

CITY COUNCIL AGENDA

OCTOBER 23, 2007

SYNOPSIS

PETE CONSTANT
FORREST WILLIAMS
SAM LICCARDO
KANSEN CHU
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON P. NGUYEN
JUDY CHIRCO
NANCY PYLE

DAVID D CORTESE, VICE MAYOR

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

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

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

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

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

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

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

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

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

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

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

- **Call to Order and Roll Call**
9:01 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: None.

1:34 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: None.
- **Invocation (District 9)**
Reverend Ed McNeill, St. Edward's Episcopal Church presented the Invocation.
- **Pledge of Allegiance**
Mayor Reed led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and Amended Agenda were approved, with Item 2.1(b) and Item 5.1 deferred to 10/30/07 and Item 2.3 dropped.
- **Closed Session Report**
No Report.

1. 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)
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)
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. CEREMONIAL ITEMS

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

2. CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of minutes.

- (a) Regular minutes of August 7, 2007.

Approved.

- (b) Regular minutes of August 14, 2007.

Deferred to 10/30/07 per Orders of the Day.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

- (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.

Ordinance No. 28144 adopted.

- (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.

Ordinance No. 28149 adopted.

2. CONSENT CALENDAR

2.3 Approval of Council Member Campos' Travel to San Diego, CA.

Recommendation: 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)

Dropped per Orders of the Day.

2.4 Approval to conduct the San José Sports Hall of Fame Induction Ceremony at the HP Pavilion.

Recommendation: 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)

Approved, with clarification that the event date is November 14, 2007.

2.5 Approval of actions related to the Amgen Tour of California.

Recommendation:

(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;

Approved.

(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

Resolution No. 74064 adopted.

(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)

Resolution No. 74065 adopted.

2. CONSENT CALENDAR

2.6 Approval of actions related to a Targeted Employment Area.

Recommendation: Adoption of resolutions:

- (a) Approving the boundaries of the Targeted Employment Area.

Resolution No. 74066 adopted.

- (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)

Resolution No. 74067 adopted.

2.7 Approval of actions related to the freight elevator at the San José Museum of Art.

Recommendation:

- (a) Reject the sole bid for the repair of the freight elevator at the San José Museum of Art.

Bid rejected.

- (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)

Resolution No. 74068 adopted.

2.8 Approval to extend the term for the line of credit for the Dolce Hayes Mansion.

Recommendation: 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)

Resolution No. 74069 adopted.

2.9 Request for an excused absence for Mayor Reed.

Recommendation: 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)

Approved.

2. CONSENT CALENDAR

2.10 Approval of the Master Plan for the new West Evergreen Park.

Recommendation: 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)

Approved.

2.11 Approval of the Master Plan for the new Newhall Park.

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

Approved.

2.12 Approval of actions related to the Master Plan for the Lower Silver Creek Trail.

Recommendation: 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)

Deferred to 10/30/07 Per Administration.

2.13 Approval to designate Council Member Chu as a voting delegate for the National League of Cities Meeting on November 17, 2007.

Recommendation: 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)

Approved.

2.14 Acceptance of the 2006-2007 Annual Report supplemental actions.

Recommendation:

- (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.

Ordinance No. 28153 adopted.

2. CONSENT CALENDAR

2.14 Acceptance of the 2006-2007 Annual Report supplemental actions (Cont'd.)

- (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.

Ordinance No. 28157 adopted.

Resolution No. 74070 adopted.

- (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)

Ordinance No. 28158 adopted.

2.15 Approval of Work2future Board of Directors nomination.

Recommendation: 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)

Approved.

3. STRATEGIC SUPPORT SERVICES

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

- (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. STRATEGIC SUPPORT SERVICES

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.
The Committee approved the study session.

- (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) 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
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
 - (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.

3. STRATEGIC SUPPORT SERVICES

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

(k) Adjournment

The meeting was adjourned at 3:24 p.m.

The Rules and Open Government Committee Report and the Actions of September 26, 2007 were accepted.

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

(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
Legislative Representative Roxann Miller presented an overview of the Legislative Bill Matrix.

(2) Federal

There were none.

(d) Meeting Schedules

(1) Approval to set a Study Session on the management of the Convention Center and Cultural Facilities on December 17, 2007
The Committee approved the study session.

(e) The Public Record

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

3. STRATEGIC SUPPORT SERVICES

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

- (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
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.
 - (4) Recommend 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.

The Report of the Rules and Open Government Committee and the Actions of October 3, 2007 were accepted.

3. STRATEGIC SUPPORT SERVICES

- 3.3 **Report of the Public Safety, Finance and Strategic Support Committee
Council Member Nguyen, Chair**
No Report.

- 3.4 **Approval of Statement of Policy for the Information Technology Director position.**

Recommendation: 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)

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.**

- 3.5 **Acceptance of the report on Geographic Information Systems.**

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

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

- (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.
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
 - (1) State
Director of Intergovernmental Relations Betsy Shotwell Legislative and Representative Roxann Miller provided a summary of the 2007 legislative priorities.
 - (2) Federal
There was none.

3. STRATEGIC SUPPORT SERVICES

3.6 Report of the Rules and Open Government Committee – September 12, 2007

Mayor Reed, Chair (Cont'd.)

(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) Report of Public Hearing Regarding Smoking Ban in Public Parks

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

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 Workplan to include updates from the San José Education Foundation Homework Center Program

The Committee approved the amended work plan.

(i) Open Government Initiatives

There were none.

(j) Open Forum

None were presented.

(k) Adjournment

(Deferred from 10/2/07 – Item 3.1 and 10/16/07 – Item 3.1)

The meeting was adjourned at 3:15 p.m.

The Report of the Rules and Open Government Committee and the Actions of September 12, 2007 were accepted.

3. STRATEGIC SUPPORT SERVICES

3.7 Report of the Rules and Open Government Committee – September 19, 2007

Mayor Reed, Chair

(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

(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.

(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

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.

3. STRATEGIC SUPPORT SERVICES

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

- (g) Rules Committee Reviews, Recommendations and Approvals
 - (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
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
(Deferred from 10/16/07 – Item 3.2)
The meeting was adjourned at 2:40 p.m.

The Report of the Rules and Open Government Committee and the Actions of September 19, 2007 were accepted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

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

- (a) Review of Committee Workplan
- (b) Pilot Program: Small Shopping Centers Improvement Update
The Committee accepted the Staff report.
- (c) Proposition 1C Housing and Emergency Shelter Trust Fund
The Committee accepted the Staff report.
- (d) Hispanic Heritage Baseball Museum Hall of Fame
The Committee accepted the Staff report.
- (e) Status Update on the Berryessa Flea Market
The Committee accepted the Staff report.
- (f) Oral Petitions
None were presented.
- (g) Adjournment
The meeting was adjourned at 2:48 p.m.

The Report of the Community and Economic Development Committee and the Actions of October 9, 2007 were accepted.

4.2 Approval of budget actions related to the sale of City-owned property located on Corte De Rosa and Camden Avenue.

Recommendation: 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)]
Dropped.

4.3 Approval of actions related to the City's Sister City Program.

Recommendation:

- (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.

Deferred to December 2007.

(Continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Approval of actions related to the City's Sister City Program (Cont'd.)

- (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)

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.**

4.4 Acceptance of the process for early consideration as it relates to planning applications.

Recommendation: 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)

Approved.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.5 Approval of the proposed Framework for Preservation of Employment Lands.

Recommendation:

- (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)

The memorandum from Mayor Reed, and Council Members Nguyen, Pyle and Williams approved the Staff recommendations with the following clarifications:

- (1) **The following are not employment land conversions and are not governed by the framework:**
 - (a) **Rezoning that are consistent with existing General Plan land use designation.**
 - (b) **Rezoning 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.**

(Continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.5 Approval of the proposed Framework for Preservation of Employment Lands (Cont'd.)

- (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 agendized 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 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.****

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4. COMMUNITY & ECONOMIC DEVELOPMENT

4.5 Approval of the proposed Framework for Preservation of Employment Lands (Cont'd.)

- (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.

5. NEIGHBORHOOD SERVICES

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

- (a) Report on the 2007 Summer Aquatics. (PRNS)
 - (b) San José Education Foundation Update on Homework Center Program
 - (c) Evaluation of Second Unit Pilot Program
Heard By Council 10/16/07.
 - (d) Approval of Proposed Grants Policy and a Proposed Emergency Grants Policy and Procedure
See Item 5.4 for Council Action Taken.
 - (e) Strong Neighborhoods Monthly Update
 - (1) Renewing the Action Agenda Update.
 - (2) Richmond-Menker Neighborhood Assessment.
 - (f) Schools/City Collaborative Monthly Update
 - (g) Review of Relevant Legislative Guiding Principles for 2008
 - (h) Oral Petitions
 - (i) Adjournment
- Deferred to 10/30/07 per Orders of the Day.**

5. NEIGHBORHOOD SERVICES

5.2 Approval of actions related to the Willow Glen Spur Trail.

Recommendation: 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)]

Deferred to 11/06/07 in the Evening per District 6.

5.3 Acceptance of the report on the public hearing conducted by the San José Parks and Recreation Commission and approval of an ordinance regarding a proposed smoking ban in public parks.

Recommendation: 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.

Approved.

Noes: Constant.

- (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)]

Ordinance No. 28159 passed for publication.

Noes: Constant.

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.**

Noes: Constant.

5. NEIGHBORHOOD SERVICES

5.4 Approval of the Proposed Grants Policy and the Proposed Emergency Grants Policy and Procedure.

Recommendation:

- (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)]

Deferred to 10/30/07.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Transportation and Environment Committee Council Member Williams, Chair No Report.

6.2 Approval of actions related to the San Pedro Street and Blewett Avenue Traffic Calming Pilot Projects.

Recommendation: 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.

Resolution No. 74071 adopted.

- (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)

Heard before Item 4.5.

Resolution No. 74072 adopted.

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval of actions related to Zero Waste Goals.

Recommendation:

- (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)]

Deferred to 10/30/07 per Rules and Open Government Committee.

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

- 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

- Notice of City Engineer's Award of Construction Projects

None.

- **Open Forum**
 - (1) **Brian Schmidt 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.

8. JOINT REDEVELOPMENT AGENCY ITEM

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 Approval of an agreement with Royston Hanamoto Alley & Abey for landscape architectural and construction phase services.

Recommendations:

- (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.

Resolution No. 74073 adopted.

- (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]

Approved.

8.2 Approval of a Relocation Plan for the proposed Diridon Mixed-use Site assembly area.

Recommendation: 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]

Resolution No. 74074 adopted.

Redevelopment Agency Resolution No. 5794 adopted.

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