

CITY COUNCIL AGENDA

APRIL 4, 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**
8:31 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.

7:04 p.m. - Public Hearings, Council Chambers, City Hall
Absent Council Members: Nguyen. (Excused)
- **Invocation (District 4)**
Jazz slideshow in honor of Jazz Appreciation Month.
- **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 proclamation designating April as National Fair Housing Month. (Housing)
Mayor Gonzales presented Director of Housing Leslye Krutko with a plaque recognizing April 2006 as “National Fair Housing Month”.
- 1.2** Presentation to Geoff Cady for his exemplary dedication and invaluable contributions to the City organization. (City Manager/Mayor)
(Rules Committee referral 3/22/06)
Mayor Gonzales and City Manager Les White recognized and commended Mr. Geoff Cady for his outstanding dedication and important contributions to the City of San José.

1. CEREMONIAL ITEMS

- 1.3 Presentation of a commendation to Bill Levy for his outstanding work representing San José as an NFL referee. (Mayor)
(Rules Committee referral 3/22/06)
Mayor Gonzales recognized and commended Mr. Bill Levy, a former police officer of the City of San José, for his superior work representing San José as a National Football League referee.
- 1.4 Presentation of a commendation to the San José Public Library employees in honor of National Library Worker Day on April 4, 2006 and National Library Week for April 2-8, 2006. (Yeager)
(Rules Committee referral 3/22/06)
Mayor Gonzales and Council Member Yeager recognized and commended the San José Public Library employees in honor of “National Library Worker Day” on April 4, 2006 and “National Library Week” for April 2-8, 2006.
- 1.5 Presentation of a commendation to the Megan’s Law Task Force for their exemplary dedication and invaluable contributions to the San José community. (Chavez/Mayor)
(Rules Committee referral 3/22/06)
Heard in the Evening.
Mayor Gonzales and Vice Mayor Chavez recognized and commended the Megan’s Law Task Force for their outstanding dedication and important contributions to the City of San José.
- 1.6 Presentation of a commendation to Louis Urbina for his exemplary dedication and invaluable contributions to the San José community. (Chirco/Mayor)
(Rules Committee referral 3/22/06)
Heard in the Evening.
Mayor Gonzales and Council Member Chirco recognized and commended Mr. Louis Urbina for his excellent dedication and outstanding contributions to the City of San José.
- 1.7 Presentation of a proclamation declaring April 2006 as Child Abuse Awareness Month in San José. (Mayor/Campos/Williams)
(Rules Committee referral 3/29/06)
Mayor Gonzales and Council Members Campos and Williams recognized April 2006 as “Child Abuse Awareness Month” in the City of San José.
- 1.8 Presentation of a commendation to the California Line Dance Association of America (CLDAA) in recognition of the organization’s community service focus and its promotion of a more active and healthy lifestyle. (Yeager)
(Rules Committee referral 3/29/06)
Mayor Gonzales and Council Member Yeager recognized and commended the California Line Dance Association of America for their community service and promotion of an active and healthy lifestyle.

1. CEREMONIAL ITEMS

- 1.9 Presentation of a commendation to Brittany Welby for her service and efforts to protect fellow citizens of San José from health risks associated with nail salon services. (Pyle) (Rules Committee referral 3/29/06)

Heard in the Evening.

Mayor Gonzales and Council Member Pyle recognized and commended Ms. Brittany Welby for her service and efforts to protect the citizens of the City of San José from health risks associated with nail salon services.

2. CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
There were none.

- 2.2 **Final adoption of ordinances.**

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 27681 – Rezoning certain real property situated at the north side of Park Avenue approximately 450 feet east of Sunol Street (777 Park Avenue) to A(PD) Planned Development Zoning District. PDC05-037

Ordinance No. 27681 adopted.

- (b) ORD. NO. 27683 – Rezoning certain real property situated at the northwest corner of Broadacres and Skyfarm Drives (6664 Broadacres Drive) to A(PD) Planned Development Zoning District. PDC05-118/PD05-091

Ordinance No. 27683 adopted.

- (c) ORD. NO. 27682 – Prezones certain real property situated on the southwest corner of Capitol Avenue and Mabury Road (781 North Capital Avenue) to A(PD) Planned Development Zoning District.

Ordinance No. 27682 adopted.

- (d) ORD. NO. 27684- Rezones certain real property situated at the northeast corner of Towers Lane and Lexann Drive to A(PD) Planned Development Zoning District.

Ordinance No. 27684 adopted.

- 2.3 **Approval of actions related to the Forest Rosa Sanitary Sewer Rehabilitation Phase V Project.**

Recommendation: Report on bids and award of contract for the Forest-Rosa Sanitary Sewer Rehabilitation Phase V Project to the low bidder, Insituform Technology, Inc., in the amount of \$1,087,115, and approval of a contingency in the amount of \$109,000.

CEQA: Exempt, File No. PP05-018. Council District: 6. (Public Works)

Approved.

2. CONSENT CALENDAR

2.4 Approval to annex territory designated as Sunol 68.

Recommendation: Adoption of a resolution ordering the reorganization of territory designated as Sunol No. 68 which involves the annexation to the City of San José of 0.42 gross acres of land 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 Services) County Service Districts. CEQA: Mitigated Negative Declaration (File No. PDC04-095). Council District: 6. (Planning, Building and Code Enforcement)

Resolution No. 73125 adopted.

2.5 Approval of nominations to the San José Silicon Valley Workforce Investment Network Youth Council Committee.

Recommendation: Approval of nominations to the San José Silicon Valley Workforce Investment Network Youth Council Committee. (Mayor)
(Rules Committee referral 3/29/06)

Approved.

2.6 Approval of Mayor Gonzales' travel.

Recommendation: Approval of Mayor Gonzales' travel to:

- (a) St. Petersburg, Florida, April 10-11, 2006 for the National League of Cities Mayors Strategy Session and Leadership Forum on Improving Public Schools. Funding Source: Mayor's Office.
- (b) Washington, D.C., May 1-3, 2006, for the Silicon Valley Leadership Group Advocacy Trip. Funding Source: Mayor's Office.

(Mayor)

(Rules Committee referral 3/29/06)

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 et al and 3/28/06 – Item 3.1(a)]

Reports Accepted.

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – March 22, 2006

Vice Mayor Chavez, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review April 4, 2006 Draft City Council Agenda
 - (2) Add New Items to March 28, 2006 City Council Agenda
 - (3) List of Reports Outstanding
- (c) Legislative Update
 - (1) State
 - (2) Federal
 - (a) National League of Cities Congressional Conference Summary Report
- (d) Meeting Schedules
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
 - (1) Appointments to the Deferred Compensation Advisory Committee
 - (2) Advisory Commission on Rents Term Extensions
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Request to add reviews of high profile, complex RFP's/procurements as an ongoing assignment to the City Auditor's work plan
 - (2) Approval of an amended timeline for the Fire Department to research and develop an ordinance for Improved Fire Safety in Older Buildings
 - (3) Adoption of an opposition position on HR4437
 - (4) Approval of travel by Council Member Campos to attend the League of California Cities Transportation, Communication and Public Works Policy Committee Meeting in Los Angeles on March 30, 2006
- (h) Open Forum
- (i) Adjournment

Deferred to 4/11/06

Report of the Rules Committee – March 15, 2006

Vice Mayor Chavez, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review March 28, 2006 Draft City Council Agenda
The Committee recommended approval of the March 28, 2006 Draft City Council Agenda with four additions.
 - (2) Add New Items to March 21, 2006 City Council Agenda
The Committee recommended approval of the March 21, 2006 City Council Agenda with three additions.
 - (3) List of Reports Outstanding
The Committee noted and filed the City Manager's Report.

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – March 15, 2006 (Cont'd.)

Vice Mayor Chavez, Chair

(c) Legislative Update

(1) State

(a) Redevelopment Agency Legislative Update: AB2922 (Jones); SB1206 (Kehoe) and AB2197 (DeVore)

This was reported at the March 21, 2006 Redevelopment Agency Meeting, Item 8.1

(2) Federal

There was no report.

(d) Meeting Schedules

There were none.

(e) The Public Record

The Committee directed Planning Staff to respond to the letter from the Chairperson of the Parks and Recreation Commission; directed the City Clerk to advise the Senior Citizens Commission that her request was accepted and scheduled; and noted and filed the Public Record.

(f) Appointments to Boards, Commissions and Committees

There were none.

(g) Rules Committee Reviews, Recommendations and Approvals

There were none.

(h) Open Forum

There were none.

(i) Adjournment

(Deferred from 3/28/06 – Item 3.2)

The meeting was adjourned at 2:25 p.m.

3. STRATEGIC SUPPORT SERVICES

3.2 Rules/Partial Rules Committee Report – March 22, 2006 (Cont'd.)

Vice Mayor Chavez, Chair

- (g) Rules Committee Reviews, Recommendation and Approvals
 - (3) Adoption of an opposition position on HR4437: Border Protection, Antiterrorism and Illegal Immigration Control Act of 2005 (Deferred from 3/28/06 – Item 3.2)
Erik Larsen, President, Municipal Employees' Federation, AFSCME, Local No. 101 and Laressa, Policy Director for Services, Immigrant Rights and Education Network, spoke in support of the City's recommendation for a resolution in opposition to the Immigration Reform Bill. The Committee directed the City manager or his designee, to monitor the activities of the National League of Cities (NLC) "Immigration Task Force" which has been meeting since December 2005 to focus on key issues affecting cities and towns related to immigration reform, review pending legislation in Congress and identify policy gaps/policy amendments to guide NLC's lobbying as immigration reform unfolds.

Rules/Partial Rules Committee Report – March 29, 2006

Vice Mayor Chavez, Chair

- (b) City Council
 - (2) Add New Items to April 4, 2006 Agenda
 - (a) Mayor and Councilmember Requests
 - (1) Reconsideration of the Mayor's participation on boards and committees on which he serves as the City's representative
 - (2) Mayor's participation on boards and committees as a City of San José representative
The Rules Committee considered jointly the memorandums put forward by Council Member Yeager and Mayor Gonzales relative to the Mayor's appointments to boards and committees as the City's representative; and Council Member Cortese's request to place on the agenda a clarification and/or reconsideration of the appointments of the Mayor to Boards and Commissions. Mayor's Chief of Staff Rebecca Dishotsky noted for the record that there may have been a potential and unintentional violation of the Brown Act as a result of Staff contact on this item individually to a quorum of the Rules Committee. City Attorney Rick Doyle advised that a serial meeting may have occurred but that the Brown Act provides that disclosure is the cure. He recommended that the Committee confirm the disclosure, hear the item and make a decision in public.

3. STRATEGIC SUPPORT SERVICES

3.2 Rules/Partial Rules Committee Report – March 29, 2006 (Cont'.d)

Vice Mayor Chavez, Chair

(b) City Council

(2) Add New Items to April 4, 2006 Agenda

(a) Mayor and Councilmember Requests

(2) Mayor's participation on boards and committees as a City of San José representative (Cont'd.)

Mayor's Chief of Staff Rebecca Dishotsky summarized the Mayor's Memorandum dated March 28, 2006 and responded to questions. City Attorney Rick Doyle noted that all positions held by the Mayor listed on Attachment C are ex-officio and clarified that none of them are appointed by the City Council. The Committee accepted the Mayor's recommendation to not place on the agenda for the April 4 Council meeting the removal of the Mayor from the Silicon Valley Rapid Transit Policy Advisory Board (BART-PAB), and further, the Mayor's recommendation that Council Member Nguyen be nominated to the Valley Transportation Authority (VTA) Board to be the City of San Jose representative on the BART-PAB. The Committee further recommended that the nomination of Council Member Nguyen be forwarded to the City Council on April 4, 2006, along with copies of the Mayor's Memorandum and the VTA Bylaws. See Item 3.10 for Council action taken.

The Rules/Partial Rules Reports and the Actions of March 15, March 22 (Partial) and March 29, 2006, were accepted.

3.3 Report of the Making Government Work Better Committee - March 16, 2006

Council Member Reed, Chair

(a) Northside Community Center Quarterly Update

The Committee accepted the Staff recommendations to include additional recommendations from the Committee Chair and Members.

See Item 3.7 for Council Action taken

(b) Follow-up Discussion from May 2005 on Implementing Changes to the Public Arts Program

The Committee accepted the Staff Report.

(c) Oral Petitions

Bill Chew reiterated his candidacy.

3. STRATEGIC SUPPORT SERVICES

3.3 Report of the Making Government Work Better Committee - March 16, 2006 Council Member Reed, Chair (Cont'd.)

(d) Adjournment

(Deferred from 3/28/06 – Item 3.3)

The meeting was adjourned at 3:26 p.m.

The Making Government Work Better Committee Report and the Actions of March 16, 2006, were accepted.

3.4 Acceptance of the 2005 Community Survey Report.

Recommendation: Acceptance of the 2005 Community Survey Report. CEQA: Not a Project. (City Manager's Office)

Report Accepted.

3.5 Approval of the Council-Staff Interaction Policy.

Recommendation:

(a) Presentation on Charter Section 411, entitled "The Council; Interference with Administrative Matters". CEQA: Not a Project. (City Attorney)

(b) Approval of the Council-Staff Interaction Policy (Council Policy 0-31), which would replace the Independent Judgment Policy (Council Policy 0-26) and the Interaction Policy (Council Policy 0-27). CEQA: Not a Project. (City Manager's Office)

(a) **Received.**

(b) **Staff directed to clarify Item 9 ("quasi-judicial") and bring back to Council on April 18, 2006.**

3.6 Approval of an ordinance clarifying permitted expenditures of the Construction Tax and the Conveyance Tax.

Recommendation: Approval of an ordinance amending Title 4 of the San José Municipal Code to add a new Chapter 4.55 to consolidate and clarify the permitted expenditures of taxes collected pursuant to Chapters 4.54 and 4.58 of Title 4 of the San José Municipal Code and to amend Chapters 4.54 and 4.58 of Title 4 of the San José Municipal Code to add Sections 4.54.105 and 4.58.238 to make conforming changes.

CEQA: Resolution No. 65459. (City Attorney's Office)

(Deferred from 3/28/06 – Item 3.4)

Ordinance No. 27689 passed for publication.

Noes: Chavez.

3. STRATEGIC SUPPORT SERVICES

3.7 Approval of action related to the Northside Community Center.

Recommendation:

- (a) Provide direction to staff regarding the operations and services by the City and Filipino-American Social Opportunities Development Council (Fil-Am SODC) at the Center for the remainder of FY 2005-2006, including steps to ensure the orderly transition of the Center's operations in July 2006 to an operator selected through the pending Request for Proposal (RFP) process.

Staff directed to return with a plan and timeline for collecting money owed to the City.

- (b) Adoption of a resolution:
- (1) Authorizing the City Manager to negotiate and execute a reimbursement agreement with Fil-Am SODC in an amount not to exceed \$110,000 in Healthy Neighborhoods Venture Funds (HNVF) for eligible services provided at the Jacinto "Tony" Sequig Northside Community Center (Center) for the period July 1, 2005 through June 30, 2006, provided that the City has received requested information and materials no later than 12:00 pm (noon) on March 30, 2006, and that such information is acceptable to the City Manager.
- (2) Authorizing the City Manager to extend offers of employment to key Fil-Am SODC employees involved in providing direct services at the Center as Temporary Unclassified employees with the City in the event that the March 30, 2006 deadline is not met or the information is unacceptable as submitted.

CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)
(Deferred from 3/28/06 – Item 3.8)

Resolution No. 73126 adopted.

3.8 Item not used.

3.9 Approval of direction to the City Attorney regarding Parking Vehicles For-Sale on Public Right of Way

Recommendation: Direct the City Attorney's Office to work with the appropriate Departments and return to the City Council by May 16th with the following information:

- (a) Alternative methods to regulate parking of vehicles displayed for sale on city roadways pursuant to San José Municipal Code Section 11.36.100 (1);
- (b) Information and analysis of on-street "Used Cars for Sale" vehicle counts, streets affected by "de facto used car lots," as well as any studies, anecdotal evidence, or legislative findings regarding the impacts of cars displayed for sale on public rights-of-way.

(Campos/Mayor)

(Rules Committee referral 3/29/06)

Approved.

3. STRATEGIC SUPPORT SERVICES

- 3.10 Approval to nominate Council Member Madison P. Nguyen to the VTA Board to be the City of San José representative on the Silicon Valley Rapid Transit Policy Advisory Board.**

Recommendation: As recommended, by the Rules Committee on March 30, 2006, nominate Council Member Madison P. Nguyen to the VTA Board to be the City of San José representative on the Silicon Valley Rapid Transit Policy Advisory Board (BART-PAB). (City Clerk)

Approved.

4. COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 Report of the Building Strong Neighborhoods Committee – March 20, 2006
Council Member Chirco, Chair**

- (a) Airport Neighborhood Services Group Report Update
The Committee accepted the Staff Report.
- (b) Animal Care and Services Update
Deferred to May 2006
- (c) Strong Neighborhoods Initiative Report on new, non-Redevelopment Strong Neighborhood Areas and Action Agenda
Deferred to April 2006
- (d) Discussion and Implementation on Facility Reuse
The Committee accepted the Staff Report.
- (e) Oral Petitions
 - (1) **Bill Chew mentioned his website and the fact he is running for office of Council Member for District 3.**
 - (2) **Cary Hamilton spoke on the importance of bring PDO/PIO fees to 100%.**
- (f) Adjournment
The meeting was adjourned at 2:40 p.m.

The Building Strong Neighborhoods Report and the Actions of May 20, 2006, were accepted.

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

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Acceptance of the annual report related to the Small Business Opportunity Program.

Recommendation: Acceptance of the annual report on the status of implementation of the Small Business Opportunity Program. CEQA: Not a Project. (City Manager's Office) [Driving a Strong Economy Committee, 1/30/06 - Item 4.2(e)]

Report Accepted, with Staff directed to obtain feedback from the Chamber of Commerce about what prevents small businesses in San José from participating in the City's building process.

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 from 3/21/06 – Item 4.4 and 3/28/06 – Item 4.4)

Deferred to 4/11/06.

5. NEIGHBORHOOD SERVICES

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

6. TRANSPORTATION & AVIATION SERVICES

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

7. ENVIRONMENTAL & UTILITY SERVICES

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 et al and 3/21/06 – Item 8.1)

Report Accepted, with Staff directed to include in the report, the ten Council Office alternative locations within each district to be used as a temporary sites to conduct business needs, as soon as possible.

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency portion of the meeting was convened to consider Item 9.1 in a Joint Session at 7:25 p.m.

9.1 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 3/21/06 – Item 4.3)

Heard in the Evening.

Approved, with Staff directed to:

- (1) **Add to the categories of committees, Healthcare Workers and the Silicon Valley Chamber of Commerce.**
- (2) **Add flexibility in the planning process**
- (3) **Create a format for public testimony, similar to the process used by the Blue Ribbon Task Force for the other stakeholder groups.**

- **Closed Session Report**
No Report.
- **Notice of City Engineer's Pending Decision on Final Maps**
None.
- **Notice of City Engineer's Award of Construction Projects**
On October 25, 2005, City Council approved a one year pilot program that delegated authority to the Director of Public Works to award or reject bids on construction projects where the base contract amount is below \$1,000,000. In accordance with this policy, the following is a list of projects that were awarded or rejected by the Director of Public Works in March 2006:

AWARD:

<u>Project Name</u>	<u>Council District</u>	<u>Contractor</u>	<u>Contract Award Amount</u>	<u>Award Date</u>
Street Lights SNI Gateway East and Burbank/Del Monte Project	3, 5, 6	San José Signal Electric Construction, Inc.	\$182,165	3/1/06
Traffic Signal Modifications at Hillsdale Avenue and Ross Avenue	9	Beltramo Electric, Inc.	\$261,910	3/14/06
Wenlock Drive Pedestrian Corridor Project	5	Suarez and Munoz Construction	\$296,579	3/27/06

- **Open Forum**
 - (1) **Marc Boyd complained about the 500 units added to Taylor Towers, including decisions made behind closed doors.**
 - (2) **George Fokas expressed his interest in running for Mayor.**
 - (3) **Robert Apgar expressed personal observations.**
 - (4) **Mark Trout voiced his own religious viewpoints.**
 - (5) **William Garbett spoke regarding small businesses and performance bonds.**
 - (6) **Ross Signorino encouraged the Council to designate the current site of the San José Medical Center for a future Medical Center.**
- **Adjournment**
The Afternoon Council Session was adjourned at 4:27 p.m.

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

(Heard by the City Council at 7:04 p.m.)

11.1 Public Hearings on Consent Calendar.

Recommendation:

- (a) Consideration of an ordinance rezoning the real property located on the east side of Ruby Avenue, approximately 400 feet southerly of Holderman Drive (APN: 652-14-013, -014) (2363 Ruby Avenue) (Benson Chu, Owner; Legacy Holdings LLC, Developer) from County to R-1-RR Residence District to allow up to two single family residences on a 2.5 gross acre site. No Planning Commission action required.

C05-066 - District 8

Ordinance No. 27690 passed for publication.

END OF CONSENT CALENDAR

11. PUBLIC HEARINGS

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

Recommendation: Consideration of an ordinance rezoning the real property located at/on the west side of South Winchester Boulevard, approximately 550 feet southerly of Stevens Creek Boulevard (369 Winchester Boulevard) (Dennee Glenford V Jr., Trustee, Owner; John Mackay, Developer) from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow up to 4,681 square feet for retail commercial uses and a public eating establishment with drive-thru uses on a 0.64 gross acre site. CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC05-077 - District 1

(Continued from 2/7/06 – Item 11.4 and 3/7/06 – Item 11.2)

Ordinance No. 27691 passed for publication.

11.3 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. Director of Planning, Building and Code Enforcement recommends approval with the following modifications for Area A: Minor changes to the side setbacks as proposed by the applicant, and a maximum height limit of 40 feet within 35 feet of the eastern property line and within 45 feet of the southern property line and a height limit of 55 feet for the remainder. Planning Commission recommends approval (5-0-2).

PDC04-088 - District 5

(Continued from 3/7/06 – Item 11.5 and 3/21/06 – Item 11.2)

Ordinance No. 27692 passed for publication.

11. PUBLIC HEARINGS

11.4 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 from 3/21/06 –Item 11.5)

Continued to 4/18/06.

11.5 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

(Continued from 3/7/06 – Item 11.12 and 3/21/06 – Item 11.8)

Continued to 4/18/06.

11.6 Rezoning the real property located on the southwesterly corner of State and Essex Streets.

Recommendation: Consideration of an ordinance rezoning the real property located on the southwesterly corner of State and Essex Streets (1391 State Street) (Victor J. Martina, Owner) from R-M Residential District to A(PD) Planned Development Zoning District to allow the demolition of an existing single-family residence and the construction of three single-family detached residential units on a 0.33 gross acre site. CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC05-002 - District 4

Ordinance No. 27693 passed for publication.

11. PUBLIC HEARINGS

11.7 Rezoning the real property located on the southeast corner of Hostetter Road and Sierra Creek Way.

Recommendation: Consideration of an ordinance rezoning the real property located on the southeast corner of Hostetter Road and Sierra Creek Way (1495 Stone Creek Drive) (John R. Mattos, II, Trustee, Owner) from R-1-8 Residential Zoning District to A(PD) Planned Development Zoning District to allow 6 single-family detached residences on a 0.83 gross acre site. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-1-0).
PDC05-086 - District 4

Continued to 4/18/06.

11.8 Rezoning the real property located on the west side of South 34th Street across from Los Suenos Avenue.

Recommendation: Consideration of an ordinance rezoning the real property located on the west side of South 34th Street, across from Los Suenos Avenue (321 S. 34th St) (Innovative Housing Solutions, LLC, Owner) from A(PD) Residential Zoning District to the A(PD) Residential Zoning District to allow 11 single-family detached residential units on a 1.38 gross acre site. SNI: Gateway East. CEQA: Mitigated Negative Declaration (File No. PDC04-033) and Addendum thereto (File No. PDC05-098). Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (7-0-0)

PDC05-098 - District 5

Continued to 4/18/06.

- **Open Forum**
 - (1) **Bill Chew spoke about his candidacy for District 3.**

- **Adjournment**

The Council of the City of San José adjourned at 7:39 p.m.

**HOUSING AUTHORITY OF
THE CITY OF SAN JOSÉ
AGENDA**

4:28 P.M.

TUESDAY, APRIL 4, 2006

CHAMBERS

1. **Call to Order**
Absent Council Members: LeZotte. (Excused)

2. **Approval of actions related to the Housing Authority of the City of San José.**

Recommendation: Approval of the Board of Commissioners for the Housing Authority of the City of San José to submit a letter to the Housing Authority of the County of Santa Clara, requesting that 100, Section 8 vouchers per year, be allocated for the chronically homeless. CEQA: Not a Project. (Housing)
Approved.

3. **Adjourn the Housing Authority of the City of San José.**
The meeting was adjourned at 4:29 p.m.