



MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, MAY 16, 2006

The Council of the City of San Jose convened in Regular Session at 9:00 a.m. in Mayor's Conference Room T1841, at City Hall.

Present: Council Members: Campos, Chavez, Chirco, Cortese, Nguyen, LeZotte, Pyle, Reed, Williams, Yeager; Gonzales.

Absent: Council Members: None.

Upon motion unanimously adopted, the City Council recessed to Closed Session at 9:02 a.m. in Room T1841 to (A) confer with Legal Counsel regarding existing litigation pursuant to Government Code Section 54956.9 Subsection (a) to consider cases of (1) County of Santa Clara, et al., v. City of San José, et al.; (2) PLATO,C.LLC, et al. v. City of San José, et al.; B) to confer with Legal Counsel regarding anticipated litigation: (1) one matter where there is significant exposure to litigation pursuant to subsection (b) and two matters pertaining to initiation of litigation pursuant to subsection (c) of Government Code 54956.9; (C) to conduct public employee performance evaluation pursuant to Government Code Section 54957: Title: City Auditor; and (D) to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Manager designee Alex Gurza; Employee Organizations: (1) San José Police Officers' Association, (2) International Association of Firefighters, and (3) Operating Engineers, Local 3,

By unanimous consent, Council reconvened from Closed Session and recessed at 10:45 a.m. and reconvened at 1:34 p.m. in Council Chambers, City Hall.

Present: Council Members: Campos, Chavez, Chirco, Cortese, LeZotte, Nguyen, Pyle, Reed, Williams, Yeager; Gonzales.

Absent: Council Members: None.

INVOCATION (DISTRICT 5)

Pala Middle School Band performed a song entitled, "Panther in the Sky".

PLEDGE OF ALLEGIANCE

Mayor Gonzales led the Pledge of Allegiance.

ORDERS OF THE DAY

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Campos, and unanimously carried, the Orders of the Day and the Amended Agenda were approved. (11-0).

CEREMONIAL ITEMS

1.2 Presentation of a Proclamation designating the Week of May 14-20, 2006, as Emergency Medical Services Week. (Fire)

Action: Mayor Gonzales presented a proclamation to Fire Chief Clet designating the Week of May 14-20, 2006, as Emergency Medical Services Week.

1.3 Presentation of a commendation recognizing the City of San José as a recipient of the Partners for Livable Communities Entrepreneurial American Leadership Award. (Housing)

Action: Mayor Gonzales presented a commendation to Director of Housing Krutko recognizing the City of San José as a recipient of the Partners for Livable Communities Entrepreneurial American Leadership Award.

1.4 Presentation of a commendation recognizing the Affordable Housing Network. (Housing)

Action: Mayor Gonzales and Director of Housing Krutko presented a commendation to Sal and Billie Wachter and Phyllis Ward recognizing the Affordable Housing Network.

1.5 Presentation of a commendation recognizing the Housing Action Coalition. (Housing)

Action: Mayor Gonzales and Director of Housing Krutko presented a commendation recognizing the Housing Action Coalition.

1.6 Presentation of a Proclamation designating May as National Historic Preservation Month. (Planning, Building and Code Enforcement)

Action: Mayor Gonzales and Council Member LeZotte were joined by Interim Director of Planning, Building and Code Enforcement Horwedel to present a proclamation to Al Janke designating May as National Historic Preservation Month. (Planning, Building and Code Enforcement)

1.7 Presentation of a commendation to the Banyan Tree Project for its efforts to end HIV/AIDS discrimination and stigma in Asian and Pacific Islander (API) communities on the occasion of National API HIV/AIDS Awareness Day. (Yeager)

Action: Council Member Yeager and Mayor Gonzales presented a commendation to Michelle Lu and Ann Ng of the Banyan Tree Project for its efforts to end HIV/AIDS discrimination and stigma in Asian and Pacific Islander (API) communities on the occasion of National API HIV/AIDS Awareness Day.

1.8 Presentation of a commendation to Asian Americans for Community Involvement (AACI) for their commitment to social services and community building on the occasion of their 33rd Annual Banquet and Community Star Awards. (Chavez/Campos)

Action: Vice Mayor Chavez, Council Member Campos, and Mayor Gonzales presented a commendation to Michelle Lu of the Asian Americans for Community Involvement (AACI) for their commitment to social services and community building on the occasion of their 33rd Annual Banquet and Community Star Awards.

**1.16 Presentation of a commendation to Los Bomberos National, on the occasion of the National Association of Hispanic Firefighters 11th Annual International Training Conference held in San José. (Campos/Nguyen)
(Rules in Lieu referral 5/10/06)**

Action: Council Member Campos, Council Member Nguyen, and Mayor Gonzales presented a commendation to Los Bomberos National, on the occasion of the National Association of Hispanic Firefighters 11th Annual International Training Conference held in San José.

**1.18 Presentation of a commendation recognizing the employees of Kaiser Permanente San José for volunteering in San José's Guadalupe River Park & Gardens planting trees, painting a building and fence posts and assembling material for children's environmental education programs. (Chavez/Williams)
(Rules in Lieu referral 5/10/06)**

Action: Vice Mayor Chavez, Council Member Williams, and Mayor Gonzales presented a commendation recognizing the employees of Kaiser Permanente San José for volunteering in San José's Guadalupe River Park & Gardens planting trees, painting a building and fence posts and assembling material for children's environmental education programs.

CONSENT CALENDAR

Action: Upon motion by Council Member Williams, seconded by Council Member Pyle, and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0).

2.2 Final adoption of ordinances.

- (a) **ORD. NO. 27708** – Amends Section 9.10.1210 of Chapter 9.10 of Title 9 of the San José Municipal Code to revise the provisions relating to late charges for delinquent bills for residential solid waste collection services.

Documents Filed: Proof of publication of title of Ordinance No. 27708, executed May 9, 2006, submitted by the City Clerk.

Action: [Ordinance No. 27708](#) was adopted. (11-0).

- (b) **ORD. NO. 27709** – Amends Chapter 15.08 of Title 15 of the San José Municipal Code to add a new section 15.08.330 to require timely payment of bills for Municipal Water Service; to authorize the Director of Finance to cancel late charges on delinquent Municipal Water bills, up to any amount, where the customer can demonstrate that he or she did not receive a bill, or the bill is erroneous, provided the cancellation request is made within ninety (90) days of receiving notice of the late charge; and to authorize the Director of Finance to cancel late charges imposed on Municipal Water bills under specified circumstances.

Documents Filed: Proof of publication of title of Ordinance No. 27709, executed May 9, 2006, submitted by the City Clerk.

Action: [Ordinance No. 27709](#) was adopted. (11-0).

- (c) **ORD. NO. 27711** – Amends Sections 3.36.1200, 3.36.1210, 3.36.1230, and 3.36.1240 of Chapter 3.36 of Title 3 of the San José Municipal Code to revise the definition of surviving child in the Police and Fire Department Retirement Plan effective April 15, 2006 to delete the requirement a child be conceived or adopted prior to retirement.

Documents Filed: Proof of publication of title of Ordinance No. 27711, executed May 9, 2006, submitted by the City Clerk.

Action: [Ordinance No. 27711](#) adopted. (11-0).

- (d) **ORD. NO. 27712** – Amends Chapter 3.36 and Chapter 3.44 of Title 3 of the San José Municipal Code to implement State Law regarding benefits for registered domestic partners.

Documents Filed: Proof of publication of title of Ordinance No. 27712 executed May 9, 2006, submitted by the City Clerk.

Action: [Ordinance No. 27712](#) was adopted. (11-0).

2.2 Final adoption of ordinances.

- (e) **ORD. NO. 27713** – Rezones certain real property situated at the northwest corner of Lucretia Avenue and Phelan Avenue (1785 Lucretia Avenue) to A(PD) Planned Development Zoning District.

Documents Filed: Proof of publication of title of Ordinance No. 27713, executed May 9, 2006, submitted by the City Clerk.

Action: [Ordinance No. 27713](#) adopted. (11-0).

- (f) **ORD. NO. 27714** – Rezones certain real property situated at the west side of Bundy Avenue, approximately 65 feet northerly of Adra Avenue (433 Bundy Avenue), to A(PD) Planned Development Zoning District.

Documents Filed: Proof of publication of title of Ordinance No. 27714, executed May 9, 2006, submitted by the City Clerk.

Action: [Ordinance No. 27714](#) was adopted. (11-0).

- (g) **ORD. NO. 27715** – Rezones certain real property situated on the south side of Rock Avenue, approximately 800 feet westerly of Oakland Avenue to A(PD) Planned Development Zoning District.

Action: This item was deferred to May 23, 2006. (11-0).

- (h) **ORD. NO. 27716** – Rezones certain real property situated on the west side of San Felipe Road, approximately 300 feet south of Yerba Buena Road to A(PD) Planned Development Zoning District.

Documents Filed: Proof of publication of title of Ordinance No. 27716, executed May 9, 2006, submitted by the City Clerk.

Action: [Ordinance No. 27716 was adopted.](#) (11-0).

- (i) **ORD. NO. 27717** – Amends section 20.120.100 of Chapter 20.120 of Title 20 of the San José Municipal Code to allow the Director of Planning, Building, and Code Enforcement to make a determination as to whether to take Director-Initiated Conforming Rezonings directly to the City Council without Planning Commission recommendation.

Documents Filed: Proof of publication of title of Ordinance No. 27717, executed May 9, 2006, submitted by the City Clerk.

Action: [Ordinance No. 27717](#) was adopted. (11-0).

2.2 Final adoption of ordinances.

- (j) **ORD. NO.27723** – Amends Section 4.46.039.5 of Chapter 4.6, Section 4.47.092 of Chapter 4.47, Section 4.54.038 of Chapter 4.54, and Section 4.64.035 of Chapter 4.64 of Title 4 of the San José Municipal Code, to extend the suspension of collection of taxes imposed under such Chapters for new construction of housing for very low income households to June 30, 2011.

Documents Filed: Proof of publication of title of Ordinance No. 27723, executed May 12, 2006, submitted by the City Clerk.

Action: [Ordinance No. 27723](#) was adopted. (11-0).

2.3 Approval of fiscal actions for the Geographic Information System -- Adoption of the following appropriation ordinance amendments in the General Fund:

- (a) Eliminate the Geographic Information Systems Reserve in the amount of \$184,725;
- (b) Increase the Citywide appropriation for Geographic Information System Integration by \$184,725.

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

Documents Filed: Memorandum from Interim Chief Information Officer Murphy and Budget Director Lisenbee, dated April 17, 2006, recommending adoption of the appropriation ordinance amendments.

Action: [Ordinance No. 27752](#), entitled: "An Ordinance of the City of San José Amending Ordinance No. 27474 to Appropriate Moneys in the General Fund for the Geographic Information System Integration; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", was adopted. (11-0).

2.4 Approval of an ordinance extending the Small Business Construction Tax Suspension Incentive by amending Section 4.46.039.4 of Chapter 4.46, Section 4.47.093 of Chapter 4.47, and Section 4.54.039.6 of Chapter 4.54 of Title 4 of the San José Municipal Code, to extend the period 18 months to November 30, 2007, during which the City suspends the collection of fifty percent of the Building and Structure Construction Tax, the Commercial-Residential-Mobilehome Park Building Tax, and the Construction Tax for construction of small business improvements, either as new construction or tenant improvements, of 3,000 square feet or less by new or existing small businesses. CEQA: Not a Project. (City Manager's Office/Planning, Building and Code Enforcement)

Documents Filed: Memorandum from Director of Office of Economic Development Krutko and Acting Director of Planning, Building and Code Enforcement Horwedel, dated May 3, 2006, recommending approval of the ordinance.

2.4 (Cont'd.)

Action: [Ordinance No. 27753](#), entitled: “An Ordinance of the City of San José Amending Section 4.46.039.4 of Chapter 4.46, Section 4.47.093 of Chapter 4.47 and Section 4.54.039.6 of Chapter 4.54 of Title 4 of the San José Municipal Code to Extend the Period for Suspension of the Collection of Fifty Percent of the Building and Structure Construction Tax, the Commercial-Residential-Mobilehome Park Building Tax, and the Construction Tax for Construction of Small Business Improvements, Either as New Construction or Tenant Improvements, of 3,000 Square Feet or Less by New or Existing Small Businesses Through November 30, 2007”, was passed for publication. (11-0).

- 2.5 (a) **Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2005-2006 #15, and authorization for the Director of Finance to execute the purchase orders. CEQA: See memo for determinations.**
- (b) **Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2005-2006 #16, and authorization for the Director of Finance to execute the purchase orders. CEQA: See memo for determinations.**
- (Finance)**

Documents Filed: (1) Memorandum from Director of Finance Johnson, dated April 26, 2006, recommending approval of the award of open purchase orders. (2) Letter from Patricia Mahan, Chair of the Treatment Plant Advisory Committee, dated May 9, 2006, recommending approval of award.

Public Comments: George Fokos spoke in support of recommendation for Item 2.5(b).

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Campos, and unanimously carried, Item 2.5(a)—the award of open purchase orders for List #15 was deferred to May 23, 2006, and the award of open purchase orders for List #16 was approved. (11-0).

2.6 Adoption of a resolution authorizing the Director of Finance to:

- (a) **Execute a Uniform and Laundry Service Agreement with Ameri Pride Uniform Services for a one-year agreement from May 16, 2006 through May 15, 2007 not to exceed \$200,000.**
- (b) **Exercise four additional one-year options to renew without further Council action other than the appropriation of funds.**
- (c) **Issue Purchase Orders for various departments in an amount not to exceed the agreement amount effective July 1, 2006 subject to appropriation of funds for Fiscal Year 2006-2007.**
- CEQA: Not a Project. (Finance)**

2.6 (Cont'd.)

Documents Filed: Memorandum from Director of Finance Johnson, dated May 2, 2006, recommending adoption of the resolution.

Action: [Resolution No. 73168](#), entitled: "A Resolution of the Council of the City of San Jose Authorizing the Director of Finance to Execute a Uniform and Laundry Service Agreement with Ameri Pride Uniform Services", was adopted. (11-0).

2.7 Approval of report on bids for computers:

- (a) **Report on bids and award the purchase of 750 computers (PCs), monitors, peripherals and extended maintenance to the lowest responsive bidder, ComputerLand of Silicon Valley (San José, CA), in the amount of \$782,301.95:**
- (b) **Adoption of a resolution authorizing the Director of Finance to:**
 - (1) **Execute an Agreement for the purchase of PCs for an initial one year term, including the initial purchase of 750 PCs, and**
 - (2) **Purchase additional quantities of computers and related items on an as-required basis at the same unit pricing without further Council action other than the appropriation of funding, and**
 - (3) **Exercise two additional one-year options to renew without further Council action other than the appropriation of funds.**

CEQA: Not a Project. (Finance)

Documents Filed: (1) Memorandum from Director of Finance Johnson, dated May 4, 2006, recommending approval of the report on bids for computers and adoption of the resolution. (2) Supplemental memorandum from Director of Finance Johnson, dated May 11, 2006, to report on a bid protest received from Charles Jones, representing Jones Enterprises/CBX Joint Venture.

Action: Upon motion by Council Member Pyle, seconded by Council Member Campos, and unanimously carried, the Report on bids and award the said purchase to the lowest responsive bidder, ComputerLand of Silicon Valley (San José, CA), was approved, and [Resolution No. 73169](#), entitled: "A Resolution of the Council of the City of San Jose Authorizing the Director of Finance to Execute an Agreement for the Purchase of Computers, Monitors and Related Items With ComputerLand of Silicon Valley", was adopted. (11-0).

2.8 Adoption of a resolution approving the annual review of the City of San José Investment Policy and certain changes thereto regarding eligible investment, the composition of the Investment Committee, allowing authorized designees to execute agreements consistent with the Investment Policy, and name changes to the Primary Dealer List. CEQA: Not a Project. (Finance)

Documents Filed: Memorandum from Director of Finance Johnson, dated April 26, 2006, recommending adoption of the resolution.

2.8 (Cont'd.)

Action: [Resolution No. 73170](#), entitled: "A Resolution of the Council of the City of San Jose Approving the City's Investment Policy Including Certain Revisions Thereto", was adopted. (11-0).

2.9 Approval to set a Public Hearing regarding territory designated as McKee No. 130: Adoption of a resolution initiating proceedings and setting June 6, 2006, at 1:30 p.m. for Council consideration on the reorganization of territory designated as McKee No. 130 which involves the annexation to the City of San José of 10.88 acres of land more or less, located at the southwest corner of Capitol Avenue and Mabury Road and adjacent to the City of San José annexation McKee Nos. 122, 78-A, 80, 115, 84, and 97 and the detachment of the same from Central Fire Protection, and Area No. 01 (Library Service) County Service Districts. CEQA: Mitigated Negative Declaration (File No. PDC05-060). Council District 4. (Planning, Building and Code Enforcement)

Documents Filed: Memorandum from Acting Director of Planning, Building and Code Enforcement Horwedel, dated April 26, 2006, recommending adoption of the resolution.

Action: [Resolution No. 73171](#), entitled: "A Resolution of the Council of the City of San José Initiating Reorganization Proceedings for the Annexation and Detachment of Certain Uninhabited Territory Designated as McKee No 130 Described Herein and Setting the Date, time and Place for Consideration of Such Reorganization", was adopted. (11-0).

**2.10 Approval to set a Public Hearing for an Underground Utility District Along the Market Almaden District:
Adoption of a resolution to consider the establishment of a Rule 20A Underground Utility District along Balbach Street from Almaden Boulevard to South Market Street, West William Street from the westerly end of the street to S. Market Street, Pierce Avenue and West Reed Street from Almaden Avenue to South Market Street and Almaden Avenue from Viola Street to West Reed Street, and setting a public hearing on June 13, 2006, at 1:30 p.m. CEQA: Exempt, PP06-050. Council District 3. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Allen, dated April 26, 2006, recommending adoption of the resolution.

Action: [Resolution No. 73172](#), entitled: "A Resolution of the Council of San José Setting the Time and Place for a Public Hearing to Consider the Establishment of a Rule 20A Underground Utility District Along Balbach Street from Almaden Boulevard to South Market Street, West William Street from the Westerly End of the Street to South Market Street, Pierce Avenue and West Reed Street from Almaden Avenue to South Market Street and Almaden Avenue from Viola Street to West Reed Street, on June 13, 2006 at 1:30 P.M.", was adopted. (11-0).

2.11 Approval of three, two-year consultant master agreements with the following firms for various City projects from Public Works.:

- (a) **Kitchell CEM for a variety of program, project and construction management services to supplement in-house resources for a term of two years following the date of full execution, for a total agreement amount not to exceed \$350,000.**
- (b) **Gilbane Building Company for a variety of program, project and construction management services to supplement in-house resources for a term of two years following the date of full execution, for a total agreement amount not to exceed \$350,000.**
- (c) **URS Corporation for a variety of program, project and construction management services to supplement in-house resources for a term of two years following the date of full execution, for a total agreement amount not to exceed \$250,000.**

CEQA: Exempt. Not a Project. (Public Works)

Action: This item was dropped from the Agenda.

2.12 Approval of an amendment to the master agreement for various City trail projects: Approval of the first amendment to the master agreement with CH2M HILL, Inc. for planning, design and construction support services supporting various City trail projects, increasing the total compensation by \$294,219, from \$849,781 for a total not to exceed agreement amount of \$1,144,000. CEQA: Not a Project. SNI: Washington, Gardner. (Public Works/Parks, Recreation and Neighborhood Services)

Documents Filed: Memorandum from Director of Public Works Allen and Acting Director of Parks, Recreation and Neighborhood Services Balagso, dated April 26, 2006, recommending approval of the first amendment to the master agreement.

Action: The first amendment to the master agreement with CH2M Hill, Inc., for specified services was approved. (11-0).

2.13 Approval of the Tech Museum Parking Validation Program: Adoption of a resolution to repeal Resolution No. 73041 and adopt a new Master Parking Rate Schedule with the following additions:

- (a) **Include the Convention Center Garage in the Tech Museum Parking Validation Program;**
- (b) **Establish an incremental parking rate up to a maximum of \$5.00 with a Tech Museum Parking Validation for the Convention Center and 2nd/San Carlos Garages.**

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

Documents Filed: Memorandum from Director of Transportation Helmer, dated May 2, 2006, recommending adoption of the resolution.

2.13 (Cont'd)

Action: [Resolution No. 73173](#), entitled: “A Resolution of the Council of the City of San José Adopting a Master Parking Rate Schedule for Municipal On and Off Street Parking Facilities, to Amend the Master Parking Rate Schedule to Expand the Technology Museum Validation Program to Enable Patrons of the Technology Museum to Park at Both the Second/San Carlos Garage and the Convention Center Garage at the Daily Incremental Rate up to a Maximum of \$5.00 a Day, and to Repeal Resolution #73041 Effective May 16, 2006”, was adopted. (11-0).

2.14 Adoption of a resolution approving the pedestrian and bicycle projects to be submitted for 2006-07 Transportation Development Act, Article 3 grant funding in an amount not to exceed \$745,833 and authorizing the City Manager to accept the grant, if awarded and to negotiate and execute grant documents. CEQA: Exempt, File No. PP06-073. (Transportation)

Documents Filed: Memorandum from Director of Transportation Helmer, dated April 26, 2006, recommending adoption of the resolution.

Director of Transportation Helmer amended the Staff memorandum dated April 26, 2006, Exhibit A, to correct Item #5 to read #4, and replacing “Novia Scotia Avenue” to “Twilight Road.”

Action: The Staff recommendation, as amended at the Council meeting, was approved, and [Resolution No. 73174](#), entitled: “A Resolution of the Council of the City of San Jose Approving the List of Proposed Projects to be Submitted for Fiscal Year 2006-2007 Transportation Development Act, Article 3 (TDS 3) Grant Funding, and Authorizing the City Manager to Negotiate and Execute the Necessary Grant Documents to Effectuate the Grant in an Amount Not to Exceed \$745,833”, was adopted. (11-0).

2.15 Approval of travel by Council Member Nguyen to Okinawa and Kyoto, Japan on July 5-15, 2006, to attend the Women in American Politics Program at Doshisha University to speak about the positions that they hold and their experiences in public policy. Source of Funds: Japan – U.S. Friendship Commission. (Nguyen) (Rules in Lieu referral 5/10/06)

Documents Filed: Memorandum from Council Member Nguyen, dated May 4, 2006, recommending approval of the travel request.

Action: The travel by Council Member Nguyen on July 5-15, 2006 was approved. (11-0).

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – May 3, 2006 (Deferred to May 23, 2006)

Vice Mayor Chavez, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review May 16, 2006 Draft Agenda
 - (a) Adds to the May 16, 2006 Draft Agenda
 - (2) Add New Items to May 9, 2006 Agenda
 - (a) Mayor and Councilmember Requests
 - (b) Council Appointee Requests
 - (3) List of Reports Outstanding
- (c) Legislative Update
 - (1) State
 - (a) State Legislative Update – Redevelopment Bills
AB2922 (Jones) – Amended: Low and Moderate Income Housing Fund: 35% set aside
SB1206 (Kehoe) – Redevelopment Reform
AB2197 (Devore) – Bill withdrawn
 - (b) State Housing Legislation
AB2638 (Laird) – Housing Trust Fund
AB2800 (Laird) – Housing Anti-Discrimination
SB1289 (Cedilo) – Emancipating Foster Youth
AB2961 (Nunez) – Homeless Assistance Payments
 - (c) Proposition 81: California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2006, Proposition 82: Preschool Education, Tax on Incomes Over \$400,000 for Individuals; \$800,000 for Couples.
 - (d) AB2435 (Coto) – Santa Clara Valley Water District
 - (e) SB1611 (Simitian) – Congestion Management Fees
 - (2) Federal
- (d) Meeting Schedules
 - (1) Rules-in-Lieu Schedule for May 10th and May 17, 2006. (City Clerk)
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Process for Denial of Proposed General Plan Amendments. (PBCE)
SEE ITEM 3.7 FOR COUNCIL ACTION TAKEN
 - (2) Approval of travel by Councilmember Nora Campos to attend the National Association of Latino Elected Officials (NALEO) Annual Conference in Dallas, Texas, June 21-25, 2006. (Campos)
- (h) Open Forum
- (i) Adjournment

Action: This item was deferred to May 23, 2006.

- 3.8 Report by City Liaisons on discussions with the City of San José and the County of Santa Clara: Report by City Liaisons, Council Members Linda J. LeZotte and Ken Yeager, on their meeting and discussions with Supervisors Jim Beall and Don Gage, and a discussion by Council and the administration regarding mutual areas of interests to be discussed with the County. (LeZotte/Yeager)
(Deferred from 5/9/06 – Item 3.8)**

Documents Filed: Memorandum from Council Members LeZotte and Yeager, dated May 16, 2006, recommending acceptance of the report.

Public comments: Ross Signorino expressed concerns regarding the timeliness of the meetings.

Action: By unanimous agreement, the report was accepted, and no Council action required. (11-0).

- 3.5 Initial Report of the Elections Commission regarding the Voter-Owned Campaign Concept**

- (a) **Accept the Initial Report and preliminary workplan and timeline;**
- (b) **Direct the City Manager to bring back an appropriation ordinance in 3 weeks to allocate \$50,000 to the Elections Commission for expenses relating to the work plan.**
- (c) **Adoption of a resolution authorizing the City Attorney to negotiate and execute a contract with Alex Stuart, Esq. for consulting services, in an amount not to exceed \$40,000.**

(Elections Commission/City Attorney/City Clerk/City Manager)

Documents Filed: Memorandum from City Attorney Doyle and City Clerk Price, dated May 11, 2006, recommending acceptance of the Initial Report of the Elections Commission which outlines the preliminary work plan and timeline regarding the Voter-Owned Campaign concept, a request for appropriation action, and authorization for the City Attorney to contract with Alex Stuart.

Elections Commission Chair Tom Mertens made a presentation on the report regarding the Voter-Owned Campaign Concept.

Considerable Council discussion ensued.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Yeager, and unanimously carried, the Initial Report and preliminary workplan and timeline was accepted; the direction for the City Manager to bring back the appropriation ordinance was approved, and [Resolution No. 73175](#), entitled: “A Resolution of the Council of the City of San José Authorizing the City Attorney to Negotiate and Execute an Agreement with Alex Stuart for Consultant Services Related to the Voter-Owned Campaign Concept, in an Amount Not to Exceed \$40,000”, was adopted; and Staff was further directed to ensure the Elections Commission is given the flexibility to hire needed staff to complete the work-at-hand as well as allow partnerships and support for the commission to conduct community outreach to meet diversity needs. (11-0).

**3.7 Acceptance of information report on denial of proposed General Plan amendments (Planning, Building and Code Enforcement)
[Rules Committee referral 5/3/06 - Item 3.2(g)(1)]**

Action: This item was deferred to May 23, 2006.

**3.9 Approval of fiscal actions related to Team San José year-end appropriations:
Adoption of the following appropriation ordinance amendments in the Convention and Cultural Affairs fund:**

- (a) Increase Non-Personal appropriation by \$500,000;
- (b) Decrease the Unrestricted Fund Balance by \$500,000;
- (c) Decrease the Operating Contingency by \$187,229 for Fire Insurance;
- (d) Establish an appropriation for Insurance Expenses in the amount of \$187,229.

**CEQA: Not a Project. (City Manager's Office)
(Deferred 5/9/06 – Item 3.5)**

Documents Filed: Memorandum from Deputy City Manager Winer and Budget Director Lisenbee, dated May 11, 2006, recommending adoption of the appropriation ordinance amendments.

Deputy City Manager Kay Winer delivered an overview presentation on questions asked by council at the May 9, 2006 City Council meeting on the fiscal actions recommended.

Extensive Council discussion ensued.

Public Comment: George Fokos spoke in support of the proposed action, and William Garbett spoke in opposition.

Motion: Council Member Williams moved, seconded by Vice Mayor Chavez, to approve the Staff recommendation.

Following additional Council discussion, direction was given to Staff pertaining to maintenance costs, specifically regarding the Convention Center, the competitive processes, and scheduled showings at the California Theatre.

Action: On a call for the question, the motion carried unanimously, the Staff recommendation was approved; Ordinance No. 27754, entitled: "An Ordinance of the City of San José Amending Ordinance 27474 to Appropriate Moneys in the Convention and Cultural Affairs Fund for the Insurance Expenses; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", was adopted; and Staff was directed to: (1) Ensure Team San José seek alternative options to cover maintenance costs, such as subsidizing a percentage of event fees at the Convention Center; (2) Provide Council with a listing of local City competitors/venues and strategies used to ensure San José remains a competing City venue for local and national events; (3) Return to Council for an evaluation of any future agreements with Team San José, especially with issues regarding the support and maintenance of the Convention Center; and (4) Return to Council with an update on film showings at the California Theatre. (11-0).

NEIGHBORHOOD SERVICES

5.2 Approval of actions related to illegal tree removal:

- (a) Approval of an ordinance amending Sections 13.28.140 and 13.32.140 of Chapters 13.28 and 13.32 of Title 13 of the San José Municipal Code to increase the posting period for potential street tree removals from seven (7) to fourteen (14) days and to increase the potential maximum civil penalty for removal or destruction of heritage trees within a three year period from \$5,000 to \$30,000; and
- (b) Adoption of a resolution amending the Administrative Citation Schedule of Fines to increase the administrative fines for illegal removal of trees in San José as outlined in this report, and repealing Resolution No. 73004, to be effective July 7, 2006.

CEQA: Not a Project. (Transportation/Planning, Building and Code Enforcement)
(Deferred from 3/14/06 – Item 5.3 and 4/25/06 – Item 5.2)

Action: This item was deferred to May 23, 2006.

5.4 Adoption of a resolution authorizing the City Manager to negotiate and execute with San Jose Unified School District (SJUSD):

- (a) An Exchange Agreement providing for the exchanges of various property interests, with payment to SJUSD as just compensation in an amount not to exceed \$559,000 for transfers to the City; and
- (b) As part of the Exchange Agreement, a Joint Use Agreement providing for the joint and public use of a portion of City's Roosevelt Park for a softball field constructed by SJUSD, and of a portion of SJUSD property adjacent to the reconstructed Roosevelt Community Center for joint and public use of a parking lot, and containing 3 year renewable options; and
- (c) An Option Agreement providing the conditions under which SJUSD could exercise an option for restricted fee title for the Empire Gardens School Site, and the conditions under which City could exercise the option for restricted fee title to an expanded site for the Ellington Branch Library site; and
- (d) An Amendment to Lease for the Ellington Branch Library with the San José Unified School District to expand the site to approximately 0.90 acres, pending the exercise of the option for restricted fee title to the site; and
- (e) Authorizing the Director of Public Works to execute all other documents necessary to complete the exchanges.

CEQA: Ellington Branch Library, Exempt, File No. PP05-167, Roosevelt Park, Mitigated Negative Declaration, File No. PP03-397, Rajkovich Property, Exempt, File No, PP05-160, Empire Gardens School, Exempt, File No. PP04-029, Canoas Elementary School, Resolution No. 67894. Council Districts 2, 3, 6, and 10. (Public Works)

Action: This item was deferred to May 23, 2006.

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>
9789	Southeast corner of Fleming Avenue and Morrie Drive	5	Braddock & Logan III	12 Lots/ 12 Units	SFD	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>
9779	East side of Meridian Way, 30’ S of Paula Street	6	Joe Hasnain	1 Lot/8 Units	SFA
9781	N. Ninth Street at Jackson Street	3	Standard Pacific of Northern California	24 Lots/24 Units	SFA
9805	North side of Auzerais between Sunsol street and Los Gatos Creek	6	KB Homes South Bay	20 Lots/ 148 SFA/ 235 MFA	SF and MFA
9808	West side of Lincoln Avenue 230’ north of Pine	6	Willow Glen Homes	5 Lots/4 Units	SFD
9811	W/Terminus of Delmas and Dorothy Avenues	6	Stonebridge Development	8 Lots/7 Units	SFD
9814	Northeast corner of Almaden Avenue and Alma Avenue	3	Neighborhood Housing Associates	1 Lot/17 Units	MFA

OPEN FORUM

1. Bill Chew spoke on his candidacy for District 3.
2. George Fokos expressed concerns regarding local school districts in California.
3. Gary Briscoe expressed concerns regarding safety in East Side San José.
4. Ken Boynton informed Council of a scheduled protest in San José and expressed concern of the lack of security for the event.
5. Robert Apgar shared personal commentary.
6. William Garbett expressed commentary regarding the downtown entertainment district.
7. Mark Trout shared personal viewpoints.
8. Ross Signorino spoke on code enforcement violations.
9. Timothy Fitzgerald spoke on election financing.
10. Frankie Robles spoke on community volunteerism.

RECESS/RECONVENE

The Council of the City of San José recessed at 3:42 p.m. and reconvened to a Joint Meeting with the San José Financing Authority, recessed at 4:30 p.m., and reconvened at 7:03 p.m. for an evening session of the City Council.

Present: Council Members: Campos, Chavez, Chirco, Cortese, LeZotte, Nguyen, Pyle, Reed, Williams, Yeager; Gonzales.

Absent: Council Members: None.

Assistant City Clerk Alford read the requests for continuances of applications and other actions as recommended. Upon motion by Council Member Chavez, seconded by Council Member Yeager, and unanimously carried, the below noted continuances were granted. (11-0).

**1.1 Presentation of a commendation to the Evergreen Visioning Project Task Force for their exemplary dedication and invaluable contributions to the San José economy. (Cortese/Mayor) (Deferred from 4/18/06 – 1.4)
HEARD IN THE EVENING**

Action: Mayor Gonzales and Council Member Cortese presented a commendation to Vickie Lang, Sherry Gilmore, Vince Sokyam, Allan Covington, Teyun Zang, Dan Gould, Gordon Lund, Ike White, Cindy Shisler, Mike Alvarado, Jose Arayanda, and Dave Zang of the Evergreen Visioning Project Task Force for their exemplary dedication and invaluable contribution to the San José economy.

**1.9 Presentation of commendations to Justin Nam and Derek Esteban for earning the YMCA's Teen Volunteer of the Year Award for serving their communities through their exceptional work as YMCA volunteers. (LeZotte)
HEARD IN THE EVENING**

Action: Mayor Gonzales and Council Member LeZotte presented commendations to Justin Nam and Derek Esteban for earning the YMCA's Teen Volunteer of the Year Award for serving their communities through their exceptional work as YMCA volunteers.

**1.10 Presentation of a commendation to D.M. Bagby Elementary School honoring its achievement in becoming a California Distinguished School and recognizing the school's years of enriching the lives of the children of San José. (Yeager/Chirco)
HEARD IN THE EVENING**

Action: Council Member Yeager, Council Member Chirco, and Mayor Gonzales presented a commendation to D.M. Bagby Elementary School honoring its achievements in becoming a California Distinguished School and recognizing the school's years of enriching the lives of the children of San José.

- 1.11 Presentation of a commendation to the District 7 Youth Advisory Council for their exemplary service and commitment to making District 7 a better place to live. (Nguyen) HEARD IN THE EVENING**

Action: Council Member Nguyen and Mayor Gonzales presented a commendation to the District 7 Youth Advisory Council for their exemplary service and commitment to making District 7 a better place to live.

- 1.12 Presentation of a commendation to Gabriel Diaz for his commitment and dedicated service to the Kennedy Neighborhood Association. (Nguyen) HEARD IN THE EVENING**

Action: Mayor Gonzales and Council Member Nguyen presented a commendation to Gabriel Diaz for his commitment and dedicated service to the Kennedy Neighborhood Association.

- 1.13 Presentation of a commendation to Los Lagos Golf Course and CourseCo Inc. for their dedication and commitment to maintaining Los Lagos Golf Course and keeping it an eco-friendly place. (Nguyen) HEARD IN THE EVENING**

Action: This item was dropped from the Agenda.

- 1.14 Presentation of a commendation to the “Helping Hands, Healing Hearts Collaborative” for their aid in the Katrina Disaster recovery efforts, their devotion to fostering community through volunteerism and for strengthening the spirit of giving in San José and the Silicon Valley community at large. (Chavez) (Rules in Lieu referral 5/10/06) HEARD IN THE EVENING**

Action: This item was deferred to May 23, 2006.

- 1.15 Presentation of a commendation to the ROEM Corporation for their work to establish thriving communities such as Monte Vista Gardens. (Campos) (Rules in Lieu referral 5/10/06) HEARD IN THE EVENING**

Action: Mayor Gonzales and Council Member Campos presented a commendation to the ROEM Corporation for their work to establish thriving communities such as Monte Vista Gardens.

- 1.17 Presentation of a commendation to the Loyal Order of Moose, Lodge 401 for its dedication to community service in San José. (Cortese) (Rules in Lieu referral 5/10/06) HEARD IN THE EVENING**

Action: Council Member Cortese and Mayor Gonzales presented a commendation to the Loyal Order of Moose, Lodge 401 for its dedication to community service in San José.

1.19 Presentation of a commendation recognizing the “D9 Stars”, Nancy Edwards, Amy Huddlestun, David Littau, Chris Perry and Anthony Sadillo. (Chirco) (Orders of the Day) HEARD IN THE EVENING

Action: Mayor Gonzales and Council Member Chirco presented a commendation recognizing the “D9 Stars”, Nancy Edwards, Amy Huddlestun, David Littau, Chris Perry, and Anthony Sadillo.

PUBLIC HEARINGS ON CONSENT CALENDAR

11.1 Public Hearings on Consent Calendar.

- (a) **Consideration of ordinances rezoning the real property located on the South side of Fleming Avenue, approximately 1,032 feet southeast of Alum Rock Avenue (139 and 145 Fleming Avenue) (San José The Lord’s Baptist Church and Parmer Inderjit S. and Kathy L., Owners), as follows:**
- (1) **PDC05-061 – Planned Development Rezoning from Unincorporated County to the A (PD) Planned Development Zoning District to allow single-family detached residences on a 2.66 gross acres site.**
 - (2) **C05-079 – Staff Initiated Rezoning from County to R-1-5 Residence Zoning District to allow single-family detached residential use on a 0.22 gross acres site.**

Director of Planning, Building and Code Enforcement recommended approval. Planning Commission recommended deferral for 90 days (7-0-0). CEQA: Mitigated Negative Declaration.

PDC05-061/C05-079 – District 5

[Continued from 12/13/05 – Item 11.1(a), et al., and 4/18/06 – Item 11.1(a)]

Action: This item was continued to June 13, 2006.

END OF CONSENT CALENDAR

- 11.2 Consideration of an ordinance rezoning the real property located at the southeast corner of Southwest Expressway and Fruitdale Avenue (John T. Vidovich, et al., Owner) from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to increase the number of attached residential units from 500 to 502, to eliminate 250,000 square feet of commercial (office and retail) to reduce the maximum amount of retail from 30,000 square feet to 29,225 square feet and to modify the development standards for a 12.7 acre site. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (7-0-0). CEQA: Resolution No. 69886 and Addendum thereto. PDC05-095 - District 6 (Continued from 4/4/06 – Item 11.7, et al., and 5/2/06 – Item 11.3)**

Action: This item was continued to June 13, 2006.

- 11.3 Consideration of an ordinance rezoning the real property located on the east side of Saratoga Avenue, approximately 90 feet southerly of Colombo Drive (1354 Saratoga Avenue) (C. Plato, Owner) from R-1-5 Residential District to CO Commercial Office Zoning District on a 0.23 gross acre site. CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommended denial (5-1-0). C05-107 - District 1**

Documents Filed: (1) Memorandum from Council Member LeZotte, dated May 16, 2006 recommending City Council deny the rezoning and requesting Staff re-evaluate the General Plan designation. (2) Memorandum from Planning Commission Secretary Horwedel, dated April 27, 2006, reporting that the Planning Commission recommended denial of the proposed rezoning; and recommended the City Council reconsider the appropriateness of the General Plan designation of Office for this block of Saratoga Avenue, and noting that the Director of Planning, Building and Code Enforcement recommended approval of the proposed rezoning. (3) Staff Report, dated April 15, 2006, recommending approval of the requested rezoning. (4) Proof of publication of Notice of Public Hearing, executed April 14, 2006, submitted by the City Clerk. (5) Two-page petition, dated April 21, 2006, opposing the rezoning. (6) Document entitled Force Field Analysis. (7) Three-page letter opposing the rezoning. (8) Seven photographs of comparable situations around the United States. (8) Ten photographs of the business located at 1354 Saratoga Avenue. (9) Eleven photographs of surrounding homes. (10) Letter from Marc Hynes, Attorney with Atkinson—Farasyn, LLP, representing PLATO, LLC, dated May 16, 2006, in support of the requested rezoning.

Public Comments: The applicant, Mark Hynes, spoke in support of the requested rezoning. Speaking in opposition were Tim Ortel, Sheryl Layman, and Michael Layman.

Action: Upon motion by Council Member LeZotte, seconded by Council Member Reed, and unanimously carried, the requested real property rezoning was denied. (11-0).

- 11.4 Consideration of an ordinance rezoning the real property located at the northeast corner of East Taylor Street and North Sixth Street (259 E. Taylor Street) (Todd W. and Maureen J. Zeman, Trustee and Et Al, Owner) from CN Commercial Neighborhood Zoning District to A(PD) Planned Development Zoning District to allow up to 4 single family attached residences and 1 single family detached residence on a 0.48 gross acre site. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (5-0-1). CEQA: Exempt.
PDC05-094 - District 3**

Documents Filed: (1) Memorandum from Planning Commission Secretary Horwedel, dated April 26, 2006, transmitting the staff report dated April 25, 2006, recommending approval of the requested real property rezoning with conditions as specified therein. (2) Memorandum from Planning Commission Secretary Horwedel, dated May 4, 2006, transmitting the Planning Commission recommendation for approval of the proposed rezoning. (3) Proof of publication of Public Hearing Notice, executed April 21, 2006, submitted by the City Clerk.

Motion: Vice Mayor Chavez moved approval of the Staff recommendation to approve the rezoning with the conditions proposed by Planning Staff, and with a request that the developer returns to the proposed rezoning neighborhood in time for the Planned Development hearing. Council Member Yeager seconded the motion.

Action: On a call for the question, the motion carried unanimously, and the Staff recommendation was approved, and [Ordinance No. 27755](#), entitled: “An Ordinance of the City of San José Rezoning Certain Real Property Situated at the Northeast Corner of East Taylor Street and North Sixth Street (259 East Taylor Street) to A(PD) Planned Development Zoning District”, was passed for publication. (11-0).

- 11.5 Consideration of an ordinance rezoning the real property located on the north side of East Gish Road approximately 300 feet westerly of Oakland Road (711 E. Gish Road) (Emerald Isle, LLC, Owner) from HI Heavy Industrial Zoning District to A(PD) Planned Development Zoning District to allow private school uses (Challenger School) at a former public school facility on a 7.23 gross acre site. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (5-0-1).
PDC03-099 - District 4**

Documents Filed: (1) Memorandum from Planning Commission Secretary Horwedel, dated April 26, 2006, transmitting the Staff Report dated April 20, 2006, recommending approval of the requested real property rezoning. (2) Memorandum from Planning Commission Secretary Horwedel, dated May 4, 2006, transmitting the Planning Commission recommendation for approval of the proposed rezoning as recommended by Staff. (3) Supplemental memorandum from Acting Director of Planning, Building and Code Enforcement Horwedel, dated May 16, 2006, transmitting a letter opposing the rezoning from Joe DeLaTorre, owner of Joe’s Custom Finishing. (4) Proof of publication of Public Hearing Notice, executed April 14, 2006, submitted by the City Clerk.

11.5 (Cont'd)

Public Comments: Clay Stringham, Challenger School, spoke in support of the proposed actions, and Ruth Lines, Joes's Custom Finishing, spoke in opposition.

Action: Upon motion by Council Member Reed, seconded by Council Member Yeager, and unanimously carried, the Staff recommendation was approved, and [Ordinance No. 27756](#), entitled: "An Ordinance of the City of San José Rezoning Certain Real Property Situated on the North Side of East Gish Road Approximately 300 Feet Westerly of Oakland Road (711 East Gish Road) to A(PD) Planned Development Zoning District", was passed for publication. (11-0).

11.6 **Consideration of an ordinance amending Title 20 of the San José Municipal Code, the Zoning Code, to allow additions to Non-Residential buildings of up to 5,000 square feet with a permit adjustment; to streamline permitting of temporary and stand-by generators in Non-Residential Districts; and to create a permitting process for wineries and breweries in Commercial Districts; Chapters of Title 20 to be amended include Chapters 20.40, 20.50, 20.70, 20.80, 20.90 and 20.100. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (6-0-0). CEQA: Exempt, PP06-049. Citywide**

Documents Filed: (1) Memorandum from Planning Commission Secretary Horwedel, dated April 27, 2006, transmitting the Planning Commission recommendation. (2) Proof of publication of Notice of Public Hearing, executed April 14, 2006, submitted by the City Clerk.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Yeager, and unanimously carried, the Staff recommendation was approved, and [Ordinance No. 27757](#), entitled: "An Ordinance of the City of San José Amending Section 20.40.100 of Chapter 20.40, Section 20.50.100 of Chapter 20.50, Section 20.70.100 of Chapter 20.70, Sections 20.80.2020 and 20.80.2030 of Chapter 20.80 and Section 20.100.500 of Chapter 20.100, all of Title 20 of the San José Municipal Code, to Enact Further Permit Streamlining Measures Pertaining to Minor Additions to Non-Residential Buildings and to Temporary and Stand-By Generators in Non-Residential Districts and to Create a Permitting Process for Wineries and Breweries in Commercial Zoning Districts", was passed for publication. (11-0).

3.6 **Public Hearing on the Proposed Operating and Capital Budgets for the Fiscal year July 1, 2006 to June 30, 2007, the proposed Five-Year Capital Improvement Program for 2007-2011, the proposed Fees and Charges Report for the Fiscal Year 2006-2007, and the Mayor's June Budget Message for Fiscal Year 2006-2007. (City Manager's Office) HEARD IN THE EVENING**

Documents Filed: (1) Proof of publication of Notice of Public Hearings, executed April 18, 2006, submitted by the City Clerk. (2) Letter from Carolyn Slezak, opposing the City Auditor's recommendation Code Enforcement Inspectors use personal cars rather than City vehicles.

3.6 (Cont'd.)

Mayor Gonzales opened the public hearing and the City Council heard comments pertaining to budgetary issues from the following individuals:

Public Comments:

- (1) Robert Lamkin spoke in support of the Police Activities League (PAL) athletic complex.
- (2) Joe Nieto (Plata Arroyo Neighborhood Association) spoke in support of the extension of the 911 fee.
- (3) Rose Bedard and Steve Mitchell (San José Unified School District) expressed concerns of the proposed 50% reduction of the safety crossing guards.
- (4) Ray Burton spoke in support of the PAL athletic complex.
- (5) Miguel Esparza spoke in support of the PAL athletic complex.
- (6) Frankie Robles spoke in support of the PAL athletic complex.
- (7) Aydan Nathan spoke in support of the PAL athletic complex.
- (8) Rachel Nathan spoke in support of the PAL athletic complex.
- (9) Tom Dragoin spoke in support of the PAL athletic complex.
- (10) Rick Baruelas spoke in support of the PAL athletic complex.
- (11) Christian Rodriguez spoke in support of the PAL athletic complex.
- (12) Bryan Jarvis (Police Activities League) spoke in support of the PAL athletic complex.
- (13) Joshua Howard (CA Apt. Association/Tri-Valley) spoke in support of the PAL athletic complex.
- (14) Ray Villareal spoke in support of the PAL athletic complex.
- (15) Jim McCann spoke in support of the PAL athletic complex.
- (16) Jason Rios spoke in support of the PAL athletic complex.
- (17) Sheri Busansky (AFSCME/MEF) spoke in opposition of cutting fire dept staff.
- (18) Raymundo Mendez spoke in opposition of the 911 fees.
- (19) Erik Larsen (AFSME Local 101 and President of MEF) spoke in support of funding City staff positions.
- (20) James Rodolfa spoke in support of the PAL athletic complex.
- (21) Dean Monroe, San José Sports Authority, spoke in support of the San José Grand Prix.
- (22) Garry McCloud spoke in opposition of budgetary cuts affecting city staff.
- (23) Lisa Feldberg spoke in support of the 911 fees.
- (24) Peggy Martinez spoke in support of the 911 fee.
- (25) Linda Dittes, AFSCME Local 101, commented on the budgetary process
- (26) Rashid Salaam, African American Community Agency, spoke in support of the Healthy Neighborhoods Venture Fund.
- (27) Jill Cody spoke in support of the 911 fees.
- (28) Mark Selznak, Early Care and Education Commission, spoke in opposition of budgetary cuts.

Action: The Public Hearing was closed, and no Council action taken.

- 3.4 Interview of one candidate for one vacancy on the Elections Commission.**
- (a) Interview April Lin Walsh.**
 - (b) Consider the appointment of Ms. Walsh to fill a vacancy on the Elections Commission, term ending March 1, 2007.**
- (City Clerk) HEARD IN THE EVENING**

Documents Filed: Memorandum from City Clerk Price, dated May 10, 2006, transmitting April Lin Walsh's application for consideration as an appointee to the Elections Commission.

Action: April Lin Walsh was interviewed by the City Council Member, and was unanimously appointed to fill a vacancy on the Elections Commission, term ending March 1, 2007. (11-0).

5.3 Approval of the Facility Re-Use Request for Proposal (RFQ) qualifications.

Acceptance of report and discussion on the following:

- (a) Proposal to remove nine site from the approved re-use list:**
 - (1) Cambrian Community Center**
 - (2) Capitol Park/Goss Neighborhood Center**
 - (3) Hoffman/Via Monte Neighborhood Center**
 - (4) Kirk Community Center**
 - (5) Millbrook Community Center**
 - (6) Moreland/West San José Community Center**
 - (6) McKinley Neighborhood Center**
 - (7) Noble House**
 - (8) Willows Senior Center**
- (b) Proposal to adopt a resolution authorizing the conversion of the following ten sites to open space or parkland:**
 - (1) Backesto Neighborhood Center**
 - (2) Bramhall Park Neighborhood Center**
 - (3) Hamann Park Neighborhood Center**
 - (4) Houge Park Neighborhood Center**
 - (5) Lower Watson Park Community Center**
 - (6) Upper Watson Park Neighborhood Center**
 - (7) Rainbow Park Neighborhood Center**
 - (8) San Tomas Neighborhood Center**
 - (9) St. James Community Center**
 - (10) Welch Park Neighborhood Center.**
- (c) Proposal to adopt a resolution authorizing the conversion of River Glen Park Neighborhood Center to limited use for concession and storage space for an existing user under contract with the City.**
- (d) Proposal to adopt a resolution authorizing the Department of Parks, Recreation and Neighborhood Services to conduct a Facilities Re-Use Request for Qualifications (RFQ) process for fourteen sites as follows:**

(Item continued on next page)

- 5.3 (d) (Cont'd)
- (1) **Ten sites in Fiscal Year 2006-2007:**
 - (a) **Alma Youth Center**
 - (b) **Alma Senior Center**
 - (c) **Edenvale Youth Center**
 - (d) **Fair Youth Center**
 - (e) **Joseph George Youth Center**
 - (f) **Old Alviso Community Center**
 - (g) **Old Berryessa Library**
 - (h) **Olinder Neighborhood Center**
 - (i) **Sherman Oaks Community Center**
 - (j) **Spot Youth Center**
 - (2) **Four sites in Fiscal Year 2007 2008:**
 - (a) **Hank Lopez Youth & Community Center**
 - (b) **Hillview Library**
 - (c) **Hoover Community Center**
 - (d) **Shirakawa Community Center**
 - (e) **Proposal to remove Meadowfair Community Center from the re-use list and refer to General Services Department for consideration as surplus property.**
CEQA: Exempt, File No. PP06-044. (Parks, Recreation and Neighborhood Services)

Documents Filed: (1) Memorandum from Acting Director of Parks, Recreation and Neighborhood Services Balagso, dated May 4, 2006, recommending acceptance of the report and discussion of proposals for the Facility Re-Use (RFQ) Process. (2) Hard copies of Power Point presentation entitled, *Facility Re-Use Report, City of San José*.

Public Comments:

- (1) William Garbett spoke in opposition to the proposed actions.
- (2) Gregory Kepferle (Catholic Charities) commented on the re-use proposal.
- (3) Don Gagliardi (13th St. NAC/Northside NAC) spoke in opposition to community center demolition.
- (4) Erik Godshalk, (13th St. NAC/SNI) spoke in opposition to community center demolition.
- (5) Susan Price (PACT/Re-Use Committee) commented on the re-use proposal.
- (6) Linda Dittes (AFSCME Local 101) spoke in support of the re-use proposal.
- (7) Michelle McGurk (Silicon Valley Council of Non-Profits) commented on re-use.
- (8) Michele Lew (Asian Americans for Community Involvement) stated concerns about the re-use issue.
- (8) Wes Mukoyama (Minorities Senior Providers Consortium) spoke on re-use issue.
- (9) Norma Callender (Iola Williams Senior Program) spoke in the re-use issue.
- (10) Maria Lopes (Meadowfair Neighborhood Association) spoke in support of the Meadowfair Community Center
- (11) Maria Lopez (Meadowfair Neighborhood Association) spoke on the Meadowfair Center.
- (12) Gracie Garcia-Ramas (Meadowfair Neighborhood Association) spoke on the Meadowfair Center.

5.3 (Cont'd)

Public Comments:

- (13) Erik Larsen (AFSCME Local 101) spoke on facility re-use.
- (14) Lois Lopez spoke against closing the community center.
- (15) Peter Furman spoke against the re-use proposal.
- (16) Lisa Jensen spoke in opposition to the community center re-use.
- (17) Bob Dolei (SNI PAC) commented on the re-use issue.
- (18) Miguel Esparza spoke on the Meadowfair Community Center.

Acting Director of Parks, Recreation and Neighborhood Services Albert Balagso delivered a presentation of the Facility Re-Use Report. Assistant Cynthia Bojorquez delivered a presentation on why Re-Use is necessary.

Council discussion ensued.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Yeager and unanimously carried, the report was accepted and Staff was directed to return to Council on June 6, 2006 and under the City Manager's direction to remain within the parameters of taking a short and long view of the staff recommendation and to come back with a 6-month to one-year solution, containing the following guidelines: (1) Ensure funding relating to the of buildings, if there should be any buildings, and under what conditions should they be under; (2) Respect any planning processes that are already under way by the City as well as community organizations and to ensure a safety evaluation is performed that includes the Police Department on any changes that are significant; (3) Conduct a savings assessment based upon the programs previously agreed to; (4) Not include a demolition list to ensure current stakeholders remain at the table; (5) Review other related programs, such as the BEST program and to implement BEST practices for funding strategies and to continue with current and future projects with stakeholders and Community Based Organizations; and (6) Direction to staff to report back to Council with an update report on the Northside Community Center. (11-0).

ADJOURNMENT

The Council of the City of San Jose adjourned at 10:50 p.m. in memory of Lupe Aguirre, an educator and Vice Principal in the Alum Rock School District, who passed away on May 10, 2006.

ATTEST:

LEE PRICE, M.M.C, CITY CLERK

Access the video, the agenda and related reports for this meeting by visiting the City's website at www.sanjoseca.gov/clerk/MeetingArchive.asp