



CITY COUNCIL AGENDA

MARCH 18, 2008

AMENDED AGENDA

PETE CONSTANT
FORREST WILLIAMS
SAM LICCARDO
KANSEN CHU
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON P. NGUYEN
JUDY CHIRCO
NANCY PYLE

DAVID D CORTESE, VICE MAYOR

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **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 Reed 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. Council Meetings are televised live and rebroadcast on Channel 26.

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**
 - 9:30 a.m. - Closed Session, Call to Order in Council Chambers
Adjourn to Closed Session in Council Chambers Conference Room, W133
[See Separate Agenda](#)
 - 1:30 p.m. - Regular Session, Council Chambers, City Hall
 - 3:30 p.m. - Hear Open Forum and continue the RDA Board Meeting
[See Separate Agenda](#) (no earlier than 3:30 p.m.)
 - 7:00 p.m. - Public Hearings, Council Chambers, City Hall

- **Invocation (District 3)**
- **Pledge of Allegiance**
- **Orders of the Day**

* Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

**ITEMS 9.1 AND 9.2 ARE TO BE CONSIDERED IN A JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY BOARD SESSION.**

**Items recommended to be added, dropped, or deferred are usually approved under
Orders of the Day unless the Council directs otherwise.**

- **Closed Session Report**

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to the Parking and Traffic Committee, a group of volunteer residents, which met for six years as an oversight group for City Hall construction, and were instrumental in completing this large civic project with little disruption to the surrounding neighborhoods. (Liccardo)
TO BE HEARD IN THE EVENING
(Deferred from 2/5/08 – Item 1.1)

1. CEREMONIAL ITEMS

1.2 Presentation of a commendation to Morrill Girl's Varsity Basketball Team, winner of the 2008 San José Mayor's Basketball Tournament. (Chu)

1.3 Presentation of a commendation to senior students from Harker and Lynbrook High School for being named semifinalists in the prestigious National Intel Science Talent Search contest. (Constant)

TO BE HEARD IN THE EVENING

1.4 Presentation of a proclamation declaring the week of March 16 through March 22, 2008 as "Jade Ribbon Week" to unite against HBV and promote Liver Cancer Awareness in the City of San José. (Pyle/Nguyen/Chu)

TO BE HEARD IN THE EVENING

* (Rules Committee referral 3/12/08)

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.

Recommendation: Approval of minutes.

- (a) Green Vision Study Session Minutes of February 1, 2008.
- (b) Regular Minutes of February 5, 2008.
- (c) Special San José Financing Authority Meeting Minutes of February 15, 2008.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 28260 – Amending Section 2.08.4830 of Chapter 2.08 of Title 2 of the San José Municipal Code to amend the term for members of the Youth Commission to two-year terms and to allow the Council to modify the term dates for Youth Commissioners in order to achieve continuity of membership on the Youth Commission.
- (b) ORD. NO. 28262 – Rezoning certain real property, approximately 0.63 acres bounded between San Felipe Road and Rachaella Lane and approximately 2.06 acres located north of Rachaella Lane at the terminus of Gayley Place, to A(PD) Planned Development Zoning District. PDC06-104

(Item continued on the next page)

2. CONSENT CALENDAR

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

Recommendation: Final adoption of ordinances.

- (c) ORD. NO. 28263 – Rezoning certain real property situated at the south side of Tully Road 500 feet westerly of Capitol Expressway from the A-Agricultural and IP-Industrial Park Zoning Districts to A(PD) Planned Development Zoning District. PDC07-070

2.3 Report on bids and award of contract for a Valve Replacement Project.

Attachment – Treatment Plant Advisory Committee Recommendation

Recommendation: Report on bids and award of construction contract for the project RAS & SS Valve Replacement Project Secondary – Tunnel Battery A (A-1 Thru A-6) to the low bidder, Anderson Pacific Engineering Construction, Inc. in the amount of \$729,000, and approval of a contingency in the amount of \$73,000. CEQA: Exempt, File No. PP07-178. (Environmental Services)

2.4 Amendment to the Construction Services Agreement for the South Bay Water Recycling Program.

Attachment – Treatment Plant Advisory Committee Recommendation

Recommendation: Approval of the fifth amendment to the construction service agreement with City of Santa Clara for the South Bay Water Recycling Program, revising the approved project list and extending the term of the agreement by two years, starting from the agreement execution date to June 30, 2010, at no additional cost to the City. CEQA: Resolution No. 64667, File No. PP91-090. Council District 4. (Environmental Services)

2.5 Fiscal actions related to Second Mortgages in the Villa Almendra Housing Development.

Recommendation: Adoption of a Resolution approving a funding commitment of up to \$900,000 to provide second mortgages of up to \$60,000 to each moderate-income household purchasing a townhome in the Villa Almendra development, located on the corner of Almaden Avenue and West Alma Avenue. CEQA: Not a Project. Council District 3. SNI: Washington. (Housing)

2.6 Amendment to the Lease Agreement with Rosies and Posies Downtown Florist.

Recommendation: Approval of the first amendment to a lease agreement with Leyla Naderjah and Jon Hellesoe, owners of Rosies and Posies Downtown Florist for their use of City-owned property located at 98 Paseo de San Antonio amending said lease to provide for the terms, provisions, and conditions for installing and maintaining an exterior sign on the leased premises pursuant to a signage agreement with the Redevelopment Agency. CEQA: Not a Project. Council District 3. (Public Works)

2. CONSENT CALENDAR

2.7 [Actions related to the Urban Forestry Grant Program.](#)

Recommendation: Adoption of a resolution authorizing the City Manager to:

- (a) Submit a grant application to the California Department of Forestry and Fire Protection for up to \$105,000 in grant funding from the Urban Forestry Grant Program entitled, “An Urban Forest for Every Community,” to be used for the development of Best Management Practices for San José’s urban forest, with a total local match requirement of up to \$105,000; and
 - (b) Submit a grant application to the California Department of Forestry and Fire Protection for up to \$114,000 in grant funding from the Urban Forestry Grant Program entitled, “An Urban Forest for Every Community,” to assist in the development of an inventory of San José’s urban forest, with a total local match requirement of up to \$114,000; and
 - (c) Execute all documents necessary to effectuate the applications and the grants.
- CEQA: Not a Project. (Transportation)

2.8 [Councilmember Williams’ Travel to Okayama, Japan.](#)

Recommendation: Approval of travel by Councilmember Williams to Okayama, Japan on March 21 – 30, 2008 to lead the City of San José’s delegation to attend the 50th anniversary events commemorating San José and Okayama, Japan’s Sister City Relationship. Source of Funds: Mayor/Council Travel Fund. (Williams)
(Rules Committee referral 3/5/08)

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Debra Figone (Verbal Report)

3.2 Report of the Rules and Open Government Committee – March 5, 2008 Mayor Reed, Chair

- (a) City Council
 - (1) Review March 11, 2008 Final Agenda
 - (2) Review March 18, 2008 Draft Agenda
 - (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
 - (c) Legislative Update
 - (1) State
 - (2) Federal
 - (d) Meeting Schedules
 - (e) The Public Record
 - (f) Appointments to Boards, Commissions and Committees
- (Item continued on the next page)*

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules and Open Government Committee – March 5, 2008 (Cont'd.) Mayor Reed, Chair

- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Audit of the Travel Expenditures of the Federated Retirement System and the Police and Fire Retirement Plan. (City Auditor/City Attorney)
Deferred from February 20, 2008
SEE ITEM 3.5 FOR COUNCIL ACTION TO BE TAKEN
 - (2) Mexican Heritage Corporation:
 - (a) Review consultant assessment of the current organizational capacity of the Mexican Heritage Corporation with recommendations for improvements. (City Manager)
 - (b) Consider options for Mexican Heritage Plaza, including Mexican Heritage Corporation, for Rules Committee Discussion and Direction. (City Manager)
SEE ITEM 3.6 FOR COUNCIL ACTION TO BE TAKEN
 - (3) Budget Outreach Plan. (Mayor/City Manager)
- (h) Review of additions to Council Committee Agendas
- (i) Open Government Initiatives
 - (1) Reed Reforms
 - (2) Sunshine Reform Task Force
 - (a) Review of remaining provisions of the Sunshine Reform Task Force Phase I Report and Recommendation. (City Manager)
Continued from January 23, 2008
 - (3) Significant Public Records Act Requests
 - (4) Council Policy Manual Update
- (j) Open Forum
- (k) Adjournment

* **RECOMMEND DEFERRAL TO 4/8/08 PER CITY CLERK**

3.3 Report of the Public Safety, Finance and Strategic Support Committee Councilmember Nguyen, Chair – *No Report*

3.4 [Ordinance regarding the Filing of Disclosure of Fundraising Reports.](#)

Recommendation: Approval of [an ordinance](#) that amends Section 12.16.040 of Chapter 12.16 of Title 12 of the San José Municipal Code to require that disclosure reports for fundraising solicitations be filed by candidates in accordance with the deadlines for campaign statements. (City Attorney's Office/City Clerk)

* **RECOMMEND DEFERRAL TO 3/25/08 PER CITY ATTORNEY AND CITY CLERK**

3. STRATEGIC SUPPORT SERVICES

3.5 Travel Expenditure Audit – Retirement Boards.

Supplemental – Memo from the City Auditor

Recommendation: As referred by the Rules and Open Government Committee of March 5, 2008, consider the request of the City Auditor to direct the Boards of the Federated Retirement System and Police and Fire Retirement Plan to cooperate with an audit of the boards' travel expenditures. (City Auditor)

[Rules Committee referral 3/5/08 – Item (G)(1)]

3.6 Actions related to the Mexican Heritage Plaza, including Mexican Heritage Corporation.

Attachment – Memo from Mayor Reed and Councilmember Campos

Attachment 2 – Letter from the Public

Attachment 3 – Letter from the Public

* **Recommendation:** Acceptance of the following recommended actions regarding the Mexican Heritage Plaza (MHP), and Mexican Heritage Corporation (MHC), that include:

- (a) Actions related to developing a new management future for MHP:
 - (1) A non-governmental agency, in conjunction with other community, philanthropy and corporate leaders, will convene and coordinate with other community organizations regarding the formation of a steering committee(s) for the purpose of the development of a Business Plan to achieve the Community Cultural Center vision proposed by the City's consultants.
- (b) Actions related to stabilize and transition the management of MHP so the facility continues to be accessible to serve the community:
 - (1) The Maintenance, Utilities and Facility Leasing Event Services function for MHP will be transitioned from MHC to the City beginning on or about April 1, 2008. This transition period will extend through June 30, 2008, with the City assuming full responsibility July 1, 2008; and
 - (2) That the Administration include in the FY 2008-09 Proposed Budget for City Council consideration, funding in the amount \$450,000 for maintenance and utilities and \$360,000 for facility leasing and event services for a total of \$810,000 for General Services for the purposes of providing services at MHP, partially offset by estimated event revenues of \$300,000, for a net funding amount of \$510,000.
- (c) Actions related to transitioning MHC into a new role while the non-profit stabilizes its financial situation:
 - (1) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with MHC for a term not to exceed fifteen months and compensation not to exceed \$350,000 to provide transitional funding based on benchmarks to help defray a portion of the costs associated with MHC's operating costs;
 - (2) Adoption of a resolution authorizing the City Manager to negotiate and execute an amendment to the loan agreement and promissory note with MHC in order to incorporate a challenge grant to give MHC the opportunity to reduce the outstanding balance owed on its loan with the City, which is currently \$500,000, by two dollars for each dollar raised by

MHC between April 1 and December 1, 2008 and subsequently by one dollar for each dollar raised thereafter; and

3. STRATEGIC SUPPORT SERVICES

3.6 Actions related to the Mexican Heritage Plaza, including Mexican Heritage Corporation. (Cont'd.)

Recommendation:

- (c) (3) That an amount not to exceed \$50,000 for the purposes of Technical Assistance to MHC be provided including requirements for the use.
- (d) Actions that support the Mariachi Festival occurring in 2008:
 - (1) That an amount of \$100,000 for the marketing of the Mariachi Festival be provided to MHC for the September 2008 event, shared equally by the Redevelopment Agency and the City.
- (e) Adoption of the following 2007-2008 Appropriation Ordinance Amendments in the General Fund:
 - (1) Establish the Mexican Heritage Plaza Maintenance and Operations appropriation in City-Wide Expenses to the General Services Department in the amount of \$215,000;
 - (2) Establish the Mexican Heritage Corporation Transition appropriation in City-Wide Expenses to the City Manager's Office in the amount of \$350,000;
 - (3) Establish the Mexican Heritage Corporation Technical Assistance appropriation in City-Wide Expenses to the City Manager's Office in the amount of \$50,000;
 - (4) Decrease the Contingency Reserve by \$665,000;
 - (5) Transfer to the Redevelopment Agency for the Mariachi Festival of \$50,000.

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

[Rules and Open Government Committee referral 3/5/08 – Item (G)(2)]

TO BE HEARD IN THE EVENING

3.7 [Report on Request for Proposal for Security Guard Services for several City Departments.](#)

Recommendation:

- (a) Report on Request for Proposal for Security Guard Services for the Departments of General Services, Transportation, Parks Recreation and Neighborhood Services, Aviation, Environmental Services (Water Pollution Control Plant), and Office of Economic Development (Work2Future) and
- (b) Adoption of a resolution authorizing the Director of Finance to:
 - (1) Execute an agreement with First Alarm Security & Patrol, Inc. for security guard services for a one year term and a not-to-exceed compensation of \$2,182,500.
 - (2) Execute amendments to the agreement to add and delete guard services as required subject to appropriation of funds.
 - (3) Exercise four one-year options to renew the agreement subject to annual appropriation of funds.

CEQA: Not a Project. (Finance)

3. STRATEGIC SUPPORT SERVICES

3.8 Report of the Rules and Open Government Committee – February 27, 2008

Mayor Reed, Chair

- (a) City Council
 - (1) Review March 4, 2008 Final Agenda
 - (a) Add New Items to final agenda.
 - (1) Calling for a regular Municipal Election on June 3, 2008 for the Purpose of Electing Council Members, Districts 2, 4, 6, 8 and 10. (City Clerk)
 - (b) Assign “Time Certain” to Agenda Items (if needed).
 - (2) Review March 11, 2008 Draft Agenda
 - (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
 - (c) Legislative Update
 - (1) State
 - (2) Federal
 - (a) Support for Federal Housing Legislation: H.R. 840 (Carson) – Homeless Emergency Assistance and Rapid Transition to Housing Act of 2007 and S. 1518 (Reed) – Community Partnership to End Homelessness Act of 2007, if amended. (Housing)
 - (d) Meeting Schedules
 - (e) The Public Record
 - (f) Appointments to Boards, Commissions and Committees
 - (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Placement of Automatic External Defibrillators. (Chu/Campos/Williams/Liccardo)
 - (h) Review of additions to Council Committee Agendas
 - (1) Community and Economic Development Committee
 - (2) Neighborhood Services and Education Committee
 - (3) Transportation and Environment Committee
 - (4) Public Safety, Finance and Strategic Support Committee
 - (a) Add item to the March 20, 2008 agenda entitled, “Renaming of Police and Communications PAC Building”. (Police)
 - (i) Open Government Initiatives
 - (j) Open Forum
 - (k) Adjournment

* (Deferred from 3/11/08 – Item 3.2)

* **RECOMMEND DEFERRAL TO 4/8/08 PER CITY CLERK**

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Community & Economic Development Committee Councilmember Pyle, Chair – *No Report*

4.2 [Actions related to the Belovida at Newbury Park Affordable Senior Rental Project.](#)

Recommendation:

- (a) Adoption of a resolution:
 - (1) Approving a funding commitment of up to \$17,925,000 to CORE Affordable Housing, LLC, or its designee, of which \$9,010,400 will finance land acquisition for the development of the 180-unit Belovida at Newbury Park affordable senior rental project located northeasterly of the intersection of King Road and Dobbin Drive, to be made available to extremely low-income and very low-income households.
 - (2) Finding that the use of 20% Housing Funds for the Belovida at Newbury Park housing development is of benefit to the Redevelopment Project Areas in San José.
 - (b) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Low- and Moderate-Income Housing Fund (Fund 443) for 2007-2008:
 - (1) Increase the Loans, Grants and Site Acquisition appropriation by \$17,925,000.
 - (2) Increase the estimate for Earned Revenue in the amount of \$17,925,000.
- CEQA: Resolution No. 74196, File No. PDC07-015. Council District 3. (Housing/City Manager's Office)

4.3 [Funding Commitment for the Kings Crossing Project.](#)

* **Recommendation:**

- (a) Adoption of a resolution:
 - (1) Approving a funding commitment of up to \$5,315,000 of 20% Housing Funds to Charities Housing Development Corporation (CHDC), or its designee, for a land acquisition/permanent loan for the 94-unit Kings Crossing affordable family rental project located at 686 North King Road, to be made available to extremely low-income (ELI) and very low-income (VLI) households.
 - (2) Approving a conditional funding commitment of up to \$5,250,700 of HOME Funds to CHDC, or its designee, for a predevelopment/construction/ permanent loan for the Kings Crossing project.
 - (3) Approving an exception to City policy to allow disbursement of funds which will create a combined loan-to-value ratio for the City loans in excess of 100%.
 - (4) Finding that the use of 20% Housing Funds for the Kings Crossing project is of benefit to the Redevelopment Project Areas in San José.

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Funding Commitment for the Kings Crossing Project. (Cont'd.)

Recommendation:

- (b) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the HOME Investment Partnership Program Fund (Fund 445) for 2007-2008:
 - (1) Increase the Loans and Grants appropriation by \$5,250,700.
 - (2) Increase the estimate for Grant Revenue in the amount of \$5,250,700.
 - (c) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Low- and Moderate-Income Housing Fund (Fund 443) for 2007-2008:
 - (1) Increase the Loans, Grants and Site Acquisition appropriation by \$5,315,000.
 - (2) Increase the estimate for Earned Revenue in the amount of \$5,315,000.
- CEQA: Resolution No. 74196, File No. PDC07-015. Council District 3. (Housing/City Manager's Office)

5. NEIGHBORHOOD SERVICES

5.1 Report of the Neighborhood Services and Education Committee Councilmember Chirco, Chair – *No Report.*

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Transportation and Environment Committee – [March 3, 2008](#) Councilmember Williams, Chair

- (a) Action on items recommended for deferral:
 - (1) Quarterly Updated Report on Performance Measures. (City Manager's Office)
Request Deferral to April 2008
 - (2) Update Report on Cost Estimating for Construction and Development. (Public Works)
Request Deferral to April 2008
 - (3) Environmental Preferred Purchasing (EP3) Annual Report. (Finance/Environmental Services)
Request Deferral to April 2008
 - (4) Private Development Green Building. (Economic Development/Planning, Building and Code Enforcement)
Request Deferral to April 2008
 - (5) Sustainability and Green Mobility. (Environmental Services)
Request Deferral to April 2008

(Item continued on the next page)

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Transportation and Environment Committee – March 3, 2008

(Cont'd.)

- (b) Clean Bay Strategy Report and Permit Update. (Environmental Services)
- (c) BART/Santa Clara Valley Transportation Agency Issues Report. (Transportation)
- (d) Traffic Calming Policy Update. (Transportation/Police)
SEE ITEM 6.3 FOR COUNCIL ACTION TO BE TAKEN
- (e) Report on Clean Air Vehicle Program. (Transportation)
Deferred from February 2008
- (f) Status Report on the Terminal Area Improvement Plan (TAIP). (Airport)
- (g) Oral Petitions
- (h) Adjournment

6.2 [Master Agreement for Architectural Consultant Services for the Airport and Airlines Tenant Improvements Project.](#)

- * **Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a master agreement with M. Arthur Gensler, Jr. & Associates, Inc. for architectural consultant services for the Airport and Airlines Tenant Improvements Project at the Norman Y. Mineta San José International Airport from the date of execution through December 31, 2010 in an amount not to exceed \$3,000,000. CEQA: Resolution Nos. 67380 and 71451, File No. PP08-019. (Public Works/Airport)

6.3 [Report on Traffic Calming Policy Update.](#)

- * **Recommendation:** As recommended by the Transportation and Environment Committee City Council discussion of the recommendations by Council Member Oliverio as noted below, and upon Council consideration of the recommendations, take the following actions: item (a) be referred to the budget process for further Council consideration, and items (b) through (g) be referred back to the Transportation and Environment Committee for discussion at its May 5, 2008 meeting.
 - (a) Direction to the Administration to bring forth to the City Council, as part of budget deliberations, the cost of one-time and on-going funding necessary to hire more police officers for enforcement of traffic calming regulations in the neighborhoods.
 - (b) Direction to the Administration to research the feasibility of "red light running" (RLR) systems for the purpose of possible consideration of a "RLR" pilot program for the City of San José.
 - (c) Direction to the Administration to research the viability of increasing fines for traffic violations.
 - (d) Direction to the Administration to update the current traffic calming policy with the recommendations proposed from the attached report to include expanding the installation of physical and electronic devices and to update the policy to allow for cumulative impacts of speed, volume, crashes, pedestrian activity and proximity to schools and/or parks to be used when gathering information.
- (Item continued on the next page)*

6. TRANSPORTATION & AVIATION SERVICES

6.3 Report on Traffic Calming Policy Update. (Cont'd.)

Recommendation:

- (e) Direction to the Administration to bring recommendations back to the City Council that would allow for provisions for neighborhoods to self-fund physical traffic calming devices.
- (f) Direction to the Administration to investigate a partnership with the school districts in San José as a way of using bond monies for radar signs and other traffic calming devices near schools.
- (g) Direction to the Administration to implement Assembly Bill 321 which allows municipalities to lower speed limits to 15 mph in qualifying school zones after analysis by the City Attorney's Office is completed.

CEQA: Not a Project. (Transportation/Police)

[Transportation and Environment Committee referral 03/03/08 – Item (d)]

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Actions related to a Green Cities California Sustainability Resolution.

Recommendation: Adopt a “Green Cities California Sustainability Resolution” expressing San José’s commitment to work cooperatively with other California local governments to accelerate local, regional, national, and international efforts to achieve sustainability by:

- (a) Combining forces with other Green Cities California members to influence State and National sustainability policies and legislation.
- (b) Collaborating with other local governments throughout the state and the nation to adopt and implement sustainable policies and practices.
- (c) Working to achieve the following objectives for municipal operations:
 - (1) In 2007-08:
 - (a) Purchase of “100% post-consumer recycled” paper for all City operations.
 - (b) Eliminate the use of City funds for purchase of single serving bottled water.
 - (2) In 2008-09:
 - (a) A campaign for City purchase of local California foods.
 - (b) A carbon offset plan for City employee air travel.
 - (c) Emission reduction standards for City vehicle fleets.

CEQA: Not a Project. (Environmental Services)

RECOMMEND DEFERRAL PER ADMINISTRATION

7. ENVIRONMENTAL & UTILITY SERVICES

7.2 [Solar Summit Recommendations for CleanTech Policy Priorities.](#)

- * **Recommendation:** As recommended by the Rules and Open Government Committee of March 12, 2008, accept the Solar Summit Recommendations for CleanTech Policy Priorities to serve as the City's legislative priorities in the areas of solar and CleanTech for 2008-2009. (Mayor)

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEMS 9.1 AND 9.2 IN A JOINT SESSION

9.1 [Report out on actions related to the Former San José Medical Center Site.](#)

[Attachment - Memo from Mayor Reed and Councilmember Liccardo](#)

[Attachment 1 – Former San José Medical Center Stakeholder Advisory Committee Final Recommendations](#)

[Attachment 2 – San José Medical Center Stakeholder Advisory Committee Roster](#)

[Attachment 3 – Letter from Zaretsky & Associates Regarding Recommendations for Committee Action](#)

[Attachment 4 – Former San José Medical Center Healthcare and Land Use Recommendations Summary Report](#)

[Attachment 5 – Staff Report from the City Council Meeting of April 4, 2006](#)

[Attachment 6 – Letter from the Public](#)

- * **Recommendation:**
 - (a) It is recommended that the City Council:
 - (1) Accept the final recommendations of the Former San José Medical Center Site Stakeholder Advisory Committee (SAC).
 - (2) Direct the City Manager to invite the County to participate in a joint City-County Taskforce as recommended by the Stakeholder Advisory Committee including all the major health care providers; Regional Medical Center of San José, O'Connor Hospital, Kaiser Permanente,

Valley Medical and others, to work collaboratively on health care facilities and hospital services issues facing downtown and the City.

- (3) Acknowledge that the scope of work for the Envision San José 2040 General Plan Update includes the development of goals and policies related to the provision of health care services and facilities to serve the existing community and projected future growth (These goals and policies would address the needs of current residents as well as the needs of projected population and employment growth through 2035).
- (4) Direct the City Administration to use the SAC land use recommendations as guiding principles when evaluating a future development on the Former San José Medical Center site (these recommendations would supplement, but not replace, other applicable City policies and design guidelines related to development on the site).
- (5) Direct the City Manager to begin negotiations with Hospital Corporation of America (HCA) regarding the development of the Former Medical Center Site and support for expanding access to primary and urgent care services downtown.

- (b) It is recommended that the Redevelopment Agency Board direct the Executive Director to explore sites within Redevelopment Project Areas for the potential expansion of primary and urgent care services downtown in line with the SAC recommendations and report back to the Agency Board on feasibility of any sites within 180 days and prior to approval of any land use changes on the Site.

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

TO BE HEARD IN THE EVENING

9.2 [Public Hearing and approval of the FY 2008-2009 Mayor's March Budget Message.](#)

[Attachment – Memo from Mayor Chuck Reed](#)

Recommendation: Public Hearing and approval of the FY 2008-2009 Mayor's March Budget Message. (Mayor)

* **TO BE HEARD IN THE EVENING**

- Open Forum (To be heard no earlier than 3:30 p.m.)
- Continue RDA Board Meeting (immediately following Open Forum)
- Council will recess until 7:00 p.m.

10. GENERAL PLAN PUBLIC HEARINGS

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.)

Notice to the public: There will be no separate discussion of Public Hearings Consent Calendar (Item 11.1) 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 Public Hearings Consent Calendar (Item 11.1) and considered separately.

11.1 Public Hearings on Consent Calendar.

Recommendation:

- (a) [Consideration of an ordinance rezoning the real property](#) located on the south side of Stevens Creek Boulevard, approximately 300 feet easterly of Loma Linda Drive (5000 Stevens Creek Boulevard) from CG Commercial General Zoning District to CN Commercial Neighborhood Zoning District to allow commercial use on a 0.96 gross acre site (Tronis Steven Cr Tully Props Fam Lp, Owner). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. C08-007 – District 1

- (b) [Consideration of an ordinance prezoning the real property](#) located on the northwest corner of West San Carlos and Brooklyn Avenue (1915 W San Carlos Street) from County to CP-Commercial Pedestrian Zoning District and R-1-8 Single Family Residence District and to allow commercial uses on a 0.74 gross acre site (99 Centers Only Stores, Owner; RHL Design Group/ Martin Lakey, Developer). SNI: Burbank/Del Monte. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. C07-065 – District 6

END OF PUBLIC HEARINGS ON CONSENT CALENDAR

11. PUBLIC HEARINGS

11.2 [ADMINISTRATIVE HEARING regarding an appeal of the Planning Commission's decision to deny a Conditional Use Permit and Determination of Public Convenience or Necessity.](#)

[Attachment – Whole Foods Market Plan](#)

[Supplemental – Memo from the Director of Planning](#)

- * **Recommendation: ADMINISTRATIVE HEARING** and consideration of an appeal of the Planning Commission's decision to deny a Conditional Use Permit and Determination of Public Convenience or Necessity to allow demolition of 78,409 square feet of existing commercial building and allow construction of 80,800 square feet resulting in a total of 122,584 square feet for commercial uses including the off-sale of alcohol for a new grocery store (Whole Foods) on a 10.2 gross acres (Mandatory denial by the Planning Commission 12/10/07), in the CG General Commercial Zoning District, located in the area generally bound by Blossom Hill Road on the north, Gallup Drive to the west, Mesa drive to the south, and Almaden Expressway to the east (1110 Blossom Hill Road) (Pueblo Plaza Partnership, Owner). SNI: Hoffman/Via Monte. CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends to uphold the appeal and approve the subject Conditional Use Permit and make a Determination of Public Convenience or Necessity by finding that the required findings for a Determination of Public Convenience or Necessity can be made and that there is a significant overriding public benefit served by the proposed off-sale of alcohol.

[CP07-072/ABC07-006](#) – District 10

(Deferred from 1/29/08 – Item 11.3 and 2/26/08 – Item 11.3)

- * **RECOMMEND CONTINUANCE TO 4/8/08 PER APPLICANT**

11.3 [Rezoning real property located on the southwest corner between Keesling Avenue and Hamilton Way.](#)

[Attachment 1 – Maps for PDC07-079](#)

Recommendation: Consideration of an ordinance rezoning the real property located on the southwest corner between Keesling Avenue and Hamilton Way (1500 Keesling Avenue) from R-1-8 Single-Family Residence Zoning District to A(PD) Planned Development Zoning District to allow 3 single family, detached residences on a 0.4 gross acre site (Robert Cullen, Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (4-1-1-1).

[PDC07-079](#) – District 6

11.4 [Rezoning real property located on the southeast corner of Yerba Buena Road and Highway 101.](#)

[Attachment 1 – Maps for PDC07-097](#)

- * **Recommendation:** Consideration of an ordinance rezoning the real property located at the southeast corner of Yerba Buena Road and Highway 101 (3800 Dove Hill Road) from the A(PD) Residential Zoning District to the A(PD) Residential Zoning District to allow 29 single-family detached residences on a 7.24 gross acre site (Joey and Frances Lo, Owners). CEQA: Incomplete.

[PDC07-097](#) – District 8

- * **RECOMMEND CONTINUANCE TO 4/22/08 PER ADMINISTRATION**

11. PUBLIC HEARINGS

11.5 [Rezoning and Tentative Map Permit for real property located on the northwest corner of Los Gatos-Almaden Road and Warwick Road.](#)

[Supplemental Memo from the Director of Planning](#)

Recommendation: Consideration of a Conforming Rezoning and Tentative Map Permit for the real property located on the northwest corner of Los Gatos-Almaden Road and Warwick Road (14861 & 14879 Los Gatos-Almaden Road), in the R-1-2 Single-Family Residence Zoning District (Abdy Mirzadegan and Farajollah Ettefagh, Owners).

- (a) Consideration of an ordinance rezoning the real property from R-1-2 Residence Zoning District to R-1-8 Residence Zoning District to allow residential uses on a 0.99 gross acre site. CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. C07-087 – District 9
- (b) Consideration of a Tentative Map Permit to reconfigure two parcels into five lots for five single family detached residences on a 0.99 gross acre site. CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. T07-087 – District 9

* **RECOMMEND CONTINUANCE TO 4/8/08 PER RULES COMMITTEE**

- **Notice of City Engineer’s Pending Decision on Final Maps**

* In accordance with Sec. 19.16.140d of the San José 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>
9978	Northeast corner of East Taylor Street and North 6 th Street	3	Orchard City Construction	6 Lots / 5 Units	Single Family Attached
9979	Southeast corner of Almaden Expressway and Almaden Road	10	John and Jennifer Carson	15 Lots / 13 Units	Single Family Detached

- **Notice of City Engineer’s Award of Construction Projects**
- **Open Forum**
- **Adjournment**

CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
 - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
 - c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
 - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
 - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
 - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
 - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.