



CITY COUNCIL AGENDA

MAY 17, 2005

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
VACANT
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.
- ***Economic and Neighborhood 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.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to 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 10 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:

1. **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.
2. When the Council reaches your item on the agenda, Mayor Ron 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.
3. 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.
4. To assist you in tracking your speaking time, there are three lights located to the far right of 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.htm

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (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**
 - 9:03 a.m.** - Closed Session, Room 600, City Hall
Absent Council Members: Chavez. (Excused)

 - 1:31 p.m.** - Regular Session, Council Chambers, City Hall
Absent Council Members: Chavez. (Excused)

 - 7:07 p.m.** - Public Hearings, Council Chambers, City Hall
 - Budget Public Hearing, Council Chambers, City Hall**Absent Council Members: Chavez. (Excused)**

- **Invocation (District 5)**
Mayra Oseguera, winner of the 1995 Cesar Chavez Essay Contest, read her essay "Yesterday I Cried".

- **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 San José Medical Coalition for its exemplary dedication and invaluable contribution to the San José community. (Mayor/Chavez) (Orders of the Day) (Deferred from 5/3/05 – Item 1.9)
Deferred to 5/24/05.
- 1.2 Presentation of a commendation to Andy Cook, an 11 year old Almaden Valley resident, who single-handedly raised \$3,700 for the American Red Cross for the Tsunami Aid Relief. (Pyle) (Rules Committee referral 4/27/05)
Heard in the evening.
Mayor Gonzales and Council Member Pyle recognized and commended Andy Cook, an eleven year old student, Almaden Holy Family School, who donated \$100 of his own money, and single handedly raised a total of \$3,700 for the Tsunami Aid Relief.
- 1.3 Presentation of proclamation declaring May 2005 as National Historic Preservation Month. (LeZotte)
Mayor Gonzales and Council Member LeZotte invited Stephen Polcyn, President of the Historic Landmarks Commission, and Justine Leon, to the podium. Council Member LeZotte declared May 2005 as “National Historic Preservation Month” in the City of San José. Mayor Gonzales presented the commendation to Mr. Polcyn recognizing the Committee’s dedication to increase community awareness of the past and to recognize the special presence of historic landmarks.
- 1.4 Presentation of a proclamation proclaiming the week of May 15-21, 2005 as Emergency Medical Services Week. (Fire)
Mayor Gonzales invited Fire Chief Jeff Clet to the podium to present him with a proclamation and to declare the week of May 15-21, 2005 as “Emergency Medical Services Week”, honoring the 750,000 emergency medical providers nationwide.
- 1.5 Presentation of a proclamation declaring the week of May 15-21, 2005 as Public Works Week. (Public Works)
Mayor Gonzales invited Director of Public Works Katy Allen, Director of Environmental Services Carl Mosher, Assistant Director Department of Transportation Jim Ortbal, and Deputy Director General Services Anna Jatczak, to the podium. Mayor Gonzales presented a proclamation declaring the week of May 15-21, 2005 as “Public Works Week”, and recognizing all the hard work, dedication and commitment of the Public Works employees in the City of San José.

1 CEREMONIAL ITEMS

- 1.6 Presentation of commendations to Renew CSU and Kilen Gilpen for their efforts to bring renewable energy to San José State University. (LeZotte)
(Rules Committee referral 5/4/05)
(Deferred from 5/10/05 – Item 1.4)

Heard in the evening.

Mayor Gonzales and Council Member LeZotte invited Aime Frisch, Sarah Hackett, and Kilen Gilpen, to the podium. Mayor Gonzales presented a commendation the team recognizing the efforts of Renew CSU for bringing energy policies and encouraging students to use clean sustainable energy, and a commendation to Kilen Gilpen for her leadership in empowering the San José State University Students concerning renewable energy, including the negative impacts of campus energy practices that do not take greater advantage of sustainable energy practices.

- 1.7 Presentation of a commendation to Chris Witte, for his exemplary service to the community and the YMCA. (LeZotte)
(Rules Committee referral 5/11/05)

Heard in the evening.

Mayor Gonzales and Council Member LeZotte invited Chris Witte and his mother Roberta Witte, to the podium. Mayor Gonzales presented a commendation to Chris Witte for his service to the community and the YMCA, as a dedicated volunteer and an exemplary leader. Council Member LeZotte mentioned Mr. Witte would shortly be named as the YMCA's 2005 Teen Volunteer of the Year.

- 1.8 Presentation of a commendation to Ashoorina Youabb and Officer Joaquin Barreto for their courageous work on behalf of the family of Cesar Sanchez, who had left his Soreno gang before his untimely death. (Pyle)
(Orders of the Day)

Heard in the evening.

Mayor Gonzales, and Council Members Pyle and Yeager recognized and commended Officer Joaquin Barretto for his efforts to teach gang members and their families about the hazards of gang life, providing expert guidance to community organizations. Mayor Gonzales presented the commendation to Officer Barreto, who accepted on behalf of his team and colleagues. Mayor Gonzales presented a commendation to Ashoorina Youabb for her continued good work with the Sanchez family. Carmen Sanchez, wife of the late Cesar Sanchez and their daughter Diane, were also present.

- 1.9 Presentation of a commendation to the San José Jr. Sharks for their skill, motivation and determination to do their best in sports and education. (Chavez)
(Orders of the Day)

Heard in the evening.

Mayor Gonzales and Council Member Campos, on behalf of Vice Mayor Chavez, presented a commendation to the San José Jr. Sharks for their outstanding skill, motivation and determination to do their best in sports and education.

1 CEREMONIAL ITEMS

- 1.10 Presentation of a commendation to Friends of Evergreen Library Board of Directors for its exemplary dedication and invaluable contribution to the San José community.

(Cortese/Mayor)

(Orders of the Day)

Heard in the evening.

Mayor Gonzales and Council Member Cortese recognized the Friends of Evergreen Library Board of Directors, the City Program “Good Neighbor Award” winners for their exemplary dedication and invaluable contributions to the City of San José in District 8.

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. 27420 – Rezoning certain real property situated at the southeast corner of Great Oaks Boulevard and Via Del Oro (100 Great Oaks Boulevard) to A(PD) Planned Development Zoning District. PDC05-018

Ordinance No. 27420 adopted.

- (b) ORD. NO. 27421 – Rezoning certain real property situated at 1180-1184 Campbell Avenue, on the northeasterly side of Campbell Avenue, approximately 1,000 feet northwesterly of Newhall Street in the City of San José to A(PD) Planned Development Zoning District. PDC04-068

Ordinance No. 27421 adopted.

- (c) ORD. NO. 27422 – Rezoning certain real property situated on the west side of Richmond Avenue approximately 150 feet north of Scott Street to R-1-8 Residential Zoning District. C05-011

Ordinance No. 27422 adopted.

- (d) ORD. NO. 27423 – Rezoning certain real property situated on the south side of Bailey Avenue, 150 feet westerly of North Bascom Avenue (2216 Bailey Avenue) to R-1-8 Residence Zoning District. C05-016

Ordinance No. 27423 adopted.

- (f) ORD. NO. 27424 – Rezoning certain real property situated on the west side of Dent Avenue, approximately 320 feet southerly of Branham Lane (4965 Dent Avenue) to A(PD) Planned Development Zoning District. PDC04-080

Ordinance No. 27424 adopted.

2 CONSENT CALENDAR

2.3 Approval to amend the City's affordable housing development program.

Recommendation: Adoption of a resolution approving amendments to the project selection system for the City's affordable housing development program to:

- (a) Add senior, adaptive re-use, and acquisition/rehabilitation developments as eligible housing projects;
- (b) Add as an additional application threshold a requirement that a minimum percentage of the units in each project be affordable to extremely low-income households; and
- (c) Convert from a funding-round process to an over-the-counter application process.

CEQA: Not a Project. SNI: All. (Housing)

(Deferred from 5/3/05 – Item 2.6)

Resolution No. 72668 adopted.

2.4 Approval of an agreement to develop and deploy the ProjectWise Software Program at the Airport.

Recommendation: Approval of an agreement with Carter & Burgess Inc. for consultant services to develop and deploy the ProjectWise Software Program to integrate the Airport's Standards and Procedures for Computer Aided Design and Drafting; Airport Specific Surveying, and to create an intranet accessible Record Drawing Repository at the Norman Y. Mineta San José International Airport for the period June 1, 2005 to June 1, 2006 in a total amount not to exceed \$240,000. CEQA: Resolution Nos. 67380 and 71451, PP 05-081. (Airport/Information Technology/Public Works)

Approved.

2.5 Approval of an agreement for employee vehicle parking for the Airport.

Recommendation: Approval of a first amendment and continuation agreement to extend the term of the lease of Airport Premises with ACM Aviation Services, LLC for employee vehicle parking located at 1455 Airport Boulevard from March 1, 2005 to June 30, 2007 with annual rent payable to the City in the amount of \$19,494. CEQA:

Resolution Nos. 67380 and 71451, PP05-052. (Airport)

Approved.

2 CONSENT CALENDAR

2.6 Approval of fiscal actions for Redevelopment Agency Capital Projects.

Recommendation: Adoption of the following 2004-2005 Appropriation Ordinance and Funding Sources Resolution Amendments in the Services for Redevelopment Capital Projects Fund (City-Side Redevelopment Fund):

- (a) Increase the appropriation to the Department of Transportation for the Spartan Keyes Traffic Calming (PSM 350#1) by \$33,800.
- (b) Establish an appropriation to the Department of Convention, Arts and Entertainment for the Starbird Teen Center Public Art Project (PSM 408) in the amount of \$12,910.
- (c) Increase the estimate for Earned Revenue by \$46,710.

CEQA: Not a Project. Council Districts 1 and 3. SNI: Blackford and Spartan/Keyes. (City Manager's Office)

Ordinance No. 27433 adopted.

Resolution No. 72669 adopted.

2.7 Approval of an agreement for artwork at the Almaden Branch Library and Community Center.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with artist Ray King to fabricate and install a public artwork at the Almaden Branch Library and Community Center, in an amount not to exceed \$155,000. CEQA: Exempt, PP03-11-367. (Cultural Affairs)

Resolution No. 72670 adopted.

2.8 Approval to amend components to the City and Community Events Policy.

Recommendation: Approval of the San José Arena Authority Board's recommended changes to the funding criteria of the City and Community Events Policy for the use of HP Pavilion at San José under the City and Community Events Program, to increase participation and variety of uses under the program. CEQA: Not a Project. (Economic Development/San José Arena Authority)

Approved.

2.9 Approval of Community Events for use of the HP Pavilion.

Recommendation: Approval to use the HP Pavilion at San José for 4 middle school graduations and 1 high school graduation on three Community Event Dates (June 8, 14 and 17) that will receive 100% program funding in an amount not to exceed \$16,000 per event date for a total not to exceed amount of \$48,000. CEQA: Not a Project. (Economic Development/San José Arena Authority)

Approved.

2 CONSENT CALENDAR

2.10 Approval to purchase equipment for the Water Pollution Control Plant.

Recommendation: Approval of the sole source purchase of an Allis Chalmers Rotating Assembly, for the Water Pollution Control Plant, from ITT A-C Pump (formerly Allis-Chalmers Pump Company), a division of ITT Industries Inc., for a total not to exceed \$211,575 including tax and delivery; and authorization for the Director of Finance to execute the purchase order. CEQA: Not a Project. (Finance)

Approved.

2.11 Approval of actions for the Weed and Seed Program.

Recommendation:

(a) Adoption of the following appropriation ordinance and funding sources resolution amendments in the General Fund:

- (1) Increase the revenue estimate for Revenue from the Federal Government by \$175,000.
- (2) Establish a City-wide appropriation to the City Manager's Office in the amount of \$100,540 for the San José Weed and Seed Program.
- (3) Establish a City-wide appropriation to the Police Department in the amount of \$74,460 for the San José Weed and Seed Program.

Ordinance No. 27434 adopted.

Resolution No. 72671 adopted.

(b) Adoption of a resolution authorizing the City Manager to apply to the United States Department of Justice for second year Weed and Seed Program funding for the San José neighborhood in an amount not to exceed \$225,000 for the period of October 1, 2005 through September 30, 2006, to accept the grant if awarded, and to execute all related documents.

CEQA: Not a Project. Council Districts 5 and 8. SNI: East Valley/680 Communities and KONA. (City Manager's Office/Police)

Resolution No. 72672 adopted.

- (1) **Staff requested to ensure that the name of the SNI East Valley 680/Community" is reflected accurately on all Council memorandums, documents and correspondence.**
- (2) **Staff directed to provide an information memorandum describing community outreach efforts for the Weed and Seed Program.**

2.12 Approval of actions related to vacate a portion of Piercy Road.

Recommendation: Adoption of a resolution of intention to vacate a portion of Piercy Road immediately south of Silver Creek Valley Road, reserving an emergency access easement, a storm drain easement, a roadway easement, an aerial easement and a rip-rap easement, and setting a public hearing on June 7, 2005 at 1:30 p.m. CEQA: Resolution No. 70021. Council District 2. (Public Works)

Resolution No. 72673 adopted.

2 CONSENT CALENDAR

2.13 Approval to award a contract to purchase file systems for the New City Hall.

Recommendation: Report on bids and award of contract for the New City Hall's File Storage Project to the low bidder, Systems & Space, Inc., in the amount of \$105,560, and approval of a contingency in the amount of \$10,500. CEQA: Resolution No. 68905, PP98-03-072. SNI: University. (Public Works)

Approved.

2.14 Approval of actions for the Street Lights SNI Mayfair Project.

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):

(1) Increase the appropriation to the Department of Public Works for the Mayfair Streetlights Project (PSM 359) by \$226,600.

(2) Increase the estimate for Earned Revenue by \$226,600.

Ordinance No. 27435 adopted.

Resolution No. 72674 adopted.

(b) Report on bids and award of contract for the Street Lights SNI Mayfair Phase 2 Project to the low bidder, Pacific Electric Company, in the amount of \$162,577.50, and approval of a contingency in the amount of \$16,250.

CEQA: Exempt, PP01-02-023. Council District 5. SNI: Mayfair. (Public Works/City Manager's Office)

Approved.

2.15 Approval of Mayor Gonzales' travel.

Recommendation: Approval of Mayor Gonzales' travel to Washington, D.C., from May 21 through May 26, 2006, to attend the Silicon Valley Leadership Group's Washington, D.C., Advocacy Trip and BART-to-San José meetings. Funding Source: Officeholder Account. (Mayor)

Approved.

2.16 Approval of nominations to the San José Silicon Valley Workforce Investment Network (SVWIN) Board of Directors and the SVWIN Youth Committee.

Recommendation: Approval of nominations to the San José Silicon Valley Workforce Investment Network Board of Directors and the SVWIN Youth Committee. (Mayor)

Approved.

2 CONSENT CALENDAR

2.17 Approval of Vice Mayor Chavez' travel.

Recommendation: Acceptance of a gift of funds and approval of Vice Mayor Chavez's travel to Washington, D.C., from May 15 through May 17, 2005, to attend as the City of San José representative at the 2005 Access Washington D.C. trip. Funding Source: Silicon Valley Chamber of Commerce and Mayor/Council travel funds. (Chavez)

Approved.

2.18 Approval of an ordinance to simplify the system of reserves in the Federated City Employees Retirement Fund.

Recommendation: Approval of an ordinance of the City of San José repealing Section 3.28.220 and amending Sections 3.28.200 and 3.28.340 of Chapter 3.28 of Title 3 of the San José Municipal Code to simplify the system of reserves in the Federated City Employees Retirement Fund. CEQA: Not a Project. (Retirement Services)
(Rules-in-lieu referral 5/11/05)

Ordinance No. 27436 passed for publication.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair No Report.

3.2 Report of the Rules Committee – May 4, 2005 Vice Mayor Chavez, Chair

(a) Redevelopment Agency items reported out at Redevelopment Agency meeting

(b) City Council

(1) Review May 17, 2005 Council Agenda

The Committee recommended approval of the May 17, 2005 City Council Agenda with four additions.

(a) Resolution recognizing Vietnamese Heritage and Freedom Flag
See Item 3.5 for Council Action Taken. Heard in the evening.

(2) Add New Items to May 10, 2005 Agenda

The Committee recommended approval of six additions to the May 10, 2005 City Council Agenda.

(3) List of Reports Outstanding

The Committee noted and filed the City Manager's Report.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – May 4, 2005 (Cont'd.)

Vice Mayor Chavez, Chair

(c) Legislative Update

(1) State

There was no report.

(a) Senate Concurrent Resolution 17 (Ducheny)

See Item 3.6 for Council Action Taken. Heard in the evening.

(2) Federal

There was no report.

(d) Meeting Schedules

(1) Rules-in-Lieu Schedule for May 11, and 18, 2005

The Committee recommended the above scheduled dates for the Rules-in-Lieu meetings at 11:30 a.m. in the Office of the City Clerk.

(e) The Public Record

The Committee noted and filed the Public Record.

(f) Appointments to Boards, Commissions and Committees

(1) Historic Landmarks Commission

(a) Re-appoint one Commissioner

The Committee recommended the re-appointment of incumbent Michael Youmans to a term ending June 30, 2008.

(g) Rules Committee Reviews, Recommendations and Approvals

(1) Approval Request to Use \$1,000 from the District 8 Community Gift Trust Fund

The Committee recommended approval to use the existing \$1,000 from the District 8 portion of the Gifts Trust Fund (under The Day in the Park Account) for the Canyon Creek Park Grand Opening Celebration.

(2) City Auditor's Response to a Rules Committee Referral regarding an Audit of Police and Fire Disability Retirement Issues

The Committee accepted the report adding an audit of the Police and Fire Disability Retirement Issues.

(h) Oral Communications

None were presented.

(i) Adjournment

The meeting was adjourned at 2:36 p.m.

The Report of the Rules Committee and the Actions of May 4, 2005, were accepted.

3 STRATEGIC SUPPORT SERVICES

- 3.3 Report of the Making Government Work Better Committee
Council Member Reed, Chair
No Report.**

- 3.4 Public hearing on the Proposed Operating and Capital Budgets and Departmental Fees and Charges.**

Recommendation: Public Hearing on the Proposed Operating and Capital Budgets for the Fiscal Year July 1, 2005 to June 30, 2006, the Proposed Five-Year Capital Improvement Program for 2006-2010, and the Proposed Fiscal Year 2005-2006 City Departmental Fees and Charges Program for the City of San José. (City Manager's Office)

Heard in the evening.

The Public Hearing was held.

- 3.5 Adoption of a resolution recognizing the Vietnamese Heritage and Freedom Flag as the official symbol of the Vietnamese-American community of San José.**

Recommendation: Adoption of a resolution of the City of San José recognizing the Vietnamese Heritage and Freedom Flag as the official symbol of the Vietnamese-American community of San José. (Cortese)
(Rules Committee referral 5/4/05)

Heard in the evening, concurrent with Item 3.6.

Resolution No. 72679 adopted.

- 3.6 Support of Senate Concurrent Resolution 17 (Ducheny) relative to the Flag of the Former Republic of Vietnam.**

Recommendation: That Council support Senate Concurrent Resolution 17 (Ducheny) which would urge that the State formally recognize the flag of the former Republic of Vietnam as the symbolic flag of the Vietnamese-American community in this State. (Reed)

Heard in the evening, concurrent with Item 3.5.

Approved.

3 STRATEGIC SUPPORT SERVICES

3.7 Approval of actions related to purchasing Microsoft software.

Recommendation:

- (a) Approval of a Microsoft Select License Agreement for State and Local Government (“Select Agreement”), a cooperative agreement between the State of California and Microsoft Licensing GP (“Microsoft”) for three years for advantage pricing of Microsoft software products as may be required by the City.
- (b) Report on Request for Quote for authorized resellers for the Select Agreement and award of purchase order to PC Mall Gov, the lowest quotation, and authorizing the Director of Finance to:
 - (1) Execute purchase order for Microsoft software products with PC Mall Gov Inc. as the Microsoft Reseller for an initial purchase in the amount of \$1,391,100, which includes sales tax, and for additional purchases of Microsoft licenses on an as-required basis for a period of twelve months after the initial award is placed without further Council action other than the appropriation of funds.
 - (2) Exercise two one-year options to execute the annual purchase orders, for a total of three years without further Council action other than the appropriation of funds in order to be consistent with the term of the Select Agreement.

CEQA: Not a Project. (Finance/Information Technology)

Approved.

3.8 Approval to name a new Community Center.

Recommendation: Approval to name a new community center located at the 3707 Williams Road (corner of Williams and Boyton) as the “West San José Community Center”, as recommended by the Parks & Recreation Commission. (City Clerk)

(Orders of the Day)

(Deferred from 5/10/05 – Item 3.7)

Approved.

3.9 Council discussion of recommendation to unfreeze Mayoral and Council Office Staff salaries beginning in FY2005-2006.

Recommendation: Council discussion of recommendation to unfreeze Mayoral and Council Office Staff salaries beginning in FY2005-2006. (LeZotte/Yeager)

(Deferred from 5/10/05 – Item 3.4)

The Mayor and Council Members’ full authority to spend their discretionary budgets was restored by removing the mandatory freeze on Council Assistant salaries that was instituted in March 2003.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

**4.1 Report of the Building Strong Neighborhoods Committee
Council Member Chirco, Chair
No Report.**

**4.2 Report of the Driving a Strong Economy Committee
Council Member Williams, Chair
No Report.**

4.3 Approval of actions related to the Evergreen Visioning Project/Evergreen Smart Growth Strategy.

Recommendation:

- (a) Approval to appoint members to the Specific Plan Task Force.
(Mayor/Campos/Council District 7)
- (b) Council discussion on policy issues, desired outcomes and guidelines for discussion within Specific Plan process.
- (c) Approval to initiate an update to the Evergreen Development Policy and associated General Plan text. (Planning, Building and Code Enforcement)
(Referred from 4/19/05 – Item 4.7 and deferred from 5/3/05 – Item 4.5)

Heard in the evening.

- (1) Adopted the following steps as outlined in a joint memorandum dated April 29, 2005, from Mayor Gonzales, Council Members Campos and Yeager:**
 - (a) The Evergreen Visioning Project (EVP) Task Force shall continue to serve in an advisory capacity to Council Member Cortese.**
 - (b) The Council shall convene a Task Force with Citywide representation to serve in an advisory capacity to the Council on the broader policy issues arising from the Evergreen planning development process. Council Member Cortese will serve as Chair of the Task Force and it will include fourteen EVP members appointed by Council Member Cortese.**
 - (c) Planning Staff to develop a work plan and return with recommendations to the City Council within 30 days.**
 - (d) Policy issues for the City Council to discuss at the Study Session will include: industrial conversion, affordable housing, community amenities, development characters, and funding strategies.**
 - (e) At the conclusion of the Study Session, initiate an update to the Evergreen Area Development Policy and associated General Plan text amendments.**
 - (f) Direct the new Task Force to include the following elements as part of its review: environmental review, infrastructure analysis and plans, land use and circulation plans, public facilities plans, affordable housing and financing plans.**

Item continued on the next page

4.3 Approval of actions related to the Evergreen Visioning Project/Evergreen Smart Growth Strategy (Cont'd.)

- (2) **Approved a joint memorandum from Mayor Gonzales, Council Members Campos and Yeager, dated May 13, 2005, directing the City Manager to:**
- (a) **Schedule a half-day Study Session to be held within three weeks of the adoption of this memorandum.**
 - (b) **Prepare an agenda and all necessary background materials for the Study Session using the April 29, 2005 memorandum as a guide for the necessary policy discussions and include a role for stakeholder participation.**
- (3) **The work of the Evergreen Visioning Project Task Force was recognized, and the Task Force was invited to continue to participate in the process.**
- Noes: Cortese, LeZotte.

4.4 Approval to extend the Special Tenant Improvement Program.

Recommendation:

- (a) Approval of an ordinance amending Section 4.46.039.8 of Chapter 4.46 of Title 4 of the San José Municipal Code (SJMC) to extend the period during which the City suspends the collection of Building and Structure Construction Taxes imposed for the construction of special industrial use research and development and office tenant improvements.
- Ordinance No. 27437 passed for publication.**
- (b) Approval of an ordinance amending Section 4.46.039.9 of 4.46 of Chapter 4.46 of Title 4 of the San José Municipal Code (SJMC) to extend the period during which the City suspends the collection of Building and Structure Construction Taxes imposed for the construction of office use tenant improvements in the Downtown Core.
- Ordinance No. 27438 passed for publication.**
- (c) Direction to staff to extend the Coordinated Plan Check Review process allowing for plan check fee collection deferral until permit issuance for tenant improvements in vacant office buildings within the Downtown Core and in vacant industrial and research offices throughout San José.

CEQA: Not a Project. (Planning, Building and Code Enforcement/Economic Development)

Approved.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.5 Approval of a Purchase and Sale Agreement for property located at 5950 Cahalan Avenue.

Recommendation: Approval of the Purchase and Sale Agreement and adoption of a resolution authorizing the Director of Public Works to accept the deed and execute all documents related to the purchase of a portion of the property owned by The Roman Catholic Bishop of San José, located at 5950 Cahalan Avenue, for a purchase amount of \$800,800, which includes closing costs. CEQA: Mitigated Negative Declaration, PP05-071. Council District 10. (Public Works/Fire)

Resolution No. 72681 adopted.

4.6 Public Hearing on proposed revisions to the City Council Policy on Post-Construction Urban Runoff Management.

Recommendation: Adoption of a resolution approving revision of the Council Policy on Post-Construction Urban Runoff Management (Policy No. 6-29) to:

- (a) Require the installation of stormwater treatment control measures in new and redevelopment projects of 10,000 square feet, which create, replace or add 10,000 square feet or more of impervious surface and in a "Land Uses of Concern," or require a permit or other direct approval from the RWQCB;
- (b) Expand the definition of "Land Uses of Concern" to include:
 - (1) Gas stations;
 - (2) Auto wrecking yards;
 - (3) Loading docks and surface parking lots containing 10,000 square feet or more of impervious surface area;
 - (4) Other land uses which generate amounts of pollutants equivalent to the above uses if pollutant loading cannot be satisfactorily mitigated through other post-construction source control best management practices, such as:
 - (a) Vehicle or equipment maintenance areas, including washing and repair;
 - (b) Outdoor handling or storage of waste or hazardous materials;
 - (c) Outdoor manufacturing areas;
 - (d) Outdoor food handling or processing;
 - (e) Outdoor animal care area;
 - (f) Outdoor horticultural activities;
 - (g) Various other heavy industrial and commercial uses that are determined to have a greater potential to contribute high levels of pollutant loading during the Development and/or Environmental Review process; and
- (c) Make a technical correction in the "Urban Core" definition related to the required proximity to a BART transit node.

CEQA: Exempt, PP05-012. (Planning, Building and Code Enforcement)

(Deferred from 4/19/05 – Item 4.3 et al and 5/10/05 – Item 4.5)

Resolution No. 72675 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.7 Approval of actions related to scheduling Getting Families Back to Work III.

Recommendation: Approval of direction to the City Manager to schedule the 2005 “Getting Families Back to Work” study session in late October for two days that will focus on the development process and streamlining it. (Mayor)

Approved, with Staff directed to share results from the past two years.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the All Children Achieve Committee Council Member Yeager, Chair No Report.

5.2 Approval of actions related to 99 Notre Dame Avenue.

Recommendation: Adoption of a resolution recognizing the historical significance of 99 Notre Dame Avenue, supporting the concept of creating a museum at the site featuring its history, and directing and authorizing the City Manager to participate in collaborative discussions regarding this museum proposal. (Chavez)
(Rules Committee referral 5/4/05)

Resolution No. 72676 adopted, with Staff requested to include the County, the current long-term tenant of that property, in the collaborative discussions.

5.3 Public Hearing on the Parkland Dedication Ordinance and Park Impact Ordinance.

Recommendation:

- (a) Public hearing on Staff recommendations regarding the proposed amendments to the approval of an ordinance amending the Parkland Dedication Ordinance and Park Impact Ordinance, Chapters 19.38 and 14.25, respectively, of the San José Municipal Code, to incorporate additions for types of parkland and improvements accepted for dedication and to clarify certain definitions.
- (b) Adoption of associated Parkland Dedication Ordinance/Park Impact Ordinance Fee Resolution to incorporate changes with respect to the granting of credit for recreation facilities and dedicated parkland.

CEQA: Not a Project. SNI: Washington. (Parks, Recreation and Neighborhood Services)
Deferred to 6/7/05, to be heard in the evening.

5 RECREATION & CULTURAL SERVICES

5.4 Approval to award a contract for the Bellevue Park Project.

Recommendation:

- (a) Report on bids and award of contract for the Bellevue Park Project to the low bidder, HRB Construction, Inc., for the base bid in the amount of \$1,067,464, and approval of a contingency in the amount of \$53,373.

Approved.

- (b) Adoption of the following appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-wide Redevelopment Fund):

(1) Increase the appropriation to the Public Works Department for Bellevue Park Master Plan (Design Phase) (PSM 246 #1) in the amount of \$1,262,808.

(2) Increase the estimate for Earned Revenue by \$1,262,808.

Ordinance No. 27439 adopted.

Resolution No. 72677 adopted.

- (c) Adoption of a resolution approving the Bellevue Park Project and incorporating environmental mitigation measures as set forth in the Mitigation Monitoring and Reporting Program for the project.

CEQA: Mitigated Negative Declaration, PP03-09-289. Council District 7. (Public Works/Parks, Recreation and Neighborhood Services/City Manager's Office)

Resolution No. 72678 adopted.

6 TRANSPORTATION SERVICES

6.1 Report of the Building Better Transportation Committee – May 2, 2005 Council Member Campos, Chair

- (a) Expansion and Improvement of Transit and Transportation Systems
- (1) Receive Report from Caltrans on Regional Transportation Issues
The Committee received the report.
- (2) Recommendations on Santa Clara/Alum Rock Transit Mode Choice
The Committee accepted the report.
- (3) Report on San José Transportation Needs and Funding Alternatives
The Committee accepted the report.
- (4) Status Report on Downtown Special District Development
Deferred to June 6, 2005
- (5) Report on BART Extension to San José/Silicon Valley
The Committee accepted the report.

6 TRANSPORTATION SERVICES

6.1 Report of the Building Better Transportation Committee – May 2, 2005 (Cont'd.) Council Member Campos, Chair

- (b) Traffic Relief/Safe Streets
 - (1) Financial Impact of Crossing Guard Safety Index Changes
The Committee accepted the report, with Staff directed to incorporate Council Member Cortese's previous motion (a)(5).

- (c) Supporting Smart Growth
 - (1) Follow Up Report and Discussion of Developer Nexus for Street Resurfacing Funding and Other Funding Options
Heard with Item (a)(3).

- (d) Regional Relationships/Funding/Policy
There were no items.

- (e) Oral Petitions
There were none.

- (f) Adjournment
The meeting was adjourned at 3:50 p.m.

The Report of the Building Better Transportation Committee and the Actions of May 2, 2005, were accepted.

6.2 Approval of actions related to ground transportation taxi services.

Recommendation:

- (a) Approval of an ordinance to temporarily limit until April 30, 2006, both:
 - (1) The total number of taxicabs all taxicab company licensees are authorized to operate under their licenses pursuant to Part 4 of Chapter 6.64 of the San José Municipal Code to an outstanding number of 572; and
 - (2) The total number of taxicab driver permits issued pursuant to Part 4 of Chapter 6.64 of the San José Municipal Code to an outstanding number of 571.CEQA: Not a Project. (Transportation)
- (b) Adoption of the revised Taxicab Rate Resolution, repealing Resolution No. 71336, which will allow taxicab companies to offer:
 - (1) Discount coupons of up to 20% off their standard fares for trips not originating at the Airport; and
 - (2) Flat rates, which are below the standard fare, for all business account trips and to the general public for trips outside of Santa Clara County.CEQA: Not a Project. (Transportation)

Item continued on the next page

6 TRANSPORTATION SERVICES

6.2 Approval of actions related to ground transportation taxi services (Cont'd.)

(c) Adoption of resolutions to:

- (1) (a) Authorize the City Manager to negotiate and execute an agreement with Taxi San José Inc. for on-demand ground transportation dispatching services at the Norman Y. Mineta San José International Airport for the period August 1, 2005 to July 31, 2007 with five one-year options to extend the term at the City's sole discretion for a total of up to seven years, in an amount not to exceed \$4,800,000 for the initial two-year term.
- (b) In the event that the parties have not completed negotiations and executed an agreement within 30 days of the date of the resolution authorizing the negotiation and execution, authorizing the City Manager to terminate negotiations with Taxi San José, Inc. and commence to negotiate and execute an agreement with ShuttlePort California LLC for on-demand ground transportation dispatching services at the Norman Y. Mineta San José International Airport for the period August 1, 2005 to July 31, 2007 with five one-year options to extend the term at the City's sole discretion for a total of up to seven years, in an amount not to exceed \$2,250,000 for the initial two-year term
- (2) To establish fees for on-demand ground transportation dispatch services to be charged to ground transportation providers at the Norman Y. Mineta San José International Airport.

CEQA: Resolution Nos. 67380 and 71451, PP 05-083. (Airport/Transportation)

Deferred to 5/24/05.

7 ENVIRONMENTAL & UTILITY SERVICES

8 AVIATION SERVICES

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

- **Closed Session Report**
No Report.

- **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>
9630	Southeast Corner of Neal Avenue and Winchester Boulevard	6	American Equity Builders	20 Units	Townhome	Approve

- **Open Forum**

(1) **William Garbett expressed his concerns regarding serious health consequences because of the use of recycled water.**

- **Adjournment**

The Council of the City of San José adjourned the afternoon session at 2:19 p.m.

11 PUBLIC HEARINGS

(Heard by the City Council at 7:07 p.m.)

11.1 Public Hearing on Conventional Rezoning from R-2 Two-Family Residence Zoning District to R-M Multiple Residence Zoning District.

Recommendation: Public Hearing and consideration of an ordinance on Conventional Rezoning from R-2 Two-Family Residence Zoning District to R-M Multiple Zoning District to allow residential uses on a 0.20 gross acre site, located at the northeast corner of Younger Avenue and North 6th Street (257 E. Younger Ave.) (Roy Family Partnership, Owner). Director of Planning, Building and Code Enforcement recommend denial and Planning Commission forwards no recommendation (3-3-1). CEQA: Resolution No. 65459.

C04-102 – District 3

(Continued from 5/3/05 – Item 11.2)

Continued to 6/7/05.

11.2 Public Hearing on an ordinance amending Chapter 20.100 of Title 20 of the San José Municipal code.

Recommendation: Public Hearing on and consideration of approval of an ordinance amending Chapter 20.100 of Title 20 of the San José Municipal code to allow subdivisions to be approved with other development permits and approvals as part of a single process. CEQA: Not a Project. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

Ordinance No. 27440 passed for publication.

11.3 Public Hearing on an ordinance amending the Downtown Zoning District and amending the regulations for temporary outdoor events in the Downtown.

Recommendation: Public Hearing on and consideration of approval of an ordinance amending Chapters 20.70 and 20.80 of Title 20 of the San José Municipal Code to: Streamline the permitting process for temporary outdoor events in private property in the Downtown Core; Allow live/work uses as a permitted use in the Downtown Core; Amend the boundaries of the DG Downtown Ground Floor space overlay area; and amend the Downtown off street loading requirements. CEQA: Exempt, PP05-088. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

Ordinance No. 27441 passed for publication.

11 PUBLIC HEARINGS

11.4 Public Hearing on the annexation of McKee No. 127 and setting a Public Hearing.

Recommendation: Public hearing on adoption of a resolution initiating proceedings, and setting a public hearing on June 21, 2005 at 7:00 p.m. on the reorganization of territory designated as McKee No. 127 which involves the annexation to the City of San José of 4.79 gross acres of land located at the north side of McKee Road approximately 380 feet easterly of Toyon Avenue and the detachment of the same from the appropriate special districts including Central Fire Protection, Area No. 01 (Library Services) County Service and County Sanitation District 2-3. CEQA: Exempt. Council District 5. (Planning, Building and Code Enforcement)

Resolution No. 72680 adopted.

11.5 Public Hearing on Conforming Rezoning from County to R-1-8 Residence District to allow residential uses on a 0.31 gross acre site.

Recommendation: Public Hearing on and consideration of approval of an ordinance on Conforming Rezoning from County to R-1-8 Residence District to allow residential uses on a 0.31 gross acre site, located on the northwest corner of Wilbur Avenue and Nancy Lane (2875 Wilbur Ave.) (Bui Christopher J., Owner). SNI: East Valley/680 Communities. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. C05-023 - District 5

Ordinance No. 27442 passed for publication.

11.6 Public Hearing on Conforming Rezoning from County to R-1-8 Resident District to allow residential uses on a 0.83 gross acre site.

Recommendation: Public Hearing on and consideration of approval of an ordinance on Conforming Rezoning from County to R-1-8 Resident District to allow residential uses on a 0.83 gross acre site, located on the west side of Toyon Avenue, approximately 370 feet south of Selby Lane. (Dupree, Daniel A and Rolly C, Owner). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C05-024 - District 5

Ordinance No. 27443 passed for publication.

11 PUBLIC HEARINGS

- 11.7 Public Hearing on Planned Development rezoning from R-M Residential District to A(PD) Planned Development District to allow two single-family attached residences on a 0.16 gross acre site.**

Recommendation: Public Hearing on and consideration of approval of an ordinance on Planned Development rezoning from R-M Residential District to A(PD) Planned Development District to allow two single-family attached residences on a 0.16 gross acre site, located on the west side of Revey Avenue, approximately 100 feet northerly of Bailey Avenue. (Kwok, Stephen P and Alice A Trustee, Behrouzian, Behrouz and Parivash, et al., Owner). SNI: Burbank/Del Monte. CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). PDC04-103 - District 6

Ordinance No. 27444 passed for publication.

- 11.8 Public Hearing on Conforming Conventional Rezoning from R-1-8(PD) Planned Development District to R-1-8 Residence District on a 0.144 gross acre site.**

Recommendation: Public Hearing on and consideration of approval of an ordinance on Conforming Conventional Rezoning from R-1-8(PD) Planned Development District to R-1-8 Residence District on a 0.144 gross acre site, located on the south side of Bacchus Drive approximately 150 feet easterly of McLaughlin Avenue (1166 Bacchus Drive) (Peter and Anhhong Hoang, Owners). SNI: Tully/Senter. CEQA: Resolution No. 65469. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C05-021 - District 7

Ordinance No. 27445 passed for publication.

- 11.9 Public Hearing on Planned Development Rezoning from A(PD) Planned Development to A(PD) Planned Development to allow night club uses at an existing assembly hall.**

Recommendation: Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning from A(PD) Planned Development to A(PD) Planned Development to allow night club uses at an existing assembly hall (G.I. Forum) on a 3.4 gross acre site, located 900 feet northerly of Story Road and approximately 2,300 feet westerly of McLaughlin Avenue (765 Story Road) (The American G.I. Forum, Owner).

PDC00-30 - District 7

Dropped, to be renoticed.

11 PUBLIC HEARINGS

11.10 Public Hearings on a Planned Development Permit and a Planned Development Rezoning for the construction of seven single-family detached residences.

Recommendation:

- (a) Public Hearing on and reconsideration of approval of an Ordinance adopted on March 16, 2004 by the City Council for a Planned Development Rezoning from A Agriculture Zoning District to A(PD) Planned Development Zoning District to allow up to seven single-family detached residential units and possible ratification of same. (San José Conservation Corps/Ken Fuller, Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC03-088 - District 9

Ordinance No. 27446 adopted, with Staff directed to ratify the Planned Development Rezoning and Planned Development Permit, including:

- (1) **Ensuring modifications to the proposed site and landscape plan include additional parking stalls, enhanced landscaping and fencing (see Supplemental memorandum from Director of Planning, Building and Code Enforcement Stephen Haase, dated May 16, 2005), and;**
 - (2) **Further direction to the Department of Transportation Staff to evaluate the existing parking conditions in the project area and consider potential solutions.**
- (b) Public Hearing on and reconsideration of approval of a Planned Development Permit by the Director of Planning on November 19, 2004, to construct seven single-family detached residences and possible ratification of same (12385 Blossom Hill Rd.). (San José Conservation Corps/Ken Fuller, Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PD04-034 - District 9

Approved.

- **Open Forum**

- (1) **Daniel McCall expressed his own personal views of medical marijuana.**
- (2) **Patrick Pizzo urged the Council to vocalize their support of full funding of education for Proposition 98 and place a high priority on property use, which will attract families to the City of San José.**

- **Adjournment**

The Council of the City of San José was adjourned at 12:07 a.m.