

CITY COUNCIL AGENDA

MARCH 21, 2006

SYNOPSIS

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

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

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**
9:32 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.
7:03 p.m. - Public Hearings, Council Chambers, City Hall
Absent – Council Members: None.

- **Invocation (District 3)**
Imam Tahir Anwar, Director of the South Bay Islamic Association delivered words of wisdom.

- **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 Swearing in ceremony for District 10 Youth Commissioner Pardis Khosravi. (City Clerk)
(Deferred from 3/7/06 – Item 1.3)
HEARD IN THE EVENING
Mayor Gonzales and Council Member Nancy Pyle introduced the District 10 Youth Commissioner Pardis Khosravi and City Clerk Lee Price administered the Oath of Office.

1. CEREMONIAL ITEMS

- 1.2 Presentation of a commendation to David Crosson for his nine years of dedication and hard work as President and CEO of History San José. (Mayor)
Mayor Gonzales presented a commendation to David Crosson for his dedication and hard work as President and CEO of History of San José.
- 1.3 Presentation of a commendation to the Southside Senior and Community Center Nutritional staff for their exemplary dedication and invaluable contributions to the San José community. (Williams/Mayor)
HEARD IN THE EVENING
Mayor Gonzales and Council Member Williams presented a commendation to Greg Feliz, Barbara Hynaman, and Brian Enos of the Southside Senior and Community Center for their exemplary dedication and invaluable contributions to the City of San Jose.
- 1.4 Presentation of a commendation to the West Evergreen Neighborhood Association for their exemplary dedication and invaluable contributions to the San José community. (Nguyen/Mayor)
HEARD IN THE EVENING
Mayor Gonzales and Council Member Nguyen presented a commendation to the West Evergreen Neighborhood Association for their dedication and invaluable contributions to the City of San José.
- 1.5 Presentation of a commendation to Josemaria Paterno, Emiley Chang, Mike Mancuso, Joe Peraza and Shila Ravi for launching and helping to chapter Senate Bill 798, which now allows California counties to operate prescription drug recycling programs that both reduce the cost of prescription drugs and prevents unused drugs from entering California's waterways. (LeZotte)
HEARD IN THE EVENING
Council Member LeZotte and Mayor Gonzales presented a commendation to Josemaria Paterno, Emiley Chang, Mike Mancuso, Joe Peraza and Shila Ravi for their help in launching Senate Bill 798.
- 1.6 Presentation of a commendation to the Silicon Valley Chapter of the Multiple Sclerosis Society in recognition of Multiple Sclerosis Awareness Month in March and for their extraordinary leadership to end the devastating effects of Multiple Sclerosis. (Yeager)
Council Member Yeager and Mayor Gonzales presented a commendation to Michelle Compton and Lillian Acosta of the Silicon Valley Chapter of the Multiple Sclerosis Society in recognition of Multiple Sclerosis Awareness Month in march and for their leadership in the fight against Multiple Sclerosis.

1. CEREMONIAL ITEMS

- 1.7 Presentation of a commendation to the Lima family for its inspiration and leadership in creating Christmas in the Park, which has become an annual holiday tradition in the City of San José. (Nguyen)
(Deferred from 3/14/06 – Item 1.6)
Council Member Nguyen and Mayor Gonzales presented a commendation to the Lima Family for their inspiration and leadership in creating Christmas in the Park, the City’s annual holiday tradition.
- 1.8 Presentation of a commendation to Donald and Sally Lucas in recognition of their \$10 million donation to San José State University. (Chavez)
(Rules Committee referral 3/15/06)
Vice Mayor Chavez and Mayor Gonzales presented a commendation to Donald and Sally Lucas recognizing their \$10 Million donation to San José State University.

2. CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
None.
- 2.2 **Final adoption of ordinances.**

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 27667 – Amends chapter 12.12 of Title 12 of the San José Municipal Code by adding a new section 12.12.200 entitled lobbyist fundraising activity to provide a definition of the term and amending section 12.12.420 to require additional information and disclosures.
Dropped.
- (b) ORD. NO. 27668 – Rezones certain real property situated on the north side of Villa Avenue property situated on the north side of Villa Avenue, 150 feet easterly of Myrtle Street (969 Villa Avenue) to A(PD) Planned Development Zoning District.
Ordinance No. 27668 adopted.
- (c) ORD. NO. 27669 – Rezones certain real property situated on the south side of West Taylor Street approximately 230 feet northeast of Elm Street (846 West Taylor Street) to A(PD) Planned Development Zoning District. PDC05-073
Ordinance No. 27669 adopted.
- (d) ORD. NO. 27670 – Rezones certain real property situated on the west side of Pomona Avenue, approximately 140 feet southerly of Alma Avenue (1425 Pomona Ave) to R-1-8 Residence Zoning District. C05-119
Ordinance No. 27670 adopted.

2. CONSENT CALENDAR

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

Recommendation: Final adoption of ordinances.

- (e) ORD. NO. 27671 – Rezones certain real property situated on the west side of Flint Avenue, approximately 130 feet northerly of Peanut Brittle Drive to R-1-8 Residential Zoning District.

Ordinance No. 27671 adopted.

- (f) ORD. NO. 27675 – Suspending the requirements of Chapter 14.25 of Title 14 of the San José Municipal Code for secondary units permitted under the City's Secondary Units Pilot Program retroactive to January 1, 2006 and to authorize refunds of the Park Impact Fees paid to the City of San José pursuant to Chapter 14.25 under that Pilot Program.

Ordinance No. 27675 adopted.

2.3 Approval to award open purchase orders for FY 2005-2006 # 11 and #12.

Recommendation:

- (a) Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2005-2006 #11, and authorization for the Director of finance to execute the purchase orders.

Approved.

- (b) Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2005-2006 #12, and authorization for the Director of finance to execute the purchase orders.

CEQA: See memo for CEQA designations. (Finance)

Approved.

2. CONSENT CALENDAR

2.4 Approval of actions related to Housing Program Grants.

Recommendation:

- (a) Adoption of a resolution authorizing the Director of Housing to accept Building Equity and Growth in Neighborhoods (BEGIN) housing program grants from the California Department of Housing and Community Development (HCD) and to negotiate and execute the grant agreements and any amendments or other documents necessary to implement the programs funded by the following BEGIN grants:
- (1) \$420,000 grant to fund down payment assistance loans to first-time homebuyers purchasing in The Works development.
 - (2) \$510,000 grant to fund down payment assistance loans to first-time homebuyers purchasing in the Villa Almendra development.
 - (3) \$450,000 grant to fund down payment assistance loans to first-time homebuyers purchasing in the CIM/2nd and Santa Clara Street development.

Resolution No. 73103 adopted.

- (b) Approval of the following appropriation ordinance and funding sources resolution amendments in the Multi-Source Housing Fund:
- (1) Increase the CalHOME (BEGIN) Program appropriation in the Multi-Source Housing Fund (448) by \$1,380,000.
 - (2) Increase the estimate for Grant Revenue in the Multi-Source Housing Fund (448) by \$1,380,000.

CEQA: Not a Project. Council District: 3. SNI: Spartan/Keyes, Washington, & Delmas Park. (Housing)

Ordinance No. 27680 adopted.

Resolution No. 73104 adopted.

2.5 Approval to set a public hearing for the reorganization of territory designated as Sunol No. 68.

Recommendation: Adoption of a resolution initiating proceedings and setting April 4, 2006, at 1:30 p.m. for Council consideration on the reorganization of territory designated as Sunol No. 68 which involves the annexation to the City of San José of 0.42 acres of land more or less, located at the west side of South Willard Avenue approximately 180 feet southerly of Douglas Street and adjacent to the City of San José annexation Sunol No. 13 and the detachment of the same from Sunol Sanitary, County Lighting County Service, Central Fire Protection and Area No. 01 (library Service) County Service Districts. A map showing the affected territory is attached. CEQA: Mitigated Negative Declaration adopted January 17, 2006. CEQA: Mitigated Negative Declaration, (File No. PDC04-095). Council District: 6. (Planning, Building and Code Enforcement)

Resolution No. 73105 adopted.

2. CONSENT CALENDAR

2.6 Approval to amend an agreement for technical consulting services related to the permit and development software systems.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a first amendment to the consultant agreement with CSDC Systems, Incorporated for technical consulting services related to the AMANDA permit software and other Integrated Development Tracking System (IDTS) software, extending the term from March 31, 2006 to June 30, 2007. CEQA: Not a Project. (Planning, Building and Code Enforcement)

Resolution No. 73106 adopted.

2.7 Appointment of a replacement to the Evergreen East Hills Vision Strategy Task Force.

Recommendation: Approval of one replacement to the Evergreen East Hills Vision Strategy Task Force. CEQA: Exempt, PP03-10-349. Council Districts: 5, 7, and 8. SNI Areas: KONA, West Evergreen, and East Valley/680. (Planning, Building and Code Enforcement)

Approved.

2.8 Approval to vacate a Public Service Easement.

Recommendation: Adoption of a resolution summarily vacating the four-foot wide Public Service Easement lying around the perimeter of Tract 9639. CEQA: Exempt, File No. PDC03-076. Council District: 1. (Public Works)

Resolution No. 73107 adopted.

2.9 Approval of appointments to the Santa Clara County Health Benefits Coalition and the San José Arena Authority.

Recommendation: Approval of appointments of Council Member Nancy Pyle to the San José Arena Authority and Council Member Judy Chirco to the Santa Clara County Health Benefits Coalition and direct the City Manager to appoint an appropriate Senior Administrative Officer responsible for employee health benefits to the Santa Clara County Health Benefits Coalition. (Mayor)
(Rules Committee referral 3/15/06)

Approved.

2.10 Approval of appointment of Council Member Campos to the Treatment Plant Advisory Committee.

Recommendation: Approval of appointment of Council Member Campos to the Treatment Plant Advisory Committee. (Mayor)

Approved.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair

Recommendation: Acceptance of the Report of the Study Session:

- (a) 2005-2006 Proposed Operating Budget Study Sessions dated May 9-18, 2005.
[Deferred from 3/7/06 and 3/14/06 – Item 3.1(a)]
Deferred to 3/28/06.

3.2 Report of the Rules Committee – March 8, 2006 Vice Mayor Chavez, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review March 21, 2006 Council Agenda
 - (a) Adds to the March 21, 2006 Draft Agenda
The Committee recommended seven additions to the March 21, 2006 City Council Draft Agenda.
 - (2) Add New Items to March 14, 2006 Agenda
The Committee recommended seven additions to the March 14, 2006 City Council Agenda.
 - (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
There were none.
- (e) The Public Record
The Committee noted and filed the Public Record.
- (f) Appointments to Boards, Commissions and Committees
 - (1) Approval of a Interim Appointment to the Parks and Recreation Commission.
The Committee recommended the temporary appointment of James Kim to the Parks and Recreation Commission for an unexpired term ending June 30, 2006.

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – March 8, 2006 (Cont'd.) Vice Mayor Chavez, Chair

- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Discussion and approval of the City's procedures for distributing City Council and Council Committee packets and archiving City Council, Study Sessions, and Council Committee Meetings.
SEE ITEM 3.5 FOR COUNCIL ACTION TAKEN
The Committee directed staff to research the feasibility of converting the Closed Caption transcripts into official meeting minutes; accepted the report/ and recommended that the item be cross-referenced on the March 21, 2006 City Council agenda for review and discussion by the full City Council.
- (h) Open Forum
Bill Chew spoke about his candidacy in District 3.
- (i) Adjournment
The meeting adjourned at 2:50 p.m.

The Rules Committee report and actions of March 8, 2006 were accepted.

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

3.4 Discussion and direction regarding proposed Sunshine Reforms.

Recommendation: Discussion and direction regarding proposed Sunshine Reform that will improve access to public information, increase neighborhood participation and foster greater governmental accountability. (Chavez/LeZotte/Chirco/Pyle)

HEARD IN THE EVENING

Council moved a memorandum from Vice Mayor Chavez, Council Member LeZotte, Council Member Chirco, and Council Member Pyle, dated March 8, 2006, recommending Council direct staff to develop a work plan for implementing the Sunshine Reforms and report back to the City Council during the budget process with a workplan including specific recommendations as soon as possible, with additional direction to staff to return in two weeks with a recommendation on how to engage the public in the process, i.e., task force, working group, or other.

3. STRATEGIC SUPPORT SERVICES

3.5 Discussion and approval of administrative procedures for distribution of City Council and Council Committee packets and archiving minutes.

Recommendation: Discussion and approval of the City's procedures for distributing City Council and Council Committee packets and archiving City Council, Study Sessions, and Council Committee Meetings. [Rules Committee 3/8/06 –Item (g)(1)]

The procedures were approved.

Noes: LeZotte.

3.6 Acceptance of a follow-up report on Council Appointee Salaries.

Recommendation: Acceptance of the follow-up report related to Council Appointee salary adjustments and direction to staff as appropriate. (City Manager's Office) (Deferred from 2/28/06 – Item 3.4 et al. and 3/14/06 – Item 3.5)

Report accepted and Council approved Option B – Provide a base increase consistent with the performance-based pay system used for Senior and Executive Staff, with direction to staff, as follows:

(1) Return with a merit-based compensation plan and salary ranges for the Council appointees; and, .

(2) Include comparative information about Unit 99.

Noes: Cortese, Reed.

3.7 Approval to amend the contract for the Central Service Yard Phase II Project.

Recommendation: Adoption of a resolution authorizing the Director of Public Works to negotiate and execute an amendment to the design-build contract with Hensel Phelps Construction Company for the Central Service Yard Phase II Project to expend up to \$757,408 of the allowance for the design and construction of a 100% emergency power generator. CEQA: Mitigated Negative Declaration, File No. PP05-136. (Public Works/General Services)

Resolution No. 73108 adopted.

3.8 Adoption of a resolution in opposition of the proposed Immigration Reform Bill.

Recommendation: Adoption of a resolution in opposition of the proposed Immigration Reform Bill currently being heard in the United States Senate Judiciary Committee.

(Chavez/LeZotte/Nguyen)

Dropped.

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.

4.3 Approval of actions related to the San José Medical Center.

Recommendation:

- (a) Approval of recommended community engagement framework for the San José Medical Center site.
- (b) Approval of the recommended composition of the Stakeholder Advisory Committee.
- (c) Direction to the Administration to invite individuals from each of the named organizations to participate in the Stakeholder Advisory Committee.
- (d) Direction to the Administration to convene the initial meeting of the Stakeholder Advisory Committee within 30 days.
- (e) Direction to the Administration to begin implementation of the Council approved four phase work plan.
- (f) Direction to the San José Redevelopment Agency, in coordination with the Department of Planning, Building and Code Enforcement, to assume responsibility for implementing the recommended community engagement framework.

CEQA: Not a Project. SNI: 13th Street. Council District: 3. (Planning, Building and Code Enforcement)

(Deferred from 2/7/06 – Item 4.3, et al., and 3/7/06 – Item 4.4)

TO BE HEARD IN THE EVENING

Deferred to 4/4/06.

4.4 Approval of actions related to the County Island Annexation Process.

Recommendation: Provide direction to staff to proceed with the county island annexation process, beginning with a Pilot Program of sixteen such islands, and specifically:

- (a) Direction to staff to prepare initiation of island annexations under the provision of Government Code Section 56375.3 for those parcels identified islands; and
- (b) Request that the County provide the necessary mapping, legal descriptions, Surveyor's and Assessor's Reports for the islands recommended in the staff report; and,
- (c) Direction to staff to initiate the necessary pre-zonings and complete appropriate environmental review.

CEQA: Resolution No. 65459 (Planning, Building and Code Enforcement)

Deferred to 3/28/06.

5. NEIGHBORHOOD SERVICES

5.1 Report of the All Children Achieve Committee – March 9, 2006 Council Member Yeager, Chair

- (a) Early Care and Education Update – Discussion on Staffing
The Committee accepted the report.
- (b) Update on Family Learning Centers and Family Literacy Program
The Committee accepted the report.
- (c) Youth Commission Presentation
The Committee accepted the report.
- (d) Teacher Recruitment and Retention Update
The Committee accepted the report.
- (e) Oral Petitions
Bill Chew expressed personal views.
- (f) Adjournment
The meeting was adjourned at 2:55 p.m.

The All Children Achieve Committee report and actions of March 9, 2006 were accepted.

5.2 Approval of actions related to the Park Trust Fund.

Recommendation:

- (a) Allocation of unspent funds (\$9.09 M) to projects that meet the nexus requirement in each Council District, and incorporate into the 2006-2007 Proposed Capital Budget.
- (b) Base the set-aside of administrative fees on actual and projected needs.
- (c) Establish a reserve in the amount of \$500,000 as an administrative set-aside in order to offset possible future revenue decline as part of the FY 2006-07 Parks Capital Budget Process.
- (d) Submit, as part of the FY 2006-2007 Parks Capital Budget process, recommendations for the re-allocation of excess administrative set-aside (\$2.6 million), and distribute back to the Council Districts based on the percentage of all fees collected since 1995-96 through 2004-05.
- (e) Submit as part of the FY 2006-07 Parks Capital Budget process, recommendations for allocation of \$659,000 in remaining turnkey revenue to projects that would benefit all City residents.

5. NEIGHBORHOOD SERVICES

5.2 Approval of actions related to the Park Trust Fund. (Cont'd.)

Recommendation:

- (f) Adoption of the following appropriation ordinance amendments in the Park Trust Fund:
 - (1) Establish an appropriation to the Department of Parks, Recreation and Neighborhood Services (PRNS) in the amount not to exceed \$360,000 for the refund of unallocated PDO/PIO fees and interest to known property owners.
 - (2) Establish an appropriation to PRNS in the amount of \$40,000 to support the hiring of a pool Analyst in PRNS for the remainder of the fiscal year to continue timely administration of the fund (\$30,000) and a review of the revised administrative policies and procedures for the administration of the Park Trust Fund by the City's external auditor Macias, Gini & Co. LLP (\$10,000).
 - (3) Decrease the appropriation for the Future PDO/PIO Reserve by \$400,000.
- (g) Submit, as part of the FY 2006-2007 Parks Capital Budget, recommended allocations in the amount of \$406,000, from funds that were not allocated within the five year window, to projects that benefit all City residents.
- (h) Referral of the addition of a 1.0 FTE Analyst position to maintain the reconciliation of the Park Trust Fund to the FY 2006-07 budget process.
(Parks, Recreation and Neighborhood Services/City Manager's Office/Finance)
Deferred to 4/18/06.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Building Better Transportation Committee – March 6, 2006 Council Member Campos, Chair

- (a) Expansion and Improvement of Transit and Transportation Services
 - (1) Report on Bay Area Regional Rail Plan and High Speed Rail Alignment
The Committee accepted the report.
- (b) Traffic Relief/Safe Streets
No items.
- (c) Supporting Smart Growth
No items.
- (d) Regional Relationships/Funding/Policy
 - (1) Progress Report on VTA Expenditure Plan and Proposed Transportation Tax Measure
The Committee accepted the report.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Building Better Transportation Committee – March 6, 2006 (Cont'd.) Council Member Campos, Chair

(e) Oral Petitions
None.

(f) Adjournment
The meeting was adjourned at 2:30 p.m.

The Building Better Transportation Committee report and actions of March 6, 2006 was accepted.

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval to amend agreements related to transferring one million gallons of waste water capacity.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute amendments to agreements among cities of San Jose, Santa Clara, Milpitas and West Valley Sanitation District to reflect the transfer of one million gallons of wastewater capacity in the San Jose/Santa Clara Water Pollution Plant from West Valley Sanitation District to the City Of Milpitas. CEQA: Not a Project. (Environmental Services)

(Deferred from 2/28/06 – Item 7.2 et al. and 3/14/06 – Item 7.1)

Resolution No. 73109 adopted.

8. PUBLIC SAFETY SERVICES

8.1 Acceptance of the 2005 Annex A update on the roles of elected officials during declared disaster.

Recommendation: Acceptance of the 2005 Annex A update on the roles of elected officials during declared disasters as part of the City's Emergency Operations Plan. CEQA: Not a Project. (Emergency Services)

(Deferred from 1/10/06 – Item 8.1 and 2/14/06 – Item 8.1 and 2/28/06 – Item 8.1)

Deferred to 4/4/06.

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board convened at 3:16 p.m. to consider Item 9.1 in a Joint session

9.1 Public Hearing and approval of the FY 2006-2007 Mayor's March Budget Message.

Recommendation: Public Hearing and approval of the FY 2006-2007 Mayor's March Budget Message. (Mayor)

The Public Hearing was held and the FY 2006-2007 Mayor's March Budget Message was approved.

Staff directed to look at requirements for new developments to use shopping cart barriers and to look at opportunities for youth employment in community centers and parks.

Noes: Cortese, Reed, Yeager.

The Redevelopment Agency Board portion of the meeting adjourned at 3:48 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 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>
9798	20 S. Second Street	3	CIM Group Inc.	1 Lot	Condo
9780	N. Ninth Street at Jackson Street	3	Standard Pacific of Northern California	20 Units	SFD

Approved.

- Notice of City Engineer's Award of Construction Projects
None.
- Open Forum—
 - (1) Mark Trout read Bible scriptures.
 - (2) Robert Apgar shared personal observations.
 - (3) Ross Signorino expressed the importance of having a new supermarket in Downtown San Jose.

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.)

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.

None.

11.2 Rezoning the real property located on the west side of McCreery Avenue.

Recommendation: Consideration of an ordinance rezoning the real property located on the west side of McCreery Avenue approximately 230 feet southerly of Alum Rock Avenue (1884 Alum Rock Avenue) (Dry Heron Development LLC, Owner) from A(PD) Planned Development to A(PD) Planned Development to increase the allowed number of single-family attached residences from 75 to 78 and modify development standards on a 1.44 gross acre site. CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommended approval (5-0-2) with modifications to remove 0.27-acre park and allow up to 15 additional units for a total of up to 93 residential units.

PDC04-088 - District 5

(Continued from 3/7/06 – Item 11.5)

Continued to 4/4/06.

11.3 Rezoning the real property located on the southeast corner of New Jersey Avenue and Harris Avenue.

Recommendation: Consideration of an ordinance rezoning the real property located on the southeast corner of New Jersey Avenue and Harris Avenue (2412 New Jersey Avenue) (Zaknich, Anthony J. Trustee, & et al., Owner: The Cullen Group, Developer) from R-1-8 Residence District to the A(PD) Planned Development Zoning District to allow six single-family detached residences on a 0.74 gross acre site. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). CEQA: Mitigated Negative Declaration.

PDC05-093 - District 9

(Continued from 3/7/06 – Item 11.10)

Denied.

11. PUBLIC HEARINGS

11.4 Rezoning of the real property located at 777 Park Avenue.

Recommendation: Consideration of an ordinance rezoning the real property located on the north side of Park Avenue approximately 450 feet east of Sunol Street (777 Park Avenue) (Marilyn L. and Glenn L. Frizzell et al, Owners; San José Lofts, LLC, Developer). SNI: Burbank/Del Monte. CEQA: Mitigated Negative Declaration.

- (a) PDC05-037 – Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to construct 122 attached live/work lofts and 2,500 square feet of retail on a 1.89 gross acre site.

Ordinance No. 27681 passed for publication.

- (b) Street Vacation – Request to vacate 2,400 square feet of public street along Park Avenue frontage. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

District 6

Dropped.

11.5 Rezoning of the real property located on the east side of San Felipe Road.

Recommendation: Consideration of an ordinance rezoning the real property located on the east side of San Felipe Road, approximately 700 feet northerly of Silver Creek Road (Pan Clair General Partnership, Owner; Dal Properties LLC, Developer) from A Agriculture Zoning District to A(PD) Planned Development Zoning District to allow up to 22 single-family detached residences on a 17.98 acre site. CEQA: Mitigated Negative Declaration.

PDC05-035 - District 8

Continued to 4/4/06.

11. PUBLIC HEARINGS

11.6 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: Resolution to be Adopted. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (5-1-0-1).

PDC05-060 - District 4

(Deferred from 2/7/06 – Item 11.7 and 3/7/06 – Item 11.3)

Ordinance No. 27682 passed for publication.

CEQA Resolution No. 73110 adopted.

Council Member Reed read the statement of overriding considerations, as follows: The Final EIR for the Housing Opportunities Study Phase I General Plan Amendments identified significant and unavoidable environmental impacts. However, as described in more detail in our proposed resolution of EIR findings for this item, there is no feasible way to lessen or avoid these significant effects and approval of the proposed rezoning would result in several benefits to our City. All of these benefits outweigh the significant unavoidable environmental impacts identified in the Final EIR applicable to this Project.

11.7 Development on the real property located on the northwest corner of Broadacres and Skyfarm Drives.

Recommendation: Consideration of the following development proposals in connection with the real property located on the northwest corner of Broadacres and Skyfarm Drives (6664 Broadacres Drive) on a 0.82 gross acre site (SummerHill Homes, Elaine Breeze, Owner). CEQA: Exempt.

- (a) PDC05-118 – Consideration of an ordinance rezoning the property from Planned Development Conforming Rezoning to A(PD) Planned Development Zoning District to allow 5 single-family detached residential units on five existing lots, and a reduction in the minimum front setback from 20 feet to 18 feet.

Ordinance No. 27683 passed for publication.

- (b) PD05-091 – Adoption of a resolution approving a Planned Development Permit to allow construction of up to 5 single-family detached residential units. No Planning Commission required.

District 10

(Deferred from 3/7/06 – Item 11.11)

Resolution No. 73111 adopted.

11. PUBLIC HEARINGS

11.8 Amending Title 20 of the San José Municipal Code, the Zoning Code.

Recommendation: Consideration of an ordinance amending Title 20 of the San José Municipal Code, the Zoning Code, to further define and differentiate types of office uses, to set minimum sizes for industrial and commercial condominiums and to make other clarifying changes, including changes to Section 20.40.100 of Chapter 20.40, Section 20.50.100 of Chapter 20.50, Section 20.70.100 of Chapter 20.70 and Chapters 20.175 and 20.200 of the Zoning Code; and to make non-substantive clarifying changes to Section 20.30.100 of Chapter 20.30 of the Zoning Code.

PP06-012 - Citywide

(Deferred from 3/7/06 – Item 11.12)

Continued to 4/4/06.

11.9 Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development District located at the northeast corner of Towers Lane and Lexann Drive.

Recommendation: Consideration of an ordinance rezoning the real property located at the northeast corner of Towers Lane and Lexann Drive (Green Valley Corp., dba Barry Swenson Construction, Owner/Developer) from A(PD) Planned Development Zoning District to A(PD) Planned Development District to allow general office as a permitted use in addition to medical office uses in an up to 50,000 square foot building on a 1.5 gross acre site. SNI: West Evergreen. CEQA: Mitigated Negative Declaration, File No. PDC04-008. No Planning Commission action required.

PDC05-117 – District 7

Ordinance No. 27684 passed for publication.

- **Open Forum**

- (1) **Carrie Hamilton expressed the importance of having more health-oriented grocery stores in San José.**
- (2) **George Fokos shared what he feels needs to be the City's priorities.**
- (3) **Bill Chew shared information regarding his candidacy for District 3.**
- (4) **Robert Apgar shared personal observations.**

- **Adjournment**

The Council of the City of San José adjourned at 10:44 p.m. in memory of Stan Ochs, a dedicated friend of the City of San José and an environmental advocate.

8. JOINT REDEVELOPMENT AGENCY/COUNCIL

The City Council convened at 3:54 p.m. to consider Item 8.1 in a joint Session

8.1 Approval of positions on California State legislative proposals.

Recommendation: Recommend the following positions be taken by the City Council and Redevelopment Agency Board:

- (a) Oppose AB 2922 (Jones); Redevelopment.
- (b) Oppose SB 1206 (Kehoe); Low and Moderate Income Housing Fund Set Aside.
- (c) Oppose AB 2197 (DeVore); Redevelopment.
(Rules Committee referral 3/15/16)

The positions were approved.

The City Council portion of the meeting adjourned at 3:55 p.m.