



CITY COUNCIL AGENDA

APRIL 22, 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

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**
9:01 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: Nguyen. (Excused)

1:30 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: Nguyen. (Excused)

7:01 p.m. - General Plan Hearings/Public Hearings, Council Chambers, City Hall
Absent Council Members: Nguyen. (Excused)
- **Invocation (District 4)**
Piedmont Hills High School Concert Choir sang “Cross the Wide Missouri”.
- **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 2.12 dropped.
- **Closed Session Report**
No Report.

1. CEREMONIAL ITEMS

- 1.1** Presentation of a proclamation declaring April 23, 2008 National Wear Denim to Work Day. (Campos/City Manager’s Office)
Mayor Reed, Council Member Campos and City Manager Debra Figone recognized April 23, 2008 as “National Wear Denim to Work Day” in the City of San José.

1. CEREMONIAL ITEMS

- 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)
Mayor Reed and Vice Mayor Cortese recognized and commended Pinn Brothers, Old Country Roofing, League for Homes and BP Solar for each being a significant part of and supporting energy for efficient homes and neighborhoods in the City of San José.
- 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 Gay Cava, Director of the San José State Toddler, and winner of the George Howard Award, Inclusion Collaborative of Santa Clara County. (Chirco)
(Rules Committee referral 4/16/08)
Heard in the evening.
Mayor Reed and Council Member Chirco recognized April 2008 as “Month of the Young Child” in the City of San José and commended the Outstanding Childcare Contributor awardees St Elizabeth’s Day Home and Gay Cava, Director of the San José State Toddler, and winner of the George Howard Award, Inclusion Collaborative of Santa Clara County.
- 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)
Mayor Reed and Vice Mayor Cortese recognized April 2008 as “National Volunteers Month” in the City of San José.
- 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)
Mayor Reed, Council Member Constant and the Office of Economic Development recognized and commended SmartUSA for their exemplary efforts to help grow the local economy and their innovation in helping to solve the climate and energy crises.
- 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)
(Rules Committee referral 4/16/08)
Heard in the evening.
Mayor Reed and Council Member Oliverio recognized and commended the San José Public Library Foundation for their exceptional contributions to the libraries across the City of San José.

1. CEREMONIAL ITEMS

- 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)
(Rules Committee referral 4/16/08)
Heard in the evening.
Mayor Reed and Council Member Pyle recognized and commended the Friends of the Los Alamitos Watershed for their volunteerism and commitment to maintaining the environmental health and cleanliness of the Los Alamitos Creek.

- 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)
Mayor Reed and Council Members Williams and Pyle recognized and commended the Coyote Valley Specific Plan Task Force for their perseverance and dedication for 5 years of service in developing a visioning plan for Coyote Valley.

2. CONSENT CALENDAR

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

- 2.2 **Final adoption of ordinances.**
Recommendation: Final adoption of ordinances.
 - (a) ORD NO. 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)
Ordinance No. 28285 adopted.

 - (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)
Ordinance No. 28286 adopted.

- 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)
Approved.

2. CONSENT CALENDAR

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 34th Street, “San Antonio Tot Lot”.
- (b) Name the new park located at Madden Avenue, east of Jackson Avenue, “Madden Park”.

(City Clerk)

Approved.

2.5 Fire Main Replacement Project at the 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)

Approved.

2.6 Actions related to security guard services at the 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)

Resolution No. 74328 adopted, with Staff directed to provide an information memorandum stating the normal starting salary rates for security services.

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)

Resolution No. 74329 adopted.

2. CONSENT CALENDAR

2.8 Agreement for an Integrated Computerized Maintenance Management System.

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)

Approved.

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)

Approved.

2.10 Adoption of a resolution authorizing 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)

Resolution No. 74330 adopted.

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.

Ordinance No. 28290 adopted.

Resolution No. 74331 adopted.

(Continued on the next page)

2. CONSENT CALENDAR

2.11 Fiscal actions for Redevelopment Agency Capital Projects (Cont'd.)

- (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)

Resolution No. 74332 adopted.

2.12 Council Member Nguyen's Travel Out of the Country.

Recommendation: Approval of travel by Council Member 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 International Exchange Program. Source of Funds: The American Council of Young Political Leaders. (Nguyen)

Dropped per Orders of the Day.

3. STRATEGIC SUPPORT SERVICES

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

City Manager Debra Figone reported out the City is providing several kinds of assistance programs to help make Villa Almendra more affordable to potential buyers. She provided an update on the foreclosure crisis and its local impacts, and added that César Chávez Fountain has been turned back on again.

3.2 Report of the Rules and Open Government Committee – April 9, 2008 Mayor Reed, Chair

The Rules and Open Government Committee Report and the Actions of April 9, 2008 were accepted.

3.3 Report of the Public Safety, Finance and Strategic Support Committee Council Member Nguyen, Chair

No Report.

3. STRATEGIC SUPPORT SERVICES

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
- (b) Report of the Rules and Open Government Committee of March 26, 2008
- (c) Report of the Special Meeting of the Rules and Open Government Committee of April 1, 2008
- (d) Report of the Rules and Open Government Committee of April 2, 2008

The Rules and Open Government Committee Reports and Actions of March 19, 2008, March 26, 2008, April 1, 2008 and April 2, 2008 were accepted.

3.5 S340 (Feinstein) and HR371 (Berman) – The AgJOBS Act of 2007.

Recommendation: Consider a position on S340 (Feinstein) and HR371 (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)

Position of support adopted.

Noes: Constant, Oliverio.

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.
- (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)

Position of oppose adopted, unless amended.

3. STRATEGIC SUPPORT SERVICES

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)

Position of support adopted, if amended, with Staff directed to return with updates.

Noes: Oliverio.

4. COMMUNITY & ECONOMIC DEVELOPMENT

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.
- (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)

Deferred to 4/29/08 per Administration.

4. COMMUNITY & ECONOMIC DEVELOPMENT

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

Recommendation: Acceptance of the summary of the April 14th 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)

The memorandum from Council Member Williams, dated April 22, 2008 was approved, and accepted the following:

- (1) Staff’s recommendations regarding Coyote Vision Plan.**
- (2) Recognizing that the Coyote Vision Plan is the completion of the tasks assigned to the Coyote Valley Specific Plan Task Force by the City Council.**
- (3) The memorandum from Mayor Reed and Council Members Pyle, Williams and Liccardo was accepted with the following clarifications:**
 - (a) Acknowledge and express appreciation to each of the Coyote Valley Specific Plan Task Force members for their contributions to preparing the “Coyote Valley Plan – A Vision for Sustainable Development” and for the commitment and active engagement in a complex land use planning exercise.**
 - (b) Acknowledge and thank each of the landowners that collectively formed the Coyote Housing Group for financing the 5 year planning effort.**
 - (c) Acknowledge and thank City staff and consultant team for their efforts to guide and assist with the preparation of a comprehensive plan for Coyote Valley.**
 - (d) Direct the General Plan Update 2040 Task Force to ensure that Coyote Valley is included in its citywide consideration of the jobs-housing holding capacity, with no change to the prerequisite conditions and to assume that North Coyote will be built out under the existing entitlements.**

Noes: Oliverio.

5. NEIGHBORHOOD SERVICES

5.1 Report of the Neighborhood Services and Education Committee – April 10, 2008 Council Member Chirco, Chair

The Neighborhood Services and Education Committee and the Actions of April 10, 2008 were accepted.

5. NEIGHBORHOOD SERVICES

5.2 Actions related to Community Center Reuse.

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.”

Resolution No. 74333 adopted, as amended, to amend the proposed Council Policy on “Free Use of Community Center Reuse Sites in Exchange for Services that Primarily Benefit San José Residents” (Attachment I to the Staff memorandum) on Page 3, Paragraph 1, to allow for a term of five years for any community center whose lease term is not restricted by Article XVII, Section 1700 of the City Charter.

- (b) Direction to staff to oversee review and negotiation of Community Center Reuse property agreements.

Approved.

- (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)]

Report Accepted.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Transportation and Environment Committee – April 7, 2008 Council Member Williams, Chair

The Transportation and Environment Committee Report and the Actions of April 7, 2008 were accepted.

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Actions related to the Switchgear Project at the 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)

Approved.

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)]

Resolution No. 74334 adopted.

7.3 Status report on Santa Clara Valley Habitat Conservation Plan.

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)]

Status Report Accepted.

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

9.1 Consideration of the Recommendations of the North San José Neighborhoods Planning Task Force.

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 Task Force.
- (b) Accept the Schools Report, Parks and Recreation Report, Retail Report and maps presented to the North San José Neighborhoods Planning Task Force.
- (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 Task Force.

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

Heard in the evening.

- (1) **The memorandum from Mayor Reed and Council Member Chu, dated April 18, 2008, was approved with the following clarifications and amendments:**
 - (a) **Acceptance of the Final Guiding Principles and the background reports on schools, parks and retail, constitutes an acknowledgement of the work efforts and outstanding contributions of the North San José Neighborhoods Planning Task Force and that of City and Redevelopment staff, consultant teams and executives of local schools and other agencies over the past eight months. The Guiding Principles are a valued set of recommendations that will advise and support staff efforts in the preparation of an Implementation Strategy to implement the North San José Vision 2030 Development Policy.**
 - (b) **Staff directed to return to City Council within four months with a Draft North San José Implementation Strategy. The North San José Urban Design Guidelines, Grid Street Master Plan, the Guiding Principles and with other staff work program efforts pertinent to implementing Council Policy directives in North San José should be considered in the Implementation Strategy. Once adopted by City Council, the Implementation Strategy shall set the ground rules for implementation of the North San José Development Policy.**
 - (c) **Staff should reconvene the North San José Neighborhoods Planning Task Force to get their comments on the Draft North San José Implementation Strategy.**
 - (d) ***Note: Item (d) was deleted per Council Member Chu and accepted by Council Member Liccardo.**
 - (e) **Modify the Parks Plan to more clearly present the large swaths of land identified for community parks as opportunity sites, where all portions of the land instead of the entire site would be designated to satisfy the 35 acre total community park requirement.**

(Continued on the next page)

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

9.1 Consideration of the Recommendations of the North San José Neighborhoods Planning Task Force (Cont'd.)

- (1) (f) **Staff should actively and creatively pursue financing parks operation and related costs in the long term for sources other than the General Fund. Exploring opportunities for private developer and HOA funding will be a valuable exercise.**
- (g) **Until such time as the Implementation Strategy is adopted, Staff to continue to process development applications consistent with the North San José Policy and in the spirit in which the guiding principles were established. Silicon Valley is in constant change. The goal must be to ensure the economic viability of San José's premier employment center and to establish a successful new residential living environment supported by parks, schools and other public facilities. Processing certainty is a key element to site selection decision making by investors and the development community. It is critical in present market conditions to provide flexibility in the development process and not preclude investment in North San José by creating uncertainty. The Urban Design Guidelines and Grid Street Master Plan must be supportive and consistent with the economic development goals and must not become rigid rules that discourage major investments.**
- (2) **The memorandum from Council Member Liccardo, dated April 18, 2008, was approved, and the North San José Neighborhoods Planning Task Force recommendations were accepted.**

- **Open Forum**

- (1) **Mark Trout expressed religious viewpoints.**

- **Adjournment**

The Council of the City of San José adjourned the afternoon session at 5:10 p.m.

10. GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

10.1 Tentative approval of General Plan Consent Calendar items.

Recommendations:

- (a) **Amendment and Text Amendment to upgrade Coleman Avenue to Major Arterial 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
The Staff/Planning recommendation was tentatively approved.
- (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
Staff/Planning recommendation was tentatively approved.
- (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
Staff/Planning recommendation was tentatively approved.

END OF GENERAL PLAN HEARINGS ON CONSENT CALENDAR

10. GENERAL PLAN PUBLIC HEARINGS

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)
Continued to 5/6/08.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

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 1st 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
Continued 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
Ordinance No. 28291 passed for publication.
- (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
Ordinance No. 28292 passed for publication.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

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

- (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

Continued to 4/29/08 in the afternoon per the Applicant's request.

- (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

Ordinance No. 28293 passed for publication.

END OF PUBLIC HEARINGS ON CONSENT CALENDAR

11. PUBLIC HEARINGS

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)

Dropped.

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)

Continued 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

Continued to 4/29/08 in the afternoon.

11. PUBLIC HEARINGS

11.5 Rezoning real property located at/on the northeast corner of Baypointe Parkway and Tasman Drive.

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

Ordinance No. 28294 passed for publication.

The memorandum from Council Member Chu, was approved with the following conditions:

- (1) **City and Agency directed to begin negotiations with the property owners of 191 Baypointe Parkway to acquire the 3 acre site for parkland.**
- (2) **Developer directed to implement green building techniques to achieve credits sufficient for a LEED Silver or equivalent standard.**
- (3) **Developer directed to work with the City and its HeartSafe City Initiative to assess the feasibility of the installation of external defibrillators as a special feature of the residential development.**

Noes: Constant, 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 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	S/S Shenado Pl, 500’ E Gerine Blossom Dr	2	Shenado Place, LLC	7 Lots / 6 Units	SFD	Approve

- **Notice of City Engineer’s Award of Construction Projects**
None.

- **Open Forum**
There were none presented.

- **Adjournment**
The Council of the City of San José adjourned at 8:51 p.m. in memory of “Mom” Mosley, a dedicated and loving foster parent to over 700 abused and neglected boys ages 9 to 17.

8. JOINT REDEVELOPMENT AGENCY ITEM

The Joint Redevelopment Agency Board convened at 5:19 p.m. to consider Item 8.1 in a Joint Session.

8.1 Approval of actions related to the East Santa Clara and Lincoln Avenue Tree Planting Project.

Recommendations:

(a) Adoption of a resolution by the City Council making certain determinations required by Redevelopment Law, Health and Safety Code Section 33445, for Agency funding of streetscape work in the East Santa Clara Street Redevelopment Project Area.

Resolution No. 74355 adopted.

(b) Adoption of resolutions by the Redevelopment Agency Board:
(1) Making certain determinations required by Redevelopment Law, Health and Safety Code Section 33445, for Agency funding of streetscape work on Lincoln Avenue in the Strong Neighborhoods Initiative (SNI) Redevelopment Project Area and primarily benefiting the Greater Gardner and Burbank/Del Monte neighborhoods of the SNI Redevelopment Project Area; and,

Redevelopment Agency Resolution No. 5821 adopted.

(2) Awarding a contract to TruGreen LandCare, Inc., the low bidder in the amount of \$59,080 and establishing a contingency in the amount of \$6,000, for a total contract amount not to exceed \$65,080 for the East Santa Clara and Lincoln Avenue Tree Planting Project.

CEQA: Exempt, File No. PP08-035. [SNI]

Redevelopment Agency Resolution No. 5822 adopted.

The Council of the City of San José and Redevelopment Agency Board was adjourned at 5:20 p.m.