



MINUTES OF THE CITY COUNCIL

SAN JOSÉ, CALIFORNIA

TUESDAY, OCTOBER 23, 2007

The Council of the City of San José convened in regular session at 9:00 a.m. in the Council Chambers at City Hall.

Present: Council Members - Campos, Chirco, Chu, Constant, Cortese, Liccardo, Nguyen, Oliverio, Pyle, Williams; Reed.

Absent: Council Members - None.

Upon motion unanimously adopted, Council recessed at 9:01 a.m. to a Closed Session in Room W133, to confer with Legal Counsel pursuant to: (A) Public Employee Performance Evaluation Pursuant to Government Code Section 54957: Title: City Attorney; Name: Richard Doyle. (B) Government Code Section 54956.9 subsection (a) with respect to existing litigation to consider the case of: (1) In Re Seal; (2) Bojcic v. City of San José, et al.; (3) Armas v. Gerbrandt, et al. (C) to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Manager Designee Alex Gurza; Employee Organizations: (1) Association of Building, Mechanical and Electrical Inspectors.

By unanimous consent, Council recessed from the Closed Session at 10:40 a.m. and reconvened at 1:34 p.m. in the Council Chambers.

Present: Council Members - Campos, Chirco, Chu, Constant, Cortese, Liccardo, Nguyen, Oliverio, Pyle, Williams; Reed.

Absent: Council Members - None.

INVOCATION

Reverend Ed McNeill, St. Edward's Episcopal Church presented the Invocation. (District 9)

PLEDGE OF ALLEGIANCE

Mayor Reed led the Pledge of Allegiance.

Access the video, the agenda and related reports for this meeting by visiting the City's website at <http://www.sanjoseca.gov/clerk/agenda.asp> or <http://www.sanjoseca.gov/clerk/MeetingArchive.asp>

ORDERS OF THE DAY

Upon motion by Council Member Pyle, seconded by Council Member Chirco and carried unanimously, the Orders of the Day and the Amended Agenda were approved, Items 2.1(b) and 5.1 were deferred to October 30, 2007 and Item 2.3 was dropped. (11-0.)

Mayor Reed recognized the efforts of the San José Firefighters traveling to Southern California and battling the fires.

CEREMONIAL ITEMS

1.1 Presentation of a commendation to the Geographic Information System (GIS) Team for its exemplary dedication and valuable contributions to the City organization. (Public Works)

Action: Mayor Reed and Deputy Director of Public Works Philip Prince recognized and commended the Geographic Information System Team for its outstanding dedication and important contributions to the City of San José.

**1.2 Presentation of a commendation to Xilinx, INC for their outstanding contributions to the economic vitality of the City of San José. (Mayor/Chirco)
(Rules Committee referral 10/17/07)**

Action: Mayor Reed and Council Member Chirco recognized and commended Xilinx, INC for their outstanding contributions to the economic vitality of the City of San José.

**1.3 Presentation of a commendation to ComedySportz for their dedication to bringing family-friendly entertainment to the residents of San José. Mayor/Liccardo)
(Rules Committee referral 10/17/07)**

Action: Mayor Reed and Council Member Liccardo recognized and commended Comedy-Sportz for their dedication to the City of San José.

**1.4 Presentation of a proclamation declaring October as Domestic Violence Awareness Month. (Williams/Campos)
(Rules Committee referral 10/17/07)**

Action: Mayor Reed and Council Members Williams and Campos recognized the month of October as “Domestic Violence Awareness Month”.

CONSENT CALENDAR

Upon motion by Council Member Pyle, seconded by Council Member Oliverio and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0.)

2.1 Approval of minutes.

(a) Regular minutes of August 7, 2007.

Documents Filed: The Regular Minutes dated August 7, 2007.

Action: The minutes were approved. (11-0.)

(b) Regular minutes of August 14, 2007.

Action: Deferred to October 30, 2007 per Orders of the Day.

2.2 (a) **ORD. NO. 28144 – Amending Title 23 of the San José Municipal Code, the Sign Code, to add new sections to Chapter 23.02 to define a historic sign and a projected light sign, to amend Section 23.023.1010 of Chapter 23.02 to clarify displays that are prohibited unless otherwise allowed, to amend Section 23.02.1090 of Chapter 23.02 to allow for relocation of historic signs and make other clarifying changes and to amend Section 23.04.120 of Chapter 23.04 to allow for the display of projected light signs within the Downtown Sign Zone under specified parameters and making clarifying changes.**

Documents Filed: Proof of Publication of the title of Ordinance No. 28144 executed on October 19, 2007, submitted by the City Clerk.

Action: [Ordinance No. 28144](#) was adopted. (11-0.)

(b) **ORD. NO. 28149 – Amending Ordinance No. 27606 and repealing Ordinance No. 28055 to extend the entire period of the limited pilot program to allow certain second residential units from January 1, 2006 to April 30, 2008, which program automatically terminates if 100 permits are issued, and to modify certain parameters of the pilot program related to size, setbacks, height and windows; and amending Ordinance No. 27675 to extend until April 30, 2008 the temporary suspension of Chapter 14.25 of Title 14 of the San José Municipal Code pertaining to park impact requirements otherwise applicable to second units.**

Documents Filed: Proof of Publication of the title of Ordinance No. 28144 executed on October 19, 2007, submitted by the City Clerk.

Action: [Ordinance No. 28149](#) was adopted. (11-0.)

2.3 Approval of Council Member Campos' travel to San Diego, CA on October 11, 2007 to attend a Legislative Meeting representing the League of California Cities/Latino Caucus. Source of Funds: Mayor/Council Travel Fund. (Campos) (Rules Committee referral 10/10/07)

2.3 (Cont'd.)

Documents Filed: Memorandum from Council Member Campos, dated October 3, 2007, requesting approval of travel.

Action: Dropped per Orders of the Day.

2.4 **Approval of a recommendation by the San José Arena Authority to conduct a City Event (the San José Sports Hall of Fame Induction Ceremony) at HP Pavilion at San José on November 14, 2007. CEQA: Not a Project. (Economic Development)**

Documents Filed: Memorandum from Chief Development Officer Paul Krutko, dated September 24, 2007, recommending approval to conduct a City Event.

Action: Upon motion by Council Member Pyle, seconded by Council Member Williams and carried unanimously, the San José Sports Hall of Fame Induction Ceremony at HP Pavilion was approved, with clarification that the event date is November 14, 2007. (11-0.)

- 2.5 (a) **Approval of the use of City streets for the Amgen Tour of California Stage Finish on Wednesday, February 20, 2008, provided that required street closure and encroachment permits are issued;**
- (b) **Adoption of a resolution authorizing the City Manager to negotiate and execute a participation agreement with AEG Cycling, LLC, for a Stage Finish and Lifestyle Festival of the 2008 Amgen Tour of California, to provide services and support for the Tour in an amount not to exceed \$131,000 to be funded from the Sports Opportunity Fund; and**
- (c) **Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the San José Sports Authority to assist in providing said support services for the 2008 Amgen Tour of California, as convener of the Local Organizing Committee for said Tour.**
- CEQA: Exempt, File No. PP05-277. (Economic Development)**

Documents Filed: Memorandum from Chief Development Officer Paul Krutko, dated October 1, 2007, recommending approval of the use of City streets for the Amgen Tour and adoption of resolutions.

Action: The use of City streets for the Amgen Tour of California Stage Finish on Wednesday, February 20, 2008 was approved, provided that required street closure and encroachment permits are issued; [Resolution No. 74064](#), entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with AEG Cycling, LLC for the 2008 Amgen Tour of California Bicycle Race, with the City to Provide Support Services at a Cost to the City Not To Exceed \$131,000" and [Resolution No. 74065](#), entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with the San José Sports Authority, To Provide Support Services for the 2008 Amgen Tour of California Bicycle Race", were adopted. (11-0.)

2.6 Adoption of resolutions:

- (a) Approving the boundaries of the Targeted Employment Area.**
- (b) Authorizing the City Manager to submit an application on behalf of the City of San José to the State Department of Housing and Community Development for a Targeted Employment Area.**

CEQA: Not a Project. (Economic Development)

Documents Filed: Memorandum from Chief Development Officer Paul Krutko, dated October 1, 2007, recommending adoption of resolutions.

Action: [Resolution No. 74066](#), entitled: “A Resolution of the Council of the City of San José Certifying that (1) The City’s Revolving Loan Fund is Consistent with and Supportive of the Area’s Current Economic Adjustment Strategy and (2) That the Revolving Loan Fund is Being Operated in Accordance with Certain Policies and Procedure” and [Resolution No. 74067](#), entitled: “A Resolution of the Council of the City of San José Identifying the Census Tracts Comprising a Targeted Employment Area for the San José Enterprise Zone and Authorizing the City Manager to Submit an Application for Tea Designation”, were adopted. (11-0.)

- 2.7**
- (a) Reject the sole bid for the repair of the freight elevator at the San José Museum of Art.**
 - (b) Adoption of a resolution authorizing the Director of Finance to negotiate and execute an agreement with Schindler Elevator Corporation for the repair of the freight elevator at the San José Museum of Art with a not to exceed compensation of \$400,000, including a 15% contingency for unexpected repairs.**

CEQA: Resolution Nos. 67380 and 71451, File No. PP07-059. (Finance)

Documents Filed: Memorandum from Director of Finance Scott Johnson, dated October 5, 2007, recommending rejection of the sole bid and adoption of a resolution.

Action: the sole bid was rejected and [Resolution No. 74068](#), entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Finance to Negotiate and Execute an Agreement with Schindler Elevator Corporation for the Repair of the Freight Elevator at the San José Museum of Art”, was adopted. (11-0.)

- 2.8 Adoption of a resolution authorizing the Director of Finance to negotiate and execute the first amendment to the loan agreement between the City of San José and Comerica Bank, extending the maturity date of the Dolce Hayes Mansion \$5,000,000 line of credit by a period of one-year from October 29, 2007 to October 29, 2008.**
- CEQA: Not a Project. (Finance)**

Documents Filed: Memorandum from Director of Finance Scott Johnson, dated October 1, 2007, recommending adoption of a resolution.

Council Member Liccardo pulled Item 2.8 for clarification.

2.8 (Cont'd.)

Action: Upon motion by Council Member Liccardo, seconded by Council Member Nguyen and carried unanimously, [Resolution No. 74069](#), entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Finance to Negotiate and Execute the First Amendment to the Loan Agreement with Comerica Bank to Extend the Maturity of the Dolce Hayes Mansion \$5,000,000 Line of Credit by a Period of One Year from October 29, 2007 to October 29, 2008”, was adopted. (11-0.)

**2.9 Request for an excused absence for Mayor Reed from the Regular Meeting of the Rules and Open Government Committee on October 10, 2007 due to Authorized City Business: San José/Silicon Valley Chamber of Commerce City-to-City trip to Austin, TX. (Mayor)
(Rules Committee referral 10/10/07)**

Documents Filed: Memorandum from Mayor Reed, dated October 3, 2007, requesting an absence due to authorized City business.

Action: The absence was excused. (11-0.)

2.10 Approval of the master plan for the new West Evergreen Park. CEQA: Exempt, File No. PP07-159. Council District 7. SNI: West Evergreen. (Parks, Recreation and Neighborhood Services)

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Albert Balagso, dated October 1, 2007, recommending approval of the master plan.

Action: The master plan for the new West Evergreen Park was approved. (11-0.)

2.11 Approval of the master plan for the new Newhall Park. CEQA: Exempt, File No. PP07-161. Council District 3. (Parks, Recreation and Neighborhood Services)

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Albert Balagso, dated October 1, 2007, recommending approval of the master plan.

Action: The master plan for the new Newhall Park was approved. (11-0.)

2.12 Approval of the Lower Silver Creek Trail Master Plan and adoption of a resolution incorporating the environmental mitigation measures as set forth in the Mitigation Monitoring and Reporting Program for the project. CEQA: Mitigated Negative Declaration, File No. PP07-106. Council District 3, 5 and 8. SNI: Five Wounds/Brookwood Terrace, Mayfair, East Valley, 680 Communities, Gateway East. (Parks, Recreation and Neighborhood Services)

Action: Deferred to October 30, 2007 Per Administration.

- 2.13 Approval of the proposed designation of Council Member Kansen Chu as the voting delegate at the November 17, 2007 Annual Business Meeting for the National League of Cities in New Orleans, Louisiana. CEQA: Not a Project. (City Manager’s Office)**
(Rules Committee referral 10/17/07)

Documents Filed: Memorandum from Director Intergovernmental Relations Betsy Shotwell, dated October 15, 2007, recommending approval of the proposed designation of Council Member Kansen Chu as the voting delegate at the November 17, 2007 Annual Business Meeting for the National League of Cities.

Action: The designation of Council Member Kansen Chu as the voting delegate at the November 17, 2007 Annual Business Meeting for the National League of Cities in New Orleans, Louisiana was approved. (11-0.)

- 2.14 (a) Adoption of the following 2007-2008 Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #5 (382):**
- (1) Eliminate the Loan to the Neighborhood Security Bond Fund in the amount of \$2,322,000; and**
 - (2) Increase the Ending Fund Balance in the amount of \$2,322,000.**
- (b) Adoption of the following 2007-2008 Appropriation Ordinance and Funding Sources Resolution amendments in the Neighborhood Security Bond Fund (475):**
- (1) Decrease the estimate for Transfers in the amount of \$2,322,000;**
 - (2) Decrease the Fire Station 2 – Rebuild appropriation in the Fire Department in the amount of \$500,000; and**
 - (3) Decrease the Contingency Reserve in the amount of \$1,822,000.**
- (c) Adoption of the following 2007-2008 Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Fire Protection Services (392):**
- (1) Increase the Fire Station 2 – Rebuild appropriation in the Fire Department in the amount of \$500,000; and**
 - (2) Decrease the Ending Fund Balance in the amount of \$500,000.**

CEQA: Not a Project. (City Manager’s Office)
(Rules Committee referral 10/17/07)

Documents Filed: Memorandum from Deputy City Manager Deanna J. Santana, dated October 16, 2007, recommending adoption of appropriation ordinance and funding sources resolution amendments.

Action: [Ordinance No. 28153](#), entitled: “An Ordinance of the City of San José Amending Ordinance No. 28071 to Appropriate Monies in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District No. 5 for the Loan to the Neighborhood Security Bond Fund; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; [Ordinance No. 28157](#), entitled: “An Ordinance of the City of San José Amending Ordinance No. 28071 to Appropriate Monies in the

2.14 (Cont'd.)

Neighborhood Security Bond Fund for the Fire Station 2 Rebuild; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; and [Resolution No. 74070](#), entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 73862 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2007-2008 to Adjust Revenues in the Neighborhood Security Bond”; and Ordinance No. 28158, entitled: “An Ordinance of the City of San José Amending Ordinance No. 28071 to Appropriate Monies in the Construction Tax and Property Conveyance Tax Fund: Fire Protection Purposes for the Fire Station 2 Rebuild; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption” were adopted. (11-0.)

**2.15 As recommended by the Rules and Open Government Committee on October 3, 2007, approve the appointment of Luz Maria Rodriguez to serve as a private sector representative on the Work2future Board of Directors. (Mayor)
(Rules Committee referral 10/3/07)**

Documents Filed: Memorandum from City Clerk Lee Price, dated October 19, 2007, transmitting the recommendation of the Rules and Open Government Committee.

Action: The appointment of Luz Maria Rodriguez to serve as a private sector representative on the Work2future Board of Directors was approved. (11-0.)

END OF CONSENT CALENDAR

NEIGHBORHOOD SERVICES

5.3 As recommended by the Rules and Open Government Committee on September 12, 2007:

- (a) **Consideration of the report on the public hearing conducted by the San José Parks and Recreation Commission regarding a proposed smoking ban in public parks held on August 1, 2007.**
- (b) **Approval of an ordinance amending Sections 9.44.022, 9.44.030 and 9.44.040 of Chapter 9.44 of Title 9 of the San José Municipal Code to prohibit smoking in parks, community centers and libraries.**

CEQA: Not a Project. (Parks, Recreation and Neighborhood Services/City Attorney)

[Rules Committee referral 9/12/07 – Item (g)(1)]

Documents Filed: (1) Memorandum from Mayor Reed, Vice Mayor Cortese and Council Member Nguyen, dated October 19, 2007, recommending acceptance of the Staff Report with direction as depicted in “Action”. (2) Memorandum from City Clerk Lee Price, dated October 12, 2007, transmitting the recommendation of the Rules and Open Government Committee.

5.3 (Cont'd.)

Motion: Vice Mayor Cortese moved approval of the Staff recommendations and the memorandum he cosigned with Mayor Reed and Council Member Nguyen. Council Member Nguyen seconded the motion.

Council Member Constant objected to the ordinance because it will be difficult to enforce.

Discussion followed with direction as noted in “Action”.

Public Comments: Speaking in support to the proposed ban of smoking in public parks were Ross Signorino, Megan Young (San José State Smoke Free Policy Committee), Lan Liem (Community Advocate Teens of Today), Margo Sidener (Breathe California of Bay Area), Michael Pritchard (Pathway Society), John Ready (Foundation for Voice Restoration), Laura Williams and Robert Apgar.

Action: On a call for the question, the motion carried, [Ordinance No. 28159](#), entitled: “An Ordinance of the City of San José Amending Sections 9.44.022, 9.44.030 and 9.44.040 of Chapter 9.44 of Title 9 of the San José Municipal Code to Prohibit Smoking in Parks, Community Centers and Libraries”, was passed for publication and the memorandum from Mayor Reed, Vice Mayor Cortese and Council Member Nguyen approved the Staff recommendations, including the following: (1) Staff directed to work with the stakeholders to develop an ordinance implementation plan that includes utilizing cost effective signage and a comprehensive community notification plan. (2) Staff directed to develop and implement guidelines for smoking restrictions within golf courses. (10-1. Noes: Constant.)

STRATEGIC SUPPORT SERVICES

3.1 Report of the Rules and Open Government Committee – September 26, 2007 Mayor Reed, Chair

Documents Filed: The Rules and Open Government Committee Report dated September 26, 2007.

(a) City Council

- (1) Review October 2, 2007 City Council Agenda

The Committee approved the October 2, 2007 Agenda with four additions.

- (2) Review October 9, 2007 Draft City Council Agenda

None – Meeting Canceled.

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

**3.1 Report of the Rules and Open Government Committee – September 26, 2007
Mayor Reed, Chair (Cont'd.)**

- (c) Legislative Update
 - (1) State
 - (2) Federal

There were none.

- (d) Meeting Schedules
 - (1) Approve a City Council Study Session on Deferred Maintenance and Infrastructure Backlog for Thursday, October 25, 2007 from 9:00 a.m. – 12:00 Noon. Attachment: Memorandum from Deputy City Manager Ed Shikada, dated September 18, 2007, requesting approval to set a study session.

The Committee approved the study session.

- (e) The Public Record. Attachment: Memorandum from City Clerk Lee Price, dated September 20, 2007, transmitting items for the Public Record for the period of September 14-20, 2007.

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) Recommend staff to utilize the Public Art Core Process for Artist Selection and Design Review to explore a Public Safety Memorial for the Plaza of City Hall

Deferred to 10/24/07.

- (2) Approve Workload assessment for the Study of a Potential Inclusionary Housing Ordinance in San José. Attachment: Memorandum from Council Members Liccardo and Chirco, dated September 24, 2007, recommending approval of the work load, study session and focus groups.

The Committee approved the recommendations with Staff directed to notice the focus groups in compliance with the Brown Act and to provide updates on the work of the focus groups to the Council.

- (h) Review of Additions to Council Committee Agendas
 - (4) Public Safety, Finance and Strategic Support Committee. Attachment: Memorandum from Deputy City Manager Deanna J. Santana, dated September 21, 2007, requesting adding a progress report.

**3.1 Report of the Rules and Open Government Committee – September 26, 2007
Mayor Reed, Chair (Cont'd.)**

- (a) Add a progress report to the October 18, 2007 Committee meeting regarding Council Referral #18 from June 21, 2007 Special Council Meeting

The Committee approved the addition.

- (i) Open Government Initiatives - There were none.
- (j) Open Forum - None were presented.
- (k) Adjournment - The meeting was adjourned at 3:24 p.m.

Action: Upon motion by Vice Mayor Cortese, seconded by Council Member Oliverio and carried unanimously, the Rules and Open Government Committee Report and the actions of September 26, 2007 were accepted. (11-0.)

**3.2 Report of the Rules and Open Government Committee – October 3, 2007
Mayor Reed, Chair**

Documents Filed: Rules and Open Government Committee Report dated October 3, 2007.

- (a) City Council
 - (1) Review October 9, 2007 City Council Agenda

None – Meeting Canceled.
 - (2) Review October 16, 2007 Draft City Council Agenda

The Committee approved the October 16, 2007 Draft City Council Agenda with seven additions.
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
 - (1) State
 - (a) Accept the September 25, 2007 State Legislative Bill Matrix. Attachment: Memorandum from Director Intergovernmental Relations Betsy Shotwell and Legislative Representative Roxanne Miller, dated September 25, 2007, recommending acceptance of the report.

Legislative Representative Roxanne Miller presented an overview of the Legislative Bill Matrix.

- (2) Federal - There were none.

**3.2 Report of the Rules and Open Government Committee – October 3, 2007
Mayor Reed, Chair (Cont'd.)**

(d) Meeting Schedules

- (1) Approval to set a Study Session on the management of the Convention Center and Cultural Facilities on December 17, 2007. Attachment: Memorandum from Agenda Services Manager Nadine Nader, dated September 27, 2007, requesting approval to set a study session.

The Committee approved the study session.

- (e) The Public Record. Attachment: Memorandum from City Clerk Lee Price, dated September 27, 2007, transmitting items for the Public Record and Administration for the period of September 21-26, 2007.

The Committee noted and filed the Public Record.

(f) Appointments to Boards, Commissions and Committees

- (1) Oral Presentation of Boards/Commissions Fall Recruitment and Next Steps

Deputy City Clerk Nora Pimentel provided a verbal update of the 2007 fall recruitment for Boards/Commissions.

- (2) Approve appointment to the Work2future Board of Directors. Attachment: Memorandum from Mayor Reed, dated September 28, 2007, recommending approval of the appointment of Luz Maria Rodriquez.

The Committee approved the recommended appointment. See Item 2.15 for Council Action Taken.

(g) Rules Committee Reviews, Recommendations and Approvals

- (1) Recommend staff to utilize the Public Art Core Process for Artist Selection and Design Review to explore a Public Safety Memorial for the Plaza of City Hall
- (2) City Attorney's Response to referral dated August 29, 2007 from Rules and Open Government Committee

Deferred to 10/31/07.

- (3) Approve Ceremonial Guidelines. Attachment: Memorandum from Vice Mayor Cortese, dated September 27, 2007, recommending approval of the guidelines.

The Committee approved the guidelines and agreed to bring this item back to the Rules and Open Government Committee in January 2008 to evaluate the guidelines.

**3.2 Report of the Rules and Open Government Committee – October 3, 2007
Mayor Reed, Chair (Cont'd.)**

- (4) Recommend staff to negotiate and purchase land for the Willow Glen Spur Trail. Attachment: Memorandum from Council Member Oliverio, dated September 28, 2007, recommending that staff to negotiate and purchase land for the Willow Glen Spur Trail.

The Committee agreed to move this item to Council on October 23, 2007. See Item 5.2 for Council Action Taken.

- (5) Approve expenditure of Faith Leaders Appreciation Breakfast

The Committee approved the expenditure.

- (h) Review of Additions to Council Committee Agendas - There were none.

- (i) Open Government Initiatives

- (2) Sunshine Reform Task Force

- (a) Recommend meeting schedule for reviewing remaining provisions of Sunshine Reform Task Force Phase 1 Report

The Committee approved the proposed schedule for reviewing remaining provisions of the Sunshine Reform Task Force's Phase I recommendations, as amended.

- (j) Open Forum - None were presented.

- (k) Adjournment - The meeting was adjourned at 2:54 p.m.

Action: Upon motion by Vice Mayor Cortese, seconded by Council Member Pyle and carried unanimously, the Report of the Rules and Open Government Committee and the actions of October 3, 2007 were accepted. (11-0.)

3.4 Adoption of a Statement of Policy and City Council Questions related to the selection of a new Information Technology Director as described in the memo, in compliance with City Charter Section 411.1. CEQA: Not a Project. (Human Resources)

Documents Filed: Memorandum from Director of Human Resources Mark Danaj, dated October 9, 2007, recommending that Council adopt of Statement of Policy and City Council Questions.

Motion: Council Member Williams moved approval of the Staff recommendations. Council Member Pyle seconded the motion.

**3.2 Report of the Rules and Open Government Committee – October 3, 2007
Mayor Reed, Chair (Cont'd.)**

Council Member Liccardo requested to amend the motion by adding an additional set of questions as outlined in the “Action” below. Council Members Williams and Pyle accepted the amendment.

Action: On a call for the question, the motion carried unanimously, the Statement of Policy and City Council Questions was approved, with Staff requested to provide an additional set of questions, including: (1) What the experience of the individual is providing in IT services and content in multiple languages. (2) How the individual deals with people of different internet capacity and infrastructure, including different levels of expertise and familiarity with computers. (11-0.)

**3.5 Acceptance of the Report on City of San José Geographic Information Systems.
CEQA: Not a Project. (Public Works/Information Technology)**

Documents Filed: Memorandum from Director of Public Works Katy Allen and Director of Information Technology Randall Murphy, dated September 24, 2007, recommencing acceptance and transmitting the report on City of San José Geographic Information Systems.

Deputy Director of Public Works Philip Prince provided an overview of the San José Geographic Information Systems and responded to Council questions.

Public Comments: Matt Hood spoke in support to the Staff recommendation.

Action: Upon motion by Council Member Constant, seconded by Council Member Chirco and carried unanimously, the San José Geographic Information Systems Report was accepted. (11-0.)

**3.6 Report of the Rules and Open Government Committee – September 12, 2007
Mayor Reed, Chair**

Documents Filed: The Rules and Open Government Committee Report dated September 12, 2007.

(a) City Council

- (1) Review September 18, 2007 City Council Agenda

The Committee recommended approval of the September 18, 2007 City Council Agenda with six additions.

- (2) Review September 25, 2007 Draft City Council Agenda

The Committee recommended approval of the September 25, 2007 Draft City Council Agenda with four additions.

**3.6 Report of the Rules and Open Government Committee – September 12, 2007
Mayor Reed, Chair (Cont'd.)**

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

(c) Legislative Update

(1) State

Director of Intergovernmental Relations Betsy Shotwell Legislative and Representative Roxanne Miller provided a summary of the 2007 legislative priorities.

(2) Federal - There was none.

(d) Meeting Schedules - There were none.

(e) The Public Record. Attachment: Memorandum from City Clerk Lee Price, dated September 6, 2007, transmitting items for the Public Record and Administration for the period of August 31 – September 6, 2007.

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) Report of Public Hearing Regarding Smoking Ban in Public Parks. Attachment: Memorandum from Director of Parks, Recreation and Neighborhood Services Albert Balagso, dated August 24, 2007, recommending approval of the staff report.

The Committee approved the staff report and ordinance to be placed on the October 16, 2007 City Council Agenda. See Item 5.3 for Council action taken.

(2) Monthly Update on Public/Private Partnership Program. Attachment: Memorandum from Deputy City Manager Ed Shikada and Director of Human Resources Mark Danaj, dated September 6, 2007, recommending acceptance of the report.

The Committee approved this item to move forward to the Council on the October 2, 2007 City Council Agenda. Heard By Council 10/2/07 – Item 4.3.

(h) Review of Additions to Council Committee Agendas

(2) Neighborhood Services and Education Committee

(a) Amend Work Plan to include updates from the San José Education Foundation Homework Center Program.

**3.6 Report of the Rules and Open Government Committee – September 12, 2007
Mayor Reed, Chair (Cont'd.)**

The Committee approved the amended work plan.

- (i) Open Government Initiatives - There were none.
- (j) Open Forum - None were presented.
- (k) Adjournment - The meeting was adjourned at 3:15 p.m.
(Deferred from 10/2/07 – Item 3.1 and 10/16/07 – Item 3.1)

Action: Upon motion by Vice Mayor Cortese, seconded by Council Member Liccardo and carried unanimously, the Report of the Rules and Open Government Committee and the actions of September 12, 2007 were accepted. (11-0.)

**3.7 Report of the Rules and Open Government Committee – September 19, 2007
Mayor Reed, Chair**

Documents Filed: The Rules and Open Government Committee Report dated September 19, 2007.

- (a) City Council
 - (1) Review September 25, 2007 City Council Agenda

The Committee approved the September 25, 2007 City Council Agenda with five additions.
 - (2) Review October 2, 2007 Draft City Council Agenda

The Committee approved the October 2, 2007 Draft City Council Agenda six additions.
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
 - (1) State
 - (2) Federal

There were none.
- (d) Meeting Schedules. Attachment: Memorandum from Chief Development Officer Paul Krutko, dated September 10, 2007, requesting a special meeting on October 9, 2007 and approval to amend the start time of October 22, 2007 meeting.
 - (1) (a) Approve special meeting request of the Community and Economic Development Committee on October 9, 2007, starting at 1:00 p.m. – 3:30 p.m.

**3.7 Report of the Rules and Open Government Committee – September 19, 2007
Mayor Reed, Chair (Cont'd.)**

- (b) Approval to amend the start time of the October 22, 2007 Community and Economic Development Committee meeting to 1:00 p.m.

The Committee approved the meeting schedules.

- (e) The Public Record. Attachment: Memorandum from City Clerk Lee Price, dated September 13, 2007, transmitting items for the Public Record for the period of September 7-13, 2007.

The Committee noted and filed the Public Record.

- (f) Appointments to Boards, Commissions and Committees
 - (1) Approve reappointment of incumbents to the Committee for Transit Authority

The Committee approved the reappointments. Heard by Council 9/25/07, Item 2.7.

- (2) Approve appointments to the work2future Board of Directors

The Committee approved the reappointments. Heard By Council 9/25/07, Item 2.8.

- (g) Rules Committee Reviews, Recommendations and Approvals. Attachments: (1) Memorandum from Council Member Constant, dated September 13, 2007, recommending expanding the Clean Air Vehicle Program. (2) Memorandum from Director of Transportation James Helmer, dated September 14, 2007, recommending acceptance of the report.

- (1) Clean Air Vehicle Program:
 - (a) Consider Council Member Constant's proposal to Expand the Program
 - (b) Review Department of Transportation's Workload Assessment of Expansion of the Program

The Committee approved to forward this item to the full Council for consideration. See Item 7.1 for Council Action Taken.

- (2) Proposal for a citywide inclusionary housing policy

Deferred to 9/26/07.

- (3) Approval of Festival in the Park Donation and use of funds

**3.7 Report of the Rules and Open Government Committee – September 19, 2007
Mayor Reed, Chair (Cont'd.)**

The Committee approved to forward this item to the full Council for consideration. Heard By Council 9/25/07 – Item 2.9.

- (h) Review of Additions to Council Committee Agendas
 - (1) Community and Economic Development Committee
 - (a) Add the entitled report “Hispanic Heritage Baseball Museum Hall of Fame” to the October 9, 2007 committee meeting
The Committee approved the addition.

(i) Open Government Initiatives - There were none.

(j) Open Forum

William Garbett commented on a recent newspaper article and complained about Police Department undercover surveillance in his neighborhood.

(k) Adjournment - The meeting was adjourned at 2:40 p.m.
(Deferred from 10/16/07 – Item 3.2)

Action: Upon motion by Vice Mayor Cortese, seconded by Council Member Oliverio and carried unanimously, the Report of the Rules and Open Government Committee and the actions of September 19, 2007 were accepted. (11-0.)

COMMUNITY & ECONOMIC DEVELOPMENT

**4.1 Report of the Community & Economic Development Committee – October 9, 2007
Council Member Pyle, Chair**

Documents Filed: The Community and Economic Development Committee Report dated October 9, 2007.

- (a) Review of Committee Work Plan
- (b) Pilot Program: Small Shopping Centers Improvement Update. Attachment: Memorandum from Chief Development Officer Paul Krutko, dated September 21, 2007, recommending acceptance of the report.

The Committee accepted the Staff report.

- (c) Proposition 1C Housing and Emergency Shelter Trust Fund. Attachment: Memorandum from Director of Housing Leslye Krutko, dated September 20, 2007, recommending acceptance of the report.

The Committee accepted the Staff report.

**4.1 Report of the Community & Economic Development Committee – October 9, 2007
Council Member Pyle, Chair (Cont'd.)**

- (d) Hispanic Heritage Baseball Museum Hall of Fame. Attachment: Memorandum from Chief Development Officer Paul Krutko, dated September 20, 2007, recommending acceptance of the report.

The Committee accepted the Staff report.

- (e) Status Update on the Berryessa Flea Market. Attachment: Memorandum from Chief Development Officer Paul Krutko, dated September 21, 2007, recommending acceptance of the report.

The Committee accepted the Staff report.

- (f) Oral Petitions - None were presented.

- (g) Adjournment - The meeting was adjourned at 2:48 p.m.

Action: Upon motion by Council Member Pyle, seconded by Council Member Campos and carried unanimously, the Report of the Community and Economic Development Committee and the actions of October 9, 2007 were accepted. (11-0.)

4.2 Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

- (a) Increase the Economic Uncertainty Reserve by \$2,400,000; and**

- (b) Increase the estimate for Other Revenue by \$2,400,000.**

CEQA: Not a Project. Council District 10. (Public Works/City Manager's Office)

[Deferred from 9/11/07 – Item 2.8 (b)]

Documents Filed: Memorandum from Budget Director Larry Lisenbee, dated October 18, 2007, recommending that Item 4.2 be dropped to allow additional time to research the appropriate disposition of funds.

Action: Item 4.2 was dropped.

- 4.3 (a) Adoption of a resolution affirming the previously adopted Council guidelines on Sister City Affiliations and amending the guidelines to include consideration of a new Sister City affiliation only after that City has been established as an Economic Partnership City and tangible results can be demonstrated.**

Action: Deferred to December 2007.

4.3 (b) Direction to staff to:

- (1) Pursue a select number of new relationships with International City-Regions as appropriate for mutual economic benefit, taking the form either of informal working relationships or formal economic partnership agreements.**
- (2) Seek opportunities to strengthen economic and professional linkages with existing Sister Cities that are also high-tech centers, where applicable.**
- (3) Participate, when appropriate, with the Bay Area Council's 2007 Memorandum of cooperation with the Shanghai-Hong Kong Council for the Promotion and Development of Yangtze.**
- (4) Acknowledge and encourage businesses, civic organizations, schools and residents to initiate and maintain global relationships with peers and partners around the world.**
- (5) Create a Citywide account at mid-year to fund travel-related expenses for the mayor or Council Member to participate in an official sister city delegation or Economic Development mission, and to pay expenses associated with hosting official sister city delegations or other high-level international visitors.**

CEQA: Not a Project. (Economic Development)

Documents Filed: Replacement memorandum from Chief Development Officer Paul Krutko, dated October 1, 2007, recommending adoption of a resolution and recommendations as depicted above.

Motion: Council Member Pyle moved approval of the Staff recommendations with direction to Staff to pursue international business and economic development partnerships; to consult with Dennis King and Pacific Neighbors to explore opportunities of oversight and/or management of existing Sister City relationships; and further, to return to Council with recommendations before the end of the year. Council Member Nguyen seconded the motion.

Council Member Campos requested to amend the motion by adding the Sister City Program to the Mayor's List Committee Assignments and assign a Mayoral or Council office liaison. Council Members Pyle and Nguyen accepted the amendment.

Council Member Nguyen requested that the Sister City guidelines are posted on the website.

Chief Development Officer Paul Krutko responded to Council questions and discussion ensued.

In response to Council Member Chu request, Council Member Pyle requested that Staff explore the possibility of eliminating the "One Sister City One Nation" requirement.

4.3 (Cont'd.)

Council Member Liccardo offered the following amendment: request that Staff report back to the Council regarding the extent the City and its partners are effectively leveraging volunteer and community support in the Sister City Program. Council Members Pyle and Nguyen accepted the amendment.

Public Comments: Abby Duran, Mark Warlick and Dennis King (Pacific Neighbors/Sister Cities) urged Council to keep the vision of using citizens to solve the problems and to postpone this action. Mark Trout spoke off topic.

Extensive Council discussion followed.

Substitute Motion on Item 4.3(a): Council Member Chirco moved to defer Item 4.3(a) to December 7, 2007. Council Member Oliverio seconded the motion. (11-0.)

Final Action on Item 4.3(a)-(f): Upon motion by Council Member Pyle, seconded by Council Member Nguyen and carried unanimously, Item 4.3(b)-(f) of the Staff recommendations were approved, as amended, with Staff directed to: (1) Pursue international business and economic development partnerships. (2) Consult with Dennis King and Pacific Neighbors to explore opportunities of oversight and/or management of existing Sister City relationships and return to Council with recommendations before the end of the year. (3) Add the Sister City Program to the Mayor's List Committee Assignments; assign a Mayoral or Council office liaison. (4) Explore the possibility of eliminating the "One Sister City One Nation" requirement. (5) Report back to the Council regarding the extent the City and its partners are effectively leveraging volunteer and community support in the Sister City Program. (6) Post information about the Sister City Program on the website. (11-0.)

4.4 **Acceptance of Staff's approach to schedule selected pending Planning applications for Early Consideration by the City Council for continued processing or denial. CEQA: Resolution No. 65459. (Planning, Building and Code Enforcement)**

Documents Filed: Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated September 24, 2007, recommending acceptance of Staff's approach.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Oliverio and carried unanimously, Staff's approach to schedule selected pending Planning applications for Early Consideration by the City Council for continued processing or denial was approved. (11-0.)

NEIGHBORHOOD SERVICES

5.1 Report of the Neighborhood Services and Education Committee – October 11, 2007 Council Member Chirco, Chair

Action: Deferred to October 30, 2007 per Orders of the Day.

5.2 As recommended by the Rules and Open Government Committee on October 3, 2007, direct staff to move forward in negotiating a final price within the available project budget and purchasing the land that is for sale from Union Pacific between the boundary of Los Gatos Creek and Highway 87 that has been identified in the Greenprint for the Willow Glen Spur Trail. (Oliverio) [Rules and Open Government Committee referral 10/03/07 – Item (g)(4)]

Action: Deferred to November 6, 2007 in the Evening per District 6.

- 5.4 (a) Adoption of a resolution approving a new Council policy on Grants to Outside Entities.
- (b) Adoption of a resolution approving a new Council policy on Emergency Financial Assistance to Non-Profit Organizations.
- (c) Direct staff to incorporate the following requirement related to web posting of financial information to the City's standard terms and conditions for grant agreements and operating subsidy agreements:
- (1) For organizations receiving cumulative City grant or operating subsidy funding greater than \$200,000 in a fiscal year, the organization shall post their most recent yearly audited financial statement on their organization's web site and not later than 30 days after receipt of the audited financial statement.

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

[Neighborhood Services and Education Committee referral 10/11/07 – Item (d)]

Public Comments: Clark Williams spoke in favor of the recommendation.

Action: Upon motion by Council Member Pyle, seconded by Council Member Nguyen and carried unanimously, Item 5.4 was deferred to October 30, 2007.

TRANSPORTATION & AVIATION SERVICES

6.2 Adoption of resolutions:

- (a) Amending the exemption approved for the San Pedro Street Traffic Calming Pilot Project at the June 05, 2007 Council meeting, to provide for traffic calming measures other than road lumps.
- (b) Exempting the Blewett Avenue Traffic Calming Pilot Project from the Traffic Calming Policy 5-6.

CEQA: Exempt, File No. PP06-071. Council District 3. (Transportation)

6.2 (Cont'd.)

Documents Filed: (1) Memorandum from Director of Transportation James Helmer, dated October 10, 2007, recommending adoption of the resolutions. (2) Neighborhood Petition containing fifty six signatures dated October 23, 2007, submitted for the record by Council Member Oliverio.

Council Member Oliverio presented for the record a neighborhood petition of fifty-six signatures obtained from the residents on Blewett Avenue in favor of traffic calming pilot project.

Motion: Council Member Oliverio moved approval of the San Pedro Street Traffic Calming and the Blewett Avenue Traffic Calming Pilot Projects. Council Member Liccardo seconded the motion.

Public Comments: Harvey Darnell and Bill Cardoza spoke in support of the traffic calming pilot projects.

Action: On a call for the question, the motion carried unanimously, [Resolution No. 74071](#), entitled: "A Resolution of the Council of the City of San José Amending the Exemption Approved for the San Pedro Street Traffic Calming Pilot Project at the June 5, 2007 City Council Meeting, to Provide for Traffic Calming Measures other than Road Lump" and [Resolution No. 74072](#), entitled: "A Resolution of the Council of the City of San José Exempting the Blewett Avenue Traffic Calming Project from the Traffic Calming Policy 5-6", were adopted. (11-0.)

ENVIRONMENTAL & UTILITY SERVICES

- 7.1 (a) **Adopt a resolution establishing a goal of 75% waste diversion by 2013, and a goal of Zero Waste by 2022.**
- (b) **Direct staff to complete waste characterization studies and return to the Transportation and Environment Committee with those results by August 2008.**
- (c) **Direct staff to return by the end of 2008 for Council consideration of an Integrated Waste Management Master Plan to achieve zero waste goals.**

CEQA: Not a Project. (Environmental Services)

[Transportation and Environment Committee referral 10/1/07 – Item (b)]

Action: Deferred to October 30, 2007 per Rules and Open Government Committee.

COMMUNITY & ECONOMIC DEVELOPMENT

- 4.5 (a) **Adoption of the proposed Framework for Preservation of Employment Lands.**
- (b) **Direct the Administration to initiate General Plan text amendments for Discretionary Alternate Use Policies to allow, without the requirement of a change in a General Plan land use designation on a site, commercial uses or a combination of commercial and industrial uses on sites designated exclusively for industrial uses if specific criteria are met and to delete text in the General Plan for Discretionary Alternate Use Policies that currently allows non-employment uses on land designated for Light Industrial or Heavy Industrial uses.**

CEQA: Resolution No. 65459. (Planning, Building and Code Enforcement)

Documents Filed: (1) Memorandum from Mayor Reed and Council Members Nguyen, Pyle and Williams, dated October 19, 2007, recommending approval of the Staff recommendations with clarifications as depicted below in “Action”. (2) Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated October 2, 2007, recommending adoption of the Framework for Preservation of Employment Lands and direction as indicated above. (3) Letter from Matteoni, O’Laughlin & Hechtman Lawyers, dated October 22, 2007, regarding the Framework for Preservation of Employment Lands. (4) Neighborhood petition consisting of 24 signatures dated October 23, 2007 regarding the Framework for Preservation of Employment Lands.

Chief Development Officer Paul Krutko and Assistant Director of Planning, Building and Code Enforcement Laurel Prevetti presented the framework for preservation of employment land.

Motion: Council Member Nguyen moved approval of the memorandum she cosigned with Mayor Reed and Council Members Pyle and Williams. Council Member Williams seconded the motion.

Assistant Director of Planning, Building, and Code Enforcement Laurel Prevetti and City Attorney Richard Doyle responded to Council questions and discussion ensued.

Council Member Liccardo requested an addition to the motion to avoid the risk of “predatory bidding” by developers to kill the competitors’ proposals without making good on their own promises to deliver requested projects, and that Staff direction is needed about assurances or commitments that must be given prior to the date of Council approval. The amendment was accepted by Council Members Nguyen and Williams.

4.5 (Cont'd.)

Public Comments: Speaking in favor of the Staff recommendations and the motion on the floor were Helen Chapman, Erik Schoennauer (Silverstone Communities), John McMorrow (Silverstone Development), Beverly Bryant (Homebuilders Association of Northern California), Pat Sausedo (NAIOP, Silicon Valley), David Neale (The Core Companies), George Gummow, Pat Dando (San José Silicon Valley Chamber of Commerce), Brian Schmidt (Committee for Green Foothills), Chris Block, Kerri Hamilton, Harvey Darnell and Ed Rast.

Action: On a call for the question, the motion carried unanimously, the memorandum from Mayor Reed, and Council Members Nguyen, Pyle and Williams was approved, the Staff recommendations were approved with the following clarifications: (1) The following are not employment land conversions and are not governed by the framework: (a) Rezonings that are consistent with existing General Plan land use designation. (b) Rezonings that are consistent with existing Specific Plan land use designation. (c) Changes from Industrial Park to Combined Industrial/Commercial Uses. (d) Conditional Use Permits for Emergency Residential Shelters and SRO's per the Zoning Code. (e) Development of sites in the General Plan designations of Commercial in Neighborhood Business Districts under Discretionary Alternative Use Policies as appropriate, with preference for mixed use. (f) Public Schools. (2) Commercial uses or a combination of industrial and commercial uses should be considered on small or unusually configured remnant industrial designated sites per the proposed Discretionary Alternative Use Policies. Staff directed to develop specific criteria to allow for some flexibility on such sites. Other uses for small or unusually configured industrial sites will be considered by the General Plan Task Force at the appropriate time. (3) Small, isolated remnant commercial parcels that are degrading neighborhoods and are no longer suitable for commercial uses may be considered for conversion for affordable housing projects which include Extremely Low Income units and/or schools, assembly uses and other Public/Quasi Public Uses, secured by a Development Agreement or similar mechanism. Staff directed to identify such remnant parcels and make the information publicly available. (4) Proposal to designate employment lands for conversion to non-employment uses in support of public infrastructure, such as BART or Lightrail, must be accompanied by a proposal to offset the loss of Light Industrial Lands as recommended by City Staff. Proposals for conversions to residential use in support of BART or Lightrail should include a significant portion of Extremely Low Income units and other affordable units, secured by a Development Agreement or similar mechanism. Staff to coordinate the direction with the discussions that are currently in progress on a proposal for citywide inclusionary housing. (5) There are currently 12 pending General Plan Amendments involving the loss of 147 acres of employment lands. These pending applications could generate an estimated 3,600 dwelling units. All pending conversion applications to be processed under the Preservation Framework and agenda'd for Council consideration at one time, no later than the end of March 2008, if ready. (6) Staff directed to not pursue a mitigation fee program or monetary capital contributions for economic development. (7) Further, Staff to assess and return to Council with a plan for implementing a Proposal for Applicants Seeking "Extraordinary Economic Benefit" Exception: (a) Beginning in 2008, all applications for conversion of employment lands which seek the "Extraordinary

4.5 (Cont'd.)

Economic Benefit” (EEB) exception must have a pro forma and statement of intent on file with the City on a date sufficiently in advance (i.e. ca. 9 months prior) of the date of the General Plan hearing. That application will trigger a public bidding process, akin to a Request for Proposals, for a period of time (i.e. the next three months). During that time, the City may publicly entertain any requests for conversions of parcels of employment lands on the basis of EEB, so that developers may make competitive offers with packages that similarly offer benefits of an economic or fiscal nature. (b) The nature and scope of these benefits will be dictated by Council, however and not by the developers. Each year, the Council will approve a list of major economic development and infrastructure projects which cannot be funded in the near future due to projected budget limitations. That list shall be publicly available for the development community and competitive “bids” in the EEB process must incorporate one or more of those identified unfunded projects. Capital projects or other requirements which lie within the ordinary course of development obligations, such as parks funded by PDO fees, standard transportation impact mitigation, will not qualify as EEB projects. (c) Council must consider all such EEB proposals at the same General Plan Amendment hearing and Council may not select any more than one of the proposals in any given year. The Council may decide to reject all of them and should do so if all of the proposals fail to meet or exceed predetermined Council objectives. (d) Council’s objectives for identifying a project, if any, for “extraordinary economic benefit” must include first and foremost: (1) Whether the conversion comports with sound planning principles, particularly “smart growth”. (2) Whether the conversion likely increases overall revenues to the General Fund or alternatively, on other City or Agency accounts, either by explicit payment or revenue stream. (3) Whether the conversion likely increases the overall impact on jobs and economic development in San José. (e) To avoid the risk of “predatory bidding” by developers to kill the competitors’ proposals without making good on their own promises to deliver requested projects, Staff direction is needed about assurances or commitments that must be given prior to the date of Council approval.

NOTICE OF CITY ENGINEER’S PENDING DECISION ON FINAL MAPS

In accordance with Sec. 19.16.140d of the San José 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>
9955	E/S of Taft Dr, 200’N of Blossom Valley Dr	9	Masoumi Brothers LLC	5 Lots / 5 Units	SFD

OPEN FORUM

Documents Filed: KQED Perspective dated October 23, 2007 submitted by Brian Schmidt, Committee for Green Foothills.

- (1) Brian Schmidt (Committee for Green Foothills) submitted his speech from KQED Perspective regarding environmental concerns.
- (2) William Garbett asked for a definition of “extraordinary economic benefits” (on file in the Office of the City Clerk).
- (3) Mark Trout expressed religious viewpoints.
- (4) Robert Apgar shared personal observations.

ADJOURNMENT

The Council of the City of San José adjourned at 6:33 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

Lee Price, MMC
City Clerk

smd/10-23-07MIN

Access the video, the agenda and related reports for this meeting by visiting the City's website at <http://www.sanjoseca.gov/clerk/agenda.asp> or <http://www.sanjoseca.gov/clerk/MeetingArchive.asp>

JOINT REDEVELOPMENT AGENCY

The Joint Redevelopment Agency Board convened at 6:40 p.m. to consider Items 8.1 and 8.2 in a Joint Session.

- 8.1 (a) Adoption of a resolution by the City Council making certain determinations required by Redevelopment Law, Health and Safety Code Section 33445, for Agency funding of public improvements for the Guadalupe River Park and Gardens Heritage Plaza Project.**
- (b) Redevelopment Agency Board approval of a consultant agreement with Royston Hanamoto Alley & Abey, in the amount of \$50,400, for landscape architectural and construction phase services in connection with the Guadalupe River Park and Gardens Heritage Plaza Project.**

CEQA: Addendum to Downtown Strategy 2000 EIR, Resolution 72767, File No. PP07-226. [MERGED]

Documents Filed: Memorandum from Redevelopment Agency Executive Director Harry S. Mavrogenes, dated October 11, 2007, recommending adoption of a resolution and approval of a consultant agreement.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Pyle and carried unanimously, [Resolution No. 74073](#), entitled: “A Resolution of the Council of the City of San José Making Certain Determinations Required by Redevelopment Law, Health and Safety Code Section 33445 for Agency Funding of Public Improvements for the Guadalupe River Park and Gardens Heritage Plaza Project”, was adopted and the consultant agreement with Royston Hanamoto Alley & Abey, in the amount of \$50,400, for landscape architectural and construction phase services in connection with the Guadalupe River Park and Gardens Heritage Plaza Project was approved. (9-0-2. Absent: Cortese, Oliverio.)

- 8.2 Adoption of resolutions by the City Council and Agency Board approving a Relocation Plan for the proposed Diridon Mixed-use Site assembly, generally bounded by West San Fernando Street, Park Avenue, the Union Pacific Railroad tracks and South Autumn Street. CEQA: Downtown Strategy 2000 EIR, Resolution 72767. [MERGED]**

Documents Filed: Memorandum from Redevelopment Agency Executive Director Harry S. Mavrogenes, dated October 9, 2007, recommending adoption of resolutions.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Pyle and carried unanimously, [Resolution No. 74074](#), entitled: “A Resolution of the Council of the City of San José Approving a Relocation Plan for the Proposed Diridon Mixed Use Site Assembly, Generally Bounded by West San Fernando Street, Park Avenue, the Union Pacific Railroad Tracks and South Autumn Street”, and [Redevelopment Agency Resolution No. 5794](#) were adopted. (9-0-2. Absent: Cortese, Oliverio.)

The Council of the City of San José and Redevelopment Agency Board adjourned at 6:41 p.m.