

# CITY COUNCIL AGENDA

**SEPTEMBER 30, 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**  
9:30 a.m. - Closed Session, Room 600, City Hall  
**Absent – Council Members None.**  
  
1:30 p.m. - Regular Session, Council Chambers, City Hall  
**Absent – Council Members: None.**  
  
7:00 p.m. - Public Hearings, Council Chambers, City Hall  
**Absent – Council Members: None.**
- **Invocation (District 8)**  
**Silver Creek High School NJROTC Color Guard & Drill Teams led the Invocation.**
- **Pledge of Allegiance**  
**Mayor Gonzales led the Pledge of Allegiance.**
- **Orders of the Day**  
**Items 10.1, 10.2, and 10.3 were considered in a Joint City Council/Redevelopment Agency board session.**

## **1 CEREMONIAL ITEMS**

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- 1.1** Presentation of a proclamation declaring September "National Alcohol and Drug Addiction Recovery Month". The Asian American Recovery Services, Inc. has been working to decrease the incidence and impact of substance abuse in the Asian/Pacific Islander community since 1985 by developing innovative outreach, treatment, prevention and research services for its target population. (LeZotte)  
**HEARD IN THE EVENING**  
**Mayor Gonzales was joined by Council Member LeZotte to present a proclamation to Rich Chavez and Kim Le Tran from the Asian American Recovery Services, Inc. in honor of declaring September “National Alcohol and Drug Addiction Recovery Month”. The Asian American Recovery Services, Inc. has been working to decrease the incidence and impact of substance abuse in the Asian/Pacific Islander community since 1985 by developing innovative outreach, treatment, prevention and research services for its target population. Kim Le Tran thanked the Mayor and Council for their support and the proclamation.**

# 1 CEREMONIAL ITEMS

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- 1.2 Presentation of the Mark E. Keane Award to City Manager Del D. Borgsdorf. (Mayor)  
**Deferred to 10/14/03.**

# 2 CONSENT CALENDAR

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**Notice to the public:** There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

## 2.1 Approval of Minutes.

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

- (a) Regular meeting of May 6, 2003
- (b) Regular meeting of May 13, 2003
- (c) Regular meeting of May 20, 2003
- (d) Joint City Council/Redevelopment Agency Board meeting of May 13, 2003

**Approved.**

## 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances:

- (a) ORD. NO. 26983 – Approves the assignment of the Commercial Solid Waste and Recyclables Collection Franchise from Greenteam of San José dba GT Waste to Waste Connections of California, Inc.  
**Ordinance No. 26983 adopted.**
- (b) ORD. NO. 26984 – Prezones certain real property situated on the southwest corner of Baton Rouge and North Capitol Avenue to A(PD) Planned Development Zoning District. PDC 03-034  
**Ordinance No. 26984 adopted.**
- (c) ORD. NO. 26985 - Prezones certain real property situated on the west side of North King Road, approximately 250 feet southerly of Commodore Drive to A(PD) Planned Development Zoning District. PDC 02-104  
**Ordinance No. 26985 adopted.**
- (d) ORD. NO. 26986 - Rezones certain real property situated on the southwest corner of McKee Road and José Figueras Avenue to CN Commercial Neighborhood Zoning District. C 03-048.  
**Ordinance No. 26986 adopted.**

## 2 CONSENT CALENDAR

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### 2.3 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 et al., and 9/16/03 – Item 2.7)

**Deferred to 10/7/03.**

### 2.4 Approval of an agreement to install antenna and communication equipment at the Airport.

**Recommendation:** Approval of a Non-Exclusive Installation and Property Use Agreement Between the City of San José and Aeronautical Radio, Inc. for the installation of antenna and related communication equipment to support the operations of the Federal Transportation Security Administration at the Norman Y. Mineta San José International Airport, for a period of ten years from the date of approval, at no charge to Aeronautical Radio, Inc. CEQA: Resolution Nos. 67380 and 71451, PP 03-09-274. (Airport)

**Approved.**

### 2.5 Approval to amend the agreement related to Integrated Airport Accounts Receivable and Property Management System.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a fourth amendment and continuation agreement to the consultant agreement with BearingPoint, Inc., for services in connection with the selection and implementation of an Integrated Airport Accounts Receivable and Property Management System, to extend the term of the agreement from June 30, 2003 to June 30, 2004, at no increase in total compensation. CEQA: Not a Project. (Airport)

**Resolution No. 71762 adopted.**

### 2.6 Approval to amend an agreement with the Downtown College Prep Charter School.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute the third amendment to the Line of Credit Agreement with Across the Bridge Foundation, Inc. to provide for the fourth and final \$150,000 installment of a multi-year no interest gap financing Line of Credit, increasing the line of credit amount to \$600,000 for the operation of Downtown College Prep Charter School. CEQA: Not a Project.

Council District 3. SNI: University. (City Manager's Office)

**Resolution No. 71763 adopted.**

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

**Recommendation:** Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2003-2004 #3, and authorization for the Director of General Services to execute the purchase orders. CEQA: See memo for CEQA designation(s). (General Services)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.8 Approval to award a contract to replace light fixtures at the Convention Center Parking Garage.

**Recommendation:** Report on Request for Quotation and award for replacing light fixtures at the San José Convention Center Parking Garage with Ray Scheidts Electric, Inc. (San José, CA), for a total cost of \$102,644 including tax and freight, and authorization for the Director of General Services to execute the service order. CEQA: Not a Project. (General Services)

**Approved.**

### 2.9 Approval of various actions related to the Library Department's Self Check and Theft Detection Equipment.

**Recommendation:**

- (a) Approval of award for the purchase of annual service maintenance for the Library Department's Self Check and Theft Detection Equipment and software with 3M Library Service Systems (St. Paul, MN), for a total cost of \$103,663.51, and authorization for the Director of General Services to execute the purchase order; and
- (b) Award purchase orders to renew service maintenance for up to four additional one-year periods without further Council action other than the appropriation of funds.

CEQA: Not a Project. (General Services)

**Approved.**

### 2.10 Approval of an agreement related to the Automated Fingerprint Identification System.

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

- (a) Execute a Maintenance Agreement with Printrak International Inc., a Motorola Company ("Printrak"), for hardware and software for the Automated Fingerprint Identification System (AFIS) and associated equipment maintained by the Central Identification Unit, in an amount not to exceed \$362,913, for the period October 1, 2003 through September 30, 2004; and
- (b) Exercise up to four (4) one-year options to extend the term of the agreement with Printrak, in an amount not to exceed \$362,913 for each of the 4 years, without further Council action other than the appropriation of funds for each option year.

CEQA: Not a Project. (General Services/Police)

**Resolution No. 71764 adopted.**

## 2 CONSENT CALENDAR

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### 2.11 Approval of various actions related to a grant for the Willow Glen Spur Trail Project.

**Recommendation:** Adoption of a resolution:

- (a) Authorizing the City Manager to submit a grant application in an amount not to exceed \$200,000 to the California Department of Parks and Recreation - Office Of Grants And Local Services' Recreational Trails Program for the acquisition and/or development of property associated with the Willow Glen Spur Trail Project; and in order to receive any funds awarded, the City will be required to provide a match equal to 20%, of which 5% must come from a non-federal source.
- (b) Authorizing the City Manager to negotiate and execute all agreements and documents necessary for the receipt of any award made as a result of the aforementioned application, including relevant project completion reports and payment requests.

CEQA: Exempt, PP03-09-296. Council District 6. (Parks, Recreation and Neighborhood Services)

**Resolution No. 71765 adopted.**

### 2.12 Approval of various actions related to the annexation of land.

**Recommendation:**

- (a) Adoption of a resolution initiating proceedings and setting October 14, 2003 at 1:30 p.m. as the date for Council consideration of the reorganization of territory designated as Berryessa No. 67, which involves the annexation to the City of San José of 6.72 acres of land, located on the west side of King Road, approximately 250 feet southerly of Commodore Drive and generally bounded by the City of San José Annexations Berryessa No. 49, Berryessa No. 41, Berryessa No. 66, Penitencia No. 66, and Berryessa No. 52, and the detachment of the same from the appropriate special districts including: Central Fire Protection and the County Service Area No. 01 (County Library Services Area). CEQA: Mitigated Negative Declaration, PDC02-104. Council District 4. (Planning, Building and Code Enforcement)

**Resolution No. 71766 adopted.**

- (b) Adoption of a resolution initiating proceedings and setting October 14, 2003 at 1:30 p.m. as the date for Council consideration of the reorganization of territory designated as McKee No. 122 which involves the annexation to the City of San José of 3.33 acres of land, including the abutting portion of right-of-way between Cedarville Lane and North Capitol Avenue, located on the southeast corner of Capitol Avenue and Baton Rouge Drive and generally bounded by the City of San José Annexations McKee No. 78-A and McKee No. 97, and the detachment of the same from the appropriate special districts including: Central Fire Protection and the County Service Area No. 1 (County Library Services Area). CEQA: Mitigated Negative Declaration, PDC03-034. Council District 4. (Planning, Building and Code Enforcement)

**Resolution No. 71767 adopted.**

## 2 CONSENT CALENDAR

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### 2.13 Approval of an agreement for the Senter Road Widening Project.

**Recommendation:** Approval of a consultant agreement with CCS Planning and Engineering, Inc. to provide environmental documentation and right-of-way engineering for the Senter Road Widening Project in an amount not to exceed \$373,001, with a term from the date of execution to December 31, 2004. CEQA: Not a Project. Council Districts 2 and 7. (Public Works)

**Approved.**

### 2.14 Approval to set a public hearing for the Route 880 at Coleman Avenue Interchange Project.

**Recommendation:** Adoption of a resolution setting a public hearing on October 21, 2003 at 7:00 p.m. for the approval of a freeway agreement with the State of California's Department of Transportation for the Route 880 at Coleman Avenue Interchange Project. CEQA: Resolution No. 71488, PP03-02-071. Council District 3. (Transportation)

**Resolution No. 71768 adopted.**

### 2.15 Approval of an agreement for the design of the Silicon Valley - ITS Fremont-Milpitas Project.

**Recommendation:** Approval of the second amendment to the agreement for consultant services between the City of San José and Kimley-Horn and Associates, for the design of the Silicon Valley - ITS (SV-ITS) Fremont-Milpitas Project, to extend the current term of the agreement to March 31, 2004, at no additional cost. CEQA: Not a Project. (Transportation)

**Approved.**

### 2.16 Approval of Council Member Linda LeZotte's travel.

**Recommendation:** Approval of Council Member Linda LeZotte's travel to Vancouver, British Columbia, Canada, October 2-3, 2003 for the Silicon Valley Chamber of Commerce's Annual Economic Development City-to-City Visit. Funding: San José/Silicon Valley Chamber of Commerce. (LeZotte)  
(Rules Committee referral 9/24/03)

**Approved.**

### 2.17 Approval of Mayor Ron Gonzales' and Joe Guerra's, Mayor's Budget and Policy Director travel requests.

**Recommendation:** Approval of Mayor Gonzales' and Joe Guerra's travel to Vancouver, British Columbia, Canada, October 2-3, 2003 for the Silicon Valley Chamber of Commerce's Annual Economic Development City-to-City Visit. Funding: Silicon Valley Chamber of Commerce. (Mayor)  
(Rules Committee referral 9/24/03)

**Approved.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.1 Report of the Study Session

Mayor Gonzales, Chair

No Report.

#### 3.2 Report of the Rules Committee – September 17, 2003

Vice Mayor Dando, Chair

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

(b) City Council

(1) Review September 30, 2003 Draft Agenda

**The Committee recommended approval of the September 30, 2003 City Council agenda with one addition.**

(2) Add New Items to September 23, 2003 Amended Agenda

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

**The Committee recommended six additions to the September 23, 2003 City Council agenda.**

(3) List of Reports Outstanding

**The Committee noted and filed the City Manager's report listing two staff reports outstanding for the September 23, 2003 Council agenda.**

(c) Legislative Update

(1) State

**This item was reported at the September 23 2003 Council meeting.**

(2) Federal

**There was no report.**

(d) Meeting Schedules

**There were none.**

(e) The Public Record

**There was no Public Record filed.**

(f) Appointment to Boards, Commissions and Committees

**There were none.**

(g) Rules Committee Reviews, Recommendations and Approvals

**The Committee directed the Administration and the City Attorney to report back to the Rules Committee on September 24, 2003 with their analysis and recommendations on the seven Council Members' memoranda related to "Getting Families Back to Work".**

### **3 STRATEGIC SUPPORT SERVICES**

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**3.2 Report of the Rules Committee – September 17, 2003 (Cont'd.)**

**Vice Mayor Dando, Chair**

(h) Oral communications  
**None were presented.**

(i) Adjournment  
**The meeting adjourned at 2:40 P.M.**

**3.3 Report of the Making Government Work Better Committee**

**Council Member Campos, Chair**

**No Report.**

**3.4 Approval of RFP Process for the management of the Convention Center and Cultural Facilities.**

**Recommendation:** Approval of the timeline for a Request for Proposals for the management and operation of the Convention Center, and any other cultural facilities.

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

**Approved.**

**Staff was directed to return to Council with the RFP proposal and to accept the timeline with the following changes: (1) to include formal feedback between Staff and the Conventions Visitor's Bureau, Southbay Labor Council and the community and incorporate their requests, (2) to incorporate issues raised by Council as it relates to the RFP.**

**3.5 Public Notification and Dissemination of Information in Public Safety Investigations.**

**Recommendation:** City staff presentation on the public notification and dissemination of information in Public Safety Investigations.

(Cortese)

(Continued from 9/23/03 – Item 3.5)

**The City staff presentation on the public notification and dissemination of information in Public Safety Investigations was accepted.**

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

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**4.1 Report of the Building Strong Neighborhoods Committee – September 15, 2003**

**Council Member Chavez, Chair**

(a) Discussion of Trails Prioritization

**This was an informational report and no formal actions were taken.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.1 Report of the Building Strong Neighborhoods Committee – September 15, 2003 (Cont'd.) Council Member Chavez, Chair**

(b) City's Volunteer Program

**The Committee accepted the Volunteer San José Program Update with direction to Staff to include in the next update:**

- **Cal/Trans**
- **High Schools**
- **Special steps to assist volunteers**

(c) Report on Strengthening the Boards and Commissions

**The Committee accepted the Strengthening Boards & Commissions Report with direction to Staff to include the additional suggestions as discussed:**

- **Involve the Council Offices**

(d) Oral petitions

**None.**

(e) Adjournment

**The meeting adjourned at 2:58 P.M.**

### **4.2 Report of the Driving a Strong Economy Committee Council Member Williams, Chair**

**No Report.**

### **4.3 Public Hearing on the designation of the Moody Flats Apartment Building (311 N. Second Street) as a landmark.**

**Recommendation:** PUBLIC HEARING and adoption of a resolution approving the designation of the Moody Flats Apartment Building on a 0.15 gross acre site, located at 311 N. Second Street, as a landmark of special historic, architectural, cultural, aesthetic, or engineering interest or value of a historic nature. (Henry R. Lutz, Owner). CEQA: Exempt, PP03-07-248. SNI: 13<sup>th</sup> Street. (Planning, Building and Code Enforcement) HL 03-148 - District 3

**The Public Hearing was held and Resolution No. 71769 adopted.**

**Disqualified: Mayor Gonzales**

## **5 RECREATION & CULTURAL SERVICES**

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

**No Report.**

## 5 RECREATION & CULTURAL SERVICES

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### 5.2 Approval to award a contract for the Evergreen Community Center Expansion Project.

**Recommendation:** Report on bids and award of contract for the Evergreen Community Center Expansion Rebid Project to the low bidder, I.C.C. General Contractors in the amount of \$949,347, to include base bid and Add Alternates 1a, 1b, 2, 3, 5, 7, and 8, and approval of a contingency in the amount of \$93,000. CEQA: Exempt, PP02-05-103. Council District 8. (Public Works/Parks, Recreation and Neighborhood Services)

**Approved.**

### 5.3 Naming of City-owned facility.

**Recommendation:** Recommendation of the Parks and Recreation Commission to name a one-third acre park at Scott Street and Menker Avenue “Buena Vista Park.” (City Clerk/Parks and Recreation Commission)  
(Rules Committee referral 9/24/03)

**The naming of the City-owned facility to Buena Vista Park was approved.**

## 6 TRANSPORTATION SERVICES

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### 6.1 Report of the Building Better Transportation Committee – September 8, 2003 Council Member Cortese, Chair

- (a) Expansion and Improvement of Transit and Transportation Systems
  - (1) No items
- (b) Traffic Relief/Safe Streets
  - (1) Report on Construction Impact Mitigation Plan (CIMP) Outreach  
**SEE ITEM 6.2 FOR COUNCIL ACTION TAKEN**
  - (2) School Transportation Safety Programs  
**The Committee accepted the written status report.**
- (c) Supporting Smart Growth
  - (1) No items
- (d) Regional Relationships/Funding/Policy
  - (1) State, Federal, and Local Legislative Update  
**The Committee received the written status report.**
  - (2) Santa Clara Valley Transportation Agency (Valley Transportation Authority), Valley Transportation Plan (VTP) 2020 Update  
**SEE ITEM 6.3 FOR COUNCIL ACTION TAKEN**
- (e) Oral petitions  
**None.**

## 6 TRANSPORTATION SERVICES

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### 6.1 Report of the Building Better Transportation Committee – September 8, 2003 (Cont'd.) Council Member Cortese, Chair

(f) Adjournment

**The Committee was adjourned at 3:20 P.M.**

(Deferred from 9/23/03 - Item 6.1)

### 6.2 Review of an ordinance related to a Construction Impact Mitigation.

#### **Recommendation:**

(a) Approval of an ordinance amending Titles 13 and 15 of the San José Municipal Code to revise Chapters 13.36 and 15.50, setting forth a requirement that a Construction Impact Mitigation Plan be prepared for all major construction projects in the public right of way, unless the City has otherwise entered into a Cooperation Agreement requiring such a Plan.

(b) Adoption of a resolution amending Resolution No. 71216 to take effect on 11/13/03 establishing an administrative fine of \$5,000 per day for violations of the Construction Impact Mitigation Plan requirements.

(City Manager's Office/Redevelopment Agency)

[Building Better Transportation Committee referral 9/8/03 – Item 6.1(b)(1)]

(Deferred from 9/23/03 - Item 6.2)

**Deferred to 10/7/03.**

### 6.3 Adoption of projects and priorities for VTA's Local Streets and County Road Program.

**Recommendation:** Adoption of a resolution selecting candidate transportation improvement projects as part of the Valley Transportation Authority's Local Streets and County Roads program. (Transportation)

[Building Better Transportation Committee referral 9/8/03 – Item 6.1(d)(2)]

(Deferred from 9/23/03 - Item 6.3)

**Resolution No. 71770 adopted.**

**Approved with the exclusion of the Winfield Blvd. Extension from the VTA Local Streets and County Roads Program List of Candidate Projects and for Staff to consider removing the Winfield Blvd. Extension from the General Plan. Staff was directed to make a correction to the Senter Rd. Widening project to be called the Tully Rd to Singleton project and for Staff to address the issue of geographic equity pertaining to prioritizing VTA projects and the fair dispersal of funds and to return to the Building Better Transportation Committee with a status update.**

## 6 TRANSPORTATION SERVICES

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### 6.4 Approval of various actions related to flexible pricing of Convention Center facilities.

**Recommendation:**

- (a) Approval of an ordinance amending Sections 22.01.070 and 22.01.080 of Chapter 22.01 of Title 22 of the San José Municipal Code authorizing the Director of Convention, Arts & Entertainment to reduce facility fees for the use of the Convention and Cultural Facilities; and
- (b) Adoption of a resolution amending the Master Parking Rate Schedule to modify parking rates charged at the convention center garage by:
  - (1) Authorizing the Director of Convention, Arts & Entertainment to reduce or increase flat parking rates;
  - (2) Establishing incremental parking rates for non-event days; and
  - (3) Including the convention center garage in the Downtown Retail Validation Program.

CEQA: Exempt, PP03-09-297. Council District 3. (Conventions, Arts and Entertainment/Transportation).

**Deferred to 10/7/03.**

### 6.5 Public Hearing on adoption of a resolution vacating a portion of a Public Service Easement between Skyport Drive and Sonora Avenue.

**Recommendation:** PUBLIC HEARING and adoption of a resolution vacating a portion of a Public Service Easement (PSE) along the right-of-way of a private street (formerly Technology Drive) between Skyport Drive and Sonora Avenue. CEQA: Resolution No. 69421. Council District 3. (Public Works)

**The Public Hearing was held and Resolution No. 71771 adopted.**

### 6.6 Adoption of a resolution supporting the Santa Clara Valley Transportation Authority's Community Design and Transportation Program.

**Recommendation:** Adoption of a resolution supporting the Santa Clara Valley Transportation Authority's (VTA) Community Design and Transportation Program. CEQA: Resolution No. 65459, PP03-09-301. (Transportation/Planning, Building and Code Enforcement)

**Resolution No. 71772 adopted.**

**Staff directed to ensure VTA guidelines are adhered to when prioritizing VTA projects.**

## 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. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0). (Planning, Building, and Code Enforcement)

(Continued from 8/19/03 - Item 7.1 and 9/23/03 - Item 7.1)

**Deferred to 10/7/03.**

### 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 from 8/19/03 - Item 7.2 and 9/23/02 - Item 7.2)

**Deferred to 10/7/03.**

## 8 AVIATION SERVICES

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### 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 from 9/16/03 – Item 8.1)

**Approved.**

**Staff directed to return to Council with a progress report pertaining to the results of the sub-contractor selection process.**

## 9 PUBLIC SAFETY SERVICES

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## 10 JOINT COUNCIL/REDEVELOPMENT AGENCY

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The Redevelopment Agency Board convened to consider items 10.1, 10.2, and 10.3 in a joint session at 5:13 P.M.

### 10.1 Approval of recommendations related to the Getting Families Back to Work study sessions.

**Recommendation:** Approval of remaining recommendations related to policy changes and initiatives related to economic development and outcomes from the Getting Families Back to Work study sessions. (Mayor)  
(Continued from 9/16/03 – Item 10.1)

**Council approved Mayor Gonzales', Councilmembers Cortese, Chavez, Gregory and Yeager's memorandum, dated September 30, 2003, recommending approval of the following recommendations from the Mayor's memorandum, dated September 11, 2003. (1) The following were broken down into three categories, Section A are those approved with no further direction, Section B includes additional modifications or direction to the original recommendation, and Section C shall include those not approved with direction for an alternative action:**

**Section A: (including those approved on September 16, 2003)**

**(1) Review industrial floor area ratio limits.**

**(2) Reduce and simplify regulations for signage in industrial and commercial zones (see also Item 2(H))**

**(3) Simplify and clarify our historical review procedures.**

**The following were approved on September 16, 2003: (1) Improve the convenience and accessibility of doing business with the City; (2) Create a local preference policy to support our local businesses; (3) Promote San José aggressively as a great place to do business; (4) Make San José a wired and wireless City;**

**(Item continued on next page)**

## 10 JOINT COUNCIL/REDEVELOPMENT AGENCY

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### 10.1 Approval of recommendations related to the Getting Families Back to Work study sessions. (Cont'd.)

**Recommendation:** Approval of remaining recommendations related to policy changes and initiatives related to economic development and outcomes from the Getting Families Back to Work study sessions. (Mayor)

(Continued from 9/16/03 – Item 10.1)

*(5) Strengthen our relationship with SJSU's academic programs that produces employees for our driving industries; (6) Streamline the festival permit process; (7) Strengthen our relationships with regional universities.*

*Section B: (determined by the City Manager to require additional analysis and/or modification)*

- (1) Realign job-training to focus on growth industries: Staff directed to formally request that the Board approve the realignment of job training to focus on growth industries while retaining those existing programs that have shown to be successful.*
- (2) Refund fees when deadlines are missed: Staff is therefore directed to ELIMINATE 100% of the delays in turnaround times. It is also recommended that refunds be approved for the accelerated service program when performance targets are not met. The Director of Planning, Building, and Code Enforcement is directed to bring back to the City Council on or before November 4, 2003 as an action item and as a prior condition to implementation of this item the fully defined criteria and timelines necessary in order to implement this recommendation along with a thorough fiscal impact analysis in the context of the City's cost recovery guidelines.*
- (3) Implement tax relief to encourage investment in San José: [A&B] – EXTEND TENANT IMPROVEMENT FEES EXEMPTION AND REDUCE CONSTRUCTION EXCISE TAX BY 50% TO DRIVING INDUSTRIES; It is recommended that Staff bring back to the City Council, on or before November 4, 2003, a definition and list of the City's "driving industries, a thorough fiscal impact analysis, and a measurement for job creation as a Council action item and prior condition to implementation of this item. The City Manager has indicated that the Fiscal impact is estimated currently as a revenue decrease of \$775,000, which could otherwise be used for transportation capital projects, it is requested that this also be detailed in terms of the budget implications of this item and its real affect on those services or projects impacted by this action.*
- (4) Improve the convenience and accessibility of doing business in San José: [C] – FLEXIBLE HOURS AT CITY HALL; The City Manager is directed to bring to the City Council a report on the discussions with the applicable bargaining units along with a thorough fiscal impact analysis as a Council action item and prior condition to implementation of this item on or before December 16, 2003. Staff is also directed to survey customers in order to gauge their interest in the above proposal.*

## 10 JOINT COUNCIL/REDEVELOPMENT AGENCY

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### 10.1 Approval of recommendations related to the Getting Families Back to Work study sessions. (Cont'd.)

**Recommendation:** Approval of remaining recommendations related to policy changes and initiatives related to economic development and outcomes from the Getting Families Back to Work study sessions. (Mayor)

(Continued from 9/16/03 – Item 10.1)

- (5) *Overhaul the City employee suggestion award program: The City Manager is directed to bring to the City Council a report on the discussions with the applicable bargaining units along with analysis of any actual fiscal impact as a Council action item as a prior condition to implementation of this item on or before November 4, 2003.*
- (6) *Strengthen our ability to keep and grow sports teams and events in San José: Direct the City Manager to fully engage and support the current San José Sports Authority (SJSA) Task Force and to assist in the redirection and reformation of the current Task Force to one that would not only focus on the growth and retention of sports teams and events in San José, but also on the creation, construction, expansion, and rehabilitation of sporting facilities and sporting venues as an essential aspects of our vitality as a market. Particular focus should be in the area of positioning the City to pursue economic development opportunities in the “Big Four” professional sports, other professional sports, amateur sports, and NCAA events. The current City Council liaisons to the SJSA and a representative of the City Manager’s Office and a representative of the Mayor’s Office shall have full membership on the Task Force. The City Manager is then directed to bring back to Council progress reports on a quarterly basis beginning in December of 2003 and continuing indefinitely until the Task Force is disbanded by a subsequent vote of the SJSA Board and City Council. At the invitation of the City Manager and/or the Director, Task Force membership may be expanded to include additional (non-SJSA) community leaders as deemed appropriate.*
- (7) *Speak with “one-voice” on economic development: Direct the City Manager to bring back to the City Council on or before November 4, 2003 as an action item and as a prior condition to the implementation of this item the organizational, legal, and employee ramifications which should be considered as apart of the range of options and the fully defined criteria and timelines necessary in order to implement this recommendation along with a thorough fiscal impact analysis in the context of the City’s cost recovery guidelines.*

*Section C: (not approved with direction for alternative action)*

- (1) *Moratorium on All New Business Regulations: With regard to the proposal for a Community Benefits Assessment and Community Impact Report for the Redevelopment Agency projects the City Council shall take no action until December 16, 2003 and during such a time, a study period will commence immediately. The City Council hereby recommends that the Mayor and a Councilmember will organize and facilitate a series of stakeholder discussions*

*(This item continued on next page.)*

## 10 JOINT COUNCIL/REDEVELOPMENT AGENCY

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### 10.1 Approval of recommendations related to the Getting Families Back to Work study sessions. (Cont'd.)

**Recommendation:** Approval of remaining recommendations related to policy changes and initiatives related to economic development and outcomes from the Getting Families Back to Work study sessions. (Mayor)

(Continued from 9/16/03 – Item 10.1)

*with the leadership representatives of the two organizations currently focusing on that issue, the Coalition for Jobs Now and Working Partnerships. The City Manager, Mayor, and the designated Councilmember shall also conduct a series of open and public community meetings coordinated with each City Council office designed to sunshine the current draft proposal on a citywide basis to obtain public comment on it in its current form and on any proposed modifications that may result from the facilitated stakeholder meetings. The Mayor will present to the City Council a process to achieve the stated recommendations for Council approval at the October 7, 2003 City Council meeting. Additionally, the Mayor will present for Council approval further definition for a moratorium on business regulations on or before November 4, 2003.*

- (2) *Simplify approval of any permits or zoning applications that conform to the City's General Plan: The Director of Planning, Building, and Code Enforcement is directed to implement the process for those approvals and appeals with the assistance of the City Attorney and return to the City Council on or before December 16, 2003 for final review and approval. Staff is directed to return to the City Council for final discussion and review on or before November 4, 2003 with a written policy that details the recommended changes and revisions to current procedures.*

**(II) Approve the following listed additional recommendations from Councilmember's submitted items to the Rules Committee on September 24, 2003:**

- (A) *The City Manager determined that the following performance measure (metrics) for criteria in determining the success of the initiatives can be added to those already used. [Williams]*

- *Number of applications process;*
- *Time required to process applications.*

- (B) *The City Manager determined that the development of Design Guidelines for the Downtown Core with the incorporation of the FAR will set clear expectations for building density and increase the speed and predictability while fostering business development. Staff is therefore directed to return to the City Council with a report for discussion and action on or before November 4, 2003 [Chavez]*

- (C) *The City Manager has determined that an amateur sports complex would have economic benefits including the creation of jobs in the construction and operations phase. It is therefore recommended that the Office of Economic Development bring to the City Council a report offering possible partnership opportunities with San José State University and our amateur sports teams on or before December 16, 2003. [Chavez]*

*(This item continued on next page.)*

## 10 JOINT COUNCIL/REDEVELOPMENT AGENCY

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### 10.1 Approval of recommendations related to the Getting Families Back to Work study sessions. (Cont'd.)

**Recommendation:** Approval of remaining recommendations related to policy changes and initiatives related to economic development and outcomes from the Getting Families Back to Work study sessions. (Mayor)

(Continued from 9/16/03 – Item 10.1)

- (D) *The City Manager has reported that the Office of Economic Development is currently working with the business community to identify current regulations that may hinder business development or operations in San José. It is therefore recommended that the City Manager bring a report to the City Council in its entirety with recommendations for eliminating, maintaining, or improving the aforementioned existing regulations on or before November 4, 2003 [Gregory]*
- (E) *The City Manager reported that the Driving a Strong Economy Committee will discuss signage regulations related to high rises. Staff is directed to expand that discussion to include the current sign ordinance and the identification of any additional efficiencies and report to the City Council on or before December 16, 2003 [Gregory]*
- (F) *As previously recommended by the Mayor and approved by the City Council, implementing a one-start program of the One-Start Development Center would offer an opportunity to test some of the applications planned for the new Civic Center customer service center. It is therefore recommended that the City Manager proceed with the One-Start Development Center as a pilot program with a progress report to the City Council on or before December 16, 2003 [Gregory]*
- (G) *The City Manager has determined that the initiation of a countywide conceptual agreement between the cities in Santa Clara County pledging support for a collaborative strategy for job retention could produce positive impacts by developing a common regional message. It is therefore recommended that staff coordinate this effort with the Santa Clara County Cities Association, the Santa Clara County City Manager's Association, and includes the Santa Clara County Executive's Office. Staff is directed to draft a policy position that would convey the interests of San José in a regional job retention strategy and/or agreement with a progress report to the City Council on or before December 16, 2003. [Cortese]*
- (H) *As determined by the City Manager providing incentives for prime contractors, consultants, or vendors to use local businesses where legally permissible would benefit small local San José businesses. It is therefore recommended that the City Attorney draft a policy for Council discussion or action on or before November 4, 2003. The City Manager is also directed to investigate the use of multiple-prime contracting as a means to achieve this recommendation.*

*(This item continued on next page.)*

## 10 JOINT COUNCIL/REDEVELOPMENT AGENCY

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### 10.1 Approval of recommendations related to the Getting Families Back to Work study sessions. (Cont'd.)

**Recommendation:** Approval of remaining recommendations related to policy changes and initiatives related to economic development and outcomes from the Getting Families Back to Work study sessions. (Mayor)  
(Continued from 9/16/03 – Item 10.1)

*(I) It is further directed that the City Attorney shall bring back to the City Council on or before November 4, 2003 a pre-qualification policy for approval [Dando]*

*(III) Direct Staff to remove the following item from the City Manager's "Just Do It" actions listed in the memorandum dated September 19, 2003:*

*1. Examine the possible elimination of PD Zoning and PD Permit to streamline the development process.*

*(IV) The City Manager and Finance Department are directed to work with the Mayor's office to bring to the City Council during the mid-year budget review the actual financial ramifications and implications of the items approved that have a direct affect on revenue along with a variance report comparing actual cost of each item to the forecast provided at the time of approval. It is requested that included in that analysis is also an educated financial forecast showing the cost of these recommendations to the City over the next five years.*

*(V) The City Auditor is directed to immediately assist the City Council in establishing Performance Measures for every item approved by the Council as a result of the Getting Families Back To Work sessions including those from the City Council meeting on September 16, 2003 to be used in an annual operational audit (see #6 below) designed to analyze the effectiveness with which these recommendations have been carried out. These tools shall then be used in the evaluations of the positions of City Manager, Redevelopment Agency Director, and City Attorney to be effective immediately. This may require the short term retention of either outside legal council or consultants to assist in crafting new evaluation documents and processes to be used that will draw or direct corollary between the performance evaluations and compensation of Council appointees and the objectives that have been set forth by the City Council in these matters of economic development and in other performance areas as the Council may deem appropriate. It is also recommended that each Council appointee herein incorporate similar evaluative measurements in the formal evaluation processes for each key departmental management employee. This will be designed to provide further systems accountability and confirmation of individual performance, capacity, and ability to complete and implement any and all recommendations arising out of this Getting Families Back To Work Council actions. All work noted above is to be completed on or before December 16, 2003.*

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## 10 JOINT COUNCIL/REDEVELOPMENT AGENCY

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### 10.1 Approval of recommendations related to the Getting Families Back to Work study sessions. (Cont'd.)

**Recommendation:** Approval of remaining recommendations related to policy changes and initiatives related to economic development and outcomes from the Getting Families Back to Work study sessions. (Mayor)

(Continued from 9/16/03 – Item 10.1)

*(VI) It is directed that in addition to the audit and legal work described above, the City Auditor shall perform an annual accounting to monitor and gauge the success of the recommendations and actions taken by the Mayor, City Council, City Manager, and Redevelopment Agency Executive Director. The scope of the audit each year is to be discussed exclusively with, and commissioned directly to the City Council thereby establishing a true “firewall” between management and those who are conducting the audit. These audits are to be completed and presented to the City Council for review in August 2004 and every August thereafter with reports to the Rules Committee in May of each for committee referral as either determined or warranted.*

Staff directed to return to Council with updates on the Floor Area Ratio and the Historical Review procedures. Direction for Staff to include within the RFP process, a progress update pertaining to the development of an incentive program for building developers to build multiple floor complexes above the standard four floor buildings. Staff was directed to refer Section C, Part 2, Item I of Mayor Gonzales' memorandum, dated September 30, 2003 to the City Manager, City Attorney and the Small Business Commission Task Force for further recommendations.

### 10.2 Approval of proposed Design Guidelines for the Guadalupe River Park and Gardens.

**Recommendation:** Approval of proposed Design Guidelines for the Guadalupe River Park and Gardens. (Redevelopment Agency/City Manager's Office)

**Deferred to 10/7/03.**

### 10.3 Approval of a Memorandum of Understanding with BEA Systems, Inc.

**Recommendation:** Adoption of resolutions by the City Council and Redevelopment Agency Board approving a Memorandum of Understanding between the City of San José and BEA Systems, Inc., and authorizing the City Manager and the Executive Director to negotiate a Development Agreement with BEA Systems, Inc., to facilitate the expansion of the company's corporate headquarters located on North First Street in the Rincon de Los Esteros Redevelopment Project Area to 2.8 million square feet. CEQA: Not a Project. (City Manager's Office/Redevelopment Agency)

(Rules Committee referral 9/24/03)

**Resolution No. 71773 adopted.**

**Agency Resolution No. 5438 adopted.**

**The Redevelopment Agency Board portion of the meeting adjourned at 6:25 P.M to a Joint City Council Redevelopment Agency meeting immediately following the Council meeting.**

**THE FOLLOWING ACTIONS WERE TAKEN AT THE JOINT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING ON TUESDAY, 9/30/03:**

**7.1 Resolution No. 71774 adopted.  
Agency Resolution No. 5436 adopted.**

**7.2 Resolution No. 71775 adopted.  
Agency Resolution No. 5437 adopted.**

- **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:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9523	n/s of Quimby Road, 1000’ w/o White Road	8	Braddock & Logan	25 units	SFD	Approve
9502	Floyd & Lick (NE/c)	3	Core Dev	16 units	SFA	Approve

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9533	S/S of Woodard Rd., e/o Starview Drive	9	FMA Development	6 lots/5 units	SFD

- **Open Forum—  
None.**

## **11 PUBLIC HEARINGS**

**(Heard by the City Council at 7:06 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 and 8/19/03 – Item 11.1)

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

# 11 PUBLIC HEARING

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## 11.2 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 et al., and 9/2/03 – Item 11.1)

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

## 11.3 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. Director of Planning, Building and Code Enforcement recommends approval and Planning Commission recommends approval with the following additional recommendations: (1) A park should be developed in tandem with the subject proposal. (2) The Santa Clara Valley Transportation property located immediately to the north of the subject site should develop with a combination of housing, retail and open space in order to create an appropriated transit oriented node (7-0-0).

PDC 02-072 - District 3

(Continued from 8/19/03 – Item 11.14 and 9/16/03 – Item 11.1)

**Ordinance No. 26993 was passed for publication.**

**Council approved Councilmember Cindy Chavez' memorandum, dated September 30, 2003, recommending the adoption of the Planning Commission and Staff recommendation with the following five additions:**

**(1) Direct Staff to work with the Valley Transportation Authority (VTA) to negotiate a Development Agreement for consideration by the City Council with the following components: Donation of 2 parcels of VTA owned land, totaling approximately 3.8 acres, located at Tamien Station along Lick Avenue to the south of the main entrance and at Lelong Avenue to the north of the 87 off/on-ramp for development of recreation facilities;**

*(This item continued on next page.)*

# 11 PUBLIC HEARING

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## 11.3 Public Hearing on planned development rezoning of the property located at 1303 Lick Avenue. (Cont'd.)

*and VTA contribution of \$400,000 towards construction of decked, replacement parking at Lelong and the 87 off-ramp; and Explore funding options for signal construction at Lelong and the Route 87 off/on-ramp; and Development rights on VTA property located along Lick Avenue north of the station driveway for up to 250 dwelling units and up to 5,000 square feet in retail in conformance with the General Plan for the area; and broad design guidelines for the potential development consistent with the Bottomley Associate Design and City Planning conceptual plan developed earlier this year; and Requisite related CEQA Review; and Replacement of parking displaced by development of recreation facilities; VTA will take responsibility for the 100+/- spaces to be located to the east of Route 87 and the City/BSB would accept the \$400,000 VTA donation and take responsibility for the 100+/- parking deck located along Lelong Avenue.*

*(2) Direct Barry Swensen Builder to work with staff to provide replacement parking for those spaces displaced by development of the recreation facility and development of the Lick Avenue Park & PTRAC facility in lieu of payment of the PDO fees. The approach should be phased in manner consistent with the project in order not to overburden the proposed first phase of construction (townhomes and southerly mid-rise) and consist of the following components: Phase I; would contribute \$1.4 million to the build out of the replacement parking deck on to west side of the station and combine with the \$400,000 contribution from VTA for a total project budget of \$1.8 million. Design and Construction will be completed to the satisfaction of the VTA; Phase II; BSB would complete build out of the Lick Avenue park space (approximately 2.2 acres) and associated curb and driveway loop improvements, and to provide for construction of the PTRAC/Community building of approximately 1500 SF. Design and Construction will be completed to the satisfaction of Directors of Parks, Recreation & Neighborhood Services and Public Works Departments; Details around the phasing will need to be worked out between the appropriate City Departments, VTA, and BSB and should not interfere with the immediately development of the Tamien Skateboard and Courts facility along Lelong.*

*(3) Direct the Department of Public Works (DPW) to work with the Barry Swenson Builder on the phased implementation of the following traffic calming and pedestrian improvements: Reconstruct the traffic diversion islands at the intersection of Humbolt/Lick and Floyd/Lick to narrow street width and install trees in islands to provide visual breaks in the corridor; Construct bulb-outs at the Tamien Station driveway; Construct high visibility crosswalks along Lick Avenue to promote pedestrian mobility at locations to be approved by the Director of Transportation; i.e. textured or uplit crossings; Upgrade the Alma/Lick to include ADA push buttons and pedestrian countdown signals; Contribute \$125,000 towards the*

*(This item continued on next page.)*

# 11 PUBLIC HEARING

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## 11.3 Public Hearing on planned development rezoning of the property located at 1303 Lick Avenue. (Cont'd.)

*construction of a future signal at Lelong and Route 87 off/on-ramps with potential reimbursement of the up to \$62,500 should the signal be funded by the VTA projects or the Elk's development.*

*(4) Direct Staff to explore opportunities to create trail spurs connecting the 87 bicycle trail to Alma and identify potential funding sources from future development, i.e. the Elk's Site.*

*(5) To insure architecture of superior design and quality at this visible and critical site, require applicant to hire an architect with proven experience and expertise in mid-rise residential design to the satisfaction of the Planning Director. Design development through the PD Permit phase should incorporate: Staff's design recommendations regarding setbacks, revised landscaping, etc.;*

*Improved pedestrian interface and pathways to reduce the insular nature of the project along the various frontages; Interesting building massing, articulation and roof elements; Units of appropriate size and layout; Methods to increase the number of parking spaces; Public input at critical design stages.*

**Ordinance No. 26993 passed for publication.**

**Noes: Yeager.**

## 11.4 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 from 9/16/03 – Item 11.3)

**Ordinance No. 26989 was passed for publication.**

**Council approved Councilmember Campos' memorandum, dated September 24, 2003, denying Staff's recommendation and approving the applicant's original conceptual site plan.**

# 11 PUBLIC HEARING

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## 11.5 PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at South 34<sup>th</sup> Street and Los Suenos Avenue.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the west side of South 34<sup>th</sup> Street, opposite of Los Suenos Avenue, from R-1-8 Residential District to A(PD) Planned Development Zoning District, to allow 3 single-family detached residences on a 0.88 gross acre site. (Zurich Properties, LP, Owner; Innovative Housing Solutions, Grant A. Denmark, Jr., Developer). CEQA: Exempt. SNI: Gateway East. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).  
PDC 03-021 - District 5

**Ordinance No. 26990 was passed for publication.**

## 11.6 PUBLIC HEARING ON CONFORMING REZONING of the property located at Zanker Road and Tasman Drive.

**Recommendation:** PUBLIC HEARING ON CONFORMING REZONING of the property located at the west side of Zanker Road, approximately 600 feet southerly of Tasman Drive, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow an addition of up to three ground floor corporate housing or live/work units and up to 97 multi-family attached residential units to the already approved total of 2,700 multi-family units on 61.9 gross acres. (Irvine Apartment Communities, Owner/Developer). CEQA: Resolution No. 68667. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

PDC 03-043 - District 4

**Ordinance No. 26991 was passed for publication.**

## 11.7 PUBLIC HEARING ON CONFORMING REZONING of the property located at 3630 San Felipe Road.

**Recommendation:** PUBLIC HEARING ON CONFORMING REZONING of the property located at the north side of San Felipe Road, approximately 50 feet northwesterly of Fowler Road (3630 San Felipe Road), from R-1-5 Residence Zoning District to CG Commercial General to allow commercial uses on a 0.34 gross acre site. (Sylvia Mendoza, Owner). Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C 03-070 - District 8

**Ordinance No. 26992 was passed for publication.**

- Open Forum

- Adjournment

The Council of the City of San José adjourned at 9:51 P.M.