



# CITY COUNCIL AGENDA

**SEPTEMBER 25, 2007**

PETE CONSTANT  
FORREST WILLIAMS  
SAM LICCARDO  
KANSEN CHU  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO  
MADISON P. NGUYEN  
JUDY CHIRCO  
NANCY PYLE

DAVID D CORTESE, VICE MAYOR

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

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

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

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

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

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

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

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

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

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

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

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

- **Invocation (District 8)**
- **Pledge of Allegiance**
- **Orders of the Day**

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

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

- **Closed Session Report**

## **1. CEREMONIAL ITEMS**

---

- 1.1** [Swearing in ceremony for District 1 Youth Commissioner Kavya Shankar, District 5 Youth Commissioner Kim Nguyen, District 7 Youth Commissioner Amanda Aldama, and District 9 Youth Commissioner Katie Hawn.](#) (City Clerk)

**TO BE HEARD IN THE EVENING**

(Rules Committee referral 9/12/07)

- 1.2** Presentation of a commendation to the Fiscal MIS Team (Work2future) for their exemplary dedication and valuable contributions to the City organization. (City Manager's Office/Mayor)

# 1. CEREMONIAL ITEMS

---

- 1.3 Presentation of a commendation to Timothy Chang for his accomplishments as a dedicated member of the Oakland Cloud Dusters, one of the oldest, continuously operating model airplane clubs in the country, and as an active participant in the Moreland West Community Center Model Airplane program. (Constant)  
**TO BE HEARD IN THE EVENING**
- 1.4 Presentation of a commendation to the Moreland Little League 12-Year Old All Stars in recognition of their accomplishments in the Northern California Little League. (Constant)  
**TO BE HEARD IN THE EVENING**
- 1.5 Presentation of a commendation to Fire Stations 21 and 24 for their selfless and generous work in the community. (Cortese)  
(Rules Committee referral 9/12/07)
- 1.6 Presentation of a commendation to the Purchasing Division for receiving the Achievement of Excellence in Procurement Award. (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.

**Recommendation:** Approval of Minutes.

- (a) Regular minutes of June 5, 2007.
- (b) Special Meeting minutes of June 11, 2007 on Proposed Operating and Capital Budgets.
- (c) Regular minutes of June 12, 2007.
- (d) Regular minutes of June 19, 2007.
- (e) Special Meeting minutes of June 21, 2007 on Various Police Related Reports.
- (f) Regular minutes of June 26, 2007.

## 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 28110 – Amending Section 19 of Ordinance No. 27521 to permit retired members of the Federated City Employees Retirement System to add domestic partners under certain circumstances.

*(Item continued on the next page)*

## 2. CONSENT CALENDAR

---

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

**Recommendation:**

- (b) ORD. NO. 28116 – Amending Title 16 of the San José Municipal Code to add a new Chapter 16.50 to authorize nonprofit organization fundraisers by eligible nonprofit organizations, adding Section 16.02.315 defining an eligible nonprofit organization, adding Section 16.02.455 defining nonprofit organization fundraisers, adding Section 16.02.475 defining a person or entity, adding Section 16.02.505 defining a registrant and to make conforming, clarifying and technical amendments to Sections 16.02.010, 16.02.240, 16.02.260, 16.02.270, 16.06.030, 16.26.010, 16.40.060 and 16.40.070.
- (c) ORD. NO. 28117 – Rezoning certain real property situated at the west side of Dent Avenue approximately 400 feet south of Branham Lane (4977 Dent Avenue) from the R-M Multiple Residence Zoning District to the A(PD) Planned Development Zoning District. PDC07-024

### 2.3 [Approval to amend an agreement with San José Stage Company.](#)

[Supplemental](#)

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a third amendment to the grant agreement with San José Stage Company, to:

- (a) Extend the term of the agreement to an optional fourth year with a grant in an amount not to exceed \$69,977, increasing the total grant amount to \$284,105 for the four-year term, and
- (b) Make other amendments necessary for the administration of the grant.

CEQA: Not a Project. (Economic Development)

(Deferred from 9/11/07 – Item 2.4)

### 2.4 [Request for an excused absence for Vice Mayor Cortese.](#)

**Recommendation:** Request for an excused absence for Vice Mayor Cortese from the Regular Meeting of the Evening City Council Meeting on September 11, 2007 due to Authorized City Business: Crime Update Meeting in Council District 8 at Canyon Creek Park. (Cortese)

(Rules Committee referral 9/12/07)

### 2.5 [Approval of Contract Change Order #2 for the Airport North Concourse Building Structural Steel Package 2C Project.](#)

**Recommendation:** Approval of Contract Change Order # 2 for the Norman Y. Mineta San José International Airport North Concourse Building Structural Steel, Package 02C to convert certain allowance specifications for Bid Items 3 and 4 to cover the following necessary items:

- (a) Structural steel finishes;

## 2. CONSENT CALENDAR

---

### 2.5 Approval of Contract Change Order #2 for the Airport North Concourse Building Structural Steel Package 2C Project. (Cont'd.)

#### **Recommendation:**

- (b) Crucible column changes resulting from coordination of the building plans, at the interface, with Terminal B, Phase One Project;
- (c) Package #4 coordination changes; and
- (d) Changes due to roof opening and stair landing relocations; in the total amount of \$687,201, at no increase in the total contract amount.

CEQA: Resolution Nos. 67380 and 71451, File No. PP07-175. (Public Works/Airport)

## 3. STRATEGIC SUPPORT SERVICES

---

### 3.1 Report of the Rules and Open Government Committee – August 29, 2007

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

- (a) City Council
  - (1) Review September 4, 2007 City Council Agenda  
**None – Meeting Canceled**
  - (2) Review September 11, 2007 Draft City Council Agenda
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
  - (1) State
    - (a) AB 444 (Hancock) – Motor Vehicle Registration Fees.  
(Transportation)  
**Deferred from August 22, 2007**
    - (b) SB 275 (Cedillo) – Health Care Facilities: Patient Transport –  
Supplemental Memo. (Housing)  
**HEARD BY COUNCIL 9/11/07 – ITEM 3.7**
    - (c) SB 184 (Alquist and Correa) – Transportation Projects.  
(Transportation)  
**HEARD BY COUNCIL 9/11/07 – ITEM 3.8**
  - (2) Federal
    - (a) Federal Relations Update – August Recess 2007. (CMO)
- (d) Meeting Schedules
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
- (h) Review of Additions to Council Committee Agendas
  - (1) Community and Economic Development Committee
  - (2) Neighborhood Services and Education Committee
  - (3) Transportation and Environment Committee
  - (4) Public Safety, Finance and Strategic Support Committee

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

---

#### 3.1 Report of the Rules and Open Government Committee – August 29, 2007 (Cont'd.)

##### Mayor Reed, Chair

- (i) Open Government Initiatives
  - (1) Reed Reforms
  - (2) Sunshine Reform Task Force
    - (a) Discussion of Council Referral to Staff and the SRTF regarding the certification and appeal process relative to the release of closed session recordings.
  - (3) Significant Public Records Act Requests
  - (4) Council Policy Manual Update
- (j) Open Forum
- (k) Adjournment

#### 3.2 Report of the Rules and Open Government Committee – September 5, 2007

##### Mayor Reed, Chair

- (a) City Council
  - (1) Review September 11, 2007 City Council Agenda
  - (2) Review September 18, 2007 Draft City Council Agenda
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
  - (1) State
    - (a) SB 732 (Steinberg) – Safe Drinking Water, Water Quality and Supply, Flood control, River and Coastal Protection Bond Act of 2006. (PBCE)  
**HEARD BY COUNCIL 9/11/07 – ITEM 3.14**
  - (2) Federal
- (d) Meeting Schedules
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Proposal for a citywide inclusionary transit-oriented housing policy. (Liccardo/Campos/Chirco/Nguyen)  
**Deferred from August 22, 2007**
  - (2) Authorization to Travel. (Chirco)
  - (3) Urgency Ordinance regarding dead or dying tree replacements. (Department of Transportation)
  - (4) City Auditor's 2007-08 Workplan. (Auditor)
- (h) Review of Additions to Council Committee Agendas
  - (1) Community and Economic Development Committee
  - (2) Neighborhood Services and Education Committee
  - (3) Transportation and Environment Committee
  - (4) Public Safety, Finance and Strategic Support Committee

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

---

#### 3.2 Report of the Rules and Open Government Committee – September 5, 2007 (Cont'd.)

- (i) Open Government Initiatives
  - (1) Reed Reforms
  - (2) Sunshine Reform Task Force
  - (3) Significant Public Records Act Requests
  - (4) Council Policy Manual Update
- (j) Open Forum
- (k) Adjournment

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

#### 3.4 [Approval of staff's response to the Grand Jury Report related to Team San José.](#)

##### [Supplemental](#)

**Recommendation:** Acceptance of the staff response to the Civil Grand Jury Report entitled, “*The City Fails to hold Team San José Accountable.*” CEQA: Not a Project.  
(City Manager's Office)

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

---

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

#### 4.2 [Approval to conduct Public Hearings on various Historic Landmark Nominations.](#)

**Recommendation:** Public Hearings on and consideration of adoption of resolutions approving the following Historic Landmark nominations for designation as Historic Landmarks and adoption of resolutions approving Historical Property Contracts related to each Historic Landmark:

- (a) Projects located at 1023 Bird Avenue (Keith and Pamela Shukait, Owners) as follows:
  - (1) **HL06-157.** Historic Landmark Nomination for the Queen Anne Victorian House as Historic Landmark No. 157.
  - (2) **MA07-002.** Historical Property Contract (California Mills Act contract) between the City of San José and the owners of the subject property.  
CEQA: Exempt. Council District 6. (Planning, Building and Code Enforcement)  
(Continued from 8/14/07 – Item 4.4)
- (b) Projects located at 754 S. Third Street (Judith and Scott Morrella, owners) as follows:
  - (1) **HL07-159.** Historic Landmark Nomination for the Brownlee House as Historic Landmark No. 159.

*(Item continued on the next page)*

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

---

### 4.2 Approval to conduct Public Hearings on various Historic Landmark Nominations. (Cont'd.)

#### Recommendation:

- (b) (2) **MA07-005**. Historical Property Contract (California Mills Act contract) between the City of San José and the owners of the subject property.  
CEQA: Exempt. Council District 3. SNI: Spartan/Keyes. (Planning, Building and Code Enforcement)
- (c) Projects located at 328 N. Sixth Street (Diana Hardick and Miranda Von Stockhausen, owners) as follows:
  - (1) **HL07-160**. Historic Landmark Nomination for the Henry and Florence Reed House as Historic Landmark No. 160.
  - (2) **MA07-006**. Historical Property Contract (California Mills Act contract) between the City of San José and the owners of the subject property.  
CEQA: Exempt. Council District 3. SNI: Thirteenth Street. (Planning, Building and Code Enforcement)
- (d) Projects located at 336 N. Sixth Street (Robert Abatecola and Carol Devers-Abatecola, owners) as follows:
  - (1) **HL07-161**. Historic Landmark Nomination for the Herrington house as Historic Landmark No. 161.
  - (2) **MA07-004**. Historical Property Contract (California Mills Act contract) between the City of San José and the owners of the subject property.  
CEQA: Exempt. Council District 3. SNI: Thirteenth Street. (Planning, Building and Code Enforcement)
- (e) Projects located at 483 N. Fifth Street (Lisa and Shawn Shelton, owners) as follows:
  - (1) **HL07-162**. Historic Landmark Nomination for the Haydock house as Historic Landmark No. 162.
  - (2) **MA07-007**. Historical Property Contract (California Mills Act contract) between the City of San José and the owners of the subject property.  
CEQA: Exempt. Council District 3. SNI: Thirteenth Street. (Planning, Building and Code Enforcement)

### 4.3 [Approval of actions related to Public/Private Partnerships and applicability of Prevailing Wage to donated services.](#)

#### [Memo from Mayor Reed](#)

#### Recommendation:

- (a) Provide direction to staff on whether the City's Prevailing Wage Policy should be revised to:
  - (1) Exclude work performed by volunteers, volunteer coordinators, and Conservation Corps as defined in the California Labor Code, with certain modifications; and/or,
  - (2) Exclude construction and/or maintenance services donated by private entities to the City.

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

---

### 4.3 Approval of actions related to Public/Private Partnerships and applicability of Prevailing Wage to donated services. (Cont'd.)

**Recommendation:**

- (b) Direction to the City Attorney's Office to draft revisions to the City's Prevailing Wage Policy in accordance with City Council direction.
- CEQA: Not a Project. (City Manager's Office/Parks, Recreation and Neighborhood Services/Public Works)

## 5. NEIGHBORHOOD SERVICES

---

### 5.1 Report of the Neighborhood Services and Education Committee – September 13, 2007 Councilmember Chirco, Chair

- (a) Report on Live Homework Help Grant. (Library)
- (b) After School Program Update. (PRNS)
- (c) Grants Quarterly Status Report. (PRNS)
- (d) Approval of Proposed Grants Policy and a Proposed Emergency Grants Policy and Procedure. (CMO)

**Request deferral to October**

- (e) Strong Neighborhoods Monthly Update. (CMO)
- (f) Schools/City Collaborative Monthly Update. (CMO/Neighborhood Services CSA)
- (g) Quarterly Report on Performance Measurements.

**Request deferral to November**

- (h) Quarterly Update on Council Directives.
- (i) Oral Petitions.
- (j) Adjournment.

### 5.2 [Approval of actions related to the Neighborhoods Commission Proposal.](#)

[Joint Mayor/Council Memo](#)

**Recommendation:** Approval of the concept of a new Neighborhood Commission, as proposed to the NSE Committee, which approved with the following amendments:

- (a) The Neighborhoods Commission annual work plan will be developed in coordination with, and approved by, the NSE Committee;
- (b) The Neighborhoods Commission be instituted as a pilot from April 1, 2008 to March 31, 2010; and,
- (c) The Neighborhoods Commission provide quarterly updates to the NSE Committee throughout the two-year pilot period.
- (d) Direction to the City Attorney to draft an ordinance establishing the Neighborhoods Commission on a pilot basis.

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

[Neighborhood Services and Education Committee 8/9/07 – Item (e)(1)]

(Deferred from 8/28/07 – Item 5.2)

**TO BE HEARD IN THE EVENING**

## 6. TRANSPORTATION & AVIATION SERVICES

---

### 6.1 Report of the Transportation and Environment Committee Councilmember Williams, Chair

### 6.2 [Approval to amend the Airport Common Use Rental Car Bus System agreement.](#)

**Recommendation:** Adoption of a resolution authorizing the Director of Finance to:

- (a) Execute the fifth amendment to the agreement for Management of the Airport Common Use Rental Car Bus System with Shuttleport California, LLC to extend the term of the agreement for an additional six month period, from October 1, 2007 to March 30, 2008, for a total compensation of \$2,200,000 for the extension period, subject to an earlier termination at the City's option.
- (b) Execute the fourth amendment to the agreement for Management of the Airport Shuttle Bus Transportation Personnel and Bus Scheduling with Shuttleport California, LLC to extend the term of the Agreement for an additional six (6) month period, from October 1, 2007 to March 30, 2008, for a total compensation of \$2,800,000 for the Extension Period, subject to an earlier termination at the City's option.

CEQA: Resolution Nos. 67380 and 71451, File No. PP07-170. (Finance)

## 7. ENVIRONMENTAL & UTILITY SERVICES

---

## 8. PUBLIC SAFETY SERVICES

---

### 8.1 [Approval of actions related to the renovation or reconstruction of Fire Station No. 2.](#)

#### [Supplemental](#)

**Recommendation:**

- (a) Acceptance of the cost benefit analysis and direct staff to proceed with one of the three options for the renovation or reconstruction of the Fire Station No. 2 Project.
- (b) Adoption of the appropriate appropriation ordinance and funding resolution amendments for the approved option as outlined in Attachment A of the Council report.

CEQA: Exempt, File No. PP05-220. Council District 5. (Fire/City Manager's Office/Public Works)

(Deferred from 8/28/07 – Item 8.1)

**TO BE HEARD IN THE EVENING**

## 8. PUBLIC SAFETY SERVICES

---

### 8.2 [Acceptance of the Police Department's report related to the Safest Big City in America.](#)

**Recommendation:** Acceptance of the Police Department's (SJPD) report on the referral issued in the Mayor's March Budget Message, "*Safest Big City in America: The residents of San José and the City Council have made public safety a priority. The City Manager is directed to report to the City Council on any additional steps necessary for San José to maintain its title as Safest Big City in America.*" CEQA: Not a Project. (Police)

## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

---

*See Items 8.1 "Approval of a Grant Agreement with the Mexican Heritage Corporation for the Mariachi International Festival and Conference", 8.2 "Approval of the Mayor's Redevelopment Budget Message", and 8.3 "Approval of the Agency's FY 2007-2008 Capital Budget and 2008-2012 Capital Improvement Program" on the Redevelopment Agency Agenda, which will be heard and action taken only during the Redevelopment Agency Meeting that follows the Council Meeting today.*

### **CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEMS 9.1 AND 9.2 IN A JOINT SESSION**

### 9.1 **Acceptance of the Status Report on the Citywide Capital Improvement Program.**

**Recommendation:** Acceptance of the Status Report on the Citywide Capital Improvement Program, including Parks, Library, and Public Safety Bond Projects, and Strong Neighborhoods Initiative Projects funded by the City and the Redevelopment Agency. CEQA: Not a Project. (City Manager's Office/Redevelopment Agency)

### 9.2 [Adoption of resolutions related to the City's Inclusionary Housing Policy.](#)

**Recommendation:** Adoption of resolutions by the City Council and Agency Board that:

- (a) Define a pipeline project in the City's recently revised Inclusionary Housing Policy to include those projects that have filed for a discretionary permit with Planning and have an Agency-approved written Compliance Plan dated prior to July 1, 2007;
- (b) Clarify the required number of affordability units to be used to calculate the in-lieu fee payments under the various options and programs provided in the Inclusionary Housing Policy; and,
- (c) Extend the term of the Amnesty period provided for under the Inclusionary Housing Policy from 90 days to 120 days.

(City Manager's Office/Redevelopment Agency)

(Rules Committee referral 9/12/07)

- Notice of City Engineer's Pending Decision on Final Maps
- Notice of City Engineer's Award of Construction Projects
- Open Forum (To be heard no earlier than 3:30 p.m.)
- Continue RDA Board Meeting (immediately following Open Forum)
- Council will recess until 7:00 p.m.

## 10. GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

---

No General Plan Public Hearing at this time.

## 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 at the southwest corner of Cinnabar Street and Stockton Avenue (345 Stockton Avenue) from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 250 single-family attached residences in three-story buildings constructed on a podium on a 4.4 gross acre site (381 Stockton LLC, owner; Morrison Park Homes LLC, Chris Kober, developer). CEQA: Mitigated Negative Declaration. PDC06-094 - District 6  
[Continued from 8/28/07 – Item 11.1(c)]  
**DROP**
  
- (b) Consideration of an ordinance rezoning the real property located at/on the southeast corner of east St. John Street and North 17 Street (838 E. St. John St.) (Health Trust, Owner) from A(PD) Planned Development Zoning District to R-1-8 Single Family Residence Zoning District to allow one single family detached residence on a 0.12 gross acre site. SNI: 13<sup>th</sup> Street. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.  
C07-045 - District 3

*(Item continued on the next page)*

# 11. PUBLIC HEARINGS ON CONSENT CALENDAR

---

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

### Recommendation:

- (c) [Consideration of an ordinance rezoning the real property located on the northwest corner of Airport Parkway \(East Brokaw Road\) and North First Street \(2101 North First Street\) from LI-Light Industrial Zoning District to CG-Commercial General Zoning District to allow commercial uses on a 0.49 gross acre site \(Tosco Corporation, Conocophillips Company, Owner; Mr David Joines, Developer\). CEQA: Resolution No. 72768. Director of Planning, Building and Code Enforcement and Planning Commission recommends approval \(7-0-0\). C07-039 - District 4](#)
  
- (d) [Consideration of an ordinance rezoning the real property located on the southeast corner of McKee Road and La Pala Drive \(3754 McKee Road\) \(MJ Core Holdings, LLC, Owner\) from CP Commercial Pedestrian Zoning District to A\(PD\) Planned Development Zoning District to allow up to 10 single family attached or detached residences and associated improvements on a 0.4 gross acre site. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval \(7-0-0\). PDC06-060 - District 5](#)
  
- (e) [Consideration of an ordinance rezoning the real property located on the north side of University Avenue, approximately 240 feet westerly of The Alameda \(1871 The Alameda\) from A\(PD\) Planned Development Zoning District to CO Commercial Office District on a 0.91 gross acre site \(Rosendin Alameda LLC, Owner\). CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. C07-032 - District 6](#)
  
- (f) [Consideration of an ordinance rezoning the real property located on the northwest corner of Lincoln Avenue and Pascoe Avenue \(1114 Curtner Avenue\) \(Douglas E. and Ann M. Scolari Trustee, Owner\) from R-2 Two Family Residence Zoning District \(Lot 12\) and R-1-8 Single Family Residence Zoning District \(Lot 13\) to CP Commercial Pedestrian District to allow commercial retail parking on a 0.29 gross acre site. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. C07-029 - District 6](#)

*(Item continued on the next page)*

# 11. PUBLIC HEARINGS ON CONSENT CALENDAR

---

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

### Recommendation:

- (g) [Consideration of an ordinance rezoning the real property located on the southeast corner of Senter Road and Southside Drive \(3060 and 3070 Senter Road\) from the CP – Commercial Pedestrian Zoning District to the CN – Commercial Neighborhood Zoning District to allow commercial uses on a 0.36 gross acre site \(Nguyen Cuc Trinh, Owner\). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.](#)  
C07-059 - District 7
- (h) Consideration of an ordinance rezoning the real property located on the south side of Blossom Hill Road, approximately 70 feet westerly of Hoffman Court (1250 Blossom Hill Rd) from R-1-8 Single-Family Residence Zoning District to R-M Multiple Residence District on a 0.26 gross acre site. SNI: Hoffman/Via Monte. CEQA: Exempt.  
C07-027 - District 10  
**RECOMMEND CONTINUANCE TO 10/16/07 PER ADMINISTRATION**

**END OF PUBLIC HEARINGS ON CONSENT CALENDAR**

# 11. PUBLIC HEARINGS

---

## 11.2 [Approval of actions related to the North San José Area Development Policy.](#)

### [Joint Mayor/Council Memo](#)

#### **Recommendation:**

- (a) Approval of the Work Program, including scope and schedule, for the North San José Neighborhoods Planning Taskforce as input to the development of an Implementation Strategy for the recently updated *North San José Area Development Policy*; and,
- (b) Direction to staff to continue to review and process applications for commercial, industrial and residential projects to implement the adopted *North San José Area Development Policy* and related General Plan policies, in parallel to the Taskforce Work activity.

CEQA: Resolution No. 72768. Council Districts 3 and 4. (Planning, Building and Code Enforcement)

[Continued from 6/5/07 – Item 11.6, 6/19/07 – Item 11.2, 8/14/07 – Item 11.3, 8/28/07 – Item 11.2(a)]

## 11.3 [Rezoning the real property located on the southwest corner of North 1<sup>st</sup> Street and Century Center.](#)

**Recommendation:** Consideration of an ordinance rezoning the real property located on the southwest corner of North 1<sup>st</sup> Street and Century Center (1733 N. 1<sup>st</sup> Street) from CO(PD) Commercial Office Planned Development, LI Light Industrial, and CG Commercial General Zoning Districts to A(PD) Planned Development Zoning District to allow up to 460 single-family attached residences and 20,000 square feet for retail commercial uses on a 2.4 gross acres site (James Schmidt Et Al, Owner). CEQA: Resolution No. 72768, and Addenda thereto. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

[PDC05-114](#) - District 3

(Continued from 8/14/07 – Item 11.6 and 8/28/07 – Item 11.3 and 9/11/07 – Item 11.3)

## 11.4 [Rezoning the real property located at/on the northwest corner of Zanker Road and Tasman Drive.](#)

**Recommendation:** Consideration of an ordinance rezoning the real property located at/on the northwest corner of Zanker Road and Tasman Drive (3811 Zanker Road) from IP Industrial Park Zoning District to A(PD) Planned Development Zoning District to allow up to 705 single-family and multi-family attached residences, 25,000 square foot retail space, and underground parking on a 10.01 gross acre site (Zanker Road Invsr LLC, Owner). CEQA: Addendum to EIR. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

[PDC06-093](#) - District 4

(Continued from 9/11/07 – Item 11.4)

## 11. PUBLIC HEARINGS

---

### 11.5 [Rezoning the real property located at/on the northwest side of Baypointe Parkway, approximately 370 feet northerly of Tasman Drive.](#)

**Recommendation:** Consideration of an ordinance rezoning the real property located at/on the northwest side of Baypointe Parkway, approximately 370 feet northerly of Tasman Drive (163 Baypointe Py) from the IP Industrial Park Zoning District to the A(PD) Planned Development Zoning District to allow up to 183 single-family attached residences on a 3.16 gross acre site (First Real Estate, LLC, First Real Estate, LLC Wayne Sun, Owner; Ff Development Dan Milich, Developer). CEQA: Addendum to EIR. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC06-061 - District 4

(Continued from 9/11/07 – Item 11.5)

### 11.6 [Rezoning the real property located on the south side of Olga Drive approximately 200 feet easterly of Saratoga Avenue.](#)

**Recommendation:** Consideration of an ordinance rezoning the real property located on the south side of Olga Drive approximately 200 feet easterly of Saratoga Avenue (4170 Olga Drive) from CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District to allow up to five single-family detached residences on a 0.36 gross acre site (Noel Avenue LLC, Owner). SNI: Blackford. CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC06-112 – District 1

[Continued from 8/28/07 – Item 11.1(b) and 9/11/07 – Item 11.2]

### 11.7 [Rezoning the real property located on the east side of Monterey Highway, approximately 1,000 feet northerly of Skyway Drive.](#)

**Recommendation:** Consideration of an ordinance rezoning the real property located on the east side of Monterey Highway, approximately 1,000 feet northerly of Skyway Drive (4280 Monterey Road) from R-1-2 Residence and CP Commercial Pedestrian Zoning Districts to A(PD) Planned Development Zoning District to allow up to 38 single-family detached residences on a 4.5 gross acre site (Monterey Town Ctr, LLC, owner; Sabercat Holdings Michael Luu, Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC06-004 - District 2

- Open Forum
- Adjournment

## **CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS**

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

### **1. Public Meeting Decorum:**

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

### **2. Signs, Objects or Symbolic Material:**

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
  - No objects will be larger than 2 feet by 3 feet.
  - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
  - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN  
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
  - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
  - c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
  - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
  - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
  - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
  - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.