

CITY COUNCIL AGENDA

AUGUST 8, 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

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1252 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, 18th Floor, City Hall
[See Separate Agenda](#)
1:30 p.m. - Regular Session, Council Chambers, City Hall

- **Invocation (District 7)**
Saint Maria Goretti Church

- **Pledge of Allegiance**
- **Orders of the Day**

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

**ITEM 9.1 IS TO BE CONSIDERED IN A JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY BOARD SESSION.**

ADJOURNMENT: This meeting will be adjourned in memory of former City Clerk Patricia L. O’Hearn, who faithfully served the City for 18 years.

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 a commendation recognizing the City of San José Health, Safety, and Workers’ Compensation Team for their achievement in diligently working to reduce injuries to employees and costs to the City. (Human Resources)
- 1.2 Presentation of a commendation to Los Lagos Golf Course for their innovative vision, environmental design and operations, customer service and achievements that earned recognition as the overall 2005 Environmental Leader in Golf award by Golf Digest and Golf Course Superintendents Association of America. (Nguyen)

1. CEREMONIAL ITEMS

- 1.3 Presentation of Energy Efficiency Program Rebate check from PG&E to the City of San José for energy saving programs at the Water Pollution Control Plant. (LeZotte/ Environmental Services)
(Rules-in-Lieu referral 7/26/06)
* **DEFERRED TO 9/12/06**
- 1.4 Presentation of a proclamation declaring the week of August 6 - 12, 2006 as “National Farmers’ Market Week” in San José. (Campos)
* (Rules Committee referral 8/2/06)

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.

Recommendation: Approval of Minutes:

- (a) Regular Minutes of November 1, 2005.
 - (b) Regular Minutes of November 8, 2005.
 - (c) Regular Minutes of November 15, 2005.
 - (d) San José Financing Authority Minutes of November 15, 2005.
 - (e) Regular Minutes of November 29, 2005.
- (Deferred from 6/27/06 – Item 2.1)

* **DEFERRED TO 8/15/06**

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 27795 – Rezoning certain real property situated in an area generally bounded by Monterey Highway to the northeast, State Route 85 to the south and Manassas Road to the northwest to A(PD) Planned Development Zoning District. PDC04-100
- (b) ORD. NO. 27796 – Rezoning certain real property situated on the southeast corner of Miller Street and Asbury Street to A(PD) Planned Development Zoning District. PDC05-101

2. CONSENT CALENDAR

2.2 Final adoption of ordinances (Cont'd.)

Recommendation:

- (c) ORD. NO. 27814 – Amending Section 4.68.080 of Chapter 4.68 of Title 4 of the San José Municipal Code to clarify that the City’s application of the telephone user’s tax to intrastate telephone communication services has been and will continue to be consistent with the Internal Revenue Service’s interpretation of the Federal Excise Tax prior to May 25, 2006.

2.3 Conditional Approval of Stock Transfer.

Recommendation: Acceptance of the finding reports from Kafoury, Armstrong & Company, LLP relating to the Bay 101 Conditional Approval of Stock Transfer, quarter ending March 31, 2006. (City Auditor)
(Rules-in-Lieu referral 7/26/06)

2.4 Approval of fiscal actions for Redevelopment Agency Capital Projects.

Recommendation:

- (a) Adoption of the following appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund):
- (1) Increase the estimate for Beginning Fund Balance by \$381,126.
 - (2) Increase the estimate for Earned Revenue by \$22,670.
 - (3) Increase the appropriation to the Department of Transportation for the 10th and 11th Street Lane Reduction project (PSM #413, Amendment 1) in the amount of \$192,126.
 - (4) Establish an appropriation to the Department of Transportation for the Coleman/Autumn Transportation Infrastructure Design project (PSM #453) in the amount of \$150,000.
 - (5) Establish an appropriation to the Department of Transportation for the Traffic Calming Improvements project (PSM #458) in the amount of \$39,000.
 - (6) Establish an appropriation to the City Manager’s Office for the Center for Performing Arts Fountain Lighting Improvement project (PSM #460) in the amount of \$22,670.

(Item continued on the next page)

2. CONSENT CALENDAR

2.4 Approval of fiscal actions for Redevelopment Agency Capital Projects (Cont'd.)

- (b) Adoption of resolutions making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with:
- (1) The Coleman/Autumn Transportation Infrastructure Design project as more specifically described in the memorandum from the Redevelopment Agency, dated July 19, 2006, attached hereto,
 - (2) The Traffic Calming Improvements project as more specifically described in the memorandum from the Redevelopment Agency, dated June 6, 2006, attached hereto,
 - * (3) The Center for Performing Arts Fountain Lighting Improvement project as more specifically described in the memorandum from the Redevelopment Agency, dated June 15, 2006.

CEQA: See Administration's memo to Council for specific CEQA clearance determinations on each recommended action. (City Manager's Office)

2.5 Approval to award open purchase order #3 for FY 2006-2007.

- * **Recommendation:** Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2006-2007 #3 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)

2.6 Approval to amend an agreement for the maintenance and support of existing Cardiac Monitors.

Recommendation: Adoption of a resolution authorizing the Director of Finance to execute an amendment of the agreement with Medtronic Incorporated for the maintenance and support of existing Lifepak 12 and Lifepak 500 Cardiac Monitors (defibrillators) increasing total compensation by \$14,391 from \$170,256 to a not to exceed amount of \$184,647. CEQA: Not a Project. (Finance)

2.7 Acceptance of the report on contract actions taken during Council recess.

Recommendation: Acceptance of the report on contract actions taken by the Director of Finance during Council recess. CEQA: Not a Project. (Finance)

2.8 Approval of actions related to the FY 2006-07 General Obligation Bonds Property Tax Levy.

Recommendation: Adoption of a resolution establishing the FY 2006-07 property tax levy on all taxable property for general obligation bonded indebtedness. CEQA: Not a Project. (Finance)

2. CONSENT CALENDAR

2.9 [Approval to amend the City Pay Plan for various job classifications.](#)

Recommendation: Adoption of a resolution to:

- (a) Create the following job classification:
 - (1) Public Communications Manager (1675)
- (b) Change the title of the following classification:
 - (1) Director of Employee Services U (1429) to Director of Human Resources U (1429)
- (c) Delete various job classifications as specified below:
 - (1) Airport Noise Specialist (5242)
 - (2) Archivist (6326)
 - (3) Assistant Police Communications Manager (8516)
 - (4) Communications Systems Manager (8523)
 - (5) Computer Operator I (1331)
- (c) Delete various job classifications as specified below (Cont'd.)
 - (6) Computer Operator I PT (1332)
 - (7) Computer Operator II (1333)
 - (8) Computer Operator II PT (1334)
 - (9) Deputy Director Code Enforcement (4135)
 - (10) Deputy Director Convention, Arts and Entertainment (6345)
 - (11) Deputy Director Convention, Arts and Entertainment U (6346)
 - (12) Deputy Director Finance, Accounting (1254)
 - (13) Deputy Director Human Resources (1439)
 - (14) Deputy Director Planning U (4134)
 - (15) Deputy Fire Chief (2332)
 - (16) Enterprise Network Engineer (1388)
 - (17) Enterprise Network Engineer PT (1389)
 - (18) Enterprise Network Technician I (1396)
 - (19) Enterprise Network Technician I PT (1397)
 - (20) Enterprise Network Technician II (1398)
 - (21) Enterprise Network Technician II PT (1399)

CEQA: Not a Project. (Human Resources)

2.10 [Approval of nominations to the San José Silicon Valley Workforce Investment Network Board.](#)

Recommendation: Approval of nominations to the San José Silicon Valley Workforce Investment Network Board. (Mayor)
(Rules-in-Lieu referral 7/26/06)

2. CONSENT CALENDAR

2.11 [Approval to initiate actions related to the annexation of Story No. 55.](#)

- * **Recommendation:** Adoption of a resolution initiating proceedings and setting August 22, 2006, at 1:30 p.m. for Council consideration of the reorganization of territory designated as Story No. 55 which involves the annexation to the City of San José of 1.33 acres of land more or less, located at the west side of South White Road, approximately 300 feet north of Story Road and adjacent to the City of San José annexations Capitol No. 5 and Hillview No.11 and the detachment of the same from County Lighting Service, Central Fire Protection, Area No. 01 (Library Service) County Service and County Sanitation 2-3 Districts. CEQA: Resolution No. 65459, C04-108. Council District 5. (Planning, Building and Code Enforcement)

2.12 [Approval to initiate actions related to the annexation of McKee No. 131.](#)

Recommendation: Adoption of a resolution initiating proceedings and setting August 22, 2006, at 1:30 p.m. for Council consideration of the reorganization of territory designated as McKee No. 131 which involves the annexation to the City of San José of 2.10 acres of land more or less, located at the northeast corner of North Capitol Avenue and Grandview Drive and adjacent to the City of San José annexation McKee Nos. 97, 55-A, 9 and 129 and the detachment of the same from Central Fire Protection, and Area No. 01 (Library Service) County Service Districts. CEQA: Mitigated Negative Declaration, File No. PDC05-064. Council District 4. (Planning, Building and Code Enforcement)

2.13 [Approval to set a Public Hearing for the vacation of a portion of McKinley Avenue.](#)

[Memo from Planning Commission](#)

Recommendation: Adoption of a resolution of intention to conditionally vacate McKinley Avenue between St. Elizabeth Drive and Meridian Avenue with reservation of a public service easement, emergency access easement, and sanitary sewer easement over a portion of the vacated area, and setting a public hearing on August 29, 2006 at 1:30 p.m. CEQA: Mitigated Negative Declaration, PDC05-046/C05-102. Council District 6. (Public Works)

2.14 [Approval to continue an agreement for Geographic Information System Consultant Services.](#)

[Supplemental](#)

- * **Recommendation:** Approval of a continuation agreement with Intergraph Corporation for Geographic Information System consultant services for the Data Modeling Enhancement, Data Conversion, Map Book Generation and Web Plot Development Project, extending the term of the agreement six months from June 30, 2006 to December 31, 2006 at no additional cost to the City. CEQA: Not a Project. (Public Works)

2. CONSENT CALENDAR

2.15 [Acceptance of report on bids and fiscal actions related to the Plata Arroyo Park Restroom Project.](#)

Recommendation:

- (a) Approval of 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 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 Appropriation Ordinance and Funding Source Resolution amendments in the Services for Redevelopment Capital Projects Fund (Fund 450):
 - (1) Increase the estimate for Beginning Fund Balance by \$200,000.
 - (2) 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, dated May 15, 2006.

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

2.16 [Approval to amend the master agreement for the Happy Hollow Park & Zoo Bond Project.](#)

Recommendation: Approval of the second amendment to the master agreement for consultant services with Portico, Inc., for the Happy Hollow Park & Zoo Parks Bond Project increasing the compensation by \$250,000 from \$7,500,000 for a total agreement amount not to exceed \$7,750,000. CEQA: Not a Project. (Public Works/Parks, Recreation and Neighborhood Services)

2.17 [Approval of actions related to setting a schedule of penalties for parking violations.](#)

Recommendation: Adoption of a resolution setting forth the Schedule of Parking Penalties and Late Payment Penalties for parking violations effective August 8, 2006, and repealing Resolution No. 72744. CEQA: Not a Project. (Transportation)

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair

3.2 Report of the Rules Committee – [August 2, 2006](#) Vice Mayor Chavez, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review August 15, 2006 City Council Draft Agenda
 - (a) Adds to the August 15, 2006 City Council Draft Agenda
 - (2) Add New Items to August 8, 2006 City Council Agenda
 - (a) Mayor and Councilmember Requests
 - (b) Council Appointee Requests
 - (3) List of Reports Outstanding
- (c) Legislative Update
 - (1) State
 - (a) SB423 (Simitian) – Allowing energy service providers to gift energy to nonprofits
[Supplemental](#)
 - (2) Federal
- (d) Meeting Schedules
 - (1) Approve to reschedule the previously set study session on the Recycle Plus Program Procurement from August 4, 2006 to August 11, 2006 from 9:00 a.m. – 12:00 p.m. in the Council Chambers
 - (2) Approve the General Plan Hearing Schedule and cancellation of the November 7, 2006 Council Meeting
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
 - (1) Disability Advisory Commission (LeZotte)
Recommend Susan Veronica Souza and Otila Salazar to two (2) unexpired terms ending 06/30/07 and 06/30/08
 - (2) Youth Commission (City Clerk)
Acceptance of applications for Council Districts 1, 2, 4, 5, 6, and 7 extended from July 28, 2006 to September 1, 2006
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Approval of travel for Council Member Yeager to attend the League of California Cities 2006 Annual Conference and Exposition in San Diego, California on September 6-9, 2006 (Yeager)
 - (2) Approval of travel for Council Member Yeager to attend the International Gay and Lesbian Leadership Conference in Houston, Texas on November 16 – 19, 2006 (Yeager)
 - (3) Recommendation to agendaize the San Jose Entrepreneur Center Program Evaluation Report for review by the Driving a Strong Economy Committee at their next meeting scheduled on September 25, 2006 (Redevelopment Agency)
 - (4) Request for “Audit of Consolidated Water Utility Operating Fund” to be added to the City Auditor’s Work Plan (Cortese)

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – August 2, 2006 (Cont'd.) Vice Mayor Chavez, Chair

- (g) Rules Committee Reviews, Recommendations and Approvals (Cont'd.)
 - (5) Approval of Council Committee Work Plans (Mayor/Committee Chairs)
 - (a) All Children Achieve Committee
Deferred from June 21, 2006
Recommend deferral to August 9, 2006 Rules Committee
 - (b) Building Strong Neighborhoods Committee
Deferred from June 21, 2006
Recommend deferral to August 9, 2006 Rules Committee
 - (6) 2006 League of California Cities voting and alternate voting delegates a the annual business meeting (City Manager)
- (h) Open Forum
- (i) Adjournment

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

3.4 [Approval of an ordinance establishing the grounds and procedure for the removal of Members of the City Council from Office.](#)

Recommendation: Approval of an ordinance amending Title 12 of the San José Municipal Code to add Chapter 12.18 to specify the grounds and procedures for removal of a member of the City Council for willful misconduct in office. CEQA: Not a Project. (City Attorney's Office)

3.5 [Certification of the results and requesting the County to consolidate with the Statewide General Election a Municipal Run-off Election on November 7, 2006.](#)

- * **Recommendation:** Adoption of a resolution declaring the results of the June 6, 2006 Municipal Election pursuant to Elections Code Section 15400. The resolution will certify the results of the election, confirm the passage of Measure K (Fire Station Construction – Silver Creek Park) and confirm the election of Peter Constant to the Office of Council Member – District 1; Nora Campos to the Office of Council Member – District 5; Madison P. Nguyen to the Office of Council Member – District 7 and Judy Chirco to the Office of Council Member – District 9, all for terms beginning on January 1, 2007 and ending on December 31, 2010; and requesting the County Board of Supervisors to consolidate with the Statewide General Election a Municipal Run-off Election for the Offices of Mayor and Council Member – District 3. (City Clerk)

3. STRATEGIC SUPPORT SERVICES

3.6 Approval of fiscal actions related to the Mayor and City Council General Fund appropriations.

Recommendation:

(a) Adoption of the following Appropriation Ordinance amendments in the General Fund:

- (1) Establish an appropriation for the Office of the Mayor Personal Services in the amount of \$563,739;
- (2) Establish an appropriation for the Office of the Mayor Non-Personal/ Equipment in the amount of \$12,477;
- (3) Establish an appropriation for the Office of the Mayor Independent Consultant in the amount of \$48,000;
- (4) Establish an appropriation in Citywide to the City Clerk's Office for the San José Education Foundation in the amount of \$200,000;
- (5) Establish an Earmarked Reserve for the 2007 Office of the Mayor in the amount of \$117,119;
- (6) Decrease the appropriation to the Mayor and City Council for the Office of the Mayor by \$941,335.

(b) Implement a hiring freeze for all Mayor's Office staff until December 31, 2006.

* (c) Adoption of a resolution approving an amendment to City Council Policy 9-5 regarding the Mayor's travel.

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

3.7 Conduct a Public Hearing on the Sanitary Sewer Service and Use Charges and Storm Sewer Service Charges Report.

Recommendation: Conduct a public hearing and adopt a resolution approving the Sanitary Sewer Service and Use Charges and Storm Sewer Service Charges Report filed by the Director of Finance with the City Clerk's Office and approve the placement of recommended Sanitary Sewer and Use charges and Storm Sewer Service charges on the 2006/2007 tax roll, with such modifications as Council may make based on public hearing testimony. CEQA: Not a Project. (Finance)

3. STRATEGIC SUPPORT SERVICES

3.8 [Approval of actions on proposed City Charter amendments relating to restrictions on outside employment and Council Member salary setting.](#)

[Mayor's Memo](#)

[Councilmembers and Vice Mayor's Memo](#)

Recommendation:

- (a) Approve the proposed specific language revisions to the City Charter related to outside employment for the Mayor, Council Members and Council salary setting for placement on the November 7, 2006 ballot.
- * (b) Adopt a resolution approving ballot language for the proposed Charter amendments related to outside employment for the Mayor and City Council Members and Council salary setting and ordering placement on the November 7, 2006 ballot.
- (c) Direct the City Attorney to bring back to Council within thirty days of the passage of the proposed Charter amendment, amendments to the Municipal Code making Council staff subject to similar employment restrictions as other City employees, requiring them to receive written permission from their Council Member to accept outside employment.

(Mayor)

(Referred from 6/20/06 – Item 3.7)

3.9 [Discussion of the San José Arena contract.](#)

[Mayor's Memo](#)

Recommendation: Discussion of the San José Arena contract as related to a potential National Basketball Association franchise. (Mayor)
(Rules-in-Lieu referral 7/26/06)

3.10 [Approval of actions related to funding for the Annual Volunteer Celebration.](#)

Recommendation: Restore \$15,000 to the non-personal funding of the Mayor's Office budget in order to continue the regular support for the seventh Annual Mayor's Volunteer Celebration that recognizes and thanks the thousands of San José residents who contribute their time and talent as City volunteers.

- * (Rules Committee referral 8/2/06)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee – [June 19, 2006](#)

Council Member Chirco, Chair

- (a) Neighborhood Housing Rehabilitation Presentation
- (b) Secondary Units Pilot Program Status
- (c) Animal Care and Services Update
Deferred from March 2006
- (d) Parkland Dedication Ordinance and Park Impact Ordinance – Follow-up Discussion
Deferred to August 2006
- (e) Building Strong Neighborhoods Update/Status Report
- (f) Oral Petitions
- (g) Adjournment

4.2 Report of the Driving a Strong Economy Committee - [June 26, 2006](#)

Council Member Williams, Chair

- (a) Affordable Housing Funding and Production Update 2006
- (b) Housing Indicators Report
- (c) Secondary Units Mid-Year Report
- (d) Update on Airport and Office of Economic Development to Secure Additional Flights
- (e) Update on the Small Business Ambassador Program
Request for deferral
- (f) Oral Petitions
- (g) Adjournment

4.3 [Acceptance of the proposed Phasing Plan for the County Annexations.](#)

Recommendation: Acceptance of the proposed phasing plan for the annexation of up to 58 unincorporated islands of less than 150-acres in three general phases over the next 3 to 5 years, beginning with the smallest and least populated areas. CEQA: Resolution No. 65459. (Planning, Building and Code Enforcement).

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.4 Conforming rezoning of the real property located at the southwest corner of Tully Road and Capitol Expressway.

Supplemental

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) 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.
- * (b) Consideration of a conforming rezoning ordinance rezoning a portion of the subject property from A-Agricultural Zoning District to IP-Industrial Park Zoning District and another portion of the subject property to CG-Commercial General Zoning District to allow industrial and commercial uses, respectively, on certain portions of a 7.0 gross acres site.

C05-125 - District 8

[Deferred from 6/20/06 – Item 10.6(b)(c) and Item 11.12(b)(c)]

4.5 Conduct a Public Hearing to vacate a portion of Bassett and North First Streets.

Recommendation: Conduct a public hearing and adoption of a resolution to vacate portions of a Public Service Easement and Covenant of Easement for ingress, egress, emergency access and incidental purposes within Lot 1 of Tract 9665 at the northwest corner of Bassett and North First Streets. CEQA: Resolution No. 68839. Council District 3. (Public Works)

4.6 Conduct a Public Hearing related to the vacation of a portion of Ninth Street.

- * **Recommendation:** Conduct a public hearing and adoption of a resolution to vacate the easterly portion of Ninth Street between Taylor and Jackson Streets with reservation of a 6-foot strip public service easement. Director of Planning, Building and Code Enforcement and Planning Commission recommended to approve (7-0-0). CEQA: Mitigated Negative Declaration, PDC05-037. Council District 2. (Public Works)

4.7 Conduct a Public Hearing related to the vacation of a portion of Park Avenue.

Recommendation: Conduct a public hearing and adoption of two resolutions to:

- (a) Vacate a portion of Park Avenue, located along the northerly side and approximately 55 feet east of Laurel Grove Lane.
- (b)
 - (1) Declare this 2,482 square foot area surplus to the needs of the City.
 - (2) Authorize its sale to Park Avenue Lofts, LLC for \$69,496.
 - (3) Delegate authority to the Director of Public Works to execute all documents necessary to complete the transfer of the property.

CEQA: Mitigated Negative Declaration, PDC05-037. Council District 6. (Public Works)

5. NEIGHBORHOOD SERVICES

5.1 Report of the All Children Achieve Committee
Council Member Yeager, Chair

5.2 [Approval of additional funding for the Sunset Square Apartments.](#)

Recommendation: Adoption of a resolution approving additional funding of up to \$4,271,125 to Sunset Square, L.P. for the rehabilitation and financial restructuring of Sunset Square Apartments, a 96-unit apartment building located at 2080 Alum Rock Avenue in San José. CEQA: Exempt, File No. AD06-696. Council District 5. (Housing)

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Building Better Transportation Committee
Council Member Campos, Chair

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEM 9.1 IN A JOINT SESSION

9.1 [Approval by the City Council for an exception to the current Council Appointee Home Loan Program.](#)

Recommendation: Adoption of a resolution by City Council making an exception to the current Council Appointee Home Loan Program to allow the participation by an existing employee within their first two years of service, and specifically granting approval of a loan consistent with the program guidelines to the current Executive Director of the Redevelopment Agency. (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 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>
9828	N/S of Villa Ave. 150’ E of Myrtle St.	6	LG Developers	5 Lots/4 Units	SFD
9835	NE corner of Samaritan Dr. and Clydelle Ave.	9	SummerHill Home	108 Lots/ 101 Units	Single & Multi Family
9836	2478 Almaden Road	6	JSM Enterprises Inc.	1 Lot/32 Units	MFA

- Notice of City Engineer’s Award of Construction Projects

* On October 25, 2005, City Council approved a one year pilot program that delegated authority to the Director of Public Works to award or reject bids on construction projects where the base contract amount is below \$1,000,000. In accordance with this policy, the following is a list of projects that were awarded or rejected by the Director of Public Works in June and July 2006

AWARD:

<u>Project Name</u>	<u>Council District</u>	<u>Contractor</u>	<u>Contract Award Amount</u>	<u>Award Date</u>
Orvis Ave. Sanitary Sewer Replacement	3	Pacific Underground Construction Inc.	\$359,495	6/1/06
Dobern Bridge Trail	5	Blossom Valley Construction	\$184,518	6/1/06
Greater Gardner Street Reconstruction-W. Virginia Street	3	Wattis Construction Co.	\$194,499	6/10/06
Norman Y. Mineta San José Airport General Engineering Contract 06-07	Citywide	O’Grady Paving Inc.	\$510,000	6/23/06
Traffic Signal Modification at Naglee and Park Avenues	6	San José Signal Electric Const. Inc.	\$198,370	6/23/06
Traffic Signal Installations at Almaden Ave., Oak and Vine Streets	3	Pacific Electric Company	\$279,377	7/19/06

- Open Forum—To be heard jointly with Redevelopment Agency Public Discussion.
- **Adjournment**
This meeting will be adjourned in memory of former City Clerk Patricia L. O’Hearn, who faithfully served the City for 18 years.

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

1:30 P.M.

TUESDAY, AUGUST 8, 2006

CHAMBERS

- 1. Call to Order**
- 2. [Approval to reassign the remarketing agent obligations for the City of San José Financing Authority Taxable Lease Revenue Bonds, Series 2001C.](#)**

Recommendation:

- (a) Approval by the City Council of the assignment of remarketing agent obligations under the City of San José Financing Authority Taxable Lease Revenue Bonds, Series 2001C (Hayes Mansion Phase III Improvement and Refunding Project Remarketing Agreement (the “Remarketing Agreement”) from UBS Financial Services Inc to UBS Securities LLC.
- (b) Approval by the City of San José Financing Authority (the “Authority”) of the assignment of remarketing agent obligations under the City of San José Financing Authority Taxable Lease Revenue Bonds, Series 2001C (Hayes Mansion Phase III Improvement and Refunding Project Remarketing Agreement (the “Remarketing Agreement”) from UBS Financial Services Inc to UBS Securities LLC.

CEQA: Not a Project. (Finance)

- 3. Adjourn the San José Financing Authority.**