CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

CITY COUNCIL AGENDA

AUGUST 10, 2004

LINDA J. LE ZOTTE	DISTRICT 1		KEN YEAGER	DISTRICT 6
FORREST WILLIAMS	DISTRICT 2		TERRY O. GREGORY	DISTRICT 7
CINDY CHAVEZ	DISTRICT 3	RON GONZALES MAYOR	DAVID D. CORTESE	DISTRICT 8
CHUCK REED	DISTRICT 4		JUDY CHIRCO	DISTRICT 9
NORA CAMPOS	DISTRICT 5		PAT DANDO, VICE MAYOR	DISTRICT 10

CITY OF SAN JOSE
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Office of the City Clerk

Welcome to the San José City Council meeting!

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

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

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

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

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

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

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

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.htm

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

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

- Call to Order and Roll Call

  9:30 a.m. - Closed Session, Room 600, City Hall
  See Separate Agenda
  1:30 p.m. - Regular Session, Council Chambers, City Hall
  7:00 p.m. - Public Hearings, Council Chambers, City Hall

- Invocation (District 7)
- Pledge of Allegiance
- Orders of the Day

ITEM 10.1 IS 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 plaques to Warren Honaker for 5 years service on the Airport Commission, to Noel Tebo for 5 years service on the Airport Commission, to Richard Ajluni for 6 years 10 months service on the Arts Commission, to Shahnawaz Saigal for 2 years 8 months service on the CDBG Steering Committee, to Katherine Moore-Wines for 5 years service on the Early Care and Education Commission, to Thomas Paramo for 1 year service on the Early Care and Education Commission, to Hyacinth Stephens for 1 year service on the Early Care and Education Commission, to Judith Recchio for 1 year 5 months service on the Elections Commission, to Avelino Legaspi for 4 years service on the Historic Landmarks Commission, to Gloria Sciara for 4 years service on the Historic Landmarks Commission, and to John Zamora for 4 years 9 months service on the Planning Commission. (Mayor)

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.

2.3 Approval of actions related to the consolidation of the Airport Noise Advisory Committee and the Curfew Monitoring Committee into the Airport Noise Advisory Committee.

Recommendation: Approval of an ordinance amending Section 25.04.610 of Chapter 25.04 of Title 25 of the San José Municipal Code (Airport) to consolidate the functions of the Airport Noise Advisory Committee and the Curfew Monitoring Committee into the Airport Noise Advisory Committee and to establish the functions and membership of the consolidated Airport Noise Advisory Committee. CEQA: Not a Project. (Airport)

2.4 Approval to appoint Dan Doherty, Downtown Merchant, to the Civic Plaza Parking and Traffic Committee, filling an At Large Member vacancy.

Recommendation: Approval to appoint Dan Doherty, Downtown Merchant, to the Civic Plaza Parking and Traffic Committee, filling an At Large Member vacancy. CEQA: Not a Project. (Public Works)

2.5 Approval of a change order for the Norman Y. Mineta San José International Airport - Airport Blvd - Terminal Drive Improvements Project.

Recommendation: Approval of Contract Change Order No. 9 with Granite Construction Company, for the Norman Y. Mineta San José International Airport - Airport Blvd - Terminal Drive Improvements Project, in the amount of $225,000, for a total contract amount of $3,687,514, and approval of an increase in the project contingency in the amount of $151,569, from $321,000 to $472,569. CEQA: Resolution Nos. 67380 and 71451, PP 04-04-107. (Public Works/Airport)

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session
Mayor Gonzales, Chair

3.2 Report of the Rules Committee
Vice Mayor Dando, Chair

3 STRATEGIC SUPPORT SERVICES

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

3.4 Approval of actions for the Integrated Utility Billing, Customer Service and Performance Management System.

Recommendation:

(a) Approval to modify Resolution No. 72227, adopted at the June 29, 2004 City Council Meeting, to read: "Adoption of resolution authorizing the City Manager to enter into exclusive negotiations for the purchase, installation, and integration of an Integrated Utility Billing, Customer Service, and Performance Management System (CUSP) with BearingPoint/PeopleSoft, with the option to return to the City Council for further recommendation in the event business terms are not reached with BearingPoint/PeopleSoft."

(b) Adoption of a resolution authorizing the City Manager to execute a consultant services contract with Advanced Automation Consulting (AAC) to assist City staff with a business process gap analysis, contract negotiations, and provide technical architecture support related to the development of the BearingPoint/PeopleSoft contract scope of services.

CEQA: Not a Project. (Finance)

3.5 Approval of actions for the New City Hall.

Recommendation: Direct staff to:

(a) Issue a Request for Proposals (RFP) to solicit up to three tenants for approximately 6,000 square feet of first floor space fronting South Fourth Street available in the New City Hall;

(b) Model the RFP on the successful Fourth Street Garage retail project RFP;

(c) Solicit responses from a broad array of commercial retail brokers and restaurant owners and representatives.

(Economic Development)
[Deferred from 6/29/04 – Item 3.5(d)]

3.6 Approval of an agreement the Converged Data Network and Telephony System in the New City Hall.

Recommendation: Approval of an agreement with Unisys, Inc. for the Converged Data Network and Telephony System in the New City Hall. (Information Technology)

3 STRATEGIC SUPPORT SERVICES

3.7 Public Hearing on the cost of sidewalk repairs for property owner Sharon L. McDonald.

Recommendation: PUBLIC HEARING for property owner Sharon L. McDonald and adoption of a resolution confirming the report of the Directors of Finance and Transportation that includes the cost of sidewalk repairs and assessments. CEQA: Not a Project. (Finance/Transportation)
(Deferred from 3/30/04 - Item 3.4 et al., and 6/1/04 – Item 3.4)
Supplemental

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

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

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

5 RECREATION & CULTURAL SERVICES

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

5.2 Proposed renaming of the "Almaden Branch Library."

Recommendation: Approval to retain the name "Almaden Branch Library." CEQA: Not a Project. (Library/Library Commission)
TO BE HEARD IN THE EVENING

6 TRANSPORTATION SERVICES

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

6.2 Approval to amend and restate the list of designated Heritage Trees in San José.

Recommendation: Adoption of a resolution that amends and restates the list of designated Heritage Trees in San José and repeals Resolution No. 69745. CEQA: Exempt, PP04-07-220. (Transportation)

7 ENVIRONMENTAL & UTILITY SERVICES

8 AVIATION SERVICES

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEM 10.1 IN A JOINT SESSION

10.1 Approval of amendments to the Lobbying Ordinance.

* **Recommendation:** Consider the approval of an ordinance amending Chapter 12.12 of Title 12 of the San José Municipal Code to amend and restate the City of San José Municipal Lobbying Ordinance. (Blue Ribbon Task Force)
(Deferred from 6/8/04 – Item 10.2 and 6/29/04 – Item 10.1)
TO BE HEARD IN THE EVENING

ADJOURN REDEVELOPMENT AGENCY BOARD PORTION OF THE MEETING

- Closed Session Report
- Notice of City Engineer's Pending Decision on Final Maps
- Open Forum—To be heard jointly with Redevelopment Agency Public Discussion. Following Open Forum, Council will recess until 7:00 p.m.

11 PUBLIC HEARINGS

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

11.1 Public Hearing on planned development rezoning of the property located at 765 Willow Glen Way.

Recommendation: Public Hearing on and consider approval of an ordinance on Planned Development Rezoning of the property located at the north side of Willow Glen Way approximately 250 feet from Bird Avenue (765 Willow Glen Way), from R-1-8 Residential Zoning District to A(PD) Planned Development Zoning District, to allow two (2) single-family detached residences on a 0.26 gross acre site. (Robert Cullen, Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).
PDC 04-042 - District 6

11.2 Public Hearing on conforming prezoning of the property located at 2227 Curtner Avenue.

Recommendation: Public Hearing on and consider approval of an ordinance on Conforming Prezoning of the property located at the north side of Curtner Avenue, opposite terminus of Joseph Avenue (2227 Curtner Avenue), from County and R-1-5 Residence Zoning District to R-1-8 Residence Zoning District, to allow residential uses on a 0.72 gross acre site. (Chinese Baptist Church of San José, Inc., Owner). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.
C03-092 - District 9

11.3 Public Hearing on planned development rezoning of the property located at the southwest corner of Silver Creek and Aborn Roads.

Recommendation: Public Hearing on and consider approval of an ordinance on Planned Development Rezoning of the property located at the southwest corner of Silver Creek and Aborn Roads, from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District, to allow up to 70,000 square feet of retail, 50,000 square feet of medical office or an 80-bed assisted living facility for the elderly, and unimproved land to be dedicated for public park purposes on a 7.5 gross acre site. (Feng Li-Chu And Shen Chung-Guang, Lii Ruey-Rong & Lih-Woan, Shen Chung Guang, Huang Ying-Ming, Huang Chen-Huei, Owners; Barry Swenson Builder, Developer). CEQA: Mitigated Negative Declaration.
PDC04-008 - District 7
RECOMMEND CONTINUANCE TO 8/17/04

11 PUBLIC HEARINGS

11.4 Public Hearing on conforming rezoning of the property located at 18 N. White Road.

Recommendation: Public Hearing on and consider approval of an ordinance on Conforming Rezoning of the property located on the east side of White Road, approximately 160 feet northerly of Alum Rock Avenue (18 N. White Road), from R-1-8 Single-Family Residence District and CP Commercial Pedestrian Zoning Districts to CP Commercial Pedestrian Zoning District, to allow commercial uses on a 0.34 gross acre site. (The Lawrence Company, Owner). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.
C04-023 – District 5

11.5 Public Hearing on conforming rezoning of the property located at 6095 Cahalan Avenue.

Recommendation: Public Hearing on and consider approval of an ordinance on Conforming Rezoning of the property located at the northwest corner of Cahalan Avenue and Santa Teresa Boulevard (6095 Cahalan Avenue), from CP Pedestrian Commercial Zoning District to CN Commercial Neighborhood Zoning District to allow commercial uses on a 1.8-acre site. (YBM Inc., Owner/Applicant). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.
C04-027 - District 10

11.6 Public Hearing conforming prezoning of the property located at 3382 Monterey Road.

Recommendation: Public Hearing on and consider approval of an ordinance on Conforming Prezoning of the property located on the east side of Monterey Road, approximately 280 feet northwesterly of Fehren Drive (3382 Monterey Road), from County to CN Neighborhood Commercial, to allow commercial uses on a 1.24 gross acre site. (Panchal Natwarlal M. and Gita N. Trustee, Owner). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.
C04-056 – District 7

- Open Forum
- Adjournment