



CITY COUNCIL AGENDA

MAY 16, 2006

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ, VICE MAYOR
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
MADISON P. NGUYEN
DAVID D. CORTESE
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Community & Economic Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Neighborhood Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation & Aviation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

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

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

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.asp

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

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

- **Call to Order and Roll Call**
9:00 a.m. - Closed Session, City Hall Tower, 18th Floor, City Hall
Absent – Council Members: None.

1:34 p.m. - Regular Session, Council Chambers, City Hall
Absent – Council Members: None.

7:03 p.m. - Public Hearings, Council Chambers, City Hall
Absent – Council Members: None.
- **Invocation (District 5)**
Pala Middle School Band performed a song entitled, “Panther in the Sky”.
- **Pledge of Allegiance**
Mayor Gonzales led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved.

1. CEREMONIAL ITEMS

- 1.1** Presentation of a commendation to the Evergreen Visioning Project Task Force for their exemplary dedication and invaluable contributions to the San José economy.
(Cortese/Mayor)
(Deferred from 4/18/06 – 1.4)
HEARD IN THE EVENING
Mayor Gonzales and Council Member Cortese presented a commendation to Vickie Lang, Sherry Gilmore, Vince Sokyam, Allan Covington, Teyun Zang, Dan Gould, Gordon Lund, Ike White, Cindy Shisler, Mike Alvarado, Jose Arayanda, and Dave Zang of the Evergreen Visioning Project Task Force for their exemplary dedication and invaluable contribution to the San José economy.

1. CEREMONIAL ITEMS

- 1.2 Presentation of a Proclamation designating the Week of May 14-20, 2006, as Emergency Medical Services Week. (Fire)
Mayor Gonzales presented a proclamation to Fire Chief Jeff Clet designating the Week of May 14-20, 2006, as Emergency Medical Services Week.
- 1.3 Presentation of a commendation recognizing the City of San José as a recipient of the Partners for Livable Communities Entrepreneurial American Leadership Award. (Housing)
Mayor Gonzales presented a commendation to Director of Housing Leslye Krutko recognizing the City of San José as a recipient of the Partners for Livable Communities Entrepreneurial American Leadership Award.
- 1.4 Presentation of a commendation recognizing the Affordable Housing Network. (Housing)
Mayor Gonzales and Director of Housing Leslye Krutko presented a commendation to to Sal and Billie Wachter and Phyllis Ward recognizing the Affordable Housing Network.
- 1.5 Presentation of a commendation recognizing the Housing Action Coalition. (Housing)
Mayor Gonzales and Director of Housing Leslye Krutko presented a commendation recognizing the Housing Action Coalition.
- 1.6 Presentation of a Proclamation designating May as National Historic Preservation Month. (Planning, Building and Code Enforcement)
Mayor Gonzales and Council Member LeZotte were joined by Interim Director of Planning, Building and Code Enforcement Joe Horwedel to present a proclamation to Al Janke designating May as National Historic Preservation Month. (Planning, Building and Code Enforcement)
- 1.7 Presentation of a commendation to the Banyan Tree Project for its efforts to end HIV/AIDS discrimination and stigma in Asian and Pacific Islander (API) communities on the occasion of National API HIV/AIDS Awareness Day. (Yeager)
Council Member Yeager and Mayor Gonzales presented a commendation to Michelle Lu and Ann Ng of the Banyan Tree Project for its efforts to end HIV/AIDS discrimination and stigma in Asian and Pacific Islander (API) communities on the occasion of National API HIV/AIDS Awareness Day.
- 1.8 Presentation of a commendation to Asian Americans for Community Involvement (AACI) for their commitment to social services and community building on the occasion of their 33rd Annual Banquet and Community Star Awards. (Chavez/Campos)
Vice Mayor Chavez, Council Member Campos, and Mayor Gonzales presented a commendation to Michelle Lu of the Asian Americans for Community Involvement (AACI) for their commitment to social services and community building on the occasion of their 33rd Annual Banquet and Community Star Awards.

1. CEREMONIAL ITEMS

- 1.9 Presentation of commendations to Justin Nam and Derek Esteban for earning the YMCA’s Teen Volunteer of the Year Award for serving their communities through their exceptional work as YMCA volunteers. (LeZotte)
HEARD IN THE EVENING
Mayor Gonzales and Council Member LeZotte presented commendations to Justin Nam and Derek Esteban for earning the YMCA’s Teen Volunteer of the Year Award for serving their communities through their exceptional work as YMCA volunteers.
- 1.10 Presentation of a commendation to D.M. Bagby Elementary School honoring its achievement in becoming a California Distinguished School and recognizing the school’s years of enriching the lives of the children of San José. (Yeager/Chirco)
HEARD IN THE EVENING
Council Member Yeager, Council Member Chirco, and Mayor Gonzales presented a commendation to D.M. Bagby Elementary School honoring its achievements in becoming a California Distinguished School and recognizing the school’s years of enriching the lives of the children of San José.
- 1.11 Presentation of a commendation to the District 7 Youth Advisory Council for their exemplary service and commitment to making District 7 a better place to live. (Nguyen)
HEARD IN THE EVENING
Council Member Nguyen and Mayor Gonzales presented a commendation to the District 7 Youth Advisory Council for their exemplary service and commitment to making District 7 a better place to live.
- 1.12 Presentation of a commendation to Gabriel Diaz for his commitment and dedicated service to the Kennedy Neighborhood Association. (Nguyen)
HEARD IN THE EVENING
Mayor Gonzales and Council Member Nguyen presented a commendation to Gabriel Diaz for his commitment and dedicated service to the Kennedy Neighborhood Association.
- 1.13 Presentation of a commendation to Los Lagos Golf Course and CourseCo Inc. for their dedication and commitment to maintaining Los Lagos Golf Course and keeping it an eco-friendly place. (Nguyen)
HEARD IN THE EVENING
Dropped.
- 1.14 Presentation of a commendation to the “Helping Hands, Healing Hearts Collaborative” for their aid in the Katrina Disaster recovery efforts, their devotion to fostering community through volunteerism and for strengthening the spirit of giving in San José and the Silicon Valley community at large. (Chavez)
(Rules in Lieu referral 5/10/06)
TO BE HEARD IN THE EVENING
Deferred to 5/23/06.

1. CEREMONIAL ITEMS

- 1.15 Presentation of a commendation to the ROEM Corporation for their work to establish thriving communities such as Monte Vista Gardens. (Campos)
(Rules in Lieu referral 5/10/06)

HEARD IN THE EVENING

Mayor Gonzales and Council Member Campos presented a commendation to the ROEM Corporation for their work to establish thriving communities such as Monte Vista Gardens.

- 1.16 Presentation of a commendation to Los Bomberos National, on the occasion of the National Association of Hispanic Firefighters 11th Annual International Training Conference held in San José. (Campos/Nguyen)
(Rules in Lieu referral 5/10/06)

Council Member Campos, Council Member Nguyen, and Mayor Gonzales presented a commendation to Los Bomberos National, on the occasion of the National Association of Hispanic Firefighters 11th Annual International Training Conference held in San José.

- 1.17 Presentation of a commendation to the Loyal Order of Moose, Lodge 401 for its dedication to community service in San José. (Cortese)
(Rules in Lieu referral 5/10/06)

HEARD IN THE EVENING

Council Member Cortese and Mayor Gonzales presented a commendation to the Loyal Order of Moose, Lodge 401 for its dedication to community service in San José.

- 1.18 Presentation of a commendation recognizing the employees of Kaiser Permanente San José for volunteering in San José's Guadalupe River Park & Gardens planting trees, painting a building and fence posts and assembling material for children's environmental education programs. (Chavez/Williams)
(Rules in Lieu referral 5/10/06)

Vice Mayor Chavez, Council Member Williams, and Mayor Gonzales presented a commendation recognizing the employees of Kaiser Permanente San José for volunteering in San José's Guadalupe River Park & Gardens planting trees, painting a building and fence posts and assembling material for children's environmental education programs.

- 1.19 Presentation of a commendation recognizing the "D9 Stars", Nancy Edwards, Amy Huddlestun, David Littau, Chris Perry and Anthony Sadillo. (Chirco)
(Orders of the Day)

HEARD IN THE EVENING

Mayor Gonzales and Council Member Chirco presented a commendation recognizing the "D9 Stars", Nancy Edwards, Amy Huddlestun, David Littau, Chris Perry, and Anthony Sadillo.

2. CONSENT CALENDAR

2.1 Approval of Minutes.

None.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinance:

- (a) ORD. NO. 27708 – Amends Section 9.10.1210 of Chapter 9.10 of Title 9 of the San José Municipal Code to revise the provisions relating to late charges for delinquent bills for residential solid waste collection services.
Ordinance No. 27708 adopted.
- (b) ORD. NO. 27709 – Amends Chapter 15.08 of Title 15 of the San José Municipal Code to add a new section 15.08.330 to require timely payment of bills for Municipal Water Service; to authorize the Director of Finance to cancel late charges on delinquent Municipal Water bills, up to any amount, where the customer can demonstrate that he or she did not receive a bill, or the bill is erroneous, provided the cancellation request is made within ninety (90) days of receiving notice of the late charge; and to authorize the Director of Finance to cancel late charges imposed on Municipal Water bills under specified circumstances.
Ordinance No. 27709 adopted.
- (c) ORD. NO. 27711 – Amends Sections 3.36.1200, 3.36.1210, 3.36.1230, and 3.36.1240 of Chapter 3.36 of Title 3 of the San José Municipal Code to revise the definition of surviving child in the Police and Fire Department Retirement Plan effective April 15, 2006 to delete the requirement a child be conceived or adopted prior to retirement.
Ordinance No. 27711 adopted.
- (d) ORD. NO. 27712 – Amends Chapter 3.36 and Chapter 3.44 of Title 3 of the San José Municipal Code to implement State Law regarding benefits for registered domestic partners.
Ordinance No. 27712 adopted.
- (e) ORD. NO. 27713 – Rezones certain real property situated at the northwest corner of Lucretia Avenue and Phelan Avenue (1785 Lucretia Avenue) to A(PD) Planned Development Zoning District.
Ordinance No. 27713 adopted.
- (f) ORD. NO. 27714 – Rezones certain real property situated at the west side of Bundy Avenue, approximately 65 feet northerly of Adra Avenue (433 Bundy Avenue), to A(PD) Planned Development Zoning District.
Ordinance No. 27714 adopted.

(Item continued on next page.)

2. CONSENT CALENDAR

- (g) ORD. NO. 27715 – Rezones certain real property situated on the south side of Rock Avenue, approximately 800 feet westerly of Oakland Avenue to A(PD) Planned Development Zoning District.
Deferred Item 2.2(G) to 5/23/06.
- (h) ORD. NO. 27716 – Rezones certain real property situated on the west side of San Felipe Road, approximately 300 feet south of Yerba Buena Road to A(PD) Planned Development Zoning District.
Ordinance No. 27716 adopted.
- (i) ORD. NO. 27717 – Amends section 20.120.100 of Chapter 20.120 of Title 20 of the San José Municipal Code to allow the Director of Planning, Building, and Code Enforcement to make a determination as to whether to take Director-Initiated Conforming Rezoning directly to the City Council without Planning Commission recommendation.
Ordinance No. 27717 adopted.
- (j) ORD. NO. 27723 – Amending Section 4.46.039.5 of Chapter 4.6, Section 4.47.092 of Chapter 4.47, Section 4.54.038 of Chapter 4.54, and Section 4.64.035 of Chapter 4.64 of Title 4 of the San José Municipal Code, to extend the suspension of collection of taxes imposed under such Chapters for new construction of housing for very low income households to June 30, 2011.
Ordinance No. 27723 adopted.

2.3 Approval of fiscal actions for the Geographic Information System.

Recommendation: Adoption of the following appropriation ordinance amendments in the General Fund:

- (a) Eliminate the Geographic Information Systems Reserve in the amount of \$184,725;
- (b) Increase the Citywide appropriation for Geographic Information System Integration by \$184,725.

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

Ordinance No. 27752 adopted.

2. CONSENT CALENDAR

2.4 Approval of an ordinance extending the Small Business Construction Tax Suspension Incentive.

Recommendation: Approval of an ordinance amending Section 4.46.039.4 of Chapter 4.46, Section 4.47.093 of Chapter 4.47, and Section 4.54.039.6 of Chapter 4.54 of Title 4 of the San José Municipal Code, to extend the period 18 months to November 30, 2007, during which the City suspends the collection of fifty percent of the Building and Structure Construction Tax, the Commercial-Residential-Mobilehome Park Building Tax, and the Construction Tax for construction of small business improvements, either as new construction or tenant improvements, of 3,000 square feet or less by new or existing small businesses. CEQA: Not a Project. (City Manager's Office/Planning, Building and Code Enforcement)

Ordinance No. 27753 passed for publication.

2.5 Approval to award open purchase orders for FY 2005-2006 #15 and #16.

Recommendation:

(a) Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2005-2006 #15, and authorization for the Director of Finance to execute the purchase orders. CEQA: See memo for determinations.

Deferred Item 2.5(a) to 5/23/06.

(b) Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2005-2006 #16, and authorization for the Director of Finance to execute the purchase orders. CEQA: See memo for determinations.

(Finance)

Approved.

2.6 Approval of an agreement for uniform rental and laundry services.

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

(a) Execute a Uniform and Laundry Service Agreement with Ameri Pride Uniform Services for a one-year agreement from May 16, 2006 through May 15, 2007 not to exceed \$200,000.

(b) Exercise four additional one-year options to renew without further Council action other than the appropriation of funds.

(c) Issue Purchase Orders for various departments in an amount not to exceed the agreement amount effective July 1, 2006 subject to appropriation of funds for Fiscal Year 2006-2007.

CEQA: Not a Project. (Finance)

Resolution No. 73168 adopted.

2. CONSENT CALENDAR

2.7 Approval of report on bids for computers.

Recommendation:

- (a) Report on bids and award the purchase of 750 computers (PCs), monitors, peripherals and extended maintenance to the lowest responsive bidder, ComputerLand of Silicon Valley (San José, CA), in the amount of \$782,301.95:
Approved.
- (b) Adoption of a resolution authorizing the Director of Finance to:
- (1) Execute an Agreement for the purchase of PCs for an initial one year term, including the initial purchase of 750 PCs, and
 - (2) Purchase additional quantities of computers and related items on an as-required basis at the same unit pricing without further Council action other than the appropriation of funding, and
 - (3) Exercise two additional one-year options to renew without further Council action other than the appropriation of funds.

CEQA: Not a Project. (Finance)

Resolution No. 73169 adopted.

2.8 Approval of the Annual Review of the City's Investment Policy.

Recommendation: Adoption of a resolution approving the annual review of the City of San José Investment Policy and certain changes thereto regarding eligible investment, the composition of the Investment Committee, allowing authorized designees to execute agreements consistent with the Investment Policy, and name changes to the Primary Dealer List. CEQA: Not a Project. (Finance)

Resolution No. 73170 adopted.

2.9 Approval to set a Public Hearing regarding territory designated as McKee No. 130.

Recommendation: Adoption of a resolution initiating proceedings and setting June 6, 2006, at 1:30 p.m. for Council consideration on the reorganization of territory designated as McKee No. 130 which involves the annexation to the City of San José of 10.88 acres of land more or less, located at the southwest corner of Capitol Avenue and Mabury Road and adjacent to the City of San José annexation McKee Nos. 122, 78-A, 80, 115, 84, and 97 and the detachment of the same from Central Fire Protection, and Area No. 01 (Library Service) County Service Districts. CEQA: Mitigated Negative Declaration (File No. PDC05-060). Council District 4. (Planning, Building and Code Enforcement)

Resolution No. 73171 adopted.

2. CONSENT CALENDAR

2.10 Approval to set a Public Hearing for an Underground Utility District along the Market Almaden District.

Recommendation: Adoption of a resolution to consider the establishment of a Rule 20A Underground Utility District along Balbach Street from Almaden Boulevard to South Market Street, West William Street from the westerly end of the street to S. Market Street, Pierce Avenue and West Reed Street from Almaden Avenue to South Market Street and Almaden Avenue from Viola Street to West Reed Street, and setting a public hearing on June 13, 2006, at 1:30 p.m. CEQA: Exempt, PP06-050. Council District 3. (Public Works)

Resolution No. 73172 adopted.

2.11 Approval of master agreements for various City projects from Public Works.

Recommendation: Approval of three, two-year consultant master agreements with the following firms for various City projects:

- (a) Kitchell CEM for a variety of program, project and construction management services to supplement in-house resources for a term of two years following the date of full execution, for a total agreement amount not to exceed \$350,000.
- (b) Gilbane Building Company for a variety of program, project and construction management services to supplement in-house resources for a term of two years following the date of full execution, for a total agreement amount not to exceed \$350,000.
- (c) URS Corporation for a variety of program, project and construction management services to supplement in-house resources for a term of two years following the date of full execution, for a total agreement amount not to exceed \$250,000.

CEQA: Exempt. Not a Project. (Public Works)

Dropped.

2.12 Approval of an amendment to the master agreement for various City trail projects.

Recommendation: Approval of the first amendment to the master agreement with CH2M HILL, Inc. for planning, design and construction support services supporting various City trail projects, increasing the total compensation by \$294,219, from \$849,781 for a total not to exceed agreement amount of \$1,144,000. CEQA: Not a Project. SNI: Washington, Gardner. (Public Works/Parks, Recreation and Neighborhood Services)

Approved.

2. CONSENT CALENDAR

2.13 Approval of the Tech Museum Parking Validation Program.

Recommendation: Adoption of a resolution to repeal Resolution No. 73041 and adopt a new Master Parking Rate Schedule with the following additions:

- (a) Include the Convention Center Garage in the Tech Museum Parking Validation Program;
- (b) Establish an incremental parking rate up to a maximum of \$5.00 with a Tech Museum Parking Validation for the Convention Center and 2nd/San Carlos Garages.

CEQA: Not a Project. Council District 3. (Transportation)

Resolution No. 73173 adopted.

2.14 Approval to submit various pedestrian and bicycle projects for consideration of grant funding.

Recommendation: Adoption of a resolution approving the pedestrian and bicycle projects to be submitted for 2006-07 Transportation Development Act, Article 3 grant funding in an amount not to exceed \$745,833 and authorizing the City Manager to accept the grant, if awarded and to negotiate and execute grant documents. CEQA: Exempt, File No. PP06-073. (Transportation)

Resolution No. 73174 adopted.

Staff noted a correction to the memorandum dated April 26, 2006 for Exhibit A attachment, #5; changing Novia Scotia Avenue to Twilight Road.

2.15 Approval of Council Member Nguyen's Travel Out of State.

Recommendation: Approval of travel by Council Member Nguyen to Okinawa and Kyoto, Japan on July 5-15, 2006, to attend the Women in American Politics Program at Doshisha University to speak about the positions that they hold and their experiences in public policy. Source of Funds: Japan – U.S. Friendship Commission. (Nguyen) (Rules in Lieu referral 5/10/06)

Approved.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair None.

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – May 3, 2006

Vice Mayor Chavez, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
 - (b) City Council
 - (1) Review May 16, 2006 Draft Agenda
 - (a) Adds to the May 16, 2006 Draft Agenda
 - (2) Add New Items to May 9, 2006 Agenda
 - (a) Mayor and Councilmember Requests
 - (b) Council Appointee Requests
 - (3) List of Reports Outstanding
 - (c) Legislative Update
 - (1) State
 - (a) State Legislative Update – Redevelopment Bills
AB2922 (Jones) – Amended: Low and Moderate Income
Housing Fund: 35% set aside
SB1206 (Kehoe) – Redevelopment Reform
AB2197 (Devore) – Bill withdrawn
 - (b) State Housing Legislation
AB2638 (Laird) – Housing Trust Fund
AB2800 (Laird) – Housing Anti-Discrimination
SB1289 (Cedilo) – Emancipating Foster Youth
AB2961 (Nunez) – Homeless Assistance Payments
 - (c) Proposition 81: California Reading and Literacy Improvement and
Public Library Construction and Renovation Bond Act of 2006,
Proposition 82: Preschool Education, Tax on Incomes Over
\$400,000 for Individuals; \$800,000 for Couples.
 - (d) AB2435 (Coto) – Santa Clara Valley Water District
 - (e) SB1611 (Simitian) – Congestion Management Fees
 - (2) Federal
 - (d) Meeting Schedules
 - (1) Rules-in-Lieu Schedule for May 10th and May 17, 2006. (City Clerk)
 - (e) The Public Record
 - (f) Appointments to Boards, Commissions and Committees
 - (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Process for Denial of Proposed General Plan Amendments. (PBCE)
SEE ITEM 3.7 FOR COUNCIL ACTION TAKEN
 - (2) Approval of travel by Councilmember Nora Campos to attend the National
Association of Latino Elected Officials (NALEO) Annual Conference in
Dallas, Texas, June 21-25, 2006. (Campos)
 - (h) Open Forum
 - (i) Adjournment
- Deferred to 5/23/06.**

3.3 Report of the Making Government Work Better Committee Council Member Reed, Chair

None.

3. STRATEGIC SUPPORT SERVICES

3.4 Interview of one candidate for one vacancy on the Elections Commission.

Recommendation:

- (a) Interview April Lin Walsh.
- (b) Consider the appointment of Ms. Walsh to fill a vacancy on the Elections Commission, term ending March 1, 2007.
(City Clerk)

HEARD IN THE EVENING

April Lin Walsh was interviewed and appointed by Council to fill a vacancy on the Elections Commission, term ending March 1, 2007.

3.5 Initial Report of the Elections Commission regarding the Voter-Owned Campaign Concept.

Recommendation:

- (a) Accept the Initial Report and preliminary workplan and timeline;
The report was accepted.
- (b) Direct the City Manager to bring back an appropriation ordinance in 3 weeks to allocate \$50,000 to the Elections Commission for expenses relating to the work plan.
Approved.
- (c) Adoption of a resolution authorizing the City Attorney to negotiate and execute a contract with Alex Stuart, Esq. for consulting services, in an amount not to exceed \$40,000.

(Elections Commission/City Attorney/City Clerk/City Manager)

Resolution No. 73175 adopted.

Staff directed to ensure the Elections Commission is given the flexibility to hire needed staff to complete the work-at-hand as well as allow partnerships and support for the commission to conduct community outreach to meet diversity needs.

3.6 Public Hearing on the Proposed Operating and Capital Budgets for the Fiscal Year July 1, 2006 to June 30, 2007.

Recommendation: Public Hearing on the Proposed Operating and Capital Budgets for the Fiscal year July 1, 2006 to June 30, 2007, the proposed Five-Year Capital Improvement Program for 2007-2011, the proposed Fees and Charges Report for the Fiscal Year 2006-2007, and the Mayor's June Budget Message for Fiscal Year 2006-2007. (City Manager's Office)

TO BE HEARD IN THE EVENING

The Public Hearing was held.

3. STRATEGIC SUPPORT SERVICES

3.7 Acceptance of information report on denial of proposed General Plan amendments

Recommendation: Acceptance of information report on denial of proposed General Plan amendments (Planning, Building and Code Enforcement)

[Rules Committee referral 5/3/06 - Item 3.2(g)(1)]

Deferred to 5/23/06.

3.8 Report by City Liaisons on discussions with the City of San José and the County of Santa Clara.

Recommendation: Report by City Liaisons, Council Members Linda J. LeZotte and Ken Yeager, on their meeting and discussions with Supervisors Jim Beall and Don Gage, and a discussion by Council and the administration regarding mutual areas of interests to be discussed with the County. (LeZotte/Yeager)

(Deferred from 5/9/06 – Item 3.8)

The report was accepted.

3.9 Approval of fiscal actions related to Team San José year-end appropriations.

Recommendation: Adoption of the following appropriation ordinance amendments in the Convention and Cultural Affairs fund:

- (a) Increase Non-Personal appropriation by \$500,000;
- (b) Decrease the Unrestricted Fund Balance by \$500,000;
- (c) Decrease the Operating Contingency by \$187,229 for Fire Insurance;
- (d) Establish an appropriation for Insurance Expenses in the amount of \$187,229.

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

(Deferred 5/9/06 – Item 3.5)

Ordinance No. 27754 adopted.

Staff directed to:

- (1) **Ensure Team San José seek alternative options to cover maintenance costs, such as subsidizing a percentage of event fees at the Convention Center.**
- (2) **Provide Council with a listing of local City competitors/venues and strategies used to ensure San José remains a competing City venue for local and national events.**
- (3) **Return to Council for an evaluation of any future agreements with Team San José, especially with issues regarding the support and maintenance of the Convention Center.**
- (4) **Return to Council with an update on film showings at the California Theatre.**

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee

Council Member Chirco, Chair

None.

4.2 Report of the Driving a Strong Economy Committee

Council Member Williams, Chair

None.

5. NEIGHBORHOOD SERVICES

5.1 Report of the All Children Achieve Committee

Council Member Yeager, Chair

None.

5.2 Approval of actions related to illegal tree removal.

Recommendation:

- (a) Approval of an ordinance amending Sections 13.28.140 and 13.32.140 of Chapters 13.28 and 13.32 of Title 13 of the San José Municipal Code to increase the posting period for potential street tree removals from seven (7) to fourteen (14) days and to increase the potential maximum civil penalty for removal or destruction of heritage trees within a three year period from \$5,000 to \$30,000; and
- (b) Adoption of a resolution amending the Administrative Citation Schedule of Fines to increase the administrative fines for illegal removal of trees in San José as outlined in this report, and repealing Resolution No. 73004, to be effective July 7, 2006.

CEQA: Not a Project. (Transportation/Planning, Building and Code Enforcement)
(Deferred from 3/14/06 – Item 5.3 and 4/25/06 – Item 5.2)

Deferred to 5/23/06.

5. NEIGHBORHOOD SERVICES

5.3 Approval of the Facility Re-Use Request for Proposal (RFQ) qualifications.

Recommendation: Acceptance of report and discussion on the following:

- (a) Proposal to remove nine site from the approved re-use list:
 - Cambrian Community Center
 - (1) Capitol Park/Goss Neighborhood Center
 - (2) Hoffman/Via Monte Neighborhood Center
 - (3) Kirk Community Center
 - (4) Millbrook Community Center
 - (5) Moreland/West San José Community Center
 - (6) McKinley Neighborhood Center
 - (7) Noble House
 - (8) Willows Senior Center
- (b) Proposal to adopt a resolution authorizing the conversion of the following ten sites to open space or parkland:
 - (1) Backesto Neighborhood Center
 - (2) Bramhall Park Neighborhood Center
 - (3) Hamann Park Neighborhood Center
 - (4) Houge Park Neighborhood Center
 - (5) Lower Watson Park Community Center
 - (6) Upper Watson Park Neighborhood Center
 - (7) Rainbow Park Neighborhood Center
 - (8) San Tomas Neighborhood Center
 - (9) St. James Community Center
 - (10) Welch Park Neighborhood Center.
- (c) Proposal to adopt a resolution authorizing the conversion of River Glen Park Neighborhood Center to limited use for concession and storage space for an existing user under contract with the City.

(Item continued on the next page)

5. NEIGHBORHOOD SERVICES

5.3 Approval of the Facility Re-Use Request for Proposal (RFQ) qualifications (Cont'd.)

- (d) Proposal to adopt a resolution authorizing the Department of Parks, Recreation and Neighborhood Services to conduct a Facilities Re-Use Request for Qualifications (RFQ) process for fourteen sites as follows:
- (1) Ten sites in Fiscal Year 2006-2007:
 - (a) Alma Youth Center
 - (b) Alma Senior Center
 - (c) Edenvale Youth Center
 - (d) Fair Youth Center
 - (e) Joseph George Youth Center
 - (f) Old Alviso Community Center
 - (g) Old Berryessa Library
 - (h) Olinder Neighborhood Center
 - (i) Sherman Oaks Community Center
 - (j) Spot Youth Center
 - (2) Four sites in Fiscal Year 2007 2008:
 - (a) Hank Lopez Youth & Community Center
 - (b) Hillview Library
 - (c) Hoover Community Center
 - (d) Shirakawa Community Center
- (e) Proposal to remove Meadowfair Community Center from the re-use list and refer to the General Services Department for consideration as surplus property.
- CEQA: Exempt, File No. PP06-044. (Parks, Recreation and Neighborhood Services)
- Staff directed to return to Council on June 6, 2006 and under the City Manager's direction to remain within the parameters of taking a short and long view of the staff recommendation and to come back with a 6-month to one-year solution, containing the following guidelines:**
- (1) **Ensure funding to the use of buildings, if there should be any buildings, and what conditions should they be under.**
 - (2) **Give respect to any planning processes that are already under way by the City as well as community organizations and to ensure a safety evaluation is performed.**
 - (3) **Conduct a savings assessment based upon the programs previously agreed to.**
 - (4) **Not include a demolition list to ensure current stakeholders remain at the table.**
 - (5) **Review other related programs, such as the BEST program and to implement BEST practices for funding strategies and to continue with current and future projects with stakeholders and Community Based Organizations.**
 - (6) **Direction to staff to report back to Council with an update report on the Northside Community Center.**

5. NEIGHBORHOOD SERVICES

5.4 Approval of an agreement with the San José Unified School District.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute with San Jose Unified School District (SJUSD):

- (a) An Exchange Agreement providing for the exchanges of various property interests, with payment to SJUSD as just compensation in an amount not to exceed \$559,000 for transfers to the City; and
- (b) As part of the Exchange Agreement, a Joint Use Agreement providing for the joint and public use of a portion of City's Roosevelt Park for a softball field constructed by SJUSD, and of a portion of SJUSD property adjacent to the reconstructed Roosevelt Community Center for joint and public use of a parking lot, and containing 3 year renewable options; and
- (c) An Option Agreement providing the conditions under which SJUSD could exercise an option for restricted fee title for the Empire Gardens School Site, and the conditions under which City could exercise the option for restricted fee title to an expanded site for the Ellington Branch Library site; and
- (d) An Amendment to Lease for the Ellington Branch Library with the San José Unified School District to expand the site to approximately 0.90 acres, pending the exercise of the option for restricted fee title to the site; and
- (e) Authorizing the Director of Public Works to execute all other documents necessary to complete the exchanges.

CEQA: Ellington Branch Library, Exempt, File No. PP05-167, Roosevelt Park, Mitigated Negative Declaration, File No. PP03-397, Rajkovich Property, Exempt, File No, PP05-160, Empire Gardens School, Exempt, File No. PP04-029, Canoas Elementary School, Resolution No. 67894. Council Districts 2, 3, 6, and 10. (Public Works)
Deferred to 5/23/06.

6. TRANSPORTATION & AVIATION SERVICES

- 6.1 Report of the Building Better Transportation Committee – May 1, 2006**
Council Member Campos, Chair
MEETING CANCELLED

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

- **Closed Session Report**

None.

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

In accordance with Sec. 19.16.140d of the San Jose 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>
9789	Southeast corner of Fleming Avenue and Morrie Drive	5	Braddock & Logan III	12 Lots/ 12 Units	SFD	Approve

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9779	East side of Meridian Way, 30’ S of Paula Street	6	Joe Hasnain	1 Lot/8 Units	SFA
9781	N. Ninth Street at Jackson Street	3	Standard Pacific of Northern California	24 Lots/24 Units	SFA
9805	North side of Auzerais between Sunsol street and Los Gatos Creek	6	KB Homes South Bay	20 Lots/ 148 SFA/ 235 MFA	SF and MFA
9808	West side of Lincoln Avenue 230’ north of Pine	6	Willow Glen Homes	5 Lots/4 Units	SFD
9811	W/Terminus of Delmas and Dorothy Avenues	6	Stonebridge Development	8 Lots/7 Units	SFD
9814	Northeast corner of Almaden Avenue and Alma Avenue	3	Neighborhood Housing Associates	1 Lot/17 Units	MFA

- **Notice of City Engineer’s Award of Construction Projects**

None.

- **Open Forum—**
 - 1) **Bill Chew spoke on his candidacy for District 3.**
 - 2) **George Fokos expressed concerns regarding local school districts in California.**
 - 3) **Gary Briscoe expressed concerns regarding safety in East Side San José.**
 - 4) **Ken Boynton informed Council of a scheduled protest in San José and expressed concern of the lack of security for the event.**
 - 5) **Robert Apgar shared personal commentary.**
 - 6) **William Garbett expressed commentary regarding the downtown entertainment district.**
 - 7) **Mark Trout shared personal viewpoints.**
 - 8) **Ross Signorino spoke on code enforcement violations.**
 - 9) **Timothy Fitzgerald spoke on election financing.**
 - 10) **Frankie Robles spoke on community volunteerism.**

10. GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

None.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

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

11.1 Public Hearings on Consent Calendar.

- (a) Consideration of ordinances rezoning the real property located on the South side of Fleming Avenue, approximately 1,032 feet southeast of Alum Rock Avenue (139 and 145 Fleming Avenue) (San José The Lord's Baptist Church and Parmer Inderjit S. and Kathy L., Owners), as follows:

- (1) PDC05-061 – Planned Development Prezoning from Unincorporated County to the A (PD) Planned Development Zoning District to allow single-family detached residences on a 2.66 gross acres site.
- (2) C05-079 – Staff Initiated Prezoning from County to R-1-5 Residence Zoning District to allow single-family detached residential use on a 0.22 gross acres site.

Director of Planning, Building and Code Enforcement recommended approval. Planning Commission recommended deferral for 90 days (7-0-0). CEQA: Mitigated Negative Declaration.

PDC05-061/C05-079 - District 5

[Continued from 12/13/05 – Item 11.1(a), et al., and 4/18/06 – Item 11.1(a)]

Continued to 6/13/06.

11.2 Rezoning the real property located at the southeast corner of Southwest Expressway and Fruitdale Avenue.

Recommendation: Consideration of an ordinance rezoning the real property located at the southeast corner of Southwest Expressway and Fruitdale Avenue (John T. Vidovich, et al., Owner) from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to increase the number of attached residential units from 500 to 502, to eliminate 250,000 square feet of commercial (office and retail) to reduce the maximum amount of retail from 30,000 square feet to 29,225 square feet and to modify the development standards for a 12.7 acre site. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (7-0-0).

CEQA: Resolution No. 69886 and Addendum thereto.

PDC05-095 - District 6

(Continued from 4/4/06 – Item 11.7, et al., and 5/2/06 – Item 11.3)

Continued to 6/13/06.

11. PUBLIC HEARINGS

11.3 Rezoning the real property located at 1354 Saratoga Avenue.

Recommendation: Consideration of an ordinance rezoning the real property located on the east side of Saratoga Avenue, approximately 90 feet southerly of Colombo Drive (1354 Saratoga Avenue) (C. Plato, Owner) from R-1-5 Residential District to CO Commercial Office Zoning District on a 0.23 gross acre site. CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommended denial (5-1-0).

C05-107 - District 1

Rezoning denied.

11.4 Rezoning the real property located at 259 E. Taylor Street.

Recommendation: Consideration of an ordinance rezoning the real property located at the northeast corner of East Taylor Street and North Sixth Street (259 E. Taylor Street) (Todd W. and Maureen J. Zeman, Trustee and Et Al, Owner) from CN Commercial Neighborhood Zoning District to A(PD) Planned Development Zoning District to allow up to 4 single family attached residences and 1 single family detached residence on a 0.48 gross acre site. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (5-0-1). CEQA: Exempt.

PDC05-094 - District 3

Ordinance No. 27755 passed for publication.

Staff directed to ensure the developer returns to the proposed rezoning neighborhood for the Planned Development hearing.

11.5 Rezoning the real property located at 711 E. Gish Road.

Recommendation: Consideration of an ordinance rezoning the real property located on the north side of East Gish Road approximately 300 feet westerly of Oakland Road (711 E. Gish Road) (Emerald Isle, LLC, Owner) from HI Heavy Industrial Zoning District to A(PD) Planned Development Zoning District to allow private school uses (Challenger School) at a former public school facility on a 7.23 gross acre site. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (5-0-1).

PDC03-099 - District 4

Ordinance No. 27756 passed for publication.

11. PUBLIC HEARINGS

11.6 Ordinance amending Title 20 of the San José Municipal Code.

Recommendation: Consideration of an ordinance amending Title 20 of the San José Municipal Code, the Zoning Code, to allow additions to Non-Residential buildings of up to 5,000 square feet with a permit adjustment; to streamline permitting of temporary and stand-by generators in Non-Residential Districts; and to create a permitting process for wineries and breweries in Commercial Districts; Chapters of Title 20 to be amended include Chapters 20.40, 20.50, 20.70, 20.80, 20.90 and 20.100. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (6-0-0). CEQA: Exempt, PP06-049.
Citywide

Ordinance No. 27757 passed for publication.

- Open Forum

- Adjournment

The Council of the City of San Jose adjourned in memory of Lupe Aguirre, an educator and Vice Principal in the Alum Rock School District, who passed away on May 10, 2006.



**JOINT CITY OF SAN JOSÉ
CITY COUNCIL/FINANCING AUTHORITY
AGENDA**

3:42 P.M.

TUESDAY, MAY 16, 2006

CHAMBERS

- 1. Call to Order**
The Joint City of San Jose/Financing Authority meeting convened at 3:42 p.m.

- 2. Approval of actions related to the remaining funding for New City Hall and the remarketing and refunding of 2002 Civic Center Bonds.**

Recommendation:

- (a) (1) Approval of an expenditure plan for interest earnings on the Civic Center construction bond proceeds and for commercial paper notes related to City Hall construction and technology, furniture, equipment, and relocation (TFE & R) costs.

Approved.

Noes: Reed.

- (2) Adoption of the following appropriation ordinance amendments in the Civic Center Construction Fund:
 - (a) Decrease the Construction appropriation by \$1,500,000.
 - (b) Decrease the Reserve for Capital Improvements by \$7,183,317.
 - (c) Establish a City Hall Capital Enhancements appropriation to the Department of General Services in the amount of \$2,170,829.
 - (d) Establish a Transfer to the 2002 Bond Debt Service Fund (Fund 809) in the amount of \$2,170,829 to redeem a portion of the Series 2002D Bonds.
 - (e) Establish a Reserve for Neighborhood Capital Improvements Projects to the City Manager's Office in the amount of \$4,341,659.

Ordinance No. 27758 adopted.

Noes: Reed.

**JOINT CITY OF SAN JOSÉ
CITY COUNCIL/FINANCING AUTHORITY AGENDA**

2. Approval of actions related to the remaining funding for New City Hall and the remarketing and refunding of 2002 Civic Center Bonds (Cont'd.)

Recommendation:

- (a) (3) Adoption of the following appropriation ordinance and funding sources resolution amendments in the Civic Center Improvement Fund:
 - (a) Decrease the Earned Revenue by \$6,787,500 to reflect the lower amount of commercial paper that will be issued for the Technology, Furniture, and Equipment (15% savings).
 - (b) Decrease the Technology, Furniture, and Equipment appropriation in the amount of \$6,787,500.

Ordinance No. 27759 adopted.

Resolution No. 73176 adopted.

Noes: Reed.

- (b) Adoption of a resolution of the City Council:
 - (1) Approving, authorizing and directing execution of certain financing documents and directing certain related actions in connection with the issuance of the City of San José Financing Authority Lease Revenue Refunding Bonds, Series 2006A (Civic Center Project) in the not-to-exceed principal amount of \$62,000,000 (the "Series 2006 Bonds") to be sold through a competitive sale.
 - (2) Approving in substantially final form and authorizing the execution of the First Amendment to Project Lease, Preliminary Official Statement and Continuing Disclosure Certificate, and authorizing the City Manager or the City Manager's designee to execute and, as appropriate, to negotiate, and deliver these documents and other related financing documents and to take other actions as necessary in connection with the issuance of the Series 2006 Bonds.
 - (3) Approving in substantially final form and authorizing the execution and distribution of the Remarketing Memorandum in connection with the remarketing of the Series 2002C Bonds as variable rate bonds in a weekly interest rate mode and authorizing the City Manager or the City Manager's designee to take other actions as necessary in connection with the remarketing of the Series 2002C Bonds.

Resolution No. 73177 adopted.

**JOINT CITY OF SAN JOSÉ
CITY COUNCIL/FINANCING AUTHORITY AGENDA**

2. Approval of actions related to the remaining funding for New City Hall and the remarketing and refunding of 2002 Civic Center Bonds (Cont'd.)

Recommendation:

- (c) Adoption of a resolution of the City of San Jose Financing Authority:
- (1) Authorizing the issuance of City of San José Financing Authority Lease Revenue Refunding Bonds, Series 2006A (Civic Center Project) in the not-to-exceed principal amount of \$62,000,000 (the “Series 2006 Bonds”) to be sold through a competitive sale.
 - (2) Approving in substantially final form and authorizing the execution of the First Supplemental Indenture of Trust, First Amendment to Project Lease, First Amendment to Memorandum of Assignment, Preliminary Official Statement, Official Notice Inviting Bids and Notice of Intention to Sell Bonds, and authorizing the Executive Director or the Executive Director’s designee to execute and, as appropriate, to negotiate, and deliver these documents and other related financing documents and to take other actions as necessary in connection with the issuance of the Series 2006 Bonds.
 - (3) Approving in substantially final form and authorizing the execution and distribution of the Remarketing Memorandum in connection with the remarketing of the Series 2002C Bonds as variable rate bonds in a weekly interest rate mode and authorizing the Executive Director or the Executive Director’s designee to take other actions as necessary in connection with the remarketing of the Series 2002C Bonds.

CEQA: Resolution 68905, File No PP98-072. (General Services/Finance/City Manager's Office)

San José Financing Authority Resolution No. 73 adopted.

Staff directed to:

- (1) **Report back to Council on possible funding to allow the New City Hall to meet certification criteria under the LEEDS (Leadership in Energy and Environmental Design) Green Building Rating program.**
- (2) **Ensure street trees on Santa Clara Street are added to the list of amenities.**

**3. Adjourn the San José Financing Authority.
The City of San Jose/Financing Authority meeting adjourned at 4:30 p.m.**