through the appropriate committee on recommendations for an enforcement program for prevailing and living wage requirements, and include in future Staff report any previous noncompliance on the part of a contractor; (3) maintain Items 3 and 10 of Phase I at a high priority on the list of the next phase, provide the status of the 802 traffic signal intersections indicating which communicate with City's Traffic Management Center and which do not, include SNI areas on the list, and (4) report back on coordination of Item 3, Moorpark Avenue from Cypress Avenue to Thornton Avenue, traffic signal with the current reconfiguration in process.

6.2 Approval of the addition of the 300 block of Saint John Street into the Arena Permit Parking Area.

Recommendation: Approval of an ordinance amending Section 11.48.100 of Chapter 11.48 of Title 11 of the San José Municipal Code for the addition of the 300 block of Saint John Street into the Arena Permit Parking Area, which includes the following segments:

- (a) The north side of Saint John Street from a point fifty-two feet east of North River Street to a point two hundred twenty-one feet east of North River Street;
- (b) The south side of Saint John Street from a point thirty-four feet east of North River Street to a point one hundred fifty-two feet east of North River Street.

CEQA: Exempt, PP02-11-358. Council District 3. (Transportation)
(Deferred from 12/17/02 – Item 6.2)

Ordinance No. 26813 passed for publication.

6.3 Approval to revise the Downtown Cinema Validation Program.

Recommendation: Adoption of a resolution to amend the Master Parking Rate Schedule to revise the Downtown Cinema Validation Program through the following actions:

- (a) Add parking facilities that accept Downtown Cinema Validations;
- (b) Provide a maximum of three and one-half hours of free parking to patrons of regularly scheduled movies in Cinemas in the Downtown Area; and
- (c) Grant the authority to the Director of Transportation to add or delete parking facilities, as appropriate, to the Downtown Cinema Validation Program.

CEQA: Not a Project. Council District 3. (Transportation)

Deferred to 1/28/03.

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Public Hearing to consider the establishment of Rule 20A Underground Utility District.

Recommendation: PUBLIC HEARING and approval of an ordinance establishing Rule 20A Underground Utility District bounded by Interstate 880, Route 87, and Coleman Avenue. CEQA: Exempt, PP02-10-306. Council District 3. (Public Works)

Ordinance No. 26814 passed for publication.

8 AVIATION SERVICES

8.1 Approval to submit an application to the FAA to amend the City's authority to collect and expend Passenger Facility Charges.

Recommendation: Adoption of a resolution authorizing the City Manager to submit an application to the Federal Aviation Administration (FAA) to amend the scope of the City's authority to collect and expend Passenger Facility Charges for the Green Island Bridge and Interim Air Cargo Ramp Expansion projects. CEQA: Exempt, PP02-12-375. (Airport)

Resolution No. 71393 adopted.

8.2 Adoption of a resolution extending the Airport Noise Control Program moratorium.

Recommendation: Adoption of a resolution extending the moratorium on authorizations granted under Article X(B)2 of the Airport Noise Control Program (Resolution No. 57211) to operate during the curfew hours of 11:30 p.m. to 6:30 a.m. at the Norman Y. Mineta San José International Airport, for an additional period of one hundred eighty (180) days, pending further investigation and study of requests to operate during such period, the potential effects of such requests, and a study of alternatives for restructuring the Airport Noise Control Program. (City Attorney's Office)
(Rules Committee referral 1/15/03)

Resolution No. 71394 adopted.

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

REDEVELOPMENT AGENCY BOARD WAS CONVENED AT 10:35 AM TO CONSIDER ITEM 10.1 IN A JOINT SESSION.

10.1 Annual Status Report on cooperative efforts between the City of San José and the Santa Clara Valley Water District.

Recommendation:

- (a) Acceptance of the Annual Status Report on cooperative efforts between the City of San José (City) and the Santa Clara Valley Water District (District).
Approved, with Staff directed to include in cooperative discussions, how to relate to the Pollution Prevention Center Board.

- (b) Acceptance of the recommendations of the South Bay Water Recycling (SBWR) Collaborative Effort and direct staff to provide a detailed analysis and present specific recommendations on the following proposals by December 2003:
 - (1) The needs, opportunities, and costs to enhance water quality to maximize the uses of recycled water in Santa Clara County:
 - (2) A framework and description of the institutional and financial requirements, and commitment requirements for the City and District for:
 - (a) A new, independent Joint Powers Authority that would own and operate the SBWR system, and
 - (b) A long-term comprehensive agreement between the Treatment Plant Joint Powers Authority (JPA) and the District related to operation of the SBWR system.
 - (3) Comparison of these two alternatives to the status quo clearly delineating advantages and disadvantages of each.**Approved, with Staff directed to return to Council within 3 to 4 months with a report outlining a timeline, and expedite presentation of analysis and recommendation on the two options for operation of the SBWR system.**

- (c) Execute the Collaborative Action Plan and Agreement between the City of San José and the Santa Clara Valley Water District for the Development and Operation of Joint Trail Projects.
Approved, with Staff directed to return to Council within 60 days with a list of trail projects that can be opened immediately, and a current list of projects with grants pending.

- (d) Endorse the Use of a Master Maintenance Permit issued by the District to the City to allow the City to more efficiently plan, schedule, and implement its maintenance and other related work activities within or adjacent to the waterways.
Approved.

(Item Continued on Next Page)

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

10.1 Annual Status Report on cooperative efforts between the City of San José and the Santa Clara Valley Water District. (Cont'd.)

- (e) Approve continued participation in the Watershed Management Initiative and direct staff to report as necessary on any actions recommended by the WMI, including any budget implications associated with such actions.
- (f) Direct staff to track the collaborative process that has been initiated for resolution of the issues related to the proposed Water Resources Protection Ordinance and to report back as necessary for direction on unresolved issues.

Approved.

Approved, as revised to read: "Staff to *participate* in the collaborative process" and for the City to have two representatives involved in the process.

- (g) Approval of the first amendment to the agreement between the Redevelopment Agency of the City of San Jose, the City of San Jose, and the Santa Clara Valley Water District for sharing of costs and other rights and obligations in connection with the construction of improvements by the US Army Corps of Engineers on the Guadalupe River, establishing the Agency's total project contribution at \$15,426,800 which includes previous payments of \$5,126,800 towards its design and construction of recreational betterments, and clarifying the City's responsibility for conveyance of easements required for the project and payment for associated hazardous waste clean up costs. (City Manager's Office/Redevelopment Agency)

CEQA: Not a Project. (City of San José/Santa Clara Valley Water District)

Approved.

**REDEVELOPMENT AGENCY BOARD PORTION OF THE MEETING WAS
ADJOURNED AT 12:25 P.M.**

- **Closed Session Report**

None.

- **Notice of City Engineer's Pending Decision on Final Maps**

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

None.

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

None.

- Open Forum – Heard jointly with Redevelopment Agency Public Discussion. Following Open Forum, Council will recess until 7:00 p.m.
 1. William Garbett spoke on the cable television franchise.
 2. Gregory Colburn spoke on the City of San José 120M deficits.

11 PUBLIC HEARINGS

(Heard by the City Council at 7:00 p.m.)

11.1 Public Hearing on planned development rezoning of the property located at Northrup Street and I-280.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southwestern corner of Northrup Street and Interstate 280, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow a maximum of 14 single-family attached residential units on 0.72 gross acre. (Blackwell Brothers Development Company, Owner/Developer). CEQA: Draft Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend denial (5-1-1)
PDC 02-058 - District 6

(Continued from 12/17/02 – Item 11.5)

Council approved Memorandum from Council Member Yeager, dated January 17, 2003 recommending approval of the proposed PD zoning; with the following conditions: (1) Increase the side setbacks to the northern property line to allow for heavy landscaping to further reduce the noise impact of the adjacent freeway; (2) Increase the front setback of the five units facing Northrup Street to improve the street interface; (3) Increase the landscaping setbacks along the southern boundary; (4) Reorient the windows along the northern boundary to lessen the visual impact of the adjacent sound wall; (5) Increase the size of the private open space to meet the minimum standards of 300 sq ft/unit; (6) Remove the trash enclosure and provide individual household bin pickup; (7) The applicant should submit a revised plan set to Planning Staff noting these changes prior to the second reading of this PD Zoning; (8) The applicant should work with Planning Staff to develop the appropriate development standards for the revised site plan.

Ordinance No. 26815 passed for publication.

11 PUBLIC HEARINGS

11.2 Public Hearing on planned development rezoning of the property located at 890 South Winchester Boulevard.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southeast corner of South Winchester Boulevard and Neal Avenue (890 S. Winchester Blvd.), from CN Neighborhood Commercial District to A(PD) Planned Development Zoning District, to allow single-family attached residential uses (21 townhomes) on a 1.1 gross acre site. (Delta I LLC, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 02-071- District 6

Continued to 3/4/03.

11.3 Public Hearing on conforming rezoning of the property located at 30 West Virginia Street.

Recommendation: PUBLIC HEARING ON CONFORMING REZONING of the property located at the south side of West Virginia Street, approximately 150 feet westerly of South First Street (30 West Virginia Street), from LI Light Industrial Zoning District to RM Multi-Family Residential Zoning District, to allow residential use on 0.16 gross acre. (Ngoc V. Tran, Owner/Developer). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C 02-079 - District 3

Ordinance No. 26816 passed for publication.

11.4 Public Hearing on conforming rezoning of the property located on the block bounded by North First, East Taylor, Miller, and Asbury Streets.

Recommendation: PUBLIC HEARING ON CONFORMING REZONING of the property located on the block bounded by North First, East Taylor, Miller, and Asbury Streets, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow an increase of up to 18,000 square feet of groundfloor commercial uses to a previously approved mixed-use project with up to 400 attached dwelling units, and 7,000 square feet of commercial space including live-work uses on 2.8 gross acres. (Green Valley Corp, Owner; Barry Swenson Builder, Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

PDC 02-089 - District 3

Ordinance No. 26817 passed for publication.

11 PUBLIC HEARINGS

11.5 Public Hearing on conforming rezoning of the property located at Bascom and Forest Avenues.

Recommendation: PUBLIC HEARING ON CONFORMING REZONING of the property located at the west side of Bascom Avenue, approximately 150 southerly of Forest Avenue, from A(PD) Planned Development Zoning District to CP Pedestrian Commercial Zoning District, to allow commercial uses on a 0.62 gross acre site. (Barry Mirkin, Owner/Developer). CEQA: Resolution No. 64589. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C 02-076 - District 6

Ordinance No. 26818 passed for publication.

11.6 Public Hearing on conforming planned development rezoning of the property located at 3080 Dow Drive.

Recommendation: PUBLIC HEARING ON CONFORMING PLANNED DEVELOPMENT REZONING of the property located at the east side of Dow Drive, approximately 250 feet northerly of Farm Drive (3080 Dow Drive), from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow 16 single-family detached residences on 4.3 gross acres (Pinn Brothers, Inc., Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

PDC 02-100 - District 6

Ordinance No. 26819 passed for publication.

- **Open Forum**

1. **Daniel Garza spoke regarding issues of Plata Arroyo Park.**

- **Adjournment**

The Council of the City of San José adjourned in memory of Tamara K. Seebach, the only daughter of Florence Seebach, Secretary to the Federated Retirement Board.

The Council of the City of San José adjourned at 7:47 p.m.

THE FOLLOWING ITEM WAS HEARD AT THE JOINT REDEVELOPMENT/CITY COUNCIL MEETING OF JANUARY 21, 2003.

The Council of the City of San José convened at 7:47 p.m. to hear Item 7.1 in a Joint Session with the Redevelopment Agency.

7.1 Approval of Saint James Park Master Plan Update.

Recommendation: City Council and Agency Board approval of the Saint James Park Master Plan Update. CEQA: Exempt. PP 02-05-108 {CENTURY CENTER}

Approved – Task Force to continue to work on discovering the original historic location of the RFK Podium Memorial site.

The Council of the City of San José adjourned at 8:55 p.m.