



CITY COUNCIL AGENDA

JANUARY 24, 2006

SYNOPSIS

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

DISTRICT 1
DISTRICT 2
DISTRICT 3 RON GONZALES MAYOR
DISTRICT 4
DISTRICT 5

KEN YEAGER
MADISON P. NGUYEN
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.
- **Community & Economic 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.
- **Neighborhood Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation & Aviation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for 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 9 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:

- **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.
- When the Council reaches your item on the agenda, Mayor 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.
- 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.
- To assist you in tracking your speaking time, there is a display on 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.asp

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 294-9337 (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, City Hall Tower, 18th Floor, City Hall
Absent – Council Members: Gonzales (Excused).

1:35 p.m. - Regular Session, Council Chambers, City Hall
Absent – Council Members: Gonzales (Excused).

7:08 p.m. - Public Hearings, Council Chambers, City Hall
Absent – Council Members: Campos, Yeager; Gonzales (Excused).
- **Invocation (District 1)**
Pastor Steve Steele from Immanuel Presbyterian delivered a prayer.
- **Pledge of Allegiance**
Vice Mayor Chavez led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a check for \$150,000 from PG&E to the City for the energy efficiency measures installed in the New City Hall. (Environmental Services/Public Works)
(Deferred from 12/13/05 – Item 1.1 and 1/10/06 – Item 1.1)
Vice Mayor Chavez accepted a check to the City’s Design Team presented by PG&E representatives Jerry Hutchinson and Joan Kromascini for the energy efficiency measures installed in the New City Hall.
- 1.2 Presentation of a commendation to the East Hill Youth Football Junior Pee Wees and the East Hill Youth Football Pee Wees for winning the San José PAL Football Championship in 2005. (Cortese)
(Deferred from 1/10/06 – Item 1.4)
Deferred To 2/7/06

1. CEREMONIAL ITEMS

- 1.3 Presentation of the Bond Buyer Deal of the Year Award recognizing the Affordable Housing Finance Program in San José. (City Manager’s Office/Redevelopment Agency)
Vice Mayor Chavez presented the Bond Buyer Deal of the Year Award to Redevelopment Agency Board Executive Director Harry S. Mavrogenes and Assistant City Manager Mark Linder in recognition of San José’s Affordable Housing Finance Program.
- 1.4 Presentation of the Herman J. Levy Human Rights Commission Award to Roz Dean recognizing her efforts to save the San José Medical Center and continuous dedication as a community activist. (LeZotte)
HEARD IN THE EVENING
Council Member LeZotte and Vice Mayor Chavez and members of the Human Rights Commission presented the Herman J. Levy Human Rights Commission Award to Roz Dean for her continued efforts to save the San José Medical Center and dedication as a community activist.
- 1.5 Presentation of a commendation to The Harker School for serving the community by teaching our youth the importance of altruism and encouraging students to participate in a wide variety of charitable activities that earned the school the title of “Outstanding Philanthropic Youth Group” at the 2005 Philanthropy Day event. (LeZotte)
HEARD IN THE EVENING
Council Member LeZotte and Vice Mayor Chavez presented a commendation to The Harker School for their service to the community in teaching the importance of altruism to our youth and encouraging students to participate a wide variety of charitable activities that earned the school the title of “Outstanding Philanthropic Youth Group”.
- 1.6 Presentation of a commendation to the Silicon Valley Conference for Community and Justice and the winners of the Annual Martin Luther King, Jr. Student Art, Writing and Multimedia contests. (Campos)
HEARD IN THE EVENING
Vice Mayor Chavez and Council Member Campos presented a commendation to the Silicon Valley Conference for Community and Justice and to the Annual Martin Luther King Jr. Student Art, Writing and Multimedia contests winners.
- 1.7 Presentation of a commendation to the Almaden Business Association for their continued dedication to the residents and community in District 10. (Pyle)
HEARD IN THE EVENING
Vice Mayor Chavez and Council Member Nancy Pyle presented a commendation to the Almaden Business Association for continued dedication to the residents and community in District 10.

1. CEREMONIAL ITEMS

- 1.8 Presentation of a commendation to Holy Spirit School on the occasion of Catholic Education Week. (Pyle)
HEARD IN THE EVENING
Council Member Nancy Pyle and Vice Mayor Chavez presented a commendation to the Holy Spirit School on the occasion of Catholic Education Week.
- 1.9 Presentation recognizing the “District 9 Stars”. (Chirco)
HEARD IN THE EVENING
(Rules Committee referral 1/18/06)
Vice Mayor Chavez and Council Member Chirco presented a recognition to the “District 9 Stars”, Dr. Rhonda Barber, Lorie Mello, Lindsey Yamamoto, and Phillip Andersen.
- 1.10 Presentation recognizing Mr. Evan Barth from The Harker School for teaching his students the importance of sustainability and environmental stewardship. (LeZotte)
(Rules Committee referral 1/18/06)
HEARD IN THE EVENING
Council Member LeZotte and Vice Mayor Chavez presented a recognition to Mr. Evan Barth from the Harker School for teaching his students the importance of sustainability and environmental stewardship.
- 1.11 Presentation of a commendation to the Pop Warner Oak Grove Eagles Midget Division One Team for winning the 2005 Pop Warner Super Bowl. (Williams)
(Rules Committee referral 1/18/06)
HEARD IN THE EVENING
Vice Mayor Chavez and Council Member Williams presented a commendation to the Pop Warner Oak Grove Eagles Midget Division One Team for winning the Pop Warner Super Bowl.

2. CONSENT CALENDAR

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

- 2.1 **Approval of Minutes.**
None.

2. CONSENT CALENDAR

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 27642 – Rezones certain real property situated at the southwest corner of Alum Rock Avenue and Scharff Avenue (2230 Alum Rock Avenue) to CP Commercial Pedestrian Zoning District. C05-103

Ordinance No. 27642 adopted.

- (b) ORD. NO. 27643 – Rezones certain real property situated at the west side of South Cypress Avenue, approximately 400 feet south of Stevens Creek Boulevard (341 South Cypress Avenue), to A(PD) Planned Development Zoning District. PDC05-081

Ordinance No. 27643 adopted.

- (c) ORD. NO. 27644 – Establishing the Hotel Business Improvement District pursuant to the Parking and Business Improvement Area law of 1989 and levying an assessment therein for promoting the area.

Ordinance No. 27644 adopted.

2.3 Acceptance of the Office of the City Auditor's report, Sales Tax Audit Results for the Quarter Ended September 30, 2005.

Recommendation: Acceptance of the Office of the City Auditor's report, *Sales Tax Audit Results for the Quarter Ended September 30, 2005*. (City Auditor)

The report was accepted.

2.4 Acceptance of the finding reports from Kafoury, Armstrong & Company, LLP for the quarter ending September 30, 2005, relating to the Bay 101 Conditional Approval of Stock Transfer.

Recommendation: Acceptance of the finding reports from Kafoury, Armstrong & Company, LLP for the quarter ending September 30, 2005, relating to the Bay 101 Conditional Approval of Stock Transfer. (City Auditor)

The report was accepted.

2. CONSENT CALENDAR

2.5 Approval of fiscal actions for Redevelopment Agency Capital Projects.

Recommendation:

- (a) Adoption of the following 2005-2006 Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund):
- (1) Increase the appropriation to the Department of Public Works for the Hellyer-Piercy Improvement District project (PSM 428) in the amount of \$146,000.
 - (2) Increase the appropriation to the Department of Parks, Recreation, and Neighborhood Services for the Christmas in the Park project (PSM 425) in the amount of \$85,480.

Ordinance No. 27649 adopted.

Resolution No. 73045 adopted.

- (b) Increase the estimate for Earned Revenue by \$231,480.

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

Approved.

2.6 Approval to establish the Edward Byrne Memorial Justice Assistance Grant Trust Fund.

Recommendation: Approval of an ordinance amending Chapter 4.80 of Title 4 of the San José Municipal Code to add a new part to establish the Edward Byrne Memorial Justice Assistance Grant Trust Fund for the following purposes:

- (a) To collect and deposit all monies received by the City from the federal government related to the Edward Byrne Memorial Justice Assistance Grants; and
- (b) To ensure the Edward Byrne Memorial Justice Assistance Grant expenditures are spent within grant guidelines.

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

Ordinance No. 27650 passed for publication.

2. CONSENT CALENDAR

2.7 Approval of actions to move and delete various job classifications.

Recommendation: Adoption of a resolution to:

- (a) Move the classification of Physician (1441) into the City's Senior Executive Performance Program (SEPP) and revise the salary range in a manner consistent with other classifications in the SEPP; and
- (b) Delete the following job classifications:
 - (1) Sanitary Engineer (5235)
 - (2) Engineer I (3817)
 - (3) Engineer II (3818)
 - (4) Associate Engineer (3819)
 - (5) Systems & Network Coordination Supervisor (1358)
 - (6) Data Processing Control Clerk (1322)
 - (7) Facility Crew Supervisor (3225)

CEQA: Not a Project. (Employee Services)

Resolution No. 73046 adopted.

2.8 Approval of the 2005 Annual Report on the Sustainable Energy Policy.

Recommendation:

- (a) Approval of the 2005 Annual Report on the Sustainable Energy Policy and proposed 2006 Action Plan; and
Approved.

- (b) Direction to staff to report on the status of implementation and attainment of the Policy and Action Plan on an annual basis.

CEQA: Not a Project. (Environmental Services)

Approved.

2.9 Approval to reject the only bid for Brush Patrol Vehicle Bodies.

Recommendation: Rejection of the only bid for the purchase of Brush Patrol Bodies for the General Services Department/Fleet Management Division and authorize the Director of Finance to re-solicit the Request for Bid. CEQA: Not a Project. (Finance)

Approved.

2.10 Report on bids and award the purchase of the Aerial Lift for City Hall.

Recommendation: Report on bids and award the purchase of the Aerial Lift to the only bidder, ReachMaster, Inc. at a total cost of \$421,092.50 including tax, freight and 1 year warranty on parts and labor, including but not limited to, controls, controller, boards, wiring, motors and hydraulic equipment and a 3 year warranty on structural equipment, including, but not limited to jib arms, brackets connectors and welds. CEQA: Not a Project. (Finance)

Approved.

2. CONSENT CALENDAR

2.11 Approval of an agreement for services for the San Jose Police Academy.

Recommendation:

- (a) Approval of an agreement with the South Bay Regional Public Safety Training Consortium to provide registration, instruction, and clerical support services for the San Jose Police Academy for the term of July 1, 2005 to June 30, 2006 in an amount not to exceed \$283,000, and;

Approved.

- (b) Adoption of a resolution authorizing the City Manager to exercise up to four one-year renewal options, without further Council action other than the appropriation of funds. CEQA: Not a project. (Police)

Resolution No. 73047 adopted.

2.12 Approval of an agreement with the Commission on Peace Officer Standards and Training.

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, 2005 to June 30, 2006 in an amount not to exceed \$158,000. CEQA: Not a project. (Police)

Resolution No. 73048 adopted.

2.13 Approval to amend the San Jose Municipal Code to expand various Residential Permit Parking Zones.

Recommendation: Approval of an ordinance amending Chapter 11.48 of Title 11 of the San José Municipal Code to:

- (a) Expand the Cahill Park Residential Permit Parking Area (RPP) to include four (4) street segments;
- (b) Expand the Horace Mann RPP to include sixteen (16) street segments;
- (c) Expand the South University RPP to include eighteen (18) street segments;
- (d) Establish a new RPP area for the Sherman Oaks Neighborhood.

Council Districts: 3 and 6. CEQA: Exempt: PP05-195. (Transportation)

Ordinance No. 27651 passed for publication.

2.14 Approval of Mayor Gonzales' travel.

Recommendation: Approval of Mayor Gonzales' travel to Washington D.C. for the U.S. Conference of Mayor's 74th Winter Meeting, January 23 through January 27, 2006.

Funding: Mayor's Office. (Mayor)

(Rules Committee referral 1/18/06)

Approved.

2. CONSENT CALENDAR

2.15 Approval of an agreement related to the maintenance of the Highway 280 Under-Crossing.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a Maintenance Agreement between the City of San José and the State of California related to the construction and use of the Highway 280 Under-Crossing as part of the Los Gatos Creek Trail Reach 4 Project. Council District: 6. CEQA: PP04-01-014, Negative Declaration, June 26, 2004. (Parks, Recreation and Neighborhood Services)

Resolution No. 73049 adopted.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Gonzales, Chair

No Report.

3.2 Report of the Rules Committee – January 11, 2006

Vice Mayor Chavez, Chair

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

(b) City Council

(1) Review January 24, 2006 Council Agenda

The Committee recommended approval of seven new items.

(2) Add New Items to January 17, 2006 Agenda

MEETING CANCELLED

(c) Legislative Update

(1) State

Director of Intergovernmental Relations Betsy Shotwell advised the Committee that the proposed State Budget had been released and highlighted several key issues which may impact the City of San José. She indicated that she is preparing a written report for the Committee.

(2) Federal

There was no report.

(d) Meeting Schedules

(1) Coyote Valley Specific Plan – January 31, 2006

The Committee recommended scheduling a Study Session on the Coyote Valley Specific Plan for Tuesday, January 31, 2006, immediately following the City Council afternoon session.

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – January 11, 2006 (Cont'd.) Vice Mayor Chavez, Chair

- (e) The Public Record
The Committee noted and filed the Public Record.

- (f) Appointments to Boards, Commissions and Committees
The Committee recommended the following appointments and approved the conduct of a blind drawing for those commissions with more than one vacancy and varying terms ending dates, with the results of the draw noted in the Rules Committee report.
 - (1) Disability Advisory Commission
Appoint 1 commissioner
The Committee recommended appointment of Deborah Ann Danielwicz to an unexpired term ending June 30, 2006 with a subsequent 3-year term ending June 30, 2008.

 - (2) Housing Advisory Commission
Appoint 1 commissioner
The Committee recommended appointment of David Scott Roberson to a term ending December 31, 2008.

 - (3) Human Rights Commission
Appoint 4 commissioners
The Committee recommended appointment of Paul Feci, Singh Gill Kalwart and Jessica Rossman to terms ending December 31, 2006; and Karen Elaine Davis to an unexpired term ending December 31, 2006..

 - (4) Small Business Development Commission
Appoint 2 commissioners
The Committee recommended appointment of Brian Rossman and Helen Wang to terms ending December 31, 2008.

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – January 11, 2006 (Cont'd.) Vice Mayor Chavez, Chair

- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Approve Council Committee Work Plans
 - (a) Building Better Transportation
The Committee recommended approval of the Building Better Transportation Committee work plan for the period January through June 2006 and setting its meeting schedule on the first Monday of each month at 1:30 p.m. in City Hall Committee Room W118/119.
 - (b) Building Strong Neighborhoods
The Committee recommended approval of the Building Strong Neighborhoods Committee work plan for the period January through June 2006 and setting its meeting schedule on the third Monday of each month at 1:30 p.m. in City Hall Committee Room W119.
 - (2) Approval of travel by Council Member LeZotte to Sacramento, California, January 12, 2006, to attend the League of California Cities - Transportation, Communications, and Public Works Policy Committee Meeting
The Committee recommended approval to travel and use of the Mayor and Council Travel Fund.
- (h) Open Forum
Bill Chew spoke about his candidacy for City Council District 3 and the opportunity for all candidates to utilize the open forums at public meetings to get their message to the residents of San José.
- (i) Adjournment
The meeting adjourned at 2:15 p.m.

The Rules Committee Report and actions of January 11, 2006 were accepted.

3.3 Report of the Making Government Work Better Committee Council Member Reed, Chair None.

3. STRATEGIC SUPPORT SERVICES

3.4 Presentation of information related to SBC's permit request.

Recommendation: Presentation of information regarding franchise requirements for SBC's permit request to install facilities to support internet protocol television (IPTV) services (Project Lightspeed). (Public Works/Information Technology/City Manager's Office)

(Deferred from 12/13/05 – Item 3.12 and 1/10/06 – Item 3.4)

Presentation received. Staff directed to return within 30 days and provide;

- (1) An update on State and Federal legislative matters relating to franchise requirements,**
- (2) A definition of "level playing field",**
- (3) A framework for the new technology,**
- (4) Background information previously provided to the Council, including design issues and neighborhood impacts relating to service cabinets/boxes and negotiations with PacBell and others, and;**
- (5) A review of the key policy issues.**

In addition, staff was directed to continue with ongoing negotiations with SBC and further, to keep the Council abreast with related issues in other jurisdictions.

3.5 Approval to amend the San José Municipal Code related to the cost of living adjustment.

Recommendation: Approval of an ordinance amending Chapter 3.44 of Title 3 of the San Jose Municipal Code by adding Section 3.44.160 to provide a flat 3% Cost-of-Living Adjustment effective April 1, 2006, for persons retired from the Federated City Employees Retirement System and for survivors of members or retirees. CEQA: Not a Project. (City Manager's Office)

Ordinance No. 27652 passed for publication.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee Council Member Chirco, Chair No Report.

4.2 Report of the Driving a Strong Economy Committee Council Member Williams, Chair No Report.

5. NEIGHBORHOOD SERVICES

- 5.1 **Report of the All Children Achieve Committee**
Council Member Yeager, Chair
No Report.

6. TRANSPORTATION & AVIATION SERVICES

- 6.1 **Report of the Building Better Transportation Committee**
Council Member Campos, Chair
No Report.

- 6.2 **Discussion and review of Tow Services Agreements.**

Recommendation:

- (a) Councilmember Williams/Rules Committee referral:
- (1) Request staff review of the tow services agreements and clarify whether the annual review and adjustments are for the tow rates only or all rate charges by tow operators.
 - (2) Request staff do a workload assessment for a mid-contract study of all fees related to tow services in similar jurisdictions to see if adjustments should be made above the CPI.
- (Rules Committee Referral 12/14/05, Item G2)
(Williams)
(Deferred from 1/10/06 – Item 6.2)
- (b) Staff response to referral:
- (1) Direct staff to proceed with implementing Section 3 of the adopted Fee Schedule for the Tow Services Agreement adopted by Council on December 3, 2002 by bringing forward CPI increases *for the Basic Tow Rate and the Contract Compensation Rate only* or;
 - (2) Direct staff to review the Fee Schedule for Tow Services Agreements and return to the City Council within 90 days with a report of possible adjustments to the tow rates.
- (Planning)
(Deferred from 1/10/06 – Item 6.2)
- (1) Council requested copies of the contracts for tow services and the supporting background information, including the memos, minutes, and authorizing resolutions,**
 - (2) Direction given to the City Attorney to provide a legal analysis relating to issues of mutual mistake, legal jurisdiction and claims of loss and report back in confidential format, if necessary or appropriate.**

6. TRANSPORTATION & AVIATION SERVICES

6.3 Approval of an agreement with the VTA for traffic handling capacity at the 880/Stevens Creek Interchange.

Recommendation: Approval of a cooperative agreement with the Santa Clara Valley Transportation Authority for a project to upgrade the traffic handling capacity and operations of the freeway interchange at Interstate 880 and Stevens Creek Boulevard, for a City-funded amount not to exceed \$1,500,000. CEQA: Not a Project. (Transportation)
Approved.

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval of actions related to the Recycle Plus Request for Proposal.

Recommendation:

- (a) Acceptance of the status report for the Recycle Plus Request for Proposal for Integrated Waste Management Services.

The report was accepted.

- (b) Approval of the process for the release of a Request for Proposal for Single-Family Curbside Garbage and Recycling Services in Districts A and C and Yard Trimmings and Street Sweeping Services in District C on February 8, 2006.

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

Approved, as amended.

Council directed staff to:

- (1) Allow for separate bids for the collection of garbage, recycling and yard waste.**
- (2) Consider increasing the number of dumpster days, Neighborhood Clean-up days and streetsweeping,**
- (3) Factor in the evaluation process costs for staff to oversee the contracts.**

8. PUBLIC SAFETY SERVICES

8.1 Approval of Megan's Law Task Force recommendations for improving system of monitoring registered offenders.

Recommendation: Approval of Megan's Law Task Force recommendations for improving system of monitoring registered offenders. (Chavez)

(Deferred from 12/13/05 – Item 8.1)

HEARD IN THE EVENING

Council approved a memorandum from Mayor Gonzales, Vice Mayor Chavez, and the Megan's Law Task Force, dated January 20, 2006, with recommendations to staff contained therein, as well as additional direction to ensure information and notification is shared with school board members, school principals and employees, and Council District Offices. Staff also requested to continue to collaborate with National League of Cities and the League of California Cities.

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board convened at 5:33 p.m. to consider Item 9.1 in a Joint Session

9.1 Acceptance of follow-up information related to the San José Grand Prix.

Recommendation: Acceptance of follow-up information requested at the January 10, 2006 Council Meeting, related to the San José Grand Prix. (City Manager's

Office/Redevelopment Agency)

(Referred from 1/10/06 – Item 9.1)

Report accepted, with direction to staff to continue working with surrounding businesses and community organizations that would be affected by the changes on Park Avenue and to continue working with local businesses affected by the race, such as the Children's Theatre and local vendors like, Peggy Sue's Restaurant and Gordon Biersch.

Noes: Cortese, Reed.

The Redevelopment Agency Board portion of the meeting adjourned at 6:37 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>
9683	SW corner Lundy Avenue and McKay Drive	4	Toll Bros. Inc.	198 Units	SFA	Approve
9749	E/S Campbell Avenue, 1000 feet N/O Newhall Street	3	Robson Homes, Inc.	104 Units	SFD	Approve
9588	Northwest corner Huff Avenue and Magliocco Drive	6	JSM Enterprises	50 Units	MFA	Approve
9642	620 Curtner Avenue	6	Graystone Development	30 Units	SFA	Approve

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9466	Southeast corner Lucretia Avenue and Owsley Avenue	7	Dana Nga-Yen Do	15 Units	SFD
9743	N’y Springbrook Avenue and Canyon Ridge Drive	8	Red Horizon Investors II, LLC	4 Units	SFD
9776	S/S Neal Avenue 300’ East of Winchester Boulevard	6	Neal 3030 LLC	7 Units	SFD

- **Open Forum—**
 - 1) **Francisco Robles shared information about the “One Child, One Village” organization.**
 - 2) **Bill Chew expressed concerns regarding emergency preparedness.**
 - 3) **Ross Signorino reported he heard on the news that San José is the Second Cleanest City in the United States.**
 - 4) **Robert Apgar provided personal observations.**
 - 5) **Mark Trout expressed personal religious viewpoints.**

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS

(To be heard by the City Council at 7:00 p.m.)

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))

Continued to 4/18/06.

END OF CONSENT CALENDAR

11. PUBLIC HEARINGS

11.2 Rezoning to allow the demolition of an existing single-family residence and construction of three detached residential units

Recommendation: Consideration of an ordinance rezoning the real property located at/on the southwesterly corner of State and Essex Streets (1391 State Street) (Martina Victor J., Owner) from the R-M Residential District to the A(PD) Planned Development Zoning District to allow the demolition of an existing single-family residence and the construction of three detached residential units on a 0.33 gross acre site. CEQA: Exempt.

PDC05-002 – District 4

(Continued from 12/13/05 – Item 11.2)

Continued to 2/7/06.

11.3 Development on the real property located on 471 Mahoney Drive.

Recommendation: Consideration of the following development proposals in connection with the real property located on the west side of Mahoney Drive, opposite Davenport Drive (471 Mahoney Drive), in the R-1-8 Residence Zoning District (Morgado Four Construction Inc., Owner). CEQA: Exempt.

- (a) PDC05-116 - Consideration of an ordinance rezoning the real property from R-1-8 Residential Zoning District to the A(PD) Planned Development Zoning District to allow one existing and one new single-family detached residences on a 0.25 gross acre site.
- (b) PD05-086 – Adoption of a resolution approving a Planned Development Permit to allow one existing and one new single-family detached residence on a 0.25 gross acre site.
- (c) PT05-047 – Adoption of a resolution approving a Planned Development Tentative Map to allow subdivision of one lot into two for single-family detached residential uses on a 0.25 gross acre site.

Director of Planning, Building and Code Enforcement recommended approval.

Planning Commission recommended denial (6-1-0).

PDC05-116/PD05-086/PT05-047 - District 5

Continued to 2/7/06.

11.4 Rezoning the real property located on 2774 Monterey Road.

Recommendation: Consideration of an ordinance rezoning the real property located on the east side of Monterey Highway, approximately 600 feet southerly of Umbarger Road (2774 Monterey Road) (Manoutchehr & Jaleh Movassate, Owner; Trumark Companies, Developer), from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow up to 72 single-family attached residences on a 3.0 gross acre site. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (6-0-1). CEQA: Mitigated Negative Declaration, File No. PDC00-151.

PDC05-071 - District 7

Ordinance No. 27653 passed for publication.

- **Open Forum**
None.
- **Adjournment**
The Council of the City of San José adjourned at 8:40 P.M.