

# CITY COUNCIL AGENDA

**NOVEMBER 20, 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](http://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**
  - 9:31 a.m.** - Closed Session, Call to Order in Council Chambers  
**Absent Council Members: None.**
  - 1:31 p.m.** - Regular Session, Council Chambers, City Hall  
**Absent Council Members: None.**
  - 7:03 p.m.** - Public Hearings, Council Chambers, City Hall  
**Absent Council Members: None.**
- **Invocation (District 10)**

The San José Youth Symphony presented the Invocation.
- **Pledge of Allegiance**

Mayor Reed led the Pledge of Allegiance.
- **Orders of the Day**

The Orders of the Day and the Amended Agenda were approved, with Items 2.3, 3.1, 3.2 and 3.3 deferred to 12/4/07 and Item 3.6 deferred to 12/11/07.
- **Closed Session Report**

City Attorney Doyle disclosed the following Closed Session actions of November 20, 2007:

  - A. **Authority to Pursue Appellate Review in a Litigation Case:**
    - Case Name: Preservation Action Council of San José v. City of San José, et al.
    - Adverse Party or parties: Preservation Action Council of San José

*(Continued on the next page)*

## Closed Session Report (Cont'd.)

**Substance of Litigation:** Lawsuit filed under California Environmental Quality Act, challenging City's approval of development of property containing IBM Advanced Research Building 25 located on the former IBM Cottle Road campus

**Council Vote: Ayes:** Campos, Chirco, Constant, Cortese, Liccardo, Nguyen, Oliverio, Pyle; Reed.

**Noes:** None.

**Disqualified:** None.

**Absent:** Chu, Williams. (Excused)

### B. Pending Litigation – Settlement Authorized – October 30, 2007 Closed Session:

**Case Name:** Callaway v. Moreno, et al.

**Substance of Litigation:** Approval of settlement of lawsuit. The Council approved payment in the sum of \$98,600 to Plaintiff Jennifer Callaway and payment of Ms. Callaway's portion of the mediator's fees in exchange for a release of all known and unknown claims, including dismissal of her lawsuit. The Council approved payment in the sum of \$7,500 for Defendant David Moreno's attorneys' fees and payment of Mr. Moreno's portion of the mediator's fees in exchange for all known and unknown claims, including dismissal of his lawsuit. Mr. Moreno also agreed to resign his employment with the City effective October 31, 2007.

**Council Vote: Ayes:** Campos, Chirco, Chu, Constant, Cortese, Liccardo, Nguyen, Oliverio, Pyle, Williams; Reed.

**Noes:** None.

**Disqualified:** None.

**Absent:** None.

## 1. CEREMONIAL ITEMS

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- 1.1 Presentation of a commendation to Calvary Catholic Cemetery for 125 years of service to the City of San José. (Cortese/Campos)  
**Mayor Reed, Vice Mayor Cortese and Council Member Campos recognized the Calvary Catholic Cemetery for 125 years of service to the citizens of San José.**

# 1. CEREMONIAL ITEMS

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- 1.2 Presentation of commendations to Colleen Lee, Patricia Li, Marianna Mao and Wendy Mu for representing the United States of America in the 2007 Mathematical Olympiad for Girls and striving to help promote girls' excellence in mathematics internationally. (Constant)  
**Heard in the evening.**  
**Mayor Reed and Council Member Constant recognized and commended Colleen Lee, Patricia Li, Marianna Mao and Wendy Mu for representing the United States of America in the 2007 Mathematical Olympiad for Girls. Colleen Lee could not be present.**
- 1.3 Presentation of a commendation to Vicki Poulos, Bob Poulos and Sandra Yeaton for their work in providing funds and labor on beautification to the entrance of and work with anti-graffiti clean-up in Saratoga Creek Park through the Adopt-A-Park program. (Constant)  
**Mayor Reed and Council Member Constant recognized and commended Vicki Poulos, Bob Poulos and Sandra Yeaton for their work in providing funds and labor on beautification to the entrance of and work with anti-graffiti clean-up in Saratoga Creek Park through the Adopt-A-Park program.**
- 1.4 Presentation of a proclamation declaring the week of November 11 - 17 as National Hunger and Homelessness Awareness Week in the City of San José. (Liccardo/Housing)  
**Mayor Reed, Council Member Liccardo and Director of Housing Leslye Krutko recognized the week of November 11 through November 17, 2007 as "National Hunger and Homelessness Awareness Week" in the City of San José.**
- 1.5 Presentation of a commendation recognizing the great work of Project Homeless Connect agencies' staff and volunteers in putting together an innovative effort to tackle the need in the County of Santa Clara. (Liccardo/Housing)  
**Mayor Reed, Council Member Liccardo and Director of Housing Leslye Krutko recognized the work of Project Homeless Connect Agencies' staff and volunteers in putting together an innovative effort to tackle the need in the County of Santa Clara.**
- 1.6 Presentation of a proclamation declaring November 18-24, 2007 as "Family Week" in the City of San José. (Williams/Oliverio/Liccardo)  
**Mayor Reed and Council Members Williams, Oliverio and Liccardo recognized the week of November 18 though November 24, 2007 as "Family Week" in the City of San José.**

# 1. CEREMONIAL ITEMS

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- 1.7 Presentation of a commendation to José Pantoja and Patsy Ludwig for their dedication and years of service in translating and organizing the Pueblo Papers, the earliest municipals documents for the City of San José. (Liccardo)

(Rules Committee referral 11/14/07)

**Heard in the evening.**

**Mayor Reed and Council Member Liccardo recognized and commended José Pantoja and Patsy Ludwig for their dedication and years of service in translating and organizing the Pueblo Papers.**

- 1.8 Presentation of a commendation in honor of the San José Peace Center's 50<sup>th</sup> Anniversary. (Liccardo)

(Rules Committee referral 11/14/07)

**Heard in the evening.**

**Mayor Reed and Council Member Liccardo recognized the San José Peace Center in honor of its 50th Anniversary.**

# 2. CONSENT CALENDAR

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## 2.1 Approval of Minutes.

**Recommendation:** Approval of minutes.

(a) Regular minutes of September 11, 2007

(b) Regular minutes of September 18, 2007

**Approved.**

(c) Regular minutes of September 25, 2007

**Deferred to 12/4/07 per City Clerk.**

## 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances.

(a) ORD. NO. 28164 – Amending Section 3.36.020.3 of Chapter 3.36 of Title 3 of the San José Municipal Code to include incentive pay for fire anti-terrorist training in compensation for purposes of calculation of benefits in the Police and Fire Department Retirement Plan.

**Ordinance No. 28164 adopted.**

(b) ORD. NO. 28166 – Amending Title 24 of the San José Municipal Code to adopt the 2007 California Building, Plumbing, Mechanical, Electrical Codes, California Existing Building Code, California Historical Building Code, and 2006 International Existing Building Code with certain exceptions, modifications and additions.

**Ordinance No. 28166 adopted.**

## 2. CONSENT CALENDAR

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

- (c) ORD. NO. 28167 – Amending Chapter 17.12 of the San José Municipal Code to adopt the 2007 California Fire Code with local amendments relating to fire flow, sprinkler and fire alarm systems and standards, access control devices, breathing air replenishment and public radio coverage, large battery charging systems and continuous gas detection systems and to maintain existing of fire protection and regulatory authority.  
**Ordinance No. 28167 adopted.**
- (d) ORD. NO. 28170 – Rezoning certain real property situated on the southeast corner of Lincoln Avenue and Nevada Place (1556 Lincoln Avenue) from the R-2 Two Family Residence Zoning District to the A(PD) Planned Development Zoning District. PDC06-101  
**Ordinance No. 28170 adopted.**
- (e) ORD. NO. 28171 – Prezoning certain real property situated at the south side of Sierra Road, 200 feet east of Varner Court, to R-1-2 Single Family Residence Zoning District. C06-105  
**Ordinance No. 28171 adopted.**
- (f) ORD. NO. 28172 – Prezoning certain real property situated on both sides of Woodard Road between Nova Scotia Avenue and Twilight Drive to R-1-8 Single Family Residence Zoning District. C06-111  
**Ordinance No. 28172 adopted.**
- (g) ORD. NO. 28173 – Prezoning certain real property situated at the south side of Woodard Road, 300 feet west of Twilight Drive to R-1-8 Single Family Residence Zoning District. C06-113  
**Ordinance No. 28173 adopted.**

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

#### **Recommendation:**

- (a) Approval of the Lower Silver Creek Trail Master Plan.
- (b) 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 Districts 3, 5 and 8.  
SNI: Five Wounds/Brookwood Terrace, Mayfair, East Valley/680 Communities. (Parks, Recreation and Neighborhood Services)  
(Deferred from 10/23/07 – Item 2.12 and 10/30/07 – Item 2.3)  
**Deferred to 12/4/07 per Orders of the Day.**

## 2. CONSENT CALENDAR

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### 2.4 Approval of actions related to the acoustical design services at the Reid Hillview Airport.

**Recommendation:**

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the County of Santa Clara to provide the County with acoustical design services, construction administration and acoustical treatment construction of eligible properties located within the Noise Impact Area at Reid Hillview Airport, in an amount payable to the City not to exceed \$500,000, for the period November 20, 2007 to December 31, 2009.

**Resolution No. 74102 adopted.**

- (b) Adoption of the following 2007-08 Appropriation Ordinance and Funding Sources resolution amendments in the Airport Renewal and Replacement Fund (527):
- (1) Increase the estimate for Earned Revenue in the amount of \$500,000; and
  - (2) Establish an appropriation to the Airport Department for the Reid Hillview Noise Treatment Program in the amount of \$500,000.

CEQA: Exempt, File No. E-14391. (Airport/City Manager's Office)

**Ordinance No. 28174 adopted.**

**Resolution No. 74103 adopted.**

### 2.5 Approval of new lease agreements at the Airport.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute new lease agreements with American Airlines, United Airlines, Southwest Airlines and Delta Air Lines, the airlines currently operating at Mineta San José International Airport in the air freight building, located at 1521 Airport Blvd., with month-to-month terms effective December 1, 2007 through June 30, 2012 and annual income to the City of approximately \$320,000. CEQA: Resolution Nos. 67380 and 71451, File Nos. PP07-132 through 07-135. (Airport)

**Resolution No. 74104 adopted.**

### 2.6 Request for excused absences for Council Member Campos.

**Recommendation:** Request for excused absences for Council Member Campos.

- (a) Request for an excused absence from the Convention Center Expansion Study Session on Tuesday, November 13, 2007 due to a prior long standing commitment.
- (b) Request for an excused absence from the Special City Council Meeting on Tuesday, November 13, 2007 due to a prior long standing commitment.

(Campos)

(Rules Committee referral 11/7/07)

**Excused.**

## 2. CONSENT CALENDAR

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### 2.7 Request for an excused absence for Vice Mayor Cortese.

**Recommendation:** Request for an excused absence for Vice Mayor Cortese from the Regular Evening Council Meeting on November 6, 2007 due to Authorized City Business: Public Safety/Crime Prevention Meeting in Council District 8. (Cortese) (Rules Committee referral 11/7/07)

**Excused.**

### 2.8 Approval to terminate an agreement with Waste Management of California, Inc.

**Recommendation:**

(a) Approval of an ordinance repealing Ordinance No. 27751 to terminate the Commercial Solid Waste and Recyclables Collection Franchise Agreement with Waste Management of California, Inc. dba Waste Management of Santa Clara County; and,

**Ordinance No. 28175 passed for publication.**

(b) Adoption of a resolution authorizing the Director of the Environmental Services Department to send a notice to Waste Management of California, Inc. terminating the Commercial Solid Waste and Recyclables Collection Franchise Agreement effective July 1, 2007.

CEQA: Negative Declaration, File No. PP92-11-308. (Environmental Services)

**Resolution No. 74105 adopted.**

### 2.9 Approval to terminate an agreement with USA Waste of California, Inc.

**Recommendation:**

(a) Approval of an ordinance repealing Ordinance No. 27749 to terminate the Commercial Solid Waste and Recyclables Collection Franchise Agreement with USA Waste of California, Inc. dba Green Valley Disposal Company, Inc.; and,

**Ordinance No. 28176 passed for publication.**

(b) Adoption of a resolution authorizing the Director of the Environmental Services Department to send a notice to USA Waste of California, Inc. terminating the Commercial Solid Waste and Recyclables Collection Franchise Agreement effective July 1, 2007.

CEQA: Negative Declaration, File No. PP92-11-308. (Environmental Services)

**Resolution No. 74106 adopted.**

### 2.10 Approval to amend an agreement with Metcalf & Eddy, Inc. for consultant services.

**Recommendation:** Approval of a second amendment to the agreement with Metcalf & Eddy, Inc. for consultant services for hydraulic models for the San José Municipal Water System, to extend the term of the agreement by six months to May 31, 2008, at no additional cost to the City. CEQA: Not a Project. (Environmental Services)

**Approved.**

## 2. CONSENT CALENDAR

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### 2.11 Approval of open purchase order #4 FY 2007-2008 for supplies, materials, equipment and services.

**Recommendation:** Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2007-2008 #4 and authorization for the Director of Finance to execute the purchase orders. CEQA: See Administration's memo to Council for specific CEQA clearance determinations on each recommended action. (Finance)

**Approved.**

### 2.12 Approval of an agreement for the maintenance and support of defibrillators.

**Recommendation:** Adoption of a resolution authorizing the Director of Finance to execute an agreement with Medtronic Incorporated for the maintenance and support of existing Lifepak 12 and Lifepak 500 Cardiac Monitors (defibrillators) for a five-year term, payable \$68,015.00 annually for the five-year duration of this agreement, for a total of \$340,075.00, subject to annual appropriations. CEQA: Not a Project. (Finance)

**Resolution No. 74107 adopted.**

### 2.13 Approval to amend agreements for security guard services for various City Departments.

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

- (a) Execute an amendment to the agreement with National Security Industries to extend the term of the agreement for security guard service for General Services and the Water Pollution Control Plant by four months from November 30, 2007 to March 31, 2008, with a total compensation not to exceed \$144,000 for the extension period.
- (b) Execute an amendment to the agreement with Silicon Valley Security and Patrol, Inc. to extend the term of the agreement for security guard services for Parks & Recreation and Neighborhoods Services and the Department of Transportation by four months from November 30, 2007 through March 31, 2008 with a total compensation not to exceed \$131,000 for the extension period.

CEQA: Not a Project. (Finance)

**Resolution No. 74108 adopted.**

### 2.14 Request for an excused absence for Council Member Nguyen.

**Recommendation:** Request for an excused absence for Council Member Nguyen from the Special City Council Meeting on November 13, 2007 due to Authorized City Business: Speaking Engagement at UC Santa Cruz. (Nguyen)  
(Rules Committee referral 11/7/07)

**Excused.**

## 2. CONSENT CALENDAR

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### 2.15 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) for 2007-2008:
- (1) Increase the estimate for Earned Revenue by \$829,500.
  - (2) Establish an appropriation to the Department of Transportation for the Agency Pole Painting project (PSM 501) in the amount of \$250,000.
  - (3) Increase the appropriation to the Department of Parks Recreation and Neighborhood Services for the Christmas in the Park project (PSM 506) in the amount of \$79,500.
  - (4) Establish an appropriation to the Department of Parks Recreation and Neighborhood Services for the Roosevelt Skate Park project (PSM 507) in the amount of \$500,000.

**Ordinance No. 28177 adopted.**

**Resolution No. 74109 adopted.**

- (b) Adoption of resolutions making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with the:
- (1) Agency Pole Painting project as more specifically described in the memorandum from the Redevelopment Agency, dated September 12, 2007.
  - (2) Roosevelt Skate Park project as more specifically described in the memorandum from the Redevelopment Agency, dated September 28, 2007.

CEQA: Mitigated Negative Declaration, File No. PP03-397 and Exempt, File Nos. PP07-242 and PP05-007. Council District 3. SNI: Five Wounds/Brookwood. (Parks, Recreation and Neighborhood Service/Transportation/City Manager's Office)

**Resolution No. 74110 adopted.**

**Resolution No. 74111 adopted.**

### 2.16 Approval to apply for a renewal of the City's special use permit for the operation of San José Family Camp in the Stanislaus National Forest.

**Recommendation:** Adoption of a resolution authorizing the Director of Parks, Recreation & Neighborhood Services Department to apply to the United States Forest Service for a renewal of the City's special use permit for the operation of San José Family Camp in the Stanislaus National Forest and to return to the City Council for permit approval in December 2007. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

**Resolution No. 74112 adopted.**

## 2. CONSENT CALENDAR

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### 2.17 Approval of actions related to the relocation of utility easements at the Airport.

**Recommendation:** Adoption of a resolution authorizing the Director of Public Works to execute all documents necessary to complete real estate transactions for the relocation of utility easements at Norman Y. Mineta San José International Airport. CEQA: Resolution Nos. 67380 and 71451, File No. PP07-246. (Public Works)

**Resolution No. 74113 adopted.**

### 2.18 Request for an excused absence for Council Member Pyle.

**Recommendation:** Request for an excused absence for Council Member Pyle from the Regular Meeting of the Neighborhood Services & Education Committee on November 8, 2007 due to prior long standing commitment. (Pyle)  
(Rules Committee referral 11/7/07)

**Excused.**

### 2.19 Approval of resolutions relating to the establishment of speed limits.

**Recommendation:** Repeal Resolution No. 73647 related to the establishment of speed limits in the City of San José, and adoption of a resolution to:

- (a) Re-establish speed limits with changes to the following roadway within the City of San José:
  - (1) Story Road, between Senter Road and Bayshore Freeway, to include the segment between Via Ferrari Drive and Bayshore Freeway, 40 MPH.
- (b) Establish speed limits on the following roadways within the City of San José:
  - (1) Hassler Parkway, between Silver Creek Valley Road and Dove Road, 35 MPH.
  - (2) Old Bayshore Highway, between Airport Parkway and North First Street, 40 MPH.
  - (3) Palisade Drive, between Hellyer Avenue and Coyote Road, 25 MPH.

CEQA: Exempt, File No. PP05-030. Council Districts 2, 3, 7 and 8. (Transportation)

**Resolution No. 74114 adopted.**

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

**Recommendation:** Approval of Council Member Campos' travel to San Diego, CA on January 4 – 6, 2008 to attend the League of CA Cities – Latino Caucus Board Meeting. Source of Funds: Mayor/Council Travel Fund. (Campos)

(Rules Committee referral 11/14/07)

**Approved.**

## 2. CONSENT CALENDAR

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### 2.21 Request for an excused absence for Council Member Campos.

**Recommendation:** Request for an excused absence for Council Member Campos from the Special Closed Session Meeting on November 13, 2007 due to Prior Longstanding Commitment. (Campos)

(Rules Committee referral 11/14/07)

**Excused.**

### 2.22 Approval of actions related to the Airport Commercial Paper Program Letter of Credit Replacement.

**Recommendation:**

- (a) Adoption of a resolution authorizing the Director of Finance to negotiate and execute the Second Amended and Restated Letter of Credit and Reimbursement Agreement among the City of San José and JP Morgan Chase Bank National Association, Bank of America, N.A., and Dexia Credit Local (collectively, the “Banks”) relating to the Norman Y. Mineta San José International Airport Subordinated Commercial Paper Program reflecting the termination of participation by Citibank, N.A. and a corresponding increase in participation by Dexia Credit Local; and modification of the Agreement to provide the City with increased capacity for the issuance of additional Airport revenue bonds.

**Resolution No. 74115 adopted.**

- (b) Adoption of a resolution amending Resolution No. 69200 to authorize the Director of Finance or the Director’s designee to negotiate and execute future substitution and addition of banks under the Agreement; and authorizing the Director of Finance or the Director’s designee to negotiate and execute future extensions of the Agreement with respect to the Commitment and Letter of Credit expiration dates and fees paid to the Banks.

CEQA: Resolution Nos. 67380 and 71451, File No. PP07-243. (Finance)

(Rules Committee referral 11/14/07)

**Resolution No. 74116 adopted.**

### 2.23 Approval of Council Member Liccardo’s International Travel

**Recommendation:** Approval of travel by Council Member Liccardo to Shanghai, China from *December 1 – 9, 2007* to represent the City of San José on the Bay Area Economic Council’s delegation from the Bay Area to Shanghai, China for a weeklong series of meetings to establish specific collaborations in the areas of green technology, information technology, biotechnology, digital arts, urban development, and goods movement. Source of Funds: *No Cost to the City*. (Liccardo)

(Rules Committee referral 11/14/07)

**Approved, with the clarification that the date of travel will be December 1 through December 9, 2007 and that Council Member Liccardo opted to take care of the travel costs from his own personal funds in lieu of City funding.**

## 2. CONSENT CALENDAR

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### 2.24 Approval to submit an application for the California Gang Reduction, Intervention and Prevention Grant.

**Recommendation:** Adoption of a resolution authorizing the City Manager to submit an application to the California Gang Reduction, Intervention and Prevention Grant in the amount of \$500,000 to support the efforts of the Mayor's Gang Prevention Task Force (MGPTF) and to execute a grant agreement accepting the grant and any collateral documents, and to execute amendments to the grant agreement to extend or modify the grant period or to accept additional grant funds under this grant as further described below. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)  
(Rules Committee referral 11/14/07)

**Resolution No. 74117 adopted.**

## 3. STRATEGIC SUPPORT SERVICES

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### 3.1 Report of the Rules and Open Government Committee – October 17, 2007 Mayor Reed, Chair

Deferred to 12/4/07 per Orders of the Day.

### 3.2 Report of the Rules and Open Government Committee – October 24, 2007 Mayor Reed, Chair

Deferred to 12/4/07 per Orders of the Day.

### 3.3 Report of the Rules and Open Government Committee – October 31, 2007 Mayor Reed, Chair

Deferred to 12/4/07 per Orders of the Day.

### 3.4 Report of the Rules and Open Government Committee – November 7, 2007 Mayor Reed, Chair

Deferred to 12/4/07 per City Clerk.

### 3.5 Report of the Public Safety, Finance and Strategic Support Committee Council Member Nguyen, Chair

No Report.

### 3.6 Approval of an ordinance prohibiting nepotism for the Mayor, Members of the City Council and Council Appointees.

**Recommendation:** Approval of an ordinance amending Title 12 of the San José Municipal Code by adding a new Chapter 12.20 to establish rules prohibiting nepotism for the Mayor, members of the City Council, and Council appointees. CEQA: Not a Project. (City Attorney's Office)

**Deferred to 12/11/07 per Orders of the Day and the City Attorney's Office.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.7 Approval of actions related to the City's Sanitary Sewer Service and Storm Sewer Service Billing System.

**Recommendation:** Direction to staff to continue the process of billing and collecting the City's Sanitary Sewer Service and Storm Sewer Service billings by placing these bills on the Santa Clara County Tax Roll annually. CEQA: Not a Project. (Finance)

**Approved.**

#### 3.8 Mayor's Biennial Ethics Review.

**Recommendation:**

- (a) Acknowledge the work and accomplishments made in the past two years to increase transparency and elevate ethical standards; and
- (b) Approve various actions and referrals to staff for continuous improvements, as outlined in the Mayor's Memorandum.

[Rules Committee referral 11/14/07 – Item A(1)(a)]

**Approved.**

**The memorandum from Mayor Reed, dated November 8, 2007 was approved with the following actions:**

- (1) **The City Attorney was directed to draft a Charter amendment for Council consideration that would allow the Mayor and Council Members to abstain from voting on a decision if constituents would reasonably question the integrity of their decision.**
- (2) **The City Attorney was directed to draft a Charter amendment for Council consideration that would allow the Council, through a vote of the majority, to place Council Appointees on administrative leave. The placement of Council Appointees on paid administrative leave would not be deemed a termination or a disciplinary measure.**
- (3) **Direct the City Attorney to prepare an ordinance that would: (a) eliminate Mayoral and Council Member officeholder accounts by February 1, 2008. (b) End officeholder account fundraising by February 1, 2008. (c) End officeholder account expenditures by July 1, 2008.**
- (4) **As part of the midyear budget actions, appropriate \$10,000 to each Council Office and \$25,000 to the Mayor's Office from the funds identified in the 2007-08 Budget to offset the elimination of officeholder accounts. Prepare a resolution for Council approval that acknowledges that these funds are allocated annually to eliminate the need for officeholder accounts, that the Mayor and Council Members are expected to participate in community events and to engage in outreach efforts as part of performing their duties of office and that it is permissible and expected that these funds will be spent for the public purposes as provided for in the Expenditure and Reimbursement Policy.**
- (5) **The City Attorney was directed to prepare an ordinance that would align the reporting cycle for the Disclosure of Fundraising Solicitations by Elected Officials to be consistent with the reporting cycle for candidate campaign statements.**

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

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#### **3.8 Mayor's Biennial Ethics Review (Cont'd.)**

- (6) The City Attorney and the City Clerk were directed to research the feasibility and cost of an ordinance amendment to require all candidates for elected office and independent expenditure committees to electronically file their campaign statements with the City Clerk.**
- (7) The City Attorney and the City Clerk were directed to report to Council before January midyear budget review on the status of Council referrals to the Elections Commission regarding the actions that should be taken to ensure that independent expenditures comply with City ordinances and that the public can more easily monitor independent spending. The status report should include an analysis of any additional funding necessary to complete the work.**
- (8) Staff was further directed to return to Council in January 2008 with recommendations for a Council Policy to provide guidelines for negotiations with bargaining units.**
- (9) Referred to the Rules and Open Government Committee for consideration of and exception to the Council Expenditure and Reimbursement Policy to allow for Holiday related advertisements in local news publications.**

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

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#### **4.1 Report of the Community & Economic Development Committee Council Member Pyle, Chair No Report.**

#### **4.2 Approval of actions for the development of the Fairgrounds Senior Apartments Project.**

**Recommendation:** Adoption of a resolution:

- (a) Approving a construction/permanent funding commitment of up to \$12,900,000 to ROEM Development Corporation, or its designated affiliate, for the development of the 201-unit Fairgrounds Senior Apartments project that is located at 520 Tully Road; and**
- (b) Finding that use of 20% Low- and Moderate-Income Housing Funds for the Fairgrounds Senior Apartments project is of benefit to the Redevelopment Project Areas in San José.**

**CEQA: Resolution No. 71359, File No. PDC02-040. Council District 7. (Housing)  
Resolution No. 74118 adopted.**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.3 Approval of actions related to the Fairways at San Antonio Affordable Housing Project.

**Recommendation:** Adoption of a resolution:

- (a) Approving an increase in the permanent loan of up to \$1,154,515 to Affirmed Housing Group, or its designed affiliate, for the development of the 86-unit Fairways at San Antonio affordable family housing project located at 305 San Antonio Court, to be made available to extremely low-, very low-, and low-income households.
- (b) Authorizing the staff to proceed with loan origination and disbursement given the pending litigation involving an existing billboard on a parcel contiguous to the site.

CEQA: Mitigated Negative Declaration, File No. PDC 05-104. Council District 5. SNI: Gateway East. (Housing)

**Resolution No. 74119 adopted.**

## 5. NEIGHBORHOOD SERVICES

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### 5.1 Report of the Neighborhood Services and Education Committee – November 8, 2007 Council Member Chirco, Chair

- (a) Library 2006-07 Annual Usage Report.  
**The Committee accepted the Staff Report.**
- (b) Library Parcel Oversight Committee 2006-07 Annual Report.  
**Deferred to January 2008.**
- (c) Report on the Off-Sale of Alcoholic Beverage Program.  
**The Committee accepted the Staff Report.**
- (d) HNVF Report on Migration to Results-Based Accountability.  
**Deferred to December 2007.**
- (e) Grants Quarterly Status Report.  
**The Committee accepted the Staff Report.**
- (f) Quarterly Report on Performance Measures.  
**The Committee accepted the Staff Report.**
- (g) Strong Neighborhoods Monthly Update.
  - (1) Neighborhoods Commission Status Report.
  - (2) Neighborhood Development Center.
  - (3) Renewing the Action Agenda Update.**The Committee accepted the Staff Reports.**

## **5. NEIGHBORHOOD SERVICES**

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### **5.1 Report of the Neighborhood Services and Education Committee – November 8, 2007 Council Member Chirco, Chair (Cont'd.)**

(h) Schools/City Collaborative Monthly Update

(1) Sub-Committee Reports.

**The Committee accepted the Staff Report.**

(i) Oral Petitions

**None were presented.**

(j) Adjournment

**The meeting was adjourned at 2:58 p.m.**

**The Neighborhood Services and Education Committee Report and the Actions of November 8, 2007 were accepted.**

### **5.2 Approval of an ordinance establishing a Neighborhood Commission for a two-year period.**

**Recommendation:** Approval of an ordinance to establish a Neighborhood Commission for the period of April 1, 2008 to March 31, 2010. CEQA: Not a Project. (City Attorney's Office)

**Ordinance No. 28178 passed for publication.**

### **5.3 Public Hearing and approval of Parkland Dedication Ordinance and Park Impact Ordinance In-Lieu Fee Adjustments.**

**Recommendation:** Public Hearing and adoption of a resolution setting forth the new Parkland Schedule of In-Lieu Fees charged pursuant to Chapters 14.25 ("Park Impact Ordinance") and 19.38 ("Parkland Dedication Ordinance") of the San José Municipal Code to reflect the 2006 Residential Land Value Study. CEQA: Resolution No. 65459. (Parks, Recreation and Neighborhood Services)

**The Public Hearing was held.**

**Continued to 12/4/07 for action.**

### **5.4 Approval to award the Happy Hollow Park & Zoo-Zoo Attractions Project.**

**Recommendation:**

(a) Report on bids and award of contract to the low bidder, West Bay Builders, Inc. for the Happy Hollow Park & Zoo-Zoo and Attractions (Phase IIA) package base bid in the amount of \$37,830,000, plus bid alternates 3, 4, 5, 6, 7, 8 and 10 for a total contract award of \$39,255,000, and approval of a 7% contingency in the amount of \$2,748,000.

**Approved.**

*(Continued on the next page)*

## 5. NEIGHBORHOOD SERVICES

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### 5.4 Approval to award the Happy Hollow Park & Zoo-Zoo Attractions Project (Cont'd.)

- (b) Adoption of a resolution incorporating environmental mitigation measures as set forth in the Mitigation Monitoring and Reporting Program for the project.

CEQA: Mitigated Negative Declaration, File No. PP05-142. (Public Works/Parks, Recreation and Neighborhood Services)

**Resolution No. 74121 adopted.**

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 Report of the Transportation and Environment Committee – November 5, 2007 Council Member Williams, Chair

- (a) Action on items recommended for deferral.
- (1) Status Report on the Activities Related to the Municipal Climate Action Plan.
  - (2) Update on Council Directives.
  - (3) Report on Process for Development and Adoption of the Municipal Stormwater National Pollutant Discharge Elimination System (NPDES).
  - (4) Report on Retrofitting the City's Sidewalk to Conform with American Disability Act (ADA) Requirements.
  - (5) Caltrans Director Report. (Transportation)

**The Committee deferred Items (1)-(5) to February 2008.**

- (b) Status Report on Las Plumas EcoPark Site Development Status.  
**The Committee accepted the Staff Report.**
- (c) Report on the Transportation Maintenance Master Plan.  
**The Committee accepted the Staff Report.**
- (d) Update Report on the Utility Trench Cut Policy Review.  
**The Committee accepted the Staff Report.**
- (e) Evaluation of Current City Special Event & Recycling Services and Options for Service Improvements  
**The Committee accepted the Staff Report and recommended forwarding the item to the full Council for discussion.**  
**See Item 7.4 For Council Action Taken.**

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

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### **6.1 Report of the Transportation and Environment Committee – November 5, 2007 Council Member Williams, Chair (Cont'd.)**

- (f) Report on Water District Board Actions Relating to South Bay Water Recycling.  
**The Committee accepted the Staff Report and recommended forwarding the item to the full Council for discussion.  
See Item 7.5 For Council Action Taken.**
  
- (g) Quarterly Update Report on Performance Measurements for General Services, Environmental Services and Transportation Departments.  
**The Committee accepted the Staff Report.**
  
- (h) Report on Tree Preservation Services Requirements.  
**The Committee accepted the Staff Report.**
  
- (i) Oral Petitions  
**There were none presented.**
  
- (j) Adjournment  
**The meeting was adjourned at 4:03 p.m.**

**The Transportation and Environment Committee Report and the Actions of November 5, 2007 were accepted.**

### **6.2 Approval of actions related to the BART Extension to San José/Silicon Valley.**

**Recommendation:** Approval of the preferred design recommendation to the Santa Clara Valley Transportation Authority (VTA) regarding the BART Extension to San Jose/Silicon Valley as follows:

- (a) Select the “Southern Offset” for the BART tunnel alignment in the vicinity of Santa Clara Street and Coyote Creek, for the continuation of project design work, and with the condition that a subsequent environmental review process demonstrates the option to be preferred based on environmental and cost effectiveness issues.

CEQA: Not a Project. Council District 3. (Transportation)

[Deferred from 10/16/07 – Item 6.4(b)]

**Deferred to 12/11/07 per District 3.**

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

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### **6.3 Approval of actions related to Taxicab Services.**

**Recommendation:**

- (a) Discussion and possible action on the recommendations of the T&E Committee to direct staff to bring forward to the City Council a report on the development of a Taxicab Commission.
- (b) Discussion and possible action regarding airport company taxicab permit allocations.

CEQA: Not a Project. (Airport/Transportation/Police)

[Transportation and Environment Committee referral 10/01/07 – Item (j)]

(Deferred from 10/16/07 – Item 6.3 and 11/06/07 – Item 6.2)

**The memorandum from Mayor Reed and Council Member Liccardo, dated October 29, 2007 recommending approval of the September 21, 2007 Taxicab Service Model Status Report, and further recommendations, as amended, was approved, including referring the following to the Taxi Commission to address as the first order of business:**

- (1) **The entire allocation system, including changing to 4 permits with that number to be decreased to 3 at the next cycle in April 2009 (15 months).**
- (2) **Look at rewarding small companies and startups with incentives to grow.**

**Noes: Campos, Chirco, Chu, Williams.**

### **6.4 Approval of a master agreement for consulting services related to the Airport Noise Impact Area.**

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a master agreement with Charles M. Salter Associates, Inc., for consultant services related to sound attenuation and treatment of dwelling units located within the Airport Noise Impact Area in an amount not to exceed \$2,370,000 for the period November 20, 2007 to December 31, 2010. CEQA: Resolution Nos. 67380 and 71451, File No. PP07-225. (Airport)

**Resolution No. 74122 adopted.**

### **6.5 Acceptance of the Status Report on the implementation of the Enhanced Parking Security and Cleaning Plan.**

**Recommendation:** Acceptance of the second status report on the implementation of the Enhanced Parking Security and Cleaning Plan, and the six-month pilot program on the \$5 rate at City parking garages after 10 p.m. on Thursday, Friday and Saturday that began July 1, 2007. CEQA: Not a Project. Council District 3. (Transportation)

**Report Accepted.**

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

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### **7.1 Approval of an ordinance modifying local sewer discharge limits and making other changes to conform local requirement to Federal Pretreatment Program requirements.**

**Recommendation:** Approval of an ordinance amending Chapter 15.12 of Title 15 of the San José Municipal Code to modify local discharge limits for copper, nickel selenium and total phenol, to eliminate limits for manganese, total toxic organics and xylene, to expand reporting, record keeping and sampling requirements and to require industrial pretreatment applications to be filed at least ninety days prior to discharge or the expiration of an existing permit, and to add definitions and conform Municipal Code requirements to federal pretreatment program requirements. CEQA: Exempt, File No. PP07-247. (City Attorney's Office)

**Ordinance No. 28179 passed for publication.**

### **7.2 Approval of a consultant agreement for the Plant Master Plan.**

**Recommendation:**

- (a) Approval of an agreement with Carollo Engineers to develop a Master Plan for the San José/Santa Clara Water Pollution Control Plant for an initial not-to exceed amount of \$2,500,000 and for a term commencing upon approval of the agreement and extending through June 30, 2011.

**Approved.**

- (b) Adoption of a resolution authorizing the City Manager to execute the following options to increase the amount of compensation: Option 1 to be exercised on or after July 1, 2008, to increase compensation to \$5,000,000; Option 2 to be exercised on or after July 1, 2009 and to increase compensation to \$6,000,000.

CEQA: Not a Project. (Environmental Services)

**Resolution No. 74123 adopted.**

### **7.3 Approval of actions related to the City's Sewer Collection and Treatment System.**

**Recommendation:**

- (a) Acceptance of the staff report analyzing financing alternatives to fund the short-term critical infrastructure needs of the City's sewer collection and treatment system.

**Report Accepted.**

*(Continued on the next page)*

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.3 Approval of actions related to the City's Sewer Collection and Treatment System (Cont'd.)

- (b) Direction to staff to proceed with the following Sewer Service and Use Charge five-year rate assumptions (Option #3) and prepare for Council approval in Spring 2008 the following rate increase for 2008-09:
  - (1) 2007-2008 = 9%
  - (2) 2008-2009 = 15%
  - (3) 2009-2010 = 15%
  - (4) 2010-2011 = 8%
  - (5) 2011-2012 = 8%
- (c) Direction to staff to:
  - (1) Plan for the Five-Year Sanitary Sewer and Treatment Plant Capital Improvement Programs using the above rate strategy; and
  - (2) Seek assistance of a financial consultant to provide outside expertise on the rate strategy.

CEQA: Not a Project. (Environmental Services/Public Works/Transportation/Finance)  
**Approved.**

### 7.4 Approval of the actions related to Recycling at City Venues and Events.

**Recommendation:** Direction to staff to:

- (a) For following five special events, Italian Family Days, Tapestry and Talent, Cinco de Mayo, San José Jazz Festival, and Independence Day:
  - (1) Implement Zero Waste programs
  - (2) Provide compostable food service ware and compostable collection and processing.
  - (3) Require food vendor participation in the compostable foodware program.
- (b) Implement a program for certifying events that meet specific criteria for "Going Green," "Green," or "Zero Waste" events;
- (c) Effective January 1, 2008, require special events as a condition of their Event Authorization to specify that food vendors use # 1 (PET) plastic recyclable or compostable beverage containers for events with greater than 30,000 attendees;
- (d) Implement a pilot program to recycle and compost garbage from City special events and venues through specialized off-site processing;
- (e) Evaluate ways to improve recycling at the San José Mineta International Airport, San José McEnery Convention Center, and other showcase City venues by providing technical assistance and services; and
- (f) Create example agreement language and web resources to support event organizers and vendors in recycling program implementation.

CEQA: Exempt, File No. PP07-097. (Environmental Services)

[Transportation and Environment Committee referral 11/05/07 – Item (e)]

**Approved, with Staff requested to check the titles of special major events, i.e. the Italian Festival, to ensure accuracy of the names.**

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

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### **7.5 Acceptance of the update in the Long-term Ownership and Operation of South Bay Water Recycling.**

**Recommendation:** Acceptance of the update on issues and options for the long-term ownership and operation of South Bay Water Recycling. CEQA: Not a Project. (Environmental Services)

[Transportation and Environment Committee referral 11/05/07 – Item (f)]

**Accepted, with Staff directed to expand negotiations and to include two Council Members from the City of San José and one Council Member from the City of Santa Clara to serve on the subcommittee.**

## **8. PUBLIC SAFETY SERVICES**

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### **8.1 Report on bids and approval of actions related to the Police Southside Substation Project.**

**Recommendation:** Report on bids and take appropriate action based on the evaluation of bids for the Police Southside Substation Project. CEQA: Mitigated Negative Declaration, File No. PP04-304. (Public Works).

**Deferred to 12/11/07 per Administration.**

## **9. JOINT COUNCIL/REDEVELOPMENT AGENCY**

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### **9.1 Approval of the designation of a Vietnamese Retail Area.**

**Recommendation:** Adoption of a resolution by the City Council:

- (a) Recognizing Story Road, between Senter and US 101, as a Vietnamese Retail Area and selecting a name to identify the area.
- (b) Directing the City Manager and City Attorney to explore policy and ordinance changes to allow for the placement of decorative street banners and gateway signs in the public right-of-way for the purposes of identifying unique retail areas.

CEQA: Not a Project. Council District 7. SNI: Tully/Senter, Spartan/Keyes. (City Manager's Office/Redevelopment Agency)

**Heard in the evening immediately following 11.1.**

**Resolution No. 74127 adopted.**

**The memorandum from Mayor Reed, Vice Mayor Cortese and Council Members Nguyen, Liccardo and Chirco was approved, including: approval of the name "Saigon Business District" as the official designation of the Story Road retail area between Senter Road and US 101.**

**Noes: Chu, Constant, Oliverio.**

- **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>
9944	SW side of Campbell Ave, 950’ NW of Newhall Street	6	Robson Homes	28 Lots / 24 Units	SFD	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>
9877	E/S of S Buena Vista Ave, 260’ N of Scott Street	6	Casa Buena, LLC	1 Lot / 8 Units	SFA

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

In accordance with Council Resolution No. 73532, the construction Contract Process Streamlining Policy approved on December 5, 2006, the following is a list of projects that were awarded or rejected by the Director of Public Works in October 2007:

**AWARD:**

<u>Project Name</u>	<u>Council District</u>	<u>Contractor</u>	<u>Contract Award Amount</u>	<u>Award Date</u>
Penitencia Creek Road at Viceroy Way Sidewalk Improvement	4	Jos. J. Albanese Inc.	\$114,415	10/10/07

- **Open Forum**

- (1) **David Wall expressed his continued support for the San José Police Department.**
- (2) **William Garbett voiced personal opinions of semantics.**
- (3) **Robert Apgar shared personal observations.**
- (4) **Stephen Hazel presented personal viewpoints.**

- **Adjournment**

**The Council of the City of San José adjourned the afternoon session at 5:45 p.m.**

## 10. GENERAL PLAN PUBLIC HEARINGS

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No General Plan Public Hearings at this time.

## 11. PUBLIC HEARINGS ON CONSENT CALENDAR

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(Heard by the City Council at 7:03 p.m.)

### 11.1 Public Hearings on Consent Calendar.

#### **Recommendation:**

- (a) Adoption of a resolution initiating proceedings and setting a public hearing on December 18, 2007 at 7:00 p.m. for the reorganization/annexation of the territory designated as Penitencia No. 76 which involves the annexation to the City of San José of approximately 1.14 gross acre County pocket consisting of 1 parcel located on the south side of Sierra Road, 200 feet east of Varner Court, and detachment of the same from the appropriate special districts including Central Fire Protection and Area No. 01 (Library Services) County Service. ( Jack Kim and Hester Lau-Kim, Owner). CEQA: Resolution No. 65459. Council District 4. (Planning, Building and Code Enforcement)  
**Resolution No. 74124 adopted.**
- (b) Adoption of a resolution initiating proceedings and setting a public hearing on December 18, 2007 at 7:00 p.m. for the reorganization/annexation of the territory designated as Parker No. 25 which involves the annexation to the City of San José of approximately 3.49 gross acre County pocket consisting of 13 parcels located on both sides of Woodard Road between Nova Scotia Avenue and Twilight Drive, and detachment of the same from the appropriate special districts including Central Fire Protection, West Valley Sanitation, County Lighting County Service and Area No. 01 (Library Services) County Service. (Multiple Owners). CEQA: Resolution No. 65459. Council District 9. (Planning, Building and Code Enforcement)  
**Resolution No. 74125 adopted.**
- (c) Adoption of a resolution initiating proceedings and setting a public hearing on December 18, 2007 at 7:00 p.m. for the reorganization/annexation of the territory designated as Parker No. 26 which involves the annexation to the City of San José of approximately 0.53 gross acre County pocket consisting of 2 parcels located on the south side of Woodard Road, 300 feet west of Twilight Drive, and detachment of the same from the appropriate special districts including Central Fire Protection, West Valley Sanitation and Area No. 01 (Library Services) County Service. (Multiple Owners). CEQA: Resolution No. 65459. Council District 9. (Planning, Building and Code Enforcement)  
**Resolution No. 74126 adopted.**

**END OF PUBLIC HEARINGS ON CONSENT CALENDAR**

## 11. PUBLIC HEARINGS

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### 11.2 Consideration of an ordinance rezoning the real property located on the south side of Hillsdale Avenue.

**Recommendation:** Consideration of an ordinance rezoning the real property located on the south side of Hillsdale Avenue approximately 600 feet east of Pearl Avenue (866 Hillsdale Avenue) from A Agriculture Zoning District to A(PD) Planned Development Zoning District to allow up to six single-family attached residences on a 0.45 gross acre site (Hamid Abtahi & Tom Ronning, Owner). CEQA: Exempt.

PDC07-022 – District 6

**Continued to 12/04/07.**

- **Open Forum**
  - (1) **Stephen Hazel voiced personal opinions about democracy.**
  - (2) **Robert Apgar shared personal observations.**
  
- **Adjournment**

**The Council of the City of San José adjourned at 11:29 p.m.**