

# **CITY COUNCIL AGENDA**

**AUGUST 19, 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](http://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**
  - 9:35 a.m. - Closed Session, Room 600, City Hall  
**Absent Council Members: None.**
  
  - 1:35 p.m. - Regular Session, Council Chambers, City Hall  
**Absent Council Members: None.**
  
  - 7:02 p.m. - Public Hearings, Council Chambers, City Hall
  - 9:05 p.m. - General Plan Hearings, Council Chambers, City Hall  
**Absent Council Members: None.**
  
- **Invocation (District 7)**

**Intergenerational Performing Group of Alma Community Center performed two traditional folk dances. The American and Auxiliary Legion Post 858 World War II Veterans sang “God Bless America.”**
  
- **Pledge of Allegiance**

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

**The Orders of the Day were approved. Ceremonial Item 1.1 was heard in the evening.**

# 1 CEREMONIAL ITEMS

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- 1.1 Presentation of commendations to the Vietnamese organizations of San José for helping organize, participation in, and supporting the Community Resource Fair 2003 to educate our Vietnamese community about all the services available from the City of San José and County of Santa Clara. (Cortese, Gregory, Reed, Williams)

**HEARD IN THE EVENING (Orders of the Day)**

**Mayor Gonzales was joined at the podium by Council Members Cortese, Gregory, Reed, and Williams to present commendations to the Vietnamese organizations of San José, who structured, and supported the second annual Community Resource Fair 2003 held in Kelley Park in order to educate the Vietnamese community about the many resources available. The Vietnamese media group consisted of Nguyen Khoi, Que Huong Radio 1120 AM, Tri Dang, KVVN 1430 AM, Phuong Thu, Vien Thao Media, and Binh Vo, TNT. The founding sponsors of two years were Jésus Orosco, RFC, David Crosson & Lesli David, History San José, Henry Lee, Lee's Sandwiches, Victor Duong, California Waste Solutions, Susan Ho, Lynh's Flower & Balloon, Kent Robertson, Calpine, and Lisa Vargas, Blue Cross of California. The Vietnamese organizations included My-Linh Pham, VIVO, Son H. Pham, The Vietnamese American Community of Northern California, Megan Bui, Southeast Asian Community Center, Thuan Nguyen, Vietnamese American Chamber of Commerce, Douglas Nguyen, Federation Vietnamese American, Northern California, The-Vu Nguyen, Vietnamese American Center, David Mac, Vietnamese American Republican Council, Catholic Charities, Vietnamese Alumni Association of the Bay Area, Santa Clara University Vietnamese Student Association, and the San José State University Vietnamese Student Association.**

- 1.2 Presentation of plaques to Colette Krinock for 1 year service on the Disability Advisory Commission; and to Gilbert Garcia for 2 years service on the Senior Citizens Commission. (Mayor)

**Mayor Gonzales commended Colette Krinock for one year of service on the Disability Advisory Commission, and Gilbert Garcia for two years service on the Senior Citizens Commission. Ms. Krinock and Mr. Garcia were unable to attend the presentation.**

- 1.3 Presentation of a commendation to Tony Ninh who has been instrumental in volunteering his free time to organize the Vietnamese and American Youth Soccer Federation. (Dando)

(Orders of the Day)

**HEARD IN THE EVENING**

**Mayor Gonzales was joined at the podium by Vice Mayor Dando who presented a commendation to Mr. Tony Ninh, recognizing his leadership and generosity in organizing the Vietnamese and American Youth Soccer Federation Team.**

# 1 CEREMONIAL ITEMS

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- 1.4 Presentation of a commendation to The Vietnamese and American Youth Soccer Federation for supporting the importance of sports in the lives of youths. (Dando) (Orders of the Day)

**HEARD IN THE EVENING**

**Mayor Gonzales was joined at the podium by Vice Mayor Dando who presented a commendation to the Mien Tay-Le Goi Tien Le Soccer Team. The team members include Chinh Huynh, Loc Huynh, Tuan Pham, Tai Lam, Chrix Xa, Dung Ngo, Tung “Beckham” Nguyen, Trung Diep, Duc Luu, Huy Nguyen, Trang Pham, Minh Tran, Sung Huynh, Chuong Nguyen, Quan Nguyen, Vuong Hua, Dzuyen Ha, Miguel Gomez, Vu Le, Beto Camacha, Lam Nguyen, Thanh Luu, Juan, and Duy Nguyen. Also recognized were Coach Tuu Le, Linh Nguyen, Advisor, Le Goi Tien Le, Sponsor, and Son Vo, Manager.**

# 2 CONSENT CALENDAR

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## 2.1 Approval of Minutes.

**Recommendation:** Approval of City Council Minutes for:

- (a) Regular meeting of December 17, 2002
- (b) Joint Council/Redevelopment Agency Board meeting of December 17, 2002
- (c) General Plan hearing of December 17, 2002
- (d) Regular meeting of January 14, 2003
- (e) Joint Council/Redevelopment Agency Board meeting of January 14, 2003
- (f) Regular meeting of January 21, 2003
- (g) Joint Council/Redevelopment Agency Board meeting of January 21, 2003
- (h) Joint Council/Redevelopment Agency Board/Santa Clara Valley Water District Board meeting of January 21, 2003
- (i) Regular meeting of January 28, 2003
- (j) Joint Council/Redevelopment Agency Board meeting of January 28, 2003

**Approved.**

## 2.2 Final adoption of ordinances.

None.

## 2.3 Acceptance of findings reports from the Office of the City Auditor.

**Recommendation:** Acceptance of the finding reports from Kafoury, Armstrong, & Company, LLP, for the quarter ending March 31, 2003, relating to the Bay 101 Conditional Approval of Stock Transfer. (City Auditor)

**Report Accepted.**

## 2 CONSENT CALENDAR

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### 2.4 Approval of a sole source purchase of ten pumps for the Water Pollution Control Plant.

**Recommendation:** Approval of award for a sole source purchase of ten Wemco pumps to MuniQuip, Inc., (Roseville, CA) for a total cost of \$146,851.95 including tax and delivery, and authorization for the Director of General Services to execute the purchase order. CEQA: Not a project (General Services)

**Approved.**

### 2.5 Approval of various actions related to the 20 Percent Open Space Funding Program.

**Recommendation:**

(a) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the Santa Clara County Open Space Authority (OSA) and to submit all necessary documents to effectuate funding actions connected to the 20 Percent Open Space Funding Program:

- (1) To reimburse OSA for the City contribution of \$400,000 toward the Furtado Property Acquisition by OSA.
- (2) To fund the partial acquisition of land in Reach 1 adjacent to Penitencia Creek Road and associated survey work to determine the trail alignment in Reach 1 and part of Reach 2 of the Penitencia Creek Trail along with preparation of the master plan documents and environmental review and clearance in an amount not to exceed \$400,000.

**Resolution No. 71704 adopted.**

(b) Adoption of the following appropriation ordinance and funding source resolution amendments in the Council District 4 Construction and Conveyance Tax Fund:

- (1) Establish the appropriation to the Parks, Recreation and Neighborhood Services Department for the Penitencia Creek Reach 1 & 2 Trail Master Plan Project for \$200,000.
- (2) Increase the Earned Revenues estimate by \$200,000.

CEQA: Furtado Property Acquisition by OSA – Exempt, PP03-06-215; Penitencia Creek Grant Funding – Exempt, PP03-06-216. Council District 4. (Parks, Recreation and Neighborhood Services/City Manager’s Office)

**Ordinance No. 26954 adopted.**

**Resolution No. 71705 adopted.**

## 2 CONSENT CALENDAR

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### 2.6 Approval of various actions related to the annexation of Sunol No. 66.

**Recommendation:** Adoption of a resolution initiating proceedings and setting September 16, 2003 at 1:30 p.m. as the date for Council consideration of the reorganization of territory designated as Sunol No. 66, which involves the annexation to the City of San José of 0.34 acre of land, located on the east side of Meridian Way approximately 300 feet northerly of Pedro Street and generally bounded by the City of San José Annexations Sunol No. 49 and Sunol No. 21, and the detachment of the same from Sunol Sanitary, County Lighting Service, Central Fire Protection, and the County Library Service Area. CEQA: San José 2020 General Plan Environmental Impact Report, Resolution No. 65459. Council District 6. (Planning, Building and Code Enforcement)

**Resolution No. 71706 adopted.**

### 2.7 Approval of various actions related to a Historic Landmark initiation.

**Recommendation:** Adoption of a resolution to:

- (a) Initiate proceedings to consider the Moody Flats Apartment Building, (311 N. Second St.) a landmark of special historic, architectural, cultural, aesthetic, or engineering interest or value of a historic nature.
- (b) Set a public hearing on September 30, 2003 at 1:30 p.m.
- (c) Refer the matter back to the Historic Landmarks Commission for its consideration at a public hearing, report, and recommendation.

CEQA: Exempt, PP03-07-248. SNI: 13<sup>th</sup> Street. (Planning, Building and Code Enforcement)

HL 03-148 - District 3

**Resolution No. 71707 adopted.**

**Disqualified: Gonzales.**

### 2.8 Approval of various actions related to projects with the California Highway Patrol.

**Recommendation:** Adoption of a resolution to:

- (a) Acknowledge that increasing traffic law enforcement is an important element in improving public safety and to support the California Highway Patrol (CHP) in their efforts to conduct a Driving Under the Influence (DUI) traffic safety project with the use of State Office of Traffic Safety (OTS) grant funds, and
- (b) Authorize the City Manager to approve the related OTS grant sub-contractor's agreement with the CHP to allow the San José Police Department to participate in the DUI traffic safety project entitled "Removing Impaired Drivers Project."

CEQA: Not a project. (Police)

**Resolution No. 71708 adopted.**

## 2 CONSENT CALENDAR

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### 2.9 Approval of agreements related to the Coyote-Alamitos Canal Trail.

**Recommendation:**

(a) Approval of a first amendment to the agreement for consultant services with Nolte Associates Inc. for the Coyote-Alamitos Canal Trail Survey, extending the term from December 31, 2003 to October 31, 2004, and decreasing the total compensation by \$30,319 from \$157,202, for a total agreement amount of \$126,883.

**Approved.**

(b) Approval of a first amendment to the agreement for consultant services with Amphion Environmental Inc. for the Coyote-Alamitos Canal Trail Feasibility Study, extending the term from December 31, 2003 to October 31, 2004, and increasing the total compensation by \$30,319 from \$224,495, for a total agreement amount of \$254,814.

CEQA: Not a project. Council Districts 2 and 10. (Public Works)

**Approved.**

### 2.10 Approval of City Auditor Gerald Silva's travel calendar through December 31, 2003.

**Recommendation:** Approval of City Auditor Gerald Silva's travel calendar through December 31, 2003, at no cost to the City. Funding: AICPA. (City Auditor)  
(Rules Committee referral 8/13/03)

**Approved.**

### 2.11 Approval to declare property as surplus and to set a date for opening of bids and a verbal auction.

**Recommendation:** Adoption of a resolution: (1) declaring thirteen (13) parcels of City-owned property located in Council Districts 3, 4, 5, 6, 9, and 10, respectively, surplus to the needs of the City; and (2) setting the time and date for the opening of sealed bids and a verbal auction of the thirteen properties on October 20, 2003 at 7:00 p.m. Council Districts 3, 4, 5, 6, 9, and 10. CEQA: Exempt, PP00-02-023. (General Services)  
(Deferred from 8/12/03 – Item 2.8)

**Deferred to 8/26/03.**

## 3 STRATEGIC SUPPORT SERVICES

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

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules in Lieu Committee – August 6, 2003 Vice Mayor Dando, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
  - (1) Review August 19, 2003 Draft Agenda  
**Action was taken to recommend approval of the August 19, 2003 City Council agenda.**
    - (a) Additions/Changes
      - (1) **Present commendations to the Vietnamese organizations of San José for helping organize, participate in, and support the Community Resource Fair 2003 to educate the Vietnamese community about services available from the City of San José and County of Santa Clara. (Cortese, Reed, and Williams)**
      - (2) **Present plaques to Colette Krinock for 1 year of service on the Disability Advisory Commission; and to Gilbert Garcia for 2 years service on the Senior Citizens Commission. (Mayor)**
  - (2) Add New Items to August 12, 2003 Agenda  
**Action was taken to recommend the following addition to the August 12, 2003 City Council agenda.**
    - (a) **Present a commendation to the Fil-Am Veterans Rondalla for contributions to the community. (Reed)**
  - (3) Staff Reports Outstanding  
**There were no reports filed. There was no discussion or action taken.**
  - (4) Review August 19, 2003 General Plan Agenda  
**Action was taken to recommend approval of the August 19, 2003 General Plan 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  
**There was no Public Record.**

### **3 STRATEGIC SUPPORT SERVICES**

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#### **3.2 Report of the Rules in Lieu Committee – August 6, 2003 Vice Mayor Dando, Chair (Cont'd.)**

- (f) Boards, Commissions and Committees  
**There were none.**
- (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 11:15 a.m.**
- (f) Boards, Commissions and Committees  
**(Rules/Agency Committee Meeting - August 13, 2003)**
  - (1) Suggestion Award Commission  
**The Committee recommended appointment of Mark Danaj, Director of Employee Services, to the Suggestion Award Commission for an unexpired term ending November 30, 2003 and the subsequent two-year term ending November 30, 2005.**

**The Rules In Lieu Committee Meeting Report and Actions of August 6, and August 13, 2003 were accepted.**

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

#### **3.4 Report on the Hayes Conference Center.**

**Recommendation:** Report on analysis of the cost for the City to take over management of the Hayes Conference Center, including any additional management options that would achieve fiscal stability, including financial actuals showing the fiscal condition of the facility with projection. CEQA: Not a project. (City Manager's Office/Finance/Economic Development)  
(Council referral 6/24/03 – Item 3.5)  
**Approved.**

### **3 STRATEGIC SUPPORT SERVICES**

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#### **3.5 Campaign Finance Review and Ethics Board Interviews.**

**Recommendation:** Interview applicants to the Campaign Finance Review and Ethics Board for two four-year terms ending March 1, 2007. (City Clerk)  
(Continued from 5/27/03 – Item 3.4 and 8/12/03 – Item 3.4)

**Deferred to conduct interviews on 9/2/03 and 9/9/03, to be heard last in the afternoon; Referred to the Rules Committee for discussion.**

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

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#### **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.**

#### **4.3 Discussion of and approval of an ordinance related to the Sign Code.**

**Recommendation:** Discussion of and approval of an ordinance amending Title 23, the Sign Code, of the San José Municipal Code as it pertains to signage on residential parcels in all residential, agriculture, and open space zoning districts. CEQA: Exempt, PP02-09-260. (Planning, Building and Code Enforcement)

[Driving a Strong Economy Committee referral 4/28/03 – Item 4.2(a)]

(Deferred from 5/13/03 – Item 4.4 and 5/20/03 – Item 4.6)

**Dropped.**

#### **4.4 Approval of guidelines as detailed in “Your Old House: Guide for Preserving San José Homes.”**

**Recommendation:** Approval of guidelines as detailed in “Your Old House: Guide for Preserving San José Homes.” CEQA: Exempt, PP03-07-245. (Planning, Building and Code Enforcement/Redevelopment Agency/Housing)

(Rules Committee referral 8/13/03)

**HEARD IN THE EVENING**

**Approved.**

## **5 RECREATION & CULTURAL SERVICES**

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### **5.1 Report of the All Children Achieve Committee Council Member Yeager, Chair**

None.

### **5.2 Approval of the Floyd and Locust Streets Park Master Plan.**

**Recommendation:** Approval of the Floyd and Locust Streets Park Master Plan and direction to staff to complete preparation of construction documents. CEQA: Exempt, PP03-05-186. Council District 3. SNI: Washington. (Parks, Recreation and Neighborhood Services)

**Approved.**

### **5.3 Approval of the Almaden Community Center, Branch Library, and Parma Park Master Plan.**

**Recommendation:** Approval of the Almaden Community Center, Branch Library, and Parma Park Master Plan. CEQA: Mitigated Negative Declaration, PP02-10-309. Council District 10. (Parks, Recreation and Neighborhood Services/Library)

**Approved.**

### **5.4 Naming of City-owned facility.**

**Recommendation:** Recommendation of the Parks and Recreation Commission to name the new City-owned youth center located at 137 North White Road the “Alum Rock Youth Center.” Council District 5. CEQA: Not a Project. (Parks and Recreation Commission/City Clerk)

**HEARD IN THE EVENING**

**Approved.**

## **6 TRANSPORTATION SERVICES**

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### **6.1 Report of the Building Better Transportation Committee – August 4, 2003 Council Member Cortese, Chair**

(a) Expansion and Improvement of Transit and Transportation Systems  
**There were no items.**

(b) Traffic Relief/Safe Streets  
(1) Report on Construction Impact Mitigation Plan Outreach  
**The Committee accepted the report.**

## **6 TRANSPORTATION SERVICES**

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### **6.1 Report of the Building Better Transportation Committee – August 4, 2003 Council Member Cortese, Chair (Cont'd.)**

- (c) Supporting Smart Growth
  - (1) Presentation and Recommendation on Transportation Level of Service Policy  
**The Committee accepted the report.**
  
- (d) Regional Relationships/Funding/Policy
  - (1) State, Federal, and Local Legislative Update  
**The Committee accepted the report.**
  
- (e) Oral petitions  
**Michael Talia, Manager for the San Francisco and Santa Clara Districts of the Associated General Contractors (AGC) of California spoke on item (b)(1), Construction Impact Mitigation Plan.**
  
- (f) Adjournment  
**The Committee adjourned at 3:10 p.m.**

**The Building Better Transportation Committee Report and Actions of August 4, 2003 were accepted.**

## **7 ENVIRONMENTAL & UTILITY SERVICES**

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### **7.1 Public Hearing and approval of an ordinance modifying Storm Water Runoff Management and Post-Construction Storm Water Quality Control provisions in the San José Municipal Code.**

**Recommendation:** PUBLIC HEARING on approval of an ordinance amending Title 20 of the San José Municipal Code to modify and add provisions related to Storm Water Runoff Management and Post-Construction Storm Water Quality Control. CEQA: Addendum to San José 2020 General Plan Environmental Impact Report Resolution No. 65459, PP03-07-224. (Planning, Building, and Code Enforcement)

**Continued to 9/23/03.**

## 7 ENVIRONMENTAL & UTILITY SERVICES

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### 7.2 Public Hearing on proposed revisions to the City Council Policy on Post-Construction Urban Runoff Management.

**Recommendation:** PUBLIC HEARING on proposed revisions to the City Council Policy on Post-Construction Urban Runoff Management in order to:

- (1) Maintain consistency with the requirements of the National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System (NPDES MS4 Permit) issued to the City of San José and the other co-permittees that constitute the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP); and
- (2) Establish a waiver program that will allow project proponents to request a waiver from the requirement to install treatment Best Management Practices (BMPS) for a given project, upon an appropriate showing of impracticability, and with provision to treat an equivalent pollutant loading or quantity of stormwater runoff, or provide other equivalent water quality benefit. CEQA: Addendum to San José 2020 General Plan Environmental Impact Report Resolution No. 65459, PP03-07-225.

(Planning, Building, and Code Enforcement)

**Continued to 9/23/03.**

### 7.3 Approval of various actions related to recycled water.

**Recommendation:** Adoption of a resolution authorizing the Director of Environmental Services to:

- (a) Include industrial and dual plumb uses of recycled water (including cooling towers) in the previously authorized South Bay Water Recycling (SBWR) mid size group bid retrofit program, so long as the amount of each retrofit does not exceed \$2,000 per acre-foot of estimated annual water usage, and a total of \$200,000 per site; and,
- (b) Negotiate and execute agreements with property owners to allow the retrofit construction to be done at City and Tributary Agency expense, provided that the property owner(s) agrees to assume full responsibility for operation and maintenance of improvements once constructed, and to continue to use recycled water for a period of at least five (5) years.

CEQA: Resolution No. 64667, PP03-05-150. (Environmental Services)

(Deferred from 8/12/03 – Item 7.3)

**Resolution No. 71709 adopted.**

## 8 AVIATION SERVICES

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## 9 PUBLIC SAFETY SERVICES

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# 10 JOINT COUNCIL/REDEVELOPMENT AGENCY

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CONVENED REDEVELOPMENT AGENCY BOARD AT 7:32 P.M. TO CONSIDER ITEM 10.1 IN A JOINT SESSION

## 10.1 Acceptance of the Diridon/Arena Strategic Development Plan.

**Recommendation:** Review and acceptance of the proposed Diridon/Arena Strategic Development Plan. (Redevelopment Agency/City Manager's Office)

### HEARD IN THE EVENING

(1) The Diridon/Arena Strategic Development Plan was accepted, (2) Staff directed to seek financial partners for the development of an implementation plan which includes funding strategies for the specific plan development, changes and related environmental review and development of the Autumn Street extension, open space development and other livability improvements outlined in the plan, (3) Staff directed to move forward with the development of a specific plan and/or pursue amendments to the Midtown's specific plan, as necessary, to achieve the goals outlined in the plan, (4) Staff directed to integrate the goals and improvements outlined in this plan into the ongoing planning around development and expansion of the Diridon Station with VTA, Caltrain, and the City of San José, and (5) That continued discussions on short term, mid term and long term parking opportunities be evaluated.

REDEVELOPMENT AGENCY BOARD PORTION OF THE MEETING WAS ADJOURNED AT 7:55 P.M.

- Closed Session Report

City Attorney Doyle reported regarding the case of the California Department of Industrial Relations versus the City of Long Beach, the City Council has unanimously decided not to join in an *Amicus* brief before the Supreme Court.

- 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>
9495	Northrup Avenue 200' north of Paula St.	6	Blackwell Brothers	14 units	MFA	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:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9494	w/s Boynton Ave., s/o Stevens Creek Blvd.	1	Advanced Development	7 lots/6 units	SFA
9492	sw/c Lewis and Wall St.	7	Roem Development	17 lots/16 units	SFA
9523	n/s Quimby Road, 1000' w/s White Road	8	Braddock & Logan	25 units	SFD
9425	n/e Alum Rock Ave. and Jose Figures Ave.	5	MACSA	1 lot/66 units	Condo
9353	n/s Hillsdale Ave. e/o Narvaez Ave.	7	KB Homes South Bay	6 lots	Condo
9514	s/s Curtner Ave. e/o Highway 87	7	Summerhill Homes	168 lots/147 units	SFD/SFA

- **Open Forum**

**Speaking on Redevelopment Agency issues were:**

- (1) Loraine Wallace Rowe**
- (2) Peter Campbell**
- (3) Mary Anne Foley**
- (4) Daniel Chavez**
- (5) Walter Phillips**
- (6) Doug McNea**
- (7) Danielle Chavez**
- (8) Ross Signorino**

# 11 PUBLIC HEARINGS

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(Heard by the City Council at 7:55 p.m.)

## 11.1 Public Hearing and approval of an ordinance modifying Downtown Zoning Regulations.

**Recommendation:** PUBLIC HEARING on approval of an ordinance amending Chapter 20.70 of Title 20 of the San José Municipal Code by modifying the provisions of the Downtown Zoning Regulations. CEQA: Resolution No. 65459, PP03-05-169.

(Planning, Building, and Code Enforcement)

(Continued from 6/3/03 – Item 11.3)

**Continued to 9/30/03.**

## 11.2 Public Hearing on appeal of the Planning Commission's decision to deny a Conditional Use Permit and ABC Exception.

**Recommendation:** PUBLIC HEARING ON APPEAL of the Planning Commission's decision to deny a Conditional Use Permit and ABC Exception for a project located on the east side of North Capitol Avenue, approximately 1,200 feet northerly of McKee Road, on a 8.39 gross acre site in the CG Commercial Zoning District. The proposed project is the off-sale of alcohol at an existing Target Retail Store. (Target Corporation, Owner/Developer). CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends overturning the decision of the Planning Commission to deny. CP 03-002 & ABC 03-002 - District 5

(Continued from 6/17/03 – Item 11.2)

**Continued to 10/21/03.**

## 11.3 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, with standard and special conditions, a Conditional Use Permit to allow an addition to an existing public utility facility (San José Water Company) located on the northwest corner of San Tomas Expressway and Williams Road in the R-1-8 Residence Zoning District on a 17 acre site. The proposed addition consists of two settling ponds and three storage bins for temporary storage of excavated soil, asphalt, concrete, and base rock. (San José Water Company, Owner/Developer). CEQA: Exempt, CP03-009. Director of Planning, Building and Code Enforcement recommends upholding the decision of the Planning Commission to approve.

CP 03-009 - District 1

(Continued from 6/17/03 – Item 11.3)

**Continued to 9/2/03.**

# 11 PUBLIC HEARINGS

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## 11.4 Public Hearing on street naming of a private street “Thomas Foon Chew Way.”

PUBLIC HEARING ON STREET NAMING of a private street “Thomas Foon Chew Way” at the northeast corner of Zanker Road and Highway 237. (CalPine Corporation, Owner/Developer). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

ST 03-003 - District 4

(Continued from 8/5/03 – Item 11.1)

**Resolution No. 71712 adopted.**

## 11.5 Public Hearing on street naming to allow the naming of a private street “Technology Drive.”

PUBLIC HEARING ON STREET NAMING for a private street immediately south of Technology Drive between Skyport Drive and Sonora Avenue, to also be named Technology Drive (1550 Technology Drive). (SSR Western Multi-Family Derek Helgeson, Owner; Bayrock Residential Inc. LLC, Stuart Gruendl, Developer). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

ST 03-004 - District 3

(Continued from 8/5/03 – Item 11.2)

**Resolution No. 71713 adopted.**

## 11.6 Public Hearing on a single family house permit at South 6<sup>th</sup> and East San Fernando Streets.

**Recommendation:** PUBLIC HEARING ON SINGLE FAMILY HOUSE PERMIT to convert 482 square feet of attic to living space and 1902 square feet of basement into living space in an existing single family residence on a 0.14 gross acre site, located at the east side of South 6<sup>th</sup> Street, approximately 120 feet north of East San Fernando Street (80 S. 6<sup>th</sup> Street). (Marvin Williams, Owner). SNI: 13<sup>th</sup> Street. CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2).

SF 03-007 - District 3

**Resolution No. 71714 adopted.**

**Staff directed to review FAR Guidelines as it pertains to new development and recommend future strategies for the challenges based on how surrounding properties with parking or allowable living space impacts the community.**

# 11 PUBLIC HEARINGS

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## 11.7 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 8/5/03 – Item 11.3)

**Dropped.**

## 11.8 Public Hearing on modification to the North San José Area Development Policy boundary.

**Recommendation:** PUBLIC HEARING on modification to the North San José Area Development Policy boundary to exclude an area bounded by the Union Pacific Railroad tracks, Interstate 880, the Norman Y. Mineta San José International Airport, and the common boundary between San José and Santa Clara. CEQA: Resolution No. 65459 and Addendum thereto, File No. PP 03-07-237. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (4-1-2). (Planning, Building, and Code Enforcement)

District 3 **HEARD CONCURRENTLY WITH ITEM 11.9**

**Resolution No. 71715 adopted.**

## 11.9 Public Hearing on planned development rezoning of the property located at 1115 Coleman Avenue.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING - Master Plan of the property located at the west side of Coleman Avenue between Newhall Street and Brokaw Road (1115 Coleman Ave.), to allow development of up to 3 million square feet of Office R & D development or alternative industrial/commercial development with equivalent traffic generation, on the 91.92 gross acre FMC/Mozart site. (FMC Corp. and Arcadia Development, Developer/Owner). CEQA: Resolution to be adopted. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (4-1-2).

PDC 98-104 - District 3 **HEARD CONCURRENTLY WITH ITEM 11.8**

**Ordinance No. 26958 passed for publication.**

**Resolution No. 71716 adopted.**

# 11 PUBLIC HEARINGS

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## 11.10 Public Hearing on planned development rezoning of the property located at 1433 N. 1<sup>st</sup> Street.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northwest corner of North 1<sup>st</sup> Street and Gish Road (1433 N. 1<sup>st</sup> Street), from R-2 Residential District to A(PD) Planned Development Zoning District, to allow up to 26 multi-family attached residences on a 0.67 gross acre site. (Bellagio Garden, LLC, Jerry C. Chen, Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 01-103 - District 3

**Ordinance No. 26959 passed for publication.**

**Staff directed to develop a Construction Mitigation plan that ensures materials and worker parking is contained on site, and *not* incorporated into the adjacent community.**

## 11.11 Public Hearing on conforming conventional rezoning of the property located at 3100 Garden Avenue.

**Recommendation:** PUBLIC HEARING ON CONFORMING CONVENTIONAL PREZONING of the property located at the southeast corner of Garden Avenue and Southside Drive (3100 Garden Ave.), from County to R-1-8 Residence District, to allow residential uses on a 0.256 gross acre site. (Doan Khanh & Tran Thao, Owner). CEQA: Resolution No. 65459, C02-108. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C 02-108 - District 7

**Ordinance No. 26960 passed for publication.**

## 11.12 Public Hearing on planned development rezoning of the property located at 2440 Trade Zone Boulevard.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southside of Trade Zone Boulevard, approximately 840 feet westerly of North Capitol Avenue (2440 Trade Zone Boulevard), from IP Industrial Park District to A(PD) Planned Development Zoning District, to allow up to 18 single-family detached residences on a 1.84 gross acre site. (Moghaddam Reza aka Ray Mogadam, Owner). CEQA: Mitigated Negative Declaration.

PDC 03-025 - District 4

**Continued to 9/2/03.**

# 11 PUBLIC HEARINGS

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## 11.13 Public Hearing on conforming rezoning of the property located at 172 N. Bascom Avenue.

**Recommendation:** PUBLIC HEARING ON CONFORMING PREZONING of the property located on the east side of North Bascom Avenue, approximately 160 feet southerly of Forest Avenue (172 N. Bascom Ave.), from County of Santa Clara to CP Commercial Pedestrian Zoning District, for commercial uses on a 0.11 gross acre site. (Nguyut T. Nakamoto, Owner). SNI: Burbank/Del Monte. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2). C 03-051 - District 6

**Ordinance No. 26955 passed for publication.**

## 11.14 Public Hearing on planned development rezoning of the property located at 1303 Lick Avenue.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northwest corner of Lick Avenue and West Alma Avenue (1303 Lick Ave.), from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District, to allow up to 260 multi-family attached residential uses on a 3.18 gross acre site. (Dwad Properties and Sal Lobue Trust, Owner; Barry Swenson Builder Marianne Bacigalupi, Developer). CEQA: Mitigated Negative Declaration. SNI: Washington.

PDC 02-072 - District 3

**Continued to 9/16/03.**

## 11.15 Public Hearing on conforming planned development rezoning of the property located at Gold Street and the Guadalupe River.

**Recommendation:** PUBLIC HEARING ON CONFORMING PLANNED DEVELOPMENT REZONING of the property located at the westerly side of Gold Street, approximately 150 feet southerly of the Guadalupe River, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow 32,022 square feet of Research and Development uses on a 2.248 gross acre site. (Makai Graphics, Owner; Mr. Tom Jodry, Developer).

PDC 03-007 - District 4

**Dropped.**

# 11 PUBLIC HEARINGS

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## 11.16 Public Hearing on conforming rezoning of the property located at 1401 W. San Carlos Street.

**Recommendation:** PUBLIC HEARING ON CONFORMING REZONING of the property located at the northwest corner of Meridian Avenue and West San Carlos Street (1401 W. San Carlos Street), from LI Light Industrial Zoning District to CP Pedestrian Commercial Zoning District, to allow commercial use on a 0.39 gross acre site. (Susan Camarlinghi et al., Owner/Developer). SNI: Burbank/Del Monte. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C 03-052 - District 6

**Ordinance No. 26956 passed for publication.**

## 11.17 Public Hearing on conforming conventional rezoning of the property located at 5425 Camden Avenue.

**Recommendation:** PUBLIC HEARING ON CONFORMING CONVENTIONAL REZONING of the property located at the west side of Camden Avenue at the westerly terminus of Kooser Road (5425 Camden Ave.), from CP Pedestrian Commercial Zoning District to CN Neighborhood Commercial Zoning District, to allow commercial uses on a 3.1 gross acre site. (Mirassou Aldine F. and Rodolphe A. Trustee, Mirassou Clovis T. and Ann R. Trustee et al., David Bider, Owner). SNI: None. CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C 02-092 - District 9

**Ordinance No. 26957 passed for publication.**

- **Open Forum**

**Speaking on the shooting death of Tran Thi Bich, were:**

- (1) **Dang Quang Bui**
- (2) **Pham Huu Son**
- (3) **Thomas Nguyen**
- (4) **James Chanin**
- (5) **Lan Hang**
- (6) **Sam Ho-Kim Sanh**
- (7) **Ninh K. Nguyen**
- (8) **The-Vu Nguyen**
- (9) **Tuyet Nguyen**
- (10) **Mai Le Ho**

- **Adjournment**

**The Council of the City of San José adjourned at 9:31 p.m.**



**THE FOLLOWING ITEMS WERE HEARD AT THE JOINT REDEVELOPMENT/CITY COUNCIL MEETING OF AUGUST 19, 2003, JOINTLY WITH THE SAN JOSÉ FINANCING AUTHORITY ITEM 3.**

**3. Approval of bond purchase agreements.**

**Recommendation:** Adoption of a resolution by the City of San José Financing Authority approving in substantially final form, the Bond Purchase Agreements with the Agency and JP Morgan Securities Inc., for the Series A Bonds and with the Agency and Bank of America Securities LLC for the Series B Bonds and authorizing the Authority's officers, agents, and employees to take such actions and execute such documents necessary and desirable to accomplish issuance of the Bonds. (Redevelopment Agency) (Deferred from 8/12/03 – Item 2)

**Resolution No. SJFA-61 adopted.**

**Noes: Reed, Williams.**

**7.2 Approval actions for the sale of Merged Area Redevelopment Project Taxable Revenue Bonds 2003 Series A and Revenue Bonds 2003 Series B (Subordinate Tax Allocation) in an aggregate principal amount not to exceed \$60,000,000.**

**Recommendation:** City Council and Agency Board actions including:

(a) Adoption of a resolution by the Agency Board:

- (1) Authorizing the issuance of Merged Area Redevelopment Project Taxable Revenue Bonds 2003 Series A and Revenue Bonds 2003 Series B (Subordinate Tax Allocation) in an aggregate principal amount not to exceed \$60,000,000; making certain findings and determinations; and approving in substantially final form the First Supplemental Indenture of Trust with U.S. Bank, as Trustee; and,
- (2) Approving in substantially final form, the Preliminary Official Statement, Bond Purchase Agreements and Remarketing Agent Agreements with J.P. Morgan Securities, Inc., and Banc of America Securities LLC and a Reimbursement Agreement with JP Morgan Chase Bank; and,
- (3) Authorizing the Agency's officers, agents and employees to take such actions and execute such documents necessary and desirable to accomplish issuance of the Bonds; and,
- (4) Authorizing Agency staff to replace Lehman Brothers as remarketing agent for 1996 Series A with Citigroup Global Markets; and,
- (5) Authorizing Agency staff to replace the funded debt service reserve for Series 2002 with a surety bond if that is cost effective.

**Redevelopment Agency Board Resolution No. 5428 adopted.**

**Noes: Reed, Williams.**

(b) Adoption of a resolution by the City Council approving the issuance of the Bonds in an aggregate principal amount not to exceed \$60,000,000.

[MERGED] (Deferred 8/12/03, Item 7.1)

**Resolution No. 71711 adopted.**

**Noes: Reed, Williams.**

**4. Adjournment**

**The San José Financing Authority adjourned at 3:40 p.m.**