



# CITY COUNCIL AGENDA

**JUNE 20, 2006**

## AMENDED AGENDA

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

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

RON GONZALES MAYOR

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

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

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

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

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

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

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

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

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

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

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

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

- **Call to Order and Roll Call**
  - 9:30 a.m. - Closed Session, City Hall Tower, 18<sup>th</sup> Floor, City Hall  
[See Separate Agenda](#)
  - 1:30 p.m. - Regular Session, Council Chambers, City Hall
  - 7:00 p.m. - General Plan Hearings, Council Chambers, City Hall
  - 7:00 p.m. - Public Hearings, Council Chambers, City Hall
- **Invocation (District 6)**  
Vivace Youth Chorus of San José
- **Pledge of Allegiance**
- **Orders of the Day**

Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

- \* **SEE NEW ITEM 4.5, SIDEWALK CAFÉ PERMIT PILOT PROGRAM.**

**ITEMS 9.5 AND 9.7 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.**

## **1. CEREMONIAL ITEMS**

---

- 1.1 Presentation of commendations to Ana Stevenson, Tropicana Merchants Association and Telemundo 48 as recipients of the Community Partners Award from the Latino College Preparatory Academy at National Hispanic University for their decided support and leadership. (Nguyen)  
(Rules Committee referral 6/7/06)  
**TO BE HEARD IN THE EVENING**

# 1. CEREMONIAL ITEMS

---

- 1.2 Presentation of commendations to Integrated Design Associates Inc. and David Kaneda for designing the Nation's first net zero energy and zero carbon emission commercial building. (LeZotte/Chirco)  
\* (Rules Committee referral 6/14/06)
- 1.3 Presentation of a commendation to George Curcija for his extraordinary volunteer services to Rebuilding Together Silicon Valley, the Second Harvest Food Bank and the people of San José. (Yeager/Chirco)  
\* (Rules Committee referral 6/14/06)
- 1.4 Presentation of a commendation to the members of the Evergreen Valley Church for their active and positive involvement in the community and their work during their Mississippi Mission Trip. (Cortese)  
\* (Rules Committee referral 6/14/06)  
**TO BE HEARD IN THE EVENING**

# 2. CONSENT CALENDAR

---

**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. 27768 – Amending Chapter 3.36 of Title 3 of the San José Municipal Code to make technical compliance clarifications to the Police and Fire Department Retirement Plan.
- \* (b) ORD. NO. 27781 – Rezoning certain real property situated on the west side of Oakland Road, approximately 550 feet north of Rock Avenue to A(PD) Planned Development Zoning District. PDC05-113
- \* (c) ORD. NO. 27783 – [Amending Chapter 6.02 of Title 6 of the San José Municipal Code](#) by amending Section 6.20.130 to specify an additional ground for denial, suspension or revocation of a license or permit and to modify two other existing grounds; adding Section 6.02.160 which restates the existing opportunity to correct requirement; adding a new Part 1.5 to provide summary suspension procedures for emergency action to abate imminent threats to the public health, safety or welfare; and repealing Sections 6.02.240 and 6.02.250; and amending Chapter 6.60 to add Section 6.60.290 prohibiting public nuisances on or within one hundred fifty feet of public entertainment business premises.

## 2. CONSENT CALENDAR

---

### 2.3 [Approval to amend an agreement related to ProjectWise Software.](#)

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a second amendment to the existing agreement for consultant services with Carter & Burgess, Inc. to expand the scope of services related to the implementation of ProjectWise Software, increasing compensation by \$300,000, from \$383,073 to a total maximum compensation not to exceed \$683,073, and extending the term from July 1, 2006 to June 30, 2007. CEQA: Resolution Nos. 67380 and 71451, PP 06-080. (Airport)

### 2.4 [Approval to amend an agreement with HMM Engineers for consulting services at the Airport.](#)

**Recommendation:** Approval of a first amendment to the agreement with HMM Engineers for on-call engineering and design consulting services at the Norman Y. Mineta San José International Airport, extending the term of agreement from June 30, 2006 to May 31, 2008, and amending the compensation to reflect increased labor rates with no increase in total compensation. CEQA: Resolution Nos. 67380 and 71451, PP 06-088. (Airport)

### 2.5 [Approval to amend the lease agreement with Integrated Airline Services.](#)

- \* **Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a first amendment to the lease agreement with Integrated Airline Services for space at 1277 Airport Boulevard, increasing the square footage of leased space and extending the term of the lease through July 31, 2011, with increased annual rental revenue of \$9,000 to the City, for total annual revenue in the amount of \$24,480. CEQA: Resolution Nos. 67380 and 71451, PP 06-096. (Airport)

### 2.6 [Approval of an ordinance requiring safety equipment in City-owned skate parks and authorizing certain skateboarding outdoor special events.](#)

**Recommendation:** Approval of an ordinance amending Chapter 13.21 of Title 13 of the San José Municipal Code to require skateboarders using City-Owned skate parks to wear helmets and associated safety equipment and authorizing skateboarding to occur on temporary skateboard equipment installed in the Downtown and Willow Glen Prohibition Zones, if the skateboarding activity is covered by a City permit or agreement from the City's property manager, as part of an outdoor special event. CEQA: Exempt, PP06-101. (City Attorney's Office)

## 2. CONSENT CALENDAR

---

### 2.7 [Approval of an agreement to install artwork at the Roosevelt Community Center.](#)

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Jackie Brookner to fabricate and install artwork for the Roosevelt Community Center in a total amount not to exceed \$290,000, including funds in an amount not to exceed \$77,000 from the Environmental Services Department (ESD) to be used towards environmental artwork. CEQA: Mitigated Negative Declaration, File No. PP03-397. Council District 3. SNI: Five Wounds. (Economic Development)

### 2.8 [Approval to implement Workforce Investment Act Programs and Projects.](#)

**Recommendation:** Adoption of a resolution authorizing the City Manager to:

- (a) 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, 2006 to June 30, 2007 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 Silicon Valley Workforce Investment Network (SVWIN) Executive Committee and/or the SVWIN Board.
- (b) Amend Council approved agreements that have been reviewed and approved by the SVWIN Executive Committee and/or the SVWIN 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) Negotiate and execute all grants and sub-grant agreements for discretionary funding applied for and approved by the SVWIN Board for the period from July 1, 2006 to June 30, 2007.

CEQA: Not a Project. (Economic Development)

### 2.9 [Approval of an agreement for landfill disposal consultant services.](#)

**Recommendation:** Approval of the fifth amendment to the agreement with Camp Dresser & McKee, Inc., for landfill disposal consultant services, extending the term of agreement to June 30, 2007, and increasing compensation by \$50,000, from \$150,000 to a total amount not to exceed \$200,000. CEQA: Not a Project. (Environmental Services)

## 2. CONSENT CALENDAR

---

### 2.10 Approval of actions related to the Household Hazardous Waste Program.

**Recommendation:**

- (a) Approval of an agreement with the County of Santa Clara for reauthorization of the Countywide AB 939 Implementation Fee for a three year term from July 1, 2006 to June 30, 2009, increasing the fee by \$0.37 per ton, for a total fee of \$3.72 per ton to fund collection of Universal Wastes from San José residents by the Countywide Household Hazardous Waste Program and implementation of various source reduction and recycling activities.
- (b) Approval of an agreement with the County of Santa Clara Countywide Household Hazardous Waste Collection Program for the term July 1, 2006 through June 30, 2009 at no cost to the City of San José.

CEQA: Not a Project. (Environmental Services)

### 2.11 Approval to award open purchase order for FY 2005-2006 #19.

**Recommendation:** Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2005-2006 #19, and authorization for the Director of Finance to execute the purchase orders. CEQA: See Administration's Memo to Council for specific CEQA clearance determinations on each recommended action. (Finance)

### 2.12 Approval to amend an agreement for quality assurance services for the C-UBS Project.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a first amendment to the agreement for consulting services between the City of San José and Langham Consulting Services, Inc. extending the term of the agreement from June 30, 2006 to September 30, 2006 and increasing total compensation by \$44,000, to a not-to-exceed amount of \$143,000 in order to provide Quality Assurance services for the Consolidated Utility Billing System (C-UBS) project through the end of project stabilization period. CEQA: Not a Project. (Finance)

## 2. CONSENT CALENDAR

---

### 2.13 [Approval to purchase freestanding furniture for the Evergreen and Cambrian Branch Libraries.](#)

**Recommendation:** Report on bids and approval of the award of the purchase of Freestanding Furniture and authorization to the Director of Finance to execute the purchase orders for the newly reconstructed Evergreen Branch and Cambrian Branch Libraries to:

- (a) Tab Sales (San José, CA), the low bidder for bid group B, for an amount not to exceed \$36,243.15, including tax;
- (b) Vanguard Legato Group (San José, CA), the low bidder for bid group E, I and J, for an amount not to exceed \$103,922.55, including tax;
- (c) Agati (Chicago, IL), the low bidder for bid group A, for an amount not to exceed \$110,816.00, including tax; and
- (d) Contract Office Group (Milpitas, CA), the low bidder for bid group C, D, F, G, H and K, for an amount not to exceed \$136,509.50, including tax.

CEQA: Not a Project. (Finance)

### 2.14 [Approval of actions related to the Business Tax Programs.](#)

**Recommendation:**

- (a) Approval of an ordinance authorizing the Director of Finance to administer a business tax amnesty program which forgives taxpayers who pay certain past due business taxes from liability for remaining past due business taxes, interest, and penalties;
- (b) Approval of an ordinance authorizing a Business Improvement District Assessment Amnesty Program for the Downtown, Japantown, and Willow Glen Business Improvement Districts to run concurrently with the Business Tax Amnesty Program; and
- (c) Approval of an ordinance amending Section 4.76.345 of Chapter 4.76 of Title 4 of the San José Municipal Code to simplify the business tax hardship exemption process by eliminating the current requirement that sole proprietorships who have claimed the exemption file with the City a statement of financial hardship with supporting evidence by November 30 of the following year.

(Finance) CEQA: Not a Project.

\* **RENUMBERED TO 3.9**

### 2.15 **Approval of the revisions to Council Policy 7-1 – Below Market Rental Policy.**

#### [Supplemental](#)

**Recommendation:** Adoption of a resolution approving the revised Council Policy 7-1 – Below Market Rental Policy for Use of City-owned Land and Buildings by Non-Profit or Charitable Organizations or for Governmental or Other Public Purposes, and direction to the Public Works Department to provide oversight for the review and negotiation of all City-owned leases and or property use agreements. CEQA: Not a Project. (General Services/Public Works)

(Deferred from 5/23/06 – Item 3.6)

## 2. CONSENT CALENDAR

---

### 2.16 Approval to extend a contract to provide services to the homeless population.

**Recommendation:** Adoption of a resolution:

- (a) Approving a 12-month extension to the Housing Services Partnership contract to provide homeless services on behalf of the City through June 30, 2007;
- (b) Approving an increase in the Housing Services Partnership contract amount from \$1,034,167 to \$2,247,879 to cover the cost of services provided through June 30, 2007;
- (c) Authorizing the Director of Housing to negotiate and execute all necessary documents.

CEQA: Not a Project. (Housing)

### 2.17 Approval of master agreements for various trail projects.

#### Supplemental

**Recommendation:** Approval of two consultant master agreements with the following firms for various trail projects:

- (a) Callander Associates Landscape Architecture, Inc. for a variety of landscape architectural support services from the date of execution through June 30, 2011 in an amount not to exceed \$2,000,000.
- (b) CH2M HILL, Inc. for a variety of engineering support services from the date of execution through June 30, 2011 in an amount not to exceed \$2,000,000.

CEQA: Not a Project. Council Districts various. (Parks, Recreation and Neighborhood Services/Public Works)

### 2.18 Approval to award a contract for the Penitencia Creek Trail Reach 2, Phase I-A Development Project.

#### \* **Recommendation:**

- (a) Report on bids and award of contract for the Penitencia Creek Trail Reach 2, Phase 1-A Development Project to the low bidder, Suarez & Munoz Construction, Inc., in the amount of \$227,950, and approval of a contingency in the amount of \$11,400.
- (b) Adoption of the following 2006-2007 Appropriation Ordinance amendments in the Council District 4 Construction and Conveyance Tax Fund.
  - (1) Establish an appropriation to the Parks, Recreation and Neighborhood Services Department, for the Penitencia Creek Trail Reach 2, Phase 1-A Development Project in the amount of \$312,000; and
  - (2) Decrease the Ending Fund Balance by \$312,000.

CEQA: Mitigated Negative Declaration, PP0103-062, Resolution No. 72526. Council District 4. (Public Works/Parks, Recreation and Neighborhood Services/City Manager's Office)

**RECOMMEND DEFERRAL TO 6/27/06**

## 2. CONSENT CALENDAR

---

### 2.19 [Approval of an agreement for parking citation and administrative hearing services.](#)

- \* **Recommendation:** Approval of the agreement between the City of San José and Michael O. Barry for hearing officer services, for the period beginning July 1, 2006 through June 30, 2008 with three one-year options exercisable by the City, at an annual agreement not to exceed \$88,719.00. CEQA: Not a Project. (Planning, Building and Code Enforcement/Transportation)

### 2.20 [Approval of the Annual Budget Reports for various Maintenance Districts.](#)

**Recommendation:** Adoption of resolutions approving, confirming and adopting the Annual Budget Reports for Fiscal Year 2006-2007 for City of San José Maintenance Districts 1, 2, 5, 8, 9, 11, 13, 15, 18, 19, 20, 21 and 22 and levying the assessments therein. CEQA: Not a Project. Council Districts 2, 3, 4 and 8. (Public Works)

### 2.21 [Approval to set a Public Hearing to vacate a portion of Ninth Street.](#)

**Recommendation:** Adoption of a resolution of intention to vacate an easterly portion of Ninth Street between Taylor and Jackson Streets with reservation of a public service easement and setting a public hearing on August 8, 2006 at 1:30 p.m. CEQA: Mitigated Negative Declaration, PDC05-059. Council District 3. SNI: 13<sup>th</sup> Street. (Public Works)

### 2.22 [Approval of an agreement for the Sanitary Sewer Master Plan Phase II and Updates Project.](#)

**Recommendation:** Approval of a consultant master agreement with GEOTivity Inc., for flow monitoring consultant services for the City's Sanitary Sewer Master Plan Phase II and Updates Project (Phase II), for the period June 20, 2006 to December 31, 2009, in a total amount not to exceed \$1,200,000. CEQA: Exempt, File No. PP05-274. (Public Works)

### 2.23 [Approval of report on bids and appropriate action for Fire Station No. 34.](#)

**Recommendation:** Report on bids and take appropriate action based on the evaluation of bids for New Fire Station No. 34 located at 1034 Las Plumas Avenue near Nipper Avenue. CEQA: Mitigated Negative Declaration, File No. PP05-104. Council Districts 3 and 4. (Public Works/Fire)

- \* **RECOMMEND DEFERRAL TO 6/27/06**

## 2. CONSENT CALENDAR

---

### 2.24 Approval to award a contract for the Plata Arroyo Park Restroom Project.

**Recommendation:**

- (a) Report on bids and award of contract for the Plata Arroyo Park Restroom Project to the low bidder, ESR Construction, to include the base bid in the amount of \$294,000 and approval of a contingency in the amount of \$30,000.
- (b) Adoption of the following 2006-2007 appropriation ordinance amendments in the Subdivision Park Trust Fund (Fund 375):
  - (1) Increase the appropriation to the Parks, Recreation and Neighborhood Services Department for the Plata Arroyo Park Restroom Project by \$65,000; and
  - (2) Decrease the Reserve: Future PDO/PIO Projects by \$65,000.
- (c) Adoption of the following 2006-2007 appropriation ordinance and funding source resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund):
  - (a) Increase the estimate for Earned Revenue by \$200,000.
  - (b) Establish an appropriation to the Department of Public Works for the Plata Arroyo Park Restroom Project (PSM #452) in the amount of \$200,000.
- (d) Adoption of resolutions making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with the Plata Arroyo Park Restroom Project as more specifically described in the memorandum from the Redevelopment Agency.

(City Manager's Office) CEQA: Exempt, PP03-08-251. Council District 5. SNI: Gateway East. (Public Works/Parks, Recreation and Neighborhood Services)

**DROP**

### 2.25 [Approval of Mayor Gonzales' travel.](#)

- \* **Recommendation:** Approval of Mayor Gonzales' travel to Denver, Colorado, July 22-24, 2006, to attend the 2006 Democratic Committee National Conversation. Funding Source: Democratic Leadership Committee. (Mayor)

## 3. STRATEGIC SUPPORT SERVICES

---

### 3.1 Report of the Study Session Mayor Gonzales, Chair

### 3. STRATEGIC SUPPORT SERVICES

---

#### 3.2 Report of the Rules Committee – [June 7, 2006](#)

##### Vice Mayor Chavez, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
  - (1) Review June 20, 2006 Draft City Council Agenda
    - (a) Adds to the June 20, 2006 Draft City Council Agenda
  - (2) Add New Items to June 13, 2006 Agenda
    - (a) Mayor and Councilmember Requests
    - (b) Council Appointee Requests
  - (3) List of Reports Outstanding
- (c) Legislative Update
  - (1) State
  - (2) Federal
- (d) Meeting Schedules
  - (1) Approval of a City Council/Santa Clara Valley District Board Joint Study Session on Water Issues
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
- (h) Open Forum
- (i) Adjournment

#### \* Report of the Rules Committee – [June 14, 2006 \(Partial\)](#)

##### Vice Mayor Chavez, Chair

- (c) Legislative Update
  - (1) State
    - (a) State Housing Legislation
      - AB2745 (Jones), Discharge Planning
      - SB1609 (Simitian), Reverse Mortgages
      - SB1676 (Ducheny), Condominium Conversions
    - (b) AB2634 (Lieber), Housing Elements

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

#### 3.4 [Approval of various budget clean up actions for Fiscal Year 2005-2006.](#)

##### [Supplemental](#)

**Recommendation:** Adoption of amendments to the annual appropriation ordinance and funding sources resolution for various operating and capital funds to reflect estimated Fiscal Year 2005-2006 revenue receipts, expenses, and encumbrances. CEQA: Not a Project. (City Manager's Office)

### 3. STRATEGIC SUPPORT SERVICES

---

#### 3.5 Approval of fiscal actions related to the Dolce Hayes Mansion.

- \* **Recommendation:** Adoption of the following appropriation ordinance and funding sources resolution amendments:
- (a) Establish a Transfer in the Hayes Mansion Phase III Fund to the Community Facilities Revenue Fund for \$350,000.
  - (b) Decrease the Ending Fund Balance in the Hayes Mansion Phase III Fund by \$350,000.
  - (c) Increase the Transfer-In in the Community Facilities Revenue Fund by \$800,000.
  - (d) Increase the Line of Credit in the Community Facilities Revenue Fund by \$800,000.
  - (e) Increase the Transfer to the Community Facilities Revenue Fund from the General Fund by \$450,000.
  - (f) Decrease the Workers' Compensation Claims appropriation by \$450,000.
- CEQA: Not a Project. (Finance)

#### 3.6 Calling a Special Election to fill upcoming vacancy in District 6.

- \* **Recommendation:**
- (a) Adopt a resolution calling for a Special Primary Election to be consolidated with the General Election on November 7, 2006, to fill the anticipated vacancy in District 6 for the balance of the term expiring December 31, 2008.
  - (b) Direct the City Clerk to negotiate with the Santa Clara County Registrar of Voters to schedule a District 6 Runoff Election at the earliest possible date with the least potential cost, following the November Primary Election.
  - (c) Direct the City Manager to allocate resources to cover the costs of the District 6 Special Primary and Runoff Elections.
- (City Clerk)

#### 3.7 Approval of actions related to the proposed City Charter amendments relating to restrictions on outside employment and Council Member salary setting.

- \* **Recommendation:** Direct that specific language for proposed City Charter amendments related to outside employment for Council Members and Council salary setting be prepared and brought back to the Council at its meeting of August 8, 2006, for consideration and placement on the November 2, 2006 Ballot. (Mayor)  
(Rules Committee referral 6/14/06)

### 3. STRATEGIC SUPPORT SERVICES

---

3.8 [Approval of an ordinance establishing uniform requirements and procedures for the processing of certain tax refund claims with the City.](#)

- \* **Recommendation:** Approval of an ordinance amending Title 4 of the San José Municipal Code by adding a new Chapter 4.82, amending various sections of Title 4 and repealing Section 4.76.820, to establish uniform requirements and procedures applicable to the presentation and processing of certain tax claims with the City of San José, including a one year claims period, and to establish a transition period for the presentation of tax refund claims that would be untimely under the new procedures and requirements. CEQA: Not a Project. (City Attorney's Office)

3.9 **Approval of actions related to the Business Tax Programs.**

**Recommendation:**

- (a) Approval of [an ordinance](#) authorizing the Director of Finance to administer a business tax amnesty program which forgives taxpayers who pay certain past due business taxes from liability for remaining past due business taxes, interest, and penalties;
- (b) Approval of an ordinance authorizing a Business Improvement District Assessment Amnesty Program for the Downtown, Japantown, and Willow Glen Business Improvement Districts to run concurrently with the Business Tax Amnesty Program; and
- (c) Approval of an ordinance amending Section 4.76.345 of Chapter 4.76 of Title 4 of the San José Municipal Code to simplify the business tax hardship exemption process by eliminating the current requirement that sole proprietorships who have claimed the exemption file with the City a statement of financial hardship with supporting evidence by November 30 of the following year.

(Finance) CEQA: Not a Project.

- \* **RENUMBERED FROM 2.14**

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

---

4.1 **Report of the Building Strong Neighborhoods Committee  
Council Member Chirco, Chair**

4.2 **Report of the Driving a Strong Economy Committee  
Council Member Williams, Chair**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

---

### 4.3 Public hearings to approve Business Improvement District Assessments for FY2006-2007.

**Recommendation:** Conduct Public hearings on:

- (a) [Adoption of a resolution to approve the Hotel Business Improvement District](#) budget report for Fiscal Year 2006-2007, as filed or as modified by the Council, and to levy the Hotel BID assessments for 2006-07. CEQA: Exempt, PP03-05-165. Citywide. (Economic Development)
- (b) [Adoption of a resolution to approve the Japantown Business Improvement District](#) budget report for Fiscal Year 2006-2007, as filed or as modified by the Council, and to levy the Japantown BID assessments for 2006-07. CEQA: Exempt, PP03-05-165. Council District 3. SNI: 13<sup>th</sup> Street. (Economic Development)
- (c) [Adoption of a resolution to approve the Willow Glen Business Improvement District](#) budget report for Fiscal Year 2006-2007, as filed or as modified by Council and to levy the Willow Glen BID assessment for 2006-07. CEQA: Exempt, PP03-05-165. Council District 6. (Economic Development)
- (d) [Adoption of a resolution to approve the Downtown Business Improvement District](#) budget report for Fiscal Year 2006-2007, as filed or as modified by Council and to levy the Downtown BID assessment for 2006-07. CEQA: Exempt, PP03-05-165. Council District 3. SNI: St. James Square, University, Delmas Park, Burbank, DelMonte. (Economic Development)

### 4.4 [Approval of a Memorandum of Understanding to develop a joint plan with San José State University regarding the South Campus Area.](#)

**Recommendation:** Approval of a Memorandum of Understanding between the City of San José and San José State University for the development of a joint plan to determine appropriate land uses and shared opportunities in the South Campus Area encompassing publicly owned land generally bounded by Highway 280, Roberts Avenue, Phelan Avenue, and 6<sup>th</sup> Street, Humboldt Street. CEQA: Not a Project. Council Districts 3 and 7. SNI: Spartan-Keyes. (Planning, Building and Code Enforcement)

### 4.5 [Approval of an ordinance extending the Sidewalk Café Permit Pilot Program.](#)

- \* **Recommendation:** Approval of [an ordinance](#) amending to extend the time of an existing pilot program from the end of July to October 31, 2006, to allow Sidewalk Café Permits to be used during this time period to businesses that serve alcohol and have a public entertainment permit. CEQA: Exempt, PP05-099. (Planning, Building and Code Enforcement/City Attorney's Office)

## 5. NEIGHBORHOOD SERVICES

---

### 5.1 Report of the All Children Achieve Committee – [June 8, 2006](#)

#### Council Member Yeager, Chair

- (a) Annual Update on Library Services for Youth
- (b) Update on San José After School Program and Proposition 49
- (c) Update on Implementation of San José High School Initiative  
**Deferred from April 13, 2006**
- (d) Update on San José BEST
- (e) Update on Youth Services Priorities
- (f) Discussion on Parks, Recreation and Neighborhood Services Multi-Service Delivery Hub Model Impact on Schools
- (g) Oral Petitions
- (h) Adjournment

### 5.2 [Approval of actions related to the Park Trust Fund.](#)

#### Recommendation:

- (a) Acceptance of report on review of the Park Trust Fund.
- (b) Adoption of the following appropriation ordinance amendments in the Park Trust Fund (Fund 375):
  - (1) Establish a PDO/PIO Fee Refund appropriation to the Department of Parks, Recreation and Neighborhood Services in the amount of \$415,000 for the refund of uncommitted PDO/PIO fees and interest to known property owners.
  - (2) Establish a Park Trust Fund Administration appropriation to the Department of Parks, Recreation and Neighborhood Services in the amount of \$20,000 for a review of the draft administrative policies and procedures for the administration of the Park Trust Fund by the City's external auditor Macias, Gini & Co. LLP.
  - (3) Decrease the appropriation for the Future PDO/PIO Reserve by \$435,000.

CEQA: Not a Project. (City Manager's Office/Finance/Parks, Recreation and Neighborhood Services)

(Deferred from 5/2/06 – Item 5.2)

**TO BE HEARD IN THE EVENING**

## 6. TRANSPORTATION & AVIATION SERVICES

---

### 6.1 Report of the Building Better Transportation Committee – [June 5, 2006](#) Council Member Campos, Chair

- (a) Expansion and Improvement of Transit and Transportation Systems
  - (1) Progress Report on BART to Silicon Valley Project
  - (2) Recommendation on Preferred Alternative for Santa Clara/Alum Rock Transit Corridor
- (b) Traffic Relief/Safe Streets
  - (1) Caltrans Director's Report
  - (2) Update on Automated Red Light Photo Enforcement Systems
- (c) Supporting Smart Growth
  - (1) No Items
- (d) Regional Relationships/Funding/Policy
  - (1) Status Report on Taxi Program
  - \* **SEE ITEM 6.6 FOR COUNCIL ACTION TO BE TAKEN**
  - (2) Update Report on Regional and Local Litter Reduction Programs
- (e) Oral Petitions
- (f) Adjournment

### 6.2 [Approval to submit an application to impose and use Passenger Facility Charges for the Airport.](#)

**Recommendation:** Adoption of a resolution authorizing the City Manager to submit applications to the Federal Aviation Administration (FAA) to impose and use Passenger Facility Charges (PFC's) for the Terminal B Building: North Concourse Project in the amount of \$495,095,000; to amend various approved PFC projects by more than 25% of the original approved amounts with increase in the total cost of \$17,589,612; and, to amend various completed PFC projects to reflect savings and to decrease the originally approved amount by \$11,073,000, for a net increase in the total PFC authority in the amount of \$501,611,612. CEQA: Resolution Nos. 67380 and 71451, PP 06-086. (Airport)

## 6. TRANSPORTATION & AVIATION SERVICES

---

### 6.3 [Approval of actions related to the expansion of the Airport Commercial Paper Program.](#)

**Recommendation:**

- (a) Hold a Tax Equity and Fiscal Responsibility Act hearing for the issuance of Series B Alternative Minimum Tax (AMT) commercial paper notes under the commercial paper program established for the Norman Y. Mineta San José International Airport with a limit of \$200,000,000 in order to fund projects and capitalized interest associated with the implementation of the Airport Master Plan.
- (b) Adoption of a resolution amending Resolution No. 69200 to authorize issuance of a combination of Series A, Series B, and Series C commercial paper notes under the commercial paper program established for the Norman Y. Mineta San José International Airport through an increase in the aggregate limit from \$100,000,000 to \$200,000,000 in order to fund projects and capitalized interest associated with the Airport Master Plan and the payment of costs related to the Airport's lease of the former FMC property.
- (c) Adoption of a resolution authorizing the Director of Finance to negotiate and execute the First Amendment to the Letter of Credit and Reimbursement Agreement between the City of San José and Morgan Guaranty Trust Company of New York, now JPMorgan Chase Bank, relating to the Norman Y. Mineta San José Airport International Subordinated Commercial Paper Program, increasing the maximum stated amount from \$100,000,000 to \$200,000,000 and increasing the Maximum Series C Letter of Credit Stated Amount from \$15,000,000 to \$35,000,000.

CEQA: Resolution Nos. 67380 and 71451, PP 06-084. (Airport/Finance)

### 6.4 [Approval of actions related to the Airport North Concourse Building.](#)

**Recommendation:** Report on bids and award of contract for the Norman Y. Mineta San José International Airport North Concourse Building Structural Steel (Package 2C) Project to the low bidder, Gayle Manufacturing Company in the amount of \$13,978,000, and approval of a contingency in the amount of \$1,397,800. CEQA: Resolution Nos. 67380 and 71451, PP 06-032. (Airport/Public Works)

## 6. TRANSPORTATION & AVIATION SERVICES

---

### 6.5 [Approval of actions related to the Airport Air Operations Area Fence Replacement Project.](#)

#### [Supplemental](#)

\* **Recommendation:**

- (a) Report on bids and award of contract for the Airport Operations Area (AOA) Fence Replacement Project at Norman Y. Mineta San José International Airport to the sole bidder, R & L Brosamer, with a bid of 21% Overhead and Profit, in an amount not to exceed \$600,000.
- (b) Adoption of the following appropriation ordinance amendments in the Airport Capital Improvement Fund:
  - (1) Establish the Airport Operations Area Fence Replacement appropriation in the amount of \$493,000.
  - (2) Decrease the Ending Fund Balance by \$493,000.
- (c) Adoption of the following appropriation ordinance amendments in the Airport Renewal and Replacement Fund:
  - (1) Establish the Airport Operations Area Fence Replacement appropriation in the amount of \$108,000.
  - (2) Decrease the Sign Production Vendor appropriation by \$100,000.
  - (3) Decrease the Terminal Building Modifications appropriation by \$8,000.

CEQA: Resolution Nos. 67380 and 71451, PP 06-104. (Public Works/Airport/City Manager's Office)

### 6.6 [Approval of the methodology for taxicab meter adjustments.](#)

- \* **Recommendation:** Approval of the methodology for the future adjustment of taxicab meter rates in the City of San José. CEQA: Not a Project. (Transportation)  
[Building Better Transportation Committee 6/5/06 – Item 6.1(d)(1)]

## 7. ENVIRONMENTAL & UTILITY SERVICES

---

## 8. PUBLIC SAFETY SERVICES

---

### 8.1 [Acceptance of the Independent Police Auditor's 2005 Year End Report.](#)

#### [Supplemental](#)

- \* **Recommendation:** Acceptance of the IPA's Year-End Report and Policy recommendations:

- (a) That the San José Police Department establish an Expanded Shooting at Vehicles Policy.
- (b) That the San José Police Department continue to train officers to wait for backup, when practical, in situations where there are reasonable objective indicators that the situation could escalate to violence.

(Independent Police Auditor)

## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

---

### CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEMS 9.5 AND 9.7 IN A JOINT SESSION

#### 9.1 [Approval by the City Council of Fiscal Year 2006-2007 Sewer Service, Use Charges, and Storm Service Charges.](#)

##### [Supplemental](#)

\* **Recommendation:** Adoption of a resolution:

- (a) Setting Sewer Service and Use Charge rates for FY 2006-07 to reflect the following rate increases:

<u>Category</u>	<u>Increase</u>
Single-Family Residential	4.49%
Multi-Family Residential	4.39%
Mobile Home	4.48%
Non-monitored commercial and industrial	2%-6%
Monitored industrial	average 3.83%

- (b) Setting Storm Sewer Service Charges rates for FY 2006-07 to reflect the following proposed rate increases:

<u>Category</u>	<u>% Increase</u>
Residential	4.3%
Mobile Home	4.5%
Large Multi-Family	4.1%
Condominium	4.1%
Small Multi-Family	4.5%
Commercial, institutional, and industrial	Not to exceed 4.6%

CEQA: Not a Project. (Environmental Services)

#### 9.2 [Approval by the City Council to increase rates for Recycle Plus single-family services.](#)

**Recommendation:** Adoption of a resolution increasing rates for Recycle Plus single-family services by 5% and multi-family services by 3%, effective August 1, 2006.

CEQA: Not a Project. (Environmental Services)

## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

---

### 9.3 [Approval by the City Council of actions related to the Commercial Solid Waste fee.](#)

**Recommendation:** Adoption of a resolution revising the Commercial Solid Waste Collection Franchise Fee for services performed on or after August 1, 2006, as follows:

- (a) Increase the Franchise Fee from \$3.49 to \$3.67 per cubic yard for each uncompact cubic yard of solid waste collected.
- (b) Increase the Franchise Fee from \$10.47 to \$11.01 per cubic yard for each compacted cubic yard of solid waste collected.
- (c) Adjust the Franchise Fee to \$61.17 per ton for each ton of solid waste collected by Green Team of San José in roll-off containers and compactors pursuant to the Agreement for Solid Waste Collection Services at City Facilities for which franchise fees are required to be charged by weight rather than volume.

CEQA: Not a Project. (Environmental Services)

### 9.4 [Approval by the City Council to increase San José Municipal Water System Potable Water Rates.](#)

**Recommendation:**

- (a) Adoption of a resolution increasing the San José Municipal Water System potable water rates by \$0.09 per hundred cubic foot or approximately 4.3% effective August 1, 2006, and repealing Resolution No. 72755.
- (b) Adoption of a resolution revising the rules and regulations applicable to water service provided by the San José Municipal Water System, and repealing Resolution No. 65821, to implement the Consolidated Utility Billing System, including the establishment on new billing due dates and late charges effective July 1, 2006.

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

### 9.5 [Approval of the Mayor's June 2006 Budget Message.](#)

[Councilmember Cortese's Memo](#)  
[Response to Cortese Budget Memo](#)

**Recommendation:** Approval by the City Council and Redevelopment Agency Board of the Mayor's June Budget Message. (Mayor)

### 9.6 [Approval of an ordinance to extend the Emergency Communications System Support Fee and to extend the Emergency Communications System Support Fee and to clarify claims refund procedures for the fee.](#)

[City Attorney's Memo](#)

- \* **Recommendation:** Approval of an ordinance amending Sections 8.20.200 and 8.20.370 of Chapter 8.20 of Title 8 of the San José Municipal Code to allow continued collection of the Emergency Communication System Support (ECSS) Fee past the current sunset date of December 31, 2006, and establish a new sunset review date of June 30, 2012, and to clarify the requirements and procedures applicable to claims for refund of the fee. (City Manager's Office)

## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

---

### 9.7 Approval of the Fiscal Year 2006-2007 Operating and Capital Budgets for the City of San José and Redevelopment Agency and Schedule of Fees and Charges.

**Recommendation:**

- (a) Adoption of resolutions by the City Council approving and adopting the Operating Budget for Fiscal Year 2006-2007 for the City of San José, the Capital Budget for Fiscal Year 2006-2007 for the City of San José, and the Five Year Capital Improvement Program for Fiscal Year 2007-2011 for the City of San José as revised by the Mayor's Budget Message and directing the City Manager to prepare final documents for adoption.
- (b) Adoption of a resolution by the City Council establishing the Schedule of Fees and Charges for Fiscal Year 2006-2007.
- (c) Adoption of a resolution by the City Council establishing fees and charges for the use of parks and recreational facilities for Fiscal Year 2006-2007.

(City Manager's Office)

- (d) [Adoption of resolutions by the Agency Board:](#)
  - (1) Approving the Operating Budget for Fiscal Year 2006-2007 for the Redevelopment Agency of the City of San José; and,
  - (2) Approving the Capital Budget for Fiscal Year 2006-2007 for the Redevelopment Agency of the City of San José.

(Redevelopment Agency)

### ADJOURN REDEVELOPMENT AGENCY BOARD PORTION OF THE MEETING

- Closed Session 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>
9801	360 S. Market Street	3	Mesa Sofa Partners LLC	1 Lot/ 203 Units	Multi Family	Approve
9796	88 E. San Fernando Street	3	Block 3 Development Partners LLC	1 Lot/ 213 Units	Multi Family	Approve

- **Notice of City Engineer’s Pending Decision on Final Maps (Cont’d.)**

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9831	S/W corner of Monterey Road and Goble Lane	7	ROEM	102 Lots/ 660 Units	MF/SF

- **Notice of City Engineer’s Award of Construction Projects**
- **Open Forum—To be heard jointly with Redevelopment Agency Public Discussion. Following Open Forum, Council will recess until 7:00 p.m.**

## 10. GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

---

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

**Notice to the public:** There will be no separate discussion of General Plan Consent Calendar (Item 10.1) 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 General Plan Consent Calendar (Item 10.1) and considered separately.

### 10.1 Tentative approval of General Plan Consent Calendar items.

#### Recommendations:

- (a) [Tentative approval for proposal to General Plan Amendment](#) request to change the Land Use/Transportation Diagram designation from Medium Density Residential (8-16 DU/AC) to Neighborhood/Community Commercial on an approximately 0.6-acre site on the east side of South King Road, approximately 300 feet northerly of East San Antonio Street (150 South King Road). (Toan & Tammy Nguyen, Owner/Erik Schoennauer, Applicant). Council District 5. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval. SNI: Mayfair. CEQA: Mitigated Negative Declaration. [GP05-05-01](#) – District 5
- \* (b) [Tentative approval for General Plan Amendment](#) request to change the Land Use/Transportation Diagram designation from Industrial Park to Combined Industrial/Commercial on an approximately 4.4-acre site located on the southeasterly side of Silver Creek Valley Road and the south terminus of Fontanoso Way (5976 Silver Creek Valley Road) (WTA Silver Creek, LLC, Owner/ Shamrock Investments, Applicant). Council District 2. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-1; Platten Absent). CEQA: EIR Resolution and Addendum thereto [GP06-02-01](#) – District 2
- (c) Tentative approval for General Plan Text Amendment request to amend the *San José 2020 General Plan* Text related to Single-Room Occupancy Living Units and Single-Room Occupancy Residential Hotels (SROs) to align more closely with references to SROs in the General Plan Housing Element and other adopted City policy documents and ordinances. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval. CEQA: Resolution No. 65459. [GP06-T-02](#) – District Citywide

## 10. GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

---

### 10.1 Tentative approval of General Plan Consent Calendar items (Cont'd.)

**Recommendation:**

- (d) [Tentative approval for General Plan Text Amendment](#) request and revision to City Council Policy 4-2 *Streetlight Conversion* to allow up to 300 high pressure sodium lights along designated Neighborhood Business Districts and public streets identified as Pedestrian Corridors in adopted Neighborhood Improvement Plans completed for the Strong Neighborhoods Initiative (SNI) Redevelopment Project Area. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval. CEQA: Mitigated Negative Declaration. GP06-T-03 – District Citywide

**END OF GENERAL PLAN CONSENT CALENDAR**

## 10. GENERAL PLAN PUBLIC HEARINGS

---

### 10.2 [Amendment for property located generally at the northeasterly quadrant of the intersection of Piercy Road and Tennant Avenue.](#)

#### [Councilmember's Memo](#)

**Recommendations:** The project being considered is located generally at the northeasterly quadrant of the intersection of Piercy Road and Tennant Avenue (715 Piercy Road) on a southerly 9.7-acre portion of a 14.3-acre parcel. Council District 2. CEQA: Mitigated Negative Declaration.

- (a) Proposal to modify the City's Greenline/Urban Growth Boundary (UGB) to include approximately 4.75 acres of unincorporated territory located generally at the northeasterly quadrant of the intersection of Piercy Road and Tennant Avenue (715 Piercy Road). Director of Planning, Building and Code Enforcement recommends approval and Planning Commission recommends denial (6-0-0).  
UGB05-001 – District 2
- \* (b) Tentative approval for General Plan amendment and Urban Service Area (USA) expansion request to change the General Plan land use designation from Non-Urban Hillside on approximately 9.7 acres to Medium Low Density Residential (8 dwelling units per acre) on approximately 8.4 acres, Private Open Space on approximately 1.29 acres, and inclusion of approximately 4.75 acres within the City's Urban Service Area. Director of Planning, Building and Code Enforcement recommends approval of Low Density Residential (5 dwelling units per acre) and Planning Commission recommends denial (6-0-0).  
GP05-02-04 – District 2

### 10.3 [Amendment for property located on the north side of Campbell Avenue \(1270 Campbell Avenue\).](#)

#### [Councilmember's Memo](#)

**Recommendation:** Tentative approval for General Plan amendment request to change the Land Use/Transportation Diagram designation from Light Industrial to High Density Residential on approximately 4.6 acres of a 5.13-acre parcel (0.53 acres are in the City of Santa Clara) on the north side of Campbell Avenue, approximately 2,000 feet northwesterly of Newhall Street (1270 Campbell Avenue). (Si Xiv, Owner/Sobrato Development-Tim Steele, Applicant). Council District 3. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (4-2-0; Levy and Zito Opposed). CEQA: Mitigated Negative Declaration.

GP05-03-02 – District 3

## 10. GENERAL PLAN PUBLIC HEARINGS

---

### 10.4 [Amendment for property located on the south side of Campbell Avenue \(1179-1181 Campbell Avenue\).](#)

#### [Councilmember's Memo](#)

**Recommendation:** Tentative approval for General Plan amendment request to change the Land Use/Transportation Diagram designation from Light Industrial to Medium High Density Residential (12-25 DU/AC) on an approximately 2.67-acre site located on the south side of Campbell Avenue, approximately 850 feet westerly of Newhall Street (1179-1181 Campbell Avenue). (Cobalt Associates, Owner/Santa Clara Development Co.). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (4-2-0; Levy and Zito Opposed). CEQA: Mitigated Negative Declaration.

GP05-06-04 – District 6

### 10.5 [Amendment for property located at Monterey Highway and State Route 85 \(iStar property\).](#)

#### [City Attorney's Memo](#)

**Recommendations:** The project being considered is located on an approximately 74-acre site in an area generally bounded by Monterey Highway to the northeast, State Route 85 to the south, and Manassas Road to the northwest, otherwise known as the iStar property (Gerry DeYoung, applicant/iStar San José, LLC, owner). Council District 2. CEQA: Resolution to be Adopted.

- (a) Tentative approval to request to change the Land Use/Transportation Diagram designation from Industrial Park to Mixed Use with No Underlying Designation.  
GP03-02-05 – District 2
- (b) Tentative approval to request to update the General Plan Mixed Use Inventory Appendix F, and a Text Amendment to increase the building height limit from 50 feet to 120 feet.  
GPT03-02-05 – District 2
- \* (c) Consideration of a resolution approving the Edenvale Area Development Policy Modification to provide for inclusion of the site and development of up to 1.0 million square feet of industrial uses and up to 450,000 square feet of commercial uses on the site.
- (d) Rezoning from the A (PD) Planned Development Zoning District to A (PD) Planned Development Zoning District to allow a commercial and mixed-use project consisting of up to one million square feet of industrial park land uses and up to 450,000 square feet of commercial land uses on an approximately 74-acre site.  
PDC04-100 – District 2

[Continued from 4/18/06 – Item 10.4(a)-(d)]

**TO BE HEARD CONCURRENTLY WITH ITEM 11.2**

## 10. GENERAL PLAN PUBLIC HEARINGS

---

### 10.6 [Amendment for property located at the southwest corner of Tully Road and Capitol Expressway.](#)

- \* **Recommendation:** The project being considered is located at the southwest corner of Tully Road and Capitol Expressway (General Growth Properties, LLC, Owner/ Rayjer Properties, Applicant). Council District 8. CEQA: Mitigated Negative Declaration.
- (a) Tentative approval for General Plan amendment request to change the Land Use/Transportation Diagram designation from Industrial Park to Regional Commercial on a 1.4 acre-portion of an approximately 7-acre parcel. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-1; Platten Absent).  
GP05-08-02 – District 8
  - (b) Adoption of a resolution overriding a determination by the Santa Clara County Airport Land Use Commission that conforming rezoning File No. C05-125, is inconsistent with the land use plan for areas surrounding Santa Clara County Airports.
  - (c) Conforming Rezoning from A Agriculture Zoning District to IP Industrial Park and CG Commercial General Zoning Districts to allow industrial and commercial uses on a 7.0 gross acre site.  
C05-125 – District 8

**TO BE HEARD CONCURRENTLY WITH ITEM 11.12**

### 10.7 [Amendment for property located on Asbury Street \(88 Asbury Street\).](#)

#### [Councilmember's Memo](#)

- Recommendation:** The project being considered is bounded by Asbury Street to the north, North First Street to the east, East Taylor Street to the south, and Miller Street to the west (88 Asbury Street). (Green Valley Corporation Barry Swenson, Owner/Developer). Council District 3. CEQA: Mitigated Negative Declaration.
- \* (a) Consideration of a resolution upholding the Mitigated Negative Declaration for a General Plan Text Amendment request to allow a maximum allowable building height of 200 feet above ground level and rezoning from A(PD) Planned Development Zoning to a Planned Development Zoning District to allow an increase in building height from 150 to 200 feet, and addition of up to 100 units for a total of 500 multi-family attached residential units on a 2.80 gross acre site.
  - (b) Tentative approval for General Plan Text Amendment request to allow a maximum allowable building height of 200 feet above ground level.  
GP04-T-02 – District Citywide
  - \* (c) Consideration of an ordinance rezoning from A(PD) Planned Development Zoning District to a Planned Development Zoning District to allow an increase in building height from 150 to 200 feet, and addition of up to 100 units for a total of 500 multi-family attached residential units on a 2.80 gross acre site.  
PDC05-101 – District Citywide

**TO BE HEARD CONCURRENTLY WITH ITEM 11.4**

## 10. GENERAL PLAN PUBLIC HEARINGS

---

### 10.8 Amendment for property located at 922 and 1080 North 7th Street and 999 and 1045 North 10th Street.

- \* **Recommendation:** Tentative Denial of General Plan Amendment request to change the Land Use/Transportation Diagram designation from Light Industrial to High Density Residential (25-50 Dwelling Units/Acre) on an approximately 23-acre site located on several parcels on the westerly side of North 10<sup>th</sup> Street, and the easterly side of North 7<sup>th</sup> Street between Commercial and Hedding Streets approximately 900 feet northwesterly of Hedding Street (922 and 1080 North 7<sup>th</sup> Street and 999 and 1045 North 10<sup>th</sup> Street) in the City of San José. (Goodwill Industries, Owner/ Charles W. Davidson Co., Applicant).  
**CEQA: Incomplete.** Director of Planning, Building and Code Enforcement and Planning Commission recommend denial. Planning Commission action deemed a negative recommendation pursuant to SJMC 18.08.100.  
GP05-03-05 - District 3  
(Continued from 6/13/06 – Item 10.2)

### 10.9 Adoption of a resolution approving all General Plan amendment actions taken on June 13, 2006 and June 20, 2006.

**Recommendation:** Adoption of a resolution approving all General Plan amendment actions taken on June 13, 2006 and June 20, 2006 and adoption of any related CEQA resolutions. (Planning, Building and Code Enforcement)

**END OF GENERAL PLAN PUBLIC HEARINGS**

# **11. PUBLIC HEARINGS ON CONSENT CALENDAR**

---

(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 east side of De Anza Boulevard, 350 feet northerly of Sharon Drive (1426 S. De Anza Boulevard) (Yu-Sheng Kao, Owner) from R-2 Residential District to A(PD) Planned Development Zoning District Residential District to allow up to four single family attached/detached residences on a 0.52 gross acre site. CEQA: Exempt.

PDC05-027 – District 1

**RECOMMEND CONTINUANCE TO 8/15/06**

**END OF PUBLIC HEARINGS ON CONSENT CALENDAR**

# 11. PUBLIC HEARINGS

---

## 11.2 Rezoning the real property located on a 74 acre site.

### [City Attorney's Memo](#)

\* **Recommendation:** The project being considered is located generally at the northeasterly quadrant of the intersection of Piercy Road and Tennant Avenue (715 Piercy Road) on a southerly 9.7-acre portion of a 14.3-acre parcel. Council District 2. CEQA: Mitigated Negative Declaration.

(a) Tentative approval of a request to change the Land Use/Transportation Diagram designation from Industrial Park to Mixed Use with No Underlying Designation.

GPO3-02-05

(b) Tentative approval of a request to update the General Plan Mixed Use Inventory Appendix F, and a Text Amendment to increase the building height limit from 50 feet to 120 feet.

GPT03-02-05

(c) Consideration of a resolution to modify the Edenvale Area Development Policy Modification to provide for inclusion of the site and development of up to 1.0 million square feet of industrial uses and up to 460,000 square feet of commercial uses on the site.

(d) Consideration of an ordinance rezoning the real property located from the A (PD) Planned Development Zoning District to A (PD) Planned Development Zoning District to allow a commercial and mixed-use project consisting of up to one million square feet of industrial park land uses and up to 450,000 square feet of commercial land uses on an approximately 74-acre site.

PDC04-100

Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-0). CEQA: EIR Resolution to be adopted.

District 2

[Continued from 4/18/06 – Item 10.4(a)-(d)]

**TO BE HEARD CONCURRENTLY WITH GENERAL PLAN ITEM 10.5**

## 11.3 [Historic District Designation request.](#)

\* **Recommendation:** Consideration of a resolution establishing a Historic City Landmark Historic District Designation encompassing the area generally bounded by E. San Salvador Street, west side of South 9<sup>th</sup> Street at Margaret Street, Interstate 280, west side of South 5<sup>th</sup> Street, together with properties on Carrie Street and along East Reed and William Street, between South 4<sup>th</sup> and 5<sup>th</sup> Streets on an approximately 25 acre site.

Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (4-0-2).

HD06-155 (previously HD06-001) - District 3

## 11. PUBLIC HEARINGS

---

### 11.4 Rezoning the real property on a 2.80 gross acre site.

#### Councilmember's Memo

- \* **Recommendation:** The project being considered is bounded by Asbury Street to the north, North First Street to the east, East Taylor Street to the south, and Miller Street to the west (88 Asbury Street). (Green Valley Corporation Barry Swenson, Owner/Developer). Council District 3. CEQA: Mitigated Negative Declaration.
- (a) Consideration of a resolution upholding the Mitigated Negative Declaration for a General Plan Text Amendment request to allow a maximum allowable building height of 200 feet above ground level and A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow an increase in building height from 150 to 200 feet, and addition of up to 100 units for a total of 500 multi-family attached residential units on a 2.80 gross acre site.
  - (b) Tentative approval for General Plan Text Amendment request to allow a maximum allowable building height of 200 feet above ground level.  
GP04-T-02 – District Citywide
  - (c) Consideration of an ordinance rezoning the real property located from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow an increase in building height from 150 to 200 feet, and addition of up to 100 units for a total of 500 multi-family attached residential units on a 2.80 gross acre site.  
PDC05-101 – District Citywide

Director of Planning, Building and Code Enforcement and Planning Commission recommends approval (4-0-2).

PDC05-101/GP04-T-02 - District 3

**TO BE HEARD CONCURRENTLY WITH GENERAL PLAN ITEM 10.7**

### 11.5 Consideration of an Appeal of the Planning Commission's decision to deny a Conditional Use Permit and Liquor License Exception Permit.

- \* **Recommendation:** Consideration of an Appeal of the Planning Commission's decision to deny a Conditional Use Permit and Liquor License Exception Permit to allow the off sale of alcoholic beverages within an existing retail commercial building (Target) on a 9.02 gross acre site, in the CG General Commercial Zoning District, located on the west side of Morrill Avenue, 550 feet southerly of Landess Avenue (2155 Morrill Avenue) (Betty L. Cheng, Trustee, Owner). Director of Planning, Building and Code Enforcement recommends to uphold appeal to approve. Planning Commission recommended approval (4-0-2). CEQA: Exempt.  
CP05-033 & ABC05-003 - District 4

## 11. PUBLIC HEARINGS

---

### 11.6 Rezoning the real property located on the southeast corner of Stevens Creek and South Winchester Boulevard.

**Recommendation:** Consideration of an ordinance rezoning the real property located on the southeast corner of Stevens Creek and South Winchester Boulevard (3055 Olin Ave) (FRIT San José Town & Country Village, LLC, Owner/Developer) from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to: (1) allow up to 400 additional multi-family attached residences (1,601 total units if a second hotel is not built); (2) allow an additional 15,000 square feet of retail/commercial space for a total of 695,000 square feet; (3) allow up to 20,000 square feet of currently permitted general retail/commercial space to be replaced with 20,000 square feet of restaurant space for a total of 115,200 square feet of restaurant/night club uses; and (4) reduction in required parking on the 40.79 gross acre Santana Row site.

PDC05-030 - District 6

**RECOMMEND CONTINUANCE TO 8/15/06**

### 11.7 Rezoning the real property located on the east side of San Felipe Road.

\* **Recommendation:** The project being considered is located on the east side of San Felipe Road, approximately 700 feet northerly of Silver Creek Road. (Pan Clair General Partnership, Owner; Dal Properties LLC, Developer). Council District 8. CEQA: Mitigated Negative Declaration.

(a) Consideration of a resolution upholding the Mitigated Negative Declaration for a rezoning from A-Agriculture Zoning District to A(PD) Planned Development Zoning District to allow up to 22 single family detached residences on a 17.98 gross acre site.

(b) Consideration of an ordinance rezoning the real property located from A-Agriculture to A(PD) Planed Development Zoning District to allow up to 22 single family detached residence on a 17.98 gross acre site. Director of Planning, Building, and Code Enforcement recommends approval. Planning Commission's motion to approve the project with 22 units spread evenly across the site failed (2-3-1)

PDC05-035 - District 8

# 11. PUBLIC HEARINGS

---

## 11.8 Amending Chapter 20.40 of Title 20 of the San José Municipal Code.

- \* **Recommendation:** Consideration of an ordinance of the City of San José amending Chapter 20.40 of Title 20 of the San José Municipal Code, the zoning code, to allow privately operated community centers in the commercial office zoning district with a conditional use permit; amending Chapter 20.50 and 20.90 to correct oversights regarding off-sale of alcohol in the industrial zoning districts; amending Chapter 20.200 to include a definition for wireless communication antenna, slimline monopole; and making other non-substantive clarifying changes to Chapters 20.30, 20.40, 20.50, and 20.90. Staff recommendation: Approval. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (4-0-2). CEQA: Exempt, PP06-097  
Citywide

## 11.9 Rezoning the real property located on the north side of West San Carlos Street, 650 feet westerly of Meridian Avenue.

- \* **Recommendation:** Consideration of an ordinance rezoning the real property located on the north side of West San Carlos Street, 650 feet westerly of Meridian Avenue (1465 W. San Carlos Street) (Muller Investment Company, Owner) from A(PD) Planned Development, R-2 Two Family Residence, and CP Commercial Pedestrian Zoning Districts to A(PD) Planned Development Zoning District to allow up to 11 live-work units and 84 single family attached residences on a 5.02 gross acre site. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (4-0-2).  
PDC05-080 - District 6  
(Continued from 5/2/06 – Item 11.10)

## 11.10 Rezoning the real property located on 305 San Antonio Court.

### Councilmember's Memo

- \* **Recommendation:** Consideration of an ordinance rezoning the real property located on the east side of Highway 101, at the western terminus of San Antonio Court (305 San Antonio Ct) (Degery Didier Trustee, Owner; Affirmed Housing Group, Danny Serrano, Developer) from R-1-8 Residential Zoning District to A(PD) Planned Development Zoning District to allow 86 affordable multi-family attached residential units on a 2.19 gross acre site. SNI: Gateway East. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommended approval with a reduction in the number of units from 86 to 50 (5-0-1).  
PDC05-104 - District 5  
(Continued from 6/13/06 – Item 11.3)

## 11. PUBLIC HEARINGS

---

### 11.11 [Rezoning the real property located at the southeast corner of Southwest Expressway and Fruitdale Avenue.](#)

#### [Attachment 1](#)

**Recommendation:** Consideration of an ordinance rezoning the real property located at the southeast corner of Southwest Expressway and Fruitdale Avenue (John T. Vidovich, et al., Owner) from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to increase the number of attached residential units from 500 to 502, to eliminate 250,000 square feet of commercial (office and retail) to reduce the maximum amount of retail from 30,000 square feet to 29,225 square feet and to modify the development standards for a 12.7 acre site. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (7-0-0) with a minimum of 50,000 and up to 100,000 square feet of retail/commercial uses focused along the street frontages. CEQA: Resolution No. 69886 and Addendum thereto. PDC05-095 - District 6

(Continued from 4/4/06 – Item 11.7, et al., and 6/13/06 – Item 11.5)

### 11.12 **Rezoning the real property located at the southwest corner of Tully Road and Capitol Expressway.**

- \* **Recommendation:** The project being considered is located at the southwest corner of Tully Road and Capitol Expressway (General Growth Properties, LLC, Owner/ Rayjer Properties, Applicant). Council District 8. CEQA: Mitigated Negative Declaration.
- (a) Tentative approval for General Plan amendment request to change the Land Use/Transportation Diagram designation from Industrial Park to Regional Commercial on a 1.4 acre-portion of an approximately 7-acre parcel. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-1; Platten Absent).  
GPO5-08-02 – District 8
  - (b) Adoption of a resolution overriding a determination by the Santa Clara County Airport Land Use Commission that conforming rezoning File No. C05-125, is inconsistent with the land use plan for areas surrounding Santa Clara County Airports.
  - (c) Conforming Rezoning from A Agriculture Zoning District to IP Industrial Park and CG Commercial General Zoning Districts to allow industrial and commercial uses on a 7.0 gross acre site.  
C05-125 – District 8

Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (5-0-1).

**TO BE HEARD CONCURRENTLY WITH GENERAL PLAN ITEM 10.6**

- Open Forum

- Adjournment