



# CITY COUNCIL AGENDA

**JUNE 19, 2007**

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  
DAVID D CORTESE, VICE MAYOR  
JUDY CHIRCO  
NANCY PYLE

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

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

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

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

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

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

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

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

Agendas and Staff Reports for City Council items may be viewed on the Internet at [www.sanjoseca.gov/clerk/agenda.asp](http://www.sanjoseca.gov/clerk/agenda.asp). Council Meetings are televised live and rebroadcast on Channel 26.

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

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

- **Call to Order and Roll Call**
  - 9:30 a.m. - Closed Session, Call to Order in Council Chambers  
Adjourn to Closed Session in Council Chambers Conference Room, W133  
See Separate Agenda
  - 1:30 p.m. - Regular Session, Council Chambers, City Hall
  - 3:30 p.m. - Hear Open Forum and continue the RDA Board Meeting  
(no earlier than 3:30 p.m.)
  - 7:00 p.m. - Public Hearings, Council Chambers, City Hall

- **Invocation (District 6)**
- **Pledge of Allegiance**
- **Orders of the Day**

**ITEMS 9.1, 9.2, 9.3 AND 9.4 ARE TO BE CONSIDERED IN A JOINT CITY COUNCIL/REDEVELOPMENT AGENCY BOARD SESSION.**

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

- **Closed Session Report**

## **1. CEREMONIAL ITEMS**

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- 1.1 Presentation of a commendation to the Mt. Pleasant High School girls track team upon winning the State Track and Field Championship. (Campos)
- 1.2 Presentation of a commendation to Angela Buenning Filo for her outstanding, painstaking and breathtaking work as preserved in "The Story of Silicon Valley," a tribute to the prune orchards of south San José. (Cortese)  
**TO BE HEARD IN THE EVENING**

# 1. CEREMONIAL ITEMS

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- 1.3 Presentation of a commendation to Neighborhood Housing Services for their dedication to providing programs such as the Affordable Housing Resource Fair, and services that promote and support responsible home ownership as a means of revitalizing neighborhoods, engendering community pride and economic stability among residents. (Liccardo)
- 1.4 Presentation of commendations to Principals Lisa Gonzales and Linda Herschbach for their strong commitment to education in the San José Unified School District. (Liccardo)
- 1.5 Presentation of a proclamation declaring the week of June 17 through June 23, 2007 as Architecture Week in San José. (Mayor)
- TO BE HEARD IN THE EVENING**

# 2. CONSENT CALENDAR

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**Notice to the public:** There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

## 2.1 Approval of Minutes.

## 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 28057 – Amending Chapter 3.48 of Title 3 of the San José Municipal Code by adding Section 3.48.140 to permit loans to participants from the City of San José Deferred Compensation Plan.
- (b) ORD. NO. 28059 – Rezoning certain real property situated at the north side of Southside Drive approximately 250 feet westerly of Water Street (155 Southside Drive) to R-1-8 Single Family Residence Zoning District. C07-006
- (c) ORD. NO. 28060 – Rescinding Ordinance No. 27032, adopted by the City of San José on December 16, 2003, rezoning certain real property located at the southeasterly corner of Blossom Hill Road and Cottle Road (5600 Cottle Road) to IP(PD) Planned Development Zoning District.
- (d) ORD. NO. 28061 – Rezoning certain real property situated at the northeasterly corner of Cottle and Poughkeepsie Roads from the IP – Industrial Park Zoning District to the A(PD) Planned Development Zoning District. PDC06-003

*(Item continued on the next page)*

## 2. CONSENT CALENDAR

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### 2.2 Final adoption of ordinances. (Cont'd.)

**Recommendation:**

- (e) ORD. NO. 28062 – Rezoning certain real property situated on the east side of Almaden Expressway, approximately 200 feet north of the terminus of Fleetwood Drive (16310 Almaden Road) to A(PD) Planned Development Zoning District. PDC06-070
- (f) ORD. NO. 28063 – Rezoning certain real property situated within the area generally bounded by Kentwood Avenue, Highway 85 and South De Anza Blvd to A(PD) Planned Development Zoning District. PDC06-122
- (g) ORD. NO. 28064 – Rezoning certain real property situated at the north side of Alum Rock Avenue, approximately 200 feet southerly of 34<sup>th</sup> Street (1629 Alum Rock Avenue) to A(PD) Planned Development Zoning District. PDC07-019
- (h) ORD. NO. 28065 – Rezoning certain real property situated on the west side of Dent Avenue, approximately 500 feet north of Kooser Road (5331 Dent Avenue), to A(PD) Planned Development Zoning District. PDC07-001

### 2.3 [Approval of actions related to the Operation Lease for Parcel 9C at the Airport.](#)

[Supplemental](#)

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute the sixth amendment to the Fixed Base Operation Lease with ACM Aviation, LLC for Parcel 9C at the Norman Y. Mineta San José International Airport to reduce the leased premises by approximately 20,117 S.F. to accommodate roadway improvements for the Terminal Area Improvement Program. CEQA: Resolution Nos. 67380 and 71451, File No. PP07-109. (Airport)

### 2.4 [Approval to establish a long term ground leasing policy for the Airport.](#)

**Recommendation:** Adoption of a resolution establishing a long term ground leasing policy for Mineta San José International Airport that sets forth standard business terms and conditions for the lease of undeveloped ground at the Airport. CEQA: Resolution Nos. 67380 and 71451, File No. PP07-077. (Airport)

### 2.5 [Approval of City Council/Commission/Liaison Code of Conduct Policy.](#)

**Recommendation:** Adoption of a resolution approving the City Council/Commission/Liaison Code of Conduct Policy including the changes recommended by the Rules and Open Government Committee at the April 18, 2007 meeting. (City Attorney)  
[Rules Committee referral 5/23/07 – Item 3.1(g)(2)]

## 2. CONSENT CALENDAR

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### 2.6 [Approval to validate the following Council Policies.](#)

**Recommendation:** Adoption of a resolution validating of the following policies as contained in the Council Policy Manual:

- (a) Policy 6-4 Billboards on City-owned Land;
- (b) Policy 6-15 City Boundary Changes in Existing Urbanized Areas;
- (c) Policy 6-20 Land Use Policy for Monopoles and Cellular Telephone Facilities;  
[Rules and Open Government Committee referral 5/23/07 – Item 3.1(i)(4)(a)]
- (d) Policy 6-29 Post Construction Urban Runoff Management;
- (e) Policy 6-31 Uses of San José/Santa Clara Water pollution Control Plant Lands;
- (f) Policy 7-5 Naming of City-owned Land and Facilities.  
[Rules and Open Government Committee referral 5/30/07 – Item 3.2(i)(4)(a)]

### 2.7 [Approval to name the new branch library being constructed in District 2.](#)

**Recommendation:** As recommended by the Library Commission name the new branch library currently being constructed at Monterey Road and East Branham Lane the “Edenvale Branch Library”. CEQA: Not a Project. Council District 2. (City Clerk)

### 2.8 [Approval of actions related to the 2006 Edward Byrne Memorial Justice Assistance Grant Trust Fund.](#)

**Recommendation:**

- (a) Approval of the proposed 2006-08 Spending Plan for the 2006 Edward Byrne Memorial Justice Assistance Grant Trust (JAG) Fund.
- (b) Adoption of the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Edward Byrne Memorial Justice Assistance Grant Trust Fund:
  - (1) Increase the estimate for the Earned Revenue in the amount of \$259,780; and;
  - (2) Establish the JAG 2006-08 appropriations to the Police Department in the amount of \$259,780.

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

### 2.9 [Approval of an agreement for cost sharing associated with Water Conservation Programs for FY 2007-2008.](#)

#### [Supplemental](#)

**Recommendation:** Approval of an agreement with the Santa Clara Valley Water District for cost sharing associated with water conservation programs in FY 2007-2008, under which the City will receive an amount not to exceed \$280,000 and the District will be paid an amount not to exceed \$547,480, for a net cost to the City of \$267,480. CEQA: Not a Project. (Environmental Services)

## 2. CONSENT CALENDAR

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### 2.10 [Approval to set a Public Hearing on Sanitary and Storm Sewer Service Charges.](#)

**Recommendation:** Adoption of a resolution setting a public hearing on August 7, 2007 at 1:30 p.m. for 2007-2008 Sanitary Sewer Service and Use Charges and Storm Sewer Service Charges based on annual reports of the Director of Finance and direct the City Clerk to publish notice of the time and place of the hearing. CEQA: Not a Project. (Finance)

### 2.11 [Approval to amend an agreement for parking access and revenue control equipment.](#)

**Recommendation:** Adoption of a resolution authorizing the Director of Finance to execute the third amendment to the agreement with Scheidt & Bachmann USA, Inc. to extend the term of the agreement through September 30, 2007, revise the statement of work, and reduce the amount of total compensation by \$15,000 from \$1,991,725 to \$1,976,725, for a total agreement amount of \$1,976,725. CEQA: Not a Project. Council District 3. (Finance)

### 2.12 [Approval to amend the Investment Custodial Services Agreement to extend the term.](#)

**Recommendation:** Approval of the fourth amendment to the Investment Custodial Services Agreement with Wells Fargo Bank to extend the term of the agreement for one year from July 1, 2007 through June 30, 2008, in an amount not to exceed \$50,000, increasing total compensation from \$300,000 for a total contract amount of \$350,000. CEQA: Not a Project. (Finance)

### 2.13 [Approval of an agreement for Utility Users Tax and Franchise Fee compliance services.](#)

**Recommendation:**

- (a) Approval of an agreement with Tax Compliance Services (TCS) to provide Utility Users Tax and Franchise Fee compliance services and related revenue enhancement services for a one-year term beginning July 1, 2007 through June 30, 2008 for an amount not to exceed \$138,000.
- (b) Adoption of a resolution authorizing the Director of Finance to extend the contract for up to three additional one-year option periods for a maximum compensation for the agreement not to exceed \$552,000 subject to the appropriation of funds by the City Council.

CEQA: Not a Project. (Finance)

## 2. CONSENT CALENDAR

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### 2.14 [Approval to place an increase to the Library Parcel Tax rates on the County Tax Roll.](#)

**Recommendation:** Adoption of a resolution increasing the Library Parcel Tax rates for FY 2007-2008 by 3.0% over the FY 2006-2007 rates and approving the placement of the Library Parcel Tax on the FY 2007-2008 Santa Clara County Property Tax Roll. CEQA: Not a Project. (Finance)

### 2.15 [Approval to amend the General Banking Services Agreement.](#)

**Recommendation:** Approval of the sixth amendment to the General Banking Services Agreement with Union Bank of California to extend the term of the agreement for one year from July 1, 2007 through June 30, 2008, in an amount not to exceed \$820,000 for the one-year extension, for a total amount not to exceed \$5,960,000. CEQA: Not a Project. (Finance)

### 2.16 [Approval of actions related to the Consolidated Plan and Community Development Block Grant Program.](#)

**Recommendation:** Approval to amend the Consolidated Plan to allow for a change to a previously approved project and the creation of revolving loan funds under the Community Development Block Grant (CDBG) program as follows:

- (a) Boys and Girls Club: Acquisition by and transfer of title to the City of San José of a full service sports field developed with a \$750,000 CDBG loan, and expansion of the benefit area.
- (b) Revolving Loan Fund: Creation of Housing Rehabilitation and Capital Expansion Program revolving loan funds.

CEQA: Not a Project. Council Districts 5, 7 and 8. SNI: KONA/West Evergreen/East Valley/680. (Housing)

### 2.17 [Approval of a Pilot Program for Repairing and Replacing Infrastructure for Mobilehome Parks.](#)

**Recommendation:** Adoption of a resolution:

- (a) Approving a \$300,000 pilot program for repairing or replacing infrastructure within a mobilehome park(s) located within a Strong Neighborhood Area and;
- (b) Delegating to the Director of Housing the authority to select a mobilehome park(s) to receive such repairs and to negotiate and enter into a contract with the owner(s) of said property(ies) to effect those repairs.

CEQA: Not a Project. (Housing)

## 2. CONSENT CALENDAR

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### 2.18 [Approval to amend the HomeVenture Fund to allow for Homeownership Center Operations.](#)

**Recommendation:** Adoption of a resolution:

- (a) Approving a sixth amendment to the HomeVenture Fund grant agreement to allow Neighborhood Housing Services Silicon Valley to retain \$300,000 from the HomeVenture fund to be used for Homeownership Center Operations; and
- (b) Approving a \$230,000 grant from the City's Housing Trust Fund to NHSSV to be used for program and administrative costs for NHSSVs pre-purchase and foreclosure prevention, education, and counseling services; and
- (c) Authorizing the Director of Housing to negotiate and execute the amendment to the HomeVenture grant agreement and the Housing Trust Fund grant agreement and other related documents.

CEQA: Not a Project. (Housing)

### 2.19 [Approval to execute a Voluntary Compliance Agreement with the U.S. Department of Housing and Urban Development.](#)

**Recommendation:** Adoption of a resolution authorizing the City Manager to execute the Voluntary Compliance Agreement (VCA) drafted between the City of San José and the U.S. Department of Housing and Urban Development (HUD) pertaining to the 2006 HUD Civil Rights Audit on ADA Requirements. CEQA: Not a Project. (Housing/Public Works)

### 2.20 [Approval of actions related to Workers' Compensation Cost Containment Services.](#)

#### [Supplemental](#)

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Fair Isaac Corporation to provide workers' compensation cost containment services at a cost not to exceed \$750,000 during the period July 1, 2007 to June 30, 2008, with four one-year options to renew at a cost not to exceed \$750,000 per year, subject to annual appropriation of funds by the City Council. CEQA: Not a Project. (Human Resources)

### 2.21 [Approval to create two new job classifications.](#)

**Recommendation:** Adoption of a resolution to create the following job classifications:

- (a) Therapeutic Services Manager
- (b) Senior Therapeutic Treatment Specialist

CEQA: Not a Project. (Human Resources)

## 2. CONSENT CALENDAR

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### 2.22 [Approval to extend the agreement for the current Employee Assistance Program and Critical Incident Stress Debriefing.](#)

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute amendments to the current Employee Assistance Program (EAP) and Critical Incident Stress Debriefing (CISD) agreements with Managed Health Network (MHN) for a period not to exceed three months at a cost of \$213,000, subject to marginal change based on month-to-month usage. CEQA: Not a Project. (Human Resources)

### 2.23 [Approval to amend an agreement for Citywide Insurance Broker Services.](#)

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute the second amendment to the agreement with Willis Insurance Services of California Inc., for citywide insurance broker services, to extend the current contract from July 1, 2007 to June 30, 2008 with the same terms and conditions including a cap on commissions paid to Willis by insurance carriers for placement of the City's policies in an amount not to exceed \$241,000. CEQA: Not a Project. (Human Resources/Finance)

### 2.24 [Approval of Mayor Reed's Travel to Austin, TX.](#)

**Recommendation:** Approval of Mayor Reed's travel to Austin, TX on October 10-12, 2007 to attend the San José/Silicon Valley Chamber of Commerce City to City trip. Source of Funds: Mayor and Council Travel Fund. (Mayor)  
[Rules Committee referral 5/30/07 – Item 3.2(g)(1)]

### 2.25 [Approval of actions related to the annexation of Monterey Park No. 109.](#)

**Recommendation:** Adoption of a resolution authorizing the reorganization of territory designated as Monterey Park No. 109 which involves the annexation to the City of San José of 4.43 gross acres of land located on the northwesterly corner of Curtner Avenue and Stone Avenue and the detachment of the same from the appropriate special districts including County Lighting County Service, Central Fire Protection, Area No. 01 (Library Services) County Service, and County Sanitation District 2-3. CEQA: Resolution No. 69636, and Addenda thereto File No. 65459. Council District 7. (Planning, Building and Code Enforcement)

## 2. CONSENT CALENDAR

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### 2.26 [Approval of actions related to the Historic Landmark initiation for the Queen Anne Victorian House located on Bird Avenue.](#)

**Recommendation:**

- (a) Adoption of a resolution to initiate proceedings to consider the single family house located at 1023 Bird Avenue house as a landmark of special historical, architectural, cultural, aesthetic or engineering interest or value of a historic nature.
- (b) Refer the matter back to the Historic Landmarks Commission for its consideration at a public hearing, report and recommendation.
- (c) Adoption of a resolution setting a public hearing on August 14, 2007 at 1:30 p.m. for Council consideration of designating the Queen Anne Victorian House as a City Historic Landmark.

CEQA: Exempt, File NO. HL06-157. Council District 6. (Planning, Building and Code Enforcement)

### 2.27 [Approval to set a public meeting and public hearing for Maintenance District 18.](#)

**Recommendation:** Take the following actions to propose an increase to the annual assessment and revise the scope of services for Maintenance District 18 (The Meadowlands):

- (a) Adoption of a resolution preliminarily approving the Engineer's Report.
- (b) Setting the public meeting to be held on August 14, 2007 at 1:30 p.m.
- (c) Setting the public hearing and tabulation of property owner ballots for September 18, 2007 at 7:00 p.m.
- (d) Directing that the notice of said meeting and hearing and ballots be mailed to the property owners in district.

CEQA: Exempt, File No. PP07-020. Council District 8. (Public Works)

### 2.28 [Approval of an agreement for planning, design and construction design services for Fire Station No. 25.](#)

**Recommendation:** Approval of a continuation agreement with BFGC Architects Planners, Inc. for planning, design and construction design services for Fire Station No. 25, extending the term of the agreement from March 1, 2007 to December 1, 2007, at no cost to the City. CEQA: Resolution No. 69636, and addenda thereto File No. PP04-331. Council District 4. (Public Works)

### 2.29 [Approval of actions related to the City Hall Audio-Visual System Expansion Project.](#)

**Recommendation:** Adoption of a resolution:

- (a) Determining that the City Hall Audio-Visual System Expansion Project need not be publicly bid because the solicitation of bids would be an idle act;  
*(Item continued on the next page)*

## 2. CONSENT CALENDAR

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### 2.29 Approval of actions related to the City Hall Audio-Visual System Expansion Project. (Cont'd.)

**Recommendation:**

- (b) Authorizing the City Manager to negotiate and execute a contract for the design and construction of the City Hall Audio-Visual Expansion Project to Ceitronics, Inc. in the maximum amount of \$300,000, and approval of a contingency in the amount of \$30,000; and
- (c) Determining that the City Hall Audio-Visual System Expansion Project requires using certain brand name “control” equipment manufactured by Crestron Electronics, Inc. to match the existing audio-visual system.

CEQA: Resolution No. 68905. (Public Works/General Services)

### 2.30 Approval of actions related to the Clean Air Vehicle Parking Validation Program.

**Recommendation:**

- (a) Approval to combine the City’s existing Clean Air and Hybrid Vehicle Parking Validation Programs into a modified Clean Air Vehicle program with the following modifications:
  - (1) Match the program requirements to meet those for the State of California, Carpool Lane sticker requirements for a Single Occupancy vehicle, with the exception of including Neighborhood Electric Vehicles.
  - (2) Clean Air Vehicles must be purchased after January 1, 2000 from a licensed auto dealership in the City of San José.
  - (3) Limit participation of City parking facilities to the Third Street Garage, Fourth Street Garage, Market Street Garage, 2<sup>nd</sup>/San Carlos Garage, 2<sup>nd</sup>/St. James Lot, San Pedro/Bassett Lot, San José Regional Parks and parking meters throughout the City of San José.
  - (4) Add an administrative fee of \$30 for a new or replacement permit to cover the administrative costs of the program.
- (b) Approval to extend the modified Clean Air Vehicle program through June 30, 2009, and adoption of a resolution authorizing the Director of Transportation to extend the program annually thereafter, as long as the parking supply and demand supports continuation of the program.
- (c) Adoption of a resolution authorizing the Director of Transportation to add or remove any parking facility from the modified Clean Air Vehicle program as necessary.

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

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.1 Report of the Rules and Open Government Committee – May 23, 2007

##### Mayor Reed, Chair

- (a) City Council
  - (1) Review New Add Items to May 29, 2007 Agenda  
**NONE – MEETING CANCELED**
  - (2) Review June 5, 2007 Draft Agenda
    - (a) Add New Items to final agenda
      - (1) City Manager Compensation. (Mayor)  
**HEARD BY COUNCIL 6/5/07 – ITEM 3.10**
      - (2) Elections Commission Recommendation to Change Special Eligibility Requirement that One Member of the Elections Commission Be an Attorney at Law. (City Clerk)  
**HEARD BY COUNCIL 6/5/07 – ITEM 3.6**
      - (3) Vietnamese Business District Designation. (Nguyen/Mayor)  
**HEARD BY COUNCIL 6/5/07 – ITEM 9.1**
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
  - (1) State
    - (a) AB 1252 (Caballero) – Housing Related Parks Program. (Housing)
    - (b) AB 1460 (Saldana) – Multifamily Housing Program. (Housing)
    - (c) SB 46 (Perata) – Proposition 1C Regional Planning, Housing, and Incentive Account. (Housing)
    - (d) SB 586 (Dutton) – Proposition 1C Innovation Fund. (Housing)  
**HEARD BY COUNCIL 6/5/07 – ITEM 3.8**
  - (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 Reimbursement Policy. (City Clerk/City Attorney/Finance)  
**Continued from May 16, 2007**
  - (2) Approve the revised Commission/Liaison Code of Conduct Policy. (City Attorney)  
**SEE ITEM 2.5 FOR COUNCIL ACTION TO BE TAKEN**
  - (3) Response to the Macias Consulting Group’s Report on the Finance Department’s Investment Unit and the Finance Department’s Response. (City Auditor)
  - (4) Discussion of Cost Neutral Opportunities for a Public Safety Memorial at New City Hall with Direction to Implement Memorial and Process for Accepting Private Sponsorship. (Constant/Pyle)

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.1 Report of the Rules and Open Government Committee – May 23, 2007 (Cont'd.)

##### Mayor Reed, Chair

- (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
- (i) Open Government Initiatives
  - (1) Reed Reforms
  - (2) Sunshine Reform Task Force
  - (3) Significant Public Records Act Requests
  - (4) Council Policy Manual Update
    - (a) Approval to Validate Selected Policies Contained in the City Council Policy Manual. (City Manager)  
**SEE ITEM 2.6 (a)-(c) FOR COUNCIL ACTION TO BE TAKEN**
- (j) Open Forum
- (k) Adjournment  
(Deferred from 6/12/07 – Item 3.1)

#### 3.2 Report of the Rules and Open Government Committee – May 30, 2007

##### Mayor Reed, Chair

- (a) City Council
  - (1) Review New Add Items to June 5, 2007 Agenda
  - (2) Review June 12, 2007 Draft Agenda
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
  - (1) State
    - (a) SB 966 (Simitian and Kuehl) – Pharmaceutical Drug Disposal.  
(Environmental Services)  
**HEARD BY COUNCIL 6/5/07 – ITEM 3.12**
  - (2) Federal
- (d) Meeting Schedules
  - (1) Council Meeting Schedule August 2007 – January 2008. (City Manager)
  - (2) (1) Review two proposed meeting formats as presented by the Independent Police Auditor and the Administration; (2) Approve one of the proposed formats, or a hybrid of the two proposals, for a Special Council Meeting scheduled on June 21, 2007, beginning at 6:00 p.m., in the City Council Chambers for consideration of various police related reports. (City Manager/Independent Police Auditor)
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
  - (1) Amendment to the Residency Requirement of the News Media Member of the Sunshine Reform Task Force and Appointment of Bert Robinson to the Sunshine Task Force. (Mayor)  
**HEARD BY COUNCIL 6/5/07 – ITEM 3.13**

*(Item continued on the next page)*

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

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#### **3.2 Report of the Rules and Open Government Committee – May 30, 2007**

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

- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Approve Travel Request. (Mayor)  
**SEE ITEM 2.24 FOR COUNCIL ACTION TO BE TAKEN**
  - (2) Historic Freedom Shrine Display. (Mayor)
  - (3) Approve the use of the District 4 Special Event Fund and to acknowledge the receipt of and use of various donations in support of the Community Resource Fair to be held on Sunday, June 3, 2007 in the City Hall Civic Plaza and Rotunda. (Mayor/City Clerk)
- (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
- (i) Open Government Initiatives
  - (1) Reed Reforms
  - (2) Sunshine Reform Task Force
    - (a) Phase I Report and Open Government Recommendations. (City Manager)
  - (3) Significant Public Records Act Requests
  - (4) Council Policy Manual Update
    - (a) Approval to Validate Selected Policies Contained in the City Council Policy Manual. (City Manager)  
**SEE ITEM 2.6 (d)-(f) FOR COUNCIL ACTION TO BE TAKEN**
- (j) Open Forum
- (k) Adjournment

#### **3.3 Report of the Public Safety, Finance and Strategic Support Committee Councilmember Nguyen, Chair**

#### **3.4 Acceptance of actions related to benefit enhancements for Federated Retirees and Police and Fire Retirees.**

##### **Recommendation:**

- (a) 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).
- (b) Acceptance of the Administration's recommendation to NOT approve the benefit enhancements requested by the San José Retired Employees Association (Federated Retirees).

CEQA: Not a Project. (City Manager's Office)  
(Deferred from 5/22/07 – Item 3.6)

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.5 Approval of various budget actions for Fiscal Year 2006-2007.

##### Supplemental

**Recommendation:** Adoption of amendments to the annual appropriation ordinance and funding sources resolution for various operating and capital funds to reflect estimated FY 2006-2007 revenue receipts, expenses, and encumbrances and adoption of a resolution making certain determinations regarding the expenditure of Redevelopment Agency Funds on certain public improvements . CEQA: Not a Project. (City Manager's Office)

#### 3.6 Approval of various budget actions for Fiscal Year 2007-2008.

##### Supplemental

##### **Recommendation:**

- (a) Final adoption of resolutions approving and adopting the Operating Budget for Fiscal Year 2007-2008 for the City of San José, the Capital Budget for Fiscal Year 2007-2008 for the City of San José, and the Five Year Capital Improvement Program for the Fiscal Year 2008-2012 for the City of San José.
- (b) Adoption of the Annual Appropriation Ordinance, including transfers and loans for Fiscal Year 2007-2008 and the Manager's Final Budget Addendum.
- (c) Adoption of the Annual Funding Sources Resolution for Fiscal Year 2007-2008 and the Manager's Final Budget Addendum.
- (d) Adoption of a resolution in compliance with Article XIII B of the Constitution of the State of California and as modified by Proposition 111 and SB 88 electing the population and inflation factors and establishing the Fiscal Year 2007-2008 Appropriation Limit.

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

**TO BE HEARD SECOND IN THE AFTERNOON**

#### 3.7 Approval to execute a Group Life Insurance Agreement.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a group life insurance agreement with The Standard Insurance Company for the period of July 1, 2007, through June 30, 2011, at a cost that is subject to monthly per participant premium rates as summarized in the report. CEQA: Not a Project. (Human Resources)

#### 3.8 Approval to establish a Veterans' Preference System.

**Recommendation:** Adoption of a resolution establishing a military veterans' preference system for entry level hiring in accordance with Government Code Section 50088.

CEQA: Not a Project. (Human Resources)

#### 3.9 Approval of a Statement of Policy and Questions related to the Retirement Board.

**Recommendation:** Adoption of a Statement of Policy and City Council Questions related to the selection of a new Retirement Director as described in the memo, in compliance with City Charter Section 411.1. CEQA: Not a Project. (Human Resources)

**3.10 [Appointment of District 4 Councilmember-Elect Kansen Chu and Oath of Office.](#)**

**Recommendation:** Appointment of and administration of the Oath of Office to Councilmember-Elect Kansen Chu to serve the unexpired term in District 4, ending December 31, 2008. (Mayor)

**TO BE HEARD FIRST IN THE AFTERNOON**  
(Rules Committee referral 6/6/07)

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## **4. COMMUNITY & ECONOMIC DEVELOPMENT**

**4.1 Report of the Community & Economic Development Committee  
Councilmember Pyle, Chair**

**4.2 [Approval of the implementation of Workforce Investment Act Programs and Projects for 2007-2008.](#)**

[Supplemental](#)

**Recommendation:** Adoption of a resolution:

- (a) Authorizing the City Manager to negotiate and execute all contracts, amendments, agreements, leases, subleases and memos of understanding with contractors and vendors providing services to the Workforce Investment Act Program, including, but not limited to, novations or assignments, vendor training contracts, case management contracts, consultant contracts, memorandums of understanding required with Mandatory Partners for the use of One-Stop facilities, and cities and the unincorporated area of Santa Clara County whose residents receive service under the WIA program for the period from July 1, 2007 to June 30, 2008 in accordance with procurement procedures and requirements mandated by the State and Federal governments for Workforce Investment Act grant recipients and with established City procurement procedures and requirements that have been reviewed and approved by the work2future (formerly known as Silicon Valley Workforce Investment Network or SVWIN) Executive Committee and/or the work2future Board.
- (b) Authorizing the City Manager to amend Council approved agreements that have been reviewed and approved by the work2future Executive Committee and/or the work2future Board so long as moneys have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.
- (c) Authorizing the City Manager to negotiate and execute all grants and sub-grant agreements for discretionary funding applied for and approved by the work2future Board for the period from July 1, 2007 to June 30, 2008.

CEQA: Not a Project. (Economic Development)

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.3 Public hearings to approve Business Improvement District Assessments for FY2007-2008.

**Recommendation:** Public hearings on:

- (a) (1) [Adoption of a resolution to approve the Hotel Business Improvement](#)  
District budget report for Fiscal Year 2007-2008, as filed or as modified by the Council, and to levy the Hotel BID assessments for FY 2007-2008.
- (2) Approval of an amended and restated agreement with San José Hotels Inc. for the operation and administration of the Hotel BID.  
CEQA: Exempt, PP03-05-165.
- (b) [Adoption of a resolution to approve the Japantown Business Improvement District](#)  
budget report for Fiscal Year 2007-2008, as filed or as modified by the Council, and to levy the Japantown BID assessments for FY 2007-2008. CEQA: Exempt, PP03-05-165. Council District 3. SNI: 13<sup>th</sup> Street.
- (c) [Adoption of a resolution to approve the Willow Glen Business Improvement](#)  
District budget report for Fiscal Year 2007-2008, as filed or as modified by Council and to levy the Willow Glen BID assessment for FY 2007-2008. CEQA: Exempt, PP03-05-165. Council District 6.
- (d) [Adoption of a resolution to approve the Downtown Business Improvement](#)  
District budget report for Fiscal Year 2007-2008, as filed or as modified by Council and to levy the Downtown BID assessment for FY 2007-2008. CEQA: Exempt, PP03-05-165. Council District 3. SNI: St. James Square/University/Delmas Park/Burbank/DelMonte.

(Economic Development)

### 4.4 [Approval to execute Economic Development Catalyst Program Stock Purchase Agreements.](#)

**Recommendation:** Adoption of a resolution authorizing the City Manager to execute Economic Development Catalyst Program (EDCP) Stock Purchase Agreements and related agreements that do not include delivery of or access to confidential financial, strategic, or operational portfolio company data other than the information provided by Pacific Community Management, Inc., the City's investment manager for the City's EDCP. CEQA: Not a Project. (Economic Development)

### 4.5 [Approval of actions related to the Curtner Gardens Inn Affordable Housing Project.](#)

**Recommendation:**

- (a) Adoption of a resolution approving a funding commitment of \$4,942,845, composed of \$4,547,417 of HOME funds and \$395,428 of Low & Moderate Income Housing Funds (20% Housing Funds), to First Community Housing, or its designee, for the acquisition and rehabilitation of the Curtner Gardens Inn SRO project located at the Northwest corner of Curtner and Canoas Gardens Avenues.

*(Item continued on the next page)*

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.5 Approval of actions related to the Curtner Gardens Inn Affordable Housing Project. (Cont'd.)

**Recommendation:**

- (b) Adoption of a resolution finding that the use of 20% Housing Funds for the Curtner Gardens Inn SRO project is of benefit to the Redevelopment Project Areas of San José.

CEQA: Exempt. Council District 6. (Housing)

### 4.6 [Approval of the Five-Year Housing Investment Plan for FY 2007-2008 through 2011-2012.](#)

**Recommendation:** Discussion and action to approve the Five-Year Housing Investment Plan for Fiscal Years 2007-2008 through 2011-2012. CEQA: Not a Project. (Housing)

### 4.7 Public Hearing and approval of actions related to the Downtown Working Group and a limited pilot program for certain restaurants, bars and nightclubs.

**Recommendation:**

- (a) [Acceptance of status report on the Downtown Working Group and implementation of the Downtown Working Group Program.](#) CEQA: Not a Project. (City Manager's Office)
- (b) [Public Hearing and approval of the proposed ordinance to establish a limited pilot program to allow restaurants, bars and nightclubs within the specified area to remain open until 3:00 a.m.](#) CEQA: Exempt, File No. PP07-117. (Planning, Building and Code Enforcement)

**TO BE HEARD NO EARLIER THAN 3:30 P.M.**

### 4.8 [Approval of actions related to the Evergreen Development Policy.](#)

[Supplemental Memo from Vice Mayor Cortese](#)

**Recommendation:** Acceptance of the proposed work plan to update the Evergreen Development Policy consistent with the Council's actions on May 15, 2007, and provide input on phasing/trigger options. CEQA: Not a Project. Council Districts 5, 7 and 8. SNI: West Evergreen/K.O.N.A/East Valley/680. (Planning, Building and Code Enforcement)

**TO BE HEARD IN THE EVENING**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.9 [Consideration of a Historical Property Contract for property located at 456 North Third Street.](#)

**Recommendation:** Consideration of an Historical Property Contract (California Mills Act) between the City of San José and the owners of the Arguello-Gosby House, City Landmark file no. HL06-156, located at 456 North Third Street on a 0.2-acre site in the R-M multi-family zoning district (Angela Chumak, owner). The proposed contract, which is available to owners of designated City Landmark buildings, would facilitate a property tax reassessment and partial tax relief in return for a binding agreement to rehabilitate and maintain the historical and architectural character of the property for at least a ten-year period. SNI: 13<sup>th</sup> Street. CEQA: Exempt.

[MA07-003](#) – District 3

(Planning, Building and Code Enforcement)

### 4.10 [Consideration of a Historical Property Contract for property located at 1190 Emory Street.](#)

**Recommendation:** Consideration of a Historical Property Contract (California Mills Act) between the City of San José and the owner of the Wilder-Hait House, City Landmark file no. HL04-150, located at 1190 Emory Street on a 1.2-acre site in the R-1-8 single-family residence zoning district (Alex and Cynthia Clerk, owners). The proposed contract, which is available to owners of designated City Landmark buildings, would facilitate a property tax reassessment and partial tax relief in return for a binding agreement to rehabilitate and maintain the historical and architectural character of the property for at least a ten-year period. CEQA: Exempt.

[MA07-001](#) – District 6

(Planning, Building and Code Enforcement)

### 4.11 [Approval of a Memorandum of Understanding for the Contemplated Expansion of the Valley Fair Mall.](#)

**Recommendation:** Approval of a Memorandum of Understanding between the City of San José and the City of Santa Clara Regarding Planning Permit Approval and Inspection Responsibilities for the Contemplated Expansion of the Valley Fair Mall. CEQA: Not a Project. Council District 6. (Planning, Building and Code Enforcement)

### 4.12 [Approval of actions related to the Evergreen Specific Plan Fund.](#)

#### [Supplemental](#)

**Recommendation:** Approval to take the following actions in the Evergreen Specific Plan Fund:

- (a) Declaring \$11,063,710 in contingent lien proceeds as un-obligated in the Evergreen Specific Plan Fund; and
- (b) Approval of a reimbursement in the amount of \$11,063,710 to the Evergreen Specific Plan Property Ownership Partnership.

CEQA: Not a Project. Council District 8. (Public Works)

## 5. NEIGHBORHOOD SERVICES

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### 5.1 Report of the Neighborhood Services and Education Committee Councilmember Chirco, Chair

### 5.2 [Consideration of changes to the Animal Regulations of the San José Municipal Code.](#)

#### [Memo from City Attorney](#)

#### **Recommendation:**

- (a) Consideration of staff analysis and response and direction from Council regarding the Proposed Ordinance.
- (b) Consideration of [an ordinance](#) amending Title 7, the "Animal Ordinance" of the San José Municipal Code, in its entirety, to reflect changes requested by the City Council on May 1, 2007; to update existing animal related regulations to reflect current animal care and control practices on the proper and adequate care of animals, to revise livestock and small animal regulations, sale of animals, rabies vaccinations, and animal trapping; to define new terms; and to make other technical and conforming changes.
- (c) Approval of [an ordinance](#) amending Section 1.08.020 of Chapter 1.08 of Title 1 of the San José Municipal Code to update the list of animal infractions to include the new code sections.

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

**TO BE HEARD IN THE EVENING**

### 5.3 [Acceptance of staff's response to the Civil Grand Jury's Report on, "The Ten-Year Plan to Advance the Well-Being of Senior Citizens Falls Short of its Goal."](#)

**Recommendation:** Acceptance of the Parks, Recreation and Neighborhood Services response to the 2006-07 Santa Clara County Civil Grand Jury's report entitled "The Ten-Year Plan to Advance the Well-Being of Senior Citizens Falls Short of Its Goal" issued on April 23, 2007. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 Report of the Transportation and Environment Committee – June 4, 2007 Councilmember Williams, Chair

- (a) Status Report on Implementation of the Taxicab Service Model. (Airport/PD/ DOT)
- (b) Review of Performance Measure Reporting. (CMO)  
**Continued from May Meeting**
- (c) Recycled Water Master Plan and City-District Collaboration and Funding for Infrastructure. (ESD)  
**Recommend Deferral to August**

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 Report of the Transportation and Environment Committee – June 4, 2007 (Cont'd.) Councilmember Williams, Chair

- (d) Citywide Trail Completion Status Report. (PRNS)
- (e) Status Report on Tree Preservation. (CMO/PBCE)  
**Continued from May Meeting**
- (f) Private Development Incentives for Green Building. (PBCE/OED)
- (g) Update on the Urban Environmental Accords. (ESD)  
**Recommend Deferral to Fall**
- (h) State and Federal Legislation Quarterly Report. (CMO)  
**Deferred from May Meeting**
- (i) Update on Key Aspects of Recycle Plus Transition. (ESD)  
**Recommend Drop by the Administration**
- (j) Oral Petitions
- (k) Adjournment

### 6.2 [Approval of actions related to the lease and maintenance of Compressed Natural Gas Shuttle Buses at the Airport.](#)

#### **Recommendation:**

- (a) Reject the only proposal for lease and maintenance of compressed natural gas (CNG) shuttle buses for the Norman Y. Mineta San José International Airport.
- (b) Adoption of a resolution authorizing the Director of Finance to:
  - (1) Negotiate and execute an agreement with Penske Truck Leasing Co. L.P. for a seven year lease and maintenance of fourteen CNG buses with a not to exceed compensation of \$1,900,000 for the first year of the contract and subject to annual Consumer Price Index adjustments and appropriation of funds.
  - (2) Amend the agreement to add additional CNG buses as required for successful operation of the airport subject to appropriation of funds.

CEQA: Resolution Nos. 67380 and 71451, File No. PP07-059. (Finance)

### 6.3 [Approval to amend an agreement with Valley Transportation Authority for Airport Bus Services.](#)

#### **Recommendation:**

- (a) Approval of the sixth amendment to the agreement for Airport Bus Service with the Santa Clara County Valley Transportation Authority (VTA), extending the term from July 1, 2007 to June 30, 2010, with the option for the City to extend the agreement for up to two (2) additional two-year terms, with first year compensation to VTA in an amount not to exceed \$1,400,000 and with compensation for subsequent years subject to adjustment based upon the Consumer Price Index, and subject to appropriation of funds for each year.
- (b) Adoption of a resolution authorizing the City Manager to exercise up to two (2) two-year options to extend the agreement, subject to appropriation of funds for each option year.

CEQA: Resolution Nos. 67380 and 71451, File No. PP07-110. (Airport)

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.4 [Approval of report on bids and award of contract for the Slurry Seal 2007 Project.](#)

**Recommendation:** Report on bids and award of contract for the Slurry Seal 2007 project to the low bidder, Graham Contractors, Inc. in the amount of \$1,974,880.00 and approval of a five percent (5%) contingency in the amount of \$99,000. CEQA: Exempt, File No. PP04-039. (Transportation)

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.1 [Approval of actions related to the Urban Eco Master Plan for the former Las Plumas Site.](#)

**Recommendation:**

- (a) Acceptance of report on the proposed Urban EcoPark Master Plan for the site of the former Las Plumas warehouse;
  - (b) Authorize staff to issue a Request for Proposals in June 2007 to identify potential tenants for facility programming; and
  - (c) Direction to staff to report to the Transportation & Environment Committee in Fall 2007 with recommendations for facility tenants and a plan for facility programming and development, including cost estimates, timeline, and financing.
- CEQA: Not a Project. (Environmental Services)

### 7.2 [Approval of various actions related to establishing a Household Hazardous Waste Collection Program.](#)

[Supplemental](#)

**Recommendation:**

- (a) Approval of the first amendment to the agency agreement for Countywide AB 939 Implementation Fee with the County of Santa Clara to establish the Implementation Fee for FY 2006-07 at \$3.72, for FY 2007-08 at \$3.55, and for FY 2008-09 at \$3.35.
- (b) Approval of the first amendment to the agency agreement with the County of Santa Clara Countywide Household Hazardous Waste Collection Program for FY 2006-07 to increase the City's contribution by \$50,000 for a total cost not to exceed \$50,000.
- (c) Approval of the second amendment to the Agency Agreement with the County of Santa Clara Countywide Household Hazardous Waste Collection Program for the term July 1, 2007 through June 30, 2009, at no cost to the City of San José.

CEQA: Not a Project. (Environmental Services)

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.3 Approval of actions related to City Events and Large Venue Recycling.

**Recommendation:**

- (a) Adoption of a resolution authorizing the City Manager to enter into an agreement with the San José Conservation Corps (SJCC) on an initial one-year basis to provide Special Event recycling services on behalf of the City at no cost to Special Event operators, with options for up to two one-year renewals;
- (b) Require Special Events operators as a condition of their City Permit to provide access to the City's Special Event recycling service provider at a level of service established by the Director of Environmental Services if the following conditions are met: the Special Event occurs on a City street or on a City-owned site, facility, or public park; has an average daily attendance of at least 1,000 persons; and the City receives the initial permit application after August 1, 2007;
- (c) Direction to staff to develop a policy that allows for Special Events that meet the above criteria and use the City's recycling services to use the City's low cost disposal under the City's agreement with Newby Island Landfill; and
- (d) Add to the Fall 2007 Transportation and Environment (TE) Committee workplan an evaluation of current City Special Event and Venue recycling services and options for service improvements.

CEQA: Exempt, File No. PP07-097. (Environmental Services)

### 7.4 Approval of actions related to Commercial Solid Waste Franchise Fees and Source Reduction and Recycling Fees.

**Recommendation:**

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute an Agreement with San José Unified School District (SJUSD) to allow for reimbursement of Commercial Solid Waste Franchise Fees paid by SJUSD for an initial term of July 1, 2007, through June 30, 2009, and to authorize the Director of Environmental Services to exercise options for up to three one-year extensions.
- (b) Adoption of a resolution amending the 2007-2008 Schedule of Fees and Charges to set the Source Reduction and Recycling (AB939) Fee at \$0.00 per cubic yard for solid waste generated by eligible public school districts in San José.

CEQA: Not a Project. (Environmental Services)

### 7.5 Approval of Sanitary Sewer Service and Use Charges and Storm Sewer Services Charges.

Supplemental

**Recommendation:**

- (a) Public hearing on proposed FY 2007-08 Sanitary Sewer Service and Use Charges and Storm Sewer Service Charges and proposed maximums for rate increases in FY's 2008-09 and 2009-10; and direct staff to return during the FY 2008-09 and 2009-10 budget cycles with recommendations for rate increases in FY 2008-09 and 2009-10 consistent with staff recommended maximum rate increases for those years.

*(Item continued on the next page)*

## **7. ENVIRONMENTAL & UTILITY SERVICES**

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### **7.5 Approval of Sewer Service and Use Charges and Storm Sewer Services Charges. (Cont'd.)**

**Recommendation:**

- (b) Adoption of a resolution setting Sanitary Sewer Service and Use Charge rates for FY 2007-08 to reflect the rates in the staff report and public notices.
- (c) Adoption of a resolution setting Storm Sewer Service Charges rates for FY 2007-08 to reflect the proposed rates in the staff report and public notices.

CEQA: Not a Project. (Environmental Services)

### **7.6 Approval of San José Municipal Water System Potable Water Rates and Charges.**

**Recommendation:** Adoption of a resolution increasing the San José Municipal Water System (SJMWS) potable water rates and charges by 7.3% effective July 1, 2007.

CEQA: Not a Project. Council District 2, 4, 7 and 8. (Environmental Services)

## **8. PUBLIC SAFETY SERVICES**

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## **9. JOINT COUNCIL/REDEVELOPMENT AGENCY**

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*See Items 8.1 "Approval of actions related to DDAs for development of housing in the North San Pedro area," and 8.2 "City Council and Redevelopment Agency Board actions related to the related to the funding of improvements to Parkside Hall" on the Redevelopment Agency Agenda, which will be heard and action taken only during the Redevelopment Agency Meeting that follows the Council Meeting today.*

**CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEMS 9.1, 9.2, 9.3 AND 9.4 IN A JOINT SESSION**

## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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### 9.1 Consideration of changes to the Revolving Door and Lobbyist Regulations of the San José Municipal Code.

#### [Memo from City Attorney](#)

**Recommendation:** Consideration of [an ordinance](#) amending Chapters 12.10 (Revolving Door) and 12.12 (Lobbyist) of Title 12 of the San José Municipal Code to implement changes requested by the City Council to (1) increase the existing revolving door prohibition from one to two years; (2) broaden the existing definition of a lobbyist by decreasing the hourly threshold to qualify as a lobbyist and aggregating the hours of individuals lobbying on behalf of the same organization; (3) create an exception for nonprofit organizations with Section 501(c)(3) tax exempt status; (4) require disclosure of and/or prohibit disclosure of compensation contingent on the result of a proposed governmental action; (5) require additional disclosures in the lobbyist quarterly report; (6) impose interest on the quarterly report late filing fee; (7) require members of the Council and Agency to disclose meetings with lobbyists; and (8) make other technical and clarifying changes. CEQA: Not a Project. (City Attorney's Office)

### 9.2 [Approval of actions related to the Pilot Shopping Center Improvement Program.](#)

#### **Recommendation:**

- (a) Adoption of a resolution:
  - (1) Approving the creation of a pilot program to improve the appearance of shopping centers outside of Redevelopment Areas to increase economic vitality, encourage job growth and generate additional sales tax revenue.
  - (2) Authorizing the City Manager to execute a Cooperation Agreement to allow City of San José General Funds to be used to compensate the San José Redevelopment Agency for staff time, design work, supplies and contractor services undertaken outside of Redevelopment Areas.
- (b) Adoption of an Agency resolution authorizing the Executive Director to execute a Cooperation Agreement to allow City of San José General Funds to be used to compensate the San José Redevelopment Agency for staff time, design work, supplies and contractor services undertaken outside of Redevelopment Areas.

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

[Community and Economic Development Committee referral 5/21/07 – Item 4.5(c)]

### 9.3 [Approval of actions related to a Property and Business Improvement District in downtown.](#)

**Recommendation:** Conduct a public meeting to receive public comment on the formation of the Downtown Property and Business Improvement District (PBID). CEQA: Not a Project. Council District 3. (City Manager's Office/Redevelopment Agency)

**TO BE HEARD IN THE EVENING**

## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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### 9.4 [Approval of actions related to the City's Inclusionary Housing Requirements.](#)

#### [Supplemental](#)

#### **Recommendation:**

- (a) Adoption of resolutions amending the "City of San José Policy on Implementation of the Inclusionary Housing Requirement of Health & Safety Code Section 33413(b)(2)" that applies to most redevelopment project areas to:
  - (1) Require 8% very low-income units and 12% low-income units at 60% of area median income in rental projects; and
  - (2) To provide housing developers with other options to providing affordable units within their projects.
- (b) Adoption of a resolution amending the annual Fee Resolution to increase the in-lieu fees applicable to the Inclusionary Housing Policy, as follows:
  - (1) \$17.00 per net square foot of market-rate housing with a maximum of \$17,100 for rental units, \$18,000 for for-sale units in low-rise condominium/stacked flat projects, \$24,000 for for-sale units in townhouse/row-house projects, \$40,000 for single-family detached units, and \$40,000 for high-rise units not located in the Downtown Core; and
  - (2) \$8.50 per net square foot of market-rate high-rise units located in a Downtown High-Rise Incentive Area, up to a maximum of \$13,000 per unit

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

- Notice of City Engineer's Pending Decision on Final Maps
- Notice of City Engineer's Award of Construction Projects
- Open Forum (To be heard no earlier than 3:30 p.m.)
- Continue RDA Board Meeting (immediately following Open Forum)

## 10. GENERAL PLAN PUBLIC HEARINGS

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No General Plan Public Hearings at this time.

## 11. PUBLIC HEARINGS ON CONSENT CALENDAR

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

**Notice to the public:** There will be no separate discussion of Public Hearings Consent Calendar (Item 11.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Public Hearings Consent Calendar (Item 11.1) and considered separately.

### 11.1 Public Hearings on Consent Calendar.

**Recommendation:**

- (a) [Consideration of an ordinance rezoning the real property located on the south side of Piercy Road, approximately 900 feet east of the intersection of Piercy Road and Tennant Avenue \(725 Piercy Road\) from Unincorporated County to OS – Open Space on a 1.1 gross acre site \(Manuel J. Rios, Owner\). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning commission action required. C07-030 – District 2](#)
  
- (b) [Consideration of an ordinance rezoning the real property located on the southeast corner of Highway 280 and South 11<sup>th</sup> Street \(868 South 11<sup>th</sup> Street\) from R-2 Two-Family Residence Zoning District to R-M Multiple Residence District on a 0.2 gross acre site \(Margarita O. Delgado et al, Tamara Alabastro, Owners; Bruce Williams, Developer\). SNI: Spartan/Keys. CEQA: Resolution No. 65459. C07-005 – District 3](#)
  
- (c) Consideration of an Historical Property Contract (California Mills Act) between the City of San José and the owners of the Arguello-Gosby House, City Landmark file no. HL06-156, located at 456 North Third Street on a 0.2-acre site in the R-M multi-family zoning district (Angela Chumak, owner). The proposed contract, which is available to owners of designated City Landmark buildings, would facilitate a property tax reassessment and partial tax relief in return for a binding agreement to rehabilitate and maintain the historical and architectural character of the property for at least a ten-year period. SNI: 13<sup>th</sup> Street. CEQA: Exempt. MA07-003 – District 3

**TO BE HEARD IN THE AFTERNOON**

**SEE ITEM 4.9 FOR COUNCIL ACTION TO BE TAKEN IN THE AFTERNOON**

*(Item continued on the next page)*

# 11. PUBLIC HEARINGS ON CONSENT CALENDAR

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

### Recommendation:

- (d) [Consideration of an ordinance rezoning the real property located on the northwest corner of Capitol Avenue and Berryessa Road \(13441 Berryessa Road\) from the A\(PD\) Planned Development Zoning District to the CG – Commercial General Zoning District to allow commercial uses on the 0.79 gross acre site \(BP West Coast Products LLC, Owner\). CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.](#)  
C07-023 – District 4
- (e) [Consideration of an ordinance rezoning the real property located on the northwest corner of The Alameda and Stockton Avenue \(155 Stockton Ave.\) from the CG Commercial General Zoning District to the A\(PD\) Planned Development Zoning District to allow approximately 44,000 square foot commercial use \(Whole Foods\) on a 2.19 gross acres site \(Alameda/Stockton, Llc, Owner; Whole Foods Market California, Inc., Developer\). CEQA: Mitigated Negative Declaration.](#)  
PDC06-064 – District 6
- (f) Consideration of an Historical Property Contract (California Mills Act) between the City of San José and the owner of the Wilder-Hait House, City Landmark file no. HL04-150, located at 1190 Emory Street on a 1.2-acre site in the R-1-8 single-family residence zoning district (Alex and Cynthia Clerk, owners). The proposed contract, which is available to owners of designated City Landmark buildings, would facilitate a property tax reassessment and partial tax relief in return for a binding agreement to rehabilitate and maintain the historical and architectural character of the property for at least a ten-year period. CEQA: Exempt.  
MA07-001 – District 6  
**TO BE HEARD IN THE AFTERNOON**  
**SEE ITEM 4.10 FOR COUNCIL ACTION TO BE TAKEN IN THE AFTERNOON**
- (g) [Consideration of an ordinance rezoning the real property located on the east side of Stone Avenue at the intersection with Cimino Street \(1999 Stone Ave.\) from LI Light Industrial District to the HI Heavy Industrial District on a 4.09 gross acres site \(Anello and Vida Salvatore Trustee, Owner\). CEQA: Reuse of EIR. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.](#)  
C07-022 – District 7

**END OF PUBLIC HEARINGS ON CONSENT CALENDAR**

# 11. PUBLIC HEARINGS

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## 11.2 Consideration of an ordinance rezoning the real property located on the southeast corner of Zanker Road and River Oaks Drive.

**Recommendation:** Consideration of an ordinance rezoning the real property located on the southeast corner of Zanker Road and River Oaks Drive (3300 Zanker Road) from (IP) Industrial Park Zoning District to A(PD) Planned Development Zoning District to allow up to 1,900 single-family attached residences and 31,360 square feet for retail commercial, leasing office, and clubhouse uses on a 38.25 gross acre site (Irvine Apartment Communities, property owner and developer). CEQA: Resolution No. 72768.

PDC06-038 – District 4  
(Continued from 6/5/07 – Item 11.6)

## 11.3 Consideration of an ordinance rezoning the real property located on the southeast corner of East Hedding Street and North 17<sup>th</sup> Street.

**Recommendation:** Consideration of an ordinance rezoning the real property located on the southeast corner of East Hedding Street and North 17<sup>th</sup> Street (890 North 17<sup>th</sup> Street) from the R-2 Two-Family Residence District to the R-2(PD) Planned Development Zoning District to allow 2 single family detached residences and 1 duplex that currently exist on the project site to facilitate future subdivision. No new construction is proposed (Louis Bini, owner). SNI: 13<sup>th</sup> Street. CEQA: Exempt.

PDC07-004 – District 3

**RECOMMEND CONTINUANCE TO 8/14/07 PER ADMINISTRATION**

## 11.4 Consideration of an ordinance rezoning the real property located on both sides of Berryessa Road, between the Union Pacific Railroad Right of Way to the east, the Coyote Creek to the west, and north of Mabury Road.

**Recommendation:** Consideration of an ordinance rezoning the real property located on both sides of Berryessa Road, between the Union Pacific Railroad Right of Way to the east and the Coyote Creek to the west, north of Mabury Road (1590 Berryessa Road) from A(PD) Planned Development Zoning District on 101-acres, IP-Industrial Park Zoning District on 19-acres and A-Agriculture Zoning District on .76-acres to A(PD) Planned Development Zoning District to allow up to 2,818 residential units and up to 365,622 square feet of commercial/industrial uses on an approximately 120 gross acre site (The Flea Market Inc, Owner/Developer). CEQA: Environmental Impact Report.

PDC03-108 – District 4

**RECOMMEND DEFERRAL TO 8/14/07 PER ADMINISTRATION**

- Open Forum
- Adjournment