



# CITY COUNCIL AGENDA

**APRIL 22, 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](http://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**

9:00 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

3:30 p.m. - Hear Open Forum and continue the RDA Board Meeting

[See Separate Agenda](#) (no earlier than 3:30 p.m.)

7:00 p.m. - General Plan Hearings, Council Chambers, City Hall

7:00 p.m. - Public Hearings, Council Chambers, City Hall

- **Invocation (District 4)**

Piedmont Hills High School Concert Choir

- **Pledge of Allegiance**

- **Orders of the Day**

\* Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

**ITEM 9.1 IS TO BE CONSIDERED IN A JOINT CITY COUNCIL/  
REDEVELOPMENT AGENCY BOARD SESSION.**

\* ADJOURNMENT: This meeting will be adjourned in memory of “Mom” Mosley, a dedicated and loving foster parent to over 700 abused and neglected boys ages 9 to 17. (Campos)

**Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.**

\* **SEE NEW ITEM 2.12: COUNCILMEMBER NGUYEN’S TRAVEL OUT OF THE COUNTRY.**

- **Closed Session Report**

# 1. CEREMONIAL ITEMS

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- 1.1 Presentation of a Proclamation declaring April 23, 2008 National Wear Denim to Work Day. (Campos/City Manager’s Office)
- 1.2 Presentation of a commendation to Pinn Brothers, Old Country Roofing, League for Homes and BP Solar for each being a critical part of and supporting energy for efficient homes and neighborhoods in the City of San José. (Cortese)
- 1.3 Presentation of a proclamation declaring April as “Month of the Young Child” in the City of San José, and presentation of commendations to Outstanding Childcare Contributor awardees St Elizabeth’s Day Home and Gary Cava, Director of the San José State Toddler, and winner of the George Howard Award, Inclusion Collaborative of Santa Clara County. (Chirco)  
**TO BE HEARD IN THE EVENING**  
\* (Rules Committee referral 4/16/08)
- 1.4 Presentation of a proclamation declaring April as “National Volunteers Month” in the City of San José. (Mayor/Cortese)  
\* (Rules Committee referral 4/16/08)
- 1.5 Presentation of a commendation to SmartUSA for their exemplary efforts to help grow the local economy and their innovation in helping to solve the climate and energy crises. (Mayor/Constant/Economic Development)  
\* (Rules Committee referral 4/16/08)
- 1.6 Presentation of a commendation to the San José Public Library Foundation for the outstanding contributions they have made to libraries across San José. (Oliverio)  
**TO BE HEARD IN THE EVENING**  
\* (Rules Committee referral 4/16/08)
- 1.7 Presentation of a commendation to the Friends of the Los Alamitos Watershed for their volunteerism and commitment to maintaining the environmental health and cleanliness of the Los Alamitos Creek. (Pyle)  
**TO BE HEARD IN THE EVENING**  
\* (Rules Committee referral 4/16/08)
- 1.8 Presentation of a commendation to the Coyote Valley Specific Plan Task Force for their dedication and commitment for 5 years of service in developing a visioning plan for Coyote Valley. (Williams/Pyle)  
\* (Rules Committee referral 4/16/08)

## 2. CONSENT CALENDAR

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**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.

### 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances.

- (a) ORD NO. 28285 – Rezoning certain real property situated at 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. (PDC07-079)
- (b) ORD. NO. 28286 – Rezoning certain real property situated on the southwest corner of Catherine Street and Gold Street (1081 Catherine Street) to A(PD) Planned Development Zoning District. (PDC06-098)

### 2.3 Approval to name a new community center.

**Recommendation:** As recommended by the Parks and Recreation Commission, name a new community center located at the Davis Intermediate School campus, “Edenvale Community Center”. (City Clerk)

### 2.4 Approval to name two new parks.

**Recommendation:** As recommended by the Parks and Recreation Commission:

- (a) Name the new park located at San Antonio Street opposite of 34<sup>th</sup> Street, “San Antonio Tot Lot”.
  - (b) Name the new park located at Madden Avenue, east of Jackson Avenue, “Madden Park”.
- (City Clerk)

### 2.5 Fire Main Replacement Project at the Water Pollution Control Plant.

Supplemental – Letter from the San José/Santa Clara Water Pollution Control Plant

**Recommendation:** Approval of a contingency budget increase for the project entitled, “San José/Santa Clara Water Pollution Control Plant, FY 2007/08 Capital Improvement Program, Fire Main Replacement Project – Phase I”, by \$60,000 from \$30,000 for a total contingency budget of \$90,000, with no change to the terms of the contract with D&D Pipelines, Inc. CEQA: Exempt, File No. PP07-144. (Environmental Services)

## 2. CONSENT CALENDAR

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### 2.6 [Actions related to security guard services at the Water Pollution Control Plant.](#)

[Supplemental – Letter from the Director of Public Works](#)

[Supplemental – Letter from the San José/Santa Clara Water Pollution Control Plant](#)

**Recommendation:** Adoption of a resolution authorizing the Director of Finance to execute an amendment to the agreement with National Security Industries to extend the term of the agreement for security guard services for the Water Pollution Control Plant by five months from May 1, 2008 to September 30, 2008, and increase the total compensation by \$125,000 from \$1,195,723 for a not-to-exceed amount of \$1,320,723. CEQA: Not a Project. (Finance)

### 2.7 [Actions related to Solid Waste Collection Services Contracts.](#)

**Recommendation:** Adoption of a resolution authorizing the Director of Finance to execute:

- (a) An amendment to the agreement for solid waste collection services from public litter cans with Green Waste Recovery, Inc. to process litter can solid waste at the new Green Waste Recovery, Inc. Materials Recovery Facility beginning May 19, 2008, at an estimated additional annual cost of \$9,136. The additional cost does not increase the original contract amount of \$440,000.
- (b) An amendment to the agreement for integrated collection services from City facilities with Waste Connections of California, Inc., dba GreenTeam of San José, to process all solid waste collected at the new GreenWaste Recovery, Inc. Materials Recovery Facility beginning May 19, 2008, at an estimated reduction in cost of \$12,000.

CEQA: Negative Declaration, File No. SP06-094. (Finance)

### 2.8 [Agreement for an Integrated Computerized Maintenance Management System.](#)

[Supplemental – Letter from the San José/Santa Clara Water Pollution Control Plant](#)

**Recommendation:** Approval of an agreement with Westin Engineering, Inc. for the implementation of an integrated Computerized Maintenance Management System in an amount not to exceed \$861,000, including an amount of \$80,000 for additional services identified during project implementation, with an initial term of eighteen months for installation and staff training, and a one year maintenance period. CEQA: Not a Project. (Environmental Services/Information Technology)

### 2.9 [Open Purchase Order #8 for FY 2007-2008.](#)

**Recommendation:** Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2007-2008 #8 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

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### 2.10 Adoption of a resolution authorizing Applied Development Economics access to Sales and Use Tax Records.

**Recommendation:** Adoption of a resolution designating Applied Development Economics as an authorized representative of the City, for the limited purpose of examination of all sales and use tax records of the California State Board of Equalization, subject to the execution by April 22, 2008 of a consultant agreement requiring compliance by the consultant with the requirements of Revenue and Taxation Code Section 7056 between the City, through its City Manager, and Applied Development Economics. CEQA: Not a Project. (Planning, Building and Code Enforcement)

### 2.11 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 \$150,000.
  - (2) Increase the appropriation to the Department of Public Works for the Kingman Avenue and Leigh Avenue; San Antonio Avenue and Scharff Avenue Traffic Signal Installation Project (PSM #497 Amendment 2) in the amount of \$95,000.
  - (3) Establish an appropriation to the Department of Transportation for the CDBG Funded ADA Accessibility Ramp Construction Project (PSM 528) in the amount of \$55,000.
- (b) Adoption of a resolution making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with the CDBG Funded ADA Accessibility Ramp Construction Project as more specifically described in the memorandum from the Redevelopment Agency, dated March 11, 2008.

CEQA: Exempt, File Nos. PP06-210 and PP05-212. Council Districts 3, 5, 6 and 7.  
SNI: Burbank/Del Monte, Five Wounds/Brookwood Terrace, Mayfair, Spartan/Keyes, Delmas Park, Washington, East Valley/680 and Gateway East. (Public Works/Transportation/City Manager's Office)

### 2.12 **Councilmember Nguyen's Travel Out of the Country.**

**Recommendation:** Approval of travel by Councilmember Nguyen to Israel and Palestinian Territories on June 13 – 25, 2008 to serve as a delegate, representing the United States, with the American Council of Young Political Leaders (ACYPL) International Exchange Program. Source of Funds: The American Council of Young Political Leaders (ACYPL). (Nguyen)

\* (Orders of the Day)

### **3. STRATEGIC SUPPORT SERVICES**

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

#### **3.2 Report of the Rules and Open Government Committee – [April 9, 2008](#)**

##### **Mayor Reed, Chair**

- (a) City Council
  - (1) Review April 15, 2008 Final City Council Agenda
  - (2) Review April 23, 2008 Draft City Council Agenda
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
  - (1) State
  - (2) Federal
    - (a) S340 (Feinstein)/JR371 (Berman) – The AgJOBS Act of 2007. (City Manager)
- (d) Meeting Schedules
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
  - (1) Updated City Council Appointments. (Mayor)
- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Ability of the Public to Communicate with Council and of Council to Investigate Representations Made. (City Attorney)
  - (2) Possible Ballot Measures
    - (a) Acceptance of the report on the Single Subject Rule and Redistricting. (City Attorney)
    - (b) Acceptance of Staff report regarding Fiscal Impact/Benefits. (City Manager)
- (h) Review of additions to Council Committee Agenda
  - (1) Community and Economic Development Committee
    - (a) Add the following agenda items entitled: (1) “City of San José Real Property Assets”. (2) “Memorandum of Understanding for the Development of the Airport West Property, iSTAR Property and Soccer Stadium” to the April 28, 2008 Community and Economic Development Committee. (City Manager)
  - (2) Neighborhood Services and Education Committee
  - (3) Transportation and Environment Committee
  - (4) Public Safety, Finance and Strategic Support Committee
- (i) Open Government Initiatives
  - (1) Reed Reforms
  - (2) Sunshine Reform Task Force
    - (a) Review of remaining provisions of Sunshine Reform Task Force Phase I/Part II recommendations – Items for Clarification
  - (3) Significant Public Records Act Requests
  - (4) Council Policy Manual Update
- (j) Open Forum
- (k) Adjournment

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.3 Report of the Public Safety, Finance and Strategic Support Committee Council Member Nguyen, Chair – *No Report*

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

- (a) 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
    - (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**
      - (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)  
**HEARD BY COUNCIL 4/15/08 – ITEM 4.3**
      - (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
- \* [Deferred from 4/8/08 – Item 3.2(d) and 4/15/08 – Item 3.2(a)]

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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

- (b) Report of the Rules and Open Government Committee of [March 26, 2008](#)
  - (1) City Council
    - (a) Review April 1, 2008 Final Agenda  
**None – Meeting Cancelled**
    - (b) Review April 8, 2008 Draft Agenda
      - (1) Add new items to final agenda:
        - (a) Report from the Chief of Police on Homicides. (Mayor)
        - (2) Assign “Time Certain” to Agenda Items (if needed).
  - (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) Proposed Ballot Measures. (City Attorney’s Office)
      - (1) Council Appointee Administrative Leave.
      - (2) Council Salary Setting Methods and Options.
      - (3) Recall Elections – Vacancies in Office.
      - (4) Charter Section 600 – Ability to Abstain for Appearance of a Conflict.
      - (5) City Clerk – Power of Appointment.
      - (6) Charter Amendment for Redistricting.
      - (7) Duration of Leases on City Parks.
      - (8) Construction of a Fire Station on City Parkland.
    - (b) Automatic External Defibrillators Ordinance Workload Assessment. (City Manager’s Office)
    - (c) Response to Sr. Citizens’ Commission Letter regarding Fingerprinting and Background Checks. (Parks, Recreation and Neighborhood Services)
  - (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
      - (1) Add report on the TE Committee agenda for April 7, 2008 on progress, status and key issues review of the Santa Clara Valley Habitat Plan. (Planning, Building and Code Enforcement)
    - (d) Public Safety, Finance and Strategic Support Committee.
  - (9) Open Government Initiatives

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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

- (b) Report of the Rules and Open Government Committee of March 26, 2008 (Cont'd.)
  - (10) Open Forum
  - (11) Adjournment
- \* [Deferred from 4/15/08 – Item 3.2(b)]
- (c) Report of the Special Meeting of the Rules and Open Government Committee of [April 1, 2008](#)
  - (i) Open Government Initiatives
    - (1) Review of remaining provisions of Sunshine Reform Task Force Phase I/Part II Recommendations. (City Manager's Office)
      - (a) Provisions about Agenda Packet.
      - (b) Other Advisory Entities.
      - (c) Decision-Making Bodies (Quasi-Judicial).
      - (d) Non-Governmental Bodies.
      - (e) Closed Session.
      - (f) Items for Clarification.
  - (j) Open Forum
  - (k) Adjournment
- \* [Deferred from 4/15/08 – Item 3.2(c)]
- (d) Report of the Rules and Open Government Committee of [April 2, 2008](#)
  - (1) City Council
    - (a) Review April 8, 2008 Final Agenda
      - (1) Add new items to final agenda:
        - (a) 3-Year General Fund Structural Deficit Elimination Plan Stakeholder Group Nominations. (Mayor)
        - (b) Excused Absence for Mayor Reed from the April 2, 2008 Rules and Open Government Committee for Travel to Sacramento, CA. (Mayor)
      - (2) Assign "Time Certain" to Agenda Items (if needed).
    - (b) Review April 15, 2008 Draft Agenda
  - (2) Redevelopment Agency items reported out at Redevelopment Agency meeting.
  - (3) Legislative Update
    - (a) State
    - (b) Federal
      - (1) S. 340 (Feinstein)/H.R. 371 (Berman) – The Agjobs Act of 2007. (City Manager's Office)
  - (4) Meeting Schedules
  - (5) The Public Record
  - (6) Appointments to Boards, Commissions and Committees
  - (7) Rules Committee Reviews, Recommendations and Approvals
    - (a) Discussion of allegations regarding Story Road business owners' petition submitted to Council on March 4, 2008.
  - (8) Review of additions to Council Committee Agendas
    - (a) Community and Economic Development Committee

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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

- (d) Report of the Rules and Open Government Committee of April 2, 2008 (Cont'd.)
  - (8)
    - (b) Neighborhood Services and Education Committee
    - (c) Transportation and Environment Committee
    - (d) Public Safety, Finance and Strategic Support Committee.
      - (1) Add agenda item entitled "City of San José Fire Department Procedures, Protocol and Policies regarding calls of service to the Santa Clara County Main Jail located in Downtown San José" to the April 15, 2008.
  - (9) Open Government Initiatives
    - (a) Reed Reforms
    - (b) Sunshine Reform Task Force
      - (1) Review of remaining provisions of Sunshine Reform Task Force Phase I/Part II Recommendations – Items for Clarification. (City Manager's Office)
    - (c) Significant Public Records Act Requests
      - (1) VACNORCAL Correspondence. (City Attorney's Office)
    - (d) Council Policy Manual Update
  - (10) Open Forum
  - (11) Adjournment

\* [Deferred from 4/15/08 – Item 3.2(d)]

#### 3.5 [S 340 \(Feinstein\) and HR 371 \(Berman\) – The AgJOBS Act of 2007.](#)

**Recommendation:** Consider a position on S 340 (Feinstein) and HR 371 (Berman) – the Agricultural Job Opportunities, Benefits and Security Act of 2007 or the AgJOBS Act of 2007.

\* (Rules Committee referral without a recommendation 4/16/08)

#### 3.6 [SB 1577 \(Florez\) – Air Carrier Airport Surrendered Items Donations Programs.](#)

**Recommendation:** As recommended by the Rules and Open Government Committee, adopt a position of "oppose unless amended" on State Senate Bill 1577 – Air Carrier Airport Surrendered Items Donation Program. The bill should be opposed unless the following amendments are added:

- (a) There is no requirement for airports to sort and package materials before providing them to non-profits.
- (b) Require non-profits to maintain liability insurance and to accept all liability for donated items as part of the bill's definition of "qualified organization".
- (c) Airports owners, such as the City, are expressly immune from all liability related to the donated items or the program used to collect them.
- (d) Allow the frequency of pick up to be left to mutual agreement of the airport and the nonprofit(s) with the understanding that if agreement could not otherwise be reached, pick up would not be required more frequently than once a week.

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.6 SB 1577 (Florez) – Air Carrier Airport Surrendered Items Donations Programs. (Cont'd.)

**Recommendation:**

- (e) If passes, the bill should not become effective unless: 1) the state agrees the bill creates a state-mandated cost, creating an obligation to reimburse airports for their costs of establishing and operating this program; 2) the funding source for the state's reimbursement has been identified; and 3) reimbursement can be provided in close proximity to the time of expenditure.

(Airport)

\* (Rules Committee referral 4/16/08)

#### 3.7 [HR 3221 \(Dodd and Shelby\) – the Foreclosure Prevention Act of 2008.](#)

**Recommendation:** As recommended by the Rules and Open Government Committee, adopt a support position, if amended, for HR 3221 (Dodd and Shelby) – the Foreclosure Prevention Act of 2008. (Housing)

\* (Rules Committee referral 4/16/08)

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

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#### 4.1 Report of the Community & Economic Development Committee Council Member Pyle, Chair – *No Report*

#### 4.2 Actions related to the Fairgrounds Senior Housing Apartments.

**Recommendation:** Adoption of a resolution:

- (a) Authorizing the issuance of tax-exempt multifamily housing revenue bonds designated as "City of San José Multifamily Housing Revenue Bonds (Fairgrounds Senior Housing Apartments), Series 2008B" in an aggregate principal amount not to exceed \$28,000,000 (the "Bonds");
- (b) Approving a loan of Bond proceeds to Fairgrounds Senior Housing, L.P., a California limited partnership, for financing a portion of the costs of constructing the Fairgrounds Senior Housing Apartments located at 520 Tully Road in San José;
- (c) Approving in substantially final form the Bonds, Trust Indenture, Loan Agreement, Regulatory Agreement, Declaration of Restrictive Covenants and Assignment of Deed of Trust and Loan Documents and Bond Purchase Agreement; and
- (d) Authorizing the City Manager or authorized designee to execute and, as appropriate, negotiate, execute and deliver these bond documents and other related bond documents as necessary.

CEQA: Resolution No. 71359, County Fairgrounds Housing EIR. Council District 7.  
(Finance/Housing)

**RECOMMEND DEFERRAL TO 4/29/08 PER ADMINISTRATION**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.3 Acceptance of the work of the Coyote Valley Task Force.

[Attachment – Memo from Mayor Reed and Councilmembers Pyle, Williams and Liccardo](#)

[Attachment – Memo from Councilmember Williams](#)

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

[Attachment – Coyote Valley Plan](#)

- \* **Recommendation:** Acceptance of the summary of the April 14<sup>th</sup> Task Force meeting, and acknowledge the “Coyote Valley Plan – A Vision for Sustainable Development” as the embodiment of work of the Coyote Valley Specific Plan Task Force. CEQA: Not a Project. (Planning, Building and Code Enforcement)

## 5. NEIGHBORHOOD SERVICES

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### 5.1 Report of the Neighborhood Services and Education Committee – [April 10, 2008](#) Council Member Chirco, Chair

- (a) Family Literacy Program Initiatives Funded by Grants. (Library)
- (b) Overview of Citywide Sports Programs. (PRNS)
- (c) Update on 2008 Summer Aquatics Program. (PRNS)
- (d) Review of Proposed Changes to the Schedule for Fees and Charges for the Aquatics Program. (PRNS)
- (e) Report on Reuse of Community Centers – Funding and Source of Funding/Facility Reuse Policy Recommendation. (PRNS)
- \* **SEE ITEM 5.2 FOR COUNCIL ACTION TO BE TAKEN**
- (f) Strong Neighborhoods Monthly Update. (City Manager)
  - (1) Neighborhood Leadership Development Update
  - (2) Update on the Draft Neighborhoods Commission Work Plan
- (g) Schools/City Collaborative Monthly Update. (City Manager)
  - (1) Reports from School Safety, Joint Use and Teacher Recruitment/Retention Subcommittees
- (h) Report on Key Legislative Items. (City Manager)
- (i) Oral Petitions
- (j) Adjournment

### 5.2 Actions related to Community Center Reuse.

[Attachment – Memo from Councilmembers Liccardo and Pyle](#)

[Attachment – Letter from the Parks and Recreation Commission](#)

#### **Recommendation:**

- (a) Adoption of a resolution approving a new City Council Policy entitled “Free Use of Community Center Reuse Sites in Exchange for Services that Primarily Benefit San José Residents.”
- (b) Direction to staff to oversee review and negotiation of Community Center Reuse property agreements; and
- (c) Acceptance of the status report of Community Center Reuse.

CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

[Neighborhood Services and Education Committee referral 04/10/08 – Item (e)]



## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 Report of the Transportation and Environment Committee – [April 7, 2008](#)

#### Council Member Williams, Chair

- (a) Report on Key Legislative Items (CMO)
- (b) Cost Estimating for Capital Improvement Projects (PW)
- (c) Environmental Preferred Purchasing Annual Report (FINANCE/ESD)
- (d) Status Report on the City's Green Building Program for Private Development and City Facilities (CMO)

#### **SEE ITEM 7.2 FOR COUNCIL ACTION TO BE TAKEN**

- (e) Status Report on Santa Clara Valley Habitat Conservation Plan (PBCE)  
**SEE ITEM 7.3 FOR COUNCIL ACTION TO BE TAKEN**
- (f) Quarterly Update on Performance Measures for Airport, Environmental Services, General Services, Transportation and Police Department (CMO)
- (g) Oral Petitions
- (h) Adjournment

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.1 [Actions related to the Switchgear Project at the Water Pollution Control Plant.](#)

#### [Supplemental – Letter from the San José/Santa Clara Water Pollution Control Plant](#)

##### **Recommendation:**

- (a) Consent to the request of Helix Electric to be relieved of its low bid for the Switchgear M5, Interim Ring Bus, and Medium Voltage Cables Replacement Design-Build Project based upon a mistake in filling out the bid.
- (b) Report on bids and award of contract for the Switchgear M5, Interim Ring Bus, and Medium Voltage Cables Replacement Design-Build Project to the lowest responsive bidder, Rosendin Electric, Inc., for the base bid and Add Alternate Nos. 1 through 6 in the total amount of \$11,319,500; and approval of a budget contingency in the amount of \$1,131,950.

CEQA: Exempt, File No. PP04-03-079. (Environmental Services)

### 7.2 [Status report on the City's Green Building Program.](#)

**Recommendation:** Acceptance of the status report on the City's Green Building Program, and recommend City Council approval of the following actions, consistent with the recommendations of the Santa Clara County Cities Association:

- (a) Adoption of a resolution recognizing GreenPoint Rated and LEED as reference standards for new residential and non-residential construction, respectively, and
- (b) Directing staff to incorporate the use of a green building checklist for planning applications.

CEQA: Not a Project. (City Manager's Office)

[Transportation and Environment Committee referral 4/7/08 – Item (d)]

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.3 [Status report on Santa Clara Valley Habitat Conservation Plan.](#)

[Attachment – Summary of Seven Key Policy Areas](#)

**Recommendation:** Acceptance of status report, review of progress and key issues for the continued preparation of the Draft Santa Clara Valley Habitat Plan. CEQA: Incomplete. (Planning, Building and Code Enforcement)  
[Transportation and Environment Committee referral 4/7/08 – Item (e)]

## 8. PUBLIC SAFETY SERVICES

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## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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\* *See Item 8.1 “City Council and Agency Board approval of actions related to the East Santa Clara and Lincoln Avenue Tree Planting Project” on the Redevelopment Agency Agenda, which will be heard and action taken only during the Redevelopment Agency Meeting that follows the Council Meeting today.*

**CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEM 9.1 IN A JOINT SESSION**

### 9.1 [Consideration of the Recommendations of the North San José Neighborhoods Planning Taskforce.](#)

[Attachment – Memo from Mayor Reed and Councilmember Chu](#)

[Attachment 1 – North San José Neighborhood Planning Task Force Guidelines](#)

[Attachment 2 – Parks and Recreation Facilities](#)

[Attachment 3 – Report on Planning for New Schools](#)

[Attachment 4 – Report on Retail](#)

[Attachment 5 – North San José Map](#)

[Attachment 6 – Memo from Councilmember Liccardo](#)

**Recommendation:** It is recommended that the City Council and Redevelopment Agency Board:

- (a) Accept the final guiding principles and recommendations of the North San José Neighborhoods Planning Taskforce.
- (b) Accept the Schools Report, Parks and Recreation Report, Retail Report and maps presented to the North San José Neighborhoods Planning Taskforce.
- (c) Direct the City Manager and Executive Director to develop an Implementation Strategy for North San José, including design guidelines and an ongoing approach to involve the public using the guiding principles and recommendations of the North San José Neighborhoods Planning Taskforce.

CEQA: Not a Project. (City Manager’s Office/Redevelopment Agency)  
(Deferred from 4/15/08 – Item 9.1)

**TO BE HEARD IN THE EVENING**

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

## 10. GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

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

**Notice to the public:** There will be no separate discussion of General Plan Consent Calendar (Item 10.1) 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 General Plan Consent Calendar (Item 10.1) and considered separately.

### 10.1 Tentative approval of General Plan Consent Calendar items.

#### Recommendations:

- (a) **Amendment and Text Amendment to upgrade Coleman Avenue to Major Arterial (115 -130 feet) between Hedding Street to the proposed extension of Autumn Street.**

Tentative approval of a General Plan Land Use/Transportation Diagram and text amendment request to change the Land Use/Transportation Diagram designation and to revise Appendix E of the San José 2020 General Plan to upgrade Coleman Avenue from Minor Arterial (80 -106 feet) to Major Arterial (115 -130 feet) between Hedding Street to the proposed extension of Autumn Street. (Various Owners, City of San José, Applicant). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0). CEQA: Resolution No. 72767.

GP07-03-03/GPT07-03-03 – District 3

- \* (b) **Amendment and Text Amendment to establish an Airport Influence Area Overlay in the vicinity of the Reid Hillview Airport.**

Tentative approval of a General Plan Land Use/Transportation Diagram and text amendment request to change the Land Use/Transportation Diagram designation and to revise the text of the San José 2020 General Plan to establish an Airport Influence Area Overlay in the vicinity of the Reid Hillview Airport generally defined as the area bounded by Highway 680 to the north, Aborn Road to the south, White Road to the east, and Highway 101 to the west. (Various Owners, City of San José, Applicant). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). CEQA: Negative Declaration for Amendments to the Santa Clara County Airport Land Use Commission's Land Use Plan for Areas Surrounding Santa Clara County Airports. SNI: East Valley/680, West Evergreen, and KONA.

GP08-08-01/GPT08-08-01 - Council Districts 5, 7, and 8

*(Item continued on the next page)*

## 10. GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

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### 10.1 Tentative approval of General Plan Consent Calendar items (Cont'd.)

**Recommendation:**

- (c) [Text Amendment to incorporate the US-101/Oakland/Mabury Transportation Development Policy.](#)

Tentative approval of a General Plan text amendment request to change the *San José 2020 General Plan* to incorporate the US-101/Oakland/Mabury Transportation Development Policy as adopted by City Council Resolution No. 74195. (City of San José Staff, Applicant). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).  
CEQA: Resolution No. 74195.1 SNI: 13th Street.  
GP08-T-04 – Districts 3 and 4

**END OF GENERAL PLAN HEARINGS ON CONSENT CALENDAR**

## 10. GENERAL PLAN PUBLIC HEARINGS

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### 10.2 Continuance of all General Plan amendment actions.

**Recommendation:** Continue all General Plan amendment actions to May 6, 2008.  
(Planning, Building and Code Enforcement)

# 11. PUBLIC HEARINGS ON CONSENT CALENDAR

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(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.

### Recommendations:

- (a) Consideration of an ordinance rezoning the real property located at/on the north side of Michigan Avenue approximately 350 feet easterly of North 1<sup>st</sup> Street from CN Commercial Neighborhood Zoning District to A(PD) Planned Development Zoning District to allow up to 6 single-family detached residences on a 0.69 gross acre site (Schulman, Bennie and Linda S, Owners). CEQA: Mitigated Negative Declaration.  
PDC06-018 - District 4  
**RECOMMEND CONTINUANCE TO 6/3/08 PER ADMINISTRATION**
  
- (b) [Consideration of a director initiated ordinance rezoning the real property](#) located on the east side of White Road, approximately 400 feet northerly of McKee Avenue (370 North White Road) from County to R-1-8 Single Family Residence Zoning District to allow residential uses on a 0.31 gross acre site (Bruno Zulpo, Owner). Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. CEQA: Resolution No. 65459.  
C08-013 – District 5
  
- (c) [Consideration of an ordinance rezoning the real property](#) located on the southeast corner of Race Street and Garland Avenue (78 Race Street) from CN Commercial Neighborhood Zoning district to CP Commercial Pedestrian Zoning District to allow commercial uses on a 0.38 gross acre site (Farhang Soltanzad and Fahry Najmi Trustee, Owner). Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. CEQA: Resolution No. 65459.  
C08-011 – District 6

*(Item continued on the next page)*

# 11. PUBLIC HEARINGS ON CONSENT CALENDAR

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## 11.1 Public Hearings on Consent Calendar (Cont'd.)

### Recommendations:

- \* (d) [Consideration of an ordinance rezoning the real property](#) located on the southeast corner of Stevens Creek and South Winchester Boulevard (Santana Row) from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to (1) modify perimeter setbacks and (2) change allowed uses, including the elimination of previously entitled 22,500 square feet of retail uses, a 190 room hotel and 229 residential dwelling units. This proposal would allow the addition of 160,000 square feet of office/commercial uses on a 40.78 gross acre site (FRIT San José Town & Country Village LLC, c/o Randy Paul, Developer). Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. CEQA: EIR Resolution No. 68210 and Addendum thereto.  
[PDC07-095](#) – District 6
- \* **RECOMMEND CONTINUANCE TO 4/29/08 IN THE AFTERNOON PER THE APPLICANT'S REQUEST**  
[Supplemental – Memo from the Director of Planning Attachment - Plans](#)
- (e) [Consideration of an ordinance rezoning the real property](#) located at/on the north side of Redmond Avenue, approximately 150 feet east of Moss Oak Way (11819 Redmond Avenue) from R-1-5(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow a second unit containing 1,034 square feet on a 0.56 gross acre site (Mancuso, Albert S and Clara L, Owners). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0). CEQA: Exempt.  
[PDC07-075](#) - District 10  
[Attachment 1 – Staff Report](#)  
[Attachment 2 – Mancuso Residential Plans](#)

**END OF PUBLIC HEARINGS ON CONSENT CALENDAR**

## 11. PUBLIC HEARINGS

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### 11.2 Rezoning real property located on the southeast corner of Yerba Buena Road and Highway 101.

**Recommendation:** Consideration of an ordinance rezoning the real property located at the southeast corner of Yerba Buena Road and Highway 101 (3800 Dove Hill Road) from the A(PD) Residential Zoning District to the A(PD) Residential Zoning District to allow 29 single-family detached residences on a 7.24 gross acre site (Joey and Frances Lo, Owners). CEQA: Incomplete.

PDC07-097 – District 8

(Continued from 3/18/08 – Item 11.4)

**DROP**

### 11.3 **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 from 4/8/08 – Item 11.7)

**RECOMMEND CONTINUANCE TO 5/6/08 PER ADMINISTRATION**

### 11.4 **Amending Part 12 of Chapter 20.100 of Title 20 of the San José Municipal Code to allow businesses that maintain a valid entertainment permit under Title 6.**

**Recommendation:** Consideration of an ordinance of the City of San José amending Part 12 of Chapter 20.100 of Title 20 of the San José Municipal Code to allow businesses that maintain a valid entertainment permit under Title 6 of the San José Municipal Code the ability to obtain a Sidewalk Café Permit to operate a sidewalk café in the downtown, to allow retail sales establishments the ability to operate a sidewalk café, and making other clarifying changes to said Part 12 of Chapter 20.100 (The Sidewalk Café Permitting Process) and to related definitions set forth in Chapter 20.200, all of Title 20 of the San José Municipal Code. CEQA: Exempt, File No. PP06-041. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (4-3-0). Citywide

**RECOMMEND CONTINUANCE TO 4/29/08 IN THE AFTERNOON**

# 11. PUBLIC HEARINGS

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## 11.5 [Rezoning real property located at/on the northeast corner of Baypointe Parkway and Tasman Drive.](#)

[Attachment – Memo from Councilmember Chu](#)

[Attachment – Transmittal Memo](#)

[Attachment – Baypointe Parkway Plan](#)

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

- \* **Recommendation:** Consideration of an ordinance rezoning the real property located at/on the northeast corner of Baypointe Parkway and Tasman Drive (166 Baypointe Parkway) from the IP – Industrial Park Zoning District to the A(PD) Planned Development Zoning District to allow up to 239 single-family attached residences and 6,000 square feet of commercial uses on a 2.86 gross acre site (William H and Leila A Cilker Trustee, Owner; Trammell Crow Residential, Developer). CEQA: EIR Resolution No. 72768 and Addendum thereto. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0). [PDC07-080](#) - District 4

- 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 pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9949	South side of Shenado Place, 500 feet East of Gerine Blossom Drive	2	Shenado Place, LLC	7 Lots / 6 Units	Single Family Detached	Approve

- Notice of City Engineer’s Award of Construction Projects

- Open Forum

- Adjournment

- \* This meeting will be adjourned in memory of “Mom” Mosley, a dedicated and loving foster parent to over 700 abused and neglected boys ages 9 to 17. (Campos)

## **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.