



CITY COUNCIL AGENDA

AUGUST 12, 2008

AMENDED AGENDA

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
DAVID D CORTESE, VICE MAYOR
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 Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

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

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

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

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Council Wing, 2nd Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

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**
9:30 a.m. - Closed Session, Call to Order in Council Chambers
Adjourn to Closed Session in Council Chambers Conference Room, W133
[See Separate Agenda](#)
1:30 p.m. - Regular Session, Council Chambers, City Hall
* Hear Open Forum
7:00 p.m. - Public Hearings, Council Chambers, City Hall

- **Invocation (District 7)**
Iola Williams Chinese Senior Dancers

- **Pledge of Allegiance**
- **Orders of the Day**

Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

**ITEM 9.1 IS 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.**

- * **SEE NEW ITEM 3.9 “REBUTTAL ARGUMENTS FOR THE NOVEMBER
BALLOT MEASURES”.**

- **Closed Session Report**

1. CEREMONIAL ITEMS

- 1.1 Presentation of commendations to Alyssa Andrade and Emilio Esteban Cortez for being awarded 2008 HACE Scholarships. (Campos)

2. CONSENT CALENDAR

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.**

- 2.2 **Final adoption of ordinances.**

- 2.3 **[Grant Applications to the California Department of Conservation to Expand Recycling Programs.](#)**

* **Recommendation:** Adoption of a resolution authorizing the City Manager to submit four grant applications to the California Department of Conservation totaling \$1,300,000 to support the Environmental Services Department's efforts to expand recycling programs at City venues, parks, public spaces, and schools, to accept the grants if awarded and to execute any documents necessary to effectuate the grant. CEQA: Exempt, File No. PP08-162. (Environmental Services)

- 2.4 **[Actions Related to Historic Landmark Initiation for the L.D. Bohnett House.](#)**

Recommendation: Adoption of a resolution:

- (a) Initiating proceedings to consider the single-family house located at 940 Plaza Drive as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of a historic nature.
- (b) Referring the matter back to the Historic Landmarks Commission for consideration of the report and recommendation at a public hearing.
- (c) Setting a public hearing on Tuesday, October 7, 2008 at 1:30 p.m. for Council consideration of City Landmark designation of the structures noted above.

CEQA: Not a Project. Council District 6. (Planning, Building and Code Enforcement)

- 2.5 **[Actions Related to the Establishment of a Rule 20A Underground Utility District.](#)**

Recommendation: Adoption of a resolution to consider the establishment of a Rule 20A Underground Utility District along Aborn Road, between Pumpherstons Way and White Road, and setting a public hearing on September 16, 2008 at 1:30 p.m. CEQA: Exempt, File No. PP08-128. Council District 8. (Public Works)

2. CONSENT CALENDAR

2.6 [Actions Related to the Summary Vacation of the Public Service Easement.](#)

Recommendation: Adoption of a resolution summarily vacating a portion of the Public Service Easement lying within lot 6 and 7 of Tract 2887, APN 486-38-048, on the southside of Story Road, between Jackson Avenue and Leeward Drive. CEQA: Exempt, File No. H08-015. Council District 5. (Public Works)

2.7 [Actions Related to the Police Administration Building Site Security and Fencing Project.](#)

Recommendation:

- (a) Adoption of the following 2008-2009 Appropriation Ordinance amendments in the State Drug Forfeiture Fund (Fund 417):
 - (1) Increase the appropriation to the Police Department for Non-personal/Equipment by \$25,888;
 - (2) Decrease the Ending Fund Balance by \$25,888.
- (b) Approve the use of the remaining FY 2000-2001 and FY 2001-2002 California Law Enforcement Equipment Program Grant funds for the purchase of facility security equipment in the amount of \$83,643 and \$80,685, respectively.
- (c) Report on bids and award of contract for the Police Administration Building Site Security and Fencing project to the low bidder, Golden Bay Fence Plus Iron Works, Inc., in the amount of \$614,972, and approval of a contingency in the amount of \$30,000.

CEQA: Exempt, File No. PP07-266. Council District 3. (Public Works/Police/City Manager's Office)

2.8 [Certification of the Results of the Municipal Election held on June 3, 2008.](#)

Recommendation: Adoption of a resolution declaring the results of the June 3, 2008 Municipal Election pursuant to Elections Code Section 15400. (City Clerk)

* (Deferred from 6/24/08 – Item 2.6 and 8/5/08 – Item 2.3)

3. STRATEGIC SUPPORT SERVICES

3.1 **Report of the City Manager, Debra Figone (Verbal Report)**

3.2 **Report of the Rules and Open Government Committee
Mayor Reed, Chair – *No Report.***

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

3. STRATEGIC SUPPORT SERVICES

3.4 Various Budget Actions for Services for City Side Redevelopment Capital Project Fund FY 2008-09.

Recommendation:

- (a) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for 2008-2009:
- (1) Increase Beginning Fund Balance by \$3,322,095.
 - (2) Increase the estimate for Earned Revenue by \$15,000.
 - (3) Increase the appropriation to the Department of Public Works for the Roundtable Pedestrian Light project (PSM 500, Amendment 1) in the amount of \$322,095. CEQA: Exempt, File No. PP06-105.
 - (4) Establish an appropriation to the Office of Economic Development for the California Theatre Orchestra Side Platforms project (PSM 540) in the amount of \$70,000. CEQA: Not a Project.
 - (5) Establish an appropriation to the Department of Public Works for the Fire Station 2 - Rebuild project (PSM 541) in the amount of \$2,700,000. CEQA: Exempt, File No. PP05-220.
 - (6) Establish an appropriation to the Department of Transportation for the KONA – Traffic Calming Phase I project (PSM 542) in the amount of \$50,000. CEQA: Exempt, File No. PP06-171.
 - (7) Increase the appropriation to the Department of Transportation for Additional Contingency Services (PSM 545) in the amount of \$30,000. CEQA: Not a Project.
 - (8) Establish an appropriation to the General Services Department for the Variable Speed Fan Drive Systems at the Tech Museum project (PSM 536) in the amount of \$150,000. CEQA: Exempt, File No. PP08-152.
 - (9) Increase the appropriation to the Planning, Building and Code Enforcement Department for the California Environmental Quality Act (CEQA) project (PSM 365, Amendment 3) in the amount of \$15,000. CEQA: Not a Project.
- (b) Adoption of resolutions making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with:
- (1) The California Theatre Orchestra Side Platforms project as more specifically described in the memorandum from the Redevelopment Agency dated June 3, 2008;
 - (2) The Fire Station 2 - Rebuild project as more specifically described in the memorandum from the Redevelopment Agency dated June 10, 2008;
 - (3) The KONA – Traffic Calming Phase I project as more specifically described in the memorandum from the Redevelopment Agency dated June 9, 2008;

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.4 Various Budget Actions for Services for City Side Redevelopment Capital Project Fund FY 2008-09 (Cont'd.)

Recommendation:

- (b) (4) The Variable Speed Fan Drive Systems at the Tech Museum project as more specifically described in the memorandum from the Redevelopment Agency dated May 21, 2008.

CEQA: See above CEQA references. Council Districts 2, 3, and 8. SNI: Edenvale/ Great Oaks/Market Gateway/K.O.N.A./Julian/Stockton. (Public Works/Economic Development/Transportation/General Services/Planning, Building and Code Enforcement/City Manager's Office)

3.5 Federal Housing Legislation: H.R. 5772 (Murphy) and S. 2666 (Cantwell).

Recommendation: As recommended by the Rules and Open Government Committee of August 6, 2008, adopt a position of support for H.R. 5772 (Murphy) – Frank Melville Supportive Housing Investment Act of 2008. S. 2666 (Cantwell) – Affordable Housing Investment Act has already been passed and is law, therefore no position is necessary. (Housing)

* [Rules Committee referral 8/6/08 – Item C(2)(a)]

3.6 2008 League of California Cities Voting and Alternate Voting Delegates at the Annual Business Meeting.

Recommendation: As recommended by the Rules and Open Government Committee of August 6, 2008, approve the proposed designation of Councilmember Judy Chirco as the voting delegate, and Councilmember Kansen Chu as the alternate voting delegate at the September 27, 2008 Annual Business Meeting for the League of California Cities (LOCC). (City Manager's Office)

* [Rules Committee referral 8/6/08 – Item G(2)]

3.7 **Report of the Rules and Open Government Committee – June 11, 2008** **Mayor Reed, Chair**

- (a) City Council (City Clerk)
- (1) Review June 17, 2008 Final Agenda
 - (2) Review June 24, 2008 Special Meeting Draft Agenda
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
- (1) State
 - (a) AB 1195 (Torrico): Recycling: Used Oil: Incentive Payments. (Environmental Services)

HEARD BY COUNCIL 6/17/08

- (2) Federal
- (d) Meeting Schedule
- (e) The Public Record

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.7 Report of the Rules and Open Government Committee – June 11, 2008 (Cont'd.)

Mayor Reed, Chair

- (f) Appointments to Boards, Commissions and Committee
 - (1) 1 re-appointment to the Traffic Appeals Commission. (Nguyen)
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Modification to Municipal Code 11.38.210 – No Vehicle Solicitation Zone to Prohibit Sale of Cars in Public Areas that Create Safety Hazards or Public Nuisances Workload Assessment. (City Attorney's Office/Transportation/Police)
- (h) Review of additions to Council Committee Agendas
 - (1) Community and Economic Development Committee
 - (a) Add "Updated on the Art and Technology Lighting Program for City Hall" to the June 23, 2008 CED Committee agenda. (City Manager's Office)
 - (2) Neighborhood Services and Education Committee
 - (3) Transportation and Environment Committee
 - (4) Public Safety, Finance and Strategic Support Committee
- (i) Open Government Initiatives
- (j) Open Forum
- (k) Adjournment

* (Deferred from 6/24/08 – Item 3.2 and 8/5/08 – Item 3.2)

3.8 Report of the Rules and Open Government Committee – [June 18, 2008](#)

Mayor Reed, Chair

- (a) City Council (City Clerk)
 - (1) Review June 24, 2008 Final Agenda
 - (a) Adoption of appropriation ordinance and funding sources resolution amendments in the general fund to terminate the officeholder account for Councilmember Campos, District 5. (City Clerk)
HEARD BY COUNCIL 6/24/08
 - (b) Approval of the use of a special events account for the community resource fair and adoption of appropriation ordinance amendments and funding sources resolution amendments in the gift trust fund for the community resource fair. (City Clerk)
HEARD BY COUNCIL 6/24/08
 - (c) Urgent Temporary Taxicab Fuel Surcharge. (Constant)
 - (2) Review July 1, 2008 Draft Agenda
None – Meeting Cancelled
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
 - (1) State
 - (a) Recommendation to adopt a support position on SB 1407 (Perata) – Courthouse Construction. (Cortese)
HEARD BY COUNCIL 6/24/08
 - (2) Federal

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.8 Report of the Rules and Open Government Committee – June 18, 2008 (Cont'd.)

Mayor Reed, Chair

- (d) Meeting Schedule
 - (1) Approval to set the Employment Lands Study Session on September 2, 2008 from 9:00 a.m. – 12:00 p.m. (Planning, Building and Code Enforcement)
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committee
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Recommendation to refer to staff for review AB 2064 (Vietnam War Curriculum). (Cortese)
 - (2) Approval of the City Auditor's Fiscal Year 2008-09 Work Plan. (Auditor)
 - (3) Accept workload assessment for the neighborhoods of distinction. (Planning, Building and Code Enforcement)
- (h) Review of additions to Council Committee Agendas
- (i) Open Government Initiatives
- (j) Open Forum
- (k) Adjournment

* (Deferred from 6/24/08 – Item 3.15 and 8/5/08 – Item 3.3)

3.9 [Rebuttal Arguments for the November Ballot measures.](#)

Recommendation:

- (a) Waive the 10-day Sunshine Notice Requirements;
- (b) Adopt a Resolution establishing provisions for Rebuttal Arguments for the November Ballot measures.

(Mayor)

* (Orders of the Day)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Community & Economic Development Committee – [June 23, 2008](#)

Councilmember Pyle, Chair

- (a) Review of the Committee Workplan.
 - (b) Housing Element. (Housing/Planning, Building and Code Enforcement)
 - (c) Inclusionary Housing Policy- Status Report. (Housing)
 - (d) Status Update on Civic Center Auditorium and the Convention Center. (Public Works)
 - (e) Green Vision: Clean Tech Strategy. (Economic Development)
 - (f) First Act Big Deals- BART Downtown Station and Diridon Station. (Redevelopment Agency/Transportation/ Planning, Building & Code Enforcement)
 - (g) Art & Technology Lighting for City Hall. (Economic Development)
- (Item continued on the next page)*

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Community & Economic Development Committee – June 23, 2008 (Cont'd.)

- (h) Update:
 - (1) Mexican Heritage Plaza. (General Services)
- * **TO BE HEARD BY COUNCIL 8/19/08**
- (i) Oral Petitions
- (j) Adjournment
- * (Deferred from 8/5/08 – Item 4.1)

5. NEIGHBORHOOD SERVICES

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

5.2 [Report on Bids and Action Related to Bascom Library and Community Center Project.](#)

[Supplemental – Memo from the Directors of PRNS, the Libraries and Public Works](#)

[Supplemental – Memo from the Director of Public Works](#)

[Attachment – Letter from Zolman Construction](#)

[Attachment – Letter from the State of California](#)

[Attachment – Letter from Zovich Construction](#)

[Attachment – Letter from John Plane Construction](#)

Recommendation:

- (a) Conduct a hearing to determine whether the low bid submitted by Zolman Construction & Development, Inc. for the Bascom Library and Community Center Project should be rejected on the ground that Zolman was not qualified to submit a bid.
- (b) Award the construction contract for the project to the low bidder, John Plane Construction, Inc., to include the base bid and add alternative Nos. 1 and 3, in the amount of \$17,974,000 and approve a contingency in the amount of \$1,797,000.

CEQA: Exempt, File No. PP07-081. Council District 6. SNI: Burbank/Del Monte.

(Parks, Recreation and Neighborhood Services/Library/Public Works)

(Deferred from 6/10/08 – Item 5.3 and et. al., and 8/5/08 – Item 5.2)

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Transportation and Environment Committee
Councilmember Williams, Chair – *No Report.*

6.2 [Approval of Actions Related to the City’s Traffic Signal Communications and Synchronization Project.](#)

Recommendation:

(a) Approval of a Baseline Agreement with California Department of Transportation to accept a grant of \$15 million in Proposition 1B Traffic Light Synchronization Program funds for the City’s Traffic Signal Communications and Synchronization Project.

(Item continued on the next page)

Recommendation:

(b) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Building and Structure Construction Tax Fund:

- (1) Increase the estimate for Earned Revenue by \$5,809,000.
- (2) Establish an appropriation to the Department of Transportation for the Traffic Signal Communications and Synchronization project by \$7,574,000.
- (3) Decrease the Traffic Signals – Flow Management project by \$265,000.
- (4) Decrease the Ending Fund Balance by \$1,500,000.

CEQA: Resolution Nos. 60197 and 63179, File No. PP08-154. (Transportation/City Manager’s Office)

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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

9.1 [Ordinance and Other Actions Related to Freestanding News Racks within the Downtown Core and Civic Plaza.](#)

Recommendation: Approval of an ordinance:

- (a) Placing a moratorium of the installation and relocation of freestanding news racks within the Downtown Core and the Civic Plaza Redevelopment Project Area; and,
- (b) Establishing a consolidated pedestal mounted news rack pilot program within the Downtown Core and the Civic Plaza Redevelopment Project Area for a period of September 30, 2008 to August 31, 2010.

CEQA: Resolution No. 72767. Council District 3. (City Manager's Office/ Redevelopment Agency)

(Deferred from 6/17/08 – Item 9.3)

RECOMMEND DEFERRAL TO 8/19/08

- Open Forum
- Continue RDA Board Meeting (immediately following Open Forum)
- Council will recess until 7:00 p.m.

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

(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](#) on the southwest corner of San Felipe Road and Aborn Road (3303 San Felipe Road) from CP commercial Pedestrian Zoning District to CN Commercial Neighborhood zoning district to allow commercial uses on a 0.75 gross acre site. CEQA: EIR Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.
C08-026 – District 8
(Continued from 6/17/08 – Item 11.1(f))
- (b) [Consideration of an ordinance rezoning the real property located](#) on the east side of Seaboard Avenue, approximately 300 feet southerly of Trimble Road (2586 Seaboard Avenue) from A(PD) Planned Development Zoning District to LI Light Industrial Zoning District to allow religious assembly uses in the vacant portion of an existing industrial building on a 0.78 gross acre site (Temothy C and Hee O Cho Trustee, Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).
C08-009 – District 4
[Attachment – Staff Report](#)
- (c) [Consideration of an ordinance rezoning the real property located](#) on the southeast corner of Monterey Road and Old Tully Road (2400 Monterey Road) from LI Light Industrial Zoning District to CN Commercial Neighborhood Zoning District to allow commercial uses on a 0.61 gross acre site (Local Motive Development LLC, Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).
C08-027 – District 7
[Attachment – Staff Report](#)

END OF PUBLIC HEARINGS ON CONSENT CALENDAR

11. PUBLIC HEARINGS

11.2 [Rezoning real property located at/on the southeast corner of South 2nd Street and Keyes Street.](#)

[Attachment – Staff Report and Attachments](#)

Recommendation: Consideration of an ordinance rezoning the real property located at/on the southeast corner of South 2nd Street and Keyes Street (1140 S 2nd Street) from CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District to allow up to 135 affordable housing multi-family attached residential units and approximately 11,101 square feet for retail commercial uses on a 1.16 gross acre site (Patel Shantaben N and Naranji V. Owner; First Community Housing, Developer). SNI: Spartan/Keyes. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-1-0-1).
PDC07-086 – District 3

11.3 [Rezoning real property located on the southeast corner of North First Street and East Rosemary Street.](#)

[Attachment – Staff Report and Attachments](#)

- * **Recommendation:** Consideration of an ordinance rezoning the real property located on the southeast corner of North First Street and East Rosemary Street to allow 290 multi-family residential units on a 4.045 gross acre site (Metro Eight Properties, LLC, Owner; ROEM Development Corporation, Developer). CEQA: Resolution No. 72768 and addendum thereto. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).
PDC07-101 – District 3

11.4 [Rezoning real property located on the northeast corner of River Oaks Parkway and Zanker Road.](#)

[Attachment – Staff Report and Attachments](#)

- * **Recommendation:** Consideration of an ordinance rezoning the real property located on the northeast corner of River Oaks Parkway and Zanker Road (199 River Oaks Parkway) from the IP – Industrial Park Zoning District to the A(PD) Planned Development Zoning District to allow up to 300 multi-family attached residential units and up to 1,500 square feet of retail on a 3.69 gross acre site (Applejack 199 LP, Owner). CEQA: Resolution No. 72768 and addendum thereto. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).
PDC07-102 – District 4

11. PUBLIC HEARINGS

11.5 [Prezoning real property located between Meridian Avenue and Leigh Avenue, north of Hamilton Avenue.](#)

[Supplemental – Memo from the Director of Planning](#)

[Attachment – Staff Report](#)

[Attachment – Letter from John Nourse](#)

[Attachment – Petition](#)

- * **Recommendation:** Consideration of a Director Initiated prezoning from County of Santa Clara to R-1-5 Single-Family Residence Zoning as to approximately 107.6 gross acres, R-2 Two-Family Residence, Zoning as to approximately 5.7 gross acres CN Commercial Neighborhood Zoning as to approximately 6.1 gross acres, and CO Commercial Office Zoning as to approximately 10.6 gross acres (all as more specifically set forth in the Staff Report) on an approximately 131 gross acre County island consisting of 450 parcels between Meridian Avenue and Leigh Avenue, north of Hamilton Avenue (Multiple Owners). CEQA: EIR Resolution No. 65459 (Related Annexation Hamilton No. 59). Director of Planning, Building and Code Enforcement and Planning commission recommend approval (6-0-1).
C08-021 – District 6

11.6 [Prezoning real property located on the north side of Stevens Creek Boulevard, west of Revey Avenue.](#)

[Attachment – Staff Report and Attachments](#)

Recommendation: Consideration of a Director Initiated prezoning from County of Santa Clara to R-1-8 Single-Family Residence Zoning as to approximately 11.0 gross acres, R-2 Two-Family Residence Zoning as to approximately 0.2 gross acres, R-M Multiple Family Residence Zoning as to approximately 0.8 gross acres, CP Commercial Pedestrian Zoning as to approximately 1.0 gross acres, and CO Commercial Office Zoning as to approximately 2.3 gross acres (all as more specifically set forth in the Staff Report) on an approximately 16 gross acre County island consisting of 53 parcels located on the north side of Stevens Creek Boulevard, west of Revey Avenue (Multiple Owners). CEQA: EIR Resolution No. 65459 (Related Annexation Burbank No. 41). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).
C08-025 – District 6

11. PUBLIC HEARINGS

11.7 Prezoning real property located between Hamilton Avenue and Dry Creek Road, west of Meridian Avenue and east of the City of Campbell boundary.

Attachment – Staff Report

Recommendation: Consideration of a Director Initiated prezoning from County of Santa Clara to R-1-2 Single-Family Residence Zoning as to approximately 8.4 gross acres, R-1-5 Single-Family Residence Zoning as to approximately 99.1 gross acres, R-1-8 Single-Family Residence Zoning as to approximately 38.4 gross acres, CN Commercial Neighborhood Zoning as to approximately 0.3 gross acres, and CO Commercial Office Zoning as to approximately 0.6 gross acres (all as more specifically set forth in the Staff Report) on an approximately 147 gross acre County island consisting of 455 parcels between Hamilton Avenue and Dry Creek Road; west of Meridian Avenue and east of the City of Campbell boundary (Multiple Owners). CEQA: EIR Resolution No. 65459 (Related Annexation Meridian No. 73). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

C08-020 – District 6

* **TO BE HEARD FIRST IN THE EVENING**

11.8 Rezoning real property located at the north side of Elden Drive.

Recommendation: Consideration of an ordinance rezoning the real property located at the north side of Elden Drive, approximately 500 feet easterly of South Bascom Avenue (679 & 681 Elden Drive) from R-1-5 Single-Family Residence Zoning District to A(PD) Planned Development Zoning District to allow up to six single-family detached residences (five new units and one existing unit to remain) on a 0.8 gross acre site (Richard McLeod and John A. & Rose Carol Giossa, Owner(s)). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC06-082 – District 9

- Notice of City Engineer’s Pending Decision on Final Maps

* In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
10013	Northeast corner of North King Road and Dobbin Drive	3	San José Transit Village Partners LLC	4 Lots	Multi-Family Attached and Commercial
10014	Southwest corner of Cinnabar Street and Stockton Avenue	6	Morrison Park Homes LLC	1 Lot / 250 Units	Multi-Family Attached

- Notice of City Engineer’s Award of Construction Projects

* In accordance with Council Resolution No. 73532, the construction Contract Process Streamlining Policy approved on December 5, 2006, the following is a list of projects that were awarded or rejected by the Director of Public Works in June and July 2008:

AWARD:

<u>Project Name</u>	<u>Council District</u>	<u>Contractor</u>	<u>Contract Award Amount</u>	<u>Award Date</u>
Norman Y. Mineta San Jose International Airport Building Trades Contract 07-08(B)	Citywide	Tucker Construction, Inc.	\$150,000	6/12/08
E. Julian Street Bridge at Coyote Creek Seismic Retrofit Project	3	William P. Young Construction, Inc.	\$512,160	6/23/08

(Item continued on the next page)

- Notice of City Engineer’s Award of Construction Projects (Cont’d.)

AWARD: (Cont’d.)

<u>Project Name</u>	<u>Council District</u>	<u>Contractor</u>	<u>Contract Award Amount</u>	<u>Award Date</u>
E. William Street Bridge at Coyote Creek Seismic Retrofit Project	3	William P. Young Construction, Inc.	\$123,268.22	6/23/08
Police Administration Building, Interview Rooms Noise Control Tenant Improvements	Citywide	VNS Construction	\$152,500	6/24/08
Cahill Park Play Area Improvement Project	6	Maxicrete, Inc.	\$326,600	6/30/08
Southwest Expressway Bridge over Meridian Avenue Seismic Retrofit Project	6	Pleasanton Engineering Contractors, Inc.	\$275,095	7/3/08
Willow Glen Sanitary Sewer Rehabilitation (Rebid)	6	Veolia ES Industrial Services, Inc. dba J. F. Pacific Liners, Inc.	\$626,627	7/8/08
Normal Y. Mineta San Jose International Airport: Terminal Modifications II Electrical/Data	Citywide	Dynalectric Company	\$925,000	7/11/08
Mazzone Drive Sanitary Sewer Rehabilitation	10	Veolia ES Industrial Services, Inc. dba J. F. Pacific Liners, Inc.	\$136,007.20	7/14/08

REJECTION

<u>Project Name</u>	<u>Council District</u>	<u>Contractor</u>	<u>Contract Award Amount</u>	<u>Award Date</u>
Gold St. Storm Pump Station Electrical Upgrade	10	N/A	N/A	7/7/08
Normal Y. Mineta San Jose International Airport – Compressed Natural Gas Fueling Station Upgrade	Citywide	N/A	N/A	7/30/08

- Open Forum

- Adjournment

CITY OF SAN JOSE 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 JOSE 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.