

# CITY COUNCIL AGENDA

**DECEMBER 12, 2006**

## **SYNOPSIS**

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

DISTRICT 1  
DISTRICT 2  
DISTRICT 3     RON GONZALES, MAYOR  
DISTRICT 4  
DISTRICT 5

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

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

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

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

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

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

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

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

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

Agendas and Staff Reports for City Council items may be viewed on the Internet at [www.sanjoseca.gov/clerk/agenda.asp](http://www.sanjoseca.gov/clerk/agenda.asp). 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**

Closed Session

**Rescheduled to December 15, 2006 at 12:00 Noon**

**Council Chambers Conference Room, W133**

**10:08 a.m.-** Regular Session, Council Chambers, City Hall  
**Absent Council Members: None.**

**1:31 p.m.** Regular Session, Council Chambers, City Hall  
**Absent Council Members: None.**

**7:02 p.m. -** General Plan Hearings, Council Chambers, City Hall  
- Public Hearings, Council Chambers, City Hall  
**Absent Council Members: None.**

- **Invocation (Mayor)**

**Archbishop Patrick Joseph McGraff, Diocese of San José.**

- **Pledge of Allegiance**

**Mayor Gonzales led the Pledge of Allegiance.**

- **Orders of the Day**

**The Orders of the Day and the Amended Agenda were approved.**

## **1. CEREMONIAL ITEMS**

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- 1.1** Presentation of a commendation to the Independence High School Marching Band, taking 1<sup>st</sup> place in the Western Band Association Championships AA Division, becoming #1 in the State of California for AA Division Marching Bands. (Campos)  
(Rules Committee referral 11/29/06)  
**Heard in the evening.**  
**Mayor Gonzales and Council Member Campos recognized and commended the Independence High School Marching Band for becoming First in the State of California for AA Division Marching Bands.**

# 1. CEREMONIAL ITEMS

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- 1.2 Presentation of a commendation to Sergeant Tony Vizzusi for his outstanding work and dedication to the development of youth through the Police Activities League. (Cortese)  
(Rules Committee referral 11/29/06)  
**Mayor Gonzales and Council Members Cortese and Campos recognized and commended Sergeant Tony Vizzusi for his exceptional dedication to the development of youth through PAL.**
- 1.3 Presentation of a commendation to Megan Williams for her humanitarian services as a volunteer at the Santa Clara County Juvenile Hall. (Cortese)  
(Rules Committee referral 11/29/06)  
**Heard in the evening.**  
**Mayor Gonzales and Council Member Cortese recognized and commended Ms. Megan Williams for her outstanding volunteer services at the Santa Clara Juvenile Hall.**
- 1.4 Presentation of a commendation recognizing the San José Fire Department, San José Office of Emergency Services, the Mayor’s Gang Prevention Task Force and community partners for their continued success in keeping San José the Safest Big City in America.  
(Mayor)  
(Rules in-Lieu referral 11/22/06)  
(Deferred from 12/5/06 – Item 1.5)  
**Mayor Gonzales recognized and commended the San José Fire Department, San José Office of Emergency Services, the Mayor’s Gang Prevention Task Force and community partners for their continued success in keeping San José the Safest Big City in America.**
- 1.5 Presentation of a commendation in recognition of District 1 Hero Pastor Joseph Leon.  
(LeZotte)  
(Rules Committee referral 12/6/06)  
**Mayor Gonzales and Council Member LeZotte recognized and commended the District 1 Hero Pastor Joseph Leon.**
- 1.6 Presentation of commendations in recognition of District 1 Heroes: Helen Azbill, San Chuang, Robb Cutler, Alan Depew, David Down, Thea French, Mack Johansen, Lori and Dan Kahn, Ken Kelly, Christine Landau, Mark Warlick, and Jason West. (LeZotte)  
(Rules Committee referral 12/6/06)  
**Heard in the evening.**  
**Mayor Gonzales and Council Member LeZotte recognized and commended District 1 Heroes: Helen Azbill, San Chuang, Robb Cutler, Alan Depew, David Down, Thea French, Mack Johansen, Lori and Dan Kahn, Ken Kelly, Christine Landau, Mark Warlick, and Jason West.**

# 1. CEREMONIAL ITEMS

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- 1.7 Presentation of a commendation to Lumileds for promoting public art by donating lights for the Semafore art installation on the Adobe building. (Chavez)

(Rules Committee referral 12/6/06)

**Mayor Gonzales and Vice Mayor Chavez recognized and commended the Lumileds for promoting public art by donating lights for the Semafore art installation on the Adobe building.**

- 1.8 Presentation of a commendation to Cultural Initiatives Silicon Valley for their work to advance the vitality of Silicon Valley through broad cultural participation, quality arts education in our public schools, and development of an informed and committed leadership in our community. (Chavez)

(Rules Committee referral 12/6/06)

**Mayor Gonzales and Vice Mayor Chavez recognized and commended Former Mayor Susan Hammer and the Cultural Initiatives Silicon Valley for their work to advance the vitality of Silicon Valley through broad cultural participation, quality arts education in our public schools, and development of an informed and committed leadership in our community.**

- 1.9 Presentation of a commendation to Applied Materials and the Silicon Valley Leadership Group for hosting the annual Applied Materials Turkey Trot that this year brought together 3,200 participants who raised approximately \$200,000 to benefit the Children's Health Initiative, Second Harvest Food Bank of Santa Clara and San Mateo Counties, and the Housing Trust of Santa Clara County. (Chavez)

(Rules Committee referral 12/6/06)

**Heard in the evening.**

**Mayor Gonzales and Vice Mayor Chavez recognized and commended Applied Materials and the Silicon Valley Leadership Group for hosting the annual Applied Materials Turkey Trot that this year brought together 3,200 participants who raised approximately \$200,000 to benefit the Children's Health Initiative, Second Harvest Food Bank of Santa Clara and San Mateo Counties, and the Housing Trust of Santa Clara County.**

- 1.10 Presentation of a commendation to San José Police Officer Darrell Cortez for his work with the National Latino Peace Officer's Association to strengthen our community.

(Chavez)

(Rules Committee referral 12/6/06)

**Heard in the evening.**

**Mayor Gonzales and Vice Mayor Chavez recognized and commended Officer Darrell Cortez for his outstanding work with the National Latino Peace Officer's Association to strengthen our community.**

# 1. CEREMONIAL ITEMS

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- 1.11 Presentation of a commendation in recognition of Mayor Gonzales by the Early Care and Education Commission. (Chirco)  
(Rules Committee referral 12/6/06)  
**Council Member Chirco and the Early Care and Education Commission recognized and commended Mayor Gonzales for all of his outstanding efforts especially with the City Smart Start San José Program.**

## SPECIAL CEREMONIALS

**Mayor Gonzales, the City Council, the City Manager’s Office and the employees of the City of San José recognized and commended Council Member LeZotte for all her achievements by improving and elevating the lives of the residents of District 1 and all the residents of San José.**

**Mayor Gonzales, the City Council, the City Manager’s Office and the employees of the City of San José recognized and commended Vice Mayor Chavez for her outstanding dedication to District 3 and all the residents of San José by her compassion of improving and enriching their lives.**

**Vice Mayor Chavez, the City Council, the City Manager’s Office and the employees of the City of San José recognized and commended Mayor Gonzales for leading the City of San José for 8 years with low cost housing, Bond Programs, Anti-Graffiti Gang Prevent Task Force, Teacher Homebuyer Program, After School Programs, Safe School Safe Campus and keeping the City of San José the “Safest Big City in America” for 5 years.**

# 2. CONSENT CALENDAR

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- 2.1 **Approval of Minutes.**  
**There were none.**
- 2.2 **Final adoption of ordinances.**

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 27925 – Amending Title 12 of the San José Municipal Code to add Chapter 12.18 to specify the ground and the procedure for removal of a member of the City Council for willful misconduct in office.

**Ordinance No. 27925 adopted.**

## 2. CONSENT CALENDAR

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

- (b) ORD. NO. 27927 – Rezoning certain real property situated on the southwest corner of Meridian Avenue and Curci Drive to A(PD) Planned Development Zoning District. PDC05-091  
**Ordinance No. 27927 adopted.**
  
- (c) ORD. NO. 27928 – Prezoning certain real property situated on the north side of Story Road, 780 ft westerly of Machado Lane, to R-1-RR Rural Residential Residence Zoning District. C06-075  
**Ordinance No. 27928 adopted.**
  
- (d) ORD. NO. 27929 – Prezoning certain real property situated on the southeast side of Story Lane, 870 feet northeasterly of Clayton Road, to R-1-2 Single Family Residence Zoning District. C06-076  
**Ordinance No. 27929 adopted.**
  
- (e) ORD. NO. 27930 – Prezoning certain real properties situated on the northwest side of Watters Drive, 60 feet northerly of Story Road, to R-1-RR Rural Residential Residence Zoning District. C06-078  
**Ordinance No. 27930 adopted.**
  
- (f) ORD. NO. 27931 – Prezoning certain real property situated at the east side of Ruby Avenue across from Rio Bravo Drive (2480 Ruby Avenue) to R-1-2 Single Family Residence Zoning District. C06-088  
**Ordinance No. 27931 adopted.**
  
- (g) ORD. NO. 27932 – Amending Ordinance No. 27606 to extend the expiration date of a limited pilot program to allow certain second residential units, from December 31, 2006 to June 30, 2007, which program automatically terminates if 100 permits are issued; and amending Ordinance No. 27675 to extend until June 30, 2007 the temporary suspension of Chapter 14.25 of Title 14 of the San José Municipal Code pertaining to park impact requirements otherwise applicable to second units, without modifying other parts of the second unit pilot program.  
**Ordinance No. 27932 adopted.**
  
- (h) ORD. NO. 27933 – Amending Chapter 21.04 of Title 21 of the San José Municipal Code to add a new section and amending Sections 21.06.010, 21.06.020 and 21.06.030 of Chapter 21.06 of Title 21 of the San José Municipal Code, all related to providing for appeals to City Council of Environmental Clearance Determinations made pursuant to Title 21 of the San José Municipal Code.  
**Ordinance No. 27933 adopted.**

## 2. CONSENT CALENDAR

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

- (i) ORD. NO. 27934 – Rezoning certain real property situated on the southeast corner of Stevens Creek and South Winchester Boulevards (3055 Olin Avenue) to A(PD) Planned Development Zoning District. PDC05-030  
**Ordinance No. 27934 adopted.**

### 2.3 Approval of actions related to the Airport Advertising Concession Request for Proposals.

**Recommendation:** Approval of the terms and conditions for the Airport advertising concession request for proposals at the Norman Y. Mineta San José International Airport. CEQA: Resolution Nos. 67380 and 71451, File No. PP06-173. (Airport)  
**Deferred to 1/9/07.**

### 2.4 Certification of the Results of the November 7, 2006 Municipal Election

**Recommendation:** Adoption of a resolution declaring the results of the November 7, 2006 Municipal Run-off Election for Mayor and Council District 3, and the Special Primary Election for Council District 6, pursuant to Elections Code Section 15400. (City Clerk)  
(Rules Committee referral 11/29/06)  
**Resolution No. 73550 adopted.**

### 2.5 Approval to apply for third year funding for Weed and Seed Program.

**Recommendation:** Adoption of a resolution authorizing the City Manager to apply to the United States Department of Justice for third year Weed and Seed Program funding for the Charles 3 Police Beat area in an amount in an amount not to exceed \$200,000 for the period of January 1, 2007 to December 31, 2007, to accept the grant if awarded, and to execute all related documents. CEQA: Not a Project. Council Districts 5 and 8. SNI: Valley/680 and K.O.N.A. (City Manager's Office/Police)  
**Resolution No. 73551 adopted.**

## 2. CONSENT CALENDAR

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### 2.6 Approval of fiscal actions related to the Emergency Management Performance Grant Appropriation.

**Recommendation:**

- (a) Adoption of the following amendments to the annual Appropriation Ordinance and Funding Sources Resolution in the General Fund:
- (1) Establish an appropriation in City-Wide Expenses for the 2005 Emergency Management Performance Grant appropriation in the amount of \$117,948.75; and
  - (2) Establish an appropriation in City-Wide Expenses for the 2006 Emergency Management Performance Grant appropriation in the amount of \$129,292.43; and
  - (3) Establish an appropriation in City-Wide Expenses for the 2006 Metropolitan Medical Response System grant appropriation in the amount of \$232,330; and
  - (4) Increase the estimate for Revenue from the Federal Government by a total of \$479,571.18.

**Ordinance No. 27935 adopted.**

**Resolution No. 73552 adopted.**

- (b) Adoption of a resolution authorizing the City Manager to negotiate and execute separate Memoranda of Understanding (MOU) to accept program funds from Santa Clara County's Operational Area share of the following Federal grants:
- (1) FY 2005 Emergency Management Performance Grant.
  - (2) FY 2006 Emergency Management Performance Grant.
  - (3) FY 2006 Metropolitan Medical Response System Grant.

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

**Resolution No. 73553 adopted.**

### 2.7 Approval of a MOU for the 2006 Super Urban Area Security Initiative Grant.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a joint Memorandum of Understanding with the City and County of San Francisco, City of Oakland, Alameda County, and Santa Clara County as partners in the fiscal year 2006 Super Urban Area Security Initiative Grant. CEQA: Not a Project. (Emergency Services)

**Resolution No. 73554 adopted.**

## 2. CONSENT CALENDAR

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### 2.8 Approval of the Bay Area Integrated Regional Water Management Plan.

**Recommendation:** Adoption of a resolution approving the San Francisco Bay Area Integrated Regional Water Management Plan, a comprehensive, non-binding water plan that analyzes and prioritizes water supply, wastewater and recycled water, stormwater and flood protection, and watershed management and habitat protection and restoration needs and projects in the nine county Bay Area region. CEQA: Exempt: File No. PP06-183. (Environmental Services)

**Resolution No. 73555 adopted.**

### 2.9 Approval of an amendment for municipal elevator and escalator maintenance services for City Buildings.

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

- (a) Execute an amendment of the agreement with Schindler Elevator Corporation for municipal elevator and escalator maintenance services throughout City buildings, changing the scope of work to include monthly maintenance service for the new elevator located in the Rose Garden Branch Library, increasing compensation by \$2,400, from \$136,500, to a not to exceed amount of \$138,900.
- (b) Execute amendments to the agreement to add or delete facilities for elevator and escalator maintenance services subject to annual appropriation of funds.

CEQA: Not a Project. (Finance)

**Resolution No. 73556 adopted.**

### 2.10 Approval of an amendment to extend the term of agreement for security services for the Water Pollution Control Plant.

**Recommendation:** Adoption of a resolution authorizing the Director of Finance to execute an amendment to the agreement with National Security Industries to extend the term of the agreement by twelve months retroactively from December 1, 2006 through November 30, 2007, with a total compensation not to exceed amount of \$525,200 for security services performed during the Extension Period for City Facilities, including the Water Pollution Control Plant, subject to approval by the Treatment Plant Advisory Committee. CEQA: Not a Project. (Finance)

**Resolution No. 73557 adopted.**

### 2.11 Approval to award open purchase order #12 for FY 2006-2007.

**Recommendation:** Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2006-2007 #12 and authorization for the Director of Finance to execute the purchase orders. CEQA: See Administration's Memorandum to Council for specific CEQA clearance determinations on each recommended action. (Finance)

**Approved.**

## 2. CONSENT CALENDAR

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### 2.12 Approval to purchase moving services to complete the Central Service Yard Phase II Project.

**Recommendation:** Report on Request for Quotes and authorize the Director of Finance to execute a purchase order to Cor-O-Van Moving and Storage for moving services needed to complete the Central Service Yard Phase II Project for a not-to-exceed amount of \$125,001. CEQA: Not a Project. Council District 3 and 7. (Finance)

**Approved.**

### 2.13 Approval to amend an agreement for Transit Mall Maintenance.

**Recommendation:** Adoption of a resolution authorizing the Director of Finance to execute the first amendment to the agreement with Full Service Maintenance, Inc. dba Universal Maintenance for maintenance of the Transit Mall, revising the scope of services and increasing compensation by \$285,041 from \$554,959 to \$840,000. CEQA: Not a Project. Council District 3. (Finance/ Transportation)

**Resolution No. 73558 adopted.**

### 2.14 Approval to purchase Freestanding Furniture for the Central Service Yard Phase II move.

**Recommendation:** Report on bids and approval of the award of the purchase of Freestanding Furniture and authorization to the Director of Finance to execute the purchase orders for the newly reconstructed Central Service Yard to:

- (a) Corporate Express, the low bidder for bid group C and E for an amount not to exceed \$63,085.94 including tax;
- (b) California Commercial Interiors, the low bidder for bid group B, for an amount not to exceed \$2,202.50 including tax;
- (c) One Workplace, the low bidder for bid group A and D, for an amount not to exceed \$55,134.05 including tax.

CEQA: Not a Project. (Finance)

**Approved.**

## 2. CONSENT CALENDAR

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### 2.15 Approval of report on proposals for Integrated Collection Services for City Facilities.

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

- (a) Execute an Agreement for Integrated Collection for City Facilities with Waste Connections of California, Inc., dba Green Team of San José, for a two-year agreement from January 1, 2007 through December 31, 2008 not to exceed \$1,410,244 for the first year, with compensation for the second year of this contract subject to adjustment according to the Consumer Price Index for the San Francisco-Oakland-San José Area and annual appropriation of funds.
- (b) Exercise four additional one-year options to renew the agreement subject to Consumer Price Index price adjustment and annual appropriation of funds.

CEQA: Not a Project. (Finance)

**Resolution No. 73559 adopted.**

### 2.16 Approval of actions related to the Community Sports Fields Feasibility Study.

**Recommendation:**

- (a) Acceptance of the proposed work plan for the Community Sports Fields Feasibility Study.

**Report Accepted.**

- (b) Adoption of the following Appropriation Ordinance Amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purpose District 1:
  - (1) Establish an appropriation in the amount of \$15,000 to the Parks, Recreation and Neighborhood Services Department for the Community Sports Fields Feasibility Study; and
  - (2) Decrease the Ending Fund Balance by \$15,000.

**Ordinance No. 27936 adopted.**

- (c) Adoption of the following Appropriation Ordinance Amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purpose District 2:
  - (1) Establish an appropriation in the amount of \$15,000 to the Parks, Recreation and Neighborhood Services Department for the Community Sports Fields Feasibility Study; and
  - (2) Decrease the Ending Fund Balance by \$15,000.

**Ordinance No. 27937 adopted.**

- (d) Adoption of the following Appropriation Ordinance Amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purpose District 3:
  - (1) Establish an appropriation in the amount of \$15,000 to the Parks, Recreation and Neighborhood Services Department for the Community Sports Fields Feasibility Study; and
  - (2) Decrease the Ending Fund Balance by \$15,000.

**Ordinance No. 27938 adopted.**

## 2. CONSENT CALENDAR

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### 2.16 Approval of actions related to the Community Sports Fields Feasibility Study (Cont'd.)

- (e) Adoption of the following Appropriation Ordinance Amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purpose District 4:
  - (1) Establish an appropriation in the amount of \$15,000 to the Parks, Recreation and Neighborhood Services Department for the Community Sports Fields Feasibility Study; and
  - (2) Decrease the Ending Fund Balance by \$15,000.**Ordinance No. 27939 adopted.**
  
- (f) Adoption of the following Appropriation Ordinance Amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purpose District 5:
  - (1) Establish an appropriation in the amount of \$15,000 to the Parks, Recreation and Neighborhood Services Department for the Community Sports Fields Feasibility Study; and
  - (2) Decrease the Ending Fund Balance by \$15,000.**Ordinance No. 27940 adopted.**
  
- (g) Adoption of the following Appropriation Ordinance Amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purpose District 6:
  - (1) Establish an appropriation in the amount of \$15,000 to the Parks, Recreation and Neighborhood Services Department for the Community Sports Fields Feasibility Study; and
  - (2) Decrease the Ending Fund Balance by \$15,000.**Ordinance No. 27941 adopted.**
  
- (h) Adoption of the following Appropriation Ordinance Amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purpose District 7:
  - (1) Establish an appropriation in the amount of \$15,000 to the Parks, Recreation and Neighborhood Services Department for the Community Sports Fields Feasibility Study; and
  - (2) Decrease the Ending Fund Balance by \$15,000.**Ordinance No. 27942 adopted.**
  
- (i) Adoption of the following Appropriation Ordinance Amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purpose District 8:
  - (1) Establish an appropriation in the amount of \$15,000 to the Parks, Recreation and Neighborhood Services Department for the Community Sports Fields Feasibility Study; and
  - (2) Decrease the Ending Fund Balance by \$15,000.**Ordinance No. 27943 adopted.**

## 2. CONSENT CALENDAR

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### 2.16 Approval of actions related to the Community Sports Fields Feasibility Study (Cont'd.)

- (j) Adoption of the following Appropriation Ordinance Amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purpose District 9:
- (1) Establish an appropriation in the amount of \$15,000 to the Parks, Recreation and Neighborhood Services Department for the Community Sports Fields Feasibility Study; and
  - (2) Decrease the Ending Fund Balance by \$15,000.

**Ordinance No. 27944 adopted.**

- (k) Adoption of the following Appropriation Ordinance Amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purpose District 10:
- (1) Establish an appropriation in the amount of \$15,000 to the Parks, Recreation and Neighborhood Services Department for the Community Sports Fields Feasibility Study; and
  - (2) Decrease the Ending Fund Balance by \$15,000.

**Ordinance No. 27945 adopted.**

- (l) Adoption of the following Appropriation Ordinance Amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purpose City-wide:
- (1) Establish an appropriation in the amount of \$15,000 to the Parks, Recreation and Neighborhood Services Department for the Community Sports Fields Feasibility Study; and
  - (2) Decrease the Ending Fund Balance by \$15,000.

CEQA: Not a Project. (Parks, Recreation and Neighborhood Services/City Manager's Office)

**Ordinance No. 27946 adopted.**

### 2.17 Acceptance of the Annual Progress Report on the Implementation of the Housing Element.

**Recommendation:** Acceptance of the Annual Progress Report on the Implementation of the Housing Element. CEQA: Not a Project. (Planning, Building and Code Enforcement/Housing)

**Report Accepted.**

## 2. CONSENT CALENDAR

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### 2.18 Approval of actions related to LAFCO Agricultural Mitigation Policies.

**Recommendation:** Adoption of a resolution authorizing the Mayor to execute a letter on behalf of the City Council to the Local Agency Formation Commission of Santa Clara County (LAFCO) transmitting comments of the City on the Draft (revised October 26, 2006) LAFCO Agricultural Mitigation Policies and directing the City Manager to forward such letter to LAFCO and LAFCO's Executive Officer. CEQA: Not a Project. (Planning, Building and Code Enforcement)

**Resolution No. 73560 adopted, with Staff directed to attend LAFCO meeting on 12/13/06 and present a letter signed by Mayor Gonzales on behalf of the City Council outlining the City's position.**

### 2.19 Acceptance of actions related to the 2006-2007 Weed Abatement Report.

**Recommendation:** Adoption of a resolution:

- (a) Accepting of the 2006-2007 Hazardous Vegetation Commencement Report (Weed Abatement) compiled by the Santa Clara County Department of Agriculture and Resource Management; and
- (b) Declaring that those certain noxious or dangerous seasonal and recurrent weeds, growing or likely to be growing, and refuse, situated or likely to be situated, on those properties identified in the report are a nuisance; and
- (c) Directing the Santa Clara County Department of Agriculture and Resource Management to mail notices of a public hearing before the Council, on January 23, 2007 at 1:30 p.m., on the report to property owners of affected real properties, pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Agreement between the City and the County of Santa Clara.

CEQA: Exempt, File No. PP06-196. (Planning, Building and Code Enforcement)

**Resolution No. 73561 adopted.**

### 2.20 Approval to amend an agreement for consulting services for the ECOMM Microwave Interoperability Communication Project.

**Recommendation:** Adoption of a resolution authorizing the City Manager to:

- (a) Negotiate a second amendment to the agreement with Harris Corporation for consulting services related to completing the system design for the ECOMM microwave interoperability communications project, increasing compensation by \$178,252 from \$99,113 to an amount not to exceed \$227,365 and extending the term from December 31, 2006, to June 30, 2007; and
- (b) Execute change orders in an additional contingency amount of \$41,748, contingent on available grant funding.

CEQA: Not a Project. (Police)

**Resolution No. 73562 adopted.**

## 2. CONSENT CALENDAR

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### 2.21 Approval to set a Public Hearing related to the Guadalupe Gardens Underground Utility District.

**Recommendation:** Adoption of a resolution to consider the use of public lands for the installation of Pacific Gas and Electric Company aboveground cabinets for the construction of the Guadalupe Gardens Underground Utility District established January 21, 2003, and setting a public hearing on January 9, 2007 at 1:30 p.m. CEQA: Exempt, PP02-10-306. Council District 3. (Public Works)

**Resolution No. 73563 adopted, with Staff directed to come back on January 9, 2007 with information about what other cities are doing in terms of partnerships.**

### 2.22 Approval of two agreements with PG&E to convert overhead facilities to underground facilities.

**Recommendation:** Approval of two agreements with Pacific Gas and Electric Company for conversion of overhead facilities to underground facilities and special facilities fees within the In-Lieu Fee (Rule 20B) Underground Utility District at Saratoga Avenue and Kiely Boulevard in an amount not to exceed \$249,422.53. CEQA: Exempt, PP06-105. Council District 1. (Public Works)

**Approved.**

### 2.23 Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement between the City of San José and San José State University.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement between the City of San José and San José State University for the Transfer and Safekeeping of City Records pertaining to the Mayoralty of Ron Gonzales to the San José State University Tower Foundation on behalf of the University Library. CEQA: TBD. (Mayor)

(Rules Committee referral 12/6/06)

**Resolution No. 73564 adopted.**

### 2.24 Adoption of Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund for Council District 4.

**Recommendation:** Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund to:

- (a) Increase the Other Revenue estimate by \$39,036; and
- (b) Increase the Council District 4 appropriation by \$39,036.

(City Clerk)

(Rules Committee referral 12/6/06)

**Ordinance No. 29747 adopted.**

**Resolution No. 73565 adopted.**

## 2. CONSENT CALENDAR

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### 2.25 Approval of actions related to the existing Kimberly Woods Apartments.

**Recommendation:** Adoption of a resolution approving an amendment to the Amended and Restated Regulatory Agreement and Declaration of Restrictive Covenants to modify the affordable rent for the project to allow the sale of the existing Kimberly Woods Apartments, a 208-unit affordable rental housing development located at 935 Willowleaf Drive, to INVESCO Core Real Estate-U.S.A., L.L.C., and authorizing the City Manager to execute the amendment. (Housing)

(Rules Committee referral 12/6/06)

**Resolution No. 73566 adopted.**

### 2.26 Approval of actions related to the Boys and Girls Club of Silicon Valley.

**Recommendation:** Approval of an agreement with the Boys and Girls Club of Silicon Valley (BGC) for joint use of the sports field located at 2195 and 2293 Cunningham Avenue for no fee, provided that the use is for standard Boys and Girls Club programs and further provided that the City receives use of the Smythe Clubhouse gym for a period of time and at times acceptable to City. CEQA: Exempt, File No. PP06-071. Council District 5. SNI: KONA, West Evergreen, East Valley/680. (Parks, Recreation and Neighborhood Services)

(Deferred from 12/5/06 – Item 5.3)

**Approved.**

**The joint memorandum from Council Members Cortese and Campos, dated December 11, 2006, was approved, with Staff directed to:**

- (1) **Work with the Boys and Girls Club and other youth serving community organizations to develop a field reservation system that maximizes community access and accommodates league play in a fair and practical manner.**
- (2) **That the system be developed in compliance with Housing and Urban Development guidelines and requirements associated with the Community Development Block Grant funding used to construct the field.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.1 Report of the Study Session Mayor Gonzales, Chair

**Recommendation:** Approval of minutes.

- (a) Getting Families Back to Work III Study Session minutes of October 27 – October 28, 2005.
- (b) Council Study Session on Service Delivery Models minutes of January 12, 2006.
- (c) Council Study Session on the Coyote Valley Specific Plan minutes of March 3, 2006.
- (d) Mayor’s Budget Message Study Session minutes of March 16, 2006.
- (e) Council Study Session on the Coyote Valley Specific Plan minutes of April 7, 2006.

**Approved.**

#### 3.2 Report of the Rules Committee – November 29, 2006 Vice Mayor Chavez, Chair

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

- (1) Review December 12, 2006 Draft City Council Agenda

- (a) Adds to December 12, 2006 agenda

- The Committee approved the December 12, 2006 Draft City Council Agenda with five additions.**

- (2) Add New Items to December 5, 2006 Agenda

- The Committee approved the December 5 2006 City Council Agenda with five additions.**

- (3) List of Reports Outstanding

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

- (c) Legislative Update

- (1) State

- (2) Federal

- No Reports.**

- (d) Meeting Schedules

- (1) Council Meeting Schedule January – July 2007. (City Manager)

- The Committee approved the schedule.**

- (e) The Public Record

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

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – November 29, 2006 (Cont'd.)

##### Vice Mayor Chavez, Chair

- (f) Appointments to Boards, Commissions and Committees
  - (1) Federated City Employees Retirement System (FCERS) Retirement Board Public Member. (FCERS Board of Administration)
  - (2) Reappointment of Dave Busse to the Federated Retirement Board. (Civil Service Commission)
  - (3) Parks and Recreation Commission Appointment. (Yeager)
  - (4) Small Business Development Commission Appointments. (Reed)
  - (5) Historic Landmarks Commission Appointments. (LeZotte)
  - (6) Human Rights Commission Appointments. (LeZotte)
  - (7) Senior Citizens Commission Appointments. (LeZotte)

**The Committee approved the recommended appointments.**

- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Volunteer Disabled Parking Enforcement Program. (Department of Transportation)

**The Committee accepted the Staff report.**

- (h) Review of Significant Public Records Act Requests
  - (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 3:45 p.m.**

#### Report of the Rules Committee – December 6, 2006

##### Vice Mayor Chavez, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
  - (1) Review December 19, 2006 Draft City Council Agenda

**None, meeting canceled.**

  - (2) Add New Items to December 12, 2006 Agenda

**The Committee approved the December 12, 2006 City Council Agenda with ten additions.**

  - (3) List of Reports Outstanding

**The Committee noted and filed the City Manager's Report.**
- (c) Legislative Update
  - (1) State
  - (2) Federal

**No Reports.**

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

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#### **3.2 Report of the Rules Committee – December 6, 2006 (Cont'd.)**

**Vice Mayor Chavez, Chair**

(d) Meeting Schedules

(1) Approval to cancel the Regular Rules Committee Meeting on December 20 and 27, 2006 and set a Rules In-Lieu Meeting for January 3, 2007.

(City Clerk)

**The Committee approved the schedule.**

(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) Approve travel by Council Member Campos to attend the League of CA Cities-Latino Caucus Board Meeting on January 5, 2007. (Campos)

**The Committee recommended approval of the travel request.**

(h) Review of Significant Public Records Act Requests

(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 2:35 p.m.**

**The Rules Committee Reports and the Actions of November 29, 2006 and December 6, 2006, were accepted.**

#### **3.3 Report of the Making Government Work Better Committee**

**Council Member Reed, Chair**

**No Report.**

#### **3.4 Applicant interviews and appointments to the Appeals Hearing Board.**

**Recommendation:** Interview six applicants and make appointments to fill two, three-year terms ending December 31, 2009 and one unexpired term ending December 31, 2007 on the Appeals Hearing Board. (City Clerk)

(Rules Committee referral 11/29/06)

**Heard in the afternoon.**

**Council appointed Sonya Etienne to a three-year term ending December 31, 2009, Karen Parsons to a three-year term ending December 31, 2009 and Susan Ruscino to an unexpired term ending December 31, 2007.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.5 Approval of an agreement for Citywide Custodial Services for Libraries and Community Centers.

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

- (a) Execute an agreement with Acme Building Maintenance a GCA Company for custodial services for citywide libraries and community centers for (1) year at a cost of \$1,227,102 annually to the City, and approve supplemental funds of \$200,000 to pay for unscheduled work for a total amount not to exceed \$1,427,102.
- (b) Execute four, one-year options to renew the agreement subject to annual Consumer Price Index price adjustments and annual appropriations.

CEQA: Not Project. (Finance)

**Resolution No. 73567 adopted.**

#### 3.6 Approval of fiscal actions for the Information Technology Department.

**Recommendation:** Adoption of the following appropriation ordinance amendments in the General Fund:

- (a) Reduce the Earmarked Reserve for Technology in the amount of \$1,500,000;
- (b) Increase the Information Technology Department (ITD) non-personal appropriation in the amount of \$1,400,000;
- (c) Increase the Information Technology Department (ITD) personal services appropriation in the amount of \$100,000.

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

**Ordinance No. 27948 adopted.**

#### 3.7 Public Hearing and adoption of a resolution to vacate a public sanitary sewer easement.

**Recommendation:** Public hearing and adoption of a resolution vacating a public sanitary sewer easement lying immediately east of McGinness Avenue approximately 600 feet north of Story Road. CEQA: Mitigated Negative Declaration, CP05-034.

Council District 5. SNI: East Valley/680. (Public Works)

**Resolution No. 73568 adopted.**

#### 3.8 Approval of an agreement for flow monitoring of the City's Sanitary Sewer System.

**Recommendation:** Approval of the master agreement with V&A Consulting Engineers for consultant services for flow monitoring of the City's Sanitary Sewer System from the date of execution to December 31, 2011, in a total amount not to exceed \$2,000,000.

CEQA: Exempt, File No. PP05-274. (Public Works)

**Approved.**

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

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#### **3.9 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 from 11/14/06 – Item 3.6 and 12/5/06 – Item 3.4)

**Deferred to 1/9/07.**

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

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#### **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 – November 27, 2006 Council Member Williams, Chair**

- (a) Local/Small Business Participation  
**The Committee accepted the Staff report.**
- (b) Affordable Housing Goals, Accomplishments, and Forecasts  
**The Committee accepted the Staff report.**
- (c) Housing Indicators  
**The Committee accepted the Staff report.**
- (d) Review of Relevant Legislative Priorities  
**The Committee accepted the Staff report.**
- (e) Public Art Update  
**The Committee accepted the Staff report.**
- (f) Review of Community and Economic Development CSA Administrative Workload  
**The Committee accepted the Staff report.**

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

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### **4.2 Report of the Driving a Strong Economy Committee – November 27, 2006 (Cont'd.) Council Member Williams, Chair**

- (g) Discussion of the Development of a City Pilot Shopping Center Improvement Program Outside of the RDA Project Areas using City and Redevelopment Agency Staff

**The Committee accepted the Staff report.**

- (h) Oral Petitions

**None were presented.**

- (i) Adjournment

**The meeting was adjourned at 3:50 p.m.**

**The Driving a Strong Economy Committee and the Action of November 27, 2006, were accepted.**

### **4.3 Approval to initiate actions and set a public hearing for the annexation of Sunol No. 73.**

**Recommendation:** Adoption of a resolution initiating proceedings and setting January 9, 2007 at 1:30 p.m. for Council consideration on the reorganization of territory designated as Sunol No. 73 which involves the annexation to the City of San José of 0.41 gross acres of land located at the east side of Page Street, approximately 200 feet southerly of Douglas Street, and the detachment of the same from the appropriate special districts including Sunol Sanitary, County Lighting County Service, Central Fire Protection and Area No. 01 (Library Services) County Service. CEQA: Mitigated Negative Declaration, File No. PDC06-010. Council District 6. SNI: Burbank/Del Monte. (Planning, Building and Code Enforcement)

**Resolution No. 73569 adopted.**

## **5. NEIGHBORHOOD SERVICES**

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

**No Report.**

## 5. NEIGHBORHOOD SERVICES

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### 5.2 Approval of Amendments to the Parkland Dedication and Park Impact Ordinances and revisions to the schedule of park in-lieu fees and credits.

#### **Recommendation:**

- (a) Approval of staff's follow-up recommendations related to the amendments to the Park Impact and Parkland Dedication Ordinance (Chapters 14.25 and 19.38 of the San José Municipal Code) and revisions to the schedule of park in-lieu fees and credits.
- (1) Approval of guidelines for providing PDO/PIO funding to projects on school district properties and other public agency properties;
  - (2) Approval of the recommendation regarding the minimum requirements for maintenance and acceptance of public dual-use stormwater facilities;
  - (3) Approval of the recommendation to define the Downtown Core Area to be consistent with the City's General Plan.

CEQA: Resolution No. 65459. (Parks, Recreation and Neighborhood Services)

**Approved.**

- (b) (1) Approval of an ordinance amending Chapter 14.25 of Title 14 and Chapter 19.38 of Title 19 of the San José Municipal Code to revise the crediting provision for public recreational improvements, to revise the time for payment of the park in-lieu fees collected pursuant to these chapters under certain circumstances, to expand the use of the park in-lieu fees to include recreational facilities and to make technical changes.

**Ordinance No. 27949 passed for publication.**

- (2) Adoption of a resolution revising the schedule of park in-lieu fees and credits issued pursuant to Chapters 14.25 and 19.38 of the San José Municipal Code, to increase the park in-lieu fees to 100% of 2005 land values, to revise the credit schedule for private recreation improvements and to set a discounted park in-lieu fee for certain residential high rise projects located in the Downtown Core Area.

CEQA: Resolution No. 65459. (City Attorney's Office)

**Deferred to January 9, 2007.**

**Staff Option 3 was approved with the following modifications and/or clarifications:**

- (1) **Change the boundary to the Downtown Core: Coleman Avenue, Julian Street and St. James Street to the North; 4<sup>th</sup> Street and Civic Center Plaza to the East; State Route 280 to the South and Highway 87/Guadalupe Parkway to the West.**
- (2) **Accept Item (a)(3) above with the formal strategy for how the parks get developed and to return to Council prior to the final reading.**
- (3) **Add a formal methodology and strategy related to parks and affordable housing and return to Council as part of the report in January 2007.**
- (4) **Staff requested to explore options for additional fees for parks with unique challenges, like Watson Park.**

## 5. NEIGHBORHOOD SERVICES

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### 5.3 Approval of a funding commitment from the Housing Trust Fund 2006 for the acquisition and rehabilitation of property.

**Recommendation:** Adoption of a resolution approving a funding commitment of up to \$1,700,000 to the Unity Care Group or its designated affiliate entity for the acquisition and rehabilitation of property located at 110 Roundtable Drive for 12 units of permanent housing to be made affordable to extremely low-income youth who are aging out of foster care. CEQA: Exempt, File No. PP06-199. Council District 2. SNI: Edenvale/Great Oaks. (Housing)

**Resolution No. 73571 adopted.**

### 5.4 Approval of actions related to the Consolidated Plan Citizen Participation Plan and the Housing and Community Development Advisory Commission.

**Recommendation:** Adoption of the revised Consolidated Plan Citizen Participation Plan to reflect that the Housing and Community Development Advisory Commission is the lead citizen advisory group advising the City Council and Housing Department on the CDBG program and affordable housing and homeless programs. CEQA: Not a Project. (Housing)

**Approved, with Staff directed to work with the City Attorney on language clarifying that the Council Liaison is a non-voting member.**

### 5.5 Approval of a funding commitment for the Fairgrounds Senior Housing Project.

**Recommendation:** Adoption of a resolution:

- (a) Approving a funding commitment for a loan of up to \$11,464,563 to the County of Santa Clara and the Housing Authority of the County of Santa Clara, a California nonprofit public benefit corporation, or their designated affiliate entity, for the development of the 198-unit Fairgrounds Senior Apartments Project located at 350 Tully Street, to be made available to 196 extremely low-income (ELI) senior households with two unrestricted managers' units.
- (b) Finding that the use of 20% 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. 73572 adopted.**

### 5.6 Approval of land acquisition loans for Affordable Housing Projects.

**Recommendation:** Adoption of a resolution to:

- (a) Approve a property loan program for affordable housing projects that have received a funding commitment from the City Council; and
- (b) Authorize the Director of Housing to establish specific terms for such loans and implement the program.

CEQA: Not a Project. (Housing)

**Resolution No. 73573 adopted.**

## 5. NEIGHBORHOOD SERVICES

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### 5.7 Approval of report on bids and take appropriate action for the Willow Glen Branch Library Project.

**Recommendation:**

- (a) Report on bids and award of contract for the Willow Glen Branch Library Project to the low bidder Ralph Larsen and Sons, Inc., in the amount of \$6,848,000, and approval of a contingency in the amount of \$685,000

**Approved.**

- (b) Adoption of the following Appropriation Ordinance amendments in the Branch Libraries Bond Projects Fund (Fund 472):

- (1) Increase the Willow Glen Branch Library Project by \$608,000; and
- (2) Decrease the Ending Fund Balance by \$608,000.

CEQA: Exempt, File No. PP06-117. Council District 6. (Public Works/Library/City Manager's Office)

**Ordinance No. 27950 adopted.**

**Staff directed to bring back plan for future libraries to be LEED certified – Silver.**

### 5.8 Approval of actions related to the Roosevelt Community Center Package II Project.

**Recommendation:**

- (a) Report on bids and award of contract for the Roosevelt Community Center - Package II Project in the amount of \$14,046,940, for the base bid and Add Alternate Nos. 2 and 3 to the low bidder, Arntz Builders, Inc., and approval of a contingency in the amount of \$702,325.

- (b) Adoption of the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund (Fund 375):

- (1) Establish an appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$1,370,000 for the Roosevelt Community Center – Multi-Service Project;
- (2) Reduce the Roosevelt Center Gymnasium Design Project by \$263,000; and;
- (3) Reduce the Reserve: Future PDO/PIFO Projects by \$1,107,000.

CEQA: Mitigated Negative Declaration, File No. PP03-12-397. Council District 3.

SNI: Five Wounds/Brookwood Terrace. (Public Works/Parks, Recreation and Neighborhood Services/City Manager's Office)

(Deferred from 12/5/06 – Item 5.7)

**Staff directed to reject all bids and rebid.**

## 6. TRANSPORTATION & AVIATION SERVICES

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

- 6.2 **Approval of an agreement to relinquish Capitol Expressway from the County.**

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the County of Santa Clara, transferring to the City of San José final approval rights of all plans for future modifications to the nine miles of Capitol Expressway which extends from Highway 87 to Interstate 680, and subsequently accepting relinquishment of nine miles of Capitol Expressway to the City of San José.

CEQA: Resolution to be adopted. Council Districts 5, 7, 8, and 10. SNI: West Evergreen, East Valley/680. (Transportation)  
(Deferred from 12/5/06 – Item 6.4)

**Resolution No. 73574 adopted.**

**CEQA Resolution No. 73575 adopted, with the stipulation that the agreement be brought back concurrent with the Evergreen items deferred to the Spring, and further, direction to Staff to begin discussions with the County, Milpitas and Santa Clara about other regional opportunities.**

- 6.3 **Approval to designate the intersection of Capitol Expressway/Capitol Avenue as a “protected intersection.”**

**Recommendation:** Adoption of a resolution to approve the designation of the intersection of Capitol Expressway/Capitol Avenue to the “Protected Intersection” list under the City’s Transportation Impact Policy 5-3. CEQA: Resolution to be adopted. Council Districts 5. SNI: East Valley/680. (Transportation)

(Deferred from 12/5/06 – Item 6.5)

**Deferred to Spring 2007.**

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.4 Approval of actions related to the Traffic Impact Fee Study for Evergreen residential pool units.

**Recommendation:**

- (a) Acceptance of the traffic impact fee study and approval of an ordinance establishing a traffic impact fee as part of the Evergreen Area Development Policy.
- (b) Approval of an ordinance adding Chapter 14.30 to Title 14 of the San Jose Municipal Code establishing a traffic impact fee on new residential pool unit development subject to the Evergreen Development Policy in order to implement the traffic improvements set forth in the Evergreen Development Policy and the Final Evergreen East Hills Vision Strategy Environmental Impact Report. CEQA: Resolution to be adopted. Director of Planning, Building and Code Enforcement recommend to the City Council approval of an ordinance to establish a Traffic Impact Fee on new residential development subject to the Evergreen Development Policy in order to implement the traffic improvements set forth in the Evergreen Development Policy and the Final Evergreen East Hills Vision Strategy Environmental Impact Report.

CEQA: Resolution to be adopted. (Transportation)

(Deferred from 12/5/06 – Item 6.6)

**Deferred to Spring 2007.**

### 6.5 Approval of an agreement for Program Management Consultant Services at the Airport.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a Master Services Agreement with URS Corporation for Program Management Consultant Services at Norman Y. Mineta San José International Airport, from the date of execution to December 31, 2010, in an initial amount not to exceed \$7,500,000, including up to two, two-year options. CEQA: Resolution Nos. 67380 and 71451, PP06-176. (Airport)

**Resolution No. 73576 adopted.**

## 7. ENVIRONMENTAL & UTILITY SERVICES

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## **8. PUBLIC SAFETY SERVICES**

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### **8.1 Approval of fiscal actions related to Urban Areas Security Initiative Appropriations.**

**Recommendation:**

- (a) Adoption of the following amendments to the annual Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:
  - (1) Increase the 2005 Urban Areas Security Initiative (UASI) appropriation in the City-wide Expenses by \$3,784,311 to allow the City to spend its full allocation; and,
  - (2) Increase the estimate for Revenue from the Federal Government by \$3,784,311.

**Ordinance No. 27951 adopted.**

**Resolution No. 73577 adopted.**

- (b) Reallocation of 2004 and 2005 UASI budgets to support operational costs associated with Orange Alert (terrorist threat level) at Norman Y. Mineta San José International Airport and revised 2005 training plans.

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

**Approved.**

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

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**Redevelopment Agency Board was convened to consider Items 9.1 and 9.2 in a Joint Session.**

### **9.1 Approval to amend an agreement with San José Day Nursery for the development and renovation of existing facilities.**

**Recommendation:** Approval of the second amendment to the agreement with the San José Day Nursery, increasing the Agency contribution by \$300,000 for a total City/ Agency contribution not to exceed \$1,300,000, for the development and renovation of San José Day Nursery's exiting facilities located at 33 North Eighth Street, and amend term of the covenants from 20 years to 30 years. (City Manager's Office/Redevelopment Agency)

**Approved.**

## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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### 9.2 Approval of actions related to the Strong Neighborhoods Initiative Blackford Neighborhood Improvement Plan Amendments.

**Recommendation:**

- (a) Approval of the Strong Neighborhoods Initiative Blackford Neighborhood Improvement Plan Amendments as the renewed City/community vision for the future of the Blackford area,
- (b) Authorize the Administration to direct City Departments and Agencies with implementation responsibilities to begin their respective activities, including the general oversight of the implementation of the Plan by the Redevelopment Agency and City Manager’s Office; and
- (c) Encourage the Blackford area residents, property owners, and community members to dedicate their time, energy, and resources to implement the recommendations of the Plan Amendment and continue with their community building activities.

CEQA: Resolution No. 71042. (Planning, Building and Code Enforcement / Redevelopment Agency)

**Heard in the evening.**

**Approved.**

- **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>
9822	Southeast corner of Paula Street and Meridian Way	6	K & Z Homes LLC	1 Lot / 8 Units	MFA	Approve
9830	Northwest side of Lewis Road, 210’ southwest of Garden Avenue	7	Wall / Lewis San José LLC	81 Lots / 80 Units	SFDR/ SFA	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>
9884	North side of West San Carlos Street, 650' west of Meridian Avenue	6	SummerHill Homes	20 Lots / 95 Units	Multi-Family Attached
9890	South side of Fleming Avenue, 1,000' south-east of Alum Rock Avenue	5	Braddock & Logan	16 Lots / 14 Units	Single Family Attached
9893	South side of Villa Street, 240' east of Myrtle Street	6	Ms. Margaret Pham	1 Lot / 6 Units	Single Family Attached

- **Notice of City Engineer's Award of Construction Projects**  
**No Report.**

- **Open Forum**

- (1) **Mark Trout expressed personal, religious views.**
- (2) **George Fokos stated the City should move forward in serving the citizens of San José by providing more swimming pools.**
- (3) **David Wall criticized the City Manager for recent appointments in the Environmental Services Department.**
- (4) **Peter Ross suggested the Council appoint a commission to address neighborhood noise pollution issues.**
- (5) **Ross Signorino congratulated Mayor Gonzales on his accomplishments for the past 8 years.**
- (6) **Stephen Hazel argued that the new ordinance providing for the removal of an elected official from office should be changed to add that if and official is indicted, he/she can be removed by a simple majority of the Council.**
- (7) **Robert Apgar voiced personal observations.**

- **Adjournment**

**The Council Afternoon Session was adjourned at 3:30 p.m.**

## **10. GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR**

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(Heard by the City Council at 7:02 p.m.)

### **10.1 Tentative approval of General Plan Consent Calendar items.**

#### **Recommendations:**

- (a) Tentative approval of a General Plan Text Amendment to make additions, revisions and clarifications to the Natural Resources, Water Resources and Level of Service goals and policies to clarify and strengthen the City's commitment to preservation and protection of water resources. The Director of Planning, Building and Code Enforcement and the Planning Commission recommended approval (6-0-1; Pham absent). CEQA: Resolution No. 65459.  
GP06-T-05 – Citywide
- (b) Tentative approval of a General Plan Text Amendment to delete language allowing certain limited, interim outdoor recreational uses on public properties in the South Almaden Valley Urban Reserve. Director of Planning, Building and Code Enforcement and the Planning Commission recommended approval (6-0-1; Pham absent). CEQA: Resolution No. 65459.  
GP06-T-06 – District 10

**Staff/Planning Commission recommendation was tentatively approved.**

**END OF GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR**

## 10. GENERAL PLAN PUBLIC HEARINGS

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### 10.2 Amendment for property located at the east side of Monterey Highway, approximately 800 feet northwesterly of Skyway Drive.

**Recommendation:** Tentative approval of General Plan amendment request to change the Land Use/Transportation Diagram designations on an approximately 4.75-acre site located at the east side of Monterey Highway, approximately 800 feet northwesterly of Skyway Drive, from Very Low Density Residential (2 DU/AC) on 4.55 acres and General Commercial on 0.2 acres to Medium Low Density Residential (8 DU/AC) on 4.75 acres (Monterey Town Center, LLC, Owner/Sabercat Holdings, LLC, Applicant). Director of Planning, Building and Code Enforcement recommended no change/denial to the General Plan. The Planning Commission recommended approval of Low Density (5 DU/AC) on 4.75 acres (4-2-1; Campos and Platten opposed; Pham absent). CEQA: Negative Declaration.

GP05-02-06 – District 2

**Planning recommendation was tentatively approved.**

**Memorandum from Council Member Williams, dated December 12, 2006, was approved, recommending tentative approval of the request to change the land use designation to Medium Low Density Residential (8 DU/AC) on 4.75 acres, provided that the Applicant can satisfactorily meet all of the City requirements of zoning, permits, frontage, grading, retaining walls and other mitigation measures.**

**Disqualified: Reed.**

### 10.3 Amendment for property located on the east side of Senter Road, approximately 600 feet southerly of Wool Creek Drive.

**Recommendation:** Tentative approval of General Plan amendment request to change the Land Use/Transportation Diagram designation from Light Industrial to General Commercial on an approximately 3.6-acre site located on the east side of Senter Road, approximately 600 feet south of Wool Creek Drive (2222 and 2232 Senter Road) (Owner: E L S Properties Corporation/Applicant: Green Valley Corporation.). Director of Planning, Building and Code Enforcement recommended no change/denial to the General Plan. The Planning Commission recommended Combined Industrial/Commercial on 3.6 acres. SNI: Tully/Senter. CEQA: Negative Declaration.

GP06-07-04 – District 7

**Continued to Winter 2007.**

## 10. GENERAL PLAN PUBLIC HEARINGS

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### 10.4 Amendment for the following items located on several parcels on the southwest corner of East Brokaw Road and Old Oakland Road.

**Recommendation:**

- (a) Public Hearing on the certification of a final Environmental Impact Report (E.I.R.) to change the Land Use/Transportation Diagram designation from Industrial Park on 11.9 acres and Industrial Park with Mixed Industrial Overlay on 15.5 acres to Neighborhood/Community Commercial on 6 acres and High Density Residential (25-50 du/ac) on 21.4 acres.

**Dropped.**

- (b) Tentative approval of General Plan amendment request to change the Land Use/Transportation Diagram designation from Industrial Park on 11.9 acres and Industrial Park with Mixed Industrial Overlay on 15.5 acres to Neighborhood/Community Commercial on 6 acres and High Density Residential (25-50 du/ac) on 21.4 acres. (Markovits & Fox, Owners/The Riding Group, Applicant). Director of Planning, Building and Code Enforcement recommended denial of the General Plan amendment. The Planning Commission recommended approval of Neighborhood/Community Commercial on 6 acres and High Density Residential (25-50 du/ac) on 21.4 acres (4-2-1; Kamkar and Zito opposed; Dhillon abstained). CEQA: Resolution to be adopted.

GP06-04-02 – District 4

**Planning Commission recommendation was tentatively approved.**

**CEQA Resolution No. 73578 adopted.**

**Noes: Chirco, Reed.**

### 10.5 Amendment for property located at the southeasterly corner of Berryessa Road and Jackson Avenue.

**Recommendation:** Tentative approval of General Plan amendment request to change the Land Use/Transportation Diagram designation from Neighborhood/Community Commercial on approximately 6.4 acres, High Density Residential (25-50 DU/AC) on approximately 7.2 acres, and Medium Density Residential (8-16 DU/AC) on approximately 0.9 acre to Medium High Density Residential (12-25 DU/AC) on approximately 14.5 acres and maintain the existing Neighborhood/Community Commercial on the remaining approximately 3 acres of the approximately 17.5-acre property located at the southeasterly corner of Berryessa Road and Jackson Avenue (Owner: Pepper Lane-Berryessa, LLC/Applicant: Pulte Home Corporation). Director of Planning, Building and Code Enforcement and Planning Commission recommended approval of Medium High Density Residential (12-25 DU/AC) on approximately 14.5 acres and maintain the existing Neighborhood/Community Commercial on the remaining approximately 3 acres of the approximately 17.5 acres (6-0-1; Pham absent). CEQA: Negative Declaration.

GP06-04-04 – District 4

**Staff/Planning Commission recommendation was tentatively approved.**

## 10. GENERAL PLAN PUBLIC HEARINGS

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### 10.6 Amendment for the following items located on the northeast corner of North King Road and Dobbin Drive.

#### **Recommendation:**

- (a) Public Hearing on appeal of the Planning Commission's certification of a final Environmental Impact Report (E.I.R.) to change the Land Use/Transportation Diagram designation from Light Industrial to Transit Corridor Residential (20+ DU/AC) with a Floating Park designation on a 24.8-acre site.

**Appeal denied; Resolution No. 73579 adopted.**

- (b) Tentative approval of General Plan amendment request to change the Land Use/Transportation Diagram designation from Light Industrial to Transit Corridor Residential (20+ DU/AC) with a Floating Park designation on a 24.8-acre site. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval of Transit Corridor Residential (20+ DU/AC) with a Floating Park on a 24.8-acre site. (Various owners/Transit Village Partners, LLC, Applicant). (5-1-1; Zito opposed, Dhillon abstained). CEQA: Resolution to be adopted.

GP06-03-01 – District 3

**Staff/Planning Commission recommendation was tentatively approved, with the following direction to Staff for next steps:**

- (1) **The School District and Applicant should come to an agreement before this comes back to the Council for zoning.**
- (2) **Collaborate with the School District around San Jose's citywide park needs in the District and discuss with them uses for the District's surplus land (approx. 31 acres).**
- (3) **The program that comes back as part of the zoning should be financially viable for all parties involved.**
- (4) **Explore potential impacts to the Center for Training and Careers (CTC) in its current location and its long term needs.**
- (5) **Address the phasing of the homeless shelter and transitional housing components together with the market rate housing in the Planned Development zoning stage.**
- (6) **Explore opportunities for State grants.**

**CEQA Resolution 73580 adopted.**

## 10. GENERAL PLAN PUBLIC HEARINGS

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### 10.7 Amendment for property located at the easterly side of Stockton Avenue, approximately 300 feet northerly of West Santa Clara Street.

**Recommendation:** Tentative approval of General Plan amendment request to change the Land Use/Transportation Diagram designation from Combined Industrial/Commercial on one acre, and General Commercial on approximately 0.7 acres, to Core Area on 1.7 acres. The subject approximately 1.7-acre site is located at the easterly side of Stockton Avenue, approximately 300 feet northerly of West Santa Clara Street (Moraga Rheem LLC, Owner/Applicant). Director of Planning, Building and Code Enforcement recommended approval of Core Area on 1.7 acres. The Planning Commission recommended deferral to Winter 2007 (7-0-0). CEQA: Negative Declaration.

GP05-03-08 – District 3

**The request to change the land use designation to General Commercial on 1.7 acres was tentatively approved, over the entire site and clarified that this will allow an exemplary Residential or Mixed Use project under the 2 acre rule at the Director's discretion.**

### 10.8 Amendment for property located at the southeasterly quadrant of Highway 237 and North First Street.

**Recommendation:** Tentative approval of General Plan amendment request to change the Land Use/Transportation Diagram designation from Industrial Park with Mixed Industrial Overlay on approximately 36.3 acres to Combined Industrial/Commercial. The subject site is located at the southeasterly quadrant of Highway 237 and North First Street (Owner: Palm Inc.; Applicant: Hunter/Storm LLC). Director of Planning, Building and Code Enforcement and Planning Commission recommended Combined Industrial/Commercial on an approximately 9.7-acre portion of the site at the northeasterly corner of North First Street and Headquarters Drive; retain Industrial Park and remove the Mixed Industrial Overlay on an approximately 12.6-acre portion of the site approximately 590 feet easterly of North First Street on the northerly side of Headquarters Drive; and retain Industrial Park with Mixed Industrial Overlay on an approximately 14-acre portion of the site at the northeasterly corner of North First Street and Holger Way (7-0-0). CEQA: Negative Declaration.

GP06-04-03 – District 4

**Staff/Planning Commission recommendation was tentatively approved.**

## 10. GENERAL PLAN PUBLIC HEARINGS

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### 10.9 Public Hearing and approval of actions related to the Evergreen East Hills Vision Strategy Project.

#### **Recommendation:**

- (a) Discussion of issues outstanding, Council input and approval of actions related to the Evergreen East Hills Vision Strategy Project.  
**Discussion only. No Council Action.**

- (b) Public Hearing on the appeal of planning Commission's certification of a final Environmental Impact Report (EIR) for the Evergreen East Hills Vision Strategy Project for an update to the Evergreen Development Policy, a Funding Agreement, General Plan Text and Land Use/Transportation Diagram Amendments, Planned Development Rezonings on approximately 542 acres; and to allow between 3,600 and 5,700 dwelling units, up to 500,000 square feet of retail, 75,000 square feet of office, up to 4.66 million square feet of campus industrial, and various transportation improvements and community amenities within the EEHVS area. CEQA: Resolution to be adopted. Director of Planning, Building, and Code Enforcement and Planning Commission recommended the City Council certify the Environmental Impact Report prepared for the project and find it in compliance with the requirements of CEQA. (6-0-1; Zito abstain). SNI: K.O.N.A, West Evergreen and East Valley/680 Communities. Council Districts 5, 7 and 8.

**Staff/Planning Commission recommendation was tentatively approved.  
CEQA Resolution No. 73570 adopted.**

**Joint memorandum from Council Members Cortese, Reed, Pyle and Chirco, dated December 11, 2006, was approved, with the following clarifications:**

- (1) Adopt a resolution upholding the certification of the Environmental Impact Report by the Planning Commission as prepared for the Evergreen East Hills Vision Strategy Project.**
- (2) Direct Staff to develop the funding agreement at earliest possible date with target for Council action of March 2007, with the assumptions on amenities, schools, updated area development policy, phasing and implementation as noted in Attachment A, to be used by Staff as negotiating points.**
- (3) Direct Staff to bring back to City Council at a study session to be scheduled no later than the end of January 2007, a complete set of draft documents, including a draft funding agreement.**
- (4) Direct Staff to bring back to City Council at a study session to be scheduled no later than the end of January 2007, full and complete responses to the questions and comments in Attachment B along with responses to questions and concerns posed by the Council and the community at the December 12, 2006 City Council meeting.**

*(Item continued on the next page)*

## 10. GENERAL PLAN PUBLIC HEARINGS

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### 10.9 Public Hearing on the following items related to the Evergreen•East Hills Vision Strategy project (Cont'd.)

- (5) **Accept the estimated time contained in the supplemental memorandum dated December 8, 2006, including the schedule of community meetings, however requiring the target date for report back to Council for final action the first week of March 2007.**
  - (6) **Consider an advanced traffic calming analysis around the Pleasant Hills.**
  - (7) **Address concerns of small property owners about how they may submit development proposals, explain any restrictions and how they can be overcome, and provide clear guidelines about how they can apply for the permits.**
- (c)
- (1) Public Hearing on the proposed funding agreement by and between the City of San José and the Evergreen•East Hills Vision Strategy Property Owners for the funding of certain improvements and amenities in the Evergreen Development Policy area. Director of Planning, Building and Code Enforcement recommendation pending. CEQA: Resolution to be adopted. SNI: K.O.N.A, West Evergreen and East Valley/680 Communities. Council Districts 5, 7 and 8.  
**Deferred to Spring 2007.**
  - (2) Public Hearing on the proposed update to the Evergreen Development Policy for the Evergreen East Hills area of San José. CEQA: Resolution to be adopted. Director of Planning, Building, and Code Enforcement recommendation pending. The Planning Commission recommended approval of either the staff's or the developer's proposed land use alternatives for the Four Opportunity Sites or a reconciled alternative. The Planning Commission also recommended approval of the proposed revised Evergreen Development Policy with the following components: (1) Arcadia Community Center occurs in Phase II, (2) limit the size of a grocery store on the Evergreen Valley College Site to no more than 20,000 square feet, (3) incorporate the Task Force amenity prioritization "H" (in Planning Commission Attachment 4), (4) reserve 40 acres on the Campus Industrial Site for a future high school, and (5) the "residential pool" incorporate the following: (a) residential "pool" units be a minimum number (not a maximum), (b) excess units from the Four Opportunity Sites be transferred to "pool", (c) residential "pool" units to be available immediately, and (d) residential "pool" allocation criteria should be flexible enough to ensure participation of all potential infill parcels. (7-0-0). SNI: K.O.N.A, West Evergreen and East Valley/680 Communities. Council Districts 5, 7 and 8.  
**Deferred to Spring 2007.**

## 10. GENERAL PLAN PUBLIC HEARINGS

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### 10.9 Public Hearing on the following items related to the Evergreen•East Hills Vision Strategy project (Cont'd.)

- (3) Public Hearing on General Plan Text and Land Use/Transportation Diagram amendments.
  - (a) Tentative approval of a General Plan amendment request to change the Land Use/Transportation Diagram designation from Mixed-Use Overlay with Public/Quasi-Public, Medium Low Density Residential (8.0 DU/AC), Industrial Park, Office and Public Park and Open Space underlying land use designations to Mixed-Use with No Underlying Land Use Designation on an 81-acre site, known as Arcadia, located on the south side of Quimby Road 1,000 feet westerly of Capitol Expressway (Arcadia Homes, Inc. applicant/owner). SNI: West Evergreen. CEQA: Resolution to be Adopted, GP05-08-01a. Director of Planning, Building, and Code Enforcement recommendation pending. See item 10.3.b for Planning Commission recommendation.  
GP05-08-01A – Council District 8  
**Deferred to Spring 2007.**
  - (b) Tentative approval of a General Plan amendment request to change the Land Use/Transportation Diagram designation from Private Recreation to Medium Density Residential (8-16 DU/AC), and Public Park and Open Space on a 114-acre site, known as Pleasant Hills Golf Course, located on the north east corner of Tully and S. White Roads (KB Home, applicant/Duino Family Partners, owner). Director of Planning, Building, and Code Enforcement recommendation pending. See item 10.3.b for Planning Commission recommendation. CEQA: Resolution to be adopted.  
GP05-08-01B – District 8  
**Deferred to Spring 2007.**
  - (c) Tentative approval of a General Plan amendment request to change the Land Use/Transportation Diagram designation from Campus Industrial to Medium Density Residential (8-16 DU/AC), and Public Park and Open Space on a 175-acre site, known as Campus Industrial – Berg, located on the north east corner of Fowler and Yerba Buena Roads and both sides of the future extension of Yerba Buena Road/Murillo Avenue, between Fowler and Aborn Roads (Berg & Berg Enterprises applicant/owner). Director of Planning, Building, and Code Enforcement recommendation pending. See item 10.3.b for Planning Commission recommendation. CEQA: Resolution to be adopted.  
GP05-08-01C – District 8  
**Deferred to Spring 2007.**

## 10. GENERAL PLAN PUBLIC HEARINGS

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### 10.9 Public Hearing on the following items related to the Evergreen•East Hills Vision Strategy project (Cont'd.)

- (3) (d) Tentative approval of a General Plan amendment request to change the Land Use/Transportation Diagram designation from Campus Industrial to Medium Density Residential (8-16 DU/AC), and Public Park and Open Space on a 24-acre site, known as Campus Industrial – IDS, located on the east side of Yerba Buena Road opposite Verona Road (Investment Development Services, Inc. applicant/owner). Director of Planning, Building, and Code Enforcement recommendation pending. See item 10.3.b for Planning Commission recommendation. CEQA: Resolution to be adopted.  
GP05-08-01D – District 8  
**Deferred to Spring 2007.**
- (e) Tentative approval of a General Plan amendment request to change the Land Use/Transportation Diagram designation from Campus Industrial to Medium Density Residential (8-16 DU/AC), and Public Park and Open Space on a 120-acre site, known as Campus Industrial – Legacy, located on the north east corner of Yerba Buena and Old Yerba Buena Roads (Yerba Buena OPCO applicant/owner). Director of Planning, Building, and Code Enforcement recommendation pending. See item 10.3.b for Planning Commission recommendation. CEQA: Resolution to be adopted.  
GP05-08-01E – District 8  
**Deferred to Spring 2007.**
- (f) Tentative approval of a General Plan amendment request to change the Land Use/Transportation Diagram designation from Public/Quasi-Public to Mixed-Use with No Underlying Land Use Designation on a 27-acre portion of the Evergreen Valley College Campus, located on the north side of Yerba Buena Road approximately 350 feet easterly of San Felipe Road (San José/Evergreen Community College District applicant/owner). Director of Planning, Building, and Code Enforcement recommendation pending. See item 10.3.b for Planning Commission recommendation. CEQA: Resolution to be adopted.  
GP05-08-01F – District 8  
**Deferred to Spring 2007.**

## 10. GENERAL PLAN PUBLIC HEARINGS

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### 10.9 Public Hearing on the following items related to the Evergreen•East Hills Vision Strategy project (Cont'd.)

- (3) (g) Tentative approval of a General Plan Text amendment to revise text based on actions related to the update of the Evergreen Development Policy and General Plan Land Use/Transportation Diagram amendments, amend Appendix E to reduce the number of planned lanes from four to two on the following Major Collectors: Delta Road, Murillo Avenue (from Tully Road to Aborn Road), Nieman Boulevard, Quimby Road (east of White Road), Ruby Avenue (between Kohler Avenue and Aborn Road, and between Fowler and Delta Roads), Yerba Buena Road (from Old Yerba Buena Road to Aborn Road), and amend Appendix F, the Mixed Use Inventory, in conjunction with General Plan Land Use/Transportation Diagram amendments GP05-08-01A and GP05-08-01F. SNI: K.O.N.A, West Evergreen and East Valley/680 Communities. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval of General Plan Text Amendments to revise the text based on actions related to the update of the Evergreen Development Policy and General Plan Land Use/Transportation Diagram amendments, amend Appendix E to reduce the number of planned lanes from four to two on the following Major Collectors: Delta Road, Murillo Avenue (from Tully Road to Aborn Road), Nieman Boulevard, Ruby Avenue (between Kohler Avenue and Aborn Road, and between Fowler and Delta Roads), Yerba Buena Road (from Old Yerba Buena Road to Aborn Road), and amend Appendix F, the Mixed Use Inventory, in conjunction with General Plan Land Use/Transportation Diagram amendments GP05-08-01A and GP05-08-01F (5-2-0; Campos and Platton oppose). SNI: K.O.N.A, West Evergreen and East Valley/680 Communities. CEQA: Resolution to be adopted.  
GPT05-08-01 – Districts 5, 7 and 8

(Continued from 12/5/06 – Item 10.2)

**Deferred to Spring 2007.**

### 10.10 Adoption of a resolution approving all General Plan amendment actions taken on November 14, 2006, December 5, 2006 and December 12, 2006.

**Recommendation:** Adoption of a resolution approving all General Plan amendment actions taken on November 14, December 5, December 12, and December 13, 2006 and adoption of CEQA resolutions. (Planning, Building and Code Enforcement)

**Resolution No. 73581 adopted, as amended to include December 13, 2006.**

# **11. PUBLIC HEARINGS ON CONSENT CALENDAR**

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(Heard by the City Council at 7:02 p.m.)

## **11.1 Public Hearings on Consent Calendar.**

### **Recommendation:**

- (a) Consideration of an ordinance rezoning the real property located on the north side of Rock Avenue, Approximately 450 feet westerly of Oakland Road (1041 Rock Avenue), from IP Industrial Park Zoning District to A(PD) Planned Development Zoning District to allow up to 18 single-family attached residences on a 0.92 acre site (Klassen John L and Judith M Et al, Owners). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommends approval (4-1-1).  
PDC06-012 – District 4.

**Ordinance No. 27952 passed for publication.**

- (b) Consideration of an ordinance rezoning the real property located on the NE side of Cedarville Lane from Mabury Road to Baton Rouge Drive from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to modify setback requirements for 199 single-family attached residential units on a 5.96 gross acre site (Richard V Messina Et Al, Owner). CEQA: Mitigated Negative Declaration.  
C06-123 – District 4.

**Dropped.**

**END OF PUBLIC HEARINGS ON CONSENT CALENDAR**

## 11. PUBLIC HEARINGS

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### 11.2 Rezoning the real property located on the north side of Blackford Avenue.

**Recommendation:** Consideration of an ordinance rezoning the real property located on the north side of Blackford Avenue, approximately 200 feet east of Rebecca Way (3801 Blackford Avenue), from the R-M Residential Zoning District to the A(PD) Planned Development Zoning District to allow construction of 20 single-family attached residences on a 0.97 gross acre site (Chui David K Trustee & Et Al, Owner; Leonard Hufton, Developer). CEQA: Mitigated Negative Declaration.

PDC06-066 – District 1

**Continued to 1/23/07.**

### 11.3 Rezoning the real property located on the southerly side of Shenado Place.

**Recommendation:** Consideration of an ordinance rezoning the real property located on the southerly side of Shenado Place, approximately 500 feet easterly of Gerine Blossom Drive, from R-1-1 Residence Zoning District to the A(PD) Planned Development Zoning District to allow up to seven single-family detached residences and subsequent subdivision on a 0.83 gross acre site (Greg Mussallem, Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommends conditional approval for up to five units (5-0-1).

PDC06-026 – District 2

**Ordinance No. 27953 passed for publication.**

### 11.4 Prezoning an approximately 3.3 gross acre area on the east side of Noble Lane.

**Recommendation:** Consideration of a director initiated prezoning ordinance prezoning an approximately 3.3 gross acres area consisting of 4 parcels on the east side of Noble Lane from County of Santa Clara to R-1-5 Single-Family Residence Zoning District (Chase, Katheryn and Steven; Medeiros, José; Viswanathan, Tenkasis and Vij; Mancias, Paul, Owners). CEQA: Resolution No. 65459. (Related Annexation Penitencia No. 74). Director of Planning, Building and Code Enforcement and Planning Commission recommends approval (5-0-1).

C06-037 – District 4

**Ordinance No. 27954 passed for publication.**

## 11. PUBLIC HEARINGS

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### 11.5 Rezoning the real property located on the southwesterly side of Campbell Avenue.

**Recommendation:** Consideration of an ordinance rezoning the real property located on the southwesterly side of Campbell Avenue, 950 feet northwesterly of Newhall Street (1179 Campbell Avenue), from LI-Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 40 single-family detached residences on a 2.67 gross acre site (Cobalt Associates, Owner). CEQA: Mitigated Negative Declaration.

PDC06-071 – District 6

**Continued to 1/23/07.**

### 11.6 Administrative Hearing on consideration of an appeal of the Planning Commission's decision to conditionally approve a Conditional Use Permit.

**Recommendation:** Administrative Hearing on consideration of an appeal of the Planning Commission's decision to conditionally approve a Conditional Use Permit to allow the co-location of six (6) additional wireless antennas at a height of approximately 52 feet on an existing 75 foot monopole with 12 existing antennas and allow associated equipment within an existing building on a 0.24 gross acre, in the HI Heavy Industrial Zoning District, located on the north side of Lano Street approximately 300 feet east of Almaden Expressway (419 Lano Street) (Froom Judith R Trustee & Et al., Owner). The Director of Planning, Building and Code Enforcement recommended the City Council uphold the Planning Commission's decision to conditionally approve a Conditional Use Permit (File No. CP06-030) to allow the co-location of six additional wireless antennas at a height of approximately 52 feet on an existing 75 foot monopole with 12 existing antennas and allow associated equipment within an existing building. CEQA: Exempt. CP06-030 – District 7.

**Continued to 1/9/07.**

### 11.7 Rezoning the real property located on the terminus of Duckett Way.

**Recommendation:** Consideration of an ordinance rezoning the real property located on the terminus of Duckett Way, approximately 420 feet east of S. De Anza Boulevard from R-1-5 Residence Zoning District to A(PD) Planned Development Zoning District to allow up to 19 new single family attached residential units and one single family residence on an 1.83 gross acre site (1566 Duckett Way) (P. Lenahan and M. Barshow, Owners; Barry Swenson Builders, Developer). CEQA: Mitigated Negative Declaration. The Director of Planning, Building and Code Enforcement and Planning Commission recommends to not adopt the rezoning ordinance (4-1-2).

PDC06-062 - District 1

(Continued from 12/5/06 – Item 11.4)

**Deferred to 1/23/07.**

## 11. PUBLIC HEARINGS

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### 11.8 Consideration of an ordinance amending Chapter 20.90 of the San José Municipal Code.

**Recommendation:** Consideration of an ordinance of the City of San José amending Chapter 20.90 of Title 20 of the San José Municipal Code, the Zoning Code, to reduce parking requirements for specific ground floor commercial uses within the neighborhood business districts and to reduce parking requirements for miniwarehouses/ministorage uses citywide. CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommends approval (5-0-1).

PP06-172 – Citywide

(Continued from 12/5/06 – Item 11.9)

**Ordinance No. 27955 passed for publication, with Staff directed to:**

- (1) **Work with the impacted neighborhoods on strategies for mitigation.**
- (2) **Educate residents and business owners about the permit parking program.**
- (3) **Consider an evaluation of permit parking program enforcement as part of the next budget process.**
- (3) **Evaluate and benchmark the success of this measure.**

- **Open Forum**

- (1) **George Fokos wished Mayor Gonzales good luck in his future ventures.**

- **Adjournment**

**The Council of the City of San José was adjourned at 1:23 a.m. in memory of Marie Marquez who was president of the Watson Senior Club and tirelessly served the Club and residents of the Northside community for over 22 years teaching a variety of arts and crafts, planning monthly field trips and advocating programs serving seniors and the entire community.**

## **8. JOINT REDEVELOPMENT AGENCY ITEM**

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**The Joint Redevelopment Agency Board convened at 3:50 p.m. to consider Items 8.1 in a Joint Session.**

**8.1 Approval of a Cooperation Agreement for the loan of an Agency employee to the City.**

**Recommendation:** City Council and Redevelopment Agency Board approval of a Cooperation Agreement specifying the terms and conditions for the loan and employment of an Agency employee to the City on a temporary basis.

**Approved.**

**The Joint Redevelopment Agency Board was adjourned at 3:55 p.m.**