



CITY COUNCIL AGENDA

FEBRUARY 7, 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) 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**
9:36 a.m. - Closed Session, City Hall Tower, 18th Floor, City Hall
Absent – Council Members: None.

1:34 p.m. - Regular Session, Council Chambers, City Hall
Absent – Council Members: None.

7:00 p.m. - Public Hearings, Council Chambers, City Hall
Absent – Council Members: None.
- **Invocation (District 2)**
Valley Christian High School Theatre Arts Students, Faith Kriewall and Tyler Gonzales, directed by Matthew Demeritt performed “People Will Say” from the theatre production, Oklahoma.
- **Pledge of Allegiance**
Mayor Gonzales led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved.

1. CEREMONIAL ITEMS

- 1.1** Presentation of a commendation to the 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 and 1/24/06 – Item 1.2)
HEARD IN THE EVENING
Mayor Gonzales, Council Member Cortese and Council Member Campos presented 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.

1. CEREMONIAL ITEMS

- 1.2 Presentation of a commendation to Ms. Jill Buck for her leadership and tremendous successes in establishing environmental stewardship in schools across the nation.
(LeZotte/Chirco)

(Rules Committee referral 2/1/06)

Mayor Gonzales, Council Member LeZotte, Council Member Chirco and Director of Environmental Services John Stufflebean presented a commendation to Ms. Jill Buck for her leadership and successes in establishing environmental stewardship in schools across the nation.

- 1.3 Presentation of a commendation to the Silicon Valley Yankees 10U Team for their success in winning the National Title in the Super Series Winter National Tournament in Phoenix, Arizona. (Pyle)

(Rules Committee referral 2/1/06)

HEARD IN THE EVENING

Mayor Gonzales and Council Member Nancy Pyle presented a commendation to the Silicon Valley Yankees 10U Team for their success in winning the National Title in the Super Series Winter National Tournament in Phoenix, Arizona.

- 1.4 Presentation of a commendation to the Young People's Theatre Program in recognition of the program's ongoing success and years of enriching the lives of the children of San José. (Chirco/Yeager)

(Rules Committee referral 2/1/06)

HEARD IN THE EVENING

Council Member Chirco and Council Member Yeager joined Mayor Gonzales to present a commendation to the Young People's Theatre Program in recognition of the program's ongoing success and years of enriching the lives of the children of San José.

2. CONSENT CALENDAR

- 2.1 Approval of Minutes.
None.

- 2.2 Final adoption of ordinances.

Recommendation:

- (a) ORD. NO.27650 – Amending Chapter 4.80 of Title 4 of the San José Municipal Code by adding 4.80 of Title 4 of the San José Municipal Code by adding Part 52 to establish the Edward Byrne Memorial Justice Assistance Grant Trust Fund.

Ordinance No. 27650 adopted.

2. CONSENT CALENDAR

2.2 Final adoption of ordinances (Cont'd.)

Recommendation:

- (b) ORD. NO. 27651 – Amending Chapter 11.48 of Title 11 of the San José Municipal Code to permanently add a total of sixteen (16) additional block segments to the Horace Mann Permit Parking Area; to permanently add a total of eighteen (18) additional block segments to the South University Permit Parking Area; to permanently add a total of four (4) additional block segments to the Cahill Park Permit Parking Area; and to add a Sherman Oaks Permit Parking Program.

Ordinance No. 27651 adopted.

- (c) ORD. NO. 27652 – Amending Chapter 3.44 of Title 3 of the San José 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.

Ordinance No. 27652 adopted.

- (d) ORD. NO. 27653 – Rezoning certain real property situated at the east side of Monterey Highway, approximately 600 feet southerly of Umbarger Road to A(PD) Planned Development Zoning District. PDC05-071

Ordinance No. 27652 adopted.

2.3 Calling for a Regular Municipal Election on June 6, 2006.

Recommendation: Adoption of a resolution calling for a Regular Municipal Election on June 6, 2006 and a Run-Off Municipal Election on November 7, 2006, if need be, for the purpose of electing a Mayor and Council Members for Districts 1, 3, 5, 7, and 9 and requesting consolidation with the County of Santa Clara. (City Clerk)

Resolution No. 73051 adopted.

2.4 Approval of the appointment of Larry D. Lisenbee to the Police and Fire Retirement Board.

Recommendation: Appoint Larry D. Lisenbee, Budget Director, as the Administration Representative to the Police and Fire Retirement Board. CEQA: Not a Project. (City Manager's Office)

Approved.

2. CONSENT CALENDAR

2.5 Approval of fiscal actions for Redevelopment 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) Establish an appropriation to the Department of Parks, Recreation, and Neighborhood Services for the Plata Arroyo Park Improvement project (PSM 430) in the amount of \$108,000.

(2) Increase the estimate for Earned Revenue by \$108,000.

Ordinance No. 27654 adopted.

Resolution No. 73052 adopted.

(b) Adoption of a resolution making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with the Plata Arroyo Park Improvement project, as more specifically described in the memorandum from the Redevelopment Agency, dated December 1, 2005.

Council District: 5. SNI Area: Gateway East. CEQA: Not a Project. (City Manager's Office)

Resolution No. 73053 adopted.

2.6 Approval of fiscal actions for the Welch Park Improvements Project.

Recommendation:

(a) Report on bids and award of contract for the Welch Park Improvements Project to the low bidder, Suarez and Munoz Construction, to include the base bid and Add Alternate Nos. 1 and 2 in the total amount of \$432,750, and approval of a contingency in the amount of \$36,000.

Approved.

(b) Adoption of the following Appropriation Ordinance and Funding Resolution Amendments in the Services for Redevelopment Capital Projects Fund (Citywide Redevelopment Fund):

(1) Increase the appropriation to the Department of Parks, Recreation and Neighborhood Services for the Welch Park Improvements Project (PSM#3641) in the amount of \$157,000.

(2) Increase the Estimate for Earned Revenue by \$157,000.

Council District: 8. SNI Area: KONA. CEQA: Exempt, PP04-320. (City Manager's Office/Public Works/Parks, Recreation and Neighborhood Services)

Ordinance No. 27655 adopted.

Resolution No. 73054 adopted.

2. CONSENT CALENDAR

2.7 Approval of the 2005 Edward Byrne Memorial Justice Assistance Grant Spending Plan.

Recommendation:

- (1) Approval of the proposed 2005-07 Spending Plan for the 2005 Edward Byrne Memorial Justice Assistance Grant Trust (JAG) Fund.
- (2) Adoption of the following 2005-2006 Appropriation Ordinance and Funding Sources Resolution amendments in the Edward Byrne Memorial Justice Assistance Grant Trust Fund:
 - (a) Establish the estimate for Earned Revenue in the amount of \$381,780;
 - (b) Establish the JAG 2005-07 appropriation to the Police Department in the amount of \$381,780.

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

Deferred to 3/14/06.

2.8 Approval to sell city-owned property located at the Northeast corner of 21st Street and East Taylor Street.

Recommendation: Adoption of a resolution declaring certain property located at the Northeast corner of 21st Street and Taylor Street, comprising approximately 1,888 square feet, surplus to the needs of the City, approving an agreement for the sale of the property to the adjacent property owners, Paul Garcia, Jeremy C. Garcia, Maria S. Garcia, Paul Garcia Jr., and Maria Magdalena Garcia for Twenty-Eight Thousand Dollars (\$28,000); and delegating authority to the Director of General Services to execute all documents necessary to complete the transfer of the property. Council District: 3. CEQA: Exempt. (General Services)

Resolution No. 73055 adopted.

2.9 Approval to establish fees for the Off-Sale of Alcoholic Beverages Establishments Inspection Program.

Recommendation: Adoption of a resolution amending the Schedule of Fees to establish the fees associated with the *Off-Sale of Alcoholic Beverage Establishments Inspection Program* with an annual fee of \$287.00, and if applicable, a reinspection fee of \$70.52 on the third and subsequent inspections. CEQA: Not a Project. (Planning, Building and Code Enforcement)

Resolution No. 73056 adopted.

2. CONSENT CALENDAR

2.10 Approval of a master agreement for the Emergency Communications & Dispatch Center Renovation.

Recommendation: Approval of a master agreement with RossDrulisCusenbery Architecture, Inc. for consultant services including program review, verification and conceptual design services for the Emergency Communications & Dispatch Center Renovation Project, from the date of execution to August 1, 2008, in a total amount not to exceed \$500,000. CEQA: Not a Project. (Public Works)

Approved.

2.11 Approval to award a contract for the Citywide Accessible Sidewalk Ramps 2005B Project.

Recommendation: Report of the bids and award of contract for the Citywide Accessible Sidewalk Ramps 2005B Project, to the low bidder CB Construction Company, in the amount of \$224,265, and approval of a 5% contingency in the amount of \$11,213 for a total contract amount not to exceed \$235,478.00. CEQA: Exempt, File No. PP05-064. (Transportation)

Approved.

Staff directed to provide Council with a list of outstanding sidewalk ramp projects, by district.

2.12 Approval of actions for the Fire Station No. 12 Project.

Recommendation:

(a) Approval of an agreement with Don Dommer Associates, Architects, for consultant services including design services for the new Fire Station No. 12 Project, from the date of execution to January 31, 2008, in a total amount not to exceed \$296,259.

Approved.

(b) Adoption of a resolution approving the Fire Station No. 12 Project and incorporating environmental mitigation measures as set forth in the Mitigation Monitoring and Reporting Program for the project.

CEQA: Mitigated Negative Declaration, PP#05-071. Council District: 10. (Public Works/Fire)

(Deferred from 1/31/06 – Item 2.4)

Resolution No. 73057 adopted.

2.13 Approval of Workforce Investment Network Nominations.

Recommendation: Approval of two nominations to the San José Silicon Valley Workforce Investment Network Board of Directors. (Mayor)

(Rules Committee referral 2/1/06)

Approved.

2. CONSENT CALENDAR

2.14 Setting Salaries and Benefits for City Council Appointees, including the Interim City Manager and approving preliminary activities for recruitment and selection of the next City Manager.

Recommendation:

- (a) Adoption of a resolution setting salaries and benefits for City Council Appointees.

Recommendation rejected. Noes: Nguyen, LeZotte, Reed, Yeager, Chavez, Campos.

Council directed the City Manager to return in five weeks with the following:

- (1) Options and/or best practices for indexing cost of living adjustments for Council appointees, in the future.**
- (2) Feedback on how merit increases for Council appointees are used in relation to base salary adjustments.**
- (3) Clarification about other Unit 99 employees' base and merit increases over the past few years.**
- (4) Alternative methodologies for surveys.**

Noes: Gonzales, Williams.

- (b) Direct the City Clerk to execute employment contract for Interim City Manager Les White with the total compensation package not to exceed former City Manager Borgsdorf's total compensation package of \$285,906.20.

Resolution No. 73060 adopted.

- (c) Start the preliminary activities for a national recruitment and selection process for the next City Manager in Fall 2006, so that the next Mayor and City Council can make an appointment by Spring 2007.

Direction to Mayor's Office to bring no less than two executive search firms for the full Council's consideration.

City Manager was requested to sit-in on the interviews.

Staff directed to get Council input on the candidate profile and to also ensure an ethnically diverse pool.

(Mayor/Chavez)

(Rules Committee referral 2/1/06)

2. CONSENT CALENDAR

2.15 Approval of Council Member Williams' Travel Out of State.

Recommendation: Approval of out of State travel by Council Member Williams to:

- (a) Dallas, Texas, on February 9-10, 2006 to visit INVESCO, the FCERS Investment Committee will be conducting onsite, due diligence interview of managers to oversee a \$15 million real estate portfolio for the System.
- (b) Stamford CT and New York City, on February 21-23, 2006, to visit G.E. Asset Management in Stamford, CT and JP Morgan in New York City, the FCERS Investment Committee will be continuing due diligence interviews.

(Rules Committee referral 2/1/06)

Approved.

2.16 Approval of an agreement for the Solari Park Master Plan Project.

Recommendation:

- (a) Approval of an agreement with Anderson Brulé Architecture, Inc. for consultant Design services for the Solari Park Master Plan Project, from the date of execution to March 31, 2007, in an amount not to exceed \$250,000.

Approved.

- (b) Adoption of the following Appropriation Ordinance amendments in the District 7 Construction and Conveyance Tax Fund:
 - (1) Increase the Solari Park Master Plan appropriation by \$125,000.
 - (2) Decrease the Ending Fund Balance by \$125,000.

CEQA: Not a Project. Council District: 7. (Public Works/City Manager's Office)

Ordinance No. 27656 adopted.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Gonzales, Chair

None.

3.2 Report of the Rules Committee – January 25, 2006

Vice Mayor Chavez, Chair

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

- (b) City Council

- (1) Review February 7, 2006 Draft Council Agenda

The Committee recommended approval of the February 7, 2006 City Council Agenda with no additions.

- (2) Add New Items to January 31, 2006 Council Agenda

The Committee recommended four additions to the January 31, 2006 City Council Agenda.

Item continued on the next page

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – January 25, 2006 (Cont'd.)

Vice Mayor Chavez, Chair

(b) City Council

(3) List of Reports Outstanding

The Committee noted and filed the City Manager's Report.

(c) Legislative Update

(1) State

There was no report.

(2) Federal

There was no report.

(d) Meeting Schedules

(1) Approval of the revised 2006-2007 City Budget Calendar

The Committee recommended adoption of the revised 2006-2007 City Budget Calendar.

(2) Approval of the 2006-2007 Budget Study Session Schedule

The Committee recommended approval of the Council Study Session on the Mayor's Budget Messages and the City Service Area/Appointee Review for the proposed 2006-2007 City and Redevelopment Agency Operating Budgets and the City Capital Improvement Program Budget.

(3) Approval of Mayor and Council Emergency Preparedness Training, February 13 and February 16, 2006

The Committee recommended approval of Mayor and Council Emergency Preparedness Training.

(e) The Public Record

The Committee noted and filed the Public Record.

(f) Appointments to Boards, Commissions and Committees

There were none.

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – January 25, 2006 (Cont'd.) Vice Mayor Chavez, Chair

- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) All Children Achieve
(Deferred from 1/18/06 Rules Committee Meeting)
The Committee recommended approval of the All Children Achieve work plan for the period February through June 2006 and setting the meeting schedule on the second Thursday of each month at 1:30 p.m. in City Hall Committee Room W119.
 - (2) Approval to travel by Council Member Campos to attend the League of California Cities Board of Director's Meeting in Universal City, February 10-11, 2006
The Committee recommended approval to travel and use of the Mayor and Council Travel Fund.
- (h) Open Forum
Bill Chew pointed out that viewers of the Rules Committee on the Civic Center Television Channel cannot see the documents being discussed.
- (i) Adjournment
The meeting adjourned at 2:11 p.m.

The Rules Committee report and actions of January 25, 2006 were accepted.

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

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee Council Member Chirco, Chair None.

4.2 Report of the Driving a Strong Economy Committee Council Member Williams, Chair None.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Appointment of individuals to the San José Medical Center Stakeholder Advisory Committee.

Recommendation: Appointment of individuals to the San José Medical Center Stakeholder Advisory Committee and direction to Staff to work together with the Committee and consultants to conduct the San José Medical Center Land Use Healthcare Study. (Planning, Building and Code Enforcement)

HEARD IN THE EVENING

Deferred to 2/14/06.

4.4 Approval of a contract change order for the 60-Inch Brick Interceptor Replacement Phase IB Project.

Recommendation: Approval of Contract Change Order (CCO) No. 29 for the 60-Inch Brick Interceptor Replacement Phase IB Project in an amount not to exceed \$750,000, for a total contract amount of \$17,941,117.76. Council District: 4. CEQA: Negative Declaration, PP03-12-374. (Public Works)

Approved.

5. NEIGHBORHOOD SERVICES

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

None.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Building Better Transportation Committee Council Member Campos, Chair

None.

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

8.1 Adoption of an urgency ordinance extending Ordinance No. 27602 related to permit and license provisions of Chapter 6.02 of the San José Municipal Code.

Recommendation: Adoption of an urgency ordinance extending Ordinance No. 27602 adopted by Council on November 15, 2006 by extending the effectiveness of the amended Sections 6.02.130 and 6.02.250 of Chapter 6.02 of Title 6 of the San José Municipal Code to authorize denial, suspension, revocation or summary suspension of permits or licenses as a result of public nuisance, criminal activity or imminent threat to public safety, until May 14, 2006. CEQA: Not a Project. (Chavez)

HEARD IN THE EVENING

Ordinance No. 27657 adopted.

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board convened at 3:22 p.m. to consider Item 9.1 in a Joint Session.

9.1 Report on the San José Earthquakes and discussion with Major League Soccer (MLS) concerning the San José Earthquakes and an Expansion Franchise for San José.

Recommendation: Report on the San José Earthquakes and discussion with Major League Soccer (MLS) concerning the San José Earthquakes and an Expansion Franchise for San José. (City Manager's Office/Redevelopment Agency)
(Deferred from 1/10/06 – Item 9.5)

The report was accepted with staff direction to provide regular updates on the status of the expansion franchise for San José and for staff to continue conversations with the City of Santa Clara.

The Redevelopment Agency Board portion of the meeting adjourned at 4:27 p.m.

- Closed Session Report

- **Notice of City Engineer’s Pending Decision on Final Maps**
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's 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>
9715	Southwest corner Chynoweth Avenue and Cedar Grove Circle	2	Vang Van Ho	7 Lots/6 Units	SFD

- **Notice of City Engineer’s Award of Construction Projects**
None.

- **Open Forum—**

- (1) **Ross Signorino delivered information regarding the state of the city address.**
- (2) **Bill Chew welcomed Interim City Manager Les White back to the City of San Jose and requested a program guide for Channel 26, Civic Center Television.**
- (3) **Mark Trout shared personal viewpoints.**
- (4) **Robert Apgar expressed personal commentary.**

10. GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

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

11.1 Public Hearings on Consent Calendar.

Recommendation:

- (a) Consideration of an ordinance rezoning the real property located on the north side of State Street, on both the east and west sides of Archer Street and south of Dearborne and Clark Streets of the historic “New Chicago” subdivision (Multiple Property Owners), from CN Commercial Neighborhood Zoning District to LI Light Industrial Zoning District to allow industrial uses on a 9.94 gross acre site. Director of Planning, Building and Code Enforcement recommend approval. No Planning Commission action required. CEQA: Resolution No. 68577.
CC05-040 - District 4

Ordinance No. 27658 passed for publication.

- (b) Consideration of an ordinance rezoning the real property located on the north side of Alum Rock Avenue, approximately 260 feet westerly of King Road (1665 Alum Rock Avenue) (Nguyen Binh T and Tran Helena H., Owner) from CG Commercial General Zoning District and R-2 Residential Zoning District to CP Commercial Pedestrian Zoning District to allow commercial uses on a 0.48 gross acre site. Director of Planning, Building and Code Enforcement recommend approval. No Planning Commission action required. SNI: Five Wounds/ Brookwood Terrace. CEQA: Resolution No. 65459.
C05-110 - District 5

Ordinance No. 27659 passed for publication.

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 and 1/24/06 – Item 11.2)

Dropped, to be renoticed.

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 from 1/24/06 – Item 11.3)

Denied.

11. PUBLIC HEARINGS

11.4 Rezoning the real property located at/on the west side of South Winchester Boulevard.

Recommendation: Consideration of an ordinance rezoning the real property located at/on the west side of South Winchester Boulevard, approximately 550 feet southerly of Stevens Creek Boulevard (369 Winchester Boulevard) (Dennee Glenford V Jr., Trustee, Owner; John Mackay, Developer) from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow up to 4,681 square feet for retail commercial uses and a public eating establishment with drive-thru uses on a 0.64 gross acre site. CEQA: Exempt.

PDC05-077 - District 1

Continued to 3/7/06.

11.5 Rezoning 177.5 acres of real property in Alviso.

Recommendation: Consideration of an ordinance rezoning the real property bounded by the Southern Pacific Rail Corridor to the north, east, and west, and by Dearborne and Clark Streets of the historic "New Chicago" subdivision and Grand Boulevard to the south (Multiple Property Owners) from CN Commercial Neighborhood Zoning District and LI Light Industrial Zoning District to OS Open Space Zoning District to allow open space uses on a 177.5 gross acre site. Director of Planning, Building and Code Enforcement recommend approval. No Planning Commission action required. CEQA: Resolution No. 68577.

CC05-041 - District 4

Ordinance No. 27660 passed for publication.

11.6 Rezoning 36.74 acres of real property in Alviso.

Recommendation: Consideration of an ordinance rezoning the real property bounded by Steamboat Slough and Elizabeth Street to the north, the Guadalupe River to the south, Liberty Street and North First Street to the east, and El Dorado Street/Southern Pacific Rail Corridor to the west (Multiple Property Owners), from CN Commercial Neighborhood, HI Heavy Industrial, R-MH Mobile Home Park Zoning Districts to CP(PD) Planned Development and OS Open Space Zoning Districts to allow commercial, residential, civic and open space uses on a 36.74 gross acre site. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). CEQA: Resolution No. 68577.

PDC05-039 - District 4

Ordinance No. 27661 passed for publication.

11. PUBLIC HEARINGS

11.7 Rezoning the real property located on the southwest corner of Capitol Avenue and Mabury Road.

Recommendation: Consideration of an ordinance rezoning the real property located on the southwest corner of Capitol Avenue and Mabury Road (781 N. Capitol Ave) (Messina Richard V. Messina Richard V Trustee & et al., Owner) from Unincorporated County to A(PD) Planned Development Zoning District to allow up to 199 single-family attached residential units and two existing single-family detached residence on a 10.5 gross acre site. CEQA: Mitigated Negative Declaration.

PDC05-060 - District 4

Continued to 3/7/06.

11.8 Rezoning the real property located on the west side of South Willard Avenue.

Recommendation: Consideration of an ordinance rezoning the real property located on the west side of South Willard Avenue, approximately 180 feet southerly of Douglas Street (435 Willard Avenue) (McVay Steven and Nancy, Sale Parts LLTD, Owner/ Developer), from County to A(PD) Planned Development Zoning District to allow up to seven single-family detached or attached residences on a 0.42 gross acre site. SNI: Burbank/Del Monte. Director of Planning, Building and Code Enforcement recommend approval. Planning Commission recommend approval with a maximum of six attached and detached units (6-0-1). CEQA: Mitigated Negative Declaration.

PDC04-095 - District 6

Ordinance No. 27662 passed for publication.

Staff directed to add conditions to the CC&Rs that would require that the garages be kept clear of storage materials and that two cars can be parked at all times.

11.9 Rezoning the real property located on the north side of Villa Avenue.

Recommendation: Consideration of an ordinance rezoning the real property located on the north side of Villa Avenue, 150 feet easterly of Myrtle Street (969 Villa Avenue) (Helweh Sahel, et al., Owner; LG Developers, LP, Developer) from R-M Multiple Family Residence District to A(PD) Planned Development Zoning District to allow the demolition of an existing single-family detached residence and construction of up to four single-family detached residences on a 0.37 gross acre site. CEQA: Mitigated Negative Declaration.

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Continued to 3/7/06.

- **Open Forum**

(1) **Robert Apgar expressed personal views.**

- **Adjournment**

This meeting was adjourned at 8:20 p.m. in memory of Coretta Scott King, wife of Dr. Martin Luther King, Jr. Her work to achieve civil rights and social justice was important to carry on the legacy of Dr. King; and in memory of Carolyn Norris, who served for many years on the Cambrian Community Council, authored a publication on the history of the Cambrian area and who will be remembered for her tireless volunteer work.

**JOINT CITY OF SAN JOSÉ
CITY COUNCIL/FINANCING AUTHORITY
AGENDA**

1:30 P.M.

TUESDAY, FEBRUARY 7, 2006

CHAMBERS

- 1. Call to Order**
- 2. Approval of actions related to Hayes Mansion Phase III Bonds Liquidity Facility.**

Recommendation:

- (a) Adoption of a resolution of the City Council authorizing the Director of Finance (the “Director”), or the Director’s designee, to execute the First Amendment, dated as of February 14, 2006, to the Standby Bond Purchase Agreement (the “Agreement”), dated as of February 1, 2001, among the City of San José Financing Authority (the “Authority), the City of San José, and the Bank of Nova Scotia (the “Bank”), and authorizing the Director, or the Director’s designee, to negotiate and execute future amendments to the Agreement.

Resolution No. 73058 adopted.

- (b) Adoption of a resolution of the City of San José Financing Authority authorizing the Treasurer of the Authority (the “Treasurer”), or the Treasurer’s designee, to execute the First Amendment, dated as of February 14, 2006, to the Standby Bond Purchase Agreement (the “Agreement”), dated as of February 1, 2001, among the City of San José Financing Authority (the “Authority), the City of San José, and the Bank of Nova Scotia (the “Bank”), and authorizing the Treasurer, or the Treasurer’s designee, to negotiate and execute future amendments to the Agreement.

CEQA: Not a Project. (Finance)

Resolution No. 73059 adopted.

- 3. Adjourn the San José Financing Authority.**