



# **CITY COUNCIL AGENDA**

**OCTOBER 3, 2006**

## **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](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) 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**  
**9:33 a.m.** - Closed Session, City Hall Tower, 18<sup>th</sup> Floor, City Hall  
**Absent Council Members: None.**  
  
**1:33 p.m.** - Regular Session, Council Chambers, City Hall  
**Absent Council Members: None.**  
  
**7:04 p.m.** - Public Hearings, Council Chambers, City Hall  
**Absent Council Members: None.**
- **Invocation (District 9)**  
**Mabashir Chaudhry, volunteer Imam of the Baitul Baseer Mosque.**
- **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 proclamation declaring October 8-14, 2006 as “Fire Prevention Week” throughout the City. (Fire)  
**Mayor Gonzales declared October 8-14, 2006 as “Fire Prevention Week” throughout the City of San José, encouraging all residents to be fire safety aware.**
- 1.2** Presentation of a commendation recognizing the 50<sup>th</sup> Anniversary Celebration of the Water Pollution Control Plant on October 14, 2006. (LeZotte)  
(Rules Committee referral 9/27/06)  
**Mayor Gonzales and Council Member LeZotte recognized the 50<sup>th</sup> Anniversary Celebration of the Water Pollution Control Plant, which will be held on October 14, 2006.**

# 1. CEREMONIAL ITEMS

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- 1.3 Presentation of a proclamation for the City of San José joining the Environmental Protection Agency (EPA) to do our part in this nationwide effort, celebrating October 4, 2006 as “Energy Star Change a Light Day”. (LeZotte)  
(Rules Committee referral 9/27/06)  
**Mayor Gonzales and Council Member LeZotte recognized the City of San José’s effort in joining the EPA in celebrating the day of October 4, 2006 as “Energy Star Change a Light Day”.**
- 1.4 Presentation of a resolution declaring October 2006 as “Solar and Energy Awareness Month”. (LeZotte)  
(Rules Committee referral 9/27/06)  
**Mayor Gonzales and Council Member LeZotte recognized October 2006 as “Solar and Energy Awareness Month”.**
- 1.5 Presentation of a commendation to The Links, Incorporated, a National African American College educated service group of approximately 10,000 throughout the United States, South Africa and the Bahamas for its dedication for fostering volunteerism within its members and nurturing our youth to becoming successful individuals. (Williams)  
(Rules Committee referral 9/27/06)  
**Dropped.**
- 1.6 Presentation of a commendation to the Mexican Heritage Plaza on the occasion of the 15<sup>th</sup> Annual San José International Mariachi Festival and Conference to be held October 6-8, 2006 in San José. (Campos)  
(Rules Committee referral 9/27/06)  
**Mayor Gonzales and Council Member Campos recognized and commended the Mexican Heritage Plaza on occasion of the 15<sup>th</sup> Annual San José International Mariachi Festival and Conference, which will be held October 6-8, 2006 in San José.**
- 1.7 Presentation of a commendation on behalf of the Sister Cities International Northern California Annual Conference which will take place at City Hall on October 14, 2006. (Campos)  
(Rules Committee referral 9/27/06)  
**Mayor Gonzales and Council Member Campos recognized the Sister Cities International Northern California Annual Conference, which will take place at City Hall on October 14, 2006.**
- 1.8 Presentation of a commendation to Patrick Kwok for his admirable years of service and dedication to the City of San José Environmental Services Department and for his leadership within the Asian American Community of the South Bay. (Nguyen)  
(Rules Committee referral 9/27/06)  
**Mayor Gonzales and Council Member Nguyen recognized and commended Mr. Patrick Kwok for her service and dedication to the City of San José and the community.**

# 1. CEREMONIAL ITEMS

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- 1.9 Presentation of a commendation honoring Mr. Cong Thanh Do and his return to the United States. (Chavez/Nguyen/Pyle/Reed)  
(Deferred from 9/26/06 – Item 1.1)

**Heard in the Evening.**

**Mayor Gonzales, Vice Mayor Chavez and Council Members Nguyen, Pyle and Reed recognized and honored Mr. Cong Thanh Do on his return to the United States.**

# 2. CONSENT CALENDAR

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## 2.1 Approval of Minutes.

**Recommendation:** Approval of minutes:

- (a) Regular Minutes of December 13, 2005  
[Deferred from 9/19/06 – Item 2.1(b) and 9/26/06 – Item 2.1(a)]  
**Deferred to 10/17/06.**

## 2.2 Final adoption of ordinances.

**Recommendation:**

- (a) ORD. NO. 27864 – Amending Part 1 of Chapter 23.02 of Title 23 of the San José Municipal Code to add a definition of inflatable signs and amending Sections 23.04.110 and 23.04.120 of Chapter 23,04 of Title 23 of the San José Municipal Code to allow inflatable signage on certain large parcels located within the Downtown Sign Zone.  
**Ordinance No. 27864 adopted.**
- (b) ORD. NO. 27865 – Rezoning certain real property situated on the southwesterly corner of Capitol Avenue and Gimelli Way from County of Santa Clara to RM Multi-Family Residential Zoning District. C06-044  
**Ordinance No. 27865 adopted.**
- (c) ORD. NO. 27866 – Rezoning certain real property situated on the northeasterly corner of Story Road and Machado Lane from County of Santa Clara to R-1-5 Single Family Residence Zoning District. C06-042  
**Ordinance No. 27866 adopted.**
- (d) ORD. NO. 27867 - Rezoning certain real property situated on the north side of Paula Street, south of Interstate 280, east of Northrup Street and west of Lincoln Avenue from County of Santa Clara to RM Multi-Family Residential Zoning District. C06-046  
**Ordinance No. 27867 adopted.**

## 2. CONSENT CALENDAR

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

#### Recommendation:

- (e) ORD. NO. 27868 – Rezoning certain real property situated on the north side of Paula Street, south of Interstate 280, between Race Street and Northrup Street and west of Northrup Street from County of Santa Clara to RM Multi-Family Residential Zoning District. C06-047  
**Ordinance No. 27868 adopted.**
- (f) ORD. NO. 27869 – Rezoning certain real property situated on the south side of Paula Street, and extending 430 feet westerly of Race Street from County of Santa Clara to RM Multi-Family Residential Zoning District. C06-050  
**Ordinance No. 27869 adopted.**
- (g) ORD. NO. 27870 – Rezoning certain real property situated on the southwest corner of Curtner and Bascom Avenues from County of Santa Clara to R-1-8 Single Family Residential Zoning District as to a certain portion and to CP Commercial Pedestrian Zoning District as to a certain portion. C06-053  
**Ordinance No. 27870 adopted.**
- (h) ORD. NO. 27871 – Rezoning certain real property situated at the southwest corner of Ardis Avenue and Stevens Creek Boulevard to A(PD) Planned Development Zoning District. PDC06-054  
**Ordinance No. 27871 adopted.**
- (i) ORD. NO. 27872 – Rezoning certain real property situated on the northeast corner of West Alma Avenue and Minnesota Avenue from A(PD) Planned Development Zoning District to CP Commercial Pedestrian Zoning District. C06-086  
**Ordinance No. 27872 adopted.**
- (j) ORD. NO. 27873 – Rezoning certain real property situated on the south side of Balbach Street, approximately 150 feet easterly of Almaden Avenue to A(PD) Planned Development Zoning District. PDC05-042  
**Ordinance No. 27873 adopted.**
- (k) ORD. NO. 27874 – Rezoning certain real property situated on the east side of Page Street, approximately 200 feet southerly of Douglas Street to A(PD) Planned Development Zoning District. PDC06-010  
**Ordinance No. 27874 adopted.**

## 2. CONSENT CALENDAR

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### 2.3 Acceptance of the Office of the City Auditor's Report.

**Recommendation:** Acceptance of the Office of the City Auditor's *Report of Activities and Findings for the Period July 16, 2006 through August 15, 2006.* (City Auditor)  
(Rules Committee referral 9/20/06)

**Report Accepted.**

### 2.4 Approval of fiscal actions for Redevelopment Agency Capital Projects.

**Recommendation:**

(a) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund):

- (1) Increase the estimate for Earned Revenue by \$286,676.
- (2) Increase the appropriation to the Department of Transportation for the NBD's Banner project (PSM #378, amendment 2) in the amount of \$12,500.
- (3) Increase the appropriation to the Department of Public Works for the Transit Mall Lighting project (PSM #379, amendment 1) in the amount of \$22,040.
- (4) Increase the appropriation to the Department of Public Works for the Market Almaden Pedestrian Lighting project (PSM #385, amendment 1) in the amount of \$44,936.
- (5) Establish an appropriation to the Department of Transportation for the Guadalupe River Park Trail Improvements project (PSM #461) in the amount of \$7,200.
- (6) Establish an appropriation to the Department of Transportation for the Downtown Street Lighting Improvements project (PSM #464) in the amount of \$89,000.
- (7) Establish an appropriation to the Department of General Services for the Acquisition and Installation of Two 60-ton DX Caterpillar Portable Package Air Handling Units project (PSM #469) in the amount of \$111,000.

**Ordinance No. 27877 adopted.**

**Resolution No. 73427 adopted.**

*(Item continued on the next page)*

## 2. CONSENT CALENDAR

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

**Recommendation:**

(b) Adoption of resolutions making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with:

(1) The Guadalupe River Park Trail Improvements project as more specifically described in the memorandum from the Redevelopment Agency, dated August 28, 2006;

**Resolution No. 73428 adopted.**

(2) The Downtown Street Lighting Improvements project as more specifically described in the memorandum from the Redevelopment Agency, dated September 7, 2006.

**Resolution No. 73429 adopted.**

CEQA: PSM Nos. 378, 379, 385 and 464, Exempt, File No. PP01-02-023. PSM No. 461, Resolution No. 71373 and PSM No. 469, Resolution No. 72767. (City Manager's Office)

### 2.5 Approval to amend an agreement for environmental analysis services for the Airport Obstruction Study.

**Recommendation:** Approval of a fifth amendment to the consultant agreement with David J. Powers & Associates, Inc. for Airport environmental analysis services, increasing the maximum cost of the agreement by \$250,000 from \$370,000 to a not to exceed amount of \$620,000 for additional work on the Airport Obstruction Study.

CEQA: Resolution Nos. 67380 and 71451, PP06-143. (Airport)

**Approved.**

### 2.6 Approval to continue an agreement with ACS Transport Solutions, Incorporated.

**Recommendation:** Adoption of a resolution authorizing the Director of Finance to execute a continuation agreement between the City and ACS for parking control equipment at San José International Airport, extending the term from October 1, 2000 to December 31, 2006 to allow for payment of \$654,477.05 to be made to the vendor.

CEQA: Not a Project. (Finance)

**Deferred to 10/17/06.**

## 2. CONSENT CALENDAR

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### 2.7 Approval of an agreement for the maintenance of the Police Department's helicopter.

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

- (a) Execute a one-year agreement with Aris Helicopters Ltd., for the maintenance of the Police Department's helicopter, Model EC120B Eurocopter, for a total cost of \$183,000, and;
- (b) Execute four one-year periods subject to annual appropriations.

CEQA: Not a Project. (Finance)

**Resolution No. 73430 adopted.**

### 2.8 Approval of report on bids and purchase of two vehicle lifts.

**Recommendation:** Report on bids and award of purchase of two parallelogram lifts to the sole bidder, Municipal Maintenance Equipment Inc. in an amount not to exceed \$160,751.68 and authorizing the Director of Finance to execute the purchase order.

CEQA: Not a Project. (Finance)

**Approved.**

### 2.9 Approval to fund partial costs for a Teacher for the Smart Start San José Program.

**Recommendation:** Approval of a Memorandum of Understanding (MOU) between the San José Education Foundation and the City of San José providing for the City to pay partial costs not to exceed \$114,063 to fund a Resource Teacher for the City's Smart Start San José, from January 1, 2006 to December 30, 2008. CEQA: Not a Project. Council District 7. SNI: Seventrees. (Library)

**Approved.**

**Disqualified: Gonzales.**

### 2.10 Approval to set a public hearing regarding territory designated as Evergreen No. 191.

**Recommendation:** Adoption of a resolution initiating proceedings, and setting October 17, 2006 at 1:30 p.m. for Council consideration on the reorganization of territory designated as Evergreen No. 191 which involves the annexation to the City of San José of an approximately 2.40 gross acres of land located on the east side of Ruby Avenue, approximately 400 feet southerly of Holderman Drive and adjacent to the City of San José annexations Evergreen Nos. 166, 169, 170 and 132 and the detachment of the same from Central Fire Protection and Area No. 01 (Library Services) County Service. CEQA: Resolution No. 65459. Council District 8. (Planning, Building and Code Enforcement)

**Resolution No. 73431 adopted.**

## **2. CONSENT CALENDAR**

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### **2.11 Approval of an agreement to transfer property for sidewalk improvements.**

**Recommendation:** Approval of an agreement for a transfer of property located at 3411 Rocky Mountain Drive/Harvest Drive, from the Mt. Pleasant High School District to the City for constructed sidewalk improvements and adoption of a resolution authorizing the Director of Public Works to execute all documents related to the acceptance of the grant deed. CEQA. Exempt, PP02-01-011. Council District 5. (Public Works)

**Agreement Approved.**

**Resolution No. 73432 adopted.**

### **2.12 Approval of actions for the Roosevelt Community Center Package I Project.**

**Recommendation:**

- (a) Approval of Contract Change Order No. 4 with DBS Construction, Inc. for the Roosevelt Community Center Package I Project in the amount of \$160,288 for a total contract amount of \$1,446,247.
- (b) Increase the project contingency budget by \$310,000 from \$117,999 to \$427,999.
- (c) Authorize the Director of Public Works to execute future change orders not to exceed \$300,000 for unanticipated conditions yet to be negotiated.

CEQA: Mitigated Negative Declaration, File No, PP03-12-397. Council District 3. SNI: Five Wounds/Brookwood. (Public Works)

(Rules Committee referral 9/27/06)

**Approved.**

## **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 – September 20, 2006**

**Vice Mayor Chavez, Chair**

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council

- (1) Review October 3, 2006 Draft City Council Agenda

- (a) Adds to the October 3, 2006 Draft City Council Agenda

**The Committee approved the October 3, 2006 Draft City Council Agenda with two additions.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – September 20, 2006 (Cont'd.)

##### Vice Mayor Chavez, Chair

(b) City Council (Cont'd.)

(2) Add New Items to September 26, 2006 Agenda

(a) Mayor and Councilmember Requests

(b) Council Appointee Requests

**The Committee approved the September 26, 2006 City Council Agenda with two additions. Quyen Vuong, ICAN, asked the Committee to consider deferring Item 5.4 from the September 26, 2006 Agenda to the October 3, 2006 Agenda. Council Member Chirco noted that Item 5.4 could not be deferred as there is a timeline to follow and any delay would not be respectful to the whole process or to the other organizations participating in the HNVP process.**

(3) List of Reports Outstanding

**The Committee noted and filed the City Manager's Report.**

(c) Legislative Update

(1) State

**Intergovernmental Director Betsy Shotwell reported that SB1128 (enhancing penalties and implements new laws for registered sex offenders) was approved by the Governor.**

(2) Federal

**No Report.**

(d) Meeting Schedules

**There were none.**

(e) The Public Record

**The Committee noted and filed the Public Record.**

(f) Appointments to Boards, Commissions and Committees

(1) Reappoint Alice Barrios Esquivel to the Mobile Home Advisory Commission and Alkesh Desai to the Small Business Development Commission for terms ending December 31, 2009. (Reed)

(2) Reappoint Sandra Adams to the Advisory Commission on Rents to a term ending December 31, 2009. (Campos)

**The Committee approved the reappointments.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – September 20, 2006 (Cont'd.)

##### Vice Mayor Chavez, Chair

- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Add to the City Auditor's Work Plan for assistance in reviewing financial information in response to American Music Theatre's request for a loan in the amount of \$1,000,000. (City Manager's Office)  
**The Committee approved the addition to the City Auditor's work plan.**
- (h) Review of Significant Review Public Records Act Requests  
**There were none.**
- (i) Review of Council Policy Updates per Sunshine Reforms  
**There were none.**
- (j) Open Forum  
**None were presented.**
- (k) Adjournment  
**The meeting was adjourned at 2:29 p.m.**

#### Report of the Rules Committee – September 27, 2006

##### Vice Mayor Chavez, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
  - (1) Review October 10, 2006 Draft City Council Agenda  
**None, meeting was canceled.**
  - (2) Add New Items to October 3, 2006 City Council Agenda
    - (a) Mayor and Councilmember Requests
    - (b) Council Appointee Requests  
**The Committee approved the October 3, 2006 City Council Agenda with twelve additions.**
  - (3) List of Reports Outstanding  
**The Committee noted and filed the City Manager's Report.**
- (c) Legislative Update
  - (1) State
    - (a) Approve City positions on the November 2006 Statewide General Election Ballot – Propositions 83 through 90  
**The Committee approved the City positions for Propositions 83 through 90. Susan Price Jang, People Acting in Community Together asked for endorsement of Proposition 86. Council Action on this item deferred to 10/10/06 Special Evening Council Session.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – September 27, 2006 (Cont'd.)

##### Vice Mayor Chavez, Chair

- (c) Legislative Update (Cont'd.)
  - (2) Federal  
**No Report.**
- (d) Meeting Schedules  
**There were none.**
- (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) Approval of the Code Enforcement Division Analysis (Cortese)  
**The Committee requested Staff return to the Rules Committee on October 11, 2006 with a work load assessment.**
  - (2) HP Grants (Cortese)  
**The Committee requested Staff return to the Rules Committee on October 11, 2006 with a work load assessment.**
- (h) Review of Significant Public Records Act Requests  
**There were none.**
- (i) Review of Council Policy Updates per Sunshine Reforms  
**There were none.**
- (j) Open Forum  
**None were presented.**
- (k) Adjournment  
**The meeting was adjourned at 2:50 p.m.**

**The Rules Committee Reports and the Actions of September 20, 2006 and September 27, 2006, were approved, with the exception of Item 3.2(c)(1)(a) of the September 27, 2006 Report, which was deferred to 10/10/06 Special Evening Council Session. Staff was directed to redistribute the summary of the Statewide ballot propositions.**

### **3. STRATEGIC SUPPORT SERVICES**

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#### **3.3 Report of the Making Government Work Better Committee – September 21, 2006 Council Member Reed, Chair**

- (a) An Audit of the Procurement Card (P-Card)  
**The Committee accepted the Staff Report.**
- (b) Discussion on Major Information Technology Projects  
**The Committee accepted the Staff Report.**
- (c) One Year Status Report on the New City Hall/Development Center  
**The Committee accepted the Staff Report.**
- (d) Environmentally Preferable Purchasing Policy Revision  
**The Committee accepted the Staff Report.**
- (e) FY 2005-2006 4<sup>th</sup> Quarter Investment Report  
**The Committee accepted the Staff Report.**
- (f) FY 2005-2006 4<sup>th</sup> Quarter Debt Report  
**The Committee accepted the Staff Report.**
- (g) Oral Petitions  
**None were presented.**
- (h) Adjournment  
**The meeting was adjourned at 2:30 p.m.**

**The Making Government Work Better Committee Report and the Actions of September 21, 2006, were accepted.**

#### **3.4 Approval to amend the City Pay Plan for various job classifications.**

**Recommendation:** Adoption of a resolution to change the title and update the specifications of the following classifications:

- (a) Public Safety Dispatcher I (FT) (8515) to Public Safety Communications Specialist (FT) (8515)
- (b) Public Safety Dispatcher I (PT) (8535) to Public Safety Communications Specialist (PT) (8535)
- (c) Public Safety Dispatcher II (FT) (8514) to Public Safety Radio Dispatcher (FT) (8514)
- (d) Public Safety Dispatcher II (FT) (8534) to Public Safety Radio Dispatcher (PT) (8534)

CEQA: Not a Project. (Human Resources)

**Resolution No. 73433 adopted.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.5 Approval of actions to authorize internal promotions to fill vacancies in the Mayor's Office.

**Recommendation:** Authorize the Mayor's Office to make internal promotions from its current staff in order to fill vacancies that may occur from July 1, 2006, to the end of this year, subject to the following conditions:

- (a) Use funds already appropriated for vacated positions to provide fair compensation in recognition of greater workloads and responsibilities of promoted individuals who are performing additional duties.
- (b) The difference between a promotional salary increase for a current employee and the appropriated salary from a vacated position will not be spent.
- (c) The Mayor's Office will not exceed its new appropriation limits and no new staff members will be hired in accordance with the hiring freeze and budget restrictions set by the City Council on August 8.
- (d) This authorization will apply only to vacancies occurring since July 1, 2006. There is one current vacancy in the Mayor's Office meeting this definition.

(Mayor)

(Rules Committee referral 9/20/06)

**Approved.**

**Noes: LeZotte.**

#### 3.6 Approval of an agreement to lease office space for the Crime Prevention Unit.

**Recommendation:** Approval of a five-year lease agreement with Wen Y. Huang for 12,600 square feet of office space on the ground floor of a building located at 1671 The Alameda at a rental rate of \$19,530 per month for the first year of the lease with annual increases to \$22,680 per month for the final year for a total rent of \$1,239,840 over the five year term of the lease. CEQA: Not a Project. (Public Works)

**Approved, with Staff directed to provide more information to Council about the 6% increase negotiated in the lease and further, to explain if it is indexed to any market indicators.**

#### 3.7 Adoption of an ordinance ratifying final expenditures in various appropriations for FY 2005-2006.

**Recommendation:** Adoption of an ordinance ratifying final expenditures in various appropriations for FY 2005-2006. (City Manager's Office)

(Deferred from 9/26/06 – Item 3.4)

**Ordinance No. 27878 adopted.**

### **3. STRATEGIC SUPPORT SERVICES**

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#### **3.8 Consideration of actions related to the City's Campaign Ordinance.**

**Recommendation:** Consideration of various actions related to independent committees including recommendations related to proposed amendments to Chapter 12.06 of the San José Municipal Code and referrals to the Elections Committee to review various provisions of Chapter 12.06 relating to the Municipal Campaign Contributions. (Reed) (Rules Committee referral 9/27/06)

**Heard concurrently with 3.9.**

**Deferred to 10/10/06 Special Evening Council Session.**

#### **3.9 Approval of ordinances establishing limits on campaign contributions to Independent Committees.**

**Recommendation:** Adoption of an urgency ordinance and approval of a regular ordinance amending Section Chapter 12.06 of Title 12 of the San José Municipal Code to add Sections 12.06.090 and 12.06.340 to reinstate limits on campaign contributions to independent committees and suspending enforcement of Section 12.06.310. CEQA: Not a Project. (City Attorney's Office)

(Rules Committee referral 9/27/06)

**Heard concurrently with 3.8.**

**Deferred to 10/10/06 Special Evening Council Session.**

#### **3.10 Discussion regarding the policies and guidelines on petty cash, reimbursement procedures for expenditures made with personal funds and City issued credit cards as applied to Members of the City Council; and the laws implicated by certain uses of public funds.**

**Recommendation:** Discuss and consider direction to Staff, as appropriate. (City Attorney's Office/City Clerk)

(Rules Committee referral 9/27/06)

**Referred to the Rules Committee.**

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

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### **4.1 Report of the Building Strong Neighborhoods Committee – September 18, 2006 Council Member Chirco, Chair**

- (a) Building Strong Neighborhoods Update/Status Report  
**The Committee accepted the Staff Report, with Staff directed to look into a possible partnership with One Economy and report back to the Committee in December 2006.**
- (b) Parkland Dedication Ordinance and Park Impact Ordinance Follow-up Discussion  
**The Committee accepted the Staff Report.**
- (c) Anti Graffiti/Anti Litter Update Report  
**The Committee accepted the Staff Report.**
- (d) Discussion of City Outreach for Capital Projects  
**Deferred to October 2006**
- (e) Oral Petitions  
**None were presented.**
- (f) Adjournment  
**The meeting was adjourned at 2:55 p.m.**

**The Building Strong Neighborhoods Committee Report and the Actions of September 18, 2006, were accepted.**

### **4.2 Report of the Driving a Strong Economy Committee Council Member Williams, Chair No Report.**

### **4.3 Approval to conduct a public hearing and initiate actions related to the annexation of Penitencia No. 73.**

**Recommendation:** Approval to conduct a public hearing and adoption of a resolution initiating proceedings, and setting November 14, 2006 at 7:00 p.m. for a public hearing on the reorganization of territory designated as Penitencia No. 73 which involves the annexation to the City of San José of an approximately 7-Acre County Pocket containing twenty-eight parcels on the southeast side of Mabury Road, east of King Road, and the detachment of the same from the appropriate special districts including County Lighting County Service, Central Fire Protection and Area No. 01 (Library Services) County Service Districts. CEQA: Resolution No. 65459. Council District 3. (Planning, Building and Code Enforcement)

(Continued from 8/29/06 – Item 4.4)

**Heard in the Evening.**

**Resolution No. 73435 adopted.**

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

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### **4.4 Approval to conduct a public hearing and initiate actions related to the annexation of Piedmont No. 51.**

**Recommendation:** Approval to conduct a public hearing and adoption of a resolution initiating proceedings, and setting November 14, 2006 at 7:00 p.m. for a public hearing on the reorganization of territory designated as Piedmont No. 51 which involves the annexation to the City of San José of an approximately 2.3-Acre County Pocket two parcels on the southwesterly side of Stone Creek Drive, approximately 120 feet southerly of Isadora Drive, and the detachment of the same from the appropriate special districts including Central Fire Protection and Area No. 01 (Library Services) County Service Districts. CEQA: Resolution No. 65459. Council District 4. (Planning, Building and Code Enforcement)

(Continued from 8/29/06 – Item 4.5)

**Heard in the Evening.**

**Resolution No. 73436 adopted.**

### **4.5 Approval to conduct a public hearing and initiate actions related to the annexation of Cypress No. 30.**

**Recommendation:** Approval to conduct a public hearing and adoption of a resolution initiating proceedings, and setting November 14, 2006 at 7:00 p.m. for a public hearing on the reorganization of territory designated as Cypress No.30 which involves the annexation to the City of San José of an approximately 3.2-Acre County Pocket containing fifteen parcels on both sides of Maria Way and Antonio Lane and the west side of Essex Way, extending approximately 180 Feet north of Valley Forge Way, and the detachment of the same from the appropriate special districts including West Valley Sanitation, Central Fire Protection and Area No. 01 (Library Services) County Service Districts and County Lighting County Service Districts. CEQA: Resolution No. 65459. Council District 1. (Planning, Building and Code Enforcement)

(Continued from 8/29/06 – Item 4.6)

**Heard in the Evening.**

**Resolution No. 73437 adopted.**

**Staff was directed to calculate the average increase to residents resulting from the 5% tax on utilities following City annexation, and incorporate the information for public outreach.**

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

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### **4.6 Approval to initiate actions and set a public hearing for the annexation of Story No. 59.**

**Recommendation:** Approval to conduct a public hearing and adoption of a resolution initiating proceedings, and setting October 24, 2006 at 7:00 p.m. (which hearing date is being recommended for continuance to November 14, 2006 at 7:00 p.m.) for a public hearing on the reorganization of territory designated as Story No. 59 which involves the annexation the City of San José of approximately 3.7-Acre County Pocket containing four (4) parcels on the Southeasterly corner of Story Road and Machado Lane and the implementation of the annexation would result in the detachment of properties within the annexation area from Central Fire Protection, and Area No. 01 (Library Services) County Service (Numerous Owners). CEQA: Resolution No. 65459. Council District 5.

(Planning, Building and Code Enforcement)

(Continued from 9/19/06 – Item 4.8)

**Heard in the Evening.**

**Resolution No. 73438 adopted.**

### **4.7 Approval to initiate actions and set a public hearing for the annexation of Sunol No. 74.**

**Recommendation:** Approval to conduct a public hearing and adoption of a resolution initiating proceedings, and setting October 24, 2006 at 7:00 p.m. (which hearing date is being recommended for continuance to November 14, 2006 at 7:00 p.m.) for a public hearing on the reorganization of territory designated as Sunol No. 74 which involves the annexation the City of San José of approximately 1.7-Acre County Pocket consisting of 11 parcels on the south side of Paula Street, west of Race Street. Implementation of the annexation would result in the detachment of properties within the annexation area from Sunol Sanitary, County Lighting County Service, Central Fire Protection, and Area No. 01 (Library Services) County Service. CEQA: Resolution No. 65459. Council District 6.

(Planning, Building and Code Enforcement)

(Continued from 9/19/06 – Item 4.9)

**Heard in the Evening.**

**Resolution No. 73439 adopted.**

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

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### **4.8 Approval to initiate actions and set a public hearing for the annexation of Sunol No. 75.**

**Recommendation:** Approval to conduct a public hearing and adoption of a resolution initiating proceedings, and setting October 24, 2006 at 7:00 p.m. (which hearing date is being recommended for continuance to November 14, 2006 at 7:00 p.m.) for a public hearing on the reorganization of territory designated as Sunol No. 75 which involves the annexation the City of San José of approximately 3.6-Acre County Pocket consisting of 13 parcels on the north side of Paula Street, east of Northrup Street, and the west side of Lincoln Avenue south of Interstate 280 and north of Paula Street. Implementation of the annexation would result in the detachment of properties within the annexation area from Sunol Sanitary, County Lighting County Service, Central Fire Protection, and Area No. 01 (Library Services) County Service. CEQA: Resolution No. 65459. Council District 6. (Planning, Building and Code Enforcement)  
(Continued from 9/19/06 – Item 4.10)

**Heard in the Evening.**

**Resolution No. 73440 adopted.**

### **4.9 Approval to initiate actions and set a public hearing for the annexation of Sunol No. 76.**

**Recommendation:** Approval to conduct a public hearing and adoption of a resolution initiating proceedings, and setting October 24, 2006 at 7:00 p.m. (which hearing date is being recommended for continuance to November 14, 2006 at 7:00 p.m.) for a public hearing on the reorganization of territory designated as Sunol No. 76 which involves the annexation the City of San José of approximately 1.8-Acre County Pocket consisting of 13 parcels on the north side of Paula Street, west of Northrup Street. Implementation of the annexation would result in the detachment of properties within the annexation area from Sunol Sanitary, County Lighting County Service, Central Fire Protection, and Area No. 01 (Library Services) County Service. CEQA: Resolution No. 65459. Council District 6. (Planning, Building and Code Enforcement)  
(Continued from 9/19/06 – Item 4.11)

**Heard in the Evening.**

**Resolution No. 73441 adopted.**

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

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### **4.10 Approval to initiate actions and set a public hearing for the annexation of Cambrian No. 35.**

**Recommendation:** Approval to conduct a public hearing and adoption of a resolution initiating proceedings, and setting October 24, 2006 at 7:00 p.m. (which hearing date is being recommended for continuance to November 14, 2006 at 7:00 p.m.) for a public hearing on the reorganization of territory designated as Cambrian No. 35 which involves the annexation the City of San José of approximately 2.55-Acre County Pocket consisting of 9 parcels on the southwesterly corner of Bascom Avenue and Curtner Avenue. Implementation of the annexation would result in the detachment of properties within the annexation area from West valley Sanitation, County Lighting County Service, Central Fire Protection, and Area No. 01 (Library Services) County Service. CEQA: Resolution No. 65459. Council District 9. (Planning, Building and Code Enforcement)  
(Continued from 9/19/06 – Item 4.13)

**Heard in the Evening.**

**Resolution No. 73442 adopted.**

### **4.11 Approval to set a public hearing related to the annexation of Sunol No. 72.**

**Recommendation:** Adoption of a resolution initiating proceedings, and setting October 24, 2006 at 7:00 p.m. for a public hearing on the reorganization of territory designated as Sunol No. 72 which involves the annexation to the City of San José of an approximately 0.88 gross acres of land located at the south side of Paula Street, approximately 160 feet easterly of Meridian Way, and the detachment of the same from the appropriate special districts including Sunol Sanitary, County Lighting County Service, Central Fire Protection and Area No. 01 (Library Services) County Service. CEQA: Mitigated Negative Declaration. Council District 6. (Planning, Building and Code Enforcement)

**Heard in the Evening.**

**Resolution No. 73443 adopted.**

**Staff directed to ensure the County Board of Supervisors is kept up to date with the progress of all of the City annexations.**

### **4.12 Public hearing and consideration of a Historical Property Contract for the Curtis House.**

**Recommendation:** Public hearing and consideration of approval of a Historical Property Contract (California Mills Act) between the City of San José and property owners of the Curtis House, City Landmark No. HL05-152, on a 0.20 gross acre site, in the R-1-8 Single-Family Residence Zoning District, located on the southeast corner of East San Antonio Street and South Seventeenth Street (254 South 17th Street) (Gloria M Scaria). Director of Planning, Building and Code Enforcement and Historic Landmarks Commission recommends approval (4-0-0). CEQA: Exempt. SNI: University.

MA06-002 - District 3

**Renumbered from 11.1(a).**

**Continued to 10/17/06.**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.13 Report on the Economic and Cultural Development Mission to Cambridge/East of England, Dublin, Ireland and Amsterdam, Netherlands.

**Recommendation:** Staff presentation on the main topical areas from the Economic and Cultural Development Mission to Cambridge/East of England, Dublin, Ireland and Amsterdam, Netherlands. (Williams/Office of Economic Development)  
(Rules Committee referral 9/27/06)

**Staff presentation only. No Council Action.**

## 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 actions related to the Boys and Girls Club.

**Recommendation:**

- (a) Adoption of a resolution authorizing the following:
- (1) Approving the Purchase and Sale Agreement in an amount not to exceed \$1,000,000 with the Boys and Girls Club of Silicon Valley (BGC) for the purchase of a sports field and easements appurtenant to the Smythe Clubhouse located at 2195 and 2293 Cunningham Avenue, San José, California (APN No. 491-35-017);
  - (2) Authorizing the Director of Public Works to expend up to \$50,000 for closing costs and to execute all other documents necessary to complete the transaction; and
  - (3) Accepting an easement for ingress and egress over the adjacent property of the Boys and Girls Club.

**Resolution No. 73434 adopted.**

- (b) Adoption of the following Appropriation Ordinance Amendments in the Park Trust Fund:
- (1) Establish a Boys and Girls Club Sports Field Acquisition appropriation to the Department of Parks, Recreation and Neighborhood Services in the amount of \$482,000.
  - (2) Decrease the Reserve: Evergreen Valley Sports Fields appropriation by \$251,000.
  - (3) Decrease the Reserve: Joseph George Park Land Acquisition appropriation by \$231,000.

**Ordinance No. 27879 adopted.**

*(Item continued on the next page)*

## **5. NEIGHBORHOOD SERVICES**

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### **5.2 Approval of actions related to the Boys and Girls Club (Cont'd.)**

#### **Recommendation:**

(c) Adoption of the following Appropriation Ordinance Amendments in the Council District 5 Construction and Conveyance Tax Fund:

- (1) Establish a Boys and Girls Club Sports Field Acquisition appropriation to the Department of Parks, Recreation and Neighborhood Services in the amount of \$284,000.
- (2) Decrease the Ending Fund Balance by \$284,000.

**Ordinance No. 27880 adopted.**

(d) Adoption of the following Appropriation Ordinance Amendments in the Council District 8 Construction and Conveyance Tax Fund:

- (1) Establish a Boys and Girls Club Sports Field Acquisition appropriation to the Department of Parks, Recreation and Neighborhood Services in the amount of \$284,000.
- (2) Decrease the Ending Fund Balance by \$284,000.

CEQA: Exempt, File No. PP06-071. Council District 8. (Public Works/Parks, Recreation and Neighborhood Services/City Manager's Office)

**Ordinance No. 27881 adopted.**

#### **Staff was directed to:**

- (1) **Work closely with Council Districts 5 and 8 in conducting a public input process regarding expansion of the CDBG service area to allow for increased usage of the field.**
- (2) **Work with the Boys and Girls Club (BGC) to bring to Council a joint use agreement before the end of 2006 that strives to meet the BGC's goal of retaining their frequent utilization of the field in the afternoon hours for their programming needs.**

## **6. TRANSPORTATION & AVIATION SERVICES**

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

## **7. ENVIRONMENTAL & UTILITY SERVICES**

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## **8. PUBLIC SAFETY SERVICES**

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### **8.1 Approval of report on bids and to take appropriate action for the purchase of pandemic flu supplies.**

#### **Recommendation:**

- (a) Report on bids and award of purchase of pandemic flu supplies from Edwards Medical (South Gate, CA), the low bidder for line items 1, 2, 4 and 5, and to Bound Tree Medical (Greenbrae, CA) for line item 3, for a total amount not to exceed \$641,510.30, including tax using Urban Areas Strategic Initiative (UASI) grants.
- (b) Authorizing the Director of Finance to:
  - (1) Purchase pandemic flu supplies from other qualified bidders, if the low bidder is not able to provide proof of order from applicable manufacturers by October 5 with a delivery date of October 27;
  - (2) Execute purchase orders with qualified bidders subject to availability of supplies by the required due dates;
  - (3) Amend purchase orders with qualified bidders to allow the purchase of additional quantities of pandemic flu supplies for the next twelve months subject to availability of UASI grant funding.

CEQA: Not a Project. (Finance)

**Approved.**

### **8.2 Approval of report on bids and to take appropriate action for the purchase of trailer mount pumps.**

#### **Recommendation:**

- (a) Report on bids and award of purchase of two trailer mounted pumps from Godwin Pumps of America, Inc. (Bridgeport, NJ), the only bidder, for a total amount not to exceed \$164,944 including tax using Urban Areas Strategic Initiative (UASI) grants.
- (b) Authorize the Director of Finance to:
  - (1) Execute the purchase order;
  - (2) Amend the purchase order to allow the purchase additional quantities of Trailer Mounted Pumps for the next twelve months subject to availability of UASI grant funding.

CEQA: Not a Project. (Finance)

**Approved.**

## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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### 9.1 Approval of the San José Repertory Theatre Loan Options.

**Recommendation:** Discussion and possible action on loan options for the San José Repertory Theatre (REP) in the amount of \$1 million. CEQA: Not a Project. (City Manager's Office)

(Deferred from 9/12/06 – Item 9.1 and referred from 9/19/06 – Item 9.3)

**Deferred to 10/17/06.**

- **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 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>
8821	NE corner of Taylor and 7 <sup>th</sup> Streets	3	ROEM Development Corp.	1 lot/143 units/12,000 SF retail	SFA
9840	SW corner of Capitol Ave. and Mabury Rd.	4	Pinn Bros. Const.	11 lots/99 units	SFA
9855	WS of Curtiss Ave., 350' S of Willow St.	6	Willowshire LLC	5 lots/4 units	SFD

- **Open Forum**
  - (1) **George Fokus voiced personal views.**
  - (2) **Ross Signorino spoke about a potential soccer field being built at the Santa Clara County Fairgrounds.**
- **Adjournment**  
**The afternoon session was adjourned at 5:19 p.m.**

## 10. GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

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## 11. PUBLIC HEARINGS ON CONSENT CALENDAR

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(Heard by the City Council at 7:04 p.m.)

### 11.1 Public Hearings on Consent Calendar.

#### **Recommendation:**

- (a) Consideration of approval of a Historical Property Contract (California Mills Act) between the City of San José and property owners of the Curtis House, City Landmark No. HL05-152, on a 0.20 gross acre site, in the R-1-8 Single-Family Residence Zoning District, located on the southeast corner of East San Antonio Street and South Seventeenth Street (254 South 17th Street) (Gloria M Scaria). Director of Planning, Building and Code Enforcement and Historic Landmarks Commission recommends approval (4-0-0). SNI: University. CEQA: Exempt. MA06-002 - District 3  
**Renumbered to 4.12. Continued to 10/17/06.**
- (b) Consideration of an ordinance rezoning the real property located at the southwest corner of Delia Street and McKee Road from Unincorporated County to R-1-8 Single-Family Residence District to allow 2 residential uses on a 0.23 gross acre site (293 Delia Street) (Navarro and Maria Transito, et al., Owner). Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (6-0-1). CEQA: Resolution No. 65459. C06-073 - District 5  
**Ordinance No. 27882 passed for publication.**  
**Disqualified: Cortese.**
- (c) Consideration of an ordinance rezoning the real property located on the east side of North 2<sup>nd</sup> Street, approximately 140 feet northerly of St. James Street from CG Commercial General Zoning District to DC Downtown Commercial Zoning District to allow commercial uses within a designated City Landmark building on a 0.43 gross acre site (240 N. 2<sup>nd</sup> St.) (Bel Aire Inv. Inc., Owner). Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (6-0-1). CEQA: Resolution No. 65459. C06-031 - District 3  
**Continued to 10/24/06.**

# 11. PUBLIC HEARINGS ON CONSENT CALENDAR

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

### Recommendation:

- (d) Consideration of an ordinance rezoning the real property located on the west side of Settle Avenue, approximately 500 feet northwest of Minnesota Avenue from R-1-8 Residential Zoning District to A(PD) Planned Development Residential Zoning District to allow the construction of two single family detached residences arranged in a flag lot configuration for the subject property (1305 Settle Avenue) (3564 Highland LLC, Owner). Director of Planning, Building and Code Enforcement recommended denial. Planning Commission has no recommendation (5-0-2). CEQA: Exempt.  
PDC06-065 - District 6

**Application was denied.**

- (e) Consideration of an ordinance rezoning the real property located on the north side of Capitol Expressway, approximately 200 feet west of Snell Avenue from CO(PD) and A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District and subsequent permits to (1) demolish 3.5 existing mini storage buildings totally 27,769 square feet and (2) construct 2 new mini storage buildings and 2 additions to existing buildings totaling 83,180 square feet for a total increase of 55,411 square feet on a 5.69 gross acre site (231 W. Capitol Expressway/3911 Snell Ave.) (Public Storage Properties, Inc., Owner). Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (6-0-1). CEQA: Mitigated Negative Declaration.  
PDC06-019 - District 10

**Ordinance No. 27883 passed for publication.**

- (f) Consideration of an ordinance rezoning the real property located at the southeast corner of Almaden Expressway and Almaden Road from A Agriculture Zoning District to A(PD) Planned Development Zoning District to allow up to 13 single family detached residences on a 1.24 gross acre site (18950 Almaden Road) (John D. and Jennifer R. Carson, Owner). CEQA: Mitigated Negative Declaration.  
PDC05-109 - District 10

**Continued to 10/24/06.**

**END OF PUBLIC HEARINGS CONSENT CALENDAR**

## 11. PUBLIC HEARINGS

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### 11.2 Rezoning the real property located at the southwest corner of Monterey Road and Goble Lane.

**Recommendation:** Consideration of an ordinance rezoning the real property located at the southwest corner of Monterey Road and Goble Lane rezoning from A(PD) Planned Development Zoning District which allows up to 969 single family and multi family residential units and approximately 18,000 square feet of commercial space site to A(PD) Planned Development Zoning District to modify the previously approved General Development Standards to allow (1) a reduction in setbacks along Monterey Road; (2) to allow detached units; (3) to clarify the park dedication requirement (2745 Monterey Road) (ROEM Development Corporation, Owner/Developer). Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (4-0-3). CEQA: Resolution No. 72877, File No. PDC02-066.

PDC06-034 - District 7

[Continued from 8/15/06 – Item 11.6 and 9/19/06 – Item 11.2]

**Ordinance No. 27884 passed for publication.**

### 11.3 Amending Chapter 21.04 of Title 21 of the San José Municipal Code.

**Recommendation:** Consideration of an ordinance of the City of San José amending Chapter 21.04 of Title 21 of the San José Municipal Code to add a new section and amending Section 21.06.030 of Chapter 21.06 of Title 21, all related to providing for an additional appeal to the City Council of certain environmental clearance determinations. CEQA: Not a Project. (Planning, Building and Code Enforcement)

[Continued from 8/29/06 – Item 11.1(k)]

**Continued to 10/24/06.**

### 11.4 Rezoning the real property located on the southwesterly corner of Eberly Drive and Neilson Court.

**Recommendation:** Consideration of an ordinance rezoning the real property located on the southwesterly corner of Eberly Drive and Neilson Court from R-1-5 Residence Zoning District to A(PD) Planned Development Zoning District to allow one existing and five new single-family detached residences and subsequent subdivision on a 1.7 gross acre site (376 Neilson Court) (Giani Smith, Owner). Director of Planning, Building and Code Enforcement recommended a maximum of 3 units and Planning Commission recommended approval (4-1-2) with a maximum of 4 units. CEQA: Mitigated Negative Declaration.

PDC04-091 - District 2

**The Planning Commission recommendation was approved with a maximum of 4 units.**

**Ordinance No. 27885 passed for publication.**

**Noes: Reed.**

## 11. PUBLIC HEARINGS

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### 11.5 Rezoning the real property located on the southwest corner of Capitol Expressway and Tully Road.

**Recommendation:** Consideration of an ordinance rezoning the real property located on the southwest corner of Capitol Expressway and Tully Road from A Agriculture Zoning District to CG Commercial General Zoning District to allow commercial uses on a 2.07 gross acre site (General Growth Properties Inc., Owner; Rayjer Properties LLC/Beshoff Motors, Developer). Director of Planning, Building and Code Enforcement recommended approval. No Planning Commission action required. CEQA: Resolution No. 65459. C05-125 - District 8

**Ordinance No. 27886 passed for publication.**

- **Open Forum**

- (1) **Arzhang Kalbali requested assistance with completing a construction project.**
- (2) **Zoran Trconic, Local OE3, voiced opinions of the City budget.**
- (3) **Gary Roberts, Local OE3, expressed personal observations.**
- (4) **Steve Maldonado, Local OE3, articulated public safety observations.**
- (5) **Lloyd Standridge, Local OE3, spoke of union negotiations.**
- (6) **Pascal Roubineau, Local OE3, expressed concerns on the union contract status.**
- (7) **Daniel Finn, Local OE3, expressed views of union negotiations.**
- (8) **Max Rodriguez, Local OE3, voiced personal observations.**
- (9) **Martel Villagomez, Local OE3, articulated personal observations.**
- (10) **Bill Pope, Union Representative OE3, spoke for an agreeable contract, that the union members should be properly taken care of.**
- (11) **Jon Max Reger, Local OE3, voiced personal observations.**
- (12) **Michael Johnson, Local OE3, expressed personal views.**
- (13) **Robert Apgar voiced personal observations.**
- (14) **Mark Trout expressed personal religious views.**

- **Adjournment**

**The Council of the City of San José adjourned at 8:41 p.m.**