



# **CITY COUNCIL AGENDA**

**AUGUST 9, 2005**

**SYNOPSIS**

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

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER  
VACANT  
DAVID D. CORTESE  
JUDY CHIRCO  
NANCY PYLE

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

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

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **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:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there 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 before 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) 998-5299 (TTY) at least two business days before the meeting.

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

- **Call to Order and Roll Call**  
9:31 a.m. - Closed Session, City Hall Tower, 18<sup>th</sup> Floor, City Hall  
**Absent Council Members: None.**  
  
1:30 p.m. - Regular Session, Council Chambers, City Hall  
**Absent Council Members: None.**
- **Invocation (District 7)**  
Monsignor J. Patrick Browne, Cathedral Basilica of Saint Joseph presented the invocation.
- **Historical Presentation**  
Paul Bernal, Historian presented an overview of the history of San José for the past 150 years.
- **Pledge of Allegiance**  
Mayor Gonzales led the Pledge of Allegiance.
- **Orders of the Day**  
The Orders of the Day and the Amended Agenda were approved.

## **1 CEREMONIAL ITEMS**

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- 1.1 Presentation of a commendation to Victor Arranaga Jr. for his dedicated service to the City as the Chair of San José Sports Authority Board. (LeZotte)  
**Deferred to 8/23/05.**
- 1.2 Dedication of the New City Hall Council Chambers. (Mayor)  
**Mayor Gonzales recognized current and former City Officials who were involved in the vision of New City Hall project and dedicated the New City Hall to the people of San José.**

## 2 CONSENT CALENDAR

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### 2.1 Approval of Minutes.

There were none.

### 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 27477 – Rezones certain real properties situated in the Burbank/Del Monte Strong Neighborhoods Initiative Area and primarily situated within the West San Carlos Neighborhood Business District and generally bounded by Interstate 880 to the west, Cecil Avenue to the north, Arleta Avenue to the east and Los Coches Avenue to the south from CN Commercial Neighborhood Zoning District and CG Commercial General Zoning District to CP Commercial Pedestrian Zoning District. CC01-072

**Ordinance No. 27477 adopted.**

- (b) ORD. NO. 27478 – Rezones certain real properties situated in the Burbank/Del Monte Strong Neighborhoods Initiative Area and primarily situated within the West San Carlos Neighborhood Business District and generally comprised of the frontage properties along West San Carlos Street which is generally bounded by Richmond Avenue to the west and Buena Vista Avenue to the east from CN Commercial Neighborhood Zoning District, CG Commercial General Zoning District, CO Commercial Office Zoning District, LI Light Industrial Zoning District and RM Multi-Family Residential Zoning District to CP Commercial Pedestrian Zoning District. CC01-073

**Ordinance No. 27478 adopted.**

- (c) ORD. NO. 27479 – Rezones certain real properties situated in the Burbank/Del Monte Strong Neighborhoods Initiative Area and situated within the West San Carlos Neighborhood Business District and located at the northeast corner of West San Carlos Street and Williard Avenue from LI Light Industrial Zoning District and R-2 Two-Family Residence Zoning District to CP Commercial Pedestrian Zoning District. CC01-074

**Ordinance No. 27479 adopted.**

- (d) ORD. NO. 27480 – Rezones a certain real property situated in the Burbank/Del Monte Strong Neighborhoods Initiative Area and situated within the West San Carlos Neighborhood Business District and located approximately midblock on the north side of West San Carlos Street between Williard Avenue and Meridian Avenue from LI Light Industrial Zoning District to CP Commercial Pedestrian Zoning District. CC01-075

**Ordinance No. 27480 adopted.**

## 2 CONSENT CALENDAR

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

**Recommendation:** Final adoption of ordinances.

- (e) ORD. NO. 27481 – Rezones a certain real property situated in the Burbank/Del Monte Strong Neighborhoods Initiative Area and situated within the West San Carlos Neighborhood Business District and located on the north side of West San Carlos Street approximately 200 feet westerly of Meridian Avenue from LI Light Industrial Zoning District to CP Commercial Pedestrian Zoning District.  
CC01-076

**Ordinance No. 27481 adopted.**

- (f) ORD. NO. 27482 – Rezones certain real properties situated in the Burbank/Del Monte Strong Neighborhoods Initiative Area and primarily situated within the West San Carlos Neighborhood Business District and located on the north side of West San Carlos Street between Grand Avenue and Meridian Avenue from CG Commercial General Zoning District to CP Commercial Pedestrian Zoning District. CC01-077

**Ordinance No. 27482 adopted.**

- (g) ORD. NO. 27483 - Rezones certain real properties situated in the Burbank/Del Monte Strong Neighborhoods Initiative Area and primarily situated within the West San Carlos Neighborhood Business District and generally bounded by Meridian Avenue to the east, Douglas Street to the south, Page Street to the west, and West San Carlos Street to the north from CN Commercial Neighborhood Zoning District, CG Commercial General Zoning District and LI Light Industrial Zoning District to CP Commercial Pedestrian Zoning District. CC01-078

**Ordinance No. 27483 adopted.**

- (h) ORD. NO. 27488 – Rezones certain real property located on the southwest corner of Hellyer Avenue and Embedded Way (800 Embedded Way) from IP Industrial Park Zoning District to IP(PD) Planned Development Zoning District.  
PDC05-004

**Ordinance No. 27488 adopted.**

- (i) ORD. NO. 27489 – Rezones certain real property situated on the east side of south White Road, approximately 300 feet south of Westgrove Lane (3160 South White Road) from R-1-5 (PD Zoning District to CO Commercial Office Zoning District. C05-010

**Ordinance No. 27489 adopted.**

- (j) ORD. NO. 27490 – Rezones certain real property situated at the northwest corner of Story Road and McLaughlin Avenue (1145 Story Road) from IP Industrial Park Zoning District to CN Commercial Neighborhood Zoning District. C05-007

**Ordinance No. 27490 adopted.**

## 2 CONSENT CALENDAR

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

**Recommendation:** Final adoption of ordinances.

- (k) ORD. NO. 27491 – Rezones certain real property situated in an area generally bounded by Cottle Road to the west, Poughkeepsie Road/Boulder Boulevard to the north, Monterey Highway to the east, State Route 85 and Manassas Road to the south from IP Industrial Park Zoning District to IP(PD) Planned Development Zoning District. PDC04-031

**Ordinance No. 27491 adopted.**

- (l) ORD. NO. 27492 - Approving a development agreement between the City of San José and Hitachi Global Storage Technologies, Inc. to allow the reconfiguration and entitlement of up to 3.6 million square feet of industrial uses and to allow up to 2,930 residential units, up to 460,000 square feet of commercial uses, and an up to 13 acre public park.

**Ordinance No. 27492 adopted.**

- (m) ORD. NO. 27499 – Establishes a public right-of-way over a portion of Pellier Park to accommodate the development of a pedestrian paseo and the renovation of Pellier Park.

**Ordinance No. 27499 adopted.**

- (n) ORD. NO. 27509 – Amends Title 9 of the San José Municipal Code by adding Chapter 9.57 prohibiting the maintenance of graffiti upon real property and personal property located thereon and prohibiting the maintenance of graffiti upon motor vehicles, boats, and trailers parked on public streets; and amending Chapter 17.72 of Title 17 by repealing Section 17.72.220 and amending Sections 17.72.520 and 17.72.555 of Chapter 17.72 to make conforming changes.

**Ordinance No. 27509 adopted.**

### 2.3 Acceptance of the Office of the City Auditor's Report of Activities and Findings for the Period May 16 through June 15, 2005.

**Recommendation:** Acceptance of the Office of the City Auditor's Report of Activities and Findings for the Period May 16 through June 15, 2005. (City Auditor)

**Report Accepted.**

## 2 CONSENT CALENDAR

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### 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) Establish the appropriation to the Department of Transportation for the Street Sweeping Sign Installation Strategy Project (PSM 401) in the amount of \$25,000.
- (2) Establish an appropriation to the Department of Transportation for the Tully/Senter Traffic Calming Project (PSM 403) in the amount of \$65,000.
- (3) Increase the estimate for Earned Revenue by \$90,000.

**Ordinance No. 27510 adopted.**

**Resolution No. 72841 adopted.**

(b) Adoption of a resolution making certain determinations regarding the related expenditures of Redevelopment Agency funds on certain public improvements in connection with the Street Sweeping Sign Installation Strategy Project (PSM 401) and the Tully/Senter Traffic Calming Project (PSM 403).

CEQA: EIR Resolution. Council Districts 5 and 7. SNI: East Valley/680 Communities and Tully/Senter. (City Manager's Office)

**Resolution No. 72842 adopted.**

### 2.5 Approval of a lease agreement for office space for the Independent Police Auditor.

**Recommendation:** Approval of a lease agreement with Cornerstone Properties for 3,013 square feet of office space located at 2 North Second Street, intended for the Independent Police Auditor, at a cost of \$4,519.50 per month during the first year of the lease, \$4,670.15 per month during the second year, \$4,820.80 per month during the third year, and \$4,971.45 during the fourth and fifth years of the lease's five year term. CEQA: Not a Project. (General Services)

**Approved.**

### 2.6 Approval to award a contract for the Fire Station No. 25 Rough Grading Project.

**Recommendation:** Report on bids and award of contract for the Fire Station No. 25 Rough Grading Project to the low bidder, O.C. Jones & Sons, Inc., in the amount of \$412,470, and approval of a contingency in the amount of \$41,247. CEQA: Resolution No. 69636, and addenda thereto, File No. PP04-331. Council District 4. (Public Works)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.7 Approval to award a contract for the Camden Park Renovation Project.

**Recommendation:** Report on bids and award of contract for the Camden Park Renovation Project to the low bidder, Blossom Valley Construction, for the base bid in the amount of \$149,909, and approval of a contingency in the amount of \$7,500. CEQA: Mitigated Negative Declaration File No. PP01-208, and addenda thereto, under File No. PP04-266. Council District 9. SNI: Union and Curtner. (Public Works/Parks, Recreation and Neighborhood Services)

**Approved.**

### 2.8 Approval of an ordinance amending the definition of “cover material” for purposes of the disposal facility tax.

**Recommendation:** Approval of an ordinance amending Section 4.78.020 of Chapter 4.78 of Title 4 of the San José Municipal Code to revise the definition of “cover material” for purposes of the disposal facility tax. CEQA: Not a Project. (City Attorney’s Office)

**Deferred to 8/16/05.**

## 3 STRATEGIC SUPPORT SERVICES

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### 3.1 Report of the Study Session

Mayor Gonzales, Chair

No Report.

### 3.2 Report of the Rules Committee

Vice Mayor Chavez, Chair

No Report.

### 3.3 Report of the Making Government Work Better Committee

Council Member Reed, Chair

No Report.

### 3.4 Approval to establish the property tax levy for general obligation bond debt.

**Recommendation:** Adoption of a resolution establishing the Fiscal Year 2005-06 property tax levy for all taxable property for general obligation bonded indebtedness. CEQA: Not a Project. (Finance)

**Resolution No. 72843 adopted.**

### **3 STRATEGIC SUPPORT SERVICES**

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#### **3.5 Approval to place the Library Parcel Tax on the Santa Clara County Property Tax Roll.**

**Recommendation:** Adoption of a resolution approving the placement of the Library Parcel Tax on the 2005-2006 Santa Clara County Property Tax Roll. CEQA: Not a Project. (Finance/Library)  
(Rules-in-Lieu Committee referral 8/3/05)

**Resolution No. 72844 adopted.**

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

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

**No Report.**

#### **4.2 Report of the Driving a Strong Economy Committee – June 27, 2005 Council Member Williams, Chair**

- (a) Housing Indicators Report  
**The Committee accepted the Staff report.**
- (b) Affordable Housing Funding and Production Update  
**The Committee accepted the Staff report.**
- (c) Update on Airport and Office of Economic Development Efforts to Secure Additional Flights  
**The Committee accepted the Staff report.**
- (d) Oral Petitions  
**There were none.**
- (e) Adjournment  
**The meeting was adjourned at 3:00 p.m.**

**The Driving a Strong Economy Committee Report and the Actions of June 27, 2005, were accepted.**

## **4 COMMUNITY & ECONOMIC DEVELOPMENT**

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### **4.3 Public Hearing on the formation of Community Facilities District No. 12.**

**Recommendation:** Public hearing and adoption of a resolution forming Community Facilities District No. 12 (Basking Ridge), authorizing the levy of a special tax therein, preliminarily establishing an appropriations limit therefore, and submitting the levy of the special tax and the establishment of the appropriations limit to the qualified electors at an election on November 8, 2005. CEQA: Resolution No. 71360, PP05-36. Council District 2. (Public Works)

**The Public Hearing was held.  
Resolution No. 72845 adopted.**

## **5 NEIGHBORHOOD SERVICES**

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

### **5.2 Approval of an agreement for the Pearl Avenue Branch Library Project.**

**Recommendation:** Approval of an agreement with Anderson Brulé Architecture, Inc. for consultant design services for the Pearl Avenue Branch Library Project, from the date of execution to June 30, 2008, in an amount not to exceed \$850,000. CEQA: Not a Project. Council District 9. (Public Works/Library)

**Approved.**

### **5.3 Approval of an agreement for the Watson Community Park.**

**Recommendation:** Adoption of a resolution authorizing the Director of Public Works to select a consultant and negotiate and execute a Master Agreement for Environmental Consultant Services for Watson Community Park, in an amount not to exceed \$800,000, for a duration of up to 24 months from the date of execution. CEQA: Exempt, File No. PP05-156. Council District 3. (Public Works/Parks, Recreation and Neighborhood Services/Environmental Services)

**Resolution No. 72846 adopted, with Staff directed to:**

- (1) Keep the neighborhood up to date with the public safety reports that have been produced.**
- (2) Improve internal processes by developing management plans and/or protocols to address the future situations like this as quickly as possible.**
- (3) Develop departmental databases to house information about City-owned properties to facilitate the sharing of information.**
- (4) Develop plans to provide better outreach.**
- (5) Consider innovative ideas in working with neighborhoods and the community to improve communication.**

## **6 TRANSPORTATION & AVIATION SERVICES**

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- 6.1 Report of the Building Better Transportation Committee  
Council Member Campos, Chair  
No Report.**

- 6.2 Public Hearing on the Cost of Sidewalk Repairs.**

**Recommendation:** Public hearing and adoption of a resolution approving the Report of the Directors of Finance and Transportation on the Cost of Sidewalk Repairs, confirming the assessments contained in the Report, and directing the recording of liens on the property tax roll for the cost of sidewalk repairs. CEQA: Not a Project. (Finance/Transportation)

**The Public Hearing was held.  
Resolution No. 72847 adopted.**

## **7 ENVIRONMENTAL & UTILITY SERVICES**

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- 7.1 Public Hearing on the Sanitary and Storm Sewer Service Use Charges.**

**Recommendation:** Public hearing on 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 adoption of a resolution approving the placement of recommended Sanitary Sewer and Use charges and Storm Sewer Service charges on the 2005/2006 tax roll, with such modifications as Council may make based on public hearing testimony. CEQA: Not a Project. (Finance)

**The Public Hearing was held.  
Resolution No. 72848 adopted.**

## **8 PUBLIC SAFETY SERVICES**

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- 8.1 Acceptance of City's response to the Civil Grand Jury on Tasers, Training, and Tracking.**

**Recommendation:** Acceptance of staff response to the 2004-2005 Santa Clara County Civil Grand Jury Report on Tasers, Training, and Tracking. (Police)

**Accepted, with Staff directed to ensure that the City has a voice on the California Commission of Police Officers as it relates to policies and procedures on the use of tasers.**

## 9 JOINT COUNCIL/REDEVELOPMENT AGENCY

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- **Closed Session Report**

**No Report.**

- **Notice of City Engineer's Pending Decision on Final Maps**

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9673	Northeast Corner of Forrestal Avenue and Sonora Avenue	3	SSR Western Multifamily, LLC	315 Units	SFA	Approval

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>
9710	570 Hillsdale Avenue	10	Lago Di Como Development Inc.	26 Units	SFA

- **Open Forum**

- (1) **Darlene Wallach questioned the use of funds obtained from the San José Grand Prix and reiterated concerns previously raised about police officers failing to properly identify themselves to the public.**
- (2) **Ross Signorino expressed approval of the New City Hall.**
- (3) **Kim Singh spoke in support of the San José Symphony.**
- (4) **Donna Wallach stated that the City streets were not cleaned up quickly after the San José Grand Prix, which presented dangers to pedestrians.**
- (5) **Debbie Weatherspoon, Margie Marquez and Carla Munther, summarized the purpose and achievements of People Acting Community Together (PACT) and recognized the group's 20th anniversary.**

- **Special Presentation**  
**Mayor Gonzales and City Attorney Richard Doyle recognized and commended Senior Deputy City Attorney Carol Overton for her recent appointment by Governor Arnold Schwarzenegger as Superior Court Judge, County of Santa Clara.**

- **Adjournment**  
**The Council of the City of San José adjourned in memory of Ron Schreck, City of San José Housing Department employee since 1988, and survived by his wife, Linda and daughter, Aubrey; and in memory of Joyce Ellington, neighborhood activist, who passed away on August 1, 2005.**

**The Council of the City of San José adjourned at 2:38 p.m.**

## **8 JOINT REDEVELOPMENT AGENCY ITEM**

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**The Joint Redevelopment Agency Board convened at 2:44 p.m. to consider Items 8.1 and 8.2 in a Joint Session.**

### **8.1 Approval of an ordinance deleting a portion of the Century Center Redevelopment Project Area.**

**Recommendation:** Approval of an ordinance of the City of San Jose repealing Ordinance Nos. 26659 and 26660 to remove 31 acres bounded generally by Santa Clara Street to the south, Julian Street to the north, Third Street to the east and Market Street to the west from the Century Center Redevelopment Project Area and from the Merged Redevelopment Project Area. [CENTURY CENTER]

**Ordinance No. 27511 passed for publication.**

### **8.2 Actions related to an agreement with San Jose Unified School District for Public Improvements at the Anne Darling Elementary School.**

**Recommendations:**

(a) Adoption of a resolution by the City Council making certain determinations required by law for Agency funding of a public improvement; and,

**Resolution No. 72849 adopted.**

(b) Approval of an agreement by the Redevelopment Agency Board with the San Jose Unified School District, in an amount not to exceed \$82,500, for Public Improvements at the Anne Darling Elementary School in the Five Wounds/Brookwood Terrace neighborhood, located within the Strong Neighborhoods Initiative Redevelopment Project Area.

CEQA: Exempt [FIVE WOUNDS/ BROOKWOOD TERRACE SNI]

**Approved.**

## **ADJOURNMENT**

**The Council of the City of San José, and Redevelopment Agency Board adjourned at 2:45 p.m.**