

CITY COUNCIL AGENDA

SEPTEMBER 16, 2003

SYNOPSIS

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

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
TERRY O. GREGORY
DAVID D. CORTESE
JUDY CHIRCO
PAT DANDO, VICE MAYOR

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

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

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

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

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

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

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

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

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.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**
9:37 a.m. - Closed Session, Room 600, City Hall
Absent Council Members: None.

1:37 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: None.

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

- **Invocation (District 8)**
Reverend Eduardo Samaniego, Pastor, Most Holy Trinity Parish recited an inspiration prayer of light, life, peace and forgiveness for everyone.

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

- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved.

1 CEREMONIAL ITEMS

- 1.1** Presentation of a commendation to the MACSA Youth Center Eagle Warrior Athletics 19 and Under, 16 and Under, 14 and Under, 12 and Under, 12 and Under Girls, and 10 and Under Futsal Teams. Each of these teams placed at least third, including some National Championships at the 2003 National Futsal Championships in Anaheim, CA. (Campos)
Deferred to 10/7/03.

1 CEREMONIAL ITEMS

- 1.2 Presentation of a commendation to Dr. Barbara Z. Dawson for her years of service to the East Side Union High School District. (Cortese) **Heard in the evening.**
Mayor Gonzales joined Council Member Cortese at the podium to commend and recognize Dr. Barbara Dawson for her 40 years of dedicated service to the children in the community of the East Side Union High School District. Dr. Dawson's many accomplishments include serving as an English teacher, Student Advisor, Assistant Principal, High School Principal and Director of Curriculum and Instruction. Dr. Dawson is also the first African American woman to become Principal in the East Side Union High School District. Dr. Dawson accepted the commendation with grateful appreciation.
- 1.3 Presentation of a commendation to the South Bay Yacht Club for their clubhouse's 100 year anniversary. (Reed) **Heard in the evening.**
Mayor Gonzales joined Council Member Reed at the podium to commend and recognize the South Bay Yacht Club on their 100th centennial anniversary, and a century of service to the Bay Area yachting community and the residents of Alviso. Mayor Gonzales presented the commendation to Charles Bell, the current Vice Commodore, accepting on behalf of Commodore Bart Lane. Craig Prada, the past Commodore was present also.
- 1.4 Presentation of a commendation to the family of Nicole Carol Miller who died on September 11 2001, for their contributions to our community. (Dando) (Rules Committee referral 9/10/03) **Heard in the evening.**
Mayor Gonzales joined Vice Mayor Dando at the podium to commend the family of Nicole Carol Miller, Catherine Stefani, Wayne Stefani, and Wayne Stefani, Jr. Vice Mayor Dando stated the City of San José will long remember our hometown girl Nicole, who was a passenger on Flight 93 on September 11, 2001, and the family of Nicole have embraced their neighbors and their community while enduring the grief following the tragic loss of a daughter. Nicole's family has worked with many local businesses, and community members to create a scholarship fund for students at West Valley College in Nicole's name, and the family has taught the residents of San José how to find solace in a great tragedy through constructive action. Vice Mayor Dando stated the City dedicated a beautiful bench at Almaden Lake in Nicole's memory. Mayor Gonzales and the City Council recognized and commended Nicole Miller's family for their inspirational strength and dedication to the memory of Nicole, and to their commitment of making a positive community contribution from this tragedy. Nicole's mother, Catherine Stefani accepted the commendation thanking the Mayor, and Council Members for their support, spoke lovingly about her daughter, and urged everyone to remember all the people who lost their lives on September 11, 2001.

1 CEREMONIAL ITEMS

- 1.5 Presentation of a commendation to Las Madres Neighborhood Playgroups, Inc. for providing fifty years of support to thousands of San Jose families by offering all caregivers an opportunity to come together and share the common joys and concerns of parenting children. (Chavez)

(Orders of the Day)

Mayor Gonzales was joined at the podium by Council Member Chavez to recognize the Las Madres Neighborhood Playgroups, Inc., which was established in 1953.

Mayor Gonzales presented a commendation to the President, Stacy Schilperoort, and the Board Members, Astrid Tromp, Edwina Disylvestre, Jaqueline Price, and Carolyn Bauer, recognizing their efforts to provide an educational and supportive organization in order to achieve the original goal of helping parents raise their children to become people who can conduct their lives with strength, dignity and humanity.

2 CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of City Council Minutes for:

- (a) Regular meeting of April 1, 2003
[Deferred from 9/9/03 – Item 2.1(c)]

Approved.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 26968 – Rezones certain real property situated at the south side of Trade Zone Boulevard approximately 840 feet westerly of North Capitol Avenue (2440 Trade Zone Boulevard) to A(PD) Planned Development Zoning District. PDC 03-025

Ordinance No. 26968 adopted.

- (b) ORD. NO. 26969 – Rezones certain real property situated on the east side of Flickinger Avenue, approximately 600 feet southerly of Hostetter Road, to A(PD) Planned Development Zoning District. PDC 03-038

Ordinance No. 26969 adopted.

- (c) ORD. NO. 26970 - Rezones certain real property situated on the west side of South 1st Street, approximately 60 feet southeasterly of Union Street, to CP Commercial Pedestrian Zoning District. C 03-041

Ordinance No. 26970 adopted.

- (d) ORD. NO. 26971 - Rezones certain real property situated on the southwest corner of Gold Street and Guadalupe River in Alviso to A(PD) Planned Development Zoning District. PDC 03-007

Ordinance No. 26971 adopted.

2 CONSENT CALENDAR

- (e) ORD. NO. 26972 - Rezones certain real property situated on the east side of South 1st Street, approximately 150 feet northerly of Virginia Street (780 S. First Street), to CP Commercial Pedestrian Zoning District. C 03-039
Ordinance No. 26972 adopted.
- (f) ORD. NO. 26973 - Rezones certain real property situated on the west side of South 24th Street, approximately 210 feet northerly of San Antonio Street (175 S. 27th Street), to R-2 Two Family Residence Zoning District. C 03-049
Ordinance No. 26973 adopted.
- (g) ORD. NO. 26974 - Rezones certain real property situated on the northeast corner of Winfield Boulevard and Blossom Hill Road. C 03-062
Ordinance No. 26974 adopted.

2.3 Approval of various actions related to rates, charges, and fees at the Airport.

Recommendation: Adoption of resolutions to:

- (a) Establish parking rates, charges, and fees at Norman Y. Mineta San José International Airport and repealing Resolution No. 71000.
Resolution No. 71745 adopted.
- (b) Establish Airport Identification Media rates, charges, and fees at Norman Y. Mineta San José International Airport.
CEQA: Resolutions Nos. 76380 and 71451, PP03-08-255. (Airport)
Resolution No. 71746 adopted.

2.4 Approval of fiscal actions related to the 2003-2004 Schedule of Fees and Charges.

Recommendation: Adoption of a resolution amending the 2003-2004 Schedule of Fees and Charges to make the Fire Department fee schedule consistent with the Building permit fee schedule. CEQA: Not a Project. (City Manager's Office)
Resolution No. 71747 adopted.

2.5 Approval of a contract change order for the Railcar Platforms and Cover Project.

Recommendation:

- (a) Approval of Contract Change Order No. 5 with Rushford Construction, Incorporated for the construction project entitled "San José/Santa Clara Water Pollution Control Plant, FY 1997/1998 Capital Improvement Program, Railcar Platforms and Cover Project," in an amount of \$70,017, for a total contract amount of \$379,089, and retroactively extending the term of the contract from December 15, 2001 through February 21, 2004.
- (b) Approval of an increase in the construction contingency in the amount of \$45,000, increasing the total contingency from \$132,000 to \$177,000.
CEQA: Negative Declaration, PP01-03-054. (Environmental Services)
Approved.

2 CONSENT CALENDAR

2.6 Adoption of a resolution ordering the reorganization and annexation of territory designated as Sunol No. 66.

Recommendation: Adoption of a resolution authorizing 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. 71748 adopted.

2.7 Approval of appointments to the City of San José Housing Trust Fund Board.

Recommendation: Approval of appointments to the City of San José Housing Trust Fund Board. (Mayor)
(Deferred from 9/2/03 – Item 2.7 and 9/9/03 – Item 2.9)

Deferred to 9/30/03.

2.8 Acceptance of City Auditor's monthly report.

Recommendation: Acceptance of the Office of the City Auditor's monthly *Report of Activities and Findings through August 15, 2003*. (City Auditor)
(Rules Committee referral 9/10/03)

Report Accepted.

2.9 Approval of an easement related to Penitencia Creek Park Property (Reach 2).

Recommendation: Approval of the grant of an easement over Reach 2 of Penitencia Creek Park Property (APN595-24-055 and/or 595-31-001) in favor of the Santa Clara Valley Water District for no compensation. CEQA: Exempt, PP-03-09-290. Council District 4. (Parks, Recreation and Neighborhood Services)
(Rules Committee referral 9/10/03)

Approved.

2.10 Approval of Mayor Gonzales' travel.

Recommendation: Approval of Mayor Gonzales' travel to Washington, D.C., September 20-25, 2003. (Mayor)
(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 – September 3, 2003

Vice Mayor Dando, Chair

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

(b) City Council

(1) Review September 16, 2003 Draft Agenda

The Committee recommended approval of the September 16, 2003 City Council agenda with three additions.

(2) Add New Items to September 9, 2003 Amended Agenda

The Committee recommended one addition to the September 9, 2003 City Council agenda.

- Mayor and Council Member Requests
- City Manager Requests
- City Attorney Requests
- City Clerk Requests

(3) List of Reports Outstanding

The Committee noted and filed the City Manager’s report listing four staff reports outstanding for the September 9, 2003 Council agenda.

(c) Legislative Update

(1) State

(a) Approve City positions on October 2003 State Ballot Propositions

The Committee approved the recommended City positions for the two Statewide ballot propositions set for the October 7, 2003 Statewide Special Election Ballot:

| <u>Proposition</u> | <u>Recommended Position</u> |
|---|-----------------------------|
| 53 Funds dedicated for State and Local Infrastructure. Legislative Constitutional Amendment | Support |
| 54 Classification by Race, Ethnicity, Color or National Origin. Initiative Constitutional Amendment. | Oppose |

(2) Federal

There was no report.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – September 3, 2003 (Cont'd.) Vice Mayor Dando, Chair

- (d) Meeting Schedules
There were none.
- (e) The Public Record
The Committee noted and filed the Public Record.
- (f) Appointment to Boards, Commissions and Committees
There were none.
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Request from Council Member LeZotte to use Council General funds to attend League of California Cities 2003 Annual Conference, September 7-10, 2003, in Sacramento, CA
The Committee recommended approval for Council Member LeZotte to use Council General Funds to attend the League of California Cities 2003 Annual Conference in Sacramento, California, September 7-10, 2003.
 - (2) Approve Building Strong Neighborhoods Committee Workplan
The Committee recommended approval of the *Building Strong Neighborhoods Committee* Workplan for the period of September 1, through December 31, 2003 and setting its meeting schedule on the third Monday of the month at 1:30 p.m. in Room 204.
- (h) Oral communications
None were presented.
- (i) Adjournment
The meeting was adjourned at 2:15 p.m.

The Report of the Rules Committee and the Actions of September 3, 2003 were approved.

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

3 STRATEGIC SUPPORT SERVICES

3.4 Appointment of members to the San José Elections Commission (formerly Campaign Finance Review and Ethics Board).

Recommendation: Vote and appointment of members to the San José Elections Commission (formerly Campaign Finance Review and Ethics Board). (City Clerk)
(Continued from 5/27/03 – Item 3.4 et al., 9/9/03 – Item 3.4)

Applicants for the San José Elections Commission were interviewed by the City Council on September 2, and September 9, 2003. On the first ballot, Council appointed Thomas Mertens, incumbent, and Jesus Valencia, each to four-year terms ending March 1, 2007.

3.5 Approval to amend the Line of Credit Agreement with Hayes Renaissance, L.P.

Recommendation:

- (a) Approval of the second amendment to the Line of Credit Agreement with Hayes Renaissance, L.P. (HRLP), increasing the amount of advances available under the Line of Credit Agreement by \$600,000, to a not to exceed amount of \$3,600,000, with no extension of the term of the Line of Credit.

Approved.

- (b) Adoption of the following appropriation ordinance amendments in the General Fund:
- (1) Decrease the General Fund Contingency Reserve by \$600,000;
 - (2) Establish a Transfer to the Community Facilities Revenue Fund in the amount of \$600,000.

Ordinance No. 26980 adopted.

- (c) Adoption of the following appropriation ordinance and funding sources resolution amendments in the Community Facilities Revenue Fund:
- (1) Establish a Transfer from Other Funds in the amount of \$600,000.
 - (2) Increase the Hayes Mansion Line of Credit appropriation by \$600,000.

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

(Rules Committee referral 9/10/03)

Ordinance No. 26981 adopted.

Resolution No. 71750 adopted.

3.6 Approval of various actions regarding the Silicon Valley Football Classic.

Recommendation: Approval of various actions regarding the Silicon Valley Football Classic:

- (a) Adoption of a resolution authorizing the City Manager to take the actions necessary to provide or guarantee a letter of credit on behalf of the Silicon Valley Football Classic in an amount not to exceed \$1.5 million dollars.

Resolution No. 71751 adopted.

(Item Continued on Next Page)

3 STRATEGIC SUPPORT SERVICES

- 3.6 **Approval of various actions regarding the Silicon Valley Football Classic. (Cont'd.)**
(b) Adoption of related appropriation ordinance amendments.
(City Manager's Office)
(Orders of the Day)
Ordinance No. 26982 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

- 4.1 **Report of the Building Strong Neighborhoods Committee**
Council Member Chavez, Chair
No Report.
- 4.2 **Report of the Driving a Strong Economy Committee**
Council Member Williams, Chair
No Report.
- 4.3 **Discussion of the City's current prohibition of the combined uses of gasoline service stations and the retail sale of food, grocery items, and alcoholic beverages.**
Recommendation: Discussion and direction to the Administration and the City Attorney's Office regarding possible revision to the City's current prohibition of the combined uses of gasoline service stations and the retail sale of food, grocery items, and alcoholic beverages contained at Section 20.80.550 of Title 20 of the San José Municipal Code. (City Attorney's Office)
(Deferred from 6/17/03 – Item 4.9 et al., and 9/2/03 – Item 4.3)
Approved. Noes: Campos, Chavez, Gregory, Yeager. Disqualified: Cortese.
The City Attorney and the Administration directed to return to Council within 90 days with:
- (1) **A draft ordinance amending Title 20.80.550 removing the prohibition on the concurrent sale of food and grocery items at gasoline service stations.**
 - (2) **Recommendations for the appropriate zoning, land-use designations and/or development standards for the concurrent sale of gasoline and grocery items.**
 - (3) **Research of crime statistics and other public safety resources to identify nuisance activities related to the sale of alcohol at mini-marts and convenience stores.**
 - (4) **A draft ordinance with minimum operational and development standards to address any nuisance activities that have been identified.**
 - (5) **Establish a review schedule for the ordinance to ensure it is achieving its intended purpose.**
 - (6) **Staff to consider shorter time frames for Conditional Use Permits, and how to prevent unintended consequences from occurring.**
 - (7) **Staff to consider using a broader requirement for notice of appropriate zoning, land use designations and/or development standards if there is a change of use.**

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.4 Approval of the Analysis of Impediments to Fair Housing report.

Recommendation: Approval of the Analysis of Impediments to Fair Housing report, and direction to City staff to proceed with recommended action to address impediments.

CEQA: Not a Project. (Housing)

Approved.

Direction to Staff:

- (1) The Housing Department to organize a group of stakeholders for a discussion on the predatory lending issue and staff the meetings as appropriate. The purpose of the effort is to bring together a representative group with various perspectives on predatory lending to convene regularly to discuss the issue.**
- (2) City Staff to place “Predatory Lending Discussion” on the November 18, 2003 City Council agenda and instruct the group to report out on their findings for the Mayor and City Council consideration.**
- (3) Request the San José Housing Advisory Commission to provide comments and/or input on predatory lending for the November 18, 2003 City Council meeting.**
- (4) Questions for the Staff Task Force to consider:**
 - (a) Where do you draw the line between Subprime lending and predatory lending?**
 - (b) Are there existing problems in San José due to illegal activity? If so, what is the District Attorney doing about it?**
 - (c) What parts of predatory lending in San José are not currently illegal?**
 - (d) What problems cannot be dealt with under the FNMA program that was just launched in East Palo Alto, which even includes a fund to rescue victims of predatory funding?**
 - (e) What can we do that won’t kill Subprime lending?**
 - (f) How are other states addressing the regulation issues of the banking business and the industry of loans, as it relates to the city level?**
 - (g) Collect statistical data to point out if there is a real problem with predatory lending and if so, what is the severity of it?**

4.5 Approval of the proposed update to the City Council Land Use Policy for Wireless Communications Facilities.

Recommendation: Adoption of a resolution approving an updated City Council Land Use Policy for Wireless Communications Facilities. CEQA: Resolution No. 65459, PP03-05-149. Planning, Building and Code Enforcement)

[Driving a Strong Economy Committee referral 8/25/03 – Item 4.2(a)]

(Deferred from 9/9/03 – Item 4.3)

Resolution No. 71752 adopted.

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**

7 ENVIRONMENTAL & UTILITY SERVICES

- 7.1 Approval of various actions related to Recycle Plus and Integrated Waste Management Services.**

Recommendation:

- (a) Concur in the consents to the assignments of (1) the agreement between the City of San José and GreenTeam of San José for Recycle Plus Integrated Waste Management Services, and (2) the agreement between the City of San José and GreenTeam of San José for Solid Waste Collection Services at City Facilities from GreenTeam to Waste Connections of California, Inc.

Approved.

- (b) Approval of an ordinance consenting to the assignment of the Commercial Solid Waste Collection Franchise from GT Waste to Waste Connections of California, Inc.

CEQA: Negative Declaration, PP92-05-98. (Environmental Services)

Ordinance No. 26983 passed for publication.

- 7.2 Approval of the National Pollutant Discharge Elimination System permit reissuance for the San José/Santa Clara Water Pollution Control Plant.**

Recommendation:

- (a) Authorization for the Director of Environmental Service Department to advise the San Francisco Bay Regional Water Quality Control Board that Tentative Order, currently scheduled for adoption at the September 17 Regional Board meeting, would be acceptable to City if City recommended marsh mitigation language is included; and

Approved.

(Item Continued on Next Page)

7 ENVIRONMENTAL & UTILITY SERVICES

7.2 Approval of the National Pollutant Discharge Elimination System permit reissuance for the San José/Santa Clara Water Pollution Control Plant. (Cont'd.)

- (b) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the Regional Board, US Fish & Wildlife Service, California Department of Fish & Game, and Peninsula Open Space Trust, under which the City would provide funding in an amount up to \$650,000, in return for a full and complete release from any further obligation to mitigate for alleged impact of the Treatment Plant discharge on salt marsh during the period 1970 through 2002.

CEQA: Not a project (Environmental Services)

Resolution No. 71753 adopted.

7.3 Acceptance of the second 2003 Status Report regarding cooperative efforts with the Water District.

Recommendation: Acceptance of the Second 2003 Status Report for the cooperative efforts between the City of San José and the Santa Clara Valley Water District. CEQA: Not a Project. (Environmental Services/Parks, Recreation and Neighborhood Services/Planning, Building and Code Enforcement/Public Works/Transportation)

Report Accepted.

7.4 Adoption of a resolution of support for the Santa Clara Valley Water Resources Protection Collaborative.

Recommendation: Adoption of a resolution of support for the Santa Clara Valley Water Resources Protection Collaborative. CEQA: Exempt, PP03-08-270. (Planning, Building and Code Enforcement/Environmental Services)

Resolution No. 71749 adopted.

8 AVIATION SERVICES

8.1 Approval of an agreement related to the Airport Master Plan for construction management services.

Recommendation: Approval of a master agreement with Gilbane Building Company for professional services associated with construction of capital improvements for the Norman Y. Mineta San José International Airport Master Plan, in an amount not to exceed \$15,000,000, for a term from the date of execution through January 31, 2008.

CEQA: Resolution Nos. 67380 and 71451, PP 03-08-266. (Public Works)

Deferred to 9/30/03.

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board convened in Joint Session to consider Item 10.1.

10.1 Approval of recommendations related to the Getting Families Back to Work Study Sessions.

Recommendation: Approval of recommendations related to policy changes and initiatives related to economic development and outcomes from the Getting Families Back to Work study sessions. (Mayor)
(Rules Committee referral 9/10/03)

Heard immediately following the Consent Calendar. Final Action on Item 10.1 was deferred to the 9/30/03 City Council Meeting.

The memorandum from Council Members Chavez, Cortese, Yeager, and Gregory, dated September 16, 2003 was approved, with the correction on Page 2, Item 3, "Request that any additional comments, questions, inquiries or recommendations from either the City Council and/or City Staff be submitted to *"the Rules Committee by 2:00 p.m."* on September 17, 2003.

(1) The following items listed in the Mayor's Getting Families Back to Work memorandum, dated September 11, 2003, were approved:

I-6. (A&B): Improve the convenience and accessibility of doing business with the City.

I-8: Create a local preference policy to support our local businesses.

I-9 (1): Promote San José aggressively as a great place to do business.

I-9 (2): Make San José a wired and wireless City (encourage Wi-Fi).

I-10: Strengthen our relationship with SJSU's academic programs that produces employees for our driving industries.

I-12: Streamline the festival permit process.

III-2: Strengthen our relationships with regional universities.

(2) This item to be placed on the September 30, 2003 City Council agenda for reconsideration and final action on all remaining items. Staff is directed to study the remaining items as recommended by the Mayor, using the criteria in his memorandum for analysis and provide them to the Rules Committee by September 24, 2003, including one additional criteria and definition in order to provide a complete assessment:

- **Impact:** What will the result be for helping business create or located jobs in our City? Will this help get families back to work?
- **Practicability:** Can we get it done? Is it something we can actually achieve within our authority and means in a timely way?
- **Cost:** Do we have the funding and staff resources to accomplish it? Can we afford not to do this for the sake of our families, businesses, and economy now?
- **Urgency:** Can we do it now, without slowing the proposal down with lengthy studies, task forces, or unwieldy process? As we heard during the study session, we must think of action in terms of weeks, not months.
- **Public process:** What will the impact be on public comment and input?

(Item Continued on Next Page)

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

10.1 Approval of recommendations related to the Getting Families Back to Work Study Sessions. (Cont'd.)

- (3) Request that any additional comments, questions or inquiries from either the City Council and/or City Staff be submitted to the Mayor via email, with both the initial email and response copied to the City Clerk.

The Redevelopment Agency Board portion of the meeting adjourned at 3:30 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:

| <u>Tract</u> | <u>Location</u> | <u>Council District</u> | <u>Developer</u> | <u>Lots/Units</u> | <u>Type</u> | <u>Proposed Decision</u> |
|--------------|--------------------------------------|-------------------------|------------------|--------------------|-------------|--------------------------|
| 9514 | S/S of Curtner Avenue E/o Highway 87 | 7 | SummerHill Homes | 168 Lots/147 Units | SFD/SFA | Approve |

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

None.

- Open Forum

None.

11 PUBLIC HEARINGS

(Heard by the City Council at 7:05 p.m.)

11.1 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. (Duad Properties and Sal Lobue Trust, Owner; Barry Swenson Builder Marianne Bacigalupi, Developer). CEQA: Mitigated Negative Declaration. SNI: Washington.

PDC 02-072 - District 3

(Continued from 8/19/03 – Item 11.14)

Continued to 9/30/03.

11.2 Public Hearing on planned development rezoning of the property located at North Capitol Avenue and Baton Rouge Drive.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT PREZONING of the property located at the southwest corner of North Capitol Avenue and Baton Rouge Drive, from County to A(PD) Planned Development Zoning District, to allow up to 92 single-family attached residences on a 3.4 gross acre site. (Anita Messina, Trustee of the Messina 1989, Owner; Trumark Companies Chris Davenport, Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 03-034 - District 4

Ordinance No. 26984 passed for publication.

11.3 Public Hearing on planned development rezoning of the property located at 1201 Fleming Avenue.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the south side of Fleming Avenue, approximately 490 feet southeasterly of Story Road (1201 Fleming Ave.), from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow up to 5 single-family detached residences on a 1.36 gross acre site. (Touche Properties, Inc., Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval of alternate plan with dedication for extension of Feller Avenue (7-0-0).

PDC 02-091 - District 5

Continued to 9/30/03.

11 PUBLIC HEARINGS

11.4 Public Hearing on planned development rezoning of the property located at 935 N. King Road.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT PREZONING of unincorporated land located at the west side of North King Road, approximately 250 feet southerly of Commodore Drive (935 N. King Rd.), to A(PD) Planned Development Zoning District, to allow up to 79 single-family detached residences on a 6.7 gross acre site. (Salamoni Angie R. Trustee et al., Owner; KB Home South Bay, Inc., Jeff McMullen, Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval with conditions requiring the minimum density be increased to 20 DU/AC, or no less than 86 dwelling units on 4.3 net acres. (7-0-0).
PDC 02-104 - District 4

Ordinance No. 26985 passed for publication.

11.5 Public Hearing on planned development rezoning of the property located at 1175 Hillsdale Avenue.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northwest corner of Hillsdale Avenue and Almaden Expressway (1175 Hillsdale Avenue), from CO Commercial Office and R-1-8 Residence Zoning Districts to A(PD) Planned Development Zoning District to allow (1) renovation of an existing two-story, 12, 250 square foot classroom building for private instruction and dormitory uses for approximately 75 students at an existing church, (2) replacement of an existing 176 space surface parking lot at the corner of Foxworthy Avenue and Almaden Expressway with a ball field and a 1,200 square foot modular building (no on-site outdoor lighting or PA system), and (3) addition of new landscaped areas and other minor site plan changes on a 10.4 acre site. (Calvary Chapel of San José, Owner/Developer). CEQA: Exempt. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (7-0-0).
PDC 03-027 - District 9

Continued to 10/21/03.

11.6 Public Hearing on conforming rezoning of the property located at 2122 McKee Road.

Recommendation: PUBLIC HEARING ON CONFORMING REZONING of the property located at the southwest corner of McKee Road and Jose Figueres Avenue (2122 McKee Road), from CG(PD) General Commercial Planned Development Zoning District to CN Neighborhood Commercial Zoning District, to allow commercial uses on a 1.75 gross acre site. (Atkar Mike and Kulwinder K; Anthony Aprile Trustee; Anaya, Emil; Burbano, Emiro; Fung, Peter; Owner). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.
C 03-048 - District 5

Ordinance No. 26986 passed for publication.

11 PUBLIC HEARINGS

- **Open Forum**
None.

- **Adjournment**
The Council of the City of San José was adjourned at 7:35 p.m.

7 JOINT REDEVELOPMENT AGENCY/COUNCIL

The Council of the City of San José convened at 6:16 p.m. to hear Items 7.1 in a Joint Session with the Redevelopment Agency.

7.1 Approval of the Downtown Streetscape Master Plan, Downtown Street and Pedestrian Lighting Plan, and Downtown Signage Program.

Recommendation: Adoption of resolutions by the City Council and Agency Board.

- (a) Approving the new Downtown Streetscape Master Plan, Downtown Street and Pedestrian Lighting Plan, Downtown Signage Program; and,
- (b) Approving the revised lighting policy dealing with the recommendations of the Downtown Street and Pedestrian Lighting Plan.
- (c) Direction to Staff to investigate establishing a Downtown Maintenance and Lighting Enhancement District; prepare proposed revisions to the sidewalk café ordinance; design a consolidated newspaper rack system for the Greater Downtown and propose revisions to the newspaper rack ordinance; design bus shelters in the Greater Downtown that complement and reinforce the design of the downtown light rail shelters and the other streetscape infrastructure.

CEQA: Resolution No. 68839 [MERGED]

Resolution No. 71754 adopted.

Redevelopment Agency Resolution No. 5431 adopted.

(1) Staff directed to have continued conversations with the Downtown Association in order to maintain their involvement in the process. (2) Staff to follow up with Code Compliance in regard to the addresses on the buildings. (3) Staff to ensure the street name signs state the block number designation and direction.

The Joint Redevelopment Agency/City Council Meeting adjourned at 6:18 p.m.