

CITY COUNCIL AGENDA

JANUARY 11, 2005

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
NANCY PYLE

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.sanjoseca.gov/clerk/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**
9:34 a.m. - Closed Session, Room 600, City Hall
Absent – Council Members: None.

1:40 p.m. - Regular Session, Council Chambers, City Hall
Absent – Council Members: None.

7:08 p.m. - Public Hearings, Council Chambers, City Hall
Absent – Council Members: None.
- **Invocation (District 1)**
Sonia Cvitanich, Eastern European Services presented two poems for the Invocation.
- **Pledge of Allegiance**
Mayor Gonzales led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and Amended Agenda were approved.

1 CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation to Lois Feidler for being selected as the Volunteer of the Year, by the Emergency Manager's Association. (Emergency Services)
(Rules-In-Lieu referral 1/5/05)
Mayor Gonzales presented a proclamation to Dr. Lois Feidler for being selected as the Volunteer of the Year, by the Emergency Manager's Association. Dr. Feidler thanked the City of San José and Council for having the Emergency Center available.

1 CEREMONIAL ITEMS

- 1.2 Presentation of a commendation declaring the month of January as “School Safety Month.” (Yeager)
(Rules-In-Lieu referral 1/5/05)
Council Member Yeager and Mayor Gonzales presented a commendation to Chief of Police Rob Davis and Director of Parks and Recreation Sara Hensley, declaring the month of January as “School Safety Month.”
- 1.3 Presentation of a commendation recognizing Komag for its important contribution to the San José economy. (Mayor/Reed)
Mayor Gonzales was joined at the podium by Council Member Reed and Assistant Executive Director of the Redevelopment Agency Sharon Landers to present a commendation to Mr. and Mrs. T.H. Tan and Bill Hammet of the San José based business, Komag for its important contribution to the San José economic vitality.

2 CONSENT CALENDAR

2.1 Approval of Minutes.

There were none.

2.2 Final adoption of ordinances.

- (a) ORD. NO. 27234 – Rezones certain real property situated on the south side of Murphy Avenue, 450 feet westerly of Ringwood Avenue, from A Agriculture zoning district to A(PD) Planned Development Zoning District. PDC 04-071
Ordinance No. 27234 adopted.
- (b) ORD. NO. 27235 – Rezones certain real property situated on the south east corner of Murphy Avenue and Ringwood Avenue from A Agriculture Zoning District to A(PD) Planned Development Zoning District. PDC 04-072
Ordinance No. 27235 adopted.
- (c) ORD. NO. 27236 – Rezones certain real property situated south side of Curtner Avenue approximately 750 feet easterly of Highway 87 to A(PD) Planned Development Zoning District. PDC 04-078
Ordinance No. 27236 adopted.
- (d) ORD. NO. 27327 – Rezones certain real property situated on the east side of Cypress Avenue, approximately 260 feet southerly of Stevens Creek Boulevard, to A(PD) Planned Development Zoning District. PDC 04-046
Ordinance No. 27327 adopted.

2 CONSENT CALENDAR

2.2 Final adoption of ordinances. (Cont'd.)

- (e) ORD. NO. 27328 – Rezones certain real property situated on the south side of Tully Road, approximately 500 feet west of Senter Road to PD Planned Development Zoning District. PDC 04-046
Ordinance No. 27328 adopted.
- (f) ORD. NO. 27329 – Rezones certain real property situated west side of North White Road, 210 feet south of McKee Road, to CP Commercial Pedestrian Zoning District. C 04-083
Deferred to 1/25/05.
- (g) ORD. NO. 27322 – Amending Section 8.20.140 of Chapter 8.20 of Title 8 of the San José Municipal Code to clarify the definition of service location.
Ordinance No. 27322 adopted.
- (h) ORD. NO. 27323 - Adding a new Chapter 14.07 to Title 14 of the San José Municipal Code specifying the requirements for awarding contracts for the design and construction of Public Works pursuant to the Charter provision exempting from competitive bidding “Design-Build” contracts meeting the requirements set forth therein.
Ordinance No. 27323 adopted.
- (i) ORD. NO. 27324 – Rezoning certain real property situated on the south side of Murphy Avenue, 450 feet westerly of Ringwood Avenue, from a Agriculture Zoning District to PD Planned Development Zoning District. PDC04-071.
Ordinance No. 27324 adopted.
- (j) ORD. NO. 27325 – Rezoning certain real property situated on the south east corner of Murphy Avenue and Ringwood Avenue from a Agricultural Zoning District to a PD Planned Development Zoning District. PDC04-072.
Ordinance No. 27325 adopted.
- (k) ORD. NO. 27326 – Rezoning certain real property situated on the south side of Curtner Avenue approximately 750 feet easterly of Highway 87 to a PD Planned Development Zoning District. PDC04-078.
Ordinance No. 27326 adopted.
- (l) ORD. NO. 27327 – Rezoning certain real property situated on the east side of Cypress Avenue, approximately 260 feet southerly of Stevens Creek Boulevard, to a PD Planned Development Zoning District. PDC04-046.
Ordinance No. 27327 adopted.
- (m) ORD. NO. 27328 – Rezoning certain real property situated on the south side of Tully Road approximately 500 feet west of Senter Road to a PD Planned Development Zoning District. PDC04-076.
Ordinance No. 27328 adopted.

2 CONSENT CALENDAR

2.3 Approval of an agreement for feasibility studies of the Jet Fuel Farm and Hydrant Fueling.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with URS Corporation for consultant services for Jet Fuel Farm and Hydrant Fueling Feasibility Studies at Norman Y. Mineta San José International Airport for the period from the date of execution to January 31, 2007 and in an amount not to exceed \$310,000. CEQA: Resolution Nos. 67380 and 71451, PP 04-325. (Airport)

Resolution No. 7247 3 adopted.

2.4 Approval of an Investment Return Agreement with Team San Jose.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an Investment Return Agreement with Team San Jose. CEQA: Not a Project. (City Manager's Office)

Deferred to 2/15/05.

2.5 Approval of fiscal actions for Redevelopment Agency Capital Projects.

(a) Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the King and Story Road Improvements Project (PSM 221 #5), Blackford Streetlights Project (PSM 371 #1), and Enhanced Crosswalk Improvements (PSM 390) with a net impact to the fund of \$207,927.

Ordinance No. 27330 adopted.

Resolution No. 72474 adopted.

(b) Adoption of a resolution making certain determinations regarding the related expenditures of the Redevelopment Agency funds on certain public improvements in connection with the Enhanced Crosswalk Installation Project, as more specifically described in the memorandum from the Redevelopment Agency, dated November 5, 2004.

CEQA: Not a Project. Council Districts 1 and 5. SNI: West Evergreen and Blackford. (City Manager's Office)

Resolution No. 72475 adopted.

Correction noted, this item includes the 680/West Valley SNI.

2 CONSENT CALENDAR

2.6 Approval of actions for the Automated Fingerprint Identification system.

Recommendation:

- (a) Adoption of a resolution to accept SB 720 funds from the County of Santa Clara in the amount of \$2,771,632;
- (b) Amend the annual appropriation ordinance and funding sources resolution in the General Fund as follows:
 - (1) Increase the City-wide Appropriation for the Automated Fingerprint Identification System (AFIS) in the amount of \$2,771,632; and
 - (2) Increase the estimate for Revenue from Local Agencies by \$2,771,632.
- (c) Adoption of a resolution authorizing the Director of General Services to:
 - (1) Negotiate and execute an agreement for the sole source purchase of software and hardware for Phase II of existing upgrade to the AFIS with Printrak International, a division of Motorola (“Printrak”) located in Anaheim, California in the amount of \$2,292,897, including sales tax, installation and training.
 - (2) Execute change orders to the agreement in an amount not to exceed \$270,920 for any additional, unanticipated requirements encountered during the implementation process for this project.

CEQA: Not a Project. (General Services/Police/City Manager’s Office)

Deferred to 1/25/05.

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 2004-2005 #7 and authorization for the Director of General Services to execute the purchase orders. CEQA: See memo for CEQA designation(s). (General Services)

Approved.

2.8 Approval of a donation to the San José Search and Rescue Organization.

Recommendation: Adoption of a resolution authorizing the Director of General Services to execute all documents necessary for the donation of one Utility Vehicle and one Box Type Delivery Van with a total estimated value of \$6,000 to the San José Search and Rescue Organization. CEQA: Not a Project. (General Services)

Resolution No. 72476 adopted.

2.9 Approval of a Silicon Valley Workforce Investment Network Board Nomination.

Recommendation: Approval of two Silicon Valley Workforce Investment Network Board Nominations. (Mayor)

(Rules Committee referral from 12/15/04)

Approved.

2 CONSENT CALENDAR

2.10 Approval of actions for the 2004-2005 Weed Abatement Report.

Recommendation: Adoption of a resolution:

- (a) Overruling any and all objections to the 2004-2005 Hazardous Vegetation Commencement Report (Report); and
- (b) Directing the Santa Clara County Department of Agriculture and Resource Management to abate the seasonal and/or recurrent public nuisances on those properties identified in the Report pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Agreement between the City of San José and the County of Santa Clara.

CEQA: Exempt, PP04-01-001. (Planning, Building and Code Enforcement)

Resolution No. 72477 adopted.

Staff requested to report back on resources or subsidies available to assist senior, and/or disabled residents on a fixed income.

2.11 Approval of an agreement for the previously approved P.O.S.T.-Reimbursed Training Program.

Recommendation: Adoption of a resolution authorizing the City Manager to execute an agreement with the Commission on Peace Officer Standards and Training (P.O.S.T.) related to components of the previously approved P.O.S.T.-reimbursed training program for peace officers in Santa Clara County for the term of July 1, 2004 to June 30, 2005 in an amount not to exceed \$158,000. CEQA: Not a Project. (Police)

Resolution No. 72478 adopted.

2.12 Approval of fiscal actions for the Sobriety Checkpoint Program.

Recommendation: Adoption of the following amendments to the annual appropriation ordinance and the annual funding sources resolution in the General Fund (Fund 001) for Fiscal Year 2004-05:

- (a) Establish an appropriation in the City-wide Expenses to the Police Department for the OTS 2004-06 Sobriety Checkpoint Program for Local Law Enforcement Agencies Program Mini-Grant in the amount of \$63,224;
- (b) Increase Earned Revenue Estimate from the State by \$63,224. CEQA: Not a project

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

Ordinance No. 27331 adopted.

Resolution No. 72479 adopted.

Staff directed to provide Council with a copy of the grant agreement.

2 CONSENT CALENDAR

2.13 Approval of an agreement with the City of Campbell for materials testing and geotechnical services.

Recommendation: Approval of an agreement with the City of Campbell to provide materials testing and geotechnical services from the date of execution through December 31, 2006, in an amount not to exceed \$130,000. CEQA: Not a Project. (Public Works)
Approved.

2.14 Approval of an agreement for the purchase of a surface trail easement.

Recommendation: Approval of an agreement in the amount of \$100,105 with Vincent S. Alongi and Ida A. Alongi, Trustees and Carmel M. Alongi and Stanley Paul Alongi, Trustees, for the purchase of a surface trail easement on a portion of land located at 940 Lonus Street and authorization for the Director of Public Works to execute any additional documents necessary to complete the transaction. CEQA: Mitigated Negative Declaration, PP04-01-014. Council District 6. (Public Works)
Approved.

2.15 Approval of actions to accept a donation of property.

Recommendation: Approval of agreement and adoption of a resolution authorizing the Director of Public Works to execute all documents related to the acceptance of a donation of property located at 686 Delmas Avenue, from the Swamy family. CEQA: Exempt, PP04-07-215. Council District 3. SNI: Greater Gardner. (Public Works)
The agreement was approved and Resolution No. 72480 adopted.

2.16 Approval to reject, re-advertise and re-bid the sole bid for the Building Re-enforcement of Wireless Radio, Cellular, and WiFi Coverage in New City Hall.

Recommendation: Approval to reject the sole bid for the San José New City Hall In-Building Re-enforcement of Wireless Radio, Cellular, and WiFi Coverage Project, and authorization for the Director of Public Works to re-advertise and re-bid the project. CEQA: EIR Resolution No. 68905. SNI: University. (Public Works)
Deferred to 1/25/05.

2.17 Approval to award a contract for the Airport's Tenant Improvement Project.

Recommendation: Report on bids and take appropriate action based on the evaluation of bids for the Norman Y. Mineta San José International Airport Tenant Improvement Phase 1-B Project. CEQA: PP04-04-135. (Public Works/Airport)
Deferred to 1/25/05.

2 CONSENT CALENDAR

2.18 Acceptance of the Office of the City Auditor's report.

Recommendation: Acceptance of the Office of the City Auditor's *Report of Activities and Findings for the Period of October 16 through November 15, 2004*. (City Auditor)
(Rules-in-Lieu referral 1/5/05)

The report was accepted.

2.19 Approval of fiscal actions for a short term cash flow loan.

Recommendation: Adoption of appropriation ordinance and funding sources resolution amendments in the Anti-Tobacco Master Settlement Agreement Revenue Fund and adoption of appropriation ordinance amendments in the Sewage Treatment Plant Connection Fee Fund to provide for a short-term cash flow loan in the amount of \$4.8 million. CEQA: Not a Project. (City Manager's Office/Parks, Recreation and Neighborhood Services)

(Rules-In-Lieu referral 1/5/05)

Ordinance No. 27332 adopted.

Resolution Nos. 72481 adopted.

2.20 Approval of actions to submit an application to the Bay Area Air Quality Management District (BAAQMD), Solid Waste Collection Vehicle Incentives.

Recommendation: Adoption of a resolution authorizing the Director of the Environmental Services Department to submit an application to the Bay Area Air Quality Management District (BAAQMD), Solid Waste Collection Vehicle Incentives, in the amount of \$350,000, to accept the grant on behalf of the City of San José, and to execute all documents necessary to implement the grant. CEQA: Mitigated Negative Declaration, PP92-05-98. (Environmental Services)

(Rules-In-Lieu referral 1/5/05)

Resolution No. 72482 adopted.

2.21 Approval of a contingency budget increase for the Coyote Creek/River Oaks Levee Trail Reach 3A/3B Project.

Recommendation: Approval of a contingency budget increase in the amount of \$40,000 for a total contingency budget of \$65,000 for the Coyote Creek/River Oaks Levee Trail Reach 3A/3B Project. CEQA: Exempt, PP03-07-230. Council District 4. (Public Works)

(Rules-In-Lieu referral 1/5/05)

Approved.

2 CONSENT CALENDAR

2.22 Approval of an ordinance to create an exception to the ban on feeding wild animals.

Recommendation: Approval of an ordinance amending Section 7.11.100 of Chapter 7.11 of Title 7 of the San José Municipal Code to create an exception to the ban on feeding wild animals for any person using an attractant to trap animals in a legally authorized or permitted manner. CEQA: Exempt, PP04-289. (City Attorney's Office/Parks, Recreation and Neighborhood Services)
(Rules-In-Lieu referral 1/5/05)

Ordinance No. 27333 passed for publication.

City Attorney Office directed to determine whether the exception should be limited to wild animals as opposed to animals.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Gonzales, Chair

No Report.

3.2 Report of the Rules Committee – December 15, 2004

Vice Mayor Dando, Chair

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

(b) City Council

(1) Review January 11, 2005 Draft Agenda

The Committee approved the agenda with two changes.

(2) Review January 4, 2005 Draft Agenda

Dropped – Holiday Closure.

(3) Review December 28, 2004 Draft Agenda

Dropped – Holiday Closure.

(c) Legislative Update

(1) State – **There was no report.**

(2) Federal – **There was no report.**

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – December 15, 2004 (Cont'd.)

Vice Mayor Dando, Chair

(d) Meeting Schedules

- (1) Request from Mayor and Chair of Blue Ribbon Task Force that Rules Committee find that the report from Investigator for San Jose Election Commission is deserving of a public hearing before the City Council, pursuant to Council Policy 0-28, City Council Conduct Policy, and that the Mayor call a Special Council Meeting for Friday, December 17, 2004, at 1:00 p.m., in Council Chambers

The Committee recommended approval to set a Special Council Meeting for Friday, December 17, 2004, at 1:00 p.m. in the Council Chambers to consider the censure of Council Member Terry Gregory, based on six allegations of conduct in violation of City ordinances and City policy as contained in a report to the San José Elections Commission, dated December 8, 2004, from Hanson, Bridgett, Vlahos and Rudy LLP.

(e) The Public Record

The Committee noted and filed the Public Record.

(f) Appointment to Boards, Commissions and Committees

There were none.

(g) Rules Committee Reviews, Recommendations and Approvals

There were none.

(h) Oral communications

Aaron Morrow, District 7 resident and Disability Advisory Commissioner, requested Council take periodic breaks during lengthy sessions.

(i) Adjournment

The meeting adjourned at 2:50 p.m.

The Rules Committee Report and Actions of December 15, 2004 were approved.

3.3 Report of the Making Government Work Better Committee – December 8, 2004

Council Member Campos, Chair

(a) Major IT Projects Update

The Committee accepted the Staff report.

(b) Family Camp

The Committee accepted the Staff report with the direction to add an additional recommendation for cost recovery to include replacement and maintenance as well as capital needs of the facility, and return to the Committee after the summer season.

3 STRATEGIC SUPPORT SERVICES

3.3 Report of the Making Government Work Better Committee – December 8, 2004 Council Member Campos, Chair (Cont'd.)

- (c) Oral Petitions – None.
- (d) Adjournment
The meeting was adjourned at 4:15 p.m.

Report of the Making Government Work Better Committee – December 16, 2004 Council Member Campos, Chair

- (a) Transport Vehicle Audit Follow-up to October Meeting
The Committee accepted the Staff report.
- (b) Auditor's Semi-annual Recommendation Follow-up Report for the Six Months Ended June 30, 2004
The Committee accepted the Staff report with the direction to attach the Police Department's comments to the Rules Committee meeting on January 12th for a recommendation.
- (c) Comprehensive Annual Financial Report
SEE ITEM 3.5 FOR COUNCIL ACTION TAKEN
- (d) Annual Debt Report
SEE ITEM 3.6 FOR COUNCIL ACTION TAKEN
- (e) Quarterly Debt Report
The Committee accepted the Staff report.
- (f) Oral Petitions
None.
- (g) Adjournment
The meeting was adjourned at 2:45 p.m.

The Making Government Work Better Committee Report and Actions of December 8 and 16, 2004 were accepted.

3.4 Report of the Independent Investigator on the RFP process for the Converged Data Network and Telephony System for the New City Hall.

Recommendation: Acceptance of the Findings and Recommendations of the Independent Investigator. (Independent Investigator)
(Deferred from 12/14/04 – Item 3.5)
Continued to 1/25/05.

3 STRATEGIC SUPPORT SERVICES

3.5 Acceptance of the Comprehensive Annual Financial Report.

Recommendation: Acceptance of the Comprehensive Annual Financial Report. (Finance)

[Making Government Work Better Committee referral 12/16/04 - Item 3.3 (c)]

The report was accepted.

3.6 Acceptance of the Annual Debt Report.

Recommendation: Acceptance of the Annual Debt Report. (Finance)

[Making Government Work Better Committee referral 12/16/04 - Item 3.3 (d)]

The report was accepted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee Council Member Chavez, Chair

No Report.

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

No Report.

4.3 Report of the findings and recommendations of the San José Medical Center Closure Impacts Study.

Recommendation: Approval of the findings and recommendations documented in the San José Medical Center Closure Impacts Study, jointly commissioned by the City of San José and Santa Clara County and conducted by Dr. Henry W. Zaretsky & Associates, Inc. CEQA: Not a Project. (City Manager's Office)

Council approved the memorandum from Mayor Gonzales, Council Member Chavez, Council Member Campos, and Council Member Cortese, dated January 11, 2005, recommending (1) Accept the findings and recommendations indicated by the San José Medical Center (SJMC) Closure Impacts Study; and (2) Direct the Administration to: pursue/facilitate the Closure Impacts Study Recommendations; and Initiate discussions with medical health care providers, which include Health Corporation of America (HCA), towards an agreement that would address public needs and lead to a medical/health care reuse of the SJMC property or other Downtown sites in order to meet the anticipated long-term demands of the Downtown area; Report back within 30 days on progress on the recommendations, discussions, and recommended next steps, with direction to the City Attorney to review any existing Court orders or settlement agreements that may impact the ability of San Jose Medical Center to cease some or all of its operations.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.4 Approval of actions related to acquisition of a property by eminent domain.

Recommendation: Adoption of a resolution determining that the public interest and necessity require the acquisition of an easement for surface parking, including the rights to construct a surface parking lot, landscaping, irrigation, lighting, public utilities, catch basins, and appurtenant improvements, and necessary subsurface rights, on a portion of vacant land owned by Pacific Gas and Electric Company, located at 1764 Hillsdale Avenue, San Jose, CA 95124 [APN No. 447-09-093, ptn: State Board Equalization No. 135-43-43A, PC. 1 (portion)], and authorizing the City Attorney to file suit in eminent domain to acquire such property interest, to apply for an order of possession before judgment and to prosecute the action to final judgment, and authorizing the deposit of money in court for possession of the property from the funds lawfully available.

CEQA: Mitigated Negative Declaration, PP04-05-168. Council District 9. (Public Works/Library)

(Deferred from 12/14/04 – Item 4.5)

Resolution No. 72483 adopted.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the All Children Achieve Committee – December 9, 2004 Council Member Yeager, Chair

- (a) Safe School Campus Initiative Report
The Committee accepted the report.
- (b) Schools/City Collaborative Status Update
The Committee accepted the report.
- (c) Discussion of Priorities for Youth Programs
The Committee accepted the report.
- (d) Oral Petitions – **None.**
- (e) Adjournment
The meeting was adjourned at 3:10 p.m.

The All Children Achieve Committee Report and Actions of December 9, 2004 were accepted.

6 TRANSPORTATION SERVICES

6.1 Report of the Building Better Transportation Committee – December 6, 2004 Council Member Cortese, Chair

- (a) Expansion and Improvement of Transit and Transportation Services
 - (1) Status of County Expressway Relinquishment Issue
The Committee accepted the report with one member absent.
 - (2) Discussion on Transportation Technology Industry Development Opportunities
The Committee accepted the report with one member absent, and direction to staff to come back in six months with an update as to the success of the funding or the completion of phase one.
- (b) Traffic Relief/Safe Streets
 - (1) **No Items**
- (c) Supporting Smart Growth
 - (1) **No Items**
- (d) Regional Relationships/Funding/Policy
 - (1) Report on Pavement Maintenance Funding Issues
The Committee accepted the report with two members absent, and direction to staff to incorporate all the opinions voiced today into the next report in March 2005.
- (e) Oral Petitions
Ron Blake, Board member of the Almaden Valley Community Association, spoke on the proposal to amend the General Plan with the City to remove traffic improvements specifically the Winfield Bridge Project.
- (e) Adjournment
The Committee was adjourned at 3:31 p.m.

The Building Better Transportation Committee Report and Actions for December 6, 2004 were accepted.

7 ENVIRONMENTAL & UTILITY SERVICES

8 AVIATION SERVICES

9 PUBLIC SAFETY SERVICES

9.1 Approval of an ordinance for Firefighter safety in High Rises and unique structures.

Recommendation: Approval of an ordinance amending Part 4 of Chapter 17.12 of Title 17 of the San Jose Municipal Code to add a new Section 17.12.445 to establish public safety radio coverage requirements for certain large buildings exceeding fifty thousand square feet, basements exceeding ten thousand square feet, high rise buildings, buildings with two or more stories underground, tunnels over five hundred feet in length, and buildings and structures with remote fire apparatus access and to require the installation of firefighter breathing air systems in high rise buildings, buildings with two or more stories underground and tunnels over five hundred feet in length, and to require the installation, and buildings and structures with remote fire apparatus access. (Fire) (Rules-In-Lieu referral 1/5/05)

Deferred to 1/25/05.

9.2 Approval of Staff's responses to the Santa Clara County Civil Grand Jury Reports, Inquiry into the Financial Impact of Retirement Programs on Santa Clara County and the City of San José, and Inquiring into the Board Structure and Financial Management of the Valley Transportation Authority.

Recommendation:

(a) Approval of Staff's response to the Santa Clara County Civil Grand Jury Report, Inquiry into the Financial Impact of Retirement Programs on Santa Clara County and the City of San José. (City Manager's Office)

Approved.

(b) Approval of Staff's response to Santa Clara County Grand Jury Report, Inquiring into the Board Structure and Financial Management of the Valley Transportation Authority (City Attorney's Office)

(Rules-In-Lieu referral 1/5/05)

Approved. Noes: Reed.

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board convened to consider Items 10.1 and 10.2 in a Joint Session at 5:58 P.M.

10.1 Approval of actions to amend the Operating Expenses Cooperation Agreement and approval of the SNI Cooperation Agreement.

Recommendation:

- (a) City Council and Redevelopment Agency Board approval of:
 - (1) A Cooperation Agreement between the City of San José and the Redevelopment Agency for implementation of the Strong Neighborhoods Initiative; and,
 - (2) An Amendment to the FY 2004-05 Operating Expenses Cooperation Agreement between the City of San José and the Redevelopment Agency to incorporate changes related to the implementation of the Strong Neighborhoods Initiative.
- (b) Adoption of a resolution by the Redevelopment Agency Board appropriating \$32,920 from the Redevelopment Agency’s Adopted FY 2004-05 Capital Budget, Line Item SNI – Outreach and Training in the FY 2004-05 Operating Budget Support Services and amending the FY 2004-2005 Agency appropriation resolution.

(City Manager’s Office/Redevelopment Agency)

Deferred to 2/15/05.

10.2 Redevelopment Agency and City Council Committee appointments

Recommendation: Approval of the Redevelopment Agency and City Council Standing Committee and Board and Commission appointments. (Mayor)

(Rules-In-Lieu referral 1/5/05)

Approved, as amended.

The Redevelopment Agency Board portion of the meeting adjourned at 5:59 P.M.

- **Closed Session Report**
None.
- **Notice of City Engineer’s Pending Decision on Final Maps**
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9625	Northeast Corner of Vera Lane and Azucar Avenue	2	LG Developers LP	6 Units	SFD & Att.	Approve
9621	651 & 659 8 th St.	3	Steve Sheng	6 Units	MFA	Approve
9622	South side of McKee Rd., approximately	5	Core Development	21 Units	SFA	Approve

200 feet East of N.
Capital Ave.

- **Open Forum—**
 - 1) **Mark Trout spoke on religious issues.**
 - 2) **Ross Signorino spoke on issues relating to the Council Member Gregory investigation and to the interview of witnesses.**

11 PUBLIC HEARINGS

(Heard by the City Council at 7:08 p.m.)

11.1 Public Hearing on a Planned Development of the property located at 568 Hillsdale Avenue.

Recommendation: Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning of the property located at the south side of Hillsdale Avenue, approximately 420 feet east of Highway 87 (568 Hillsdale Avenue), from R-1-5 and R-1-8 Residence Zoning Districts to A(PD) Planned Development Zoning District, to allow 26 single-family attached residential units on a 1.6 gross acre site. (George P. Thoutus Trustee et al, Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 04-060 - District 10

(Continued from 10/5/04 – Item 11.4 et al, and 11/9/04 – Item 11.3)

Ordinance No. 27334 passed for publication.

11.2 Public Hearing on a Conforming Conventional Rezoning of the property located at 4558 Birkenshaw Place.

Recommendation: Public Hearing on and consideration of approval of an ordinance on Conforming Conventional Rezoning of the property located at the southeast corner of Branham Lane and Birkenshaw Place (4558 Birkenshaw Pl.), from R-1-1 Residence Zoning District to R-1-8 Residence Zoning District, on a 0.23 gross acre site. (Lin Mon F, Owner). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C 04-079 - District 10

(Continued from 12/7/04 – Item 11.9)

Deferred to 1/25/05.

11.3 Public Hearing on a Conforming Prezoning of the property located on the east side of Kirk Avenue.

Recommendation: Public Hearing on and consideration of approval of an ordinance on a Conforming Prezoning of the property located on the east side of Kirk Avenue, approximately 110 feet southerly of Summit Avenue (182 Kirk Avenue), from County to R-1-8 Residential District, on a 0.46 gross acre site. (Quintana Martin G, Owner). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C 04-090 – District 5

Ordinance No. 27335 passed for publication.

11 PUBLIC HEARINGS

11.4 Public Hearing on a Planned Development Rezoning of the property located at 479 Willow Street.

Recommendation: Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning from CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District for single-family residential uses on a 0.34 gross acre site, located at 479 Willow Street. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2)

PDC04-065 – District 6

Ordinance No. 27336 passed for publication.

- **Open Forum**
1) Mark Trout provided personal observations.

- **Adjournment**
The Council of the City of San José adjourned in memory of George Gonzales at 7:23 P.M.

Joint Redevelopment Agency/Council City Meeting

8.1 Approval of an amendment to the City of San Jose Policy on Implementation of the Inclusionary Housing Requirement.

Recommendation: Adoption of resolutions by the City Council and Agency Board clarifying that the City’s Policy on Inclusionary Housing requires that the payment of the in-lieu fee on for-sale Small Housing Projects be based on twenty percent of the project’s total units. [MERGED]

Resolution No. 72484 adopted.

Agency Resolution No. 5572 adopted.

Joint Redevelopment Agency/Council City Meeting

8.2 City Council and Redevelopment Agency actions for the award of a contract to Watkin & Bortolussi, the low bidder, for the Winchester Boulevard Tree Planting Project.

Recommendations:

- (a) Adoption of a resolution by the City Council making certain determinations required by Redevelopment Law, Health and Safety Code Section 33445, for Agency funding of streetscape work in the Winchester Strong Neighborhoods Initiative Redevelopment Area.

Resolution No. 72485 adopted.

- (b) Adoption of a resolution by the Redevelopment Agency Board awarding a contract to Watkin & Bortolussi, the low bidder, in the amount of \$181,570 and establishing a contingency in the amount of \$18,157 for the Winchester Boulevard Tree Planting Project.

CEQA: Exempt; PP03-03-079 [SNI: Winchester]

Agency Resolution No. 5573 adopted.

8.3 Award of a contract to Bianchi Construction Inc., the low bidder, for construction of the Tully Road Soundwall Extension Project.

Recommendations:

- (a) Adoption of a resolution by the City Council making determinations consistent with the Health and Safety Code Section 33445; and,

Resolution No. 72486 adopted.

- (b) Adoption of a resolution by the Agency Board awarding a construction contract to Bianchi Construction Inc., the low bidder, for the Tully Road Soundwall Extension Project, for a total contract amount of \$88,272.56, and authorizing a construction contingency in the amount of \$8,828.

CEQA: Exempt, PP04-298 [SNI]

(Moved and renumbered from Item 2.5)

Agency Resolution No. 5574 adopted.