

CITY COUNCIL AGENDA

MAY 22, 2007

SYNOPSIS

PETE CONSTANT
FORREST WILLIAMS
SAM LICCARDO
VACANT
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**
 - 9:30 a.m.** - Closed Session, Call to Order in Council Chambers
Absent Council Members: None.
Vacant: District 4.
 - 1:34 p.m.** - Regular Session, Council Chambers, City Hall
Absent Council Members: None.
Vacant: District 4.
 - 7:04 p.m.** - General Plan/Public Hearings, Council Chambers, City Hall
Absent Council Members: None.
Vacant: District 4.
- **Invocation (District 5)**

Students from the Horace Cureton Elementary School Role Model Program were present and two of the students Ruby Delgros and Mayoly Sandoval described their role models.
- **Pledge of Allegiance**

The Students from Horace Cureton, Guadalupe and Horace Mann Elementary Schools, accompanied by Mayor Reed, led the Pledge of Allegiance.
- **Orders of the Day**

The Orders of the Day and the Amended Agenda were approved, with Items 2.6, 3.1 and Item 5.2 deferred to 6/5/07.
- **Closed Session Report**

No Report.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to the Employee Recognition Team for their exemplary dedication and valuable contributions to the City organization. (City Manager's Office/ Mayor)
Mayor Reed and Chief Deputy City Manager Kay Winer recognized and commended the Employee Recognition Team for their outstanding dedication and important contributions to the City of San José.
- 1.2 Presentation of a commendation to Bob Gill for receiving the 2007 Asian Academy Hall of Distinction Award from the Board of Directors of the Asian Leaders Association. (Cortese)
Mayor Reed and Vice Mayor Cortese recognized and commended Mr. Bob Gill for receiving the 2007 Asian Academy Hall of Distinction Award from the Board of Directors of the Asian Leaders Association.
- 1.3 Presentation by PG&E of an Energy Efficiency Program Rebate check for \$64,080 to the City of San José for energy saving retrofits at the Yerba Buena Pump Station operated by the Municipal Water System. (Cortese)
A Representative of Pacific Gas and Electric Company presented an Energy Efficiency Program Rebate check for \$64,080 to Mayor Reed and the City of San José for energy saving retrofits at the Yerba Buena Pump Station operated by the Municipal Water System.
- 1.4 Presentation of a commendation to the San José Volunteer Income Tax Assistance (VITA) Volunteers for offering free tax help to people who cannot afford professional assistance for over thirty-eight years. (Cortese)
Heard in the evening.
Mayor Reed and Vice Mayor Cortese recognized and commended the San José Volunteer Income Tax Assistance Volunteers for offering free tax help to people who cannot afford professional assistance for over thirty-eight years.
- 1.5 Presentation of a proclamation declaring May 25, 2007 as National Missing Children's Day in San José. (Mayor/Fire)
(Rules Committee referral 5/9/07)
Mayor Reed and Fire Captain David Olmos recognized May 25, 2007 as "National Missing Children's Day" in the City of San José.
- 1.6 Presentation of a commendation recognizing Robert Corpus and the Stories of Service Program for working to increase the recognition of great heroes of our past. (Mayor)
(Rules Committee referral 5/9/07)
Heard in the evening.
Mayor Reed recognized and commended Mr. Robert Corpus and the Stories of Service Program for working to increase the recognition of great heroes of the past.

1. CEREMONIAL ITEMS

- 1.7 Presentation of a proclamation declaring May 20th through May 26th as National Public Works Week. (Public Works)
Reed and Director of Public Works Katy Allen recognized May 20, 2007 through May 26, 2007 as “National Public Works Week”.

Council Member Liccardo introduced the 4th Graders from Horace Mann Elementary School, who shared their drawings depicting their future vision of San José.

- 1.8 Presentation of a commendation to Barry Swenson for his exceptional contributions to the City and people of San José in the provision of market and affordable housing and the revival of San José historic landmark buildings. (Redevelopment Agency/Liccardo/Williams)

(Rules Committee referral 5/9/07)

Mayor Reed, Council Member Williams, and Redevelopment Agency Executive Director Harry S. Mavrogenes recognized and commended Mr. Barry Swenson for his outstanding contributions to the City of San José and its residents in the market, affordable housing and the revival of San José historic landmark buildings.

- 1.9 Swearing in ceremony for District 3 Youth Commissioner, Claudia Flores. (City Clerk)
(Rules Committee referral 5/16/07)

Heard in the evening.

Mayor Reed and Council Member Liccardo introduced Ms. Claudia Flores.

City Clerk Lee Price administered Oath of Office to Ms. Flores, the new District 3 Youth Commissioner.

2. CONSENT CALENDAR

- 2.1 Approval of Minutes.

There were none.

- 2.2 Readoption of ordinances.

Recommendation: Readoption of ordinances.

- (a) ORD. NO. 28007 – Amends Chapter 9.10 of Title 9 of the San José Municipal Code by amending Sections 9.10.1030, 9.10.1100, 9.10.2430, and 9.10.2440 to revise the provisions relating to contaminated recyclables carts, multi-family container set-outs, and the Construction and Demolition Debris Deposit Program.

Ordinance No. 28007 adopted.

2. CONSENT CALENDAR

2.2 Readoption of ordinances (Cont'd.)

- (b) ORD. NO. 28010 – Prezones certain real property situated at the west side of Spar Avenue, approximately 130 feet northerly of Olin Avenue to R-1-8 Single Family Zoning District. C06-114

Ordinance No. 28010 adopted.

- (c) ORD. NO. 28011 – Rezones certain real property located on the south side of E. Williams Street, 350 feet west of S 24th Street and situated in the LI Light Industrial Zoning District to A(PD) Planned Development Zoning District. PDC06-040

(Rules Committee referral 5/16/07)

Ordinance No. 28011 adopted.

2.3 Approval to amend the Airport Master Plan to modify east side non-terminal development projects.

Recommendation: Adoption of a resolution approving a Minor Amendment to the Airport Master Plan for the Norman Y. Mineta San José International Airport to modify the description of seven (7) specific east side non-terminal development projects. CEQA: Resolution Nos. 67380 and 71451, File No. PP07-078. (Airport)

Resolution No. 73767 adopted.

2.4 Approval of actions related to the Independent Hearing Panel appointed to consider solid waste enforcement matters.

Recommendation:

- (a) Adoption of a resolution amending Resolution No. 71488 to make the term of the three members of the Independent Hearing Panel to be consistent with State law, as amended.

Resolution No. 73768 adopted.

Staff directed to post to the website information about the panel and a list of the members.

- (b) Approval of the appointment of three members to the Independent Hearing Panel, consisting of a technical expert, a member of the public, and a member of the City Council.

CEQA: Not a Project. (City Attorney/Mayor)

Approved.

2.5 Acceptance of the Office of the City Auditor's Report.

Recommendation: Acceptance of the Office of the City Auditor's *Report of Activities for the Period March 16 through April 15, 2007*. (City Auditor)

(Rules Committee referral 5/9/07)

Report Accepted.

2. CONSENT CALENDAR

2.6 Approval to amend an agreement with FedEx Kinko's for copying services.

Recommendation: Adoption of a resolution authorizing the Director of Finance to execute the second amendment to the agreement with FedEx Kinko's Office and Print Services, Inc. extending the term of the agreement from May 30, 2007 to August 31, 2007 and increasing the cost for black and white and color impressions and setting the cost for other services at a 5% discount of published rates. CEQA: Not a Project. (Finance)

Deferred to 6/5/07 per Orders of the Day.

2.7 Approval to amend an agreement for City Hall Custodial Services.

Recommendation: Adoption of a resolution authorizing the Director of Finance to execute the first amendment to the agreement between the City of San José and Acme Building Maintenance for custodial services at City Hall for the contract period ending July 9, 2007, correcting the required insurance coverage and adding additional services requiring an increase in compensation by \$65,000 from \$ 635,000 to a not-to-exceed amount of \$700,000. CEQA: Not a Project. (Finance)

Resolution No. 73769 adopted.

2.8 Approval of an agreement for maintenance and repair for City Hall elevators.

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

- (a) Execute a service agreement for complete maintenance and repair of City Hall elevators and related equipment with Kone Inc. for a one year agreement for the term of May 22, 2007 through May 21, 2008, in an amount not to exceed \$150,000.
- (b) Exercise five additional one-year options to renew the agreement subject to appropriation of funds.

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

Resolution No. 73770 adopted.

2.9 Approval of an agreement for elevator and escalator maintenance services at the Airport.

Recommendation: Adoption of a resolution authorizing the Director of Finance to execute an amendment to the agreement with Schindler Elevator Corporation to extend the term of the agreement by two months retroactively from May 1, 2007 through June 30, 2007, increasing compensation by \$19,734 from \$381,047 to a not to exceed amount of \$400,781 for elevator and escalator maintenance services at the Norman Y. Mineta San José International Airport. CEQA: Not a Project. (Finance)

Resolution No. 73771 adopted.

2. CONSENT CALENDAR

2.10 Approval of actions related to the annexation of Winchester No. 40.

Recommendation: Adoption of a resolution ordering the reorganization of the territory designated as Winchester No. 40 which involves the annexation to the City of San José of 0.42 acres more or less of land located at the west side of Spar Avenue, approximately 130 feet northerly of Olin Avenue, and generally bounded by the City of San José Annexations Winchester No. 11, 33 and 38, and the detachment of the same from the appropriate special districts including Central Fire Protection, West Valley Sanitation, County Lighting Services and Area No. 01 (Library) County Service. CEQA: Resolution No. 65459, File No. C06-144. Council District 1. (Planning, Building and Code Enforcement)

Deferred to 6/5/07 per Administration.

2.11 Approval of an agreement for water facilities for the Joyce Ellington Branch Library Project.

Recommendation: Approval of an agreement with San José Water Company for installation of water facilities to serve the new Joyce Ellington Branch Library project and the multi-purpose facility of the adjacent Grant Elementary School, in the amount of \$226,067. CEQA: Exempt, File No. PP05-167. Council District 3. SNI: 13th Street. (Public Works)

Approved.

2.12 Request for an excused absence for Council Member Pyle.

Recommendation: Request for an excused absence for Council Member Pyle from the General Plan: Formal Initiation of the General Plan Update Study Session on May 3, 2007 due to Authorized City Business: Meeting of the Santa Clara County Emergency Preparedness Council. (Pyle)
(Rules Committee referral 5/9/07)

Approved.

2.13 Approval to endorse the extension of Caltrain service from Gilroy to Salinas.

Recommendation: Adoption of a resolution endorsing the extension of Caltrain service from Gilroy to Salinas. CEQA: Not a Project. (Transportation)

Resolution No. 73772 adopted.

2. CONSENT CALENDAR

2.14 Request for excused absences for Council Member Williams.

Recommendation: Request for an excused absence for Council Member Williams from the Budget Study Session: Neighborhood Services at 9:00 a.m. and late arrival for the Budget Study Session Public Safety at 11:00 a.m. on May 10, 2007 due to Authorized City Business: Attendance at the State Route 152-156 Improvement Project Groundbreaking at 8431 Pacheco Pass Highway (Highway 152), Hollister, CA. (Williams)

(Rules Committee referral 5/9/07)

Approved.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Rules and Open Government Committee – May 2, 2007

Mayor Reed, Chair

- (a) City Council
 - (1) Review New Add Items to May 8, 2007 Agenda
 - (2) Review May 15, 2007 Draft Agenda
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
 - (1) State
 - (2) Federal
- (d) Meeting Schedules
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Council Expenditures and Reimbursements. (City Clerk/City Attorney)
Continued from January 31, 2007
Deferred from April 25, 2007
 - (2) Mexican Heritage Corporation Audit Discussion
 - (a) Mexican Heritage Corporation – Supplemental Information. (City Auditor)
 - (b) Response to Mexican Heritage Corporation Audit Recommendations. (City Manager)
- (h) Review of Council Committee Agendas
 - (1) Community and Economic Development Committee
 - (2) Neighborhood Services and Education Committee
 - (3) Transportation and Environment Committee
 - (4) Public Safety, Finance and Strategic Support Committee

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Rules and Open Government Committee – May 2, 2007 (Cont'd.) Mayor Reed, Chair

- (i) Open Government Initiatives
 - (1) Reed Reforms
 - (a) Acceptance of the proposed curriculum for a Council Assistant Certification Program per Reed Reform #25, as amended. (City Manager)
Continued from April 25, 2007
See Item 3.5 for Council action taken.
 - (2) Sunshine Reform Task Force
 - (3) Significant Public Records Act Requests
 - (4) Council Policy Manual Update
- (j) Open Forum
- (k) Adjournment

Deferred to 6/5/07, per Orders of the Day.

3.2 Report of the Public Safety, Finance and Strategic Support Committee Council Member Nguyen, Chair No Report.

3.3 Planning Commission Interviews.

Recommendation: Interview Planning Commission applicants and consider appointment to fill one unexpired term ending June 30, 2008. (City Clerk)

(Rules Committee referral 5/9/07)

The Planning Commission applicants Joseph Bentley, Bob Gill, Randi Kinman, Robert Levy and Bonnie Mace were interviewed by the City Council.

Randi Kinman was appointed to the Planning Commission to fill one unexpired term ending June 30, 2008.

3.4 Acceptance of the Report of the Council Salary Setting Commission.

Recommendation: As recommended by the Council Salary Setting Commission approval of an ordinance authorizing the salaries and benefits of the Mayor and City Council for Fiscal Year (FY) 2007 - 08 and FY 2008 - 09 as follows:

- (a) For the Mayor, increase the annual salary from \$105,000 to \$115,000 and \$127,000 for FY 2007 - 08 and FY 2008 - 09, respectively.
- (b) For each Council Member, increase the annual salary from \$75,000 to \$82,500 and \$90,000 for FY2007 - 08 and FY2008 - 09, respectively.

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.4 Acceptance of the Report of the Council Salary Setting Commission (Cont'd.)

- (c) Retain the current levels of health, dental, and life insurance benefits through FY 2008 -09 in accordance with the benefits provided to management employees in Unit 99 and salary continuation insurance benefits as well as the City's contributions to CalPERS or PTC 457 plans through FY 2008 - 09.
- (d) Continue to require Council Members to pay \$250 for each unexcused absence at scheduled Council meetings, pursuant to City Charter Section 407.
- (e) Increase the monthly vehicle allowance for the Mayor and City Council from \$350 to \$600 through FY2008 - 09.

(City Clerk)

(Rules Committee referral 5/9/07)

Ordinance No. 28052 passed for publication, as amended, with Staff directed to use money from either the Council General Fund or the Salary Reserve Fund.

Noes: Cortese, Liccardo, Oliverio; Reed.

Staff directed to:

- (1) **Research various methods for Council salary setting that would remove City Council approval from the process;**
- (2) **Refer the matter to the City Charter Review process which is set to begin in Fall 2007.**
- (3) **Return to Council in September 2007 with recommendations.**

3.5 Approval of actions related to Reed Reforms.

Recommendation:

- (a) Acceptance of the proposed curriculum for a Council Assistant Certification Program, per Reed Reform #25: *Create a certified training program for Mayoral and Council Member staff to ensure they are fully aware of laws and ethical standards so they can help their bosses follow the law.*
- (b) Assign discretion to individual Council Members on the level of participation for Part-Time Council Assistants in the Council Assistant Certification Program for curriculum that is not required as a condition of employment or by state law.

(City Manager's Office)

[Rules and Open Government Committee 5/2/07 - Item (I1)]

Approved.

3.6 Acceptance of actions related to benefit enhancements for Federated Retirees and Police and Fire Retirees.

Recommendation: Acceptance of the Administration's recommendation to not approve the benefit enhancements requested by the Association of Retired San José Police Officers and Firefighters (Police and Fire Retirees) and the San José Retired Employees Association (Federated Retirees). CEQA: Not a Project. (City Manager's Office)

Deferred to 6/19/07 per the Association of Retired San José Police Officers and Firefighters.

3. STRATEGIC SUPPORT SERVICES

3.7 Approval of actions related to the General Obligation Bonds, Series 2007 – Parks and Public Safety Projects.

Recommendation: Adoption of a resolution:

- (a) Authorizing the issuance of the City of San José General Obligation Bonds, Series 2007 (Parks and Public Safety Projects) (“2007 Bonds”) in the not-to-exceed aggregate principal amount of \$100,000,000 to be sold at a competitive sale.
- (b) Approving, in substantially final form, the Fiscal Agent Agreement, Official Notice Inviting Bids, and Preliminary Official Statement and authorizing the City Manager or other authorized officers to execute these documents and other related documents as necessary in connection with the issuance of the 2007 Bonds.

CEQA: Not a Project. (Finance)

Resolution No. 73773 adopted.

3.8 Approval of fiscal actions related to the General Banking Services Agreement.

Recommendation:

- (a) Approval of the fifth amendment to the General Banking Services Agreement with Union Bank of California to increase the maximum annual compensation by \$100,000 from \$820,000 to a not-to-exceed amount of \$920,000 for July 1, 2006 through June 30, 2007.

Approved.

- (b) Adoption of the following Appropriation Ordinance Amendments in the General Fund

- (1) Increase the Banking Services appropriation by \$100,000; and

- (2) Decrease the Insurance Premiums appropriation by \$100,000.

CEQA: Not a Project. (Finance/City Manager’s Office)

Ordinance No. 28053 adopted.

3.9 Approval of actions related to the Rule 20A and Rule 20B In-Lieu Fee Underground Utility Program.

Recommendation:

- (a) Approval of the proposed fiscal year 2006/07 - 2011/12 Fiscal Year Workplan for the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program.
- (b) Direct staff to work with PG&E and return to Council in September with a revised workplan that provides for expedited delivery of Rule 20A Projects.

CEQA: Not a Project. (Public Works)

(Deferred from 5/1/07 – Item 3.4 and 5/15/07 – Item 3.3)

Deferred to 6/5/07 per Administration.

3. STRATEGIC SUPPORT SERVICES

3.10 Approval of actions related to AB 239 (DeSaulnier).

Recommendation: As recommended by the Rules and Open Government Committee on May 16, 2007, watch the position for AB 239 (DeSaulnier) – Counties’ Right to Levy Increased Recording Fees to Fund Affordable Housing Development. (City Clerk) (Rules Committee referral 5/16/07)

Approved, with Staff directed to outreach to the Realtors Association.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Community & Economic Development Committee Council Member Pyle, Chair

No Report.

4.2 Approval of action related to the Secondary Residential Unit Pilot Program.

Recommendation: Approval of an ordinance amending Ordinance No. 27606 and repealing Ordinance No. 27932 to extend the entire period of the limited pilot program from January 1, 2006, through October 31, 2007, which program automatically terminates if 100 permits are issued; and amending Ordinance No. 27675 to extend until October 31, 2007 the temporary suspension of Chapter 14.25 of Title 14 of the San José Municipal Code pertaining to park impact requirements otherwise applicable to second units, without modifying other parts of the second unit pilot program. CEQA: Exempt, File No. PP07-088. (Planning, Building and Code Enforcement/Housing) (Deferred from 5/15/07 – Item 4.2)

Heard in the evening.

Ordinance No. 28055 passed for publication.

5. NEIGHBORHOOD SERVICES

5.1 Report of the Neighborhood Services and Education Committee – May 10, 2007 Council Member Chirco, Chair

(a) Review of Performance Measure Reporting
The Committee accepted the report with direction that Management Partners, Inc. return in June with a follow-up report.

(b) Update on Family Learning Centers
The Committee accepted the report.

(c) Progress Report on the Early Care and Education Strategic Plan
The Committee accepted the report.

5. NEIGHBORHOOD SERVICES

5.1 Report of the Neighborhood Services and Education Committee – May 10, 2007 Council Member Chirco, Chair (Cont'd.)

- (d) Contract Management Update
The Committee accepted the report.
See Item 5.2 for Council action taken.
- (e) Safe School Campus Initiative Update
The Committee accepted the report.
- (f) Report on PRNS Refocusing of Service Delivery
The Committee accepted the report.
- (g) Youth Commission Update
The Committee accepted the report.
- (h) Strong Neighborhoods Monthly Update
 - (1) Strong Neighborhood Performance Measures.
 - (2) Neighborhoods Commission Proposal.**The Committee accepted the report.**
See Item 5.3 for Council action taken.
- (i) Schools/City Collaborative Monthly Update. (City Manager's Office)
 - (1) Next meeting with Superintendents Task Force.**The Committee accepted the report.**
- (j) Update on Council Directives.
There were none.
- (k) Oral Petitions
None were presented.
- (l) Adjournment
The meeting was adjourned at 3:47 p.m.

The Neighborhood Services and Education Committee Report and the Actions of May 10, 2007, were accepted.

5.2 Approval of funding recommendations for inclusion in the final adopted budget.

Recommendation: Approval of the Healthy Neighborhood Venture Fund Advisory Committee's approval of the 2007-2008 funding recommendations made by the Parks, Recreation and Neighborhood Services Department for inclusion in the final Adopted Budget. (Parks, Recreation and Neighborhood Services)

[Neighborhood Services and Education Committee referral - Item 5.1(d)]

Deferred to 6/5/07, per Orders of the Day.

5. NEIGHBORHOOD SERVICES

5.3 Acceptance of the Strong Neighborhoods Monthly Update and approval of actions related to the Project Advisory Committee.

Recommendation:

- (a) Approval the recommendation to extend the term of the Project Advisory Committee (PAC) to March 31, 2008, and refer the extension to City Council for consideration.
- (b) Acceptance of the progress report on the development of the proposed citywide Neighborhoods Commission.

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

[Neighborhood Services and Education Committee referral – Item 5.1(h)(1)&(2)]

Approved.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Transportation and Environment Committee Council Member Williams, Chair No Report.

6.2 Approval of actions related to San José's Regional Transportation Priorities.

Recommendation:

- (a) Receive presentation from California Transportation Commissioner Carl Guardino.
- (b) Acceptance of staff report on San José regional transportation priorities and funding needs.
- (c) Discuss goals and opportunities for the California Transportation Commission to support San José's regional transportation priorities.

CEQA: Not a Project. (Transportation)

Presentation received. No Council action required.

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

The Council/Redevelopment Agency Board convened at 4:08 p.m. in a Joint Session to Consider Item 9.1.

9.1 Approval of actions related to the Mexican Heritage Corporation Audit Discussion.

Recommendation:

- (a) Approval of the recommendations noted in the City Auditor's Report titled *A Review of the Mexican Heritage Corporation's Ability to Operate and Maintain the Mexican Heritage Plaza*. (City Auditor)
Approved.
- (b) Acceptance of staff's recommendations for a workplan that provides short and long term strategies to address the Auditor's recommendations on *A Review of the Mexican Heritage Corporation's Ability to Operate and Maintain the Mexican Heritage Plaza* and to forward those recommendations to the City Council for approval. (City Manager's Office)
Accepted.
- (c) Adoption of a resolution authorizing the City Manager to negotiate and execute:
 - (1) The Fourth Amendment to the Loan Agreement entered into by the City and Mexican Heritage Corporation (MHC) to defer repayment of MHC's loan for 12 months, to revise the repayment schedule accordingly, to make corresponding amendments to the Promissory Note, and to revise the Loan Agreement to incorporate the recommendations in the City Auditor's Report.
 - (2) The Fifth Amendment to the Operation and Maintenance Agreement entered into by the City and MHC to require MHC to provide additional monthly financial reports to the City for the remainder of the term of the Agreement.

[Rules and Open Government Committee 5/2/07 - Item (G2)]

Resolution No. 73774 adopted, with Staff directed to:

- (1) **Advance funds, subject to the City Manager's approval and a contract amendment, for personnel costs associated with hiring up to one full-time employee each for accounting and revenue generating purposes.**
- (2) **Mexican Heritage Corporation requested to post on their website audited financials in a manner that ensures easy public access.**

- **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>
9840	Southwest Corner of N. Capitol Ave. and Mabury Rd.	4	Blossom Valley Investors, Inc.	11 Lots/ 89 Units	MFA	Approve
9878	West side of Bird Ave., 800 feet south of Willow St.	6	Santa Clara Redevelopment, I, LLC.	1 Lot/ 12 Units	Apartment Conversion to Condos	Approve

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

None.

- **Open Forum**

- (1) **Dennis Kyne and Cameron Colson spoke in favor of using advanced technology for safe application of pesticides in lieu of harmful chemicals. The speakers were referred to Chief Deputy City Manager Kay Winer.**
- (2) **Mark Trout expressed religious viewpoints.**
- (3) **Robert Apgar shared personal observations.**
- (4) **Stephen Hazel voiced personal points of view.**

- **Adjournment**

The Council of the City of San José adjourned the afternoon session at 6:13 p.m.

10. GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

(Heard by the City Council at 7:04 p.m.)

CONTINUATION OF MAY 15, 2007 GENERAL PLAN HEARINGS

10.1 Tentative approval of General Plan Consent Calendar items.

Recommendation:

- (a) **Text amendment for property located on the northeast corner of Winchester Boulevard and Williams Road (960 and 990 Winchester Boulevard).**

Tentative approval of a General Plan text amendment request to change the Land Use/Transportation Diagram designation from Medium Low Density Residential (8 DU/AC) to General Commercial on an approximately 0.4-acre site located on the northeast corner of Winchester Boulevard and Williams Road (960 and 990 Winchester Boulevard) (Ronnie Berry, Owner/Applicant). Director of Planning, Building and Code Enforcement and the Planning Commission recommend approval (5-0-1; Platten absent). CEQA: Negative Declaration. SNI: Winchester. GP06-06-02 - District 6.

Staff/Planning recommendation was tentatively approved.

- (b) **Text Amendment for property bounded by Forest Avenue, Winchester Boulevard, City of Santa Clara, and State Route 17.**

Tentative approval of a General Plan text amendment request to change the *San José 2020 General Plan* text to increase the maximum allowable building height from 50 feet to 65 feet at Valley Fair Shopping Mall (Valley Fair Mall, LLC, Applicant/Westfield Corporation, Owner) located on an approximately 53-acre site bounded by Forest Avenue to the north, Stevens Creek Boulevard to the south, Winchester Boulevard and City of Santa Clara to the west, and State Route 17 to the east. Director of Planning, Building and Code Enforcement and the Planning Commission recommend approval (6-0-0). CEQA: Resolution to be adopted.

GP06-T-04 - District 6.

Continued to 6/5/07 per Administration.

END OF GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

10. GENERAL PLAN PUBLIC HEARINGS

10.2 Text Amendment to re-establish an Annual General Plan review of Major Issues.

Recommendation: Tentative approval of a General Plan text amendment to change the *San José 2020 General Plan* text to re-establish an Annual General Plan review of Major Issues. Director of Planning, Building and Code Enforcement recommends approval and the Planning Commission recommends alternative text (6-0-0). CEQA: Resolution No. 65459. GP07-T-01 - Citywide
Staff/Planning recommendation was tentatively approved.

10.3 Text Amendment for Steven Creek/West San Carlos Street Corridor west of Winchester Boulevard.

Recommendation: Tentative approval of a General Plan text amendment to change the *San José 2020 General Plan* text to prioritize commercial uses and discourage residential uses for the area within the Stevens Creek/West San Carlos Street Corridor west of Winchester Boulevard. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-0). CEQA: Resolution No. 65459. GP07-T-02 - District 1
Staff/Planning recommendation was tentatively approved.

10.4 Text Amendment for property at the southeasterly corner of Airport Parkway and Old Bayshore Highway and amend the text of the Rincon South Specific Plan.

Recommendation:

- (a) Adoption of a resolution overriding a determination by the Airport Land Use Commission that the General Plan text amendment request File No. GP06-T-01 is inconsistent with the maximum allowable height policies of the Land Use Plan for Areas Surrounding Santa Clara County Airports due to inconsistency with the height regulations as stated in the FAA Part 77 elevations.
- (b) Tentative approval of a General Plan text amendment request to change the *San José 2020 General Plan* text to increase the maximum allowable building height from 150 feet to 220 feet above ground level on an approximately 6.08-acre site located at the southeasterly corner of Airport Parkway and Old Bayshore Highway and amend the text of the Rincon South Specific Plan as it relates to the North San José Area Development Policy (Foster Enterprises, Owner/Applicant). Director of Planning, Building and Code Enforcement recommends approval and Planning Commission recommends deferral, which is deemed a negative recommendation of the Planning Commission pursuant to San José Municipal Code Section 18.08.100 (6-0-0). CEQA: Resolution No. 72768 and Addenda hereto.

GP06-T-01 - District 3

Continued to 6/5/07 per Administration.

10. GENERAL PLAN PUBLIC HEARINGS

10.5 Continuance of all General Plan amendment actions from May 15 and May 22, 2007 to June 5, 2007.

Recommendation: Continuance of all General Plan amendment actions from May 15 and May 22, 2007 to June 5, 2007. (Planning, Building and Code Enforcement)

Continued to 6/5/07.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

11.1 Public Hearings on Consent Calendar.

No Public Hearings on Consent Calendar at this time.

11. PUBLIC HEARINGS

11.2 Rezoning the real property located on a portion of block bounded by The Alameda, Emory Street, Naglee Avenue, and Morse Street.

Recommendation: Consideration of an ordinance rezoning the real property located on a portion of block bounded by The Alameda, Emory Street, Naglee Avenue, and Morse Street; east side of Morse Street, approximately 150 feet northerly of Naglee Avenue (744 Morse St) from R-1-8 Single Family Residence Zoning District and A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow relocation and rehabilitation of one historic single-family residence (Structure of Merit), two new single-family detached residences, and parking lot reconfiguration for the Central YMCA on a 4.18 gross acre site (Metropolitan YMCA & LeBaron Family Trust, Owners; Mark DeMattei, Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2).

PDC06-100 - District 6

(Continued from 4/24/07 – Item 11.2, 5/1/07 – Item 11.3 and 5/15/07 – Item 11.3)

Ordinance No. 28054 passed for publication, with the following conditions:

- (1) **Applicant will begin work on the historic “Whitney Wright House” immediately and/or simultaneously with the construction of the other two homes.**
- (2) **Applicant will save and relocated two Oak trees (25 and 26), save the Monterey Pine (28) and will save trees 21, 22 and 23.**
- (3) **Allow for an R-1-8 zoning for the residential lots after development is completed in order to be consistent with the majority of other residential lots in the area.**
- (4) **Staff will conduct outreach to the community at the permit stage.**

- **Open Forum**
None were presented.

- **Adjournment**
The Council of the City of San José adjourned at 9:06 p.m. in memory of Yolanda King, the eldest child of the Rev. Martin Luther King, Jr., who spent her life pursuing her father’s dream of racial harmony and peaceful practices through drama and motivational speaking.

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

5:11 P.M.

TUESDAY, MAY 22, 2007

CHAMBERS

- 1. Call to Order**
The meeting was convened at 5:11 p.m.

- 2. Conduct a Public Hearing and approval of the Issuance of Taxable Commercial Paper.**

Recommendation:

- (a) Approval for the City Council to take the following actions:
 - (1) Conduct a public hearing of the City Council concerning the approval of the financing by the City of San José Financing Authority's issuance of taxable commercial paper and/or lease revenue bonds in order to finance certain public capital improvements of the City, consisting of additional capital improvements of the HP Pavilion and certain related costs.
The Public Hearing was held.

 - (2) Adoption of a resolution of the City Council approving the issuance of commercial paper notes pursuant to the previously established commercial paper program designated as "*City of San José Financing Authority Lease Revenue Commercial Paper Notes*" in the not-to-exceed aggregate amount of \$116 million, and determining that there will be significant public benefits accruing from such financing.
Resolution No. 73775 adopted.

- (b) Approval for the City of San José Financing Authority Board to take the following action:
 - (1) Adoption of a resolution of the City of San José Financing Authority authorizing the issuance of City of San José Financing Authority Lease Revenue Commercial Paper Notes for the additional purpose of additional capital improvements of the HP Pavilion and certain related costs.

CEQA: Not a Project. (Finance)

San José Financing Authority Resolution No. 74 adopted.

