



CITY COUNCIL AGENDA

MAY 6, 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.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: Cortese, Williams

1:33 p.m. - Regular Session, Council Chambers, City Hall
Absent – Council Members: None.

7:07 p.m. - Public Hearings, Council Chambers, City Hall
Absent – Council Members: None.

- **Invocation (District 5)**
Reverend Richard Rangel of the First Apostolic Church of San José delivered a prayer of Peace and Unity.

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

- **Orders of the Day**

Item 1.9 was heard in evening session, and Items 10.1 and 10.2 were considered in the Joint City Council/Redevelopment Agency Board Session.

1 CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation recognizing May 5-12, 2003, as National Historic Preservation Week. (LeZotte)
Mayor Gonzales was joined at the podium by Council Member LeZotte to present a proclamation recognizing May 5-12, 2003 as National Historic Preservation Month to Chairman of the Historic Landmark Commission Gloria Scharra and the San José Action Council for their efforts in continuing the historical preservation of San José. Gloria Scharra thanked the Mayor and Council for the recognition and their continued support.

1 CEREMONIAL ITEMS

- 1.2 Presentation of commendations recognizing the exemplary service of Judith Henderson and Jack Douglas who have worked to preserve San José's history as Historic Landmark Commissioners and activists, whose service to the City extended well beyond their tenure on the Commission. (LeZotte)
Mayor Gonzales and Council Member LeZotte presented commendations to Judith Henderson and Jack Douglas for their exemplary work in preserving the history of San José and their contributions as Historic Landmark Commissioners.
- 1.3 Presentation of a proclamation recognizing May 2003 as Older American's Month in the City of San José. (LeZotte/Mayor)
Mayor Gonzales joined by Council Member LeZotte, presented a proclamation recognizing May 2003 as Older American's Month to Senior Commissioner Ron Shwartz for his work and efforts in providing needed resources for older Americans in San José.
- 1.4 Presentation of plaque to Donice Wagner for 1 year service on the Project Diversity Screening Committee. (Mayor)
Mayor Gonzales presented a plaque to Donice Wagner for her service on the Project Diversity Screening Committee.
- 1.5 Presentation of commendations to The California Quake Wheelchair Rugby Team for taking Third Place in the most prestigious National Wheelchair Rugby Tournament in the country. (LeZotte)
HEARD IN THE EVENING
Mayor Gonzales was joined at the podium by Council Member LeZotte to present commendations to the California Quake Wheelchair Rugby Team for winning Third Place in the National Wheelchair Rugby Tournament held in Phoenix, Arizona, Assistant Coach Adam Elix, Team Manager Deanna Cho, and team members of the California Quake Wheelchair Rugby Team accepted the commendations.
- 1.6 Presentation of a commendation to Antioch Baptist Church and Dr. J. Alfred Smith Jr., in recognition of his recent appointment and installation as the Senior Pastor of this historic church. (Chavez, Gregory)
(Rules Committee referral 4/30/03)
HEARD IN THE EVENING
Mayor Gonzales joined by Council Members Chavez and Gregory presented a commendation to Dr. J. Alfred Smith, Jr. of the Antioch Baptist Church in recognition of his appointment as Senior Pastor of the historical landmark. Dr. J. Alfred Smith, Jr. thanked the Mayor and Council for the honor of the commendation.

1 CEREMONIAL ITEMS

- 1.7 Presentation of a proclamation declaring May 2003, "Stroke Awareness Month."
(Dando)
(Rules Committee referral 4/30/03)
HEARD IN THE EVENING
Mayor Gonzales and Vice Mayor Dando presented a proclamation declaring May 2003 as Stroke Awareness Month.
- 1.8 Presentation of a commendation to the Youth Anti-Tobacco Collaborative. (Campos)
(Rules Committee referral 4/30/03)
Deferred to 5/13/02.
- 1.9 Presentation of a commendation to Eden Housing Inc. for receiving the 2002 Platinum Award for Best Smart Growth Community in the National Best in American Living Award Competition. (Dando)
(Orders of the Day)
HEARD IN THE EVENING
Vice Mayor Dando joined Mayor Gonzales in presenting a commendation to Eden Housing, Inc. for receiving the 2002 Platinum Award for Best Smart Growth Community, Linda Makalini accepted the commendation and thanked the Mayor and Council for their continued support and community encouragement.

2 CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of City Council Minutes for:

- (a) Regular meeting of September 3, 2003
- (b) General Plan hearing of September 3, 2003

Approved.

2.2 Final adoption of ordinances.

None.

2.3 Approval of various actions related to grants for the Airport.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to apply for, and execute upon receipt, a grant from the Federal Aviation Administration to be used to acquire a fire truck for the Norman Y. Mineta San José International Airport, in an amount in excess of the City Manager's contract authority. CEQA: Resolution Nos. 67380 and 71451, PP 03-04-119. (Airport)

Resolution No. 71540 adopted.

(Item continued on next page.)

2 CONSENT CALENDAR

2.3 Approval of various actions related to grants for the Airport. (Cont'd.)

Recommendation:

- (b) Adoption of a resolution authorizing the City Manager to apply for, and execute upon receipt, a series of grants with the Federal Aviation Administration, at such time or times as the grant monies are available in succeeding Federal Fiscal Years to be used to defray the cost of reconstruction of Taxiway Y at the Norman Y. Mineta San José International Airport, in an amount in excess of the City Manager's contract authority. CEQA: Resolution Nos. 67380 and 71451, PP 03-04-121. (Airport)

Resolution No. 71541 adopted.

2.4 Acceptance of the Office of the City Auditor's Monthly Report.

Recommendation: Acceptance of the Office of the City Auditor's Monthly *Report of Activities and Findings Through April 15, 2003*. (City Auditor)

The Office of the City Auditor's Monthly Report of Activities and Findings Through April 15, 2003, was accepted.

2.5 Approval to amend an agreement related to the banquet facility.

Recommendation: Approval of the amended and restated Banquet Facility Agreement with the Rotary Club of San José for use of the banquet facility at the parking garage located at 44 South Fourth Street for no more than 50 Wednesdays and four optional events each year for 35 years. CEQA: Exempt, PP03-04-129. Council District 3. SNI: University. (Conventions, Arts and Entertainment)

Deferred to 5/13/03.

2.6 Approval of an agreement for office space for the Police Domestic Violence Unit.

Recommendation: Adoption of a resolution authorizing the City Manager to enter into a lease agreement with Westlake Development Company, Inc., for 4,913 rentable square feet of office space for the Police Domestic Violence Unit, at 125 E. Gish Road in San José, at a rental cost of \$74,779.08 for the first year of the lease term. CEQA: Not a Project. (General Services)

Resolution No. 71542 adopted.

Staff was directed to maintain the Domestic Violence Unit in an area that is comfortable for its clientele use.

2 CONSENT CALENDAR

2.7 Approval of actions related to Franklin No. 50.

Recommendation: Adoption of a resolution initiating proceedings and setting May 27, 2003 at 1:30 p.m. as the date for Council consideration of the detachment from special District County Sanitation 2-3 of 16.25 acres of land, located on the south side of Tully Road approximately 500 feet easterly of 10th Street, and generally bounded by the City of San José Annexations Monterey Park No. 5, Franklin 31, Franklin 4, and Franklin 17. CEQA: Resolution No. 71359. Council District 7. (Planning, Building and Code Enforcement)

Resolution No. 71543 adopted.

2.8 Approval of various actions related to the Los Lagos Golf Course.

Recommendation: Adoption of a resolution authorizing the Director of Public Works to execute an easement deed to Pacific Gas and Electric Company (PG&E) together with an acceptance of a quitclaim deed from PG&E for the relocation and underground installation of an electrical distribution line at Los Lagos Golf Course. CEQA: Exempt, PP03-04-101. Council District 7. (Public Works)

Resolution No. 71544 adopted.

2.9 Approval to vacate an excess portion of the south side of Hedding Street.

Recommendation: Adoption of a resolution summarily vacating an excess portion of the south side of Hedding Street approximately 100 feet west of Park Avenue. CEQA: Negative Declaration, PDC00-107. Council District 6. (Public Works)

Resolution No. 71545 adopted.

2.10 Approval of various actions related to the Municipal Rose Garden Renovation Project.

Recommendation: Report on bids and take appropriate action based on the evaluation of bids for the Municipal Rose Garden Renovation Project. CEQA: Exempt, HP02-020. Council Districts 6 and Citywide. (Public Works)

Deferred to 5/20/03

2.11 Approval of an agreement for various park and recreation projects.

Recommendation: Approval of the third amendment to the agreement with Beals Alliance, Inc. for consultant services for various park and recreation projects, extending the agreement term from June 5, 2001 to December 31, 2004, and increasing compensation by \$200,000, from \$800,000 to \$1,000,000. CEQA: Negative Declaration, PP 00-10-147. Council Districts 3 and Citywide. (Public Works)

Approved.

2 CONSENT CALENDAR

2.12 Approval of City Attorney's travel.

Recommendation: Approval of City Attorney Richard Doyle's travel to Washington, D.C., to meet with the Federal Aviation Administration on May 4-5, 2003. Funding: Airport. (City Attorney's Office)
(Orders of the Day)
Approved.

3 STRATEGIC SUPPORT SERVICES

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

3.2 Report of the Rules Committee – April 23, 2003 Vice Mayor Dando, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review May 6, 2003 Draft Agenda
The Committee recommended approval of the May 6, 2003 City Council agenda with five additions.
 - (2) Add New Items to April 29, 2003 Agenda
The Committee recommended two additions to the April 29, 2003 City Council agenda.
 - (3) List of Reports Outstanding
The Committee noted and filed the City Manager's report listing three staff reports outstanding for the April 29, 2003 Council meeting.
- (c) Legislative Update
 - (1) State
 - (a) Approve staff's proposed recommendation on Assembly Constitutional Amendment 7 (Dutra) and Senate Constitutional Amendment 2 (Torlakson) regarding local transportation taxes
The Committee approved staff's recommendation to support ACA 7 (Dutra), with the stipulation that City of San José supports lowering the voter threshold for not only sales taxes but also other taxes that relate to funding transportation. The Committee approved the staff recommendation to support SCA 2 (Torlakson) if amended to delete the "Smart Growth" element.

3 STRATEGIC SUPPORT SERVICES

3.3 Report of the Rules Committee – April 23, 2003 (Cont'd.) Vice Mayor Dando, Chair

- (c) Legislative Update
 - (2) Federal
Assistant City Manager Mark Linder informed the Committee that Mayor Gonzales will testify before a Congressional Committee in May regarding BART and other transportation issues. Mr. Linder also noted that the legislative matrix will be updated on the City's intranet site by the end of the week, with a hard copy distributed to Council next Wednesday.
- (d) Meeting Schedules
There were none.
- (e) The Public Record
The Committee noted and filed the Public Record.
- (f) Boards, Commissions and Committees
 - (1) Request to discuss the San José Arts Commission's recommendation to City Council on budget strategies as reflected in the San José Arts Commission Position Paper on Support for the Arts
The Committee noted and filed the San José Arts and Commission Position Paper on Support for the Arts, referred the document to the budget process, and directed Administration to notify the Arts Commission when their budget hearing will be scheduled.
- (g) Council Referrals for Assignment to Administration or Council Appointee
There were none.
- (h) Administrative Reviews and Approval
There were none.
- (i) Oral communications
None were presented.
- (j) Adjournment
The meeting adjourned at 2:25 P.M.

The Rules Committee and Actions of April 23, 2003 were accepted.

3.4 Report of the Making Government Work Better Committee Council Member Campos, Chair **No Report.**

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee – April 21, 2003

Council Member Chavez, Chair

- (a) Review of Driveway Team Policies
The Committee accepted the Driveway Team Policies report.

- (b) Input on PRNS Reorganization
The Committee deferred this item to the May 19, 2003 Committee meeting.

- (c) Draft SNI Business Plan presentation
The Committee approved the draft SNI Business Plan report, with direction to staff to update the Committee in June on the accomplishments in the SNI areas.

- (d) Update on “Policy on Prioritization of Trail Projects”
The Committee accepted the report, with the directive to staff to provide an update on the “Policy on Prioritization of Trails Projects” at the June 19 Committee meeting. This presentation is to include:
 - (1) Project inventory;**
 - (2) Funding sources;**
 - (3) Near future deadlines; and**
 - (4) Projects that need further investigating.**

- (e) Oral petitions
None.

- (f) Adjournment
The meeting adjourned at 2:32 p.m.

The Building Strong Neighborhoods Committee Report and Actions for April 21, 2003 were accepted.

4.2 Report of the Driving a Strong Economy Committee

Council Member Williams, Chair

No Report.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.3 Public Hearing and adoption of the 2003-2004 Draft Consolidated Plan Annual Action Plan.

Recommendation: Public Hearing and adoption of the 2003-2004 Draft Consolidated Plan Annual Action Plan, including FY 2003-2004 proposed recommendations for the Community Development Block Grant (CDBG) Program, the HOME Investment Partnership Program (HOME), the Housing Opportunities for People with HIV/AIDS (HOPWA) Program, and the Emergency Shelter Grant (ESG) Program. CEQA: Not a Project. (Housing/Parks, Recreation and Neighborhood Services)

The Public Hearing was held and the 2003-2004 Draft Consolidated Plan Annual Action Plan was adopted. Staff directed to provide a matrix of the Healthy Neighborhood Venture Fund (HNVF) and Community Development Block Grant (CDBG) funding process.

4.4 Approval of various actions related to 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) Approving a replacement policy based on the proposed guidelines and criteria, as amended from those set forth in the supplemental memo to City Council dated February 12, 2003, allowing community identification signs and architectural/gateway monuments (Community Signs) within the public right-of way.

CEQA: Exempt, PP02-06-137. (Planning, Building and Code Enforcement)

Resolution No. 71546 adopted.

Staff directed to return to Council with a progress report in one year.

4.5 PUBLIC HEARING on the designation of 128 Pierce Avenue as a landmark.

Recommendation: PUBLIC HEARING on the designation of 128 Pierce Avenue as a landmark of special historic, architectural, cultural, aesthetic, or engineering interest or value of a historic nature. CEQA: Exempt, PP03-03-074. SNI: Market/Almaden. (Planning, Building, and Code Enforcement)

HL 03-147 – District 3

Continued to 6/3/03

4.6 Approval of the release of Community Action Pride (CAP) funds.

- * **Recommendation:** Approval of the release of \$309,716 in Community Action Pride (CAP) Grant monies for Cycle 17 and \$296,191 in Neighborhood Revitalization funds to be dispersed through the CAP process to Strong Neighborhoods Initiative (SNI) neighborhood groups. CEQA: Exempt, PP03-04-141. (Parks, Recreation and Neighborhood Services)
(Orders of the Day)

Approved.

5 RECREATION & CULTURAL SERVICES

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

6 TRANSPORTATION SERVICES

- 6.1 **Report of the Building Better Transportation Committee**
Council Member Cortese, Chair
No Report.

- 6.2 **Discussion of the FY 2002-2003 Slurry Seal Projects by Council District.**

Recommendation: Discussion of the FY 2002-2003 Slurry Seal Projects by Council District. (Transportation)

(Council referral from 4/29/03 – Item 6.2)

Staff directed to provide an assessment clarifying the prioritization process of Slurry Seal Projects.

7 ENVIRONMENTAL & UTILITY SERVICES

- 7.1 **Approval of various actions related to Integrating Customer, Management, and Billing Systems.**

Recommendation: Acceptance of the report on the status of the development of a Request for Proposal (RFP) for a Utility Billing System that integrates Customer Service and Hauler Contract Management for Recycle Plus and the Municipal Water System. CEQA: Not a Project. (Environmental Services/Finance/Information Technology)

Deferred to 5/13/03.

- 7.2 **Approval of various actions related to the Santa Clara Valley Water District.**

Recommendation:

- (a) Acceptance of the Quarterly Status Report for the cooperative efforts between the City of San José (City) and the Santa Clara Valley Water District (District).
- (b) Adoption of a resolution authorizing the City Manager to negotiate and execute a continuation agreement to extend the initial term of the agreement between the City of San José and the Santa Clara Valley Water District entitled, “South Bay Water Recycling Reimbursement Agreement for Development and Utilization of Nonpotable Recycled Water” to cover a continuous period of eight years, from July 1, 1997 through June 30, 2005.

CEQA: Not a Project. (Environmental Services/Parks, Recreation and Neighborhood Services/Planning, Building and Code Enforcement/Public Works/Transportation)

Deferred to 5/20/03.

7 ENVIRONMENTAL & UTILITY SERVICES

7.3 Approval of various actions related to the San José Municipal Water System rates.

Recommendation: Authorize the City Manager to conduct a study of San José Municipal Water System rates and forward rate recommendations to the 2004-05 budget process.

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

(Deferred from 3/18/03 – Item 7.1 et al., and 4/29/03 – Item 7.1)

Staff recommendation changed as follows:

(1) Direct the city auditor to do an independent rate study within 90 days and report back to Council, findings and recommendations related to rates and an appropriate Rate of Return (ROR) for the General Fund.

(2) Direct the City Attorney to prepare an ordinance by May 27, 2003, for City Council approval, and as part of the 2003-2004 budget process, to adopt a progressive reduction in the rate of return (ROR) transfer from the Municipal Water System (MWS) and the General Fund, and regulating rate of return and the stabilization of water rates, as further described in Attachment A of the memorandum submitted by Council Member Cortese, dated May 2, 2003, except it will not be implemented until the 2003-2004 budget cycle and would cover a span of three years and progressively be reduced as follows:

2003-2004 No change to current charges and transfers to the General Fund.

2004-2005 11% cap on the total transfers and charges to the MWS, including in-lieu fees.

2005-2006 8% cap on the total transfers and charges to the MWS, including in-lieu fees.

(3) Direct the City Auditor to perform a management audit of MWS to include both management efficiencies and a review of overhead charges to the system to ensure the MWS is running in the most cost-effective method possible.

(4) Set a goal for the San José Municipal Water System (MWS) that its average residential water rates remain below the average of rates paid by other residential water consumers in San José.

On Item 3, timeframe of the management audit to be determined by the Rules Committee.

Noes: Reed.

7 ENVIRONMENTAL & UTILITY SERVICES

7.4 Approval of action regarding San José Water Company.

Recommendation: Approval of the following agreements with San José Water Company:

- (a) Approval of a ten-year system-wide repairs agreement with San José Water Company, in a total amount not to exceed \$250,000 per year with a guaranteed cost savings of at least 10% (percent) over the existing FY 2002-03 contract, and contingent upon the annual appropriation of funds. CEQA: Exempt, PP85-8-183 and PP91-07-173.
- (b) Approval of a ten-year agreement for technical consulting services with San José Water Company from June 1, 2003 through May 31, 2013, in a total amount not to exceed \$50,000 per year and contingent upon the annual appropriation of funds. CEQA: Not a Project. Council Districts 2, 4, 7, and 8.

(Environmental Services)

(Rules Committee referral 4/30/03)

Deferred to 5/20/03.

7.5 Approval to award a contract for a project at the San José/Santa Clara Water Pollution Control Plant.

Recommendation: Report on bids and award of contract for the construction project entitled, "San José/Santa Clara Water Pollution Control Plant (Plant), FY 2002/2003 Capital Improvement Program; East Primary Tanks Effluent Channel Repair Project," to the low bidder, Anderson Pacific Engineering Construction, Inc., in the amount of \$613,600; and approval of a contingency in the amount of \$92,000, for a total not to exceed amount of \$705,600. CEQA: Exempt, PP01-03-052. (Environmental Services) (Deferred from 4/29/03 – Item 7.2)

Approved.

8 AVIATION SERVICES

9 PUBLIC SAFETY SERVICES

9.1 Approval of various actions related to the Independent Police Auditor's 2002 Annual Report to City Council.

- (a) Presentation of the 2002 Independent Police Auditor's Annual Report to City Council. (Independent Police Auditor)
- (b) Response to the recommendations contained in the 2002 Independent Police Auditor's Annual Report. (Police)

HEARD IN THE EVENING

The Independent Police Auditor's 2002 Annual Report was accepted.

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board convened at 3:44 P.M to consider Items 10.1 and 10.2 in a Joint Session.

10.1 Approval of payment to Education Revenue Augmentation Fund

Recommendation:

(a) Adoption of a resolution by the City Council reporting to the County Auditor that the Redevelopment Agency intends to fund the Educational Revenue Augmentation Fund payment in the amount of \$5,219,335; and,
Resolution No. 71547 adopted.

(b) Approval of a loan agreement from the City's Sewer Service and Use Charge Capital Improvement Fund to the Agency in the amount of \$5,219,335 for the purpose of paying the State-mandated Educational Revenue Augmentation Fund.

(City Manager's Office/Redevelopment Agency)

(Rules Committee referral 4/30/03)

Approved.

10.2 Approval of a cooperation agreement between the Redevelopment Agency and the City for the loan of an Agency employee to the City on a temporary basis.

Recommendation: Approval of a cooperation agreement specifying the terms and conditions of the loan and employment of an Agency Senior Project Manager to the City as a temporary employee. (City Manager's Office/Redevelopment Agency)

(Rules Committee referral 4/30/03)

Approved.

The Redevelopment Agency Board portion of the meeting was adjourned at 3:46 P.M.

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

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—
None.

11 PUBLIC HEARINGS

(Heard by the City Council at 7:07 p.m.)

11.1 Public Hearing on the annexation of Franklin No. 49.

Recommendation: PUBLIC HEARING and adoption of a resolution authorizing the reorganization of territory designated as Franklin No. 49, which involves the annexation to the City of San José of 3.8 gross acres of land, located at the southeast corner of Monterey Road and Fehren Drive, and the detachment of the same from the appropriate special districts including Santa Clara County Lighting Service Area, Central Fire Protection District, and County Service Area-1 (County Library Service Area). CEQA: Exempt, Franklin No. 49. Council District 7. (Planning, Building and Code Enforcement)

Deferred to 5/20/03.

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 from 1/21/03 – Item 11.2 et al., and 4/15/03 – Item 11.1)

Continued to 5/20/03.

11.3 Public Hearing on planned development rezoning of the property located at 671 S. 11th Street.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING located at/on the west side of South 11th Street, approximately 140 feet north of Margaret Street (671 S. 11th Street), from R-M Multiple Residence District to A(PD) Planned Development Zoning District, to allow the demolition of an existing single-family residence and construction of three townhomes on a 0.14 gross acre site. (Raymond Ruiz, Owner/Developer). CEQA: Exempt.

PDC 00-115 - District 3

(Continued from 3/18/03 – Item 11.9 and 4/15/03 – Item 11.2)

Dropped.

11 PUBLIC HEARINGS

11.4 Public Hearing on planned development rezoning of the property located at Madden and South Jackson Avenues.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southeast corner of Madden Avenue and South Jackson Avenue, from R-1-8 Residential Zoning District and R-M Residential Zoning District to A(PD) Planned Development Zoning District, to allow up to 70 single-family attached residential units on a 0.94 gross acre site. (Falk Construction, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).
PDC 02-078 - District 5 (Continued from 4/15/03 – Item 11.5)
Ordinance No. 26889 passed for publication.

11.5 Public Hearing on appeal of the Planning Commission’s decision to approve a Conditional Use Permit.

Recommendation: PUBLIC HEARING ON APPEAL of the Planning Commission’s decision to approve a Conditional Use Permit for a project located on the northeast corner of West San Carlos Street and Meridian Avenue on a 1.08 gross acre site in the CG General Commercial Zoning District, to allow twenty-four hour operation of a retail store and drive-through pharmacy and associated modifications to the site (Walgreens). (Alfred and Madelyn Benzo, Owner/Developer). CEQA: Exempt.
CPA 95-037-01 - District 6
Continued to 5/20/03.

11.6 Public Hearing on planned development rezoning of 5350 Monterey Road.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the easterly side of Monterey Highway, approximately 950 feet northerly of Blossom Hill Road (5350 Monterey Rd.), from LI Light Industrial District to A(PD) Planned Development Zoning District, to allow up to 15 affordable multi-family attached, residential units on a 0.45 gross acre site. (Ebrhim Kaabipour, Owners; Eden Housing, Inc., Christine Benguiat, Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).
PDC 03-002 - District 2
Ordinance No. 26890 passed for publication.

- **Open Forum**
 - (1) **Helen Garza spoke on issues related to Stroke Awareness Month.**
- **Adjournment**

The Council of the City of San José adjourned in memory of of Bennie M. Delgado, father of San José Deputy Police Chief Dave Delgado.

The Council of the City of San José adjourned at 8:10 P.M.