

CITY COUNCIL AGENDA

MARCH 15, 2005

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
VACANT
DAVID D. CORTESE
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

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

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.htm

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:02 a.m. - Closed Session, Room 600, City Hall
Absent Council Members: Gonzales. (Excused)

1:36 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: None.

7:06 p.m. - Public Hearings, Council Chambers, City Hall
Absent Council Members: None.
- **Invocation (District 3)**
Pastor Calvin Cook Jr., Founder and President, Golden Altar Ministries.
- **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 Peter Giles for his 18 years of service as President and CEO of the Tech Museum of Innovation. (Mayor/Cortese/Williams)
(Deferred from 3/1/05 – Item 1.2)
Mayor Gonzales, and Council Members Cortese and Williams commended Peter Giles for his outstanding 18 years of service as President and CEO of the Tech Museum of Innovation for the community of San José.

1 CEREMONIAL ITEMS

- 1.2 Presentation of commendations to Maggi Ferguson and Janet Vierra for their exemplary dedication and invaluable contributions to the San José Community. (Mayor/LeZotte)
(Rules Committee referral 3/9/05)
Mayor Gonzales and Council Member LeZotte recognized the City Program “Good Neighbor Award” winners Maggi Ferguson and Janet Vierra, Cypress Senior Center, for their extraordinary dedication and important contributions to the City of San José in District 1.
- 1.3 Presentation of a commendation to the Christopher Neighborhood Association for its exemplary dedication and invaluable contributions to the San José Community. (Mayor/Williams)
(Rules Committee referral 3/9/05)
Heard in the evening.
Mayor Gonzales and Council Member Williams recognized the “Good Neighbor Award” winner the Christopher Neighborhood Association, for dedication and important contributions to the City of San José in District 2.
- 1.4 Presentation of a proclamation declaring March 16, 2005 as Life Sciences Day in the City of San José. (Mayor)
(Rules Committee referral 3/9/05)
Mayor Gonzales presented a proclamation declaring March 16, 2005 as “Life Sciences Day” in the City of San José.
- 1.5 Presentation of a commendation to the Latina Coalition of Silicon Valley. (Mayor/Chavez/Campos)
(Orders of the Day)
Heard in the evening.
Mayor Gonzales, Vice Mayor Chavez, and Council Member Campos recognized and commended the Latina Coalition of Silicon Valley for its valuable contributions to the community of San José.

2 CONSENT CALENDAR

- 2.1 Approval of Minutes.
None.

2 CONSENT CALENDAR

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 27364 – Amending Section 11.36.230 of Chapter 11.36 of Title 11 of the San José Municipal Code to allow News vehicles to be exempt from certain provisions related to the stopping, standing and parking of vehicles in Chapter 11.36.

Ordinance No. 27364 adopted.

- (b) ORD. NO. 27367 – Rezoning certain real property situated on the southwest corner of Pine Avenue and Cottle Avenue (1260 Pine Avenue) to A(PD) Planned Development Zoning District. PDC04-105

Ordinance No. 27367 adopted.

- (c) ORD. NO. 27368 – Rezoning certain real property situated at the southeast corner of Branham Lane and Birkenshaw Place (4558 Birkenshaw Place) to R-1-8 Residence Zoning District. C04-079

Ordinance No. 27368 adopted.

- (d) ORD. NO. 27369 – Rezoning certain real property situated at the southeast corner of North 13th Street and East Julian Street (288 North 13th Street) to A(PD) Planned Development Zoning District. PDC04-089

Ordinance No. 27369 adopted.

- (e) ORD. NO. 27370 – Prezoning certain real property situated on the west side of South White Road, between Milford Way and Story Road (1075 South White Road) to CP Commercial Pedestrian Zoning District. C04-108

Ordinance No. 27370 adopted.

- (f) ORD. NO. 27371 - Rezoning certain real property situated on the south side of Malone Road approximately 240 feet northeasterly of Johnston Avenue (800 Malone Road) to A(PD) Planned Development Zoning District. PDC04-028

Ordinance No. 27371 adopted.

- (g) ORD. NO. 27372 - Rezoning certain real property situated west side of McKean Road, approximately 4,000 feet northerly of Uvas Road (23735 McKean Road) to A(PD) Planned Development Zoning District. PDC04-057

Ordinance No. 27372 adopted.

2 CONSENT CALENDAR

2.3 Approval of the City Auditor's Travel Calendar through June 30, 2005.

Recommendation: Approval of the City Auditor Gerald Silva's travel calendar through June 30, 2005, at a total cost to the City of \$1,486. (City Auditor)
(Deferred from 2/1/05 – Item 2.5 et. al. and 3/1/05 – Item 2.3)

Approved.

2.4 Approval of fiscal actions for Redevelopment Agency Capital Projects.

Recommendation:

- (a) Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the K.O.N.A Environmental Outreach Project (PSM 404) with a net impact to the fund of \$10,230.

Ordinance No. 27373 adopted.

Resolution No. 72567 adopted.

- (b) Adoption of a resolution making certain determinations regarding the related expenditures of the Redevelopment Agency funds on certain public improvements in connection with the K.O.N.A Environmental Outreach Project, as more specifically described in the memorandum from the Redevelopment Agency, dated January 28, 2004.

CEQA: Not a Project. Council Districts 7 and 8. SNI: K.O.N.A. (City Manager's Office)

Resolution No. 72568 adopted.

2.5 Approval to submit an application to establish a Foreign Trade Subzone.

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

- (a) Submit an application to the Foreign Trade-Zones Board for establishing a Foreign Trade Subzone at Space Systems/Loral, Inc. facilities in Palo Alto, Menlo Park and Mountain View, California.
- (b) Negotiate and execute an agreement with Space Systems/Loral, Inc. for management and operation of the Subzone upon the Foreign Trade-Zones Board's approval of the application.

CEQA: Not a Project. (Economic Development)

Resolution No. 72569 adopted.

2 CONSENT CALENDAR

2.6 Approval of an agreement for the use, management, and operations of the Municipal Stadium.

Recommendation: Approval of an agreement for a term of 30 months with Baseball Acquisition Company, Inc. (BAC) for the use, management and operations of Municipal Stadium, under which BAC would pay to the City 1.1% of contractor's gross receipts or \$12,000 annually, whichever is greater. CEQA: Exempt, PP04-275. Council District 7. (Parks, Recreation and Neighborhood Services)

Approved.

2.7 Approval of action related to the annexation of Evergreen No. 187.

Recommendation: Adoption of a resolution initiating proceedings and setting March 29, 2005 at 1:30 p.m. as the date for Council consideration on the reorganization of territory designated as Evergreen No. 187 which involves the annexation to the City of San José of 0.52 acres of land more or less, located on the east side of Ruby Avenue 70 feet northwesterly and opposite Chapala Drive and adjacent to the City of San José annexations Evergreen Nos. 132 and 170 and the detachment of the same from Santa Clara County Central Fire Protection and Area No. 01 (Library Services) County Services. CEQA: Resolution No. 65459. Council District 8. (Planning, Building and Code Enforcement)

Resolution No. 72570 adopted.

2.8 Approval of actions for the installation of emergency standby generators and components.

Recommendation: Adoption of a resolution:

- (a) Authorizing the Director of Public Works to approve specifications that require installation of emergency standby generators and components manufactured by Power Generation in all essential service buildings constructed pursuant to the Neighborhood Security Bond Act of; and
- (b) Finding that designating the installation of emergency standby generators and components manufactured by Power Generation is for the purpose of matching other products already in use on other public improvements.

CEQA: Not a Project. (Public Works/General Services)
(Deferred from 3/1/05 – Item 2.17)

Dropped.

2.9 Approval to summarily vacate a Public Utility Easement.

Recommendation: Adoption of a resolution summarily vacating the four-foot wide Public Utility Easement lying in Lots 35 and 36 of Tract 1840, also known as 3633 Vista Del Valle. CEQA: Exempt, PP05-024. Council District 4. (Public Works)

Resolution No. 72571 adopted.

2 CONSENT CALENDAR

2.10 Approval of an agreement for the conversion of overhead facilities to underground facilities.

Recommendation: Approval of the agreement with Pacific Gas & Electric Company for the conversion of overhead facilities to underground facilities within the Rule 20B Underground Utility District at King Road, from Story Road to Marsh Street in the amount of \$134,427. CEQA: Exempt, PP01-03-059. Council District 7. SNI: King/Ocala. (Public Works)

Approved.

2.11 Approval of Mayor Gonzales' travel to Washington D.C.

Recommendation: Approval of Mayor Gonzales' travel to Washington D.C., March 6-10, 2005 for the APTA Legislative Conference. Funding: Mayor's Office/VTA. (Mayor) (Rules Committee referral 3/9/05)

Approved.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair No Report.

3.2 Report of the Rules Committee – March 2, 2005 Vice Mayor Chavez, Chair

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

(b) City Council

(1) Review March 15, 2005 Council Agenda

The Committee recommended approval of the March 15, 2005 Council Agenda with two additions.

(2) Add New Items to March 8, 2005 Amended Agenda

The Committee recommended approval of the March 8, 2005 Amended Agenda with five additions.

(3) List of Reports Outstanding

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

(c) Legislative Update

(1) State

There was no report.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – March 2, 2005 (Cont'd.)

Vice Mayor Chavez, Chair

(c) Legislative Update (Cont'd.)

(2) Federal

(a) Amtrak and the Proposed FY 2006 Federal Budget

Reported out at the 3-8-05 Council Meeting, Item 3.2(c)(2)(a).

(b) Opposition to the Elimination of the Community Development Block Grant Program in the Proposed FY 2006 Federal Budget

Reported out at the 3-8-05 Council Meeting, Item 3.2(c)(2)(b).

(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

There were none.

(g) Rules Committee Reviews, Recommendations and Approvals

(1) Report on Public Records Act Requests

A detailed presentation was made which demonstrated new comprehensive procedures for handling Public Records Act requests. Staff provided a demonstration of information and forms available on the Internet and the City's Intranet. The Committee accepted the report and directed Staff to cross reference this item in order to present the report to the full City Council at the March 15, 2005 City Council Meeting. See Item 3.7 for Council Action taken.

(2) Discussion of California Assembly Constitution Amendment No. 5: Proposed Retirement Plan Change from Defined Benefit to Defined Contribution

Council Member Williams discussed a request to have a comprehensive analysis of the California Assembly Constitution Amendment No. 5 prepared. Director Intergovernmental Relations Betsy Shotwell reported that the bill has not been heard yet but described the line for the ballot measure. Director of Retirement Services Ed Overton indicated that both retirement boards are concerned about the proposed legislation and want to participate in the analysis process. The Committee directed Staff to analyze the language of the bill and the ballot measure, and return to Rules with a recommendation on what position to take. Additionally, Staff was requested to keep Staff and Retirement boards apprised of the process; and further, to bring back to Rules, status reports as part of the legislative update.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – March 2, 2005 (Cont'd.)

Vice Mayor Chavez, Chair

(h) Oral Communications
There were none presented.

(i) Adjournment
The meeting was adjourned at 2:55 p.m.

The Report of the Rules Committee, and the Actions of March 2, 2005, were accepted.

3.3 Report of the Making Government Work Better Committee

Council Member Reed, Chair

No Report.

3.4 Approval to negotiate an agreement for the New City Hall's Converged Network.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to:
- (1) Execute an agreement with Nortel Networks Corporation for the purchase of a Converged Network and Telephony System in an amount not to exceed \$5,631,600 including all hardware, software, security, installation, and one year of operation and maintenance support.
 - (2) Execute change orders in a 10% contingency amount not to exceed \$403,784 to cover unanticipated changes in system implementation, and \$159,360 for changes in managed services.

Resolution No. 72572 adopted.

- (b) Direct staff to proceed with the necessary actions to prepare amendments to the City of San José Financing Authority's lease revenue commercial paper program financing documents to allow for the issuance of taxable commercial paper notes and to prepare a new Offering Memorandum describing the revised commercial paper program for approval by the City Council and the City of San José Financing Authority Board.

Approved.

(Item continued on the next page)

3 STRATEGIC SUPPORT SERVICES

3.4 Approval to negotiate an agreement for the New City Hall's Converged Network (Cont'd.)

- (c) Adoption of the following appropriation ordinance amendments in the General Fund as interim financing for the operations and maintenance support:
- (1) Establish a Capital Converged Network and Telephony System appropriation to the Information Technology Department in the amount of \$1,593,600.
 - (2) Decrease the Measure O & P/City Hall/SNI/Fire MP Reserve by \$1,593,600.

CEQA: Not a Project. (City Manager's Office/Information Technology/Finance/General Services)

(Deferred from 3/1/05 – Item 3.6)

Ordinance No. 27374 adopted.

Staff was directed to keep Council apprised of the status of the projects, including any problems and issues that may arise during implementation.

3.5 Approval to extend the Civic Plaza Parking & Traffic Committee.

Recommendation: Adoption of a resolution extending the Civic Plaza Parking & Traffic Committee (PTC) through December 31, 2007 and authorizing the PTC to reduce the number of members to fourteen members. CEQA: Not a Project. (Public Works)

Resolution No. 72573 adopted.

3.6 Elections Commission Interviews and Appointments

Recommendation: Interview applicants and make two four-year appointments to the Elections Commission. (City Clerk)
(Rules Committee referral 3/9/05)

Michelle Bui, Steven Chell and Joyce Cordi were interviewed. Steven Chell was appointed to the Elections Commission for a four-year term.

3.7 Approval of actions related to Public Records Act (PRA) Requests.

Recommendation: Acceptance of report and presentation on comprehensive procedures for handling Public Records Act requests.

[Rules Committee referral 3/2/05 – Item 3.2(g)(1)]

Deferred to 3/22/05.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee

Council Member Chirco, Chair

No Report.

4.2 Report of the Driving a Strong Economy Committee – February 28, 2005

Council Member Williams, Chair

- (a) Proposed Amendments to the Parks PDO/PIO Ordinance
The Committee accepted the Staff report, and requested this item to be cross referenced at the March 15, 2005 City Council Meeting. See Item 4.5 for Council action taken.
- (b) Small Business Update
The Committee accepted the Staff report.
- (c) Sports Progress Report
The Committee accepted the Staff report.
- (d) United Way Needs Assessment Survey and San José's Economic Future
The Committee accepted the Staff report.
- (e) Bi-Monthly Economic Indicators
The Committee accepted the Staff report.
- (f) Oral Petitions
There were none.
- (g) Adjournment
The meeting was adjourned at 4:25 p.m.

The Driving a Strong Economy Committee Report and the Actions of February 28, 2005, were accepted.

4.3 Approval of actions for applying for a Workforce Housing Reward Program grant.

Recommendation: Adoption of a resolution authorizing the Director of Housing to:

- (a) Apply and accept Workforce Housing Reward Program grants in the estimated amount of \$2,040,600 from the California Department of Housing and Community Development (HCD); and
- (b) Negotiate and execute the grant agreements and any amendments or other documents necessary to implement the programs funded by the Workforce Housing Reward Program grants.

CEQA: Not a Project. (Housing)

Resolution No. 72574 adopted.

Staff was directed to respond to a letter from the Vice Chair of the Housing Advisory Commission regarding using funds for extremely low incomes.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.4 Public Hearing on an ordinance to amend Title 23 of the Municipal Code of the City of San José to approve various modifications to the Sign Ordinance.

Recommendation: Public Hearing on an ordinance to amend Title 23 of the Municipal Code of the City of San José, modify the Downtown Sign Zone provisions to include regulations for Mixed-Use Development and to expand the boundary of the Downtown Sign Zone; modify the skyline and rooftop sign provisions to apply Citywide; modify the commercial sign provisions to allow greater flexibility for two-story retail uses and to modify projecting and fin signs in NBD's; to establish a minimum base height for detached signs; make modifications to the 3-D Sign Regulations; to clarify public outreach sign allowances; and reorganize and reformat various sections along with other minor technical changes. CEQA: Exempt, PP05-040. (Planning, Building and Code Enforcement)

(Deferred from 3/1/05 - Item 4.3)

Ordinance No. 27375 passed for publication.

The City Manager was directed to add these amendments to his list of pending matters for tracking and to bring any unfunded projects back during the budget process.

4.5 Approval of actions for the Parkland Dedication Ordinance and Park Impact Ordinance.

Recommendation:

- (a) Acceptance of the report as additional information regarding the proposed revisions to the Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO); and
- (b) Adoption of a resolution setting a public hearing on April 12, 2005 at 1:30 p.m. to consider staff recommendations regarding the proposed amendments to the PDO and PIO, Chapters 19.38 and 14.25, respectively, of the San José Municipal Code, and changes to the associated Fee Resolution with respect to the granting of credit for recreation facilities and dedicated parkland.

(Parks, Recreation and Neighborhood Services)

[Driving a Strong Economy Committee referral 2/28/05 – Item 4.2(a)]

Dropped, with discussion to be scheduled for April 12, 2005.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.6 Approval to award a contract for the Animal Care Center -Tenant Improvements #1- Spay & Neuter Clinic Project.

Recommendation:

- (a) Report on bids and award of contract for the Animal Care Center, Tenant Improvements #1, Spay & Neuter Clinic Project to the low bidder Absolut Construction Corporation, to include the base bid and Add Alternate No. 1 in the amount of \$662,000, and approval of a contingency in the amount of \$ 66,000.

Approved.

- (b) Adoption of the following appropriation ordinance amendments in the General Fund:

- (1) Increase the Animal Shelter Facility Expansion Capital Project by \$153,000.
(2) Decrease the Contingency Reserve by \$153,000.

CEQA: Mitigated Negative Declaration, H01-01-003. (Public Works/Parks, Recreation and Neighborhood Services/City Manager's Office)

Ordinance No. 27376 adopted.

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

Recommendation: Adoption of a resolution determining that the public interest and necessity require the acquisition of a portion of a residential parcel currently used as a private street for purposes of converting the acquired property to a public street and installing new asphalt paving, curbs, gutters, storm drainage, sanitary sewer, sidewalks, streetlights and related improvements from the owner, Edith Guevara and located at 2942 Towers Lane, San José, CA 95124 (APN No. 670-13-010) together with a temporary construction easement on an adjacent portion, and authorizing the City Attorney to file suit in eminent domain to acquire such property interests, to apply for an order for possession before judgment, and to prosecute the action to final judgment, and authorizing the deposit of money in court for possession of the property from the funds lawfully available. CEQA: Exempt, PP02-03-046. Council District 7. SNI: West Evergreen. (Public Works)

Resolution No. 72575 adopted.

5 RECREATION & CULTURAL SERVICES

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

No Report.

5 RECREATION & CULTURAL SERVICES

5.2 Approval of various actions related to the Earthquakes and sports facilities in San José.

Recommendation:

- (a) Approval to co-sponsor with the Sports Authority, a pre-season rally on March 31, 2005 to kick off the new soccer season;
Approved.
- (b) Adoption of a resolution of support for efforts to keep the Earthquakes in San José;
Resolution No. 72576 adopted.
- (c) Direction to staff to collaborate with other South Bay cities on potential strategies to keep the Earthquakes located in the area;
- (d) Direction to staff to pursue a joint planning effort with San José State University in the South Campus and its immediate environs with goal of creating a multi-purpose housing and recreation district.

(Reed/Chavez)

(Rules Committee referral 3/2/05)

Approved, with Staff directed to:

- (1) **Work closely with the Sports Authority on the Sports Facilities Connection Task Force.**
- (2) **Examine financial strategies.**
- (3) **Report back within the next 90 days on the status.**

6 TRANSPORTATION SERVICES

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

7 ENVIRONMENTAL & UTILITY SERVICES

8 AVIATION SERVICES

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board convened at 4:15 p.m. to consider 10.1, 10.2 and 10.3 in a Joint Session.

10.1 Approval of action related to the efforts between the City and Salvation Army to submit an application for a KROC Community Center.

Recommendation: Approval of action related to the efforts between the City and Salvation Army to submit an application for a KROC Community Center. CEQA: Not a Project. (City Manager's Office)

(Referred from 2/15/05 – Item 10.3)

To be heard in the evening.

Deferred to 3/22/05.

10.2 Approval of an ordinance adding new regulations regarding disclosure of fundraising solicitations by Elected Officials of the City of San José and Redevelopment Agency Board of Directors.

Recommendation: Approval of an ordinance amending Title 12 of the San José Municipal Code by adding a new Chapter 12.16 imposing regulations with regard to disclosure of fundraising solicitations by Elected Officials of the City of San José and the Redevelopment Agency Board of Directors, as recommended by the Blue Ribbon Task Force. (City Clerk/Blue Ribbon Task Force)

(Rules Committee referral 3/2/05)

Ordinance No. 27377 passed for publication, with Staff directed to make minor amendments.

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

10.3 Adoption of a resolution authorizing the following actions related to attracting the California Institute for Regenerative Medicine (CIMR) to San José.

Recommendation: Adoption of resolutions by the City Council and Redevelopment Agency Board authorizing the following actions related to attracting the California Institute for Regenerative Medicine (CIRM) to San José:

- (a) That the City Council and Agency Board authorize submission of the joint City and Agency site location proposal described in the staff memo to request that San José be designated to host the CIRM headquarters facility;
- (b) That the Agency Board authorize the Executive Director of the San José Redevelopment Agency to negotiate a ten-year Lease Agreement with a Landlord in North San José or Downtown for not more than 19,000 square feet of building space to house the CIRM Institute Headquarters.
- (c) That the City Council authorizes the City Manager to pledge and/or contract with third parties, if necessary, to provide the additional resources required to support the CIRM, as detailed in the staff report.

CEQA: Exempt. PP05-051

(City Manager's Office/Redevelopment Agency)

(Rules Committee referral 3/9/05)

Resolution No. 72577 adopted, as amended, the City Manager and Executive Director are delegated to negotiate agreements and leases.

Redevelopment Agency Board Resolution No. 5591 adopted.

The Redevelopment Agency Board portion of the meeting was adjourned at 5:03 p.m.

- **Closed Session Report**
No Report.
- **Notice of City Engineer's Pending Decision on Final Maps**
None.
- **Open Forum**
 - (1) **William Garbett voiced opinions regarding police profiling by NASCOP.**
 - (2) **Mark Trout expressed personal views of religion.**
- **Adjournment**
The afternoon session of the City Council Meeting was adjourned at 5:08 p.m.

11 PUBLIC HEARINGS

(Heard by the City Council at 7:06 p.m.)

11.1 Public Hearing on Conventional Rezoning from R-2 Two Family Residence Zoning District to R-M Multiple Residence Zoning District.

Recommendation: Public Hearing on Conventional Rezoning from R-2 Two-Family Residence Zoning District to R-M Multiple Residence Zoning District to allow residential uses on a 0.20 gross acre site, located at the northeast corner of N. 6th Street and Younger Avenue (257 E. Younger Avenue) (Roy Family Partnership, Owner).

CEQA: Resolution No. 65459.

C04-102 - District 3

(Continued from 3/1/05 – Item 11.3)

Dropped.

11.2 Public Hearing on proposed ordinance and fee resolution amendments to provide exceptions for certain historic resources from Single Family House Permits.

Recommendation:

- (a) Approval of an ordinance amending Chapter 20.100 of Title 20 of the San José Municipal Code to provide for an exception for City Landmark and/or Historic District houses and to provide for a simplified and cost effective Category 1 Single Family House Permit Process for homes listed in the Historic Resources Inventory with a floor area ratio equal to or less than forty-five hundredths (0.45). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0). CEQA: Exempt, PP05-002. (Planning, Building and Code Enforcement)

Ordinance No. 27378 passed for publication.

- (b) Adoption of a resolution amending the Schedule of Fees and Charges to establish a reduced fee for Category 1 Single Family House Permits for homes listed on the Historic Resources Inventory with a Floor Area Ratio equal to or less than 0.45 as an incentive program. CEQA: Exempt, PP05-002. (Planning, Building and Code Enforcement)

Resolution No. 72578 adopted.

11.3 Public Hearing on Planned Development Rezoning from CN Commercial Neighborhood Zoning District to A(PD) Planned Development Zoning District.

Recommendation: Public Hearing on Planned Development Rezoning from CN Commercial Neighborhood Zoning District to A(PD) Planned Development Zoning District to allow up to 10 single-family attached residences on a 0.4 gross acre site, located at the southeast corner of South 2nd Street and Virginia Street (822 South 2nd Street) (Virginia Street Investors, Owner). SNI: Spartan/Keyes. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC04-011 - District 3

Ordinance No. 27379 passed for publication.

11 PUBLIC HEARINGS

11.4 Public Hearing on Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Planned Development Zoning District.

Recommendation: Public Hearing on Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Planned Development Zoning District to allow up to 300,000 square feet of retail commercial uses on a 19.59 gross acre site, located at/on the north side of Story Road approximately 720 feet southwesterly of McLaughlin Avenue (915 Story Road) (915 Story Road Investors LLC, Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC04-045 - District 7

Ordinance No. 27380 passed for publication.

11.5 Public Hearing on Conforming Rezoning from A Agriculture Zoning District and R-1-5 Residence Zoning District to R-1-5 Residential Zoning District.

Recommendation: Public Hearing on Conforming Rezoning from A Agriculture Zoning District and R-1-5 Residence Zoning District to R-1-5 Residential Zoning District to allow single-family detached residential uses on a 0.38 gross acre site, located on the northeast corner of Reno Drive and Antonacci Court (2370 Reno Dr.) (Nguyen Nhe Nho and Phu Nu Kim, Owner). CEQA: Resolution No. 65459.

C03-096 - District 8

Dropped.

- Open Forum
None.

- Adjournment

The Council of the City of San José was adjourned in memory of Reverend Mary Parker-Eves, the beloved pastor of Alum Rock Methodist Church, who passed away on February 4, 2005.

The Council of the City of San José was adjourned at 7:22 p.m.