MINUTES OF THE CITY COUNCIL

SAN JOSÉ, CALIFORNIA **TUESDAY, MAY 20, 2008**

The Council of the City of San José convened in regular session at 9:30 a.m. in the Council Chambers at City Hall.

Present: Council Members - Campos, Chirco, Chu, Constant, Cortese, Liccardo, Nguyen, Oliverio, Pyle, Williams; Reed.

Absent: Council Members - None.

Upon motion unanimously adopted, Council recessed at 9:31 a.m. to a Closed Session in Room W133, (A) to confer with Legal Counsel with respect to anticipated litigation (Claim not filed) pursuant to Government Code Subsection (b) of Section 54956.9 in one (1) matter of significant exposure. (B) to confer with Legal Counsel with respect to anticipated litigation pursuant to Government Code Subsection (c) of Section 54956.9 in one (1) matter. (C) to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Manager Designee Alex Gurza; Employee Organizations: (1) Organization or Name and Title of Unrepresented Employees: San José Police Officers' Association; Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and San José Police Officers' Association. (2) Organization or Name and Title of Unrepresented Employees: Municipal Employees Federation, AFSCME Local 101, AFL/CIO; Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and Municipal Employees Federation, AFSCME Local 101, AFL/CIO. (3) Organization or Name and Title of Unrepresented Employees: City Association of Management Personnel Agreement; Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Benefit and Compensation Summary between City of San José and City Association of Management Personnel Agreement. How to obtain a copy of existing contract or MOA: web: **http://www.sanjoseca.gov/employeerelations/moa.asp**; Telephone for Employee Relations: 408-535-8150.

Access the video, the agenda and related reports for this meeting by visiting the City's website at http://www.sanjoseca.gov/clerk/agenda.asp or http:/www.sanjoseca.gov/clerk/MeetingArchive.asp. For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266.

CLOSED SESSION (Cont'd.)

By unanimous consent, Council recessed from the Closed Session at 10:45 a.m. and reconvened at 1:34 p.m. in the Council Chambers.

Present: Council Members - Campos (arrived 1:45 p.m.), Chirco, Chu, Cortese, Liccardo, Nguyen, Oliverio, Pyle, Williams; Reed.

Absent: Council Members - Constant. (Excused)

INVOCATION

Mayor Reed presented a brief tribute to the men and women who have given their lives for freedom and invited everyone to Oak Hill Cemetery on Monday, May 26, 2008, 11:00 a.m. to attend the annual Memorial Day service provided by the United Veterans Council.

PLEDGE OF ALLEGIANCE

Mayor Reed led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Council Member Pyle, seconded by Vice Mayor Cortese and carried unanimously, the Orders of the Day and the Amended Agenda were approved and Items 2.1(b)(c), Item 2.9 and Item 4.3 were deferred to June 3, 2008. (9-0-2. Absent: Campos, Constant.)

CEREMONIAL ITEMS

1.1 Presentation of a proclamation recognizing the City's Fire Dispatchers for receiving the National Academies of Emergency Dispatch's "Accredited Center of Excellence" award. (Fire)

Action: Mayor Reed and Fire Chief Darryl Von Raesfeld recognized the City of San José's Fire Dispatchers upon their receipt of the National Academies of Emergency Dispatch's "Accredited Center of Excellence" award.

1.2 Presentation of a proclamation declaring the week of May 18-24, 2008 as "Public Works Week" in the City of San José. (Public Works)

Action: Mayor Reed and Director of Public Works Katy Allen recognized the week of May 18 through May 24, 2008 as "Public Works Week" in San José.

1.4 Presentation of a commendation to the Society of Industrial Archaeology for bringing their 37th National Conference to the City of San José. (Chu)

Action: Mayor Reed and Council Member Chu recognized and commended the Society of Industrial Archaeology for bringing their 37th National Conference to the City of San José.

1.5 Presentation of a commendation to Betty Mora for her organization of the First Annual Parent University Event held at Summerdale Elementary School. (Chu/Mayor)

Action: Deferred to June 3, 2008 per Mayor.

1.7 Presentation of a commendation to Cisco Systems for their exemplary efforts in implementing nearly 300 Automated External Defibrillators in their campuses around the world for the benefit of their employees. (Chu)
(Rules Committee referral 5/14/08)

Action: Mayor Reed and Council Member Chu recognized and commended Cisco Systems for their excellent efforts in implementing 300 Automated External Defibrillators on their campuses around the world.

CONSENT CALENDAR

Upon motion by Council Member Williams, seconded by Vice Mayor Cortese and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (10-0-1. Absent: Constant.)

2.1 Approval of minutes.
(a) Regular Minutes of March 4, 2008
(d) Mayor's March Budget Message Study Session Minutes of March 13, 2008

Documents Filed: (1) The regular Minutes dated March 4, 2008. (2) Mayor's March Budget Message Study Session Minutes dated March 13, 2008.

Action: The Minutes were approved. (10-0-1. Absent: Constant.)

(b) Regular Minutes of March 11, 2008
(c) Joint City Council/San José Financing Authority Minutes of March 11, 2008
(e) Regular Minutes of March 18, 2008
(f) Regular Minutes of March 25, 2008

Action: Deferred to June 3, 2008 per City Clerk.

2.2 (a) **ORD. NO. 28301 – Amending Sections 20.95.020 and 20.95.110 of Chapter 20.95 and Section 20.100.480 of Chapter 20.100, all of Title 20 of the San José Municipal Code, to reflect the threshold for hydraulically sized stormwater treatment control measures pursuant to City Council Policy 6-29 (Post Construction Urban Runoff Management) and the National Pollution Discharge Elimination System Permit.**

Documents Filed: Proof of Publication of the title of Ordinance No. 28301 executed on May 13, 2008, submitted by the City Clerk.

Action: Ordinance No. 28301 was adopted. (10-0-1. Absent: Constant.)

(b) **ORD. NO. 28302 – Rezoning certain real property situated at the southeast corner of South 11th Street and Interstate Highway 280 (868 South 11th Street) to R-M Multiple Residence Zoning District. C07-005**

Documents Filed: Proof of Publication of the title of Ordinance No. 28302 executed on May 13, 2008, submitted by the City Clerk.

Action: Ordinance No. 28302 was adopted. (10-0-1. Absent: Constant.)

(c) **ORD. NO. 28300 – Amending Chapter 3.36 of Title 3 of the San José Municipal Code to provide increased retirement benefits for members of the Police and Fire Department Retirement Plan who are employed in the Fire Department.**

Documents Filed: Proof of Publication of the title of Ordinance No. 28300 executed on May 13, 2008, submitted by the City Clerk.

Action: Ordinance No. 28300 was adopted. (10-0-1. Absent: Constant.)

(d) **ORD. NO. 28306 – Rezoning certain real property located at the southeast corner of Stevens Creek and Winchester Boulevards on approximately 40.8 acres (at a site commonly known as "Santana Row") to the A(PD) Planned Development Zoning District. PDC07-095**

Documents Filed: Corrected Proof of Publication of the title of Ordinance No. 28306 executed on June 3, 2008, submitted by the City Clerk.

Action: Ordinance No. 28306 was adopted. (10-0-1. Absent: Constant.)

2.3 **Acceptance of the Office of the City Auditor's *Report of Activities for the Period March 16 through April 15, 2008.* (City Auditor)**

Documents Filed: Report of Activities for the Period March 16 through April 15, 2008 from the Office of the City Auditor.

Action: The report was accepted. (10-0-1. Absent: Constant.)

2.4 Approval of the Sharks Ice at San José City Use Program Policy and delegation of authority to the City Manager for approval of eligible events. CEQA: Not a Project. (Economic Development)

Documents Filed: Memorandum from Chief Development Officer Paul Krutko, dated April 28, 2008, recommending approval of the program policy and delegation of authority.

Action: The Sharks Ice at San José City Use Program Policy and delegation of authority to the City Manager for approval of eligible events were approved. (10-0-1. Absent: Constant.)

2.5 Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

(a) Establish an appropriation to the Office of Emergency Services for the 2007 Emergency Management Performance Grant in the amount of $130,731.

(b) Increase the estimate for Revenue from the Federal Government by $130,731.

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

Documents Filed: Memorandum from Director of Office of Emergency Services Kimberly Shunk and Acting Budget Director Jennifer Maguire, dated April 28, 2008, recommending adoption of appropriation ordinance and funding sources resolution amendments.

Action: Ordinance No. 28309 and Resolution No. 74364 were adopted. (10-0-1. Absent: Constant.)

2.6 Approval of:

(a) The second amendment to the agency agreement with the County of Santa Clara for Countywide AB 939 Implementation Fee to maintain the AB 939 Implementation Fee at $3.55 per ton for 2008-2009.

(b) The third amendment to the agency agreement with the County of Santa Clara for Countywide Household Hazardous Waste Collection Program for one-time funding of $57,000, for a total cost not-to-exceed $57,000 for 2007-08.

(c) The fourth amendment to the agency agreement with the County of Santa Clara for Countywide Household Hazardous Waste Collection Program, which includes one-time funding of $67,000, for a total cost not-to-exceed amount of $67,000 for 2008-2009.

CEQA: Not a Project. (Environmental Services)

Documents Filed: Memorandum from Director of Environmental Services John Stufflebean, dated April 28, 2008, recommending approval of three agreements.

2.6 (Cont'd.)

Action: The second amendment to the agency agreement with the County of Santa Clara for Countywide AB 939 Implementation Fee to maintain the AB 939 Implementation Fee at $3.55 per ton for 2008-2009; the third amendment to the agency agreement with the County of Santa Clara for Countywide Household Hazardous Waste Collection Program for one-time funding of $57,000, for a total cost not-to-exceed $57,000 for 2007-08 and the fourth amendment to the agency agreement with the County of Santa Clara for Countywide Household Hazardous Waste Collection Program, which includes one-time funding of $67,000, for a total cost not-to-exceed amount of $67,000 for 2008-2009, were approved.

2.7 Adoption of the following 2007-2008 Appropriation Ordinance and Funding Sources Resolution amendments in the Vehicle Maintenance and Operations Fund:

(a) Increase the Non-Personal/Equipment appropriation to the General Services Department by $300,000.

(b) Decrease the Personal Services appropriation to the General Services Department by $300,000.

(c) Increase the estimate for Transfers by $990,000.

(d) Increase the Inventory Purchases appropriation by $990,000.

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

Documents Filed: Memorandum from Director of General Services Peter Jensen and Acting Budget Director Jennifer Maguire, dated April 28, 2008, recommending adoption of appropriation ordinance and funding sources resolution amendments.

Director of General Services Peter Jensen responded to questions from Council Member Chirco about fuel costs. Council Member Chirco requested that Staff report back to Council in one year on the efforts to reduce fuel costs.

Action: Upon motion by Council Member Chirco, seconded by Council Member Campos and carried unanimously, Ordinance No. 28310 and Resolution No. 74365 were adopted, with Staff directed to report back in one year on the efforts to reduce fuel costs. (10-0-1. Absent: Constant.)

2.8 Approval of travel by Vice Mayor Cortese to Chicago, Illinois on October 1-3, 2008 to participate in the San José/Silicon Valley Chamber of Commerce City-to-City Trip 2008. Source of Funds: Mayor & Council Travel Fund. (Cortese)
(Rules Committee referral 5/7/08)

Documents Filed: Memorandum from Vice Mayor Cortese, dated May 6, 2008, requesting approval of travel.

Action: The travel request from Vice Mayor Cortese was approved. (10-0-1. Absent: Constant.)

2.9 Adoption of a resolution:

(a) Approving an increase to the City permanent loan to Cinnabar Commons, a California limited partnership, or an affiliated entity for up to $506,652 to capitalize interest on the City's loan for the Cinnabar Commons Family Apartments project, located on Stockton Avenue between Cinnabar Street and Lenzen Avenue.

(b) Approving up to 120% Loan-to-Value (LTV) as an exception to the City Council policy limiting LTV to 100%.

CEQA: EIR Resolution No. 71174. Council District 6. (Housing)

Action: Deferred to June 3, 2008 per Orders of the Day.

2.10 Adoption of a resolution initiating proceedings and setting June 17, 2008 at 1:30 p.m. for City Council consideration on the reorganization of the territory designated as Burbank No. 40 which involves the annexation to the City of San José of approximately 2.78 acres of land located at the northwest corner of West San Carlos Street and Brooklyn Avenue and public right-of-way along West San Carlos Street, Brooklyn Avenue, and Topeka Avenue, and the detachment of the same from the appropriate special districts including Central Fire Protection, Area No. 01 (Library Services) County Service, Burbank Sanitary and County Lighting County Services. CEQA: EIR Resolution No. 65459. Council District 6. SNI: Burbank/Del Monte. (Planning, Building and Code Enforcement)

Documents Filed: Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated April 28, 2008, recommending adoption of a resolution.

Action: Resolution No. 74366, entitled: "A Resolution of the Council of the City of San José Initiating Reorganization Proceedings for the Annexation and Detachment of Certain Uninhabited Territory Designated as Burbank No. 40 Described Herein and Setting the Date, Time and Place for Consideration of Such Reorganization", was adopted. (10-0-1. Absent: Constant.)

2.11 Adoption of a resolution ordering the reorganization of territory designated as Monterey Park No. 112, which involves the annexation to the City of San José of approximately 4.50 acres more or less of land located at the northeast corner of Monterey Road and Umbarger Road, and generally bounded by City of San José Annexations Monterey No. 7, Monterey Park No. 101-A, Franklin No. 34, and the detachment of the same from the appropriate special districts, including County Lighting County Services, Central Fire Protection, Sanitation District 2-3, and Area No. 01 (Library Services) County Service. CEQA: Exempt. Council District 7. (Planning, Building and Code Enforcement)

Documents Filed: Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated April 28, 2008, recommending adoption of a resolution.

2.11 (Cont'd.)

Action: Resolution No. 74367, entitled: "A Resolution of the Council of the City of San José Initiating Reorganization Proceedings for the Annexation and Detachment of Certain Uninhabited Territory Designated as Monterey Park No. 112, Described Herein and Setting the Date, Time and Place for Consideration of Such Reorganization", was adopted. (10-0-1. Absent: Constant.)

2.12 Report on consultant selection for transportation services for Envision San José 2040 General Plan Update and adoption of a resolution authorizing the City Manager to negotiate and execute a consultant agreement with Fehr & Peers Transportation Consultants for transportation consultant services for the Envision San José 2040 General Plan Update for a term through December 31, 2010 in an amount not-to-exceed $648,885, including authorization for the Director of Planning, Building and Code Enforcement to execute amendments to the agreement:

(a) To add and delete transportation consultant services as required within the $648,885 maximum compensation amount.

(b) To extend the term of the agreement for no more than twenty-four months total.

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

Documents Filed: Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated May1, 2008, recommending adoption of a resolution.

Action: Resolution No. 74368, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with Fehr & Peers for Transportation Consultant Services for the Envision San José 2040 General Plan for a Term through December 31, 2010 in a Amount Not To Exceed $648,885", was adopted. (10-0-1. Absent: Constant.)

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

(1) Increase the estimate for Earned Revenue by $255,500. CEQA: Not a Project.

(2) Increase the appropriation to the Department of Transportation for the Washington Neighborhood Alleyway C3 Construction project (PSM 503 Amendment 1) in the amount of $5,500. CEQA: Exempt, File No. PP06-205.

(3) Establish the appropriation to the Department of Public Works for the Hanchett Pillar project (PSM 527) in the amount of $75,000. CEQA: Not a Project.

2.13 **(4) Establish the appropriation to the Department of Public Works for the 24th Street Pedestrian Street Light project (PSM 530) in the amount of $90,000. CEQA: Not a Project.**

(5) Establish the appropriation to the Department of Public Works for the Transit Mall Pedestrian Lighting Improvements Project Phase 2 & 3 (PSM 531) in the amount $85,000. CEQA: Exempt, File No. PP06-105.

(b) Adoption of resolutions making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with:

(1) The Hanchett Pillar project as more specifically described in the memorandum from the Redevelopment Agency, dated March 12, 2008.

(2) The 24th Street Pedestrian Street Light project as more specifically described in the memorandum from the Redevelopment Agency, dated April 3, 2008.

(3) The Transit Mall Pedestrian Lighting Improvements Project Phase 2 & 3 as more specifically described in the memorandum from the Redevelopment Agency, dated April 24, 2008.

CEQA: Exempt, File Nos. PP06-205 and PP06-105. Council Districts 3 and 6. SNI: Washington, Five Wounds/Brookwood Terrace. (Public Works/Transportation/City Manager's Office)

Documents Filed: Memorandum from Director of Public Works Katy Allen, Director of Transportation James Helmer and Acting Budget Director Jennifer Maguire, dated April 28, 2008, recommending adoption of appropriation ordinance and funding sources resolution amendments and resolutions.

Action: Ordinance No. 28311; Resolution No. 74369; Resolution No. 74370, entitled: "A Resolution of the Council of the City of San José Making Certain Determinations Regarding the Expenditure of Redevelopment Agency Funds for Certain Public Improvements in the Alameda Redevelopment Project Area"; Resolution No. 74371, entitled: "A Resolution of the Council of the City of San José Making Certain Determinations Regarding the Expenditure of Redevelopment Agency Funds for Certain Public Improvements in the Strong Neighborhoods Initiative Redevelopment Project Area" and Resolution No. 74372, entitled: "A Resolution of the Council of the City of San José Making Certain Determinations Regarding the Expenditure of Redevelopment Agency Funds for Certain Public Improvements in the Merged Impact Redevelopment Project Area", were adopted. (10-0-1. Absent: Constant.)

2.14 Direction to staff to work with the City Attorney's Office to revise the Underground Utility Fee Ordinance (Chapter 15.26 of the San José Municipal Code) to enable:

(a) Annual automatic adjustment of the Underground Utility Fee based on the Engineering News Record's 20-City Average Construction Cost Index.

(b) Reimbursement to developers for completing underground utility projects.

CEQA: Not a Project. (Public Works)

2.14 (Cont'd.)

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated April 28, 2008, recommending approval of direction to Staff.

Action: Staff was directed to work with the City Attorney's Office to revise the Underground Utility Fee Ordinance (Chapter 15.26 of the San José Municipal Code) to enable: (a) Annual automatic adjustment of the Underground Utility Fee based on the Engineering News Record's 20-City Average Construction Cost Index. (b) Reimbursement to developers for completing underground utility projects. (10-0-1. Absent: Constant.)

2.15 Adoption of a resolution to consider the establishment of a Rule 20A Underground Utility District along White Road, between Rose Avenue and 150 feet north of Alum Rock Avenue and setting a Public Hearing on June 24, 2008 at 1:30 p.m. CEQA: Exempt, File No. PP08-042. Council District 5. (Public Works)

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated April 28, 2008, recommending adoption of a resolution.

Action: Resolution No. 74373, entitled: "A Resolution of the Council of the City of San José Setting the Time and Place for a Public Hearing to Consider the Establishment of a Rule 20A Underground Utility District Along White Road, Between Rose Avenue and 150 Feet North of Alum Rock Avenue, on June 24, 2008 at 1:30 p.m.", was adopted. (10-0-1. Absent: Constant.)

2.16 Report on bids and award of contract for the City-wide Sidewalk Accessibility Curb Ramps 2008 to the low bidder, Vanguard Construction, and approval of a contract amount of $399,392 plus a contingency in the amount of $39,939 for a total contract amount of $439,331. CEQA: Exempt, File No. PP05-212. Council Districts 2, 3, 4, 5, 6, 7, 8, 9 and 10. (Transportation)

Documents Filed: Memorandum from Director of Transportation James Helmer, dated April 28, 2008, recommending approval the contract to the low bidder.

Public Comments: Ross Signorino spoke about how parents with children are using the accessibility ramps and added that every curb should be lowered this way.

Action: Upon motion by Council Member Pyle, seconded by Vice Mayor Cortese and carried unanimously, the contract for the City-wide Sidewalk Accessibility Curb Ramps 2008 to the low bidder, Vanguard Construction, and approval of a contract amount of $399,392, with related contingency, was approved. (10-0-1. Absent: Constant.)

2.17 Approval of an updated master agreement with Caltrans for federal-aid transportation grant programs and adoption of a resolution authorizing the City Manager to negotiate and execute any program supplements to the master agreement enabling the City to receive federal-aid funds for qualifying transportation projects. CEQA: Not a Project. (Transportation)

Action: Deferred to June 3, 2008 per Administration.

2.18 Adoption of a resolution approving the request to the Metropolitan Transportation Commission for the allocation of Fiscal Year 2008-09 Transportation Development Act, Article 3 grant funding in the amount of $618,497 for the improvement of pedestrian and bicycle transportation infrastructure and authorizing the City Manager to negotiate and execute grant documents. CEQA: Exempt, File No. PP08-057. (Transportation)

Documents Filed: Memorandum from Director of Transportation James Helmer, dated April 28, 2008, recommending adoption of a resolution.

Action: Resolution No. 74374, entitled: "A Resolution of the Council of the City of San José Approving the List of Proposed Projects to be Submitted for Fiscal Year 2008-2009 Transportation Development Act, Article 3 Transportation Development Act, Article 3 Grant Funding to the Metropolitan Transportation Commission and Authorizing the City Manager to Negotiate and Execute the Necessary Grant Documents to Effectuate the Grant in an Amount Not To Exceed $618,497", was adopted. (10-0-1. Absent: Constant.)

2.19 Approval of Council Member Campos' travel to Sacramento, CA on June 26, 2008 to attend the League of CA Cities – Transportation, Communications & Public Works Committee. Council Member Campos serves as Vice Chair of this Policy Committee. Source of Funds: Mayor/Council Travel Fund. (Campos) (Rules Committee referral 5/14/08)

Documents Filed: Memorandum from Council Member Campos, dated May 7, 2008, requesting approval of travel.

Action: The travel request from Council Member Campos was approved. (10-0-1. Absent: Constant.)

2.20 Approval of Mayor Reed's travel to Washington, D.C. on February 26-28, 2008 to meet with Federal legislative officials and departments to advocate for legislation beneficial to the City of San José. Source of Funds: Mayor's Office Budget. (Mayor) (Rules Committee referral 5/14/08)

Documents Filed: Memorandum from Mayor Reed, dated May 12, 2008, requesting approval of travel.

Action: The travel request for Mayor Reed was approved. (10-0-1. Absent: Constant.)

2.21 Approval of Mayor Reed's travel to Chicago, IL on October 1-3, 2008 to participate in the Annual City-to-City trip sponsored by the San José/Silicon Valley Chamber of Commerce. Source of Funds: Mayor/Council Travel Fund. (Mayor)
(Rules Committee referral 5/14/08)

Documents Filed: Memorandum from Mayor Reed, dated May 12, 2008, requesting approval of travel.

Action: The travel request for Mayor Reed was approved. (10-0-1. Absent: Constant.)

2.22 Approval of Council Member Oliverio's travel to Chicago, IL on October 1-3, 2008 to participate in the Annual City-to-City trip sponsored by the San José/Silicon Valley Chamber of Commerce. Source of Funds: Mayor/Council Travel Fund. (Oliverio)
(Rules Committee referral 5/14/08)

Documents Filed: Memorandum from Council Member Oliverio, dated May 12, 2008, requesting approval of travel.

Action: The travel request for Council Member Oliverio was approved. (10-0-1. Absent: Constant.)

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

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

Action: City Manager Debra Figone reported that following the serious fire that occurred on Sunday, May 18, 2008 at the Villages, the Fire Department is working with the Manager at the Villages to begin a series of life saving discussions about burn prevention, dialing 9-1-1, smoke detector maintenance and general topics around fire prevention.

3.2 Report of the Rules and Open Government Committee – May 7, 2008
Mayor Reed, Chair

Documents Filed: The Rules and Open Government Committee Report dated May 7, 2008.

Action: Upon motion by Vice Mayor Cortese seconded by Council Member Chirco and carried unanimously, the Rules Committee Report and the actions of May 7, 2008 were accepted. (10-0-1. Absent: Constant.)

3.4 (a) Adoption of a resolution:

(1) Declaring the 0.19 acre City-owned property and building at 410 Park Avenue surplus to the needs of the City.

(2) Approving the sale agreement with an adjacent property owner, Park Delmas Investors, LLC, in the amount of $450,000.

(3) Authorizing the Director of Public Works to execute all documents necessary to complete the transfer of the property.

(b) Direct the City Manager to return with appropriation actions to allocate proceeds from this sale to address the City's Deferred Maintenance and Infrastructure Backlog.

(c) Authorize the City Manager or a designee to exclusively negotiate with the Arab American Cultural Center for the sale, at fair market value, of potentially surplus City-owned property, with the declaration of property as surplus and sales agreement subject to approval by the City Council.

CEQA: Resolution No. 72767. Council District 3. (Public Works)
(Deferred from 4/29/08 – Item 3.5)

Documents Filed: (1) Memorandum from Director of Public Works Katy Allen, dated April 16, 2008, recommending adoption of a resolution. (2) Supplemental memorandum from Director of Public Works Katy Allen, dated May 13, 2008, advising the Council about recent developments related to the sale of the property and to add an additional component to the recommendation regarding the Arab American Cultural Center. (3) Letter from the Immigrant Resettlement & Cultural Center (IRCC), dated May 19, 2008, regarding the IRCC moving out of the building on Park Avenue.

Deputy Director of Public Works Philip Prince provided an overview of the proposed property sale at 410-422 Park Avenue. Director of Public Works Katy Allen responded to Council questions regarding outreach, relocation, and negotiations.

Motion: Council Member Liccardo moved approval of the Staff recommendations. Council Member Nguyen seconded the motion.

Vice Mayor Cortese requested to amend the motion to direct Staff to return to Council with a policy relating to the sale of City-owned parcels, including guidelines for engaging in exclusive negotiations. Council Members Liccardo and Nguyen accepted the amendment to the motion.

Public Comments: The following speakers expressed concern about impacts to the Immigrant Resettlement & Cultural Center (IRCC) and urged the Council to not sell the property or relocate them. Richard Derus, James Baker, Salle Hayden, Nam Pham, Nhu Hanh, Dr. Ky Lai and Loc Vu. (IRCC).

The following speakers expressed support for providing the Arab American Cultural Center (AACC) an opportunity to buy the property. Edward Ajlouny, Jeff Ajlouny (AACC/Ramallah Club San José), Joseph E. Louis, Johnny Khamb (AACC), Juliana Nairouz, Reyad Katwan and Nhu Hanh.

3.4 (Cont'd.)

Mayor Reed requested to amend the motion to direct the City Manager to negotiate with the buyer an extension of the lease to the existing tenants through December 31, 2008. Council Members Liccardo and Nguyen accepted the amendment to the motion.

Council disclosures were made by Vice Mayor Cortese and Council Members Pyle, Nguyen, Liccardo, and Williams.

Action: On a call for the question, the motion carried unanimously, Resolution No. 74375, entitled: "A Resolution of the Council of the City of San José Declaring Certain City-Owned Property Located at 410 park Avenue as Surplus to the Needs of the City and Authorizing the Director of Public Works to Execute an Agreement to Sell and All Necessary Documents Necessary for the Transfer of Such Property to the Adjacent Property Owner, Park Delmas Investors LLC", was adopted, as amended, the City Manager was directed to return with appropriation actions to allocate proceeds from this sale to address the City's Deferred Maintenance and Infrastructure Backlog and the City Manager or a designee was directed to exclusively negotiate with the Arab American Cultural Center for the sale, at fair market value, of potentially surplus City-owned property, with the declaration of property as surplus and sales agreement subject to approval by the City Council including the following additions: (1) The City Manager directed to negotiate with the buyer an extension of the lease to the existing tenants through December 31, 2008. (2) Staff directed to return to Council with a policy relating to the sale of City-owned parcels, including guidelines for engaging in exclusive negotiations. (10-0-1. Absent: Constant.)

3.5 Adoption of a resolution authorizing the Director of Finance to execute:

(a) An agreement and purchase order for the cooperative purchase of office supplies with Corporate Express through the cooperative contract offered by the National Intergovernmental Purchasing Alliance starting July 1, 2008 until June 30, 2012 in an amount not-to-exceed $1,200,000 for the initial year of the agreement.

(b) Amendments to the initial purchase order to adjust the not-to-exceed compensation subject to annual appropriation of funding.

(c) Execute subsequent annual Purchase Orders subject to annual appropriation of funding.

CEQA: Not a Project. (Finance)

Action: Deferred to June 3, 2008.

3.6 As recommended by the Rules and Open Government Committee, approve a position of support for AB2270 (Laird) Recycled Water: Water Quality. (City Clerk)
[Rules Committee referral 5/14/08 – Item C(1)(a)]

Documents Filed: (1) Memorandum from City Clerk Lee Price, dated May 15, 2008, transmitting the recommendations of the Rules and Open Government Committee. (2) Supplemental memorandum from Director of Environmental Services John Stufflebean, dated May 15, 2008, recommending support of AB2270.

Action: Upon motion by Council Member Chirco, seconded by Council Member Pyle and carried unanimously, the position of support for AB2270 was accepted. (10-0-1. Absent: Constant.)

3.7 As recommended by the Rules and Open Government Committee, approve a position of support for AB2347 (Ruskin) Mercury Thermostat Collection Act of 2008. (City Clerk)
[Rules Committee referral 5/14/08 – Item C(1)(b)]

Documents Filed: Memorandum from City Clerk Lee Price, dated May 15, 2008, transmitting the recommendations of the Rules and Open Government Committee.

Action: Upon motion by Council Member Pyle, seconded by Council Member Nguyen and carried unanimously, the position of support for AB2347 was accepted. (10-0-1. Absent: Constant.)

COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Community & Economic Development Committee – April 28, 2008
Council Member Pyle, Chair

Documents Filed: The Community and Economic Development Committee Report dated April 28, 2008.

Public Comments: William Garbett asserted a Brown Act violation.

Action: Upon motion by Council Member Pyle, seconded by Council Member Nguyen and carried unanimously, the Community and Economic Development Committee and the actions of April 28, 2008 were accepted. (10-0-1. Absent: Constant.)

4.2 (a) Conduct public hearing and adoption of a resolution to approve the Japantown Business Improvement District budget report for fiscal year 2008-09, as filed or as modified by the Council, and to levy the Japantown BID assessments for 2008-09. CEQA: Exempt, File No. PP08-048. Council District 3. SNI: 13th Street.

(b) Conduct public hearing and adoption of a resolution to approve the Willow Glen Business Improvement District budget report for Fiscal Year 2008-2009, as filed or as modified by Council, and to levy the Willow Glen BID assessment for 2008-2009. CEQA: Exempt, File No. PP08-048. Council District 6.

(c) Conduct public hearing and adoption of a resolution to approve the Hotel Business Improvement District budget report for fiscal year 2008-09, as filed or as modified by the Council, and to levy the Hotel BID assessments for 2008-09. CEQA: Exempt, File No. PP08-048. Council District 3. SNI: 13th Street.

(d) Conduct public hearing and adoption of a resolution to approve the Downtown Business Improvement District budget report for fiscal year 2008-09, as filed or as modified by the Council, and to levy the Downtown BID assessments for 2008-09. CEQA: Exempt, File No. PP08-048. Council District 3. SNI: University, Burbank/Del Monte.

(Economic Development)

Documents Filed: Memoranda from Chief Development Officer Paul Krutko, all four dated April 28, 2008, recommending adoption of a resolution for each of the Hotel, Japantown, Willow Glen and Downtown Business Improvement Districts.

Mayor Reed opened the public hearing on the approval of the Hotel, Japantown, Willow Glen and Downtown Business Improvement Districts (BID) Fiscal Year 2008-2009 budget reports and the levy of assessment for FY 2008-2009.

Mayor Reed asked whether any written protects from affected businesses in any of the BIDs have been received by the City Clerk. City Clerk Lee Price replied that no written protests have been received from the Hotel, Japantown, Willow Glen and Downtown Business Improvement Districts.

Mayor Reed opened the public hearing.

Public Comment: There was no testimony from the floor. Mayor Reed closed the public hearing.

Chief Development Officer Paul Krutko responded to Council Member Liccardo about the San José Hotels, Inc. Summary Budget.

4.2 (Cont'd.)

Action: Upon motion by Council Member Liccardo, seconded by Council Member Nguyen and carried unanimously, Resolution No. 74376, entitled: "A Resolution of the Council of the City of San José Approving the Budget Report of the Japantown Business Improvement District (BID) for Fiscal Year 2008-2009 and Levying Assessments in the BID for Fiscal Year 2008-2009"; Resolution No. 74377, entitled: "A Resolution of the Council of the City of San José Approving the Budget Report of the Willow Glen Business Improvement District for Fiscal Year 2008-2009 and Levying Assessments in the BID for Fiscal Year 2008-2009"; Resolution No. 74378, entitled: "A Resolution of the Council of the City of San José Approving the Budget Report of the Hotel Business Improvement District for Fiscal Year 2008-2009 and Levying Assessments in the BID for Fiscal Year 2008-2009" and Resolution No. 74379, entitled: "A Resolution of the Council of the City of San José Approving the Budget Report of the Downtown Business Improvement District for Fiscal Year 2008-2009 and Levying Assessments in the BID for Fiscal Year 2008-2009" were adopted. (8-0-3. Absent: Chirco, Constant, Cortese.)

4.3 (a) Approval of an ordinance amending Chapter 5.06 of the San José Municipal Code – "Contract Authority of the Director of Housing, City Manager and Director of Finance" – to modify the Director of Housing's delegated authority by: eliminating the maximum amount of predevelopment loans that can be made to nonprofit housing developers by the Director; and authorizing the Director to make commitments of project-based second mortgages.

(b) Adoption of a resolution to increase the maximum amount of predevelopment loans that can be approved by the Director of Housing from $100,000 to $500,000, and set a $500,000 limit on the amount of project-based second mortgages that can be committed by the Director of Housing to any one for-sale development.

CEQA: Not a Project. (Housing)

Action: Deferred to June 3, 2008 per Orders of the Day.

4.4 (a) Provide guidance and feedback to staff at this mid-way point in the review of a potential Citywide Inclusionary Housing Ordinance; and

(b) Accept the Economic Feasibility Analysis Study completed by David Paul Rosen and Associates related to Citywide Inclusionary Housing in the City of San José.

CEQA: Not a Project. (Housing)

Action: Deferred to June 3, 2008 per Administration.

4.5 (a) Acceptance of the Staff report on efforts to enhance the Sister City Program.

(b) Adoption of a resolution approving the Sister City Guidelines.

CEQA: Not a Project. (Economic Development)

[Community and Economic Development Committee referral 4/28/08 – Item (e)]

4.5 (Cont'd.)

Documents Filed: (1) Memorandum from Senior Executive Analyst Vilcia Rodriguez, dated May 6, 2008, transmitting the recommendations of the Community and Economic Development Committee. (2) Supplemental memorandum from Chief Development Officer Paul Krutko, dated May 12, 2008, requesting that the Rules and Open Government Committee add an audit of the 2005-06 Grant Reimbursement for Sister City Programs to the City Auditor's 2007-08 Audit Work Plan. (3) Four letters of correspondence from the public about the Sister Cities Guidelines.

Public Comments: Speaking about the Sister Cities Guidelines were Don Wolfe (U.S. Silicon Valley-China Sister Cities Association), Abby Duran, Shyam Rangolt, Suneel Kelkan (Sister Cities) and Dennis King (Pacific Neighbors/Sister Cities).

Assistant Director of Economic Development Kim Walesh responded to Council questions and discussion followed.

Motion: Council Member Pyle moved approval of the Staff recommendations. Council Member Liccardo seconded the motion.

Mayor Reed and Council Member Chu proposed text amendments, as outlined below in "Action".

Council Members Pyle and Liccardo accepted the amendments.

Action: On a call for the question, the motion carried unanimously, the Staff report on efforts to enhance the Sister City Program was accepted; Resolution No. 74380, entitled: "A Resolution of the Council of the City of San José Approving the Sister City Guidelines", was adopted, as amended, referring to Attachment A, Sister City Guidelines: (1) Page 1, Paragraph 3, add: "However, Sister City activities are to be promoted and managed by Sister City Committees and shall not be dependent upon City contributions." (2) Page 3, (C) City Recognition and Financial Support Program Committees, strike "supplement" and revise sentence to read: "City funding is intended to be a small portion of fund raising efforts of each Sister City Program Committee". (3) Page 2, Item (7), strike "a proposed Sister City should not have an existing relationship with another U.S. City." (10-0-1. Absent: Constant.)

4.6 Adoption of a resolution authorizing the City Manager to:

(a) Execute a Memorandum of Understanding between the City of San José, Coleman Airport Partners, LLC, FWSH Partners, LLC and Earthquakes Soccer, LLC regarding proposed development of certain real properties including the 74.8-acre 1125 Coleman Avenue property.

(b) Negotiate and execute an option agreement and a purchase and sale agreement for the property located at 1125 Coleman Avenue that will facilitate the development of 1.5 million square feet of office development, 300 hotel rooms, *75,000* square feet of retail space and the required parking for all uses including a proposed stadium.

(c) Ensure that a 13.5 acre site for a proposed soccer stadium is reserved at the 1125 Coleman Avenue property. Staff will return to Council with information regarding financing and development of the stadium when appropriate.

***CEQA Resolution No. EIR 71716.* Council District 3. (Economic Development) [Community and Economic Development Committee referral 4/28/08 – Item (h)] (Deferred from 5/13/08 – Item 4.3)**

Documents Filed: (1) Memorandum from City Attorney Richard Doyle, dated May 19, 2008, providing background and information about the proposed approval of a Memorandum of Understanding regarding the Airport West Property. (2) Supplemental memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel clarifying that the development anticipated on the Airport West site, "exclusive" of the stadium is consistent with the allowed uses of the existing PD Zoning and within the traffic generation analyzed within the current EIR. (3) Memorandum from Agenda Services Manager Nadine Nader, dated April 30, 2008, transmitting the recommendations of the Community and Economic Development Committee. (4) Letter from Matteoni O'Laughlin and Hechtman Lawyers, dated May 19, 2008, about the proposed Memorandum of Understanding regarding the Airport West Property. (5) Letter from Catherine Tompkison-Graham, Airport Commission, dated May 19, 2008, about the proposed Memorandum of Understanding regarding the Airport West Property.

Chief Development Officer Paul Krutko provided a brief overview of the Airport west proposal and clarified that the proposed soccer stadium will not be approved today. He noted that the item was a land transaction only and corrected an error in the staff memorandum by disclosing CEQA clearance was outlined in Council Resolution #71716. Council questions and discussion followed.

Motion: Council Member Liccardo moved approval of the Staff recommendations. Council Member Nguyen seconded the motion.

Public Comments: Speaking in support of the sale of the property were Don Gagliardi and Ned Zuparko (Soccer Silicon Valley Community Foundation), Ed Storm (Hunter Storm LLC), John Jussen (AUYSL) and Ross Signorino.

Opposed to the sale of the property were Catherine Tompkison-Graham (Airport Commission) and William Garbett.

4.6 (Cont'd.)

Action: On a call for the question, the motion carried unanimously, Resolution No. 74381, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate a Memorandum of Understanding with Coleman Airport Partners, LLC, FWSH Partners, LLC and Earthquakes Soccer, LLC, and to Negotiate and Execute an Option Agreement and a Purchase and Sale Agreement for the Property at 1125 Coleman Avenue", was adopted, as amended, and clarification that the development anticipated on the Airport West site, "*exclusive*" of the stadium, is consistent with the allowed uses of the existing Planned Developed Zoning and within the current Environmental Impact Report for the zoning approved by the City Council for the site in 2003. (10-0-1. Absent: Constant.)

4.7 Adoption of a resolution:

(a) Authorizing the Director of Finance to negotiate and execute an Associate Membership Agreement with the Independent Cities Lease Finance Authority.

(b) Authorizing the Director of Housing to negotiate and execute a supplemental regulatory agreement.

(c) Authorizing the holding of a Tax Equity and Fiscal Responsibility Act Hearing for the issuance of $45,000,000 of tax-exempt 501(c)(3) revenue bonds by ICLFA regarding the Monterey Oaks Mobile Manufactured Home Community, San José project located at 6130 Monterey Road, in San José, CA.

(d) Approving the issuance of Tax-Exempt Revenue Bonds, Series 2008 by ICLFA in an aggregate principal amount not to exceed $45,000,000 to be used to finance or refinance the acquisition and construction of Monterey Oaks and to pay certain expenses incurred in connection with the issuance of the bonds.

(e) Authorizing the Director of Finance or the Director of Housing to execute any other documents necessary to effectuate this transaction.

CEQA: Not a Project. (Housing)

Action: Dropped.

JOINT COUNCIL/REDEVELOPMENT AGENCY

The Joint Council Redevelopment Agenda Board was convened at 4:58 p.m. to consider Item 9.2 in a Joint Session.

9.2 As referred by the Rules and Open Government Committee, adoption of a resolution amending Resolution No. 73587 to allow the City Manager in consultation with the Redevelopment Agency Executive Director to enter into written agreements with high-rise housing developers in the Downtown Core to defer payments of park in-lieu fees (PDO/PIO fees) consistent with the conditions specified in the resolution.
(Mayor/Liccardo)
[Rules Committee referral 5/14/08 – Item (g)(5)]

Documents Filed: (1) Memorandum from City Attorney Richard Doyle, dated May 16, 2008, providing background on the deferred payment of Parkland In-Lieu Fees for Highrise Multi Family Residential Projects. (2) Memorandum from City Clerk Lee Price, dated May 15, 2008, transmitting the recommendations of the Rules and Open Government Committee. (3) Letter from Kerri Hamilton, dated May 20, 2008, regarding the Parkland In-Lieu Fees for Highrise Multi Family Residential Projects.

Motion: Council Member Pyle moved approval of the Staff recommendations. Council Member Liccardo seconded them motion.

City Attorney Richard Doyle responded to Council questions.

Council disclosures were made by Mayor Reed, Vice Mayor Cortese and Council Members Liccardo, Campos and Chirco.

Public Comments: Kerri Hamilton summarized concerns expressed in her letter about the deferment of Parkland In-Lieu Fees in the Downtown Core.

Action: On a call for the question, the motion carried unanimously, Resolution No. 74382, entitled: "A Resolution of the Council of the City of San José Amending Exhibit B of Resolution No. 73587 to Extend the Deferral of the Payment of Parkland In-Lieu Fees Charged Pursuant to Chapters 14.25 and 19.38 of the San José Municipal Code for Highrise Multi Family Residential Projects Located in the Downtown Core Area", was adopted. (10-0-1. Absent: Constant.)

The Joint Council Redevelopment Agenda Board was adjourned at 5:10 p.m.

NEIGHBORHOOD SERVICES

5.1 Report of the Neighborhood Services and Education Committee – May 8, 2008 Council Member Chirco, Chair

Documents Filed: The Neighborhood Service and Education Committee dated May 8, 2008.

Action: Upon motion by Council Member Chirco, seconded by Council Member Pyle and carried unanimously, the Neighborhood Services and Education Committee Report and the actions of May 8, 2008 were accepted. (10-0-1. Absent: Constant.)

5.2 (a) Report on bids and award of contract for the construction of the Seven Trees Community Center and Branch Library Project to the low bidder, Gonsalves and Stronck Construction, Inc., for the base bid and Add Alternate Nos. 1 through 7 in the amount of $25,670,567, and approval of a contingency in the amount of $2,570,000.

(b) Adoption of a resolution declaring an approximate area of 5,303 square feet along the west side of the property with an average width between 9.0 to 3.5 feet as surplus to the needs of the City, and in accordance with the provisions of Municipal Code Section 4.20.060, authorizing the City Manager to transfer fee title to the County of Santa Clara for expressway lane improvement purposes with a reservation of easements for the purposes of storm drains and catch basins crossing the transferred area, and to execute all documents necessary to complete the transaction.

CEQA: Mitigated Negative Declaration, File No. PP06-175. Council District 7. (Public Works/Parks, Recreation and Neighborhood Services/Library)

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Albert Balagso, Director of Library Department Jane Light and Director of Public Works Katy Allen, dated April 28, 2008, recommending award of the contract to the low bidder and adoption of a resolution.

Assistant Director of Public Works David Sykes responded to brief Council questions.

Action: Upon motion by Council Member Nguyen, seconded by Council Member Pyle and carried unanimously, the contract for the construction of the Seven Trees Community Center and Branch Library Project to the low bidder, Gonsalves and Stronck Construction, Inc., for the base bid and Add Alternate Nos. 1 through 7 in the amount of $25,670,567, with related contingency was approved and Resolution No. 74383, entitled: "A Resolution of the Council of the City of San José Declaring Certain City Owned Property as Surplus to the Needs of the City and Authorizing the Director of Public Works to Execute an Agreement to Sell and All Necessary Documents Necessary to Transfer Fee Title to the County of Santa Clara for Expressway Purposes with a Reservation of Easements for the Purposes of Strom Drains and Catch Basins Crossing the Transferred Property", was adopted. (10-0-1. Absent: Constant.)

5.3 Approval of actions related to the Donna Lane/Bradford Neighborhood Action Agenda.
(Rules Committee referral 5/7/08)

Action: Dropped.

5.4 Acceptance of a Verbal Update on the Draft Neighborhoods Commission Work Plan. CEQA: Not a Project. (City Manager's Office)
[Neighborhood Services and Education Committee referral 5/8/08 – Item (e)(2)]

Deputy City Manager Norberto Duenas, Strong Neighborhoods Manager Laura Lam and Director of Neighborhood Development Center Ernest Guzman presented the update on the draft Neighborhood Commission work plan.

Action: Presentation received.

TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Transportation and Environment Committee – May 5, 2008
Council Member Williams, Chair

Documents Filed: The Transportation and Environmental Committee Report dated May 5, 2008.

Action: Upon motion by Council Member Williams, seconded by Council Member Campos and carried unanimously, the Transportation and Environment Committee Report and the actions of May 5, 2008 were accepted. (9-0-2. Absent: Constant, Pyle.)

ENVIRONMENTAL & UTILITY SERVICES

7.1 Hold a Public Hearing on the application of Haul-Away Today for a Commercial Solid Waste and Recyclables Collection Franchise, approval of an ordinance granting the franchise, and approval of a Commercial Solid Waste and Recyclables Collection Franchise Agreement with Haul-Away Today for a term from July 03, 2008 through June 30, 2009. CEQA: Negative Declaration, File No. PP92-11-308. (Environmental Services)

Documents Filed: Memorandum from Director of Environmental Services John Stufflebean, dated April 24, 2008, recommending approval of an ordinance.

Public Comment: Mayor Reed opened the public hearing. There was no testimony from the floor. Mayor Reed closed the public hearing.

7.1 (Cont'd.)

Action: Upon motion by Council Member Williams, seconded by Council Member Chirco and carried unanimously, Ordinance No. 28312, entitled: "An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Haul Away Today", was passed for publication. (9-0-2. Absent: Constant, Pyle.)

7.2 (a) Direct staff to work with stakeholders on a plan to significantly reduce both plastic and paper carryout bag use in the City, which could include a ban on single-use plastic bags, a City fee on paper bags, and comprehensive efforts by industry and the City to increase the use of reusable bags; the plan will include a phased implementation beginning January 2009.

(b) Direct staff to promote City residents taking their plastic bags back to retail stores for recycling; discontinue plastic bags as an approved recyclable material in the City's residential Recycle Plus program customer outreach and evaluate discontinuing polystyrene foam food packaging and other hard-to-recycle materials that are usually landfilled at the end of the recycling process.

(c) Support legislation that would remove any restriction on the City's ability to establish fees on plastic carryout bags or other disposable packaging.

(d) Direct staff to report back to the Transportation & Environment Committee in September 2008 on the proposed work plan for implementing these recommendations on single-use carryout bags and hard-to-recycle foodservice packaging.

CEQA: Not a Project. (Environmental Services)
[Transportation and Environment Committee referral 5/5/08 – Item (g)]

Documents Filed: (1) Memorandum from Memorandum from Senior Executive Analyst Vilcia Rodriguez, dated May 6, 2008, transmitting the recommendations of the Transportation and Environmental Committee. (2) Supplemental memorandum from Director of Environmental Services John Stufflebean, dated April 30, 2008, providing a correction in Section 5, Page 9, of the Consultant's report: that the percentage of bags disposed in San José in 1998 was approximately 3% by weight of the total waste stream, not 9%.

Mayor Reed disclosed he had met with the consultant and representatives from Lucky and SaveMart supermarkets.

Director of Environmental Services John Stufflebean presented an overview of a reduction in single use bags and foodservice ware and responded to Council questions.

Speakers: Amalia Chamorro (California Restaurant Association) offered her assistance to Staff. Ross Signorino spoke about the ability to charge fees.

7.2 (Cont'd.)

Action: Upon motion by Council Member Williams, seconded by Vice Mayor Cortese and carried unanimously, Staff was directed to work with stakeholders on a plan to significantly reduce both plastic and paper carryout bag use in the City, which could include a ban on single-use plastic bags, a City fee on paper bags, and comprehensive efforts by industry and the City to increase the use of reusable bags; the plan will include a phased implementation beginning January 2009 and to promote City residents taking their plastic bags back to retail stores for recycling; discontinue plastic bags as an approved recyclable material in the City's residential Recycle Plus program customer outreach and evaluate discontinuing polystyrene foam food packaging and other hard-to-recycle materials that are usually landfilled at the end of the recycling process; Staff was directed to Support legislation that would remove any restriction on the City's ability to establish fees on plastic carryout bags or other disposable packaging and Staff was directed to staff to report back to the Transportation & Environment Committee in September 2008 on the proposed work plan for implementing these recommendations on single-use carryout bags and hard-to-recycle foodservice packaging. (10-0-1. Absent: Constant.)

JOINT COUNCIL/REDEVELOPMENT AGENCY

9.1 Actions related to Permitting Promoters as follows:

(a) Approval of an ordinance by the City Council:

(1) Amending Chapter 6.58 of Title 6 of the San José Municipal Code to require operators of public dancehall venues to use permitted promoters and to hold persons required to be permitted under Chapter 6.58 of the Code, but not so permitted responsible for violations of Chapter 6.58 of the Code;

(2) Amending Chapter 6.60 of Title 6 of the Code to require operators of public entertainment business venues to use permitted promoters and to hold persons required to be permitted under Chapter 6.60, but not so permitted, responsible for violations of Chapter 6.60 of the Code ; and

(3) Adding Chapter 6.62 to Title 6 of the Code to require promoter permits and setting regulations and conditions on promoter permits.

(b) Adoption of a resolution by the City Council amending the Administrative Citation Schedule of Fines for Certain Violations of the Code to amend and establish fines for certain violations of Code Chapters 6.58 (Public Dancehalls) and 6.60 (Public Entertainment Permit) and to establish fines for violations of Code Chapter 6.62 (Event Promoters), and repealing Resolution No. 74033, to be effective July 1, 2008.

CEQA: Not a Project. Council District 3.

[Deferred from 4/29/08 – Item 9.1(b)]

Action: Deferred to June 3, 2008 in the Evening.

OPEN FORUM

(1) Ross Signorino expressed opinions regarding disclosures by the City Council.
(2) Senior Deputy City Attorney Glenn Schwarzbach urged the Council to avoid layoffs in the City Attorney's Office and consider an alternative proposal.

JOINT CITY OF SAN JOSÉ/CITY COUNCIL/FINANCING AUTHORITY

(2) Actions Related to the City of San José Financing Authority Lease Revenue Bonds.

Action: Deferred to June 3, 2008 per Administration.

ADJOURNMENT

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

RECESS/RECONVENE

The City Council recessed at 5:45 p.m. from the afternoon Council Session and reconvened at 7:02 p.m. in the Council Chambers, City Hall.

Present: Council Members - Campos, Chirco, Chu, Cortese, Liccardo, Oliverio, Nguyen, Pyle, Williams; Reed.

Absent: Council Members - Constant. (Excused)

Interim Assistant City Clerk Dennis Hawkins read the requests for continuance of the applications. Upon motion by Vice Mayor Cortese, seconded by Council Member Liccardo, and carried unanimously, the below noted continuances and actions were taken as indicated. (10-0-1. Absent: Constant.)

CEREMONIAL ITEMS

1.6 Presentation of a commendation to Karen Lin, Amy Yu, Ly Tan, Ritu Parekh, Vivian Tran, Christina Doan, Jamal Dixon, Daisy Manapsal, Sidney Moiwa, Ilona Molina, José Rodriguez and Stephanie Alvarado for winning the HomeWords Essay Scholarship Contest. (Mayor/Campos/Cortese/Williams)

Action: Mayor Reed, Vice Mayor Cortese and Council Members Campos and Williams recognized and commended Karen Lin, Amy Yu, Ly Tan, Ritu Parekh, Vivian Tran, Christina Doan, Jamal Dixon, Daisy Manapsal, Sidney Moiwa, Ilona Molina, José Rodriguez and Stephanie Alvarado for winning the "HomeWords Essay Scholarship" Contest.

1.9 Presentation of a commendation recognizing the National Hispanic University debate team and their success at the 2008 Bioethics Debate tournament. (Cortese/Campos)

Action: Mayor Reed, Vice Mayor Cortese and Council Member Campos recognized and commended the National Hispanic University debate team and their success at the 2008 Bioethics Debate tournament.

1.3 Presentation of a proclamation declaring May 25, 2008 as "National Missing Children's Day" in the City of San José. (Campos)

Action: Mayor Reed and Council Member Campos recognized May 25, 3008 as National Missing Children's Day" in the City of San José.

1.8 Presentation of a proclamation declaring the month of May as "Asian Pacific American Heritage Month" in the City of San José. (Chu)

Action: Mayor Reed and Council Member Chu recognized the month of May 2008 as Asian Pacific American Heritage Month" in the City of San José.

PUBLIC HEARINGS

11.4 Consideration of an ordinance rezoning the real property located at the southwest corner of Cinnabar Street and Stockton Avenue from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 250 single-family attached residences in three-story buildings constructed at-grade and on a podium on a 4.4 gross acre site (381 Stockton LLC, Owner; Morrison Park Homes LLC, Bruce Fairty, Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-2-0).
PDC06-094 – District 6
(Continued from 5/6/08 – Item 11.6)

Documents Filed: (1) Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated April 30, 2008, transmitting the Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. PDC06-094, dated April 10, 2008, recommending approval. (2) Memorandum from Planning Commission Secretary Joseph Horwedel, dated May 8, 2008, transmitting the Planning Commission recommendation of approval. (3) Proof of Publication of Notice of Public Hearing, executed on May 4, 2008, submitted by the City Clerk.

Mayor Reed opened the public hearing. Erik Schoennauer representing Morrison Park Homes LLC, provided an overview of public outreach and notification for the proposed planned development rezoning project.

Public Comments: Speaking in opposition to the development because of the height, loss of street parking and the lack of neighborhood outreach were: Chet Lockwood, Terri Balandra (Fiesta Lanes Action Group), Jean Dresden, Deborah Arant, Helen Chapman and Ruth Cavagnaro (SHPNA).

Erik Schoennauer rebutted by presenting a summary of meetings with the Cinnabar neighborhood and added that parking and transit is well served in this area.

Mayor Reed closed the public hearing.

Council disclosures were made by Mayor Reed and Council Member Oliverio.

Action: Upon motion by Council Member Oliverio, seconded by Council Member Pyle and carried unanimously, the recommendation of the Planning Commission and the Planning Director was approved, and Ordinance No. 28313, entitled: "An Ordinance of the City of San José Rezoning Certain Real Property Situated on the Southwest Corner of Cinnabar Street and Stockton Avenue (345 Stockton Street) to A(PD) Planned Development Zoning District", was passed for publication. (10-0-1. Absent: Constant.)

GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

Upon motion by Council Member Liccardo, seconded by Council Member Nguyen and carried unanimously, the General Plan Public Hearings on Consent Calendar were approved and the below listed actions were taken as indicated. (10-0-1. Absent: Constant.)

10.1 (a) 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 120 feet to 210 feet above ground level on an approximately 14.1-acre site located on the southwest corner of Headquarters Drive and Holger Way (101 Holger Way) (MFP/Hunter@First Office Partners, LLC, Owner/Applicant). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2, Campos and Zito absent). CEQA: North San José EIR Resolution No.72768, and Addendum thereto.
GP08-T-02 - District 4

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. GP08-T-02, dated April 15, 2008, recommending approval. (2) Memorandum from Planning Commission Secretary Joseph Horwedel, dated April 28, 2008, transmitting the Planning Commission recommendation of approval.

Public Comments: Mayor Reed opened the public hearing. There was no testimony from the floor. Mayor Reed closed the public hearing.

Disclosures were provided by Mayor Reed and Vice Mayor Cortese.

Action: The Staff/Planning recommendation was tentatively approved. (10-0-1. Absent: Constant.)

(b) Tentative approval of a General Plan text amendment request to change the *San José 2020 General Plan* text to revise urban forest policies consistent with San José's Green Vision and existing City tree ordinances, programs, and policies, to augment the existing text related to the benefits, importance, conservation, maintenance and preservation of the urban forest, and to expand the vision for the City's urban forest (City of San José, Owner/Applicant). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2, Campos and Zito absent). CEQA: San José 2020 General Plan Environmental Impact Report Resolution No. 65459. SNI: All.
GP08-T-05 – Citywide

10.1 (b) (Cont'd.)

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. GP08-T-05, dated April 14, 2008, recommending approval. (2) Memorandum from Planning Commission Secretary Joseph Horwedel, dated April 28, 2008, transmitting the Planning Commission recommendation of approval.

Public Comments: Mayor Reed opened the public hearing. There was no testimony from the floor. Mayor Reed closed the public hearing.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Nguyen and carried unanimously, the Staff/Planning recommendation was tentatively approved, with the following clarifications: (1) Page 4, Urban Forest, 2nd paragraph, rephrase the statement: "trees reduce carbon dioxide emissions" to reflect the fact that "trees absorb carbon they do not reduce carbon dioxide emissions". (2) Page 6, Item 9, delete "*whenever possible*" in the sentence: "Disturbance to trees in riparian areas should be avoided, whenever possible". (10-0-1. Absent: Constant.)

(c) Tentative approval of a General Plan amendment request to change the San José 2020 General Plan Land Use/ Transportation Diagram designation from Industrial Park to Combined Industrial/Commercial on an 8.5-acre site located on the northwest corner of Brokaw Road and Oakland Road (1015 and 1075 East Brokaw Road) (Dollinger Properties, Owner/Applicant). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2, Campos and Zito absent). CEQA: North San José EIR Resolution No.72768, and Addendum thereto. GP07-04-02 – District 4

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. GP07-04-02, dated April 14, 2008, recommending approval. (2) Memorandum from Planning Commission Secretary Joseph Horwedel, dated April 30, 2008, transmitting the Planning Commission recommendation of approval. (3) Letter from Dollinger Properties, dated May 14, 2008, regarding the General Plan Text Amendment request.

Public Comments: Mayor Reed opened the public hearing. There was no testimony from the floor. Mayor Reed closed the public hearing.

Disclosures were provided by Mayor Reed and Vice Mayor Cortese.

Action: The Staff/Planning recommendation was tentatively approved. (10-0-1. Absent: Constant.)

10.1 (d) Tentative approval of a General Plan amendment request to change the San José 2020 General Plan Land Use/ Transportation Diagram designation from Medium High Density Residential (12-25 DU/AC) to General Commercial on a 1.45-acre site on the east side of San Tomas Expressway approximately 680 feet southerly of Stevens Creek Boulevard (3566 Stevens Creek Boulevard) (City of San José, Applicant/Kenneth and Alice C. Kerley, Owners). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2, Campos and Zito absent). CEQA: Negative Declaration and Addendum thereto for PDC83-063.
GP08-01-01 – District 1

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. GP08-01-01, dated April 14, 2008, recommending approval. (2) Memorandum from Planning Commission Secretary Joseph Horwedel, dated April 30, 2008, transmitting the Planning Commission recommendation of approval.

Public Comments: Mayor Reed opened the public hearing. There was no testimony from the floor. Mayor Reed closed the public hearing.

Action: The Staff/Planning recommendation was tentatively approved. (10-0-1. Absent: Constant.)

END OF GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

GENERAL PLAN PUBLIC HEARINGS

10.2 (a) Tentative approval of a minor modification to the City of San José's Greenline/ Urban Growth Boundary (UGB) to include approximately 3.2 acres of unincorporated territory located at the northeasterly quadrant of the intersection of Piercy Road and Silicon Valley Road. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (4-1-2, Kinman opposed, Campos and Zito absent).
UGB06-001 – District 2

(b) Tentative denial of a General Plan amendment and Urban Service Area (USA) expansion request to change the General Plan land use designation from Rural Residential (0.2 dwelling units per acre) to High Density Residential (25-50 dwelling units per acre) on an approximately 3.2-acre site. Director of Planning, Building and Code Enforcement and Planning Commission recommend denial (5-0-2, Campos and Zito absent).
GP06-02-02 – District 2

(Barbaccia Investments, Owner/Jack Previte Applicant). CEQA: Negative Declaration. SNI: None. Council District 2.

Responding to a question from Council Member Williams, Assistant Director of Planning, Building and Code Enforcement Laurel Prevetti noted that the Fall General Plan Hearings will be set by the Rules and Open Government Committee in June.

Action: Upon motion by Council Member Williams, seconded by Council Member Chirco and carried unanimously, Item 10.2 was deferred to the Fall (Nov-Dec.) General Plan Hearings. (10-0-1. Absent: Constant.)

10.3 Tentative approval of General Plan amendment and text amendment request to change the Jackson-Taylor Planned Residential Community Specific Land Use Plan diagram and text in the San José 2020 General Plan from Mixed Use 2 and Public Park/Open Space to Mixed Use 2A to allow (1) up to 600 multiple-dwelling units, (2) 16,000 to 30,000 square feet of ground floor retail space, (3) 10,000 to 20,000 square feet of community amenity space, (4) and an increase in height from 65 to 175 feet, and to revise the text of the Mixed Use designation in the Jackson Taylor Residential Strategy to indicate a density of up to 160 du/ac with a mix of retail and community amenities, and a height limit of 175 feet (City of San José, Owner/Williams & Dame Development Inc., Applicant). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2, Campos and Zito absent). CEQA: Resolution to be adopted.
GP07-03-04/GPT07-03-04 – District 3

10.3 (Cont'd.)

Documents Filed: (1) Memorandum from Council Member Liccardo, dated May 16, 2008, recommending approval of the Staff recommendations with clarifications. (2) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. GP07-03-04/GPT07-03-04, dated April 14, 2008, recommending approval. (3) Memorandum from Planning Commission Secretary Joseph Horwedel, dated April 28, 2008, transmitting the Planning Commission recommendation of approval. (4) Petition with 13 signatures, dated May 20, 2008, supporting the planned development scope of the Corporation Yard with one signature objecting to pars of the planned development scope.

Mayor Reed opened the public hearing.

Trevor Rowe, representing the Applicant, provided an overview of the Jackson Taylor Planned Residential Development Project.

Public Comments: The following speakers expressed support for the proposed residential project but there was concern about traffic mitigation and parking: Michael Dorgan, Tina Morrill (Vendome Neighborhood), Helen Hayashi, Dr. Jerrold Hiura, Jeanne Katsuro, Tamon Norimoto, Victoria Taketa (Japantown Community Congress of San José Business District), Don Gagliardi (13th Street NAC), William Lambson and John Ristow.

Wes Mukoyama (Yu-Ai Kai/Japanese American Community Senior Service) expressed his support for bringing senior housing to Japantown.

Trevor Rowe presented his rebuttal regarding the traffic mitigation and density.

Mayor Reed closed the public hearing.

Motion: Council Member Liccardo moved approval of the Staff recommendations and his memorandum dated May 16, 2008, including clarifications. Council Member Liccardo read the Statement of Overriding Considerations into the record. Council Member Pyle seconded the motion.

Disclosures were provided by Council Members Nguyen, Chirco, Chu and Pyle.

Action: On a call for the question, the motion carried unanimously, the Staff/Planning recommendation was tentatively approved. CEQA Resolution No. 74384, entitled: "A Resolution of the Council of the City of San José Making Certain Findings Concerning Significant Effects, Mitigation Measures and Alternatives and Adopting a Statement of Overriding Considerations for the Japantown Corporation Yard Redevelopment Project, for Which an Environmental Impact Report Has Been Prepared in Accordance with the California Environmental Quality Act of 1970, as Amended", was tentatively adopted; The memorandum from Council Member Liccardo tentatively approved the Staff/Planning recommendations, including: (1) Direct the Redevelopment Agency

10.3 (Cont'd.)

Executive Director and City Manager, prior to the public hearings for the rezoning of the property and the Disposition and Development Agreement with Williams and Dame to: (a) Continue to evaluate lower density options while maximizing retail square footage and space for a prominent community amenity. (b) Continue negotiations with Williams and Dame concerning alternate density configurations. (c) Engage the Japantown neighborhood in a public workshop on transportation impact mitigation strategies and obtain input regarding mitigation preferences; and A Statement of Overriding Considerations was read into the record: "The Final Environment Impact Report for this proposed project identified significant and unavoidable environmental impacts. However, as described in more detail in the proposed resolution of the EIR findings for this item there is no feasible way to lessen or avoid these significant effects for this project and approval of this proposed project is anticipated to result in several benefits to the City. All of these benefits outweigh the significant, unavoidable environmental impacts identified in the Final EIR for this project". (10-0-1. Absent: Constant.)

10.4 Tentative denial of General Plan amendment and text amendment request to change the Jackson-Taylor Planned Residential Community Specific Land Use Plan diagram from High Density Residential (25-50 DU/AC) to Medium High Density Residential (12-25 DU/AC) on a 2.2-acre site located at the southeast corner of North 10th and East Mission Streets in the Jackson-Taylor Planned Residential Community (Westmount Square LLC, Owner/Arcadia Homes Inc., Applicant). Director of Planning, Building and Code Enforcement recommends denial and Planning Commission's failure to pass a motion deemed a negative recommendation (2-3-2, Kalra, Kinman, and Platten opposed, Campos and Zito absent). CEQA: Negative Declaration. SNI: 13th Street.
GP07-03-05/GPT07-03-05 – District 3

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. GP07-03-05/GPT07-03-05, dated April 10, 2008, recommending denial. (2) Memorandum from Planning Commission Secretary Joseph Horwedel, dated April 25, 2008, transmitting the Planning Commission recommendation of denial.

Mayor Reed opened the public hearing.

Gerry de Young, representing the applicant, presented an overview of the proposed project.

Public Comment: William Lambson expressed support for the proposed density in housing.

Mayor Reed closed the public hearing.

10.4 (Cont'd.)

Motion: Council Member Liccardo moved approval of the Applicant's request to change the Jackson-Taylor Planned Residential Community Specific Land Use Plan diagram from High Density Residential to Medium High Density with a minimum of approximately 20-22 units per acre. Vice Mayor Cortese seconded the motion.

Council Member Liccardo concluded, in support of the recommendations, that it makes sense to change the designation from high density to medium density for this particular planned development with a lower minimum unit per acre.

Action: On a call for the question, the motion carried unanimously, the applicant's request to change the Jackson-Taylor Planned Residential Community Specific Land Use Plan diagram from High Density Residential to Medium High Density with a minimum of approximately 20-22 units per acre was tentatively approved. (10-0-1. Absent: Constant.)

10.5 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 on sites that are two acres or smaller in size the following alternate uses: (1) with an industrial land use designation, commercial uses; (2) with a residential land use designation, commercial uses if the site is in an existing commercial zoning district and adjacent on at least two sides to sites that are commercially zoned or developed with commercial uses; (3) with a commercial land use designation, mixed commercial and residential uses or exclusively residential uses if the site is adjacent on at least two sides or by 50% to residentially designated land; (4) increasing the density bonus for a development that provides units for Extremely Low Income households (City of San José, Owner/Applicant). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval of provisions 1, 2, and 3, and recommend dropping provision 4 (4-0-2-1, Campos and Zito absent, Kamkar abstained). CEQA: Resolution No. 65459. SNI: All.
GP08-T-03 – Citywide

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. GP08-T-03, dated April 15, 2008, recommending approval. (2) Memorandum from Planning Commission Secretary Joseph Horwedel, dated April 28, 2008, transmitting the Planning Commission recommendation of approval.

Assistant Director of Planning, Building and Code Enforcement Laurel Prevetti provided an overview of the "2-acre rule".

Motion: Council Member Pyle moved approval of the Staff recommendations. Council Member Oliverio seconded the motion.

Director of Planning, Building and Code Enforcement Joseph Horwedel responded to Council questions.

10.5 (Cont'd.)

Mayor Reed opened the public hearing.

Public Comment: Speaking in support to the Staff recommendations were: Bonnie Mace (HCDC), Chris Block (Charities Housing) Jeff Oberdorfer (First Community Housing) and Harvey Darnell.

Mayor Reed closed the public hearing.

Action: On a call for the question, the motion carried unanimously, the Staff/Planning recommendation was tentatively approved. (10-0-1. Absent: Constant.)

10.6 Adoption of a resolution approving all tentative General Plan amendment actions taken on April 22, May 6, and May 20, 2008, and adoption of related CEQA resolutions. (Planning, Building and Code Enforcement)

Action: Upon motion by Council Member Campos, seconded by Council Member Chirco and carried unanimously, Resolution No. 74385, entitled: "A Resolution of the Council of the City of San José Specifying the Council's Determinations on Proposed Amendments to the San José 2020 General Plan Pursuant to Title 18 of the San José Municipal Code", was adopted approving all tentative General Plan amendment actions taken on April 22, May 6, and May 20, 2008; CEQA Resolution No. 74386, entitled: "A Resolution of the Council of the City of San José Making Certain Findings Concerning Significant Effects, Mitigation Measures and Alternatives Related to a Project for Which an Environmental Impact Report Has Been Prepared in Accordance with the California Environmental Quality Act of 1970, as Amended", [City Council Meeting May 6, 2008, Item 10.3(a)(b)] and CEQA Resolution No. 74384, entitled: "A Resolution of the Council of the City of San José Making Certain Findings Concerning Significant Effects, Mitigation Measures and Alternatives and Adopting a Statement of Overriding Considerations for the Japantown Corporation Yard Redevelopment Project, for Which an Environmental Impact Report Has Been Prepared in Accordance with the California Environmental Quality Act of 1970, as Amended", were adopted [City Council Meeting May 20, 2008, Item 10.3]. (9-0-2. Absent: Constant, Cortese.)

END OF GENERAL PLAN PUBLIC HEARINGS

PUBLIC HEARINGS

11.2 Consideration of an ordinance rezoning the real property located on the southeast corner of Berryessa and Jackson Avenue from R-1-5(PD) Planned Development Zoning District and A-Agriculture Zoning District to A(PD) Planned Development Zoning District to allow up to 379 single-family attached residences and 30,000 square feet for commercial uses, the demolition of one single-family residence and nine accessory structures, and the preservation/relocation of one single-family residence and one fruit stand on a 20.18 gross acres site (Pepper Lane Berryessa LLC, Myra Reinhard, Owners; Pulte Home Corporation, Developer). CEQA: Mitigated Negative Declaration.
PDC07-033 – District 4
(Deferred from 4/8/08 – Item 11.6 and 5/6/08 – Item 11.2)

Action: Continued to June 3, 2008 per Administration.

11.3 Consideration of an ordinance rezoning the real property located on the west side of Lincoln Avenue extending from West San Carlos Street to the south and Pacific Avenue to the north, excluding the northwest corner of West San Carlos and Lincoln Avenue to allow the demolition of existing structures and the construction of 39 single-family attached residential and 2 live/work lofts on a 0.91 gross acre site (James & Tina Jean, Owners). SNI: Burbank/Del Monte. CEQA: Mitigated Negative Declaration.
PDC07-017 – District 6
(Deferred from 4/8/08 – Item 11.7, 4/22/08 – Item 11.3, and 5/6/08 – Item 11.3)

Action: Continued to June 17, 2008 per Administration.

11.5 Consideration of an ordinance Chapter 20.70, Section 20.70.010, of Title 20 of the San José Municipal Code to expand the area to which the Downtown Zoning Regulations apply to include the area bounded by Fourth Street, St. John Street, Seventh Street, and San Fernando Street, and to make other related technical or clarifying changes. CEQA: EIR Resolution No. 72767.
Citywide

Action: Continued to June 17, 2008 per Administration.

OPEN FORUM

(1) Tina Morrill expressed her gratitude about Ryland Pool and invited everyone to the Ryland Pool Grand Reopening to be held Saturday, June 21, 2008.

(2) Sylvia Ruiz, Aura Mairena and Belen Mijangos (SEIU Local 1877) informed Council that the Janitors are on strike because Cisco does not pay living wages to its employees.

ADJOURNMENT

The Council of the City of San José adjourned at 9:06 p.m. in memory of Barry Weaver, a long time City employee in the Department of Transportation, who passed away May 9, 2008.

Minutes Recorded, Prepared and Respectfully Submitted by,

Lee Price, MMC
City Clerk

smd/5-20-08 MIN

Access the video, the agenda and related reports for this meeting by visiting the City's website at http://www.sanjoseca.gov/clerk/agenda.asp or http:/www.sanjoseca.gov/clerk/MeetingArchive.asp. For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266.