

CITY COUNCIL AGENDA

SEPTEMBER 20, 2005

SYNOPSIS

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

DISTRICT 1
DISTRICT 2
DISTRICT 3 RON GONZALES MAYOR
DISTRICT 4
DISTRICT 5

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) 535-1260 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**
9:34 a.m. - Closed Session, City Hall Tower, 18th Floor, City Hall
Absent – Council Members: None.

- 1:31 p.m. - Regular Session, Council Chambers, City Hall
Absent – Council Members: None.

- 7:01 p.m. - Public Hearings, Council Chambers, City Hall
Absent – Council Members: LeZotte (excused).

- **Invocation (District 8)**
Pastor John K. Helveston from East Valley Church delivered a prayer.

- **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

- 1.1 Presentation of a proclamation to the American Lung Association. (Chavez)
HEARD IN THE EVENING
Vice Mayor Chavez presented a proclamation to Executive Director of the American Lung Association Margo Cidner in honor of “Breathe Easier Day” on October 8, 2005.

- 1.2 Swearing-In ceremony for the City-Wide Youth Commissioner, Shanna Cook. (City Clerk)
HEARD IN THE EVENING
Mayor Gonzales was joined by City Clerk Lee Price at the podium to administer the Oath of Office to City-Wide Youth Commissioner Shanna Cook.

1. CEREMONIAL ITEMS

- 1.3 Presentation of a proclamation recognizing September 2005 as “National 5 A Day Month”, urging all citizens to join in promoting public health messages and policies that support healthy nutrition and increased physical activity. (Mayor/Chavez)

(Rules Committee referral 9/14/05)

Mayor Gonzales and Vice Mayor Chavez presented a proclamation recognizing September 2005 as, “National 5 A Day Month”, urging all citizens to join in promoting public health messages and policies that support healthy nutrition and increased physical activity.

- 1.4 Presentation of a proclamation recognizing September 21, 2005 as the “International Day of Peace in the City of San José. (Cortese)

(Rules Committee referral 9/14/05)

Council Member Cortese and Mayor Gonzales presented a proclamation to Reverend Grace O’Brien of the Center of Spiritual Enlightenment, recognizing September 21, 2005, as the “International Day of Peace in the City of San Jose”.

- 1.5 Presentation of a commendation to recognize the outstanding dedication and contributions of Dan Erceg to the North Willow Glen and Greater Gardner Communities.

(Chavez/Yeager)

(Rules Committee referral 9/14/05)

HEARD IN THE EVENING

Council Member Yeager and Vice Mayor Chavez joined Mayor Gonzales to present a commendation to Dan Erceg in recognition of his outstanding dedication and contributions to the North Willow Glen and Great Gardner Communities.

- 1.6 Presentation of a commendation to St. Martin of Tours School in recognition of its 50th anniversary. (Yeager)

(Rules Committee referral 9/14/05)

Mayor Gonzales and Council Member Yeager presented a commendation to the Student Council President Bridgette McKenneny of St. Martin of Tours School in recognition of its 50th anniversary.

- 1.7 **Mayor Gonzales presented an award of recognition to Interim Chief of Staff for District 7 Jim Webb for outstanding professional skill and exemplary service to the residents of District 7.**

2. CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of Minutes.

- (a) Regular Minutes of March 1, 2005
- (b) Regular Minutes of March 8, 2005
- (c) Regular Minutes of March 15, 2005
- (d) Regular Minutes of March 22, 2005
- (e) Joint Council/Redevelopment Agency Minutes of March 22, 2005
- (f) Regular Minutes of March 29, 2005

The minutes were approved.

2.2 Final adoption of ordinances.

None.

2.3 Approval to extend the lease for United Parcel Service on Airport Boulevard.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a fifth amendment to extend the United Parcel Service, Inc. lease for premises located at 1277 Airport Boulevard from October 1, 2005 through September 30, 2010, with annual revenue to the City of \$115,047. CEQA: Resolution Nos. 67380 and 71451, PP 05-166. (Airport)

Resolution No. 72887 adopted.

2.4 Acceptance of the Public Art Workplan for Public Safety Bond Projects.

Recommendation: Acceptance of the Public Art Workplan for Public Safety Bond Projects. CEQA: Not a Project. (Economic Development)

The workplan was accepted.

2.5 Approval of actions regarding the Bureau of Justice Assistance Grant.

Recommendation: Approval of actions regarding the Bureau of Justice Assistance (BJA) grant:

- (a) Adoption of a resolution accepting the FY 2005 Human Trafficking Prevention Grant in the amount of \$225,000 and authorizing the City Manager to execute the grant agreement and all related documents.

Resolution No. 72888 adopted. Police Chief requested to provide Council with a status update via an informational memo.

- (b) Adoption of amendments to the annual appropriation ordinance and the funding sources resolution in the General Fund as follows:

- (1) Establish a City-wide appropriation to the Police Department for the FY 2005 Human Trafficking Prevention Grant in the amount of \$75,000;
- (2) Increase the Earned Revenue Estimate from Federal Government by \$75,000.

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

Ordinance No. 72553 adopted.

Resolution No. 72889 adopted.

2. CONSENT CALENDAR

2.6 Approval to award a contract for the Animal Care Center Landscape Improvements Project.

Recommendation: Report on bids and award of contract for the Animal Care Center Landscape Improvements Phase II Project to the low bidder, Planned Environments, Inc. to include the base bid and Add Alternate No.1, in the amount of \$335,390, and approval of a contingency in the amount of \$30,000. CEQA: Mitigated Negative Declaration, H01-01-003. (Public Works/Parks, Recreation and Neighborhood Services)

Approved.

2.7 Approval of Council Member Williams' travel request.

Recommendation: Approval of Council Member Williams' travel to Dallas, Texas, September 24-29, 2005, to attend the American Public Transportation Agency Conference. Funding: Santa Clara Valley Transportation Agency. (Williams)
(Rules Committee referral 9/14/05)

Approved.

2.8 Approval of an amendment to the grant agreement with San José Stage Company.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an amendment to the grant agreement with San José Stage Company for an additional amount not to exceed \$68,279, increasing the total amount from \$74,560 to a total not to exceed amount of \$142,839 for the two year term of the grant agreement. CEQA: Not a Project. Council District 3. (Economic Development)
(Rules Committee referral 9/14/05)

Resolution No. 72890 adopted.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Gonzales, Chair

No Report.

3.2 Report of the Rules Committee – September 7, 2005

Vice Mayor Chavez, Chair

(a) Redevelopment Agency items reported out at Redevelopment Agency meeting

(b) City Council

(1) Review September 20, 2005 Council Agenda

The Committee recommended approval of the September 20, 2005 City Council Agenda with two additions.

(2) Add New Items to September 13, 2005 Agenda

The Committee recommended six additions to the September 13, 2005 City Council Agenda.

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – September 7, 2005 (Cont'd.) Vice Mayor Chavez, Chair

- (b) City Council
 - (3) List of Reports Outstanding
The Committee noted and filed the City Manager's Report.
- (c) Legislative Update
 - (1) State
 - (a) 2005 League of California Cities Voting Delegate at the Annual Business Meeting
The Committee recommended the proposed designation of Council Nora Campos, as the City's voting delegate at the October 8, 2005 Annual Business Meeting for the League of California Cities.
 - (2) Federal – **There was no report.**
- (d) Meeting Schedules
 - (1) Getting Families Back to Work Study Session
The Committee recommended rescheduling the Getting Families Back to Work study sessions from October 5-6 to October 27-28, 2005.
- (e) The Public Record
The Committee noted and filed the Public Record.
- (f) Appointments to Boards, Commissions and Committees – **There were none.**
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Payment/Performance Bond Program for Small Business Contractors Workload Assessment
The Committee recommended deferral of this item to the September 14, 2005 Rules Committee Meeting.
 - (2) Approval of Travel by Mayor Gonzales to Long Beach, California, September 21-24, 2005, to attend the United States Conference of Mayors – Mayors' National Education Summit; and the United States Conference of Mayors – 2005 Fall Leadership Meeting. Source of Funds: Mayor and Council Travel Fund
The Committee recommended approval to travel and use of the Mayor and Council Travel Fund.

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – September 7, 2005 (Cont'd.) Vice Mayor Chavez, Chair

- (g) Rules Committee Reviews, Recommendations and Approvals
 - (3) Approval of Travel by Mayor Gonzales to San Antonio, Texas, September 25-28, 2005, to attend the National League of Cities – Institute for Youth, Education and Families – 2005 National Summit on Your City’s Families Education Summit. Source of Funds: Mayor and Council Travel Fund
The Committee recommended approval to travel and use of the Mayor and Council Travel Fund.
 - (4) Megan’s Law Discussion
The Committee recommended deferral of this item to the September 14, 2005 Rules Committee Meeting.
- (h) Oral Communications
Bill Chew asked if the City could broadcast emergency preparedness and safety programming on CivicCenter Television Channel. He also asked if the City has established a method to receive feedback from the public broadcasting of committee meetings.
- (i) Adjournment
The meeting adjourned at 2:10 p.m.

The Rules Committee report and actions of September 7, 2005 were accepted.

3.3 Report of the Making Government Work Better Committee Council Member Reed, Chair No Report.

3.4 Consideration of a proposed amendment to the Municipal Code, as it relates to campaign contributions.

Recommendation: Discussion and direction to staff of a proposed amendment to the Municipal Code which would provide that payments by an employer to an employee who works on municipal political campaigns, are to be treated as campaign contributions, subject to the City’s campaign contribution limits and disclosure requirements. (City Attorney’s Office)

(Rules Committee referral 8/31/05)

(Deferred from 8/16/05 – Item 2.14 and 9/13/05 – Item 3.6)

Council approved a memorandum from Council Member Pyle and Council Member Williams, dated September 19, 2005, recommending accepting no changes to the City’s Campaign Ordinance as outlined in Councilmember Reed’s proposed amendment, dated August 15, 2005.

Noes: Cortese, Reed.

3. STRATEGIC SUPPORT SERVICES

3.5 Approval to ratify final expenditures in various appropriations for 2004-2005.

Recommendation: Adoption of an ordinance ratifying the final 2004-2005 appropriation increases in various funds. CEQA: Not a Project. (City Manager's Office)
Ordinance No. 27545 adopted.

3.6 Approval of fiscal actions for Redevelopment Agency Capital Projects.

Recommendation:

(a) Adoption of the following 2005-2006 appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund):

- (1) Establish an appropriation to the Office of the City Manager for the Improvements at the San José Center for the Performing Arts Project in the amount of \$600,000.
- (2) Increase the estimate for Earned Revenue by \$600,000.

Ordinance No. 27546 adopted.
Resolution No. 72891 adopted.

(b) Adoption of a resolution making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with the Improvements at the San José Center for the Performing Arts Project, as more specifically described in the memorandum from the Redevelopment Agency, dated August 4, 2005.

CEQA: Not a Project. (City Manager's Office)
Resolution No. 72892 adopted.

3.7 Approval of an agreement with the Confidential Employees' Organization (CEO) AFSCME Local No. 101, AFL-CIO.

Recommendation: Adoption of a resolution approving the terms of a Memorandum of Agreement with the Confidential Employees' Organization (CEO), and authorizing the City Manager to execute the agreement, subject to ratification of the CEO membership. (City Manager's Office)

Resolution No. 72893 adopted.

3.8 Adoption of a resolution urging Governor Arnold Schwarzenegger to sign Assembly Bill 849.

Recommendation: Adoption of a resolution urging Governor Arnold Schwarzenegger to sign Assembly Bill 849, The Religious Freedom and Civil Marriage Protection Act. (Yeager)

(Rules Committee referral 9/14/05)

Resolution No. 72894 adopted.
Noes. Reed; Gonzales.

3. STRATEGIC SUPPORT SERVICES

3.9 Appointment and swearing in of Council Member Elect Madison Nguyen to the City Council.

Recommendation: Appointment and swearing in of Council Member Elect Madison Nguyen to the City Council to fill the vacancy for the unexpired term ending December 31, 2006 in Council District 7. (Mayor)
(Rules Committee referral 9/14/05)

The appointment was approved.

City Clerk Lee Price and the Honorable Judge Tang Barrett administered the Oath of Office to Council Member –Elect Madison P. Nguyen.

4. COMMUNITY & ECONOMIC DEVELOPMENT

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 Council Member Williams, Chair

No Report.

4.3 Approval of revisions to the Teacher Homebuyer Program.

Recommendation: Adoption of a resolution modifying the Teacher Homebuyer Program adopted by the City Council on April 4, 2000, and amended on December 16, 2003, as follows:

- (a) Increase the maximum loan amount from \$25,000 to \$40,000 for teacher households earning between 90% and 120% of Area Median Income.
- (b) Increase the maximum loan amount from \$40,000 to \$65,000 for teacher households earning less than 90% of Area Median Income.

CEQA: Not a Project. (Housing)
(Rules Committee referral 8/31/05)
(Deferred from 9/13/05 – Item 4.4)

Resolution No. 72895 adopted.

Staff directed to hold focus groups with teachers who have used the program and to investigate home equity opportunities.

4.4 Approval of the 2004-2005 Consolidated Annual Performance Evaluation Report.

Recommendation: Approval of the 2004-2005 Consolidated Annual Performance Evaluation Report (CAPER). CEQA: Not a Project. (Housing/Parks, Recreation and Neighborhood Services)

Approved.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.5 Approval of actions related to the Boys and Girls Clubs of Silicon Valley.

Recommendation:

- (a) Adoption of a resolution to authorize the City Manager to negotiate and execute an amendment with the Boys and Girls Clubs of Silicon Valley to carry out the Eastside Clubhouse Capital Project to increase the funding of \$750,000 by \$125,000 for a new amount not to exceed \$875,000, and continue and extend the Community Development Block Grant (CDBG) funding (Project F85) term from December 31, 2004 to June 30, 2006.

Resolution No. 72896 adopted.

- (b) Adoption of the following appropriation ordinance amendments in the Council District 8 Construction and Conveyance Tax Fund (Fund 386).
- (1) Establish an appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$125,000 for the Eastside Clubhouse Capital Project.
- (2) Decrease the Ending Fund Balance by \$125,000.

CEQA: Exempt, PP03-10-324. Council District 8. (Parks, Recreation and Neighborhood Services/City Manager's Office)

Ordinance No. 27547 adopted.

5. NEIGHBORHOOD SERVICES

5.1 Report of the All Children Achieve Committee – September 8, 2005 Council Member Yeager, Chair

- (a) Discuss PRNS Multi-Service Delivery System Impact on Schools
The Committee accepted the report.
- (b) Review and Recommend Changes to Youth Commission Workplan
The Committee accepted the report.
- (c) Discuss San José After School Program Delivery Model and Impact on Student Performance
The Committee accepted the report. Staff was further directed to return to the Committee in December to give an update.
- (d) Oral Petitions – None.
- (e) Adjournment
The meeting was adjourned at 2:22 p.m.

The All Children Achieve Committee Report and Actions of September 8, 2005 were accepted.

6. TRANSPORTATION & AVIATION SERVICES

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

7. ENVIRONMENTAL & UTILITY SERVICES

- 7.1 Approval of actions related to cooperative efforts with the Santa Clara Valley Water District.**

Recommendation:

- (a) Acceptance of the Status Report on cooperative efforts between the City of San José and the Santa Clara Valley Water District relating to:
- (1) Water Resources Protection Collaborative.
 - (2) Parks, Trails and Open Space Partnership.
 - (3) Water Supply for New Developments.
 - (4) Coyote Valley Specific Plan Coordination.
 - (5) Santa Clara Valley Habitat Conservation Plan and Natural Community Conservation Plan.
 - (6) Guadalupe Watershed Flood Protection Projects.
 - (7) Trash Removal from Creeks.
 - (8) South Bay Water Recycling Collaborative.
- The report was accepted.**
- (b) Adoption of a resolution supporting the work of the Water Resources Protection Collaborative on Proposed Guidelines and Standards and direction to the Administration to:
- (1) Develop and bring appropriate recommendations to Council, by February 2007, for incorporation of the Proposed Guidelines and Standards and the Proposed Implementing Tools into City land use processes.
 - (2) Participate in the Adaptive Management Process as appropriate to facilitate implementation of Council action on the Guidelines and Standards.
 - (3) Continue to work with the District to ensure early consultation on projects that affect the District.
 - (4) Continue participation in the Water Resources Protection Collaborative through February 2007.

Resolution No. 72897 adopted.

(Item continued on next page.)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval of actions related to cooperative efforts with the Santa Clara Valley Water District. (Cont'd.)

Recommendation:

- (c) Adoption of a resolution authorizing the City Manager to negotiate and execute a Continuation Agreement, to continue the term of the agreement between the City and the Santa Clara Valley Water District South Bay Water Recycling Cost Reimbursement through June 30, 2007.

CEQA: Trash Removal - Exempt, PP04-248; Water Recycling Program - Exempt, PP04-249. (Environmental Services/Public Works/Planning, Building and Code Enforcement/Parks, Recreation and Neighborhood Services)

Resolution No. 72898 adopted.

Staff directed to provide follow-up information to Council District 2 regarding the status of work completed at the Metcalf site.

7.2 Public Hearing on Commercial Solid Waste and Recyclables Collection Franchise.

Recommendation: Public Hearing and approval of an ordinance granting a Commercial Solid Waste and Recyclables Collection Franchise to Pacific Coast Recycling, Inc. and approval of a Commercial Solid Waste and Recyclables Collection Franchise Agreement with Pacific Coast Recycling Inc. for a term of seven months from November 4, 2005 to June 30, 2006. CEQA: Negative Declaration, PP92-11-308. (Environmental Services)

The Public Hearing was held and Ordinance No. 27548 passed for publication.

Staff directed to return to Council with an interim plan to deal with issues relating to customer service provide by franchises.

8. PUBLIC SAFETY SERVICES

8.1 Approval of actions related to the Hurricane Katrina Disaster.

Recommendation:

- (a) Acceptance of staff report on initial cost assessments to send additional public safety personnel as requested by FEMA to assist with rescue and recovery efforts in the Gulf Coast Region, and to provide leave time for City Employees skilled to respond and assist with recovery and rebuilding efforts in the Gulf.

The report was accepted.

- (b) Adoption of a resolution extending the current City of San Jose enhanced military leave program related to terrorist attacks to City employees who are called to active military duty to provide services for Hurricane Katrina relief and recovery efforts.

Resolution No. 72899 adopted.

8. PUBLIC SAFETY SERVICES

8.1 Approval of actions related to the Hurricane Katrina Disaster. (Cont'd.)

Recommendation:

- (c) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the Santa Clara Valley Red Cross in an amount not to exceed \$500,000 to support relief and recovery assistance as a result of Hurricane Katrina.

Resolution No. 72900 adopted.

- (d) Adoption of the following 2005-2006 appropriation ordinance amendments in the General Fund:

- (1) Establish an appropriation in City-Wide to the City-Manager for Santa Clara Valley Red Cross Hurricane Katrina Relief in the amount of \$500,000.
- (2) Decrease the Contingency Reserve by \$500,000.

(Employee Relations/Fire/City Manager's Office)

(Referred from 9/13/05 – Item 9.4)

Ordinance No. 27549 adopted.

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board convened at 4:40 p.m. to consider Item 9.1 in a Joint Session.

9.1 Approval of actions related to the 4th Street Parking Garage evening parking rates.

Recommendation: Adoption of a resolution to update the Master Parking Rate Schedule for Municipal On and Off Street Parking Facilities by establishing evening parking rates after 6:00 p.m. from Monday through Thursday at the 4th Street Parking Garage of \$0.75 for every 20 minutes, up to a maximum amount of \$5.00 per space beginning October 11, 2005, and to repeal Resolution No. 72639.

(Rules Committee referral 8/31/05)

(Deferred from 9/13/05 – Item 9.3)

Resolution No. 72901 adopted.

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

9.1 Approval of actions related to the 4th Street Parking Garage evening parking rates. (Cont'd.)

Council approved a memorandum from Mayor Gonzales and Vice Mayor Chavez, dated September 20, 2005, recommending direction to staff to work with the Downtown Parking Board to update the Downtown Parking Management Plan to include, at a minimum:

- **Examine a rate schedule change for the 4th Street Garage that: Apply parking charges only until 7:30 p.m., so that parking would be free from 7:30 p.m. to 6:00 a.m. and to limit the change to Monday through Thursday.**
- **Opportunities to use City (e.g. Parking Fund) or Redevelopment Agency resources to pay for or encourage existing private parking facilities to be available to the public on evenings and weekends.**
- **Triggers for expanding, maintaining or phasing out the Free Parking program.**
- **Methodologies to increase the supply of new parking spaces in the Downtown while preserving the fiscal health of the Parking Fund.**

Noes: Yeager.

The Redevelopment Agency Board portion of the meeting adjourned at 5:02 p.m.

- **Closed Session Report**
None.
- **Notice of City Engineer's Pending Decision on Final Maps**
None.
- **Open Forum—**
 - (1) **Dan McCargundale spoke on the public hearing process for a specific project in his neighborhood.**
 - (2) **Robert Apgar provided his personal thoughts on a number of issues.**
 - (3) **Stephen Hazel voiced complaints about New City Hall furniture installations and labor related issues.**
 - (4) **Mark Trout shared religious viewpoints.**
 - (5) **Ross Signorino expressed support for the right to make personal choices.**
 - (6) **William Garbett suggested the homeless be housed at the Old City Hall.**

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS

11.1 Public Hearings on Consent Calendar.

Recommendation:

- (a) Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning from R-M Multiple Residence Zoning District to A(PD) Planned Development Zoning District Rezoning to allow six single-family attached residences in an existing building on a gross 0.17 acre site, located on the east side of 10th Street, approximately 150 feet south of San Salvador Street (422 S. 10th Street) (José and Patricia Amaya, Owner). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2). SNI: University. CEQA: Exempt.

PDC05-025 - District 3

[Continued from 8/16/05 – Item 11.5 and 8/30/05 – Item 11.1(a)]

Ordinance No. 27550 passed for publication.

- (b) Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning from R-M Multiple Family Residence to A(PD) Planned Development Zoning District to allow up to 59 single-room occupancy (SRO) housing units on a 0.34 gross acre site, located on the west side of South 9th Street approximately 90 feet southerly of East William Street (525 S. 9th St.) (City of San José A Muni Corp, Owner; First Community Housing, Jeff Oberdorfer, Developer). SNI: University. CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC05-020 - District 3

Ordinance No. 27551 passed for publication.

Council approved a memorandum from Vice Mayor Chavez, dated September 20, 2005, recommending approval of the proposed rezoning as recommended by the Planning Commission and Staff with the following amendment: (1) Increase the number of required parking spaces from 19 to 22 spaces.

11. PUBLIC HEARINGS

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

Recommendation:

- (c) Public Hearing on and consideration of approval of an ordinance on a Conforming Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow setback modification for Lot 57, one single-family detached residential unit on a 0.095 gross acre site (part of a previously approved Planned Development Zoning consisting of up to 112 single-family detached residences on a 13.7 gross acre site), located on the southwest corner of Rock Avenue and Oakland Road (9618 Tract) (Orchard Property, LLC, Owner; Taylor Woodrow Homes, Developer). CEQA: Director of Planning, Building and Code Enforcement and Planning Commission recommend approval No Planning Commission action required. Resolution No. 72045.

PDC05-085 – District 4

Ordinance No. 27552 passed for publication.

- **Open Forum**

None.

- **Adjournment**

The Council of the City of San José adjourned at 7:19 p.m. in memory of Andrea Naomi Leiderman, Director of Government and Corporate Relations, Kaiser Permanente, South Bay Public Affairs.

8 JOINT REDEVELOPMENT AGENCY/COUNCIL

The City Council convened at 5:16 p.m. to consider Item 8.1 in a Joint Session.

8.1 Acceptance of the St. James/Julian Area Parking Occupancy Report.

Recommendation: City Council and Redevelopment Agency Board acceptance of the St. James/Julian Area Parking Occupancy Report and direction to staff to conduct annual surveys of parking occupancy in the Study Area each October, beginning in 2006, with results reported to the City Council and Agency Board. **[MERGED]**

The report was accepted.

The City Council Portion of the meeting adjourned at 5:18 p.m.