

# CITY COUNCIL AGENDA

**DECEMBER 18, 2007**

PETE CONSTANT  
FORREST WILLIAMS  
SAM LICCARDO  
KANSEN CHU  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO  
MADISON P. NGUYEN  
JUDY CHIRCO  
NANCY PYLE

DAVID D CORTESE, VICE MAYOR  
DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

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

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

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

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

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

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

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

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

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

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

- **Call to Order and Roll Call**
  - 9:00 a.m. - Closed Session, Call to Order in Council Chambers  
Adjourn to Closed Session in Council Chambers Conference Room, W133  
See Separate Agenda
  - 10:00 a.m.- Regular Session, Council Chambers, City Hall  
The Council will recess at 12:00 noon and reconvene at 1:30 p.m.
  - 10:00 a.m.- RDA Board Meeting
  - 7:00 p.m. - General Plan Hearings, Council Chambers, City Hall
  - 7:00 p.m. - Public Hearings, Council Chambers, City Hall
  
- **Invocation (Mayor)**
- **Pledge of Allegiance**
- **Orders of the Day**

**ITEM 9.1 TO BE CONSIDERED IN A JOINT CITY COUNCIL/  
REDEVELOPMENT AGENCY BOARD SESSION.**

**Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.**

- **Closed Session Report**

## **1. CEREMONIAL ITEMS**

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- 1.1** Presentation of a commendation to the Vietnamese American Heritage Project for helping to share the achievements of Vietnamese Americans and for bringing awareness about Vietnamese culture to citizens in our community. (Nguyen)  
**TO BE HEARD IN THE EVENING**

## 2. CONSENT CALENDAR

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**Notice to the public:** There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

### 2.1 Approval of Minutes.

**Recommendation:** Approval of minutes.

- (a) Regular Minutes of November 6, 2007
- (b) Special Meeting Minutes of November 11, 2007
- (c) Joint City Council/Redevelopment Agency Board/Santa Clara Valley Water District Study Session on Flood Management Issues Minutes of November 19, 2007
- (d) Regular Minutes of November 20, 2007

### 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 28181 – Adopting a limited amnesty program under which the City will forgive up to thirty percent of certain types of delinquent accounts, including up to thirty percent of any interest and penalties associated with such accounts, upon the debtor’s fully payment of seventy percent of the total amount of the delinquent account.
- (b) ORD. NO. 28185 – Amending Sections 4.04.010, and 4.04.020 of Chapter 4.04 of Title 4 of the San José Municipal Code to delegate to the City Manager the authority to execute certain agreements for the purchase or donation of real property, permanent easements and temporary construction easements with terms of two years or less, where the consideration for the real property, permanent easement or temporary construction easement does not exceed \$100,000.
- (c) ORD. NO. 28188 – Rezoning certain real property situated at the south side of Hillsdale Avenue, approximately 460 feet easterly of Foxworthy Avenue and 600 feet east of Pearl Avenue (866 Hillsdale Avenue) to A(PD) Planned Development Zoning District. PDC07-022
- (d) ORD. NO. 28189 – Rezoning certain real property situated on the northeast corner of Berryessa Road and Lundy Avenue (1715 Berryessa Road) to CN Commercial Neighborhood Zoning District. C06-134
- (e) ORD. NO. 28190 – Prezoning certain real property situated at the east side of North White Road, approximately 100 feet southerly of Kentridge Drive (380 North White Road) to A(PD) Planned Development Zoning District. PDC07-041

*(Item continued on the next page)*

## 2. CONSENT CALENDAR

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

**Recommendation:**

- (f) ORD. NO. 28191 – Rezoning certain real property situated east side of South Winchester Boulevard, approximately 65 feet northerly of Williams Road (960 South Winchester Boulevard) from R-1-5 Single-Family Residence Zoning District to the CP-Commercial Pedestrian Zoning District. C07-050
- (g) ORD. NO. 28192 – Rezoning certain real property situated at the southeast corner of Ewer Drive and Ross Avenue (4232 Ross Avenue) from the R-M Multiple Residence Zoning District to the A(PD) Planned Development Zoning District. PDC07-040
- (h) ORD. NO. 28193 – Prezoning certain real property situated on both side of Rosemar Avenue, between Juliet Park Drive and Fleming Avenue, and the north side of Fleming Avenue between Rosemar Avenue and Marchant Court to R-1-5 Single Family Residence Zoning District. C06-106
- (i) ORD. NO. 28194 – Prezoning certain real property situated at the southwest side of South White Road, 400 feet southeast of East Hills Drive, from County of Santa Clara to R-1-8 Single Family Residence Zoning District. C06-107
- (j) ORD. NO. 28195 – Prezoning certain real property situated at the southwest side of South White Road, 600 feet southeast of East Hills Drive from County of Santa Clara to R-1-8 Single Family Residence Zoning District. C06-108
- (k) ORD. NO. 28196 –Prezoning certain real property situated between Pleasant Acres Drive and Ruby Avenue, west of Murillo Avenue, from County of Santa Clara to R-1-2 Single Family Residence Zoning District as to a certain portion of the real property and to R-1-RR Single Family Residence Zoning District as to a certain portion of the real property, all as described herein. C06-127
- (l) ORD. NO. 28197 – Prezoning certain real property situated at the northeast corner of Ruby Avenue and Holderman Drive to R-1-2 Single Family Residence Zoning District. C06-128

### 2.3 [Development of Concession Plan for the Airport.](#)

**Recommendation:** Approval of the fifth amendment to the agreement with the Center for Airport Management, LLC for consultant services for the development of concession plans for the Norman Y. Mineta San José International Airport, extending the term of the Agreement from January 1, 2008 to December 31, 2008 with no increase in compensation. CEQA: Resolution Nos. 67380 and 71451, File No. PP07-258. (Airport)

## 2. CONSENT CALENDAR

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### 2.4 Approval of agreements with the Independent Evaluator/Attorney and Independent Investigator for the San José Elections Commission.

**Recommendation:**

- (a) Adoption of a resolution:
  - (1) Authorizing the City Attorney to negotiate and execute an agreement with Hanson, Bridgett, Marcus, Vlahos, Rudy LLP to provide legal and investigative services as the Evaluator to the San Jose Elections Commission for a two-year term beginning on December 12, 2007 and extending through December 10, 2009, in an amount not to exceed \$100,000.
  - (2) Authorizing the City Clerk to negotiate and execute an agreement with Roberto A. Rivera dba Rivera & Associates to provide investigation services to the San Jose Elections Commission for a term beginning December 1, 2007 and extending through December 1, 2009, in an amount not to exceed \$40,000.

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

### 2.5 Naming of a new library and community center.

**Recommendation:** As recommended by the Parks and Recreation Commission and Library Commission, name a new library and community center at 1000 S. Bascom Avenue as "Bascom Library and Community Center". (City Clerk)

### 2.6 Naming of a new community center and library.

**Recommendation:** As recommended by the Parks and Recreation Commission and Library Commission, name a new community center and library at Solari Park as "Seven Trees Community Center and Branch Library". (City Clerk)

### 2.7 Weed and Seed Program funding for the East San José Neighborhood.

**Recommendation:**

- (a) Adoption of the following Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:
  - (1) Increase the estimate for Revenue from the Federal Government by \$200,000.
  - (2) Increase the Weed and Seed – East San José appropriation to the Police Department in City-Wide Public Safety in the amount of \$102,674.
  - (3) Increase the Weed and Seed – East San José appropriation to the City Manager's Office in City-Wide Neighborhood Services in the amount of \$97,326.

*(Item continued on the next page)*

## 2. CONSENT CALENDAR

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### 2.7 Weed and Seed Program funding for the East San José Neighborhood. (Cont'd.)

**Recommendation:**

- (b) Adoption of a resolution authorizing the City Manager to apply to the United States Department of Justice for fourth year Weed and Seed Program funding for the East San José neighborhood in an amount not to exceed \$200,000 for the period of January 1, 2009 through December 31, 2009, to accept the grant awarded, and to execute all related documents.

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

### 2.8 Non Profit Recycler Reimbursement Program.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute agreements for Non Profit Recycler Reuse and Recycling Agreements as follows for 2007-2008:

- (a) Goodwill of Silicon Valley in the amount of \$356,176
- (b) The Salvation Army in the amount of \$125,870
- (c) HOPE Services in the amount of \$6,201

CEQA: Not a Project. (Environmental Services)

### 2.9 Report on bids for the Fire Main Replacement Project at the Plant.

**Recommendation:** Report on bids and award of construction contract for Fire Main Replacement Project – Phase I to the low bidder, D&D Pipelines Inc., in the amount of \$292,550, and approval of a contingency in the amount of \$30,000. CEQA: Exempt, File No. PP07-144. (Environmental Services)

### 2.10 Status Report on activities related to the Municipal Climate Action Plan.

**Recommendation:**

- (a) Acceptance of update on the city's greenhouse gas emissions inventory from 1990 and Municipal Climate Action Plan.
- (b) Adoption of the existing Sustainable Silicon Valley regional greenhouse gas emission goal for 2010 (205 below 1990 levels by 2010) as the City's community greenhouse gas emission goal.

CEQA: Not a Project. (Environmental Services)

[Transportation and Environment Committee referral 12/03-07 – Item (g)]

## 2. CONSENT CALENDAR

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### 2.11 [Amendment to Custodial Services Agreement.](#)

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

- (a) Execute an amendment to the agreement with Acme Building Maintenance for custodial services for citywide buildings for the period of January 10, 2007 to January 9, 2008 adding various City buildings, increasing services to designated buildings, and increasing compensation by \$136,000 for these additional services from \$1,427,102 to a total not-to-exceed amount of \$1,563,102.
- (b) Add or delete custodial services for city buildings as required subject to annual appropriations.

CEQA: Not a Project. (Finance)

### 2.12 [Report on bids for Sun Servers.](#)

**Recommendation:** Report on bids for three SUN SPARC Enterprise M5000 servers and peripheral equipment, to include sales tax, delivery, installation, and authorize the Director of Finance to:

- (a) Execute a purchase order with Helio Solutions, the sole bidder, for a total amount not to exceed \$464,275.31.
- (b) Adjust amount of purchase order to purchase additional quantities to annual appropriations.

CEQA: Not a Project. (Finance)

### 2.13 [Language Access Plan to Improve Access to Housing Services.](#)

**Recommendation:** Adoption of a resolution approving the Language Access Plan (LAP) to improve access to housing services for limited English proficient persons in the City of San José. CEQA: Not a Project. (Housing)

### 2.14 [Amend the salary range for the Assistant to the City Manager classification for Intergovernmental Relations.](#)

**Recommendation:** Amend the City of San José Pay Plan effective December 23, 2007 to change the salary range and title for the classification of:

- (a) Director of Intergovernmental Relations U (1664) (formerly Assistant to the City Manager for Intergovernmental Relations) from the current salary range of \$93,745.60 - \$145,932.80 annually to a salary range of \$ 124,482.92 to 194,283.54 (Unit 99), which will not result in any automatic salary increase for employees in this classification.

CEQA: Not a Project. (Human Resources)

## 2. CONSENT CALENDAR

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### 2.15 [Request for an excused absence for Councilmember Liccardo.](#)

**Recommendation:** Request for an excused absence for Councilmember Liccardo from the Regular Meeting of the Transportation and Environment Committee on December 3, 2007 and the Closed Session, Regular Session, and Evening Session Meetings of the City Council on December 4, 2007 due to Authorized City Business: Delegation trip with the Bay Area Council and Asia Society to Shanghai, China. (Liccardo)  
(Rules Committee referral 12/5/07)

### 2.16 [Request for an excused absence for Councilmember Nguyen.](#)

**Recommendation:** Request for an excused absence for Councilmember Nguyen from the Closed Session, Regular Session, and Evening Session Meetings of the City Council on December 4, 2007 due to illness. (Nguyen)  
(Rules Committee referral 12/5/07)

### 2.17 [Initiation of the Annexation/Reorganization of Story No. 58.](#)

#### [Supplemental](#)

**Recommendation:** Adoption of a resolution initiating proceedings and setting a public hearing on January 29, 2008 at 7:00 p.m. for the reorganization/annexation of the territory designated as Story No. 58 which involves the annexation to the City of San José of approximately 6.93 gross acres County island consisting of 25 parcels located on both sides of Rosemar Avenue, between Juliet Park Drive and Fleming Avenue and on the northeasterly side of Fleming Avenue between Rosemar Avenue and Marchant Court, and detachment of the same from the appropriate special districts including Central Fire Protection and Area No. 01 (Library Services) County Service. (Multiple Owners). CEQA: Resolution No. 65459. Council District 5. (Planning, Building and Code Enforcement)

### 2.18 [Initiation of the Annexation/Reorganization of Capitol No. 55.](#)

#### [Supplemental](#)

**Recommendation:** Adoption of a resolution initiating proceedings and setting a public hearing on January 29, 2008 at 7:00 p.m. for the reorganization/annexation of the territory designated as Capitol No. 55 which involves the annexation to the City of San José of approximately 0.74 gross acre County pocket located on the southwest side of South White Road, 400 feet southeast of East Hills Drive, and detachment of the same from the appropriate special districts including Central Fire Protection, County Lighting and Area No. 01 (Library Services) County Service. (Jesse and Olga Villarreal, Emilia Gonzales, and Alex and Gloria Banuelos, Owner). CEQA: Resolution No. 65459. Council District 5. SNI: East Valley/680 Communities. (Planning, Building and Code Enforcement)

## 2. CONSENT CALENDAR

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### 2.19 [Initiation of the Annexation/Reorganization of Capitol No. 56.](#)

#### [Supplemental](#)

**Recommendation:** Adoption of a resolution initiating proceedings and setting a public hearing on January 29, 2008 at 7:00 p.m. for the reorganization/annexation of the territory designated as Capitol No. 56 which involves the annexation to the City of San José of approximately 0.27 gross acre County pocket located on the southwest side of South White Road, 600 feet southeast of East Hills Drive, and detachment of the same from the appropriate special districts including Central Fire Protection, County Lighting and Area No. 01 (Library Services) County Service. (Michael Sanders Jr. and Sr., and Isabel M. Hernandez, Owner). CEQA: Resolution No. 65459. Council District 5. SNI: East Valley/680 Communities. (Planning, Building and Code Enforcement)

### 2.20 [Initiation of the Annexation/Reorganization of Evergreen No. 200.](#)

#### [Supplemental](#)

**Recommendation:** Adoption of a resolution initiating proceedings and setting a public hearing on January 29, 2008 at 7:00 p.m. for the reorganization/annexation of the territory designated as Evergreen No. 200 which involves the annexation to the City of San José of approximately 34.1 gross acres of land located between Pleasant Acres Drive and Ruby Avenue, West of Murillo Avenue, and detachment of the same from the appropriate special districts including Central Fire Protection and Area No. 01 (Library Services) County Service. (Multiple Owners). CEQA: Resolution No. 65459. Council District 8. (Planning, Building and Code Enforcement)

### 2.21 [Initiation of the Annexation/Reorganization of Evergreen No. 201.](#)

#### [Supplemental](#)

**Recommendation:** Adoption of a resolution initiating proceedings and setting a public hearing on January 29, 2008 at 7:00 p.m. for the reorganization/annexation of the territory designated as Evergreen No. 201 which involves the annexation to the City of San José of approximately 2.5 gross acres of land located on the southeast corner of Ruby Avenue and Holderman Drive, and detachment of the same from the appropriate special districts including Central Fire Protection and Area No. 01 (Library Services) County Service. (Multiple Owners). CEQA: Resolution No. 65459. Council District 8. (Planning, Building and Code Enforcement)

### 2.22 [Repair and modifications at the Plant's Environmental Services Building.](#)

**Recommendation:** Approval of the first amendment to the agreement with Allana Buick & Bers, Inc. for professional services related to the repair and modifications of the San José/Santa Clara Water Pollution Control Plant's Environmental Services Building, modifying the scope of services and increasing the compensation by \$276,695 for a total maximum amount not to exceed \$587,495; and extending the term of the agreement by twenty-four months from July 31, 2008 to July 31, 2010. CEQA: Not a Project. (Public Works/Environmental Services)

## 2. CONSENT CALENDAR

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### 2.23 [Calabazas Park Bicycle Motorcross \(BMX\) Site.](#)

**Recommendation:** Approval of a continuation agreement with Wormhoudt, Inc. for landscape architectural services for Calabazas Park BMX Site, accepting completed additional construction assistance work, increasing the original agreement's total compensation of \$98,000 by \$9,500, for a total agreement amount of \$107,500 and increasing the term of the original agreement retroactive to March 31, 2007, by nine months, through December 31, 2007. CEQA: Exempt, File No. PP06-152. Council District 1. (Public Works)

### 2.24 [Edenvale Sanitary Sewer Supplement Phase V Project.](#)

**Recommendation:** Approval of the first amendment to the consultant agreement with HMM Engineers for the Edenvale Sanitary Sewer Supplement Phase V Project extending the term of the agreement from December 31, 2007 to December 31, 2009 at no additional cost to the City. CEQA: Mitigated Negative Declaration, File No. PP01-03-055. Council District 2. (Public Works)

### 2.25 [Vacation of a Public Service Easement along Pistache Lane and set a Public Hearing.](#)

**Recommendation:** Adoption of a resolution of intention to vacate a 2.5-foot public service easement along a private street, Pistache Lane, between Leigh Avenue and Foxworthy Avenue and setting a public hearing on January 29, 2008 at 1:30 p.m. CEQA: Negative Declaration, File No. PDC06-055. Council District 9. (Public Works)

### 2.26 [Contract Change Order for the New Civic Center Parking Garage Project.](#)

**Recommendation:**

- (a) Approval of Contract Change Order No. 19 for the New Civic Center Parking Garage Project with the City making a final payment to Swinerton Builders in the amount of \$557,546, for a total contract amount of \$22,918,150, as a full settlement of all construction claims and disputes.
- (b) Adoption of the following 2007-2008 Appropriation Ordinance Amendments in the Civic Center Parking Fund (Fund 433):
  - (1) Increase the New Civic Center Parking Garages appropriation to the Public Works Department in the amount of \$484,000; and
  - (2) Decrease the Reserve for Civic Center Off-Site Parking Garage by \$484,000.

CEQA: See Administration's memo to Council for specific CEQA clearance determination on this recommended action. (Public Works)

## 2. CONSENT CALENDAR

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### 2.27 Redevelopment Agency Capital Projects.

**Recommendation:** Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for 2007-2008:

- (a) Increase the estimate for Earned Revenue by \$10,000.
- (b) Establish an appropriation to the Department of Transportation for the Street Trees Installation project (PSM 509) in the amount of \$10,000.

CEQA: Mitigated Negative Declaration, File No. CP07-028. Council District 3.  
(Transportation/City Manager's Office)

### 2.28 Silicon Valley Intelligent Transportation Systems Project – Kimley-Horn Agreement.

**Recommendation:**

- (a) Approval of a third amendment to the Consultant Services Agreement between the City of San José and Kimley-Horn and Associates, Inc., for the design and development of the Silicon Valley Intelligent Transportation Systems West Corridor Project, to extend the term of the agreement, as previously amended and extended, from December 28, 2007 to December 31, 2008, and increasing the maximum compensation by \$71,484 from \$823,466 to \$894,950.
- (b) Adoption of a resolution authorizing the Director of Transportation to extend the term beyond December 31, 2008 for up to a maximum of an additional 180 days with no increase in compensation.

CEQA: Exempt, File No. 00-02-026. (Transportation)

## 3. STRATEGIC SUPPORT SERVICES

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### 3.1 **Report of the Rules and Open Government Committee – December 5, 2007** **Mayor Reed, Chair**

- (a) City Council
  - (1) Review December 11, 2007 Final Agenda
  - (2) Review December 18, 2007 Draft Agenda
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
  - Supplemental
    - (1) 2008 Legislative Guiding Principles (State and Federal). (City Manager's Office)
    - (2) State
    - (3) Federal
- (d) Meeting Schedules
- (e) The Public Record

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.1 Report of the Rules and Open Government Committee – December 5, 2007 (Cont'd.) Mayor Reed, Chair

- (f) Appointments to Boards, Commissions and Committees
  - (1) Human Rights Commission.
    - (a) Review of correspondence from members of the Human Rights Commission regarding its November 15, 2007 meeting. (City Clerk)
    - (b) Review of memorandum on removal of commissioners and quorum requirements. (City Attorney)
    - (c) Appointments to Human Rights Commission. Deferred from November 28, 2007
  - (2) Appointment to Work2future Board of Directors. (Mayor)
- (g) Rules Committee Reviews, Recommendations and Approvals
- (h) Review of additions to Council Committee Agendas
  - (1) Community and Economic Development Committee
  - (2) Neighborhood Services and Education Committee
  - (3) Transportation and Environment Committee
  - (4) Public Safety, Finance and Strategic Support Committee
- (i) Open Government Initiatives
  - (1) Reed Reforms
  - (2) Sunshine Reform Task Force
    - (a) Review of remaining provisions of Sunshine Reform Task Force Phase I Report and Recommendations. (Manager)  
**Continued from November 28, 2007**
  - (3) Significant Public Records Act Requests
    - (a) Discussion and Response from the San José Police Department Regarding Public Record Requests. (Mayor)
  - (4) Council Policy Manual Update
- (j) Open Forum
- (k) Adjournment

#### 3.2 Report of the Public Safety, Finance and Strategic Support Committee Councilmember Nguyen, Chair – *No Report*

#### 3.3 [Ordinance to Eliminate Officeholder Accounts.](#)

**Recommendation:** Approval of [an ordinance](#) amending Title 12 of the San José Municipal Code to repeal Part 8 of Chapter 12.06 regulating officeholder accounts; adopt interim officeholder account regulations; prohibit the establishment of officeholder accounts after July 1, 2008; and make other technical and clarifying changes. CEQA: Not a Project. (City Attorney's Office)

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.4 Ordinance changes increasing penalties imposed by the Elections Commission, establishing requirements for campaign communications and making other technical corrections to the campaign regulations.

**Recommendation:** Approval of [an ordinance](#) amending Chapter 12.04 of Title 12 of San José Municipal Code to increase the total amount of penalties which may be imposed by the San José Elections Commission and amending Chapter 12.06 of Title 12 by adding a new Part 10 to set out requirements for campaign communications and mass mailing disclosures and disclaimers, and making other minor technical corrections and clarifications to the campaign regulations. CEQA: Not a Project. (City Attorney's Office/City Clerk)

#### 3.5 Actions Related to Additional Funding for History San José.

**Recommendation:**

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute the fifth amendment to the Operations Agreement between the City and History San José to advance the fourth quarter payment for FY 2007-08 in the amount of \$143,705.75.
- (b) Adoption a resolution authorizing the City Manager to negotiate and execute the fifth amendment to the Operations Agreement between the City of San José and History San José to increase the annual operating subsidy for FY 2007-08 from \$574,823 to \$875,000, subject to appropriation of the funding during the mid-year budget process scheduled for February 2008.
- (c) Defer Council consideration of an increase of the annual subsidy for History San José from \$335,000 to \$875,000 for each year for FY 2008-09 and FY 2009-10 to the FY 2008-09 budget hearings.
- (d) Direction to staff to continue working with History San José in order to bring forward for City Council consideration at the beginning of FY 2009-10 a funding plan and schedule for the remaining years of the agreement with the City through FY2017-18.

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

#### 3.6 Supplemental Salary and Benefits for City Military Reservists.

**Recommendation:**

- (a) Adoption of a resolution to extend the provisions of Resolution No. 73180 through December 31, 2008 to enable the City to continue to provide supplemental pay and benefits, pursuant to Resolution No. 73180, to employees who are military reservists and who are called to active duty; and,
- (b) Direction to staff to continue to meet with reservists prior to and upon return from deployment to ensure accurate payment and reconciliation of supplemental pay and benefits received by the reservist.

CEQA: Not a Project. (Human Resources/Finance)

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.7 [2006 – 2007 In-Lieu Fees Annual Report.](#)

**Recommendation:** Review of the 2006 – 2007 Annual Report regarding in-lieu fees collected by the City from developers in lieu of construction of public improvements.  
CEQA: Not a Project. (Public Works)

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

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#### 4.1 Report of the Community & Economic Development Committee Councilmember Pyle, Chair – *No Report*

#### 4.2 Actions related to the City’s Sister City Program.

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

[Deferred from 10/23/07 – Item 4.3(a)]

**DROP, TO BE HEARD BY THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE IN SPRING 2008**

#### 4.3 Transportation improvements on certain streets in Council Districts 3 and 6.

**Recommendation:**

- (a) (1) [Acceptance of the Jackson-Taylor Community Improvement Zone](#) Multi-Modal Transportation Improvement Inventory; and
- (2) Acceptance of the Midtown South Community Improvement Zone Multi-Modal Transportation Improvement Inventory.

CEQA: Not a Project. Council Districts 3 and 6. SNI: Burbank/Del Monte and Thirteenth Street. (Planning, Building and Code Enforcement)

- (b) [Adoption of a resolution](#) to approve the addition of the Hedding/Oakland-13<sup>th</sup> intersection to the protected intersection list pursuant to the provisions of the City’s Transportation Impact Policy (City Policy 5-3).

CEQA: Resolution to be adopted. Council District 3. SNI: Thirteenth Street. (Planning, Building and Code Enforcement/Transportation)

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.4 [Public Hearing on the Reorganization/Annexation of Penitencia No. 76.](#)

**Recommendation:** Conduct Public Hearing and consider the adoption of a resolution on the reorganization/annexation to the City of San José of territory designated as Penitencia No. 76 on an approximately 1.14 gross acre County pocket consisting of 1 parcel located on the south side of Sierra Road, 200 feet east of Varner Court, and detachment of the same from the appropriate special districts including Central Fire Protection and Area No. 01 (Library Services) County Service ( Jack Kim and Hester Lau-Kim, Owner). CEQA: Resolution No. 65459. Council District 4. (Planning, Building and Code Enforcement)

**TO BE HEARD IN THE EVENING**

### 4.5 [Public Hearing on the Reorganization/Annexation of Parker No. 25.](#)

**Recommendation:** Conduct Public Hearing and consider the adoption of a resolution on the reorganization/annexation to the City of San José of territory designated as Parker No. 25 on an approximately 3.49 gross acre County pocket consisting of 13 parcels located on both sides of Woodard Road between Nova Scotia Avenue and Twilight Drive, and detachment of the same from the appropriate special districts including Central Fire Protection, West Valley Sanitation, County Lighting County Service and Area No. 01 (Library Services) County Service (Multiple Owners). CEQA: Resolution No. 65459. Council District 9. (Planning, Building and Code Enforcement)

**TO BE HEARD IN THE EVENING**

### 4.6 [Public Hearing on the Reorganization/Annexation of Parker No. 26.](#)

**Recommendation:** Conduct Public Hearing and consider the adoption of a resolution on the reorganization/annexation to the City of San José of territory designated as Parker No. 26 on an approximately 0.53 gross acre County pocket consisting of 2 parcels located on the south side of Woodard Road, 300 feet west of Twilight Drive, and detachment of the same from the appropriate special districts including Central Fire Protection, West Valley Sanitation and Area No. 01 (Library Services) County Service (Multiple Owners). CEQA: Resolution No. 65459. Council District 9. (Planning, Building and Code Enforcement)

**TO BE HEARD IN THE EVENING**

## 5. NEIGHBORHOOD SERVICES

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### 5.1 Report of the Neighborhood Services and Education Committee Councilmember Chirco, Chair – *No Report*

## 5. NEIGHBORHOOD SERVICES

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### 5.2 Actions related to the acquisition of a billboard located at 1000 South Bascom.

**Recommendation:** Adoption of a resolution determining that the public interest and necessity require the acquisition of a billboard owned by Clear Channel Outdoor (“CCO”) located at 1000 South Bascom, San José, CA (APN Numbers 282-29-002, 003, and 004) and authorizing the City Attorney to file suit in eminent domain to acquire such property interest, to apply for an order for possession before judgment, and to prosecute the action to final judgment, and authorizing the deposit of money in court for possession of the property from the funds lawfully available. CEQA: Exempt, File No. PP05-0126. Council District 6. (Public Works)  
(Deferred from 12/4/07 – Item 3.6)

### 5.3 Pilot Program for the Registration and E-Commerce System.

**Recommendation:**

- (a) Adoption of a resolution approving a two-year pilot program for the Registration and E-Commerce System (RECS).
- (b) Direction to staff to return to the Neighborhood Services & Education Committee and the Parks and Recreation Commission with semi-annual project updates in June and December 2008-2010.
- (c) Adoption of the following Appropriation Ordinance Amendments in the Construction Tax and Property Conveyance Tax Fund: City-Wide Parks Purposes (Fund 391):
  - (1) Establish an appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$68,000 for the Registration and e-Commerce System FF&E; and
  - (2) Decrease the Ending Fund Balance by \$68,000.
- (d) Approval of 1.0 Program Manager in the Parks, Recreation and Neighborhood Services Department and 0.5 Senior Systems Application Programmer in the Information Technology Department to support the system.

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

### 5.4 East San José Carnegie Branch Library Project.

**Recommendation:** Report on bids and award of contract for the East San José Carnegie Branch Library project to the lowest responsive bidder, Farotte Construction Co., Inc., for the base bid and Add Alternate Nos. 1-5 in the amount of \$6,772,488, and approval of a contingency in the amount of \$813,000. CEQA: Exempt, File No. PP07-107 and Historical Preservation Permit No. HP07-005. Council District 3. SNI: Five Wounds/Brookwood Terrace. (Public Works/Library)

## 5. NEIGHBORHOOD SERVICES

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### 5.5 Report on bids and action for the Ryland Pool Rehabilitation Project.

**Recommendation:** Report on bids and take appropriate action based on the evaluation of bids for Ryland Pool Rehabilitation Project. CEQA: Mitigated Negative Declaration, File No. PP07-211. Council District 3. (Public Works/Parks, Recreation and Neighborhood Services)

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 **Report of the Transportation and Environment Committee – December 3, 2007** **Councilmember Williams, Chair**

- (a) Terminal Area Improvement Program Progress Report. (Airport/Public Works)
- (b) BART/VTA Coordination Issues (VTP 2035, Bus Service Realignment) Progress Report. (Transportation)
- (c) Report on Residential Traffic Calming Community Meetings. (Transportation/Police)
- (d) Recommendation on Tree Preservation Services. (City Manager's Office)  
**Recommend deferral to January 2008**
- (e) Quarterly Update on Council Directives. (City Manager's Office)  
**Deferred**
- (f) Commercial Solid Waste System Redesign and Enhancement Options. (Environmental Services)
- (g) Status Report on the Activities Related to the Municipal Climate Action Plan. (Environmental Services)  
**SEE ITEM 2.10 FOR COUNCIL ACTION TO BE TAKEN**
- (h) Report on Solar Energy for City Facilities. (Environmental Services)
- (i) Oral Petitions
- (j) Adjournment

### 6.2 Passenger Boarding Bridges at the Airport.

**Recommendation:**

- (a) Approval to reject all bids for the Installation of the Passenger Boarding Bridges Project.
- (b) Report on readvertised bids and award of contract for the Installation of Passenger Boarding Bridges Project at the Norman Y. Mineta San José International Airport to the low bidder, Lloyd W. Aubry Co., Inc. in the amount of \$2,367,714, and approval of a contingency in the amount of \$355,157.

CEQA: Resolutions Nos. 67380 and 71451, File No. PP07-250. (Public Works)

## 7. ENVIRONMENTAL & UTILITY SERVICES

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## 8. PUBLIC SAFETY SERVICES

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

[Attachment](#)  
[Supplemental](#)

#### **Recommendation:**

- (a) Report on bids and award of contract for the South San José Police Substation project to the low bidder, S.J. Amoroso, to include the base bid and none of the Add Alternates in the amount of \$59,997,000 and the approval of a contingency in the amount of \$2,710,000.
- (b) Adoption of the following 2007-2008 Appropriation Ordinance amendments in the Neighborhood Security Bond Fund (Fund 475):
  - (1) Increase the South San José Police Substation appropriation by \$5,416,000;
  - (2) Decrease the Reserve: East San José Community Policing Center by \$1,677,000;
  - (3) Decrease the Reserve: South San José Community Policing Center by \$1,739,000;
  - (4) Decrease the Contingency Reserve by \$500,000; and
  - (5) Decrease the Ending Fund Balance by \$1,500,000.
- (c) Adoption of a resolution authorizing the expenditure of Construction Tax and Property Conveyance Tax funds currently allocated for “Service Yards” purposes for the South San José Police Substation project pursuant to Municipal Code 4.55.300.
- (d) Adoption of the following 2007-2008 Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Service Yards Purposes (Fund 395):
  - (1) Establish a Transfer to the General Fund for the South San José Police Substation project in the amount of \$400,000; and
  - (2) Decrease the Ending Fund Balance by \$400,000.
- (e) Adoption of the following 2007-2008 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund (Fund 001):
  - (1) Increase the estimate for Other Revenue by \$2,329,250;
  - (2) Increase the estimate for Transfers and Reimbursements by \$400,000;
  - (3) Establish an appropriation to the Police Department for the South San José Police Substation in the amount of \$4,996,976; and
  - (4) Decrease the Earmarked Reserve for Future Capital Projects (FF&E) by \$2,267,726.
- (f) Adoption of the following 2007-2008 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #10 (Fund 389):
  - (1) Increase the estimate for Earned Revenue by \$70,750; and
  - (2) Increase the Ending Fund Balance by \$70,750.

*(Item continued on the next page)*

## 8. PUBLIC SAFETY SERVICES

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### 8.1 Report on bids and approval of actions related to the Police Southside Substation Project. (Cont'd.)

**Recommendation:**

- (g) Approval of an ordinance amending Chapter 22.08 of Title 22 of the San José Municipal Code to provide that the City Council at its discretion may adjust the Public Art allocation for capital projects outside the annual capital budget approval, and Direction to the City Manager to prepare a recommendation to the City Council in conjunction with the 2007-2008 Mid-Year Budget Review report, that the General Fund Future Capital Projects (FF&E) Reserve be partially replenished by reallocating, in the Neighborhood Security Bond Fund, Public Art – Police Bond Projects funding to the South San José Police Substation project in the amount of \$1,100,000.

CEQA: Mitigated Negative Declaration, File No. PP04-304. (Public Works/Police/City Manager's Office)

(Deferred from 11/20/07 – Item 8.1 and 12/11/07 – Item 8.1)

## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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*See Item 8.1 “Approval of the Annual Report of Financial Transactions of Community Redevelopment Agencies” on the Redevelopment Agency Agenda, which will be heard and action taken only during the Redevelopment Agency Meeting that follows the Council Meeting today.*

### **CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEM 9.1 IN A JOINT SESSION**

#### 9.1 [Improvements on the grounds of O.B. Whaley Elementary School.](#)

**Recommendation:**

- (a) Adoption of a resolution by the City Council making certain determinations required by Redevelopment Law, Health and Safety Code Section 33445 for Redevelopment Agency funding of publicly-owned improvements for the Evergreen Elementary School District in the form of construction of recreation facilities in the Strong Neighborhoods Initiative project area
- (b) Approval by the City Council of an agreement with the Evergreen Elementary School District in an amount not to exceed \$200,000 for the City's portion of contribution, for public improvements at the O.B. Whaley Elementary School.
- (c) Approval by the Redevelopment Agency Board of an agreement with the Evergreen Elementary School District in an amount not to exceed \$500,000 for the Agency's contribution for public improvements at the O.B. Whaley Elementary School in the West Evergreen neighborhood of the Strong Neighborhoods Initiative Redevelopment Project Area.

CEQA: Exempt, File No. PP07-174. (City Manager's Office/Redevelopment Agency)

## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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### 9.2 [Downtown Zoning Overlay.](#)

[Supplemental  
Informational Memo from City Attorney Rick Doyle](#)

**Recommendation:**

- (a) Direct the City Manager and Redevelopment Agency Director to jointly develop new Entertainment Zone Planning Guidelines for the Downtown; and
- (b) Return to City Council with specific recommendations no later than June 24, 2008.
- (c) Reaffirm support for Council Policy 6-23.
- (d) Direct the City Manager to fully implement the intent of Council Policy 6-23 for both new applications and existing Conditional Use Permits (CUPs) in the Downtown.
- (e) Direct the City Manager to limit the length of time for CUPs in the Downtown to a term of two years.

(Liccardo)

(Rules Committee referral 11/14/07)

(Deferred from 12/11/07 – Item 9.1)

- Notice of City Engineer’s Pending Decision on Final Maps
- Notice of City Engineer’s Award of Construction Projects
- Open Forum (To be heard no earlier than 3:30 p.m.)
- Continue RDA Board Meeting (immediately following Open Forum)
- Council will recess until 7:00 p.m.

## 10. GENERAL PLAN PUBLIC HEARINGS

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

**Notice to the public:** There will be no separate discussion of General Plan Consent Calendar (Item 10.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the General Plan Consent Calendar (Item 10.1) and considered separately.

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

**Recommendation:**

- (a) **[Text Amendment to allow a change in the maximum building height on 12.8 acres at the northwesterly terminus of Great Oaks Boulevard.](#)**

Tentative approval of a General Plan text amendment request to change the *San José 2020 General Plan* text to allow a change in the maximum building height from 50 feet to 120 feet above ground level on an approximately 12.8-acre site located at the northwesterly terminus of Great Oaks Boulevard on the northwest corner of Monterey Highway and State Route 85. (Rose Ventures II, Inc. Owner, Equinix, Inc. Applicant). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0). CEQA: Resolution No. 67245, and Addenda hereto. SNI: None.

GP07-T-03 - District 2

- (b) **[Text Amendment to the Discretionary Alternate Use Policies to allow their implementation with a permit in conformance with the Zoning Ordinance.](#)**

Tentative approval of a General Plan text amendment request to change the *San José 2020 General Plan* text of the Discretionary Alternate Use Policies to allow implementation with a Planned Development Zoning, Use Permit, or Development Permit in conformance with the Zoning Ordinance. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1, Platten absent). CEQA: Resolution No. 65459. SNI: All.

GP07-T-05 - Citywide

- (c) **[Text Amendment to allow a change in the maximum allowable height for structures where height is an intrinsic part of the structure's function.](#)**

Tentative approval of a General Plan text amendment request to change the *San José 2020 General Plan* text to allow solar panels and other structures, where height is an intrinsic part of the structure's function, to have a maximum allowable height not to exceed 100 feet or the maximum allowable building height in the General Plan, whichever is greater. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1, Platten absent). CEQA: Resolution No. 65459.

GP07-T-07 - Citywide

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

## 10. GENERAL PLAN PUBLIC HEARINGS

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### 10.2 [Text Amendment for the Coyote Greenbelt overlay designation.](#)

**Recommendation:** Tentative approval of a General Plan text amendment request to change the *San José 2020 General Plan* text to revise the definition of the Coyote Greenbelt overlay designation to align with the San José 2020 General Plan Land Use/Transportation Diagram to include the following additional existing base land use designations: Public Park and Open Space, Public/Quasi-Public, and Private Recreation. New land uses should only include Agriculture, Public Park and Open Space, and Private Recreation. Ancillary uses to Public Park and Open Space are also appropriate. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1, Platten absent). CEQA: Resolution No. 65459. SNI: None.  
GP07-T-04 - District 2

### 10.3 [Amendment and Text Amendment for property located on the west side of North 10th Street, between Vestal Street and East Mission Street \(825 North 10th Street\).](#)

**Recommendation:** Tentative approval of staff alternative General Plan amendment request to change the Land Use/Transportation Diagram designation from High Density Residential (25-50 DU/AC) to Mixed Use #1, and to change the text of the Jackson Taylor Residential Strategy (JTRS) to allow a maximum residential density of 60 DU/AC for the subject parcel only with no commercial use required on the 3.24-acre site on the west side of North 10th Street, between Vestal Street and East Mission Street (825 North 10th Street) (Hudson Industrial Equities, Applicant / 825 North 10th St. LLC, Owner). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1, Platten absent) of the staff alternative General Plan land use amendment and text amendment to change the Jackson Taylor Residential Strategy (JTRS) land use designation from High Density Residential (25-50 DU/AC) to Mixed Use #1, and to change the text of the JTRS to allow a maximum residential density of 60 DU/AC for the subject parcel only with no commercial use required on the 3.24-acre site. CEQA: Mitigated Negative Declaration. SNI: 13th Street.  
GP07-03-02/GPT07-03-02 - District 3

### 10.4 [Amendment for property located on the northeast side of South First Street, approximately 165 feet northwesterly of East Alma Avenue.](#)

**Recommendation:** Tentative denial of a General Plan amendment request to change the Land Use/Transportation Diagram designation from General Commercial to Transit Corridor Residential (20+ DU/AC) on an approximately 2.6-acre site on the northeast side of South First Street, approximately 165 feet northwesterly of East Alma Avenue (1290, 1302, and 1334 South 1st Street). (ROEM Development, Applicant/1302 South First Street, LLC, Owner). Director of Planning, Building and Code Enforcement and Planning Commission recommend denial (7-0-0). CEQA: Incomplete.  
GP06-03-02 - District 3

## 10. GENERAL PLAN PUBLIC HEARINGS

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- 10.5 Public Hearing on tentative approval of the following items related to the Evergreen\*East Hills Vision Strategy Project: (1) Funding Agreement; (2) Update to the Evergreen Development Policy; (3) General Plan Text Amendments; General Plan Land Use / Transportation Diagram Amendments on approximately 542 acres to allow up to 5,700 dwelling units, up to 500,000 square feet of retail, 75,000 square feet of office, and up to 4.66 million square feet of campus industrial. [The EEHVS area coincides with the Evergreen Development Policy area, which is generally bounded by Story Road, Highway 101, Hellyer Avenue and within the Urban Service Area.]**  
(Deferred from 12/12/06 - Item 6.4 and 5/15/07 – Item 10.2)

**Recommendation:**  
**DROP TO BE RENOTICED**

- 10.6 [Text Amendment to the Commercial Land Use and Economic Development goals and policies to balance land use and commute patterns in Evergreen.](#)**

**Recommendation:** Tentative approval of a General Plan text amendment request to change the *San José 2020 General Plan* text to include additions to Commercial Land Use and Economic Development goals and policies to encourage high quality retail in Evergreen, preserve existing commercial centers and limit grocery stores to a maximum floor area of 20,000 square feet in Southeast Evergreen, and support job generation in order to balance the land use and commute patterns in Evergreen. (City of San José Staff, Applicant). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0). CEQA: Resolution No. 65459. SNI: K.O.N.A, East Valley/680, and West Evergreen.  
GP07-T-06 - District 8

- 10.7 Approval of all General Plan amendment actions on December 18, 2007.**

**Recommendation:** Adoption of a resolution approving all General Plan amendment actions taken on December 18, 2007 and adoption of CEQA resolutions. (Planning, Building and Code Enforcement)

# 11. PUBLIC HEARINGS ON CONSENT CALENDAR

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

**Notice to the public:** There will be no separate discussion of Public Hearings Consent Calendar (Item 11.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Public Hearings Consent Calendar (Item 11.1) and considered separately.

## 11.1 Public Hearings on Consent Calendar.

### Recommendation:

- (a) Consideration of an ordinance rezoning the real property located at/on the southeast corner of Bollinger Road and Miller Avenue (6148 Bollinger Road) from A(PD) Planned Development Zoning District to CN Commercial Neighborhood Zoning District to allow commercial uses on a 13.1 gross acre site (Marchese Christopher Trustee & Et Al, Owner). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.  
C07-085 – District 1
- (b) [Consideration of an ordinance rezoning the real property](#) located on (1) the northwest corner of Clinton Place and Stockton Avenue (299 Stockton Avenue), and (2) the south side of Clinton Place approximately 200 feet west of Stockton Avenue from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to allow (1) commercial uses on a 0.32 gross acre site, and (2) an off-site parking lot across Clinton Place. CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).  
PDC07-074 – District 6
- (c) [Consideration of a Street Renaming for three existing public streets](#) that are under construction but not completed: Rue Royale St, St. Tropez Drive, and Esterel Court. Proposed names are: John Sorci Drive, Jennifer Daisy Drive, and Jonathan Rachelle Court, respectively, for a 51-single family detached residential development (PD03-026, Tract 9531, Orchard Heights III), located at/on the north side of Aborn Road approximately 1000 feet east of Altamera Avenue (9531 TRACT) (Blossom Valley Investors Inc, Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.  
ST07-002 – District 8

**END OF PUBLIC HEARINGS ON CONSENT CALENDAR**

# 11. PUBLIC HEARINGS

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## 11.2 Rezoning the real property located on the east side of Bird Avenue.

**Recommendation:** Consideration of an ordinance rezoning the real property located on the east side of Bird Avenue, approximately 490 feet northeasterly of Snyder Avenue (1023 Bird Avenue), from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District to allow approximately 530 square feet of living space in an existing two-story accessory structure on an existing single-family lot of a 0.15 gross acre site (Keith Shukait Et. Al, Owner). CEQA: Exempt. The Planning Director recommends that the City Council not adopt the subject rezoning, consistent with Planning Commission's recommendations, for reasons stated in the report.

PDC03-060 - District 6

(Deferred from 12/05/06 – Item 11.6)

**DROP TO BE RENOTICED**

## 11.3 ADMINISTRATIVE HEARING on appeal of the Planning Director's decision to approve a Planned Development Tentative Map Permit.

**Recommendation: ADMINISTRATIVE HEARING** on and consideration of an appeal of the Planning Director's decision to approve a Planned Development Tentative Map Permit to subdivide 1 parcel into 19 lots for single-family attached and detached residential uses and one additional common lot on 1.82 gross acres site, in the A(PD) Planned Development Zoning District, located at/on the terminus of Duckett Way, approximately 420 feet east of South DeAnza Boulevard (1566 Duckett Way) (Barry Swenson Builder Green Valley Corp Libby Glass, Owner/Developer). CEQA: Reuse of a Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement recommends to uphold the Director's decision and approve a Tentative Map permit to allow 19 lots for single family attached and detached residential units and one additional common lot and allow an increase in the size of Lot #19 to accommodate the water tower preservation and access to it, but not allow an increase in the size of Lot #9 as requested by the applicant.

PT07-034 – District 1

## 11.4 Actions related to the proposed Transportation Development Policy and rezoning the real property located on the northeasterly side of North King Road.

### **Recommendation:**

#### (a) US-101/Oakland/Mabury Transportation Development Policy.

The Policy is proposed to identify required transportation improvements at the US-101/Oakland Road corridor and to manage near term traffic congestions associated with smart growth development in the vicinity. This Policy would create a fair share traffic impact fee to finance the construction of the required improvements, and allow the Level of Services (LOS) at intersections along the corridor to degrade temporarily below the City's LOS goals. CEQA: EIR Resolution pending adoption. (Transportation)

*(Item continued on the next page)*

# 11. PUBLIC HEARINGS

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## 11.4 Actions related to the proposed Transportation Development Policy and rezoning the real property located on the northeasterly side of North King Road. (Cont'd.)

### **Recommendation:**

- (b) [Consideration of an ordinance rezoning the real property](#) located on the northeasterly side of North King Road, approximately 640 feet south of Mabury Road (Northeast corner of King Road & Dobbin Drive) from the LI Light Industrial Zoning District to the A(PD) Planned Development Zoning District to allow between 800 to 1300 single-family attached residential units, up to 25,000 sq.ft. of commercial uses, and public parkland on a 24.77 gross acre site (San José Transit Village Partners, LLC, Owner). CEQA: EIR Resolution pending adoption. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-1-1). (Planning, Building and Code Enforcement)  
PDC07-015 – District 3

## 11.5 [Rezoning the real property located at/on the southwest corner of E. Hedding Street and N. 10<sup>th</sup> Street.](#)

**Recommendation:** Consideration of an ordinance rezoning the real property located at/on the southwest corner of E. Hedding Street and N. 10<sup>th</sup> Street (899 N. 10<sup>th</sup> Street) to allow construction of 54 single-family attached residences on a 2.09 gross acres site (Greater Bay Trust Company Trustee Et Al, Owner). SNI: 13<sup>th</sup> Street. CEQA: Draft Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-1-0).  
PDC07-025 – District 3

## 11.6 [Rezoning the real property located in the area bounded by East Virginia Street, Martha Street, South 5<sup>th</sup> Street, and South 6<sup>th</sup> Street.](#)

**Recommendation:** Consideration of an ordinance rezoning the real property located in the area bounded by East Virginia Street, Martha Street, South 5<sup>th</sup> Street, and South 6<sup>th</sup> Street (9750 TRACT) from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow approximately 18 residential units in ~35 foot tall townhouse structures along S. 6<sup>th</sup> Street and approximately 240 residential units in a ~55 foot tall podium building with architectural projections up to 70 feet tall on the remainder of a 3.9 gross acre site (Virginia Terrace 170 Lp David Small, Owner/Developer). SNI: Spartan/Keyes. CEQA: Addendum to Mitigated Negative Declaration (PDC05-029). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).  
PDC07-035 – District 3

## 11. PUBLIC HEARINGS

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### 11.7 [ADMINISTRATIVE HEARING on appeal of the Planning Commission's decision to conditionally approve a Conditional Use Permit.](#)

**Recommendation: ADMINISTRATIVE HEARING** on and consideration of an appeal of the Planning Commission's decision to conditionally approve a Conditional Use Permit to allow expansion of the previously approved permit to authorize an off-site parking arrangement where patrons would utilize the Santa Clara Valley Transportation Agency parking lot at 3390 Monterey Highway in order to allow additional patrons within the establishment. The Planning Commission's decision denied the applicant's proposal to expand hours of entertainment and to construct an interior wall partition to separate the restaurant from the nightclub to allow patrons under the age of 21 years at the existing Fiesta Restaurant Nightclub on a 2.16 gross acres site, in the CN Neighborhood Commercial Zoning District, located at/on the northeast corner of Monterey Road and Rancho Drive (3844 Monterey Rd) (Noghrey Jamshid and Martha E, Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends to overturn the Planning Commission decision to deny and approve a Conditional Use permit to allow changes to the hours of entertainment, construction of an interior wall, and permit an off-site parking arrangement.  
CP06-060 – District 7

### 11.8 [ADMINISTRATIVE HEARING on appeal of the Planning Commission's decision to deny a Conditional Use Permit.](#)

**Recommendation: ADMINISTRATIVE HEARING** on and consideration of an appeal of the Planning Commission's decision to deny a Conditional Use Permit to allow off-sale of alcoholic beverages at an approved mini-mart located at a gasoline service station on a 0.63 gross acre site, in the CN Neighborhood Commercial Zoning District, located at the northwest corner of South White Road and Aborn Road (3295 S. White Road) (Vikram Singh and Baljinder Kaur, Owners). CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends to overturn the Planning Commission decision to deny and approve a Conditional Use permit to allow off-sale of alcoholic beverages in a remodeled gasoline station.  
CP07-019 – District 8

- Open Forum
- Adjournment

## **CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS**

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

### **1. Public Meeting Decorum:**

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

### **2. Signs, Objects or Symbolic Material:**

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
  - No objects will be larger than 2 feet by 3 feet.
  - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
  - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN  
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
  - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
  - c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
  - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
  - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
  - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
  - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.