



CITY COUNCIL AGENDA

APRIL 8, 2008

AMENDED AGENDA

PETE CONSTANT
FORREST WILLIAMS
SAM LICCARDO
KANSEN CHU
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON P. NGUYEN
DAVID D CORTESE, VICE MAYOR
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 Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

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

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

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.asp. Council Meetings are televised live and rebroadcast on Channel 26.

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 294-9337 (TTY) at least two business days before the meeting.

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

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

- **Invocation (District 4)**
 - * Father Candido Lim, St. Victor's Church

- **Pledge of Allegiance**
- **Orders of the Day**

- * Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.
Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

THE JOINT CITY COUNCIL/HOUSING AUTHORITY MEETING WILL BE HEARD NO EARLIER THAN 1:30 P.M.

- **Closed Session Report**

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to the City of San José's Champions of Arts Education Awards recipients. (Economic Development)
 - * **TO BE HEARD IN THE EVENING**
- 1.2 Presentation of commendations to AEG/Amgen Tour of California and Fit for Learning in relation to cycling events produced in February 2008. (Economic Development)
 - *

1. CEREMONIAL ITEMS

- 1.3** Presentation of commendations to District 9 Stars: Ed Beckman, Jim & Anna Lafrom, Barbara Stover, Mary Ann Ward, Carlos Azcona, and Dennis Conte. (Chirco)
TO BE HEARD IN THE EVENING
* (Rules Committee referral 4/2/08)
- 1.4** Presentation of a commendation to Stanka Vuckovic for her generous donations to Miller Middle School and charitable contributions to the West San José community. (Constant)
* (Rules Committee referral 4/2/08)
- 1.5** Presentation of a commendation to Jack Digby and Gregorio Payan for their heroic efforts in saving a co-workers life at the Airport. (Mayor/Cortese/Campos)
TO BE HEARD IN THE EVENING
* (Rules Committee referral 4/2/08)
- 1.6** Presentation of a commendation to Cung Le, for his Strikeforce Middleweight Championship win at the HP Pavilion on March 29, 2008. (Nguyen)
* (Rules Committee referral 4/2/08)

2. CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

2.1 Approval of Minutes.

Recommendation: Approval of minutes.

- (a) [Regular Minutes of February 12, 2008](#)
- (b) [Regular Minutes of February 26, 2008](#)

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 28277 – Rezoning certain real property situated on the south side of Stevens Creek Boulevard, approximately 300 feet easterly of Loma Linda Drive (5000 Stevens Creek Boulevard) to CN Commercial Neighborhood Zoning District. C08-007
- (b) ORD. NO. 28278 – Rezoning certain real property situated on the northwest corner of West San Carlos Street and Brooklyn Avenue (1915 West San Carlos Street) to CP-Commercial Pedestrian Zoning District on a portion of the real property and to R-1-8 Single Family Residence Zoning District on another portion of the real property, all as more particularly described herein. C07-065

2. CONSENT CALENDAR

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

Recommendation:

(c) [ORD. NO. 28280](#) – Amending Section 12.06.050 of Chapter 12.06 of Title 12 of the San José Municipal Code to provide that compensation in any amount by an employer to an employee who spends any of his or her compensated time rendering services for political purposes is a contribution or an expenditure if personal service is rendered at the request, direction or with the consent of the employer; and amending section 12.06.250 to provide that except to the extent that Chapter 12.06 defines and limits contributions by business entities, the provisions of the Political Reform Act shall apply.

* **RECOMMEND DEFERRAL TO 4/15/08**

(d) [ORD. NO. 28281](#) – Amending Section 12.16.040 of Chapter 12.16 of Title 12 of the San José Municipal Code to require that disclosure reports for fundraising solicitations be filed by elected City Officials on a quarterly basis.

* **RECOMMEND DEFERRAL TO 4/15/08**

(e) [ORD. NO. 28282](#) – Amending Section 20.100.500 of Chapter 20.100 of Title 20 of the San José Municipal Code (the City's Zoning Ordinance) and Section 23.02.1300 of Chapter 23.02 of Title 23 of the San José Municipal Code (the City's Sign Ordinance) to provide for a Development Permit adjustment exception for City Landmark Properties that require Historic Preservation Permit adjustments.

* **RECOMMEND DEFERRAL TO 4/15/08**

2.3 [HP Pavilion Advertising Plan.](#)

Recommendation: Approval of the biennial advertising plan for HP Pavilion at San José as submitted by HP Pavilion Management. CEQA: Not a Project. (Economic Development)

2.4 [Open Purchase Order #7 for FY 2007-2008.](#)

* **Recommendation:** Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2007-2008 #7 and authorization for the Director of Finance to execute the purchase orders. CEQA: See Administration's memo to Council for specific CEQA clearance determinations on each recommended action. (Finance)

2. CONSENT CALENDAR

2.5 Agreement to provide Domestic Violence Victim Advocate and After-care Services.

- * **Recommendation:** Adoption of a resolution authorizing the City Manager to:
- (a) Execute an Agreement with Next Door, Solutions to Domestic Violence related to providing domestic violence victim advocate and after-care services to the San José Police Department for the period of March 1, 2008 through February 28, 2009, in an amount not to exceed \$121,639; and
 - (b) Execute up to four additional annual renewal options for the periods and amounts not to exceed the total amount of \$645,834 as follows:
 - (1) \$125,300 for the period of March 1, 2009 through February 28, 2010;
 - (2) \$129,060 for the period of March 1, 2010 through February 28, 2011;
 - (3) \$132,921 for the period of March 1, 2011 through February 29, 2012;
 - (4) \$136,914 for the period of March 1, 2012 through February 28, 2013.

CEQA: Not a Project. (Police)

2.6 Fiscal actions for Redevelopment Agency Capital Projects.

Recommendation:

- (a) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for 2007-2008:
 - (1) Increase the estimate for Earned Revenue by \$199,000.
 - (2) Establish the appropriation to the Department of Public Works for the Ann Darling Drive Improvement Project (PSM 525) in the amount of \$199,000.
- (b) Adoption of a resolution making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with the Ann Darling Drive Improvement Project as more specifically described in the memorandum from the Redevelopment Agency, dated February 5, 2008.

CEQA: Not a Project. Council District 3. SNI: Five Wounds/Brookwood Terrace. (Public Works/City Manager's Office)

2.7 Amendment to an agreement for architectural consultant services for the Fire Station No. 36 Project.

- * **Recommendation:**
- (a) Approval of a first amendment to the agreement with Ross Drulis Cusenbery Architecture, Inc. for architectural consultant services for the Fire Station No. 36 Project to:
 - (1) Increase compensation by \$65,000 from \$643,505 to \$708,505, and
 - (2) Extend the agreement from June 30, 2009 to January 31, 2010.
 - (b) Direct staff to incorporate Green Building measures to the maximum extent possible within the available funds for the design of Fire Station No. 36.

CEQA: Exempt, File No. PP06-009. Council District 8. (Public Works/Fire)

2. CONSENT CALENDAR

2.8 [Excused Absence for Councilmember Constant.](#)

Recommendation: Request for an excused absence for Councilmember Constant from the Rules and Open Government Committee Meeting on March 26, 2008 due to Authorized City Business: Federated City Employees' Retirement Services Educational Training at Stanford University. (Constant)
(Rules Committee referral 3/26/08)

2.9 [Councilmember Oliverio's Travel to Seattle, Washington.](#)

Recommendation: Approval of travel by Councilmember Oliverio to Seattle, WA on May 28 – 30, 2008 to attend the GOVERNING Managing Technology 2008 Conference. The conference focuses on management, policy challenges and government issues in relation to Information Technology (IT). Source of Funds: Council District 6 Fund. (Oliverio)
(Rules Committee referral 3/26/08)

2.10 [3-Year General Fund Structural Deficit Elimination Plan Stakeholder Group Nominations.](#)

Recommendation: Approve the Three-Year General Fund Structural Deficit Elimination Plan Stakeholder Group Nominations. (Mayor)
* (Rules Committee referral 4/2/08)

2.11 [Excused Absence for Mayor Reed.](#)

Recommendation: Request for an excused absence for Mayor Reed from the Rules and Open Government Committee Meeting on April 2, 2008 due to Authorized City Business: Travel to Sacramento, CA for the Silicon Valley Leadership Group's Annual Legislative Advocacy Trip. (Mayor)
* (Rules Committee referral 4/2/08)

2.12 [Independent Police Auditor Barbara Attard's Travel to Eureka, CA.](#)

Recommendation: Approval of travel by Independent Police Auditor Barbara Attard to Eureka, CA on April 10 – 11, 2008 to participate in a forum on the topic of the possible increase of civilian oversight in Humboldt County. Source of Funds: No cost to the City of San José. The Humboldt County Human Rights commission and the Humboldt County Branch of the American Civil Liberties Union will cover expenses as a forum participant. This will be reported as a gift. (IPA)
* (Rules Committee referral 4/2/08)

3. STRATEGIC SUPPORT SERVICES

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

3.2 Report of the Rules and Open Government Committee Mayor Reed, Chair

- (a) Report of the Rules and Open Government Committee of [February 27, 2008](#)
 - (1) City Council
 - (a) Review March 4, 2008 Final Agenda
 - (1) Add New Items to final agenda.
 - (a) Calling for a regular Municipal Election on June 3, 2008 for the Purpose of Electing Council Members, Districts 2, 4, 6, 8 and 10. (City Clerk)
 - (2) Assign “Time Certain” to Agenda Items (if needed).
 - (b) Review March 11, 2008 Draft Agenda
 - (2) Redevelopment Agency items reported out at Redevelopment Agency meeting
 - (3) Legislative Update
 - (a) State
 - (b) Federal
 - (1) Support for Federal Housing Legislation: H.R. 840 (Carson) – Homeless Emergency Assistance and Rapid Transition to Housing Act of 2007 and S. 1518 (Reed) – Community Partnership to End Homelessness Act of 2007, if amended. (Housing)
 - (4) Meeting Schedules
 - (5) The Public Record
 - (6) Appointments to Boards, Commissions and Committees
 - (7) Rules Committee Reviews, Recommendations and Approvals
 - (a) Placement of Automatic External Defibrillators. (Chu/Campos/Williams/ Liccardo)
 - (8) Review of additions to Council Committee Agendas
 - (a) Community and Economic Development Committee
 - (b) Neighborhood Services and Education Committee
 - (c) Transportation and Environment Committee
 - (d) Public Safety, Finance and Strategic Support Committee
 - (1) Add item to the March 20, 2008 agenda entitled, “Renaming of Police and Communications PAC Building”. (Police)
 - (9) Open Government Initiatives
 - (10) Open Forum
 - (11) Adjournment

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules and Open Government Committee (Cont'd.)

- (b) Report of the Rules and Open Government Committee of [March 5, 2008](#)
 - (1) City Council
 - (a) Review March 11, 2008 Final Agenda
 - (b) Review March 18, 2008 Draft Agenda
 - (2) Redevelopment Agency items reported out at Redevelopment Agency meeting
 - (3) Legislative Update
 - (a) State
 - (b) Federal
 - (4) Meeting Schedules
 - (5) The Public Record
 - (6) Appointments to Boards, Commissions and Committees
 - (7) Rules Committee Reviews, Recommendations and Approvals
 - (a) Audit of the Travel Expenditures of the Federated Retirement System and the Police and Fire Retirement Plan. (City Auditor/City Attorney)
DROPPED BY COUNCIL 3/18/08 – ITEM 3.5
 - (b) Mexican Heritage Corporation:
 - (1) Review consultant assessment of the current organizational capacity of the Mexican Heritage Corporation with recommendations for improvements. (City Manager)
 - (2) Consider options for Mexican Heritage Plaza, including Mexican Heritage Corporation, for Rules Committee Discussion and Direction. (City Manager)
HEARD BY COUNCIL 3/18/08 – ITEM 3.6
 - (c) Budget Outreach Plan. (Mayor/City Manager)
 - (8) Review of additions to Council Committee Agendas
 - (9) Open Government Initiatives
 - (a) Reed Reforms
 - (b) Sunshine Reform Task Force
 - (1) Review of remaining provisions of the Sunshine Reform Task Force Phase I Report and Recommendation. (City Manager)
 - (c) Significant Public Records Act Requests
 - (d) Council Policy Manual Update
 - (10) Open Forum
 - (11) Adjournment
(Deferred from 3/18/08 – Item 3.2)

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules and Open Government Committee (Cont'd.)

- (c) Report of the Rules and Open Government Committee of [March 12, 2008](#)
 - (1) City Council
 - (a) Review March 18, 2008 Final Agenda
 - (1) Add New Items to final agenda.
 - (2) Assign "Time Certain" to Agenda Items (if needed).
 - (b) Review March 25, 2008 Draft Agenda
 - (2) Redevelopment Agency items reported out at Redevelopment Agency meeting
 - (3) Legislative Update
 - (a) State
 - (b) Federal
 - (4) Meeting Schedules
 - (5) The Public Record
 - (6) Appointments to Boards, Commissions and Committees
 - (a) Appointment to Work2Future. (Mayor)
 - (7) Rules Committee Reviews, Recommendations and Approvals
 - (a) Charter Amendments. (Liccardo/Pyle/Chirco)
 - (1) Redistricting.
 - (2) Extending Duration of Leases on City Parks.
 - (b) Solar Summit Recommendation for Cleantech Policy Priorities. (Mayor)
 - (c) Donation of Five Surplus Brush Patrol Vehicles. (Finance)
 - (8) Review of additions to Council Committee Agendas
 - (9) Open Government Initiatives
 - (a) Reed Reforms
 - (b) Sunshine Reform Task Force
 - (1) Review of remaining provisions of the Sunshine Reform Task Force Phase I Report and Recommendation. (City Manager)
 - (c) Significant Public Records Act Requests
 - (d) Council Policy Manual Update
 - (10) Open Forum
 - (11) Adjournment
- (Deferred from 3/25/08 – Item 3.2)
- (d) Report of the Rules and Open Government Committee of March 19, 2008
 - (1) City Council
 - (a) Review March 25, 2008 Final Agenda
 - (b) Review April 1, 2008 Draft Agenda
None – Meeting Cancelled
 - (2) Redevelopment Agency items reported out at Redevelopment Agency meeting

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules and Open Government Committee (Cont'd.)

- (d) Report of the Rules and Open Government Committee of March 19, 2008 (Cont'd.)
 - (3) Legislative Update
 - (a) State
 - (b) Federal
 - (1) Oppose position for changes proposed to the H-2A Guestworker (Foreign Labor Certification) Program. (Cortese)
 - (4) Meeting Schedules
 - (a) Approve Annual City of San José and Santa Clara County Meeting for September 15, 2008. (City Manager)
 - (b) Approve Special Rules and Open Government Committee meeting for April 1, 2008 to discuss Sunshine Reform Task Force Phase I Report and Recommendations. (City Clerk)
 - (5) The Public Record
 - (6) Appointments to Boards, Commissions and Committees
 - (7) Rules Committee Reviews, Recommendations and Approvals
 - (a) Acceptance of Agreement relating to community signage bearing the name "Little Saigon" along Story Road. (Reed/Cortese/Liccardo/Nguyen)
 - HEARD BY COUNCIL 3/25/08 – ITEM 4.6**
 - (7)
 - (b) Discussion of allegations regarding Story Road business owners' petition submitted to Council on March 4, 2008.
 - (c) Request for Council action regarding Evergreen East Hills Development Policy. (Cortese)
 - (d) Automatic External Defibrillators Ordinance Workload Assessment. (City Manager)
 - (8) Review of additions to Council Committee Agendas
 - (9) Open Government Initiatives
 - (10) Open Forum
 - (11) Adjournment

RECOMMEND DEFERRAL TO 4/15/08 PER CITY CLERK

3.3 Report of the Public Safety, Finance and Strategic Support Committee – [March 20, 2008](#) Councilmember Nguyen, Chair

- (a) Redevelopment Agency Monthly Financial Reports. (Redevelopment Agency)
 - (1) Financial Statements
 - (2) Capital Cost Report
 - (3) Cash Flow Projections
- (b) Annual Procurement Report and Proposed Amendments to Sections 4.12 and 4.16 of the Municipal Code. (Finance)
- (c) Second Quarter Revenue Collection Strategic Plan Report. (Finance)
- (d) Review of the Mayor's Gang Prevention Task Force Strategic Workplan 2008-2010. (Police/Parks, Recreation and Neighborhood Services)

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.3 Report of the Public Safety, Finance and Strategic Support Committee – March 20, 2008 (Cont'd.)

- * (e) Report on Renaming the Police Communications Building (PAC). (Police)
SEE ITEM 8.2 FOR COUNCIL ACTION TO BE TAKEN
- (f) Public Safety Quarterly Reports. (Police/Fire)
 - (1) Police
 - (2) Fire
- (g) Review of Fire Department 2000 Strategic Plan and Update. (Fire)
- (h) Report on Public Safety Bond Capital Improvement Program. (Public Works)
- (i) Report on Key Legislative Items. (Intergovernmental Relations)
- (j) Report on Infrastructure Executive Overview – Priority Projects. (Information Technology)
- (k) Oral Petitions
- (l) Adjournment

3.4 Purchase of Microsoft Software.

Recommendation: Adoption of a resolution authorizing the Director of Finance to execute any necessary documentation to make purchases from PC Mall Gov Microsoft software licensing, under the pricing, terms, and conditions obtained under the Microsoft Select License Agreement for State and Local Governments not to exceed \$500,000 for the first year, and for two additional years, as may be required, subject to annual appropriations. CEQA: Not a Project. (Finance)
(Deferred from 3/4/08 – Item 3.8)

- * **RECOMMEND DEFERRAL TO 5/6/08 PER ADMINISTRATION**

3.5 [Report on Team San José Conflict Issues.](#)

* **Recommendation:**

- (a) Accept Report on potential conflict issues arising from overlapping executives and directors of Team San José and the San José Convention and Visitors Bureau.
- (b) Direct the Administration and the Attorney's Office to negotiate contracts with each corporation that have clearly stated purposes and performance measures and that their separate funding sources not be commingled or used in a way that conflicted with the City goals for each.

(City Attorney's Office)

(Deferred from 3/25/08 – Item 3.4)

3.6 [2007 Community Survey Report.](#)

[Attachment 1 – City of San José Community Survey Part 1](#)

[Attachment 2 – City of San José Community Survey Part 2](#)

[Attachment 3 – City of San José Community Survey Part 3](#)

[Attachment 4 – City of San José Community Survey Part 4](#)

[Attachment 5 – City of San José Community Survey Part 5](#)

[Attachment 6 – City of San José Community Survey Part 6](#)

Recommendation: Acceptance of the 2007 Community Survey Report. CEQA: Not a Project. (City Manager's Office)

(Deferred from 03/25/08 – Item 3.6)

3. STRATEGIC SUPPORT SERVICES

3.7 [Adoption of a resolution amending the Rules Resolution for the Conduct of City Council Meetings.](#)

Recommendation: Adoption of [a Resolution](#) amending the Rules for the Conduct of City Council and City Council Committee Meetings, superseding Resolution No. 73948, to implement certain provisions regarding Closed Session. (City Attorney's Office)

3.8 [Elections Commission Interviews.](#)

Recommendation: Interview Elections Commission applicants and consider appointment to fill one unexpired term ending March 1, 2011. (City Clerk)
TO BE HEARD NO EARLIER THAN 3:30 P.M.

3.9 [Approval of a Memorandum of Agreement with the International Brotherhood of Electrical Workers, Local No. 332.](#)

Recommendation: Adoption of a resolution approving the terms of a Memorandum of Agreement with the International Brotherhood of Electrical Workers, Local No. 332, and authorizing the City Manager to execute the agreement with a term of March 9, 2008 to March 6, 2010. CEQA: Not a Project. (City Manager's Office)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 **Report of the Community & Economic Development Committee – [March 24, 2008](#)
Councilmember Pyle, Chair**

- (a) Review of the Committee Workplan.
- (b) Efforts to Position San José in the International and National Community: Economic Development Partnerships. (Economic Development)
- (c) Update:
 - (1) Rincon Vision North San José. (Planning, Building and Code Enforcement/Economic Development/Redevelopment Agency)
 - (2) BEA (Verbal Report). (Redevelopment Agency)
 - (3) Berryessa Flea Market. (Economic Development)
 - (4) Revolving Loan Fund Program. (Economic Development)
- (d) Downtown Obstruction/Building Heights. (Airport/Planning, Building and Code Enforcement/Economic Development/Redevelopment Agency)
- (e) "Soft Closing" Pilot Program Termination. (Police/San José Downtown Association/Redevelopment Agency)
- (f) Sister City's Update. (Economic Development)
- (g) Downtown Street Vendor. (Economic Development/Redevelopment Agency)
- (h) Oral Petitions
- (i) Adjournment

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 [Actions related to the Coyote Valley Specific Plan and the revised Environmental Impact Report.](#)

(Deferred from 02/26/08 – Item 4.6 and 03/04/08 – Item 4.3 and 03/11/08 – Item 4.6)

DROP

4.3 [Public Hearing and approval of an ordinance establishing a Secondary Units Program.](#)

[Attachment – City of San José Real Property Assets](#)

[Supplemental – Memo from the Directors of Housing and Planning](#)

[Supplemental 2 – Memo from the Planning Commission](#)

Recommendation:

- (a) Approval of [an ordinance](#) amending Chapter 20.30 of Title 20, the Zoning Code of the San José Municipal Code, to establish a Secondary Dwellings Program; and more specifically amending Section 20.30.100 and adding Section 20.30.150 to Chapter 20.30 of Title 20 of the San José Municipal Code to allow Secondary Dwellings in the R-1 Single-Family Residence Districts and certain Planned Development Zoning Districts, subject to specific requirements; adding Section 20.200.325 to Chapter 20.200 of Title 20 of the San José Municipal Code to define a “Secondary Dwelling;” and making other related technical or clarifying changes. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (7-0-0).
- (b) [Adoption of a resolution](#) amending the schedule of Parkland In Lieu Fees required under the Parkland Dedication Ordinance (Chapter 19.38 of the San José Municipal Code) and the Park Impact Fee Ordinance (Chapter 14.25 of the San José Municipal Code) to establish a Parkland Fee for Secondary Dwellings.

CEQA: Exempt, File No. PP07-227. (Planning, Building and Code Enforcement/Housing)

[Community and Economic Development Committee referral 02/25/08 – Item (b)(2)]

[Neighborhood Services and Education Committee referral 03/10/08 – Item (c)]

TO BE HEARD IN THE EVENING

4.4 [Actions related to the New Fire Station 36 Project.](#)

Recommendation: Adoption of a resolution:

- (a) Determining that the public interest and necessity requires acquisition of two easements on portions of Assessors Parcel Number 676-61-063 from the owner, Pacific Gas and Electric Company, a California corporation (PG&E) and the termination of an existing gas line maintenance easement owned by PG&E on a portion of Assessors Parcel Number 679-14-001 owned by the City of San José.
- (b) Authorizing and directing 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, File No. PP08-028. Council District 8. (Public Works)

5. NEIGHBORHOOD SERVICES

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

5.2 [Approval to conduct Federal criminal Background Checks for Employees and Volunteers.](#)

Recommendation: Adoption of a resolution authorizing the City to access state and federal level summary criminal history information through the California Department of Justice for employment and volunteer purposes with the City of San José, and for licensing or certification purposes. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

6. TRANSPORTATION & AVIATION SERVICES

6.1 **Report of the Transportation and Environment Committee**
Councilmember Williams, Chair – *No Report.*

6.2 [Report on Request for Proposal for Parking Access Revenue Control and Automatic Vehicle Identification System for the Airport.](#)

Recommendation: Report on Request for Proposal for Parking Access Revenue Control and Automatic Vehicle Identification System for the San José International Airport and adoption of a resolution authorizing the Director of Finance to:

- (a) Execute an agreement with ACS Transport Solutions, Inc. for a three-year term and maximum compensation of \$6,016,942.
- (b) Execute change orders in an amount not to exceed \$600,000 as contingency to cover unanticipated changes in the system design and/or installation.
- (c) Exercise five one-year options for ongoing maintenance subject to the appropriation of funds.
- (d) Execute amendments to the agreement to add or delete parking areas subject to annual appropriation of funds.

CEQA: Resolutions No. 67380 and 71451, File No. PP06-004. (Finance)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [Status Report on the cooperative efforts between the City and the Santa Clara Valley Water District.](#)

Recommendation: Acceptance of the 2007 Annual Status Report on cooperative efforts between the City of San José and the Santa Clara Valley Water District relating to:

- (a) Flood Protection
 - (1) Flood Preparedness
 - (2) Floodwater Management Projects
- (b) Water Supply
 - (1) Water Supply Outlook
 - (2) Conservation
 - (3) Water Recycling
- (c) Watershed Protection and Stewardship
 - (1) Trash Reduction
 - (2) Habitat Conservation Plan
 - (3) Trails
- (d) Policy/Planning Initiatives
 - (1) Approved Regulatory Priorities
 - (2) Protection and Augmentation of the Water Supply
 - (3) General Plan Update
 - (4) District Comprehensive Plan

CEQA: Not a Project. (City Manager's Office/Santa Clara Valley Water District)
TO BE HEARD NO EARLIER THAN 3:00 P.M.

7.2 [Report on bids and award of contract for the Albany-Kiely Storm Drain Improvement Phase III-IV Project.](#)

Recommendation: Report on bids and award of contract for the Albany-Kiely Storm Drain Improvement Phase III-IV Project to the low bidder, Mountain Cascade, Inc., in the amount of \$1,265,625, and approval of a contingency in the amount of \$126,000.

CEQA: Exempt, File No. PP07-177. Council District 1. (Public Works)

8. PUBLIC SAFETY SERVICES

8.1 [Report on Homicides.](#)

* **Recommendation:** Accept verbal presentation from the Chief of Police on homicides in San José for 2007 and 2008. (Mayor/Police)

* **TO BE HEARD NO EARLIER THAN 2:30 P.M.**

8. PUBLIC SAFETY SERVICES

8.2 [Rename the Police Communications Building \(PAC\).](#)

Recommendation: Acceptance and approval of the recommendation to rename the Police Communications (PAC) Building the “Bobby Burroughs Police and Communications Center.” CEQA: Not a Project. (Police)

* [Public Safety, Finance and Strategic Support Committee referral 03/20/08 – Item (e)]

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

See Item 8.1 “Approval of an agreement with MPA Design for design and construction documents for St. James Park” on the Redevelopment Agency Agenda, which will be heard and action taken only during the Redevelopment Agency Meeting that follows the Council Meeting today.

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

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS

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

Notice to the public: There will be no separate discussion of Public Hearings Consent Calendar (Item 11.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Public Hearings Consent Calendar (Item 11.1) and considered separately.

11.1 Public Hearings on Consent Calendar.

Recommendation:

- (a) [Consideration of a Street Renaming of Nortel to Tamara Way](#), located on the east side of Orchard Parkway, approximately 700 feet south of Trimble Road. CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).
[ST07-001](#) – District 4

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

[Attachment – Whole Foods Market Plan](#)
[Supplemental – Memo from the Director of Planning](#)

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

[CP07-072/ABC07-006](#) – District 10

(Continued from 1/29/08 – Item 11.3, 2/26/08 – Item 11.3, and 3/18/08 – Item 11.2)

11. PUBLIC HEARINGS

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

[Attachment – Memo from Councilmember Oliverio](#)

[Attachment – Maps for PDC07-079](#)

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

[PDC07-079](#) – District 6

(Continued from 3/18/08 – Item 11.3)

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

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

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

(a) Consideration of an ordinance rezoning the real property from R-1-2 Residence Zoning District to R-1-8 Residence Zoning District to allow residential uses on a 0.99 gross acre site. CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

[C07-087](#) – District 9

(b) Consideration of a Tentative Map Permit to reconfigure two parcels into five lots for five single family detached residences on a 0.99 gross acre site. CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

[T07-087](#) – District 9

(Continued from 3/18/08 – Item 11.5)

DROP, TO BE RENOTICED

11.5 [Rezoning real property located at/on the southwest corner of Catherine Street and Gold Street.](#)

[Attachment – Housing Development Map](#)

Recommendation: Consideration of an ordinance rezoning the real property located at/on the southwest corner of Catherine Street and Gold Street (1081 Catherine Street) from CP(PD) Commercial Pedestrian Planned Development Zoning District to A(PD) Planned Development Zoning District to allow subdivision of one parcel into four lots for construction of up to four single-family detached residences on a 0.46 gross acre site (Balfe Liam, Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-0-1).

[PDC06-098](#) – District 4

11. PUBLIC HEARINGS

11.6 Rezoning real property located at/on the southwest corner of Berryessa and Jackson Avenue.

Recommendation: Consideration of an ordinance rezoning the real property located at/on the southeast corner of Berryessa and Jackson Avenue from R-1-5(PD) Planned Development Zoning District and A-Agriculture Zoning District to A(PD) Planned Development Zoning District to allow up to 379 single-family attached residences and 30,000 square feet for commercial uses on a 20.18 gross acres site (Pepper Lane Berryessa LLC, Myra Reinhard, Owners; Pulte Home Corporation, Developer). CEQA: Mitigated Negative Declaration.

PDC07-033 – District 4

RECOMMEND CONTINUANCE TO 5/6/08 PER ADMINISTRATION

11.7 Rezoning real property located on the west side of Lincoln Avenue.

Recommendation: Consideration of an ordinance rezoning the real property located on the west side of Lincoln Avenue extending from West San Carlos Street to the south and Pacific Avenue to the north, excluding the northwest corner of West San Carlos and Lincoln Avenue to allow the demolition of existing structures and the construction of 39 single-family attached residential and 2 live/work lofts on a 0.91 gross acre site (James & Tina Jean, Owners). SNI: Burbank/Del Monte. CEQA: Mitigated Negative Declaration.

PDC07-017 – District 6

RECOMMEND CONTINUANCE TO 4/22/08 PER ADMINISTRATION

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

[Attachment – Memo from Councilmember Judy Chirco](#)

[Attachment – Staff Report](#)

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

Recommendation: **ADMINISTRATIVE HEARING** and consideration of an appeal of the Planning Commission's decision to deny a Conditional Use Permit and Determination of Public Convenience and Necessity to allow the off-sale of alcohol at an existing gasoline service station on a 0.35 gross acre site, in the CP Pedestrian Commercial Zoning District, located at the northwest corner of S. Bascom Avenue and Camden Avenue (3145 S Bascom Avenue)(Ali Bozorghadad & Trustee, Owner(s)). CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends the City Council overturn the Planning Commission's decision to deny and approve the Conditional Use Permit and make a Determination of Public Convenience or Necessity.

CP07-001/ABC07-001 – District 9

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

* In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

| <u>Tract</u> | <u>Location</u> | <u>Council District</u> | <u>Developer</u> | <u>Lots/Units</u> | <u>Type</u> |
|--------------|----------------------------------------------------------------|-------------------------|-------------------|--------------------|----------------------------------|
| 9986 | Northwest corner of Zanker Road and East Tasman Drive | 4 | FF Development LP | 2 Lots / 704 Units | Multi-Family Attached and Retail |
| 9987 | West side of Baypointe Parkway, 370 feet north of Tasman Drive | 4 | FF Development LP | 1 Lot / 183 Units | Multi-Family Attached |

- Notice of City Engineer’s Award of Construction Projects

* In accordance with Council Resolution No. 73532, the construction Contract Process Streamlining Policy approved on December 5, 2006, the following is a list of projects that were awarded or rejected by the Director of Public Works in March 2008:

AWARD:

| <u>Project Name</u> | <u>Council District</u> | <u>Contractor</u> | <u>Contract Award Amount</u> | <u>Award Date</u> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|---------------------------------------------|------------------------------|-------------------|
| Eden Avenue Streetscape Improvements | 1 | Pacific Electric Company | \$255,165 | 3/7/08 |
| Fire Department Bureau of Field Operations (BFO) Campus Modular Building Project | 6 | Williams Scotsman, Inc. | \$41,229.67 | 3/13/08 |
| SNI MAY07c: Traffic Signal Modification at San Antonio Street and Sunset Avenue | 6 | San José Signal Electric Construction, Inc. | \$226,954 | 3/13/08 |
| San José Convention Center Garage Project | 3 | George Bianchi Construction, Inc. | \$111,360 | 3/17/08 |
| G-79 Sidewalk Installation in Low-Income SNI Areas (Forestdale Avenue from Melbourne Blvd to Jeanne Avenue), A Community Development Block Grant Project | 3 | Joseph J. Albanese, Inc. | \$115,246 | 3/28/08 |

- Open Forum

- Adjournment

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

1:30 P.M.

TUESDAY, APRIL 8, 2008

CHAMBERS

1. Call to Order

2. [San José Housing Authority Board of Commissioners.](#)

Recommendation: It is recommended that the Board for the City of San José Housing Authority:

- (a) Ratify the application of the Housing Authority of the County of Santa Clara to the U.S. Department of Housing & Urban Development for the Moving to Work Program;
- (b) Authorize the Housing Authority of the County of Santa Clara to enter into and negotiate a “Moving to Work” agreement, on behalf of the City Housing Authority, with the U.S. Department of Housing & Urban Development; and
- (c) Direction to staff to work with the Housing Authority of the County of Santa Clara to revise language in the Draft “Moving to Work Plan” regarding how Section 8 vouchers are provided to chronically homeless persons and persons displaced due to catastrophic or emergency situations.

3. Adjourn the Housing Authority of the City of San José.

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

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

1. Public Meeting Decorum:

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

2. Signs, Objects or Symbolic Material:

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

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

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

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