

CITY COUNCIL AGENDA

NOVEMBER 14, 2006

SYNOPSIS

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

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES, MAYOR

KEN YEAGER
MADISON P. NGUYEN
DAVID D. CORTESE
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

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

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

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

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

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

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

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

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.asp. 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, City Hall Tower, 18th Floor, City Hall
Absent Council Members: Campos, Cortese. (Excused)

1:33 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: Campos, Cortese. (Excused)

7:00 p.m. - General Plan Hearings, Council Chambers, City Hall
Public Hearings, Council Chambers, City Hall
Absent Council Members: Campos, Cortese. (Excused)
- **Invocation (District 10)**
California Line Dance Association of America (CLDAA).
- **Pledge of Allegiance**
Mayor Gonzales led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved.

City Manager Les White announced the appointment of Joe Horwedal as Director of Planning Building and Code Enforcement.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation declaring the week of November 12-18, 2006 as National Hunger and Homelessness Awareness Week. (Housing)
Mayor Gonzales and Director of Housing Leslye Krutko recognized the week of November 12-18, 2006 as “National Hunger and Homelessness Awareness Week.

1. CEREMONIAL ITEMS

- 1.2 Presentation of a commendation congratulating the San José Holiday Parade Team. (Parks, Recreation and Neighborhood Services)
Mayor Gonzales recognized and commended the San José Holiday Parade Team for their outstanding efforts.
- 1.3 Presentation of a commendation recognizing various City departments for best practices in employee recognition efforts. (Human Resources)
Deferred to 11/21/06.
- 1.4 Presentation of a commendation to Herschel Higgins for his heroic service to the United States of America during World War II. (Pyle)
(Rules Committee referral 11/01/06)
Mayor Gonzales and Council Member Pyle recognized and commended Mr. Herschel Higgins for his heroism during World War II.
- 1.5 Presentation of a proclamation declaring November 15th as San José Recycles Day. (LeZotte)
(Rules Committee referral 11/01/06)
Mayor Gonzales and Council Member LeZotte recognized November 15, 2006 as “San José Recycles Day”.
- 1.6 Presentation of commendations to Don and Maria Blankenship, Evelyn Cook, Al Hagmann, Ron and Mona Schwartz, and Jon Talbert for becoming District 1 Heroes through their commitment to building 1 community in West San José. (LeZotte)
(Rules Committee referral 11/01/06)
Mayor Gonzales and Council Member LeZotte recognized and commended all the District 1 Heroes.
- 1.7 Presentation of a commendation to The Links, Incorporated, a National African American college educated service group of approximately 10,000 throughout the United States, South Africa and the Bahamas for its dedication for fostering volunteerism within its members and nurturing our youth to becoming successful individuals. (Williams)
(Rules Committee referral 11/08/06)
Heard in the evening.
Mayor Gonzales and Council Member Williams recognized and commended The Links, for its dedication and efforts to the youth in the community.
- 1.8 Presentation of a commendation to Dr. David Reed, DVM for his excellent work organizing the first ever Indoor Pet Fair of San José. (Reed)
(Rules Committee referral 11/08/06)
Heard in the Evening.
Mayor Gonzales and Council Member Reed recognized and commended Dr. David Reed for his outstanding work in organizing the first Indoor Pet Fair.

1. CEREMONIAL ITEMS

- 1.9 Presentation of a commendation to Sony, a global manufacturer of audio, video, game, communications, key device and information technology products for the consumer and professional markets, for its business decision to maintain a presence in San José and contributing to the City's world-class spirit of innovation. (Office of Economic Development)
(Rules Committee referral 11/08/06)
Mayor Gonzales and Director of Economic Development Paul Krutko recognized and commended Sony for maintaining a presence in San José and contributing to the City's spirit of innovation.

2. CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of minutes:

- (a) Regular minutes of January 10, 2006
- (b) Regular minutes of January 24, 2006
- (c) Regular minutes of January 31, 2006

Approved.

2.2 Final adoption of ordinances.

Recommendation:

- (a) ORD. NO. 27885 – Rezoning certain real property situated on the southwesterly corner of Eberly Drive and Neilson Court to A(PD) Planned Development Zoning District. PDC04-091
[Deferred from 10/17/06- Item 2.2(d), 10/24/06 – Item 2.2(a) and 10/31/06 – Item 2.2(a)]

Deferred to 11/21/06.

- (b) ORD. NO. 27897 – Rezoning certain real property situated on the south side of University Avenue approximately 100 feet northerly of Myrtle Street to A(PD) Planned Development Zoning District. PDC02-002

Ordinance No. 27897 adopted.

- (c) ORD. NO. 27898 – Prezoning certain real property situated at the south side of Manila Drive and Curie Drive, west of San Ignacio Avenue to OS Open Space Zoning District. C06-072

Ordinance No. 27898 adopted.

- (d) ORD. NO. 27899 – Prezoning certain real property situated at the north corner of Montague Expressway and Seely Avenue to IP Industrial Park. C06-083

Ordinance No. 27899 adopted.

2. CONSENT CALENDAR

2.2 Final adoption of ordinances (Cont'd.)

- (e) ORD. NO. 27900 – Rezoning certain real property situated west of Montague Expressway approximately 600 feet north of Seely Avenue to OS Open Space Zoning District. C06-083
Ordinance No. 27900 adopted.

- (f) ORD. NO. 27901 – Rezoning certain real property situated at the southwest corner of Stevens Creek Boulevard and Palace Drive (4500 Stevens Creek Boulevard) to A(PD) Planned Development Zoning District. PDC04-043
Ordinance No. 27901 adopted.

- (g) ORD. NO. 27902 – Rezoning certain real property situated on the east side of Bird Avenue, approximately 200 feet north of Willow Street (1070 Bird Avenue), to A(PD) Planned Development Zoning District to allow up to two residential units on an approximately 0.30 gross acre site. PDC06-028
Ordinance No. 27902 adopted.

2.3 Approval of fiscal actions for Redevelopment Agency Capital Projects.

Recommendation:

- (a) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund):
 - (1) Increase the estimate for Earned Revenue by \$221,000.
 - (2) Establish an appropriation to the Department of Transportation for the Alum Rock Village Median Island and Pedestrian Improvement Project (PSM #471) in the amount of \$72,000.
 - (3) Establish an appropriation to the Department of Public Works for the Improvement District 99-218SJ Deferral of Assessments Fiscal Year 2006-2007 Project (PSM #472) in the amount of \$149,000.

Ordinance No. 27903 adopted.

Resolution No. 73481 adopted.

- (b) Adoption of a resolution making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with the Alum Rock Village Median Island and Pedestrian Improvement Project as more specifically described in the memorandum from the Redevelopment Agency, dated September 28, 2006.

CEQA: Exempt, PP06-171. Council District 5. SNI: Greater Gardner. (City Manager's Office)

Resolution No. 73482 adopted.

2. CONSENT CALENDAR

2.4 Acceptance of the 2006 First and Second Quarter Arena Ticket Distribution Program Reports.

Recommendation: Acceptance of the 1Q2006 and 2Q2006 Arena Ticket Distribution Program Reports as submitted by the San José Arena Authority. CEQA: Not a Project. (City Manager's Office)

Report Accepted.

2.5 Approval of actions related to the Revolving Loan Fund Plan.

Recommendation: Adoption of a resolution certifying that:

- (a) The City of San José's Revolving Loan Fund (RLF) Plan is consistent with and supportive of the area's current economic adjustment strategy; and
- (b) The RLF is being operated in accordance with the policies and procedures contained in the RLF plan, and the loan portfolio meets the standards.

CEQA: Not a Project. (Economic Development)

Heard immediately following Item 4.3.

Resolution No. 73483 adopted, with Staff requested to include more information regarding yield in future reports.

2.6 Approval of an agreement for consultant services for the Environmental Services Building Repair Project.

Recommendation: Approval of an agreement with Allana Buick & Bers, Inc., for consultant services for the Environmental Services Building Repair Project, from the date of execution until July 31, 2008, in an amount not to exceed \$282,300 for basic services plus \$28,500 for additional services, for a total amount not to exceed \$310,800. CEQA: Not a Project. (Environmental Services)

Approved.

2.7 Approval of a Contract Change Order for the Filter Influent and Effluent Flow Meter Replacement Project.

Recommendation: Approval of Contract Change Order No. 3 with Anderson Pacific Engineering Construction, Inc. for the construction project entitled, "San José/Santa Clara Water Pollution Control Plant, FY 2003-2004 Capital Improvement Program, Filter Influent and Effluent Flow Meter Replacement Project," to increase the construction contingency amount by \$13,550 from \$46,700 to \$60,250 for a total contract amount not to exceed \$527,250. Not a Project. (Environmental Services)

Approved.

2. CONSENT CALENDAR

2.8 Approval to amend an agreement for Web Streaming Software Installation and Hosting Services.

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

- (a) Execute the first amendment to the Web Streaming Software Installation and Hosting Services Agreement, with Granicus Inc. for the purchase of additional application software licenses and related installation services, increasing the compensation by \$18,950 from \$98,553 to a not to exceed amount of \$117,503 for the contract term ending July 31, 2007.
- (b) Exercise three additional one-year options to renew ongoing maintenance and support services subject to the appropriation of funds.

CEQA: Not a Project. (Finance)

Resolution No. 73484 adopted.

2.9 Approval of actions related to the Lake Cunningham Regional Park Project.

Recommendation: Adoption of a resolution:

- (a) Amending the allocation of amounts for application for local assistance from the State of California, Resources Agency, Department of Parks and Recreation under the 2002 Resources Bond Act (Proposition 40) Per Capita Grant Program shifting the Lake Cunningham Playground ADA and Renovation Project allocation in the amount of \$831,000 to the Lake Cunningham Skatepark and Perimeter Landscaping Project;
- (b) Authorizing the City Manager to submit the grant application to the State of California;
- (c) Authorizing the City Manager to accept the grant, if awarded, and to negotiate and execute any documents necessary to effectuate the grant.

CEQA: Mitigated Negative Declaration, PP06-043. Council District 8. (Parks, Recreation and Neighborhood Services)

Resolution No. 73485 adopted.

2.10 Approval of an agreement for services related to the Criminal Justice Information Control System.

Recommendation: Approval of the agreement between the County of Santa Clara and the City of San José regarding the provision of the Criminal Justice Information Control System (CJIC) for the period of July 1, 2006 to June 30, 2007 for a total not to exceed amount of \$145,000. CEQA: Not a Project. (Police)

Approved.

2. CONSENT CALENDAR

2.11 Approval to set a Public Hearing and vacate a portion of a public alleyway between Almaden Avenue and Vine Street.

Recommendation: Adoption of a resolution of intention to vacate a portion of a public alleyway between Almaden Avenue and Vine Street from Edwards Avenue to Oak Street, and setting a public hearing on December 5, 2006 at 1:30 p.m. CEQA: Exempt. Council District 3. SNI: Washington. (Public Works)

Resolution No. 73486 adopted.

2.12 Approval to set a Public Hearing and vacate a public sanitary sewer easement.

Recommendation: Adoption of a resolution of intention to vacate a public sanitary sewer easement lying immediately east of McGinness Avenue approximately 600 feet north of Story Road and setting a public hearing on December 12, 2006 at 1:30 p.m. CEQA: Mitigated Negative Declaration, CP05-034. Council District 5. SNI: East Valley/680. (Public Works)

Resolution No. 73487 adopted.

2.13 Approval to reject all bids for the Silicon Valley Intelligent Transportation System West Corridor Project.

Recommendation: Approval to reject all bids for the Silicon Valley Intelligent Transportation System West Corridor Project and authorize the Director of Public Works to re-advertise and re-bid the project. CEQA: Exempt, PP-02-07-194. (Public Works/Transportation)

Approved.

2.14 Approval of nominations to the San José Silicon Valley Workforce Investment Network Board.

Recommendation: Approval of nominations to the San José Silicon Valley Workforce Investment Network Board. (Mayor)
(Rules Committee referral 11/08/06)

Approved.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair No Report.

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – October 25, 2006

Vice Mayor Chavez, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review November 7, 2006 Draft City Council Agenda
None – Meeting Cancelled
 - (2) Add New Items to October 31, 2006 Agenda
The Committee approved the October 31, 2006 Agenda with six additions.
 - (3) List of Reports Outstanding
The Committee noted and filed the City Manager’s Report.
- (c) Legislative Update
 - (1) State
 - (2) Federal
No Report.
- (d) Meeting Schedules
There were none.
- (e) The Public Record
The Committee noted and filed the Public Record.
- (f) Appointments to Boards, Commissions and Committees
There were none.
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Request the City Manager to assess Code Enforcement-the General Code Compliant Handling Process and the Fee Based Multi-Family Dwelling Program. (Planning, Building and Code Enforcement)
(Deferred from October 11, 2006 and October 18, 2006)
Deferred to 11/8/06 meeting.
 - (2) Urgency Ordinance prohibiting the use of automobile/bus/truck horns in residential neighborhoods for any reason other than emergency warning of traffic hazard. (City Attorney)
(Deferred from October 18, 2006)
The Committee deferred this item to the Planning, Building and Code Enforcement Department for further investigation as recommended. Staff agreed to return to Rules with an update, when appropriate.

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – October 25, 2006 (Cont'd.)

Vice Mayor Chavez, Chair

- (3) Work Load Assessment of Dividing the City's Energy Expenditures by Department. (LeZotte)

The Committee recommended that Council Member LeZotte's ideas be incorporated into the November 21, 2006 Green Building Policy memorandum and upcoming January 25, 2007 Energy Study Session discussion.

- (4) Referral to Staff to Institute a Volunteer Disabled Parking Enforcement Program. (LeZotte)

The Committee directed Staff to return to the Rules Committee on November 15, 2006 with a work load assessment and legal implications to institute a volunteer disabled parking enforcement program.

- (h) Review of Significant Public Records Act Requests
There were none.
- (i) Review of Council Policy Updates per Sunshine Reforms
There were none.
- (j) Open Forum
None were presented.
- (k) Adjournment
The meeting was adjourned at 2:33 p.m.

Report of the Rules Committee – November 1, 2006

Vice Mayor Chavez, Chair

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

- (b) City Council

- (1) Review November 14, 2006 Draft City Council Agenda

- (a) Adds to the November 7, 2006 Draft City Council Agenda

The Committee approved the draft City Council Agenda with six additions.

- (2) Add New Items to November 7, 2006 Council Agenda

None – Meeting Canceled.

- (3) List of Reports Outstanding

There were no outstanding reports.

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – November 1, 2006 (Cont'd)

Vice Mayor Chavez, Chair

- (c) Legislative Update
 - (1) State
 - (2) Federal**No Reports.**

- (d) Meeting Schedules
 - (1) Approval to cancel the Regular Rules Committee Meeting on November 22, 2006 and set a Rules In-Lieu Meeting for that same date. (City Clerk)
 - (2) Approval to set a Budget Study Session on November 28, 2006 from 9:00 a.m. to Noon in Council Chambers. (Budget Office)**The Committee recommended approval.**

- (e) The Public Record
The Committee noted and filed the Public Record.

- (f) Appointments to Boards, Commissions and Committees
 - (1) Review (Oral Presentation) of the Project Diversity Screening Committee process for interviewing and recommending applicants for Boards and Commissions. (City Clerk)**There were none.**

- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Approval of the revised All Children Achieve Work Plan. (Mayor/Chair Yeager)
The Committee approved the revised All Children Achieve Work Plan.

 - (2) Approval of Travel by Council Member Campos to attend the League of California Cities Board of Director's Meeting. (Campos)
The Committee approved the travel request.

- (h) Review of Significant Public Records Act Requests
There were none.

- (i) Review of Council Policy Updates per Sunshine Reforms
There were none.

- (j) Open Forum
None were presented.

- (k) Adjournment
The meeting was adjourned at 2:37 p.m.

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee (Partial) – November 8, 2006

Vice Mayor Chavez, Chair

- (g) Rules Committee Reviews, Recommendations and Approvals
 - (2) 2006 National League of Cities (NLC) voting delegate at the Annual Business Meeting. (Campos/Intergovernmental Relations)
The Committee appointed Council Member Campos as the delegate at the NLC Annual Business meeting.

The Rules/Partial Rules Committee Reports and the Actions of October 25, 2006, November 1, 2006 and November 8, 2006, were accepted.

3.3 Report of the Making Government Work Better Committee

Council Member Reed, Chair

No Report.

3.4 Military Leave Programs for City Employees.

Recommendation:

- (a) Approval to continue to provide supplemental pay and benefits, pursuant to Resolution No. 73180, to employees who are military reservists and who are called to active duty.
- (b) Direction to staff to continue to work to resolve the pending issues involving the military reconciliation process and implement procedures to help minimize these issues in the future.

CEQA: Not a Project. (Employee Relations/Finance)

(Rules Committee Referral 10/18/06)

(Deferred from 10/31/06 – Item 3.4)

Approved, with the following direction:

- (1) **That the City Council authorize the City Manager to designate a Deputy City Manager to act as the Military Liaison for City Employees.**
- (2) **That the City Manager report back to Council by December 5, 2006, regarding the status of Reconciliation for Retirement Contributions and Retirement Service Credit between Payroll and Retirement Services.**
- (3) **That Staff provide a written policy regarding how supplemental pay will be processed and report back to Council by December 5, 2006.**
- (4) **Direct the City Attorney to review options regarding overpayment and report back to Council by December 5, 2006.**
- (5) **Apply the extension of benefits to probationary employees who are called to duty.**
- (6) **Make the Supplemental Pay Program available to all employees who are called to service longer than 30 days.**
- (7) **Direct Staff to report back to Council regarding the status of the above issues by December 5, 2006, and quarterly thereafter, for the duration of Operation Enduring Freedom (OEF) and amended to include Operation Iraqi Freedom (OIF).**

3. STRATEGIC SUPPORT SERVICES

3.5 Approval of revisions to Council Policy 7-2 related to the use of City Hall.

Recommendation:

- (a) Acceptance of the staff report on events at City Hall.
Report Accepted.

- (b) Adoption of resolutions setting forth a revised fee schedule related to use of City Hall and superseding Resolution No. 72940, and approving revisions to Council Policy 7-2 related to use of City Hall to provide for:
 - (1) Free events Sunday through Friday for Official City Business in the Rotunda, Council Chambers, Plaza and Bamboo Garden, subject to certain limitations; and
Resolution No. 73488 adopted.

 - (2) Seasonal displays in lobbies.
Resolution No. 73489 adopted.

- (c) Adoption of a resolution revising Council Policy 2-1 for the exhibition of Federal, State, City and ceremonial flags at City buildings to clarify that flags of the governments recognized by the United States may be displayed upon the request of the Mayor, a member of the City Council or the City Manager.
CEQA: Resolution No. 68905. Council District 3. SNI: University. (General Services)
(Deferred from 10/24/06 - Item 3.5)
Resolution No. 73490 adopted.

3.6 Acceptance of the status report in telecommunication legislation and negotiations for Project Lightspeed.

Recommendation:

- (a) Acceptance of report on recent State action establishing a statewide franchising system for video services and implications on AT&T's encroachment permit applications for its Project Lightspeed.
- (b) Restate the City's willingness to expedite encroachment permits for Project Lightspeed infrastructure upon AT&T's acknowledgement that it will obtain a franchise prior to offering video services.
CEQA: Not a Project. (City Manager's Office)
Deferred to 12/5/06.

3. STRATEGIC SUPPORT SERVICES

3.7 Acceptance of Proposal for Renewal of Cable Franchise.

Recommendation:

- (a) Approval to consider the recommendation below pursuant to the Early Distribution Process Rules (2/3 vote required).
Approved Unanimously.

- (b) Approval of an Ordinance Granting a Cable Franchise to Comcast of California II, LLC.
Ordinance No. 27904 passed for publication.

- (c) Approval of an Ordinance Amending Chapter 15.28 of Title 15 of the San José Municipal Code to regulate the occupancy and use of Public rights of way by cable systems and Open video systems, and/or;
Ordinance No. 27905 passed for publication.

- (d) Approval of an ordinance amending Ordinance No. 22128 (Cable Television Franchise).
CEQA: Not a Project. (Environmental Services)
(Rules Committee referral 11/1/06)
Ordinance No. 27906 passed for publication.

3.8 Discussion and possible action on Health Benefit Changes for Council Members and Mayor.

Recommendation: As recommended by Council Member LeZotte:

- (a) Approval to consider the recommendations below pursuant to the Early Distribution Process Rules (2/3 vote required).
 - (b) Discussion and possible action on the following:
 - (1) Staff to provide Council with requirements and costs for providing lifetime medical to the Mayor and Council Members, who have served two full terms through PERS medical coverage to be effective prior to January 1, 2007.
 - (2) Staff to provide Council with options/requirements for switching from City medical coverage to PERS medical coverage with sufficient time for the Mayor or Council Member to decline city coverage during the Open Enrollment period – November 1 – 17th and opt in to the PERS medical coverage.
- CEQA: Not a Project. (LeZotte)
(Rules Committee referral 11/1/06)
Deferred to 12/5/06.

3. STRATEGIC SUPPORT SERVICES

3.9 Approval of actions to call and add a Special Election on March 6, 2007 to fill a vacancy in District 4.

Recommendation:

- (a) Adopt a resolution calling for a Special Election on March 6, 2007, and a Runoff Election on June 5, 2007, if necessary, to fill the upcoming vacancy in District 4 for the balance of the term expiring December 31, 2008 and requesting services of the County Registrar of Voters.

Resolution No. 73491 adopted.

- (b) Approve an ordinance delegating authority to the City Clerk to take actions which may supersede provisions of state law in order to facilitate elections on March 6, 2007 and June 5, 2007.

Ordinance No. 27907 passed for publication.

- (c) Direct the City Manager to, as part of the 2006-2007 Mid-Year Budget Review, allocate resources to cover the costs of the District 4 Special and Runoff Elections.

(Mayor)

(Rules Committee referral 11/8/06)

Approved.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee Council Member Chirco, Chair No Report.

4.2 Report of the Driving a Strong Economy Committee – October 23, 2006 Council Member Williams, Chair

- (a) Homeless Plan Implementation (Housing)

The Committee accepted the Staff Report.

- (b) Economic Indicators (Economic Development)

The Committee accepted the Staff Report.

- (c) Economic Impact of Downtown Entertainment and Cultural Events (Economic Development)

The Committee accepted the Staff Report.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Report of the Driving a Strong Economy Committee – October 23, 2006 (Cont'd.) Council Member Williams, Chair

- (d) Oral Petitions
None were presented.

- (e) Adjournment
The meeting was adjourned at 3:20 p.m.

The Driving a Strong Economy Committee Report and the Actions of October 23, 2006, were accepted.

4.3 Approval of an agreement for the Economic Development Catalyst Program.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager execute an Investment Management Agreement with Pacific Community Ventures (PCV) as the Investment Manager for an Economic Development Catalyst Program (EDCP) to create a resource for strategic investment to support the growth and expansion of San José's small businesses, for a term of 10 years and a City capital commitment of up to \$3 million to capitalize the EDCP.
- (b) Adoption of a resolution authorizing the City Manager to exercise up to two 5-year options to extend the agreement at the City's discretion.
Resolution No. 73492 adopted, as amended "to negotiate and execute the agreement."
- (c) (1) Approval to consider the recommendations below pursuant to the Early Distribution Process Rules (2/3 vote required).
Approved Unanimously.
- (2) Adoption of amendments to the annual appropriations ordinance to:
 - (a) Establish an appropriation to the Office of Economic Development for the Economic Development Catalyst Program project in the amount of \$1,000,000.
 - (b) Decrease Ending Fund Balance in the amount of \$1,000,000.

CEQA: Not a Project. (Economic Development)

Item 2.5 heard immediately following Item 4.3.

Ordinance No. 27908 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.4 Approval of a contract with GlobalFluency for regional, national and international public relations services.

Recommendation:

- (a) Approval of a contract not to exceed \$200,000 with GlobalFluency for regional, national and international public relations services.

Approved.

Noes: Reed, Yeager.

- (b) Adoption of the following appropriation ordinance and funding sources resolution amendments in the General Fund:

- (1) Increase the earned revenue estimate for Local Agencies by \$100,000;
- (2) Reduce the City Outreach and Education Efforts by \$100,000;
- (3) Establish a Citywide appropriation to the City Manager's Office for National/International Public Relations in the amount of \$200,000.

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

Ordinance No. 27909 adopted.

Resolution No. 73493 adopted.

Noes: Reed, Yeager.

Staff requested to:

- (1) **Develop a work plan addressing how the \$200,000 will be used to design a successful program over multiple years.**
- (2) **Delineate buy-in that might include public and private sector partners within the Valley.**
- (3) **Collaborate with Santa Clara Valley Transportation Authority, San José State University and the City's lobbyists.**
- (4) **Send the work to Driving a Strong Economy Committee to review and discuss.**

4.5 Public Hearing on the reorganization/annexation of Story No. 59.

Recommendation: Public Hearing and adoption of a resolution on the reorganization/annexation to the City of San José of territory designated as Story No. 59 on approximately 3.58 ± acre County Pocket containing four (4) parcels on the Southeasterly corner of Story Road and Machado Lane and the implementation of the annexation would result in the detachment of properties within the annexation area from Central Fire Protection, and Area No. 01 (Library Services) County Service (Numerous Owners). CEQA: Resolution No. 65459. Council District 5. (Planning, Building and Code Enforcement)

(Continued from 10/24/06 – Item 4.4)

Heard in the evening.

Resolution No. 73495 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.6 Public Hearing on the reorganization/annexation of Sunol No. 74.

Recommendation: Public Hearing and adoption of a resolution on the reorganization/annexation to the City of San José of territory designated as Sunol No. 74 on approximately 1.7 acre County Pocket consisting of 11 parcels on the south side of Paula Street, west of Race Street and the implementation of the annexation would result in the detachment of properties within the annexation area from Sunol Sanitary, County Lighting County Service, Central Fire Protection, and Area No. 01 (Library Services) County Service. CEQA: Resolution No. 65459. Council District 6. (Planning, Building and Code Enforcement)

(Continued from 10/24/06 – Item 4.5)

Heard in the evening.

Resolution No. 73496 adopted.

4.7 Public Hearing on the reorganization/annexation of Sunol No. 75.

Recommendation: Public Hearing and adoption of a resolution on the reorganization/annexation to the City of San José of territory designated as Sunol No. 75 on approximately 3.6 acre County Pocket consisting of 13 parcels on the north side of Paula Street, east of Northrup Street, and the west side of Lincoln Avenue south of Interstate 280 and north of Paula Street and the implementation of the annexation would result in the detachment of properties within the annexation area from Sunol Sanitary, County Lighting County Service, Central Fire Protection, and Area No. 01 (Library Services) County Service. CEQA: Resolution No. 65459. Council District 6. (Planning, Building and Code Enforcement)

(Continued from 10/24/06 – Item 4.6)

Heard in the evening.

Resolution No. 73497 adopted.

4.8 Public hearing on the reorganization/annexation of Sunol No. 76.

Recommendation: Public Hearing and adoption of a resolution on the reorganization/annexation to the City of San José of territory designated as Sunol No. 76 on approximately 1.8 acre County Pocket consisting of 13 parcels on the north side of Paula Street, west of Northrup Street and the implementation of the annexation would result in the detachment of properties within the annexation area from Sunol Sanitary, County Lighting County Service, Central Fire Protection, and Area No. 01 (Library Services) County Service. CEQA: Resolution No. 65459. Council District 6. (Planning, Building and Code Enforcement)

(Continued from 10/24/06 – Item 4.7)

Heard in the evening.

Resolution No. 73498 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.9 Public hearing on the reorganization/annexation of Cambrian No. 35.

Recommendation: Public Hearing and adoption of a resolution on the reorganization/annexation to the City of San José of territory designated as Cambrian No. 35 on approximately 2.55 acre County Pocket consisting of 9 parcels on the southwesterly corner of Bascom Avenue and Curtner Avenue and the implementation of the annexation would result in the detachment of properties within the annexation area from West Valley Sanitation, County Lighting County Service, Central Fire Protection, and Area No. 01 (Library Services) County Service. CEQA: Resolution No. 65459. Council District 9. (Planning, Building and Code Enforcement)
(Continued from 10/24/06 – Item 4.8)

Heard in the evening.

Resolution No. 73499 adopted. Staff corrected the acreage for the record (2.41).

4.10 Approval to initiate actions and set a public hearing for the annexation of Monterey Park No. 110.

Recommendation: Adoption of a resolution initiating proceedings, and setting a public hearing on January 9, 2007 at 7:00 p.m. for the reorganization of territory designated as Monterey Park No. 110 which involves the annexation to the City of San José of an approximately 42.6 acre County pocket containing 3 parcels on the East side of Coyote Rd., 1700 ft. northerly of Silver Creek Valley Rd. and detachment of the same from the appropriate special districts properties including Central Fire Protection, and Area No. 01 (Library Services) County Service. CEQA: Resolution No. 65459. Council District 2. (Planning, Building and Code Enforcement)

Heard in the evening.

Resolution No. 73500 adopted.

4.11 Approval to initiate actions and set a public hearing for the annexation of Oak Grove No. 70.

Recommendation: Adoption of a resolution initiating proceedings, and setting a public hearing on January 9, 2007 at 7:00 p.m. for the reorganization of territory designated as Oak Grove No. 70 which involves the annexation to the City of San José of an approximately 14.84 gross acre County Pocket consisting of portions of 7 parcels on the south side of Manila Dr. and Curie Dr., west of San Ignacio Ave. and detachment of the same from the appropriate special districts properties including Central Fire Protection and Area No. 01 (Library Services) County Service. CEQA: Resolution No. 65459. Council District 2. (Planning, Building and Code Enforcement)

Heard in the evening.

Resolution No. 73501 adopted. Staff corrected the acreage for the record (14.66).

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.12 Approval to initiate actions and set a public hearing for the annexation of Berryessa No. 68.

Recommendation: Adoption of a resolution initiating proceedings, and setting a public hearing on January 9, 2007 at 7:00 p.m. for the reorganization of territory designated as Berryessa No. 68 which involves the annexation to the City of San José of an approximately 15.3 gross acre County Pocket consisting of 2 parcels on the Southeast corner of Capitol Ave. & Hostetter Rd. and detachment of the same from the appropriate special districts properties including Central Fire Protection, and Area No. 01 (Library Services) County Service. CEQA: Resolution No. 65459. Council District 4. (Planning, Building and Code Enforcement)

Heard in the evening.

Dropped, to be renoticed.

4.13 Approval to initiate actions and set a public hearing for the annexation of Story No. 61.

Recommendation: Adoption of a resolution initiating proceedings, and setting a public hearing on January 9, 2007 at 7:00 p.m. for the reorganization of territory designated as Story No. 61 which involves the annexation to the City of San José of an approximately 3.7 gross acre area consisting of 5 parcels located on the north side of Story Rd., 780 ft. westerly of Machado Lane and detachment of the same from the appropriate special districts properties including Central Fire Protection, and Area No. 01 (Library Services) County Service. CEQA: Resolution No. 65459. Council District 5. (Planning, Building and Code Enforcement)

Heard in the evening.

Dropped, to be renoticed.

4.14 Approval to initiate actions and set a public hearing for the annexation of Story No. 63.

Recommendation: Adoption of a resolution initiating proceedings, and setting a public hearing on January 9, 2007 at 7:00 p.m. for the reorganization of territory designated as Story No. 63 which involves the annexation to the City of San José of an approximately 4.23 gross acre area consisting of 3 parcels located on the southeast side of Story Lane, 870 ft. northeasterly of Clayton Rd. and detachment of the same from the appropriate special districts properties including Central Fire Protection, Area No. 01 (Library Services) County Service, and County Lighting (County Service). CEQA: Resolution No. 65459. Council District 5. (Planning, Building and Code Enforcement)

Heard in the evening.

Dropped, to be renoticed.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.15 Approval to initiate actions and set a public hearing for the annexation of Orchard No. 148.

Recommendation: Adoption of a resolution initiating proceedings, and setting a public hearing on January 9, 2007 at 7:00 p.m. for the reorganization of territory designated as Orchard No. 148 which involves the annexation to the City of San José of an approximately 37.9 acre County pocket consisting of 3 parcels on the northerly side of Seely Ave., west of Montague Expressway and detachment of the same from the appropriate special districts properties including Central Fire Protection, and Area No. 01 (Library Services) County Service. CEQA: Resolution No. 65459. Council District 4. (Related Rezoning C06-083). (Planning, Building and Code Enforcement)

Heard in the evening.

Resolution No. 73502 adopted. Staff corrected the acreage for the record (36.09).

4.16 Approval to initiate actions and set a public hearing for the annexation of McKee No. 132.

Recommendation: Adoption of a resolution initiating proceedings, and setting a public hearing on January 9, 2007 at 7:00 p.m. on the reorganization of territory designated as McKee No. 132 which involves the annexation to the City of San José of an approximately 10.57 gross acre County Pocket consisting of one parcel on the southwesterly corner of Capitol Avenue and Gimelli Way and detachment of the same from the appropriate special districts properties including Central Fire Protection, and Area No. 01 (Library Services) County Service. CEQA: Resolution No. 65459 (Related Rezoning C06-044). Council District 5. (Planning, Building and Code Enforcement)

Heard in the evening.

Resolution No. 73503 adopted.

4.17 Public Hearing on the reorganization/annexation of Piedmont No. 51.

Recommendation: Public Hearing and adoption of a resolution on the reorganization of territory designated as Piedmont No. 51 which involves the annexation to the City of San José of a 2.3 gross acres of land located at the southwesterly side of Stone Creek Drive, approximately 120 feet southerly of Isadora Drive, and the detachment of the same from the appropriate special districts including County Lighting County Service, Central Fire Protection and Area No. 01. (Library Services) County Service Districts. CEQA: Resolution No. 65459. Council District 4. (Planning, Building and Code Enforcement)

Heard in the evening.

Resolution No. 73504 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.18 Public Hearing on the reorganization/annexation of Penitencia No. 73.

Recommendation: Public Hearing and adoption of a resolution on the reorganization of the territory designated as Penitencia No. 73 which involves the annexation to the City of San José of an approximately 7-acre County Pocket containing twenty-eight parcels on the southeast side of Mabury Road, east of King Road, and the detachment of the same from the appropriate special districts including County Lighting County Service, Central Fire Protection and Area No. 01. (Library Services) County Service Districts. CEQA: Resolution No. 65459. Council District 3. (Planning, Building and Code Enforcement)
Heard in the evening.

Resolution No. 73505 adopted.

4.19 Public Hearing on the reorganization/annexation of Cypress No. 30.

Recommendation: Public Hearing and adoption of a resolution on the reorganization of the territory designated as Cypress No. 30 which involves the annexation to the City of San José of an approximately 3.4 acre County pocket containing fifteen parcels on both sides of Maria Way and Antonio Lane and the west side of Essex Way, extending approximately 180 feet north of Valley Forge Way, and the detachment of the same from the appropriate special districts including West Valley Sanitation, Central Fire Protection and Area No. 01 (Library Services) County Service Districts and County Lighting County Service Districts. CEQA: Resolution No. 65459. Council District 1. (Planning, Building and Code Enforcement)

Heard in the evening.

Resolution No. 73506 adopted.

4.20 Amending Title 23, the Sign Code, Chapter 23.04, to modify the provisions for skyline signs.

Recommendation: Consideration of an ordinance amending Chapter 23.04 of Title 23 of the San José Municipal Code (the Sign Code), to modify the provisions for skyline signs in the area of the City located north of US 101 and west of I-880 for buildings of less than 85 feet in height located on parcels with narrow building frontage. CEQA: Resolution No. 65459. Council District 4. (Planning, Building and Code Enforcement)

Ordinance No. 27910 passed for publication.

5. NEIGHBORHOOD SERVICES

5.1 Report of the All Children Achieve Committee Council Member Yeager, Chair

No Report.

5. NEIGHBORHOOD SERVICES

5.2 Approval of actions related to the Promoting Growth and Early Self-Sufficiency Program (PROGRESS).

Recommendation: Adoption of a resolution:

- (a) Approving funding for the implementation of the Promoting Growth and Early Self-Sufficiency (PROGRESS) Program, a Tenant-Based Rental Assistance (TBRA) program for up to 15 chronically homeless individuals or families for two years from March 1, 2007 to March 1, 2009 at a cost not to exceed \$645,000, to be funded from HOME Investment Partnership Funds.
- (b) Approving an amendment to the City's 2006-2007 Annual Action Plan to allow for a TBRA program under the HOME guidelines.

CEQA: Not a Project. (Housing)

Resolution No. 73494 adopted.

5.3 Approval to amend the Selma Olinder Park Master Plan to include a dog park.

Recommendation: Approval of an amendment to the Selma Olinder Park Master Plan to include a dog park. CEQA: Addendum to Negative Declaration, PP06-127. Council District 3. SNI: Five Wounds/Brookwood Terrace. (Parks, Recreation and Neighborhood Services)

Approved.

6. TRANSPORTATION & AVIATION SERVICES

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

6.2 Approval of an agreement for the management of downtown parking garages and surface lots.

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

- (a) Execute an agreement with Central Parking Systems for the management of the City's downtown parking garages and surface lots for three (3) years at an estimated cost of \$3,477,670 annually to the City, and approve additional contingency funds of \$250,000 to compensate the vendor for reimbursable expenses incurred for services such as staffing for special events beyond normal operations and other enhanced services, for a total amount not to exceed \$3,727,670.
- (b) Execute three, one-year options to renew the agreement subject to annual Consumer Price Index price adjustments and annual appropriations.

6. TRANSPORTATION & AVIATION SERVICES

6.2 Approval of an agreement for the management of downtown parking garages and surface lots (Cont'd.)

- (c) Execute amendments to the agreement to add or delete parking facilities based upon the criteria in the agreement such as type and/or size of parking facility, activity, required staffing and/or maintenance, subject to additional appropriations.
CEQA: Not a Project. (Finance)
Deferred to 12/5/06.

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board convened at 4:54 p.m. to consider Items 9.2 and 9.2 in a Joint Session.

9.1 Approval to issue a Request for Proposal for the development and lease of the City Hall Retail Project.

Recommendation:

- (a) Approval of the issuance of a Request for Proposals (RFP) to solicit interest for the development and lease of 6,278 square feet of retail space in San José City Hall.
- (b) Direction to Staff to return to Council on November 21, 2006 with:
 - (1) A Cooperation Agreement between the City and the Redevelopment Agency.
 - (2) An appropriation action related to City Hall Retail for \$500,000.

CEQA: Not a Project. Council District 3. (City Manager's Office/ Redevelopment Agency)

Approved.

Noes: LeZotte, Reed, Yeager.

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

9.2 Approval of actions related to expanding the San José McEnergy Convention Center.

Recommendation:

- (a) Approval to consider the recommendations below pursuant to the Early Distribution Process Rules (2/3 vote required).
Approved Unanimously.
- (b) Direct the City Manager, Redevelopment Agency Executive Director, and City Attorney to initiate the formation of a Mello-Roos Community Facilities District for the purposes of expanding the convention center, and to return to the City Council with specific recommendations for the structure and financing of a district.
- (c) Direct the Executive Director to determine the potential scope and design of a project to expand the convention center in the context of funding through a Mello-Roos Community Facilities District by using \$500,000 in the Agency's FY 2006-2007 budget identified for this project.
- (d) Direct both the Agency Director and the Manager to continue the City's active partnership with San José Convention and Visitors Bureau, Team San José, and local hotel general managers as this concept for the convention center is launched, developed, and implemented.

(Mayor)

(Rules Committee referral 11/01/06)

Approved.

The Redevelopment Agency Board Portion of the meeting was adjourned at 5:23 p.m.

- **Closed Session Report**
No Report.

- **Notice of City Engineer's Pending Decision on Final Maps**
In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9805	N side of Auzerais Ave., between Sunol St and Los Gatos Creek	6	KB Home South Bay, Inc.	20 Lots / 383 Units	MFAR	Approve
9820	E side of Page St, 460' N of Chiechi Ave.	6	Serena Homes, Corp.	1 Lot / 4 Units	SFDR/ SFAR	Approve

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>
9879	W side of Boynton Ave., 520' N of Akron Way	1	Russell Mahzoon	5 Lots / 4 Units	Single Family Attached

- **Notice of City Engineer's Award of Construction Projects**

On October 25, 2005, City Council approved a one year pilot program that delegated authority to the Director of Public Works to award or reject bids on construction projects where the base contract amount is below \$1,000,000. In accordance with this policy, the following is a list of projects that were awarded or rejected by the Director of Public Works in October 2006:

AWARD:

<u>Project Name</u>	<u>Council District</u>	<u>Contractor</u>	<u>Contract Award Amount</u>	<u>Award Date</u>
Butcher Dog Park Project	9	Jensen Corporation Landscape Construction	\$566,333	10/5/06
Taylor Street Improvement Project (N. First Street to Coleman Avenue)	3	Wattis Construction Company, Inc.	\$961,330	10/23/06
Traffic Signal Installation at Balbach Street and Market Street	3	Pacific Electric Company	\$246,240	10/26/06

- **Open Forum**

- (1) **Mark Trout voiced religious views.**
- (2) **Scott McDonnell expressed dissatisfaction with Comcast Cable and added they are not providing all the services obligated by the Franchise Agreement.**
- (3) **Ross Signorino congratulated Council Member Reed and Vice Mayor Chavez on their campaigns for Mayor.**
- (4) **Robert Apgar presented personal observations.**
- (5) **George Fokos shared thoughts about homelessness, schools and City cleanliness.**

- **Adjournment**

The Council Afternoon session adjourned at 5:34 p.m.

10. GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

(Heard by the City Council at 7:00 p.m.)

10.1 Tentative approval of General Plan Consent Calendar items.

Recommendations:

- (a) The items being considered are for property located generally on both sides of Towers Lane, between Aborn Road and Amberly Lane on an approximately 3.4-acre site (Various Owners/City of San José, Applicant).
- (1) Tentative approval of General Plan amendment request to change the Land Use/Transportation Diagram designation from Industrial Park to Medium Low Density Residential (8 DU/AC). SNI: West Evergreen. CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0). GP06-07-05 - District 7
The Staff/Planning recommendation was tentatively approved.
- (2) Consideration of a City Council initiated Conventional Rezoning ordinance, rezoning the property from R-1-2 Single-Family Residence Zoning District to R-1-8 Single-Family Residence Zoning District to allow single family residential uses. SNI: West Evergreen. CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (7-0-0). CC06-058 - District 7
**Item 11.1(d) heard under 10.1(a)(2).
Ordinance No. 27911 passed for publication.**

END OF CONSENT CALENDAR

10. GENERAL PLAN PUBLIC HEARINGS

10.2 Amendment for property located at the Southern portion of Valley Christian School Campus, 210 feet westerly of Del Rey Avenue.

Recommendation: Tentative approval of General Plan amendment request to change the Land Use/Transportation Diagram designation from Very Low Density Residential (2 DU/AC) on 4.84 acres to Medium Density Residential (8-16 DU/AC) on a 3.48- acre portion and Private Open Space on a 1.36-acre portion of a 4.64-acre site located at the southeasterly portion of Valley Christian School campus, 210 feet westerly of Del Rey Avenue (South Valley Christian Church, Owner/Applicant). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-1-0; Zito Opposed).

GP05-02-05 - District 2

Application was withdrawn. No Council Action taken.

10.3 Continuance of all General Plan amendment actions to December 5, 2006.

Recommendation: Continue all General Plan amendment actions to December 5, 2006. (Planning, Building and Code Enforcement)

Continued to 12/5/06.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

(To be heard by the City Council at 7:00 p.m.)

11.1 Public Hearings on Consent Calendar.

Recommendation:

- (a) Consideration of an ordinance rezoning the real property located on the east side of North 2nd Street, approximately 140 feet northerly of St. James Street from CG Commercial General Zoning District to DC Downtown Commercial Zoning District to allow commercial uses within a designated City Landmark building on a 0.43 gross acre site (240 N. 2nd St.) (Bel Aire Inv. Inc., Owner). Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (6-0-1). CEQA: Resolution No. 65459.
C06-031 - District 3
[Continued from 10/3/06 – Item 11.1(c) and 10/24/06 – Item 11.1(a)]
Ordinance No. 27912 passed for publication.
- (b) Consideration of an ordinance rezoning the real property located on the south side of Story Road approximately 150 feet east of Adrian Way from CO Commercial Office Zoning District to CP Commercial Pedestrian Zoning District to allow commercial uses on a 0.24 gross acre site (2250 Story Rd.) (José and Ana Canales, Owner). Director of Planning, Building and Code Enforcement recommended approval. No Planning Commission action required. SNI: East Valley/680 Communities. CEQA: Resolution No. 65459.
C06-096 - District 5
[Continued from 10/24/06 – Item 11.1(c)]
Ordinance No. 27913 passed for publication.
- (c) Consideration of a Director initiated pre-zoning from County of Santa Clara to R-M Multiple Residence Zoning District for multi family residential purposes on an approximate 15.3 gross acre area consisting of 2 parcels on the southeast corner of Capitol Avenue and Hostetter Road, (Bianchi, Clara Trustee; Santa Clara Valley Transit Authority, owners). CEQA: GP EIR Resolution No. 65459. (Related Annexation Berryessa No. 68). Director of Planning, Building and Code Enforcement recommended approval. No Planning Commission action required.
C06-074 - District 4
[Continued from 10/24/06– Item 11.1(g)]
Continued to 1/23/07.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

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

Recommendation:

- (d) Consideration of a City Council initiated Conventional Rezoning ordinance, rezoning the property from R-1-2 Single-Family Residence Zoning District to R-1-8 Single-Family Residence Zoning District to allow single family residential uses. SNI: West Evergreen. CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (7-0-0).

CC06-058 - District 7

Item 11.1(d) heard under 10.1(a)(2).

Ordinance No. 27911 passed for publication.

- (e) Consideration of an ordinance rezoning the real property located on the west side of South 9th Street approximately 90 feet south of E. William Street from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District and Planned Development Permit to add one manager's unit to 59 previously approved efficiency living units for a total of 60 efficiency living units on a 0.34 gross acre site (525 S. 9th St.) (City of San José, A Muni Corp, Owner; First community Housing, Jeff Oberdorfer, Developer). SNI: University. CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

PDC06-099/PD06-047 - District 3

Ordinance No. 27914 passed for publication.

Resolution No. 73507 adopted.

- (f) Consideration of a Director initiated rezoning ordinance rezoning an approximately 0.9 gross acre area consisting of 2 parcels on the west side of Fleming Avenue 350 feet northerly of Warner Avenue from unincorporated county to R-1-5 Single Family Residence District. (Ramos Family Trust; Gutierrez, Ernesto, Owners). CEQA: Resolution No. 65459. (Related Annexation Story No. 62). Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C06-079 - District 5

Ordinance No. 27915 passed for publication.

- (g) Consideration of a Director initiated rezoning ordinance rezoning an approximately 8.6 gross acre area consisting of 9 parcels on both sides of Perrymount Avenue, southwesterly of Stone Avenue from unincorporated county to HI Heavy Industrial Zoning District for heavy industrial purposes. (Numerous Owners). CEQA: Resolution No. 65459. (Related Annexation Monterey Park No. 108). Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C06-048 - District 7

Ordinance No. 27916 passed for publication.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

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

Recommendation:

- (h) Consideration of a Director initiated rezoning ordinance rezoning an approximately 4.6 gross acre area consisting of 2 parcels on the Northwesterly corner of Curtner Avenue and Stone Avenue from unincorporated county to HI Heavy Industrial Zoning District for heavy industrial purposes. (Blank, Christine; Owner). CEQA: Resolution No. 65459. (Related Annexation Monterey Park No. 109). Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C06-051 - District 7

Ordinance No. 27917 passed for publication.

- (i) Consideration of a Director initiated rezoning ordinance rezoning an approximately 1.1 gross acre site consisting of 1 parcel located on the west side of Kettmann Road, approximately 75 feet southerly of Dashwood Avenue from unincorporated county to R-1-8 Single Family Residence Zoning - for single family residential purposes. (Bic Pho, Owner). CEQA: Resolution No. 65459. (Related Annexation Evergreen No. 196). Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C06-052 - District 8

Ordinance No. 27918 passed for publication.

END OF PUBLIC HEARINGS ON CONSENT CALENDAR

11. PUBLIC HEARINGS

11.2 Consideration of an appeal of the Planning Director's decision to deny a Tentative Map Permit.

Recommendation: Consideration of an appeal of the Planning Director's decision to deny a Tentative Map Permit to subdivide two parcels into 16 lots for single-family detached residential uses on a 684.5 gross acre site in the R-1-1 Single-Family Residence Zoning District, located approximately 500 feet east of Almaden Road and 500 feet west of McKean Road. CEQA: Environmental Review: Incomplete. Director of Planning, Building and Code Enforcement recommends to uphold the Director's decision to deny. No Planning Commission action required.

T06-051 – District 10

Continued to 12/5/06.

11.3 Rezoning the real property located on the southwest corner of Meridian Avenue and Curci Drive.

Recommendation: Consideration of an ordinance rezoning the real property located on the southwest corner of Meridian Avenue and Curci Drive from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow a Residential Care Facility (Senior Assisted Living) with up to 98 units above an underground parking facility (993 Meridian Ave.) (Merrill Gardens at Willow Glen LLC, Owner). CEQA: Mitigated Negative Declaration.

PDC05-091 - District 6

Continued to 12/5/06.

11.4 Rezoning the real property located at/on the southeast corner of Foxworthy and Leigh Avenue.

Recommendation: Consideration of an ordinance rezoning the real property located at/on the southeast corner of Foxworthy and Leigh Avenues from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow up to 23 single family detached residences on a 1.68 gross acre site (3002 Leigh Ave.) (Leigh Ave. Partners, LLC, Owner; Dal Properties LLC, Mark Lazzarini, Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement recommends conditional approval. Planning Commission recommended approval of applicant's proposal (4-2-0-1).

PDC06-055 - District 9

Ordinance No. 27919 passed for publication.

- **Open Forum**
None were presented.

- **Adjournment**
The Council of the City of San José adjourned at 7:30 p.m. in memory of **Ira F. Brilliant**, who founded and contributed extensively to the **Ira F. Brilliant Center for Beethoven Studies** at San José State University; and **Ms. Lydia Elizalde** who dedicated her life to bettering her community and is survived by her friends and loving family of 8 children, 24 grandchildren, and 18 great grandchildren.