



CITY COUNCIL AGENDA

APRIL 8, 2008

SYNOPSIS

PETE CONSTANT
FORREST WILLIAMS
SAM LICCARDO
KANSEN CHU
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON P. NGUYEN
JUDY CHIRCO
NANCY PYLE

DAVID D CORTESE, VICE MAYOR

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

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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
Absent Council Members: None.

1:30 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: None.

7:00 p.m. - Public Hearings, Council Chambers, City Hall
Absent Council Members: None.

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

- **Pledge of Allegiance**
Mayor Reed led the Pledge of Allegiance.

- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved with Item 6.2 dropped.

- **Closed Session Report**
City Attorney Doyle disclosed the following Closed Session actions of April 8, 2008:

Authority to initiate litigation was given in one matter. The names of the action(s) and the defendant(s), as well as the substance of the litigation shall be disclosed to any person upon inquiry once the action(s) is/are formally commenced.

(Continued on the next page)

CLOSED SESSION REPORT (Cont'd.)

Council Vote: Ayes: Campos, Chirco, Chu, Constant, Cortese, Liccardo, Nguyen, Oliverio, Pyle, Williams; Reed.

Noes: None.

Disqualified: None.

Absent: None.

Vacant: None.

1. CEREMONIAL ITEMS

- 1.1** Presentation of a commendation to the City of San José's Champions of Arts Education Awards recipients. (Economic Development)
Heard in the evening.
Mayor Reed and Council Member Williams recognized and commended the City of San José's Champions of Arts Education Awards recipients for their outstanding achievements.
- 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)
Mayor Reed and Chief Development Officer Paul Krutko recognized and commended AEG/Amgen Tour of California and Fit for Learning in relation to cycling events produced in February 2008. Representatives from the Webcor Challenge presented a check for \$17,000 to "Fit for Learning".
- 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)
(Rules Committee referral 4/2/08)
Heard in the evening.
Mayor Reed and Council Member Chirco recognized and commended District 9 Stars: Ed Beckman, Jim & Anna Lafrom, Barbara Stover, Mary Ann Ward, Carlos Azcona, and Dennis Conte for their dedication and commitment to District 9.
- 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)
Mayor Reed and Council Member Constant recognized and commended Stanka Vuckovic for her generous donations to Miller Middle School and charitable contributions to the West San José community.

1. CEREMONIAL ITEMS

- 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)
(Rules Committee referral 4/2/08)

Heard in the evening.

Mayor Reed, Vice Mayor Cortese and Council Member Campos recognized and commended Jack Digby and Gregorio Payan for their heroic efforts in saving a co-workers life at the Airport.

- 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)

Mayor Reed and Council Member Nguyen commended Cung Le, for his Strikeforce Middleweight Championship win at the HP Pavilion on March 29, 2008.

2. CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of minutes.

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

Approved.

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

Ordinance No. 28277 adopted.

- (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

Ordinance No. 28278 adopted.

(Continued on the next page)

2. CONSENT CALENDAR

2.2 Final adoption of ordinances (Cont'd.)

- (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.

Deferred 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.

Deferred 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.

Deferred 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)

Approved.

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)

Approved.

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)

Resolution No. 74309 adopted.

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.

Ordinance No. 28283 adopted.

Resolution No. 74310 adopted.

- (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)

Resolution No 74311 adopted.

2. CONSENT CALENDAR

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)

Approved.

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)

Excused.

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)

Approved.

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)

Approved.

2. CONSENT CALENDAR

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)

Excused.

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)

Approved, with clarification on the civilian oversight presentation to be given by Independent Police Auditor Barbara Attard.

3. STRATEGIC SUPPORT SERVICES

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

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** (b) **Report of the Rules and Open Government Committee of March 5, 2008** (c) **Report of the Rules and Open Government Committee of March 12, 2008** **The Rules and Open Government Committee Reports and actions of February 27, 2008, March 5, 2008 and March 12, 2008 were accepted.**

(d) **Report of the Rules and Open Government Committee of March 19, 2008**
Deferred 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 **The Public Safety, Finance and Strategic Support Committee Report and Actions of March 20, 2008 were accepted.**

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)

Deferred 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)

Accepted.

3.6 2007 Community Survey Report.

Recommendation: Acceptance of the 2007 Community Survey Report. CEQA: Not a Project. (City Manager's Office)
(Deferred from 03/25/08 – Item 3.6)

Report Accepted.

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)

Resolution No. 74312 was adopted as amended.

The memorandum from City Attorney Doyle, dated March 27, 2008, recommending proposed changes to Rules for the Conduct of City Council and City Council Committee Meetings was approved with modifications to the draft Resolution as follows:

- (1) **Page 3, Item (a) 1-B: delete "the likely range of value of the property at issue". "The Council authorized the City Attorney to establish thresholds of values" instead.**
- (2) **Page 8, Item (e) 1: delete E.**

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3. STRATEGIC SUPPORT SERVICES

3.7 (Cont'd.)

- (3) Page 9, Item (e) 2: delete “in open session”.**
- (4) Page 19, Item (g) 4: change to read: “Committees with only two members present may not take action on any matter, but may hear the matter and refer it without a recommendation to the City Council”.**

3.8 Elections Commission Interviews.

Recommendation: Interview Elections Commission applicants and consider appointment to fill one unexpired term ending March 1, 2011. (City Clerk)
Council interviewed applicants Chew and Layman and took no action to appoint.

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)
Resolution No. 74313 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Community & Economic Development Committee – March 24, 2008 Councilmember Pyle, Chair

The Community & Economic Development Committee Report and Actions of March 24, 2008 were accepted.

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)
Dropped per Administration.**

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Public Hearing and approval of an ordinance establishing a Secondary Units Program.

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).

Ordinance No. 28284 passed for publication.

Noes: Constant

- (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)
[Community and Economic Development Committee referral 02/25/08 – Item (b)(2)]
[Neighborhood Services and Education Committee referral 03/10/08 – Item (c)]

Resolution No. 74314 adopted.

Noes: Constant.

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)

Resolution No. 74315 adopted.

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)

Resolution No. 74316 adopted.

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)

Dropped per Orders of the Day.

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)
Report Accepted.

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)

Report Accepted.

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)

Report Accepted.

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)]
Approved.

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

- **Open Forum**
(1) **Sandra Park expressed neighborhood grievances.**

- **Adjournment**
The Council of the City of San José adjourned the afternoon session at 6:07 p.m.

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS

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
Resolution No 74317 adopted.

11. PUBLIC HEARINGS

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

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)

Resolution No. 74318 adopted.

11.3 Rezoning real property located on the southwest corner between Keesling Avenue and Hamilton Way.

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)

Ordinance No. 28285 passed for publication.

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

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).

(Item continued on next page)

11. PUBLIC HEARINGS

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

- (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)

Dropped. To be renoticed.

11.5 Rezoning real property located at/on the southwest corner of Catherine Street and Gold Street.

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

Ordinance No. 28286 passed for publication.

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

Continued to 5/6/08 per Administration.

11. PUBLIC HEARINGS

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

Continued 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.

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

Resolution No. 74319 adopted.

Noes: Liccardo, Nguyen, Oliverio.

- **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**
None.

- **Adjournment**
The Council of the City of San José adjourned at 8:53 p.m.

**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.

Resolution No. 74321 was adopted with the following modifications:

- (1) **Social service providers be allowed to make direct referrals for Section 8 vouchers.**
 - (2) **The number of vouchers provided to the chronically homeless be increased.**
 - (3) **Only 548 housing units that have gone through a public disposition process be selected for project-based assistance without a competitive process; all other HACSC-owned properties would go through a competitive process.**
3. **Adjourn the Housing Authority of the City of San José.**

8. JOINT REDEVELOPMENT AGENCY/COUNCIL

8.1 Approval of an agreement with MPA Design for design and construction documents for St. James. Park

Recommendation:

- (a) Adoption of a resolution by the Redevelopment Agency Board finding that infrastructure improvement to St. James Park will be of Primary Benefit to various downtown redevelopment project areas, and;

RDA Resolution No. 5819 adopted.

- (b) Approval by the Redevelopment Agency Board of an agreement with MPA Design, in the amount of \$300,000, for landscape architect services related to the preparation of design and construction documents for improvements to St. James Park.

- (c) Adoption of a resolution by the City Council making certain determinations as required by the California Health and Safety Code Section 33445 for Agency funding of certain public improvements to St. James Park.

CEQA: Exempt, PP02-108. [MERGED]

Resolution No. 74320 adopted.