



CITY COUNCIL AGENDA

SEPTEMBER 9, 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
 - 3:30 p.m. - Hear Open Forum (no earlier than 3:30 p.m.)
 - 7:00 p.m. - Public Hearings, Council Chambers, City Hall

- **Invocation (District 8)**
San José Fire Department

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

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

ITEMS 9.1 AND 9.2 ARE TO BE CONSIDERED IN A JOINT CITY COUNCIL/ REDEVELOPMENT AGENCY BOARD SESSION.

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

- **Closed Session Report**

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to the Youth Academy for Leadership and Excellence (YALE) for serving as prime example of an organization dedicated to the training and education of our youth about the criminal justice system and public safety through creative and effective means. (Cortese)

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.

Recommendation: Approval of minutes.

- (a) Regular Minutes of June 3, 2008
[Deferred from 8/19/08 – Item 2.1(d)]
- * (b) [Finance Authority Minutes of June 3, 2008](#)
- * (c) Parking Authority Minutes of June 3, 2008

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 28391 – Rezoning certain real property situated at the southeast corner of North First Street and East Rosemary Street to the A(PD) Planned Development Zoning District. PDC07-101
- (b) ORD. NO. 28392 – Amending Section 7.20.020 of Chapter 7.20 of Title 7 of the San José Municipal Code to require both shade and shelter for animals who are maintained outdoors.

2.3 [Accept Audit of City Funds for the Pune Sister City Committee.](#)

Recommendation: Accept Audit of City Funds for the Pune Sister City Committee. (Economic Development)
[Community and Economic Development referral 8/25/08 – Item (k)]

2.4 [Report on Open Purchase Orders for FY 2008-2009 #3](#)

Recommendation: Approve an award of open purchase orders for supplies, materials, equipment and services for FY 2008-2009 #3 and authorization for the Director of Finance to execute the purchase orders. CEQA: See Administration’s memo to Council for specific CEQA clearance determinations on each recommended action. (Finance)

2. CONSENT CALENDAR

2.5 [Application to Seek National Recreational Trail Designation.](#)

[Attachment – City Trail Network](#)

Recommendation: Adopt a resolution authorizing the City Manager, or designee, to submit an application to the American Trails Organization in order to seek National Recreational Trail designation for San José's 100 mile Trail Network and to execute all necessary documents to accept the designation. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

2.6 [Actions Related to Historic Landmark Initiation for the Ames House.](#)

Recommendation: Adopt a resolution:

- (a) Initiating proceedings to consider the single-family house located at 186 N. Fifteenth Street 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 its consideration at a public hearing, report and recommendation.
- (c) Setting a public hearing on Tuesday, October 28, 2009 at 1:30 p.m. for Council consideration of City Landmark designation of the structures noted above.

CEQA: Not a Project. Council District 3. SNI: 13th Street. (Planning, Building and Code Enforcement)

2.7 [Various Budget Actions for Services for City Side Redevelopment Capital Project Fund FY 2008-09.](#)

Recommendation: Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for 2008-2009:

- (a) Increase the estimate for Earned Revenue by \$149,055.
- (b) Establish an appropriation to the Department of Public Works for the McLaughlin Park Project Phase II Environmental Site Assessment (PSM 546) in the amount of \$75,000.
- (c) Increase the appropriation to the Department of Transportation for the Traffic Calming Improvements Project (PSM 458, Amendment 2) in the amount of \$74,055.

CEQA: McLaughlin Park Project – Phase II Environmental Site Assessment: Not a Project; Traffic Calming Improvements: Exempt, File No. PP05-155. Council Districts 5 and 7. SNI: Mayfair, Tully/Senter. (Public Works/Transportation/City Manager's Office)

2.8 [Councilmember Chirco's Travel to Long Beach, California.](#)

Recommendation: Approve travel by Councilmember Chirco to Long Beach, California on September 23-27, 2008 to attend the League of California Cities Annual Conference. Source of Funds: Mayor & Council Travel Fund. (Chirco)
(Rules Committee referral 08/27/08)

2. CONSENT CALENDAR

2.9 [Councilmember Pyle's Travel to Chicago, Illinois.](#)

[Attachment – Memo from Vice Mayor Dave Cortese](#)

Recommendation: Approve travel by Councilmember Pyle to Chicago, Illinois on October 1-3, 2008 to gather information on its success in downtown revitalization with the Millennium Park development, the “Green Roofs” demonstration project for Green building practices and the role of high design in the public realm as well as arts and culture. Source of Funds: Mayor & Council Travel Fund. (Pyle)
(Rules Committee referral 08/27/08)

2.10 [Councilmember Williams' Travel to San Diego, California](#)

Recommendation: Approve travel by Councilmember Williams to San Diego, California on October 6-8, 2008 to attend the American Public Transportation Agency (APTA) Annual Meeting. Source of Funds: Santa Clara Valley Transportation Agency. (Williams)
(Rules Committee referral 08/27/08)

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 –[August 6, 2008](#) Mayor Reed, Chair

- (a) City Council (City Clerk)
 - (1) Review August 12, 2008 Final Agenda
 - (2) Review August 19, 2008 Special Meeting Draft Agenda
 - (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
 - (c) Legislative Update
 - (1) State
 - (a) Recommendation to adopt a support position for SB 1420 (Padilla). (Williams)
HEARD BY COUNCIL 8/26/08
 - (b) Sacramento Update (verbal report). (City Manager's Office)
 - (2) Federal
 - (a) Recommendation to adopt a support position for Federal Housing Legislation: HR 5772 (Murphy) and S 2666 (Cantwell). (Housing)
HEARD BY COUNCIL 8/12/08
 - (d) Meeting Schedule
 - (1) Approval to reschedule the Employment Lands Study Session from September 2, 2008 to September 16, 2008 from 7:00 p.m. to 9:00 p.m. (Planning, Building and Code Enforcement)
 - (2) Recommendation to set a General Plan City Council fall hearing for the evening of December 2, 2008 continued to December 16, 2008 for General Plan amendments. (Planning, Building and Code Enforcement)
- (Item continued on the next page)*

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules and Open Government Committee – August 6, 2008 (Cont'd.)

Mayor Reed, Chair

- (e) The Public Record
 - (f) Appointments to Boards, Commissions and Committee
 - (1) Recommend appointment of two former members of the Advisory Commission on Rents to the Mobilehome Advisory Commission to a term ending December 31, 2008 and approve amending the structure of the Mobilehome Advisory Commission. (Nguyen)
HEARD BY COUNCIL 8/19/08
 - (2) Approval Library Commission Re-appointment of Caroline Martin to a term ending June 30, 2011. (Oliverio)
HEARD BY COUNCIL 8/19/08
 - (3) Approve appointment of Richard Holden to the Arts Commission to fill an unexpired term ending June 30, 2009. (Williams)
HEARD BY COUNCIL 8/19/08
 - (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Approve the proposed designation of Councilmember Chirco as the voting delegate and Councilmember Chu as the alternate voting delegate at the September 27, 2008 Annual Business Meeting for the League of California Cities. (City Manager's Office)
HEARD BY COUNCIL 8/12/08
 - (2) [Accept the proposed Framework for the Formulation](#) of a Citywide Inclusionary Housing Policy. (Housing)
 - (h) Review of additions to Council Committee Agendas
 - (1) Community and Economic Development Committee
 - (a) Add report entitled "Audit of City Funds for the Pune Sister City Committee" to the August 25, 2008 CED Committee agenda. (City Manager's Office)
 - (b) Add status report regarding the Joint City-County Health Care Planning Task Force to the next CED Committee agenda. (Liccardo)
 - (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 8/19/08 – Item 3.2 and 8/26/08 – Item 3.6)

3. STRATEGIC SUPPORT SERVICES

3.3 Report of the Rules and Open Government Committee – [August 13, 2008](#)

Mayor Reed, Chair

- (a) City Council (City Clerk)
 - (1) Review August 19, 2008 Final Agenda
 - (2) Review August 26, 2008 Draft Agenda
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
 - (1) State
 - (a) Recommendation to adopt a support position for SB 1420 (Padilla). (Williams)
HEARD BY COUNCIL 8/26/08
 - (b) Sacramento Update (verbal report). (City Manager's Office)
 - (2) Federal
 - (a) Federal Relations Update – August Recess 2008. (City Manager's Office)
- (d) Meeting Schedule
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committee
- (g) Rules Committee Reviews, Recommendations and Approvals
- (h) Review of additions to Council Committee Agendas
- (i) Open Government Initiatives
 - (1) Reed Reforms
 - (2) Sunshine Reform Task Force (SRTF)
Review of SRTF Phase II Report and Recommendations
 - (a) SRTF Phase II Report and Recommendations
 - (b) Staff's Response to Phase II Report and Recommendations of the SRTF.
 - (c) SRTF Chair's Response to the Staff Report responding to Phase II Report and Recommendations of the SRTF.
 - (3) Significant Public Records Act Requests
 - (4) Council Policy Manual Update
- (j) Open Forum
- (k) Adjournment
(Deferred from 8/26/08 – Item 3.2)

3. STRATEGIC SUPPORT SERVICES

3.4 Report of the Rules and Open Government Committee – [August 20, 2008](#)

Mayor Reed, Chair

- (a) City Council (City Clerk)
 - (1) Review August 26, 2008 Final Agenda
 - (2) Review September 2, 2008 Draft Agenda
NONE – MEETING CANCELLED
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
 - (1) State
 - (a) Sacramento Update (verbal report). (City Manager’s Office)
 - (2) Federal
- (d) Meeting Schedule
 - (1) Recommend that the Agency’s Capital Improvement Plan be deferred until November or later. (Mayor)
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committee
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Resolution in support of renaming of the Main Post Office on Lundy Avenue. (Chu)
TO BE HEARD BY COUNCIL 9/16/08
 - (2) Development of Conditional Zoning Prohibiting the Establishment of New Fast-Food Restaurants in Close Proximity to Schools. (Campos/Williams/Chu)
 - (3) A Resolution of the City Council of the City of San José Promoting Health Awareness and Recognizing that the City Council is empowered to encourage and to be a role model for Fitness, Physical Activity, Nutrition and Wellness to the residents and employees of the City. (Williams)
SEE ITEM 3.7 FOR COUNCIL ACTION TO BE TAKEN
 - (4) City-Wide Policy for Relocation/Closure and/or Selling Fire Stations; Removal of Station 6 from Budget. (Reed/Oliverio/Chirco)
SEE ITEM 3.8 FOR COUNCIL ACTION TO BE TAKEN
- (h) Review of additions to Council Committee Agendas
- (i) Open Government Initiatives
 - (1) Reed Reforms
 - (2) Sunshine Reform Task Force (SRTF)
Review of SRTF Phase II Report and Recommendations
 - (a) SRTF Phase II Report and Recommendations
 - (b) Staff’s Response to Phase II Report and Recommendations of the SRTF.
 - (c) SRTF Chair’s Response to the Staff Report responding to Phase II Report and Recommendations of the SRTF.
 - (3) Significant Public Records Act Requests
 - (4) Council Policy Manual Update
- (j) Open Forum
- (k) Adjournment

3. STRATEGIC SUPPORT SERVICES

3.5 Report of the Rules and Open Government Committee – August 27, 2008

Mayor Reed, Chair

- (a) City Council (City Clerk)
 - (1) Review September 2, 2008 Final Agenda
NONE – MEETING CANCELLED
 - (2) Review September 9, 2008 Draft Agenda
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
 - (1) State
 - (a) Sacramento Update (verbal report). (City Manager’s Office)
 - (2) Federal
- (d) Meeting Schedule
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committee
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Downtown Commuter Bicycle Demonstration Project. (Reed/Liccardo/Williams)
 - (2) Recommend to agendize for the September 9, 2008 Council meeting an amendment to Council Resolution 74312 regarding confidentiality notice. (Mayor)
SEE ITEM 3.9 FOR COUNCIL ACTION TO BE TAKEN
- (h) Review of additions to Council Committee Agendas
 - (1) Community and Economic Development Committee
 - (a) Add an update on the Office of Cultural Affairs Grants Funding Program Strategic Review to the September 22, 2008 CED Committee Agenda.
 - (2) Neighborhood Services and Education Committee
 - (3) Transportation and Environment Committee
 - (4) Public Safety, Finance and Strategic Support Committee
- (i) Open Government Initiatives
 - (1) Reed Reforms
 - (2) Sunshine Reform Task Force (SRTF)
Review of SRTF Phase II Report and Recommendations
 - (a) SRTF Phase II Report and Recommendations
 - (b) Staff’s Response to Phase II Report and Recommendations of the SRTF.
 - (c) SRTF Chair’s Response to the Staff Report responding to Phase II Report and Recommendations of the SRTF.
 - (3) Significant Public Records Act Requests
 - (4) Council Policy Manual Update
- (j) Open Forum
- (k) Adjournment

3. STRATEGIC SUPPORT SERVICES

3.6 Report of the Public Safety, Finance and Strategic Support Committee –

August 21, 2008

Councilmember Nguyen, Chair

- (a) Action on Items Recommended for Deferral
 - (1) Procedures, Protocols and Policies Regarding the County Jail. (Oliverio)
- (b) Redevelopment Agency Monthly Financial Reports. (Redevelopment Agency)
 - (1) Financial Statements
 - (2) Capital Cost Report
 - (3) Cash Flow Projections
- (c) Mayor's Gang Prevention Task force Strategic Work Plan 2008-2011. (Police/
Parks, Recreation and Neighborhood Services)
TO BE HEARD BY COUNCIL 9/23/08
- (d) Report on Fourth Quarter Debt Report. (Finance)
- (e) Report on Fourth Quarter Investment Report. (Finance)
- (f) Public Safety Quarterly Report. (Fire/Police)
 - (1) Fire
 - (2) Police
- (g) Report on Key Legislative Items. (City Manager's Office)
- (h) Review of the Department of Public Works' Oversight of the Foxworthy Bridge Project. (City Auditor)
- (i) Oral Petitions
- (j) Adjournment

3.7 Resolution Promoting Health Awareness.

Recommendation: As referred by the Rules and Open Government Committee of August 20, 2008, consider the adoption of a resolution promoting health awareness and recognizing that the City Council is empowered to encourage and be a role model for fitness, physical activity, nutrition and wellness to the residents and employees of the City of San José. (Williams)

[Rules Committee referral 8/20/08 – Item G(3)]

* **RECOMMEND DEFERRAL TO 9/16/08 PER MAYOR'S OFFICE**

3.8 City-Wide Policy for the Relocation/Closure and/or selling Fire Stations and Removal of Station 6 from the Budget.

Recommendation: As referred by the Rules and Open Government Committee of August 20, 2008, consider the following:

- (a) Direct the Administration to remove the postponed sale of Fire House 6 (in its entirety/including reallocation of staff) from the 2008-2009 Budget and from the 5-Year Capital Improvement Program (CIP 2009-2013) forecast.
- (b) Adopt a budget principle that prohibits inclusion of the closure, sale or relocation of a fire station as part of the City Budget without prior assessment, community outreach, and City Council approval on the matter.

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.8 City-Wide Policy for the Relocation/Closure and/or selling Fire Stations and Removal of Station 6 from the Budget. (Cont'd.)

Recommendation:

- (c) Adopt a City Wide Outreach Policy regarding the closure, sale and/or relocation of Fire Stations in San José that will include the following criteria:
- (1) Any proposed closure, sale, and/or relocation of a fire station will be shared with the Mayor and all Councilmembers via an informational memo (regardless of within which Council District the fire station in question lies);
 - (2) The informational memo will be listed on the City website and the San José Fire Department website;
 - (3) The City will have at least two public community evening meetings at least two weeks apart;
 - (4) The City will mail notices of the community meetings to all businesses and residences located within the primary service area of the fire station in question;
 - (5) Agendize the matter to be heard on the Public Safety Committee agenda;
 - (6) Agendize the matter for Council consideration at an evening meeting prior to inclusion in any City Budget document.
- (d) Direct the Administration to adopt a method of assessing the impact of proposed fire station closures, relocations, consolidations or new construction by comparing projected service level impacts relative to adopted performance objectives, which at a minimum should include the projected impacts to the assemble or “mustering” of an effective response force, as defined within the Fire Department Strategic Plan following its adoption by Council. The Council shall be provided the opportunity to review response times and other quantitative data used with the Standards of Response Cover Methodology to evaluate service level impacts both within the subject fire station service area and City-Wide. The City will follow this policy when considering changes to staffed and planned fire stations within the City of San José.

(Mayor/Oliverio/Chirco)

[Rules Committee referral 8/20/08 – Item G(4)]

TO BE HEARD IN THE EVENING NO EARLIER THAN 7:30 P.M.

3.9 [Resolution amending the Council’s Rules of Conduct as it relates to Closed Sessions.](#)

- * **Recommendation:** Adopt a resolution amending the Rules for the Conduct of City Council and City Council Committee meetings, superseding Resolution No. 74312, to add a provision that all who attend a closed session be required to sign a confidentiality notice. (Mayor)

[Rules Committee referral 8/27/08 – Item G(2)]

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Community & Economic Development Committee – [August 25, 2008](#) Councilmember Pyle, Chair

- (a) Review of Committee Workplan
- (b) Catalyst Program Stock Purchase Agreements. (Economic Development)
- (c) Mexican Heritage Plaza Independent Convening Institution Recommendation. (General Services/Economic Development)
- (d) Airport Obstruction Study. (Airport/Economic Development)
- (e) Citywide Inclusionary Zoning Program. (Housing/Planning, Building and Code Enforcement)
- (f) North San José Policy Implementation Strategy. (Planning, Building and Code Enforcement)
- (g) Firefighter Elevator Ordinance. (Fire)
TO BE HEARD BY COUNCIL 9/16/08
- (h) Alum Rock Form Zoning. (Planning, Building and Code Enforcement)
- (i) Prevention Measures to Avoid Sales Tax Leakage. (Economic Development/Finance)
- (j) Update on Citywide Signage Policy and Retail Area Identification Banners. (City Manager's Office)
- (k) Audit of City Funds for the Pune Sister City Committee. (Economic Development)
SEE ITEM 2.3 FOR COUNCIL ACTION TO BE TAKEN
- (l) Oral Petitions
- (m) Adjournment

4.2 [Historic Landmark Nomination and Mills Act Historical Property Contract for the Slettedahl House and Foster House.](#)

Recommendation: The Historic Landmarks Commission voted (6-0-0-1, Commissioner Colombe abstained) to recommend that the City Council adopt resolutions designating each of the following properties as a Historic Landmark and approving an associated Historical Property Contract as follows:

- (a) The Slettedahl House as Historic Landmark No. 167 and associated Historical Property Contract File No. MA08-001.
- (b) The Foster House as Historic Landmark No. 168 and associated Historical Property Contract File No. MA08-002.

CEQA: Exempt, File Nos. HL08-167/MA08-001 and HL08-168/MA08-002. Council District 3. SNI: University. (Planning, Building and Code Enforcement)

5. NEIGHBORHOOD SERVICES

5.1 Report of the Neighborhood Services and Education Committee – August 14, 2008 Councilmember Chirco, Chair

- (a) Report on Alum Rock Form Based Zoning. (Planning, Building and Code Enforcement)
 - (b) Inclusionary Housing Update. (Housing)
 - (c) Report on PDO/PIO In Lieu Fee Adjustment. (Parks, Recreation and Neighborhood Services)
 - (d) San José State University Schedule/Joint Use Agreement Update. (Parks, Recreation and Neighborhood Services)
 - (e) Report on Park Walking Distance Standards. (Parks, Recreation and Neighborhood Services)
 - (f) Report on Key Legislative Items. (City Manager's Office)
 - (g) Review of Quarterly Performance Measure Report. (Neighborhood Services CSA)
 - (h) Strong Neighborhoods Monthly Update. (City Manager's Office)
 - (1) Neighborhoods Commission Update
 - (i) Schools/City collaborative Monthly Update. (City Manager's Office)
 - (1) Reports from School Safety, Joint Use, and Teacher Recruitment/Retention Sub-committees.
 - (j) Oral Petitions
 - (k) Adjournment
- (Deferred from 8/26/08 – Item 5.1)

5.2 [Del Monte Park Master Plan.](#)

Recommendation: Approve the Master Plan for the new Del Monte Park. CEQA: Exempt, File No. PP08-094. Council District 6. SNI: Burbank/Del Monte. (Parks, Recreation and Neighborhood Services)

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Transportation and Environment Committee – [August 18, 2008](#) Councilmember Williams, Chair

- (a) Items recommended for deferral:
 - (1) Report on Recycled Water Master Plan. (Environmental Services)
 - (2) City Water Conservation Plans. (Environmental Services)
 - (3) Report on Key Legislature Items. (City Manager's Office)
 - (4) Status Report on Water Pollution Control Plant Improvement Project Completion Plant. (Environmental Services)
 - (5) Report on Private Sector Green Building Options. (Planning, Building and Code Enforcement)
 - (6) Report on Red Light Running Camera Systems. (Police)
 - (7) Quarterly Update on Performance Measures for Airport, Environmental Services, General Services, Transportation, and Police. (City Manager's Office)

(Item continued on the next page)

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Transportation and Environment Committee – August 18, 2008

(Cont'd.)

- (b) Report on the California Multi-Agency Capital Improvement Project Benchmarking Study. (Public Works)
- (c) Recommendations for Council Discussion on Direction to Staff for Commercial Solid Waste Redesign. (Environmental Services)
SEE ITEM 7.1 FOR COUNCIL ACTION TO BE TAKEN
- (d) Analysis of Extending the Living Wage Policy at Mineta San José International Airport. (Airport)
SEE ITEM 6.2 FOR COUNCIL ACTION TO BE TAKEN
- (e) Update Report on the City's Bicycle Master Plan. (Transportation)
- (f) Final Report on Evening Parking Program and Rate. (Transportation/Police)
- (g) Oral Petitions
- (h) Adjournment

6.2 [Extending the Living Wage Policy at Mineta San José International Airport.](#)

Recommendation: Receive verbal status report and provide direction to staff on extending the Living Wage at Mineta San Jose International Airport. CEQA: Not a Project. (Airport)

[Transportation and Environment Committee 8/18/08 – Item (d)]

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [Redesign of the Commercial Solid Waste Franchise.](#)

Recommendations:

- (a) Direct staff to prepare a procurement strategy for Council consideration to solicit proposals for commercial solid waste collection with two or three haulers awarded exclusive franchise agreements for services within geographical districts.
- (b) Approve the scope of the franchise system, with certain exemptions, to include collection of solid waste, recyclables, and organics in bags, carts, front-load bins, roll-off boxes, and compactors.
- (c) Return to the Transportation and Environment Committee in December 2008 with a procurement strategy and final recommendation for the commercial solid waste system redesign, including an implementation plan, terms of an exclusive franchise, an implementation plan for securing processing and disposal capacity, and related policy issues for Council consideration.

CEQA: Not a Project. (Environmental Services)

[Transportation and Environment Committee – Item (c)]

* **RECOMMEND DEFERRAL TO 9/16/08 PER DISTRICT 4**

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEMS 9.1 AND 9.2 IN A JOINT SESSION

9.1 Design and Construction and Transfer of the Proposed Edenvale Community Center.

*

Recommendation:

- (a) Adopt a resolution by the City Council making determinations consistent with the Health and Safety Code Section 33445.
- (b) Approve a Cooperation Agreement by the City Council and Redevelopment Agency Board providing for the design, construction and transfer of the Edenvale Community Center, for the City's occupation and maintenance of the Center and for the transfer of all the Agency's rights, title and interest in the Center at the time of the City's occupation.
- (c) Adopt a resolution by the Redevelopment Agency Board approving a budget adjustment related to construction of the Edenvale Community Center.
- (d) Award a construction contract for the Edenvale Community Center by the Redevelopment Agency Board to the lowest responsive bidder and establishment of a 10% contingency.
- (e) Approve the second amendment to the agreement by the Redevelopment Agency Board with Carrier Johnson Architects, amending the terms to include construction administration and project closeout and extending the term of the agreement and schedule of performance through June 30, 2010.
- (f) Approve the second amendment to the agreement by the Redevelopment Agency Board with Gilbane Building Company for construction administration and project closeout, and extending the term of the agreement and schedule of performance through June 30, 2010.

CEQA: Mitigated Negative Declaration, File No PP08-003. (City Manager's Office/ Redevelopment Agency)

*

RECOMMEND DEFERRAL TO 9/23/08 PER REDEVELOPMENT AGENCY

9.2 [Downtown Public Art Focus Plan.](#)

Recommendation: Adopt the Downtown Public Art Focus Plan. CEQA: Exempt, File No. PP05-184. (City Manager's Office/Redevelopment Agency)

- Open Forum (To be heard no earlier than 3:30 p.m.)
- 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) [Consider an ordinance rezoning the real property located](#) on the north side of Olsen Drive, approximately 100 feet west of Cypress Avenue from County to R-2(PD) Planned Development Zoning District to allow three single family detached residences on 0.24 acres (3315 Olsen Drive) (Tom Ronning, Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).
[PDC08-008 – District 1](#)
[Attachment – Staff Report](#)
[Attachment – Site Plan](#)

- * (b) [Consider an ordinance rezoning the real property located](#) on the south east side of Montecito Vista Drive, 660 feet southwest of Monterey Road from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to amend development standards of previous zoning (File No. PDC06-034) to allow a reduction in required parking for senior housing, to modify setbacks to allow underground parking to extend to a minimum 5 foot setback at the southern and eastern property lines, and to allow a minimum retail square footage of 17,500 square feet on a 29.5 gross acre site (2745 Monterey Road) (Roem Development Corporation, Owner/Developer). CEQA: Resolution No. 72877. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).
[PDC08-032 – District 7](#)
[Attachment – Staff Report](#)
[Attachment – General Development Plan](#)

END OF PUBLIC HEARINGS ON CONSENT CALENDAR

11. PUBLIC HEARINGS

11.2 [Prezoning real property located west of Winchester Boulevard between Stevens Creek Boulevard and Highway 280.](#)

[Attachment - Staff Report](#)

Recommendation: Consider a Director Initiated prezoning from County of Santa Clara to R-1-8 Single-Family Residence Zoning as to approximately 82.4 gross acres, R-2 Two-Family Residence Zoning as to approximately 1.4 gross acres, and CO Commercial Office Zoning as to approximately 0.8 gross acres (all as more specifically set forth in the Staff Report) on an approximately 85 gross acre County island consisting of 319 parcels located west of Winchester Boulevard between Stevens Creek Boulevard and Highway 280 (Multiple Owners). CEQA: EIR Resolution No. 65459 (Related Annexation Winchester No. 42). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

C08-019 – District 1

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

[Attachment – Memo from Councilmember Liccardo](#)

[Attachment – Map](#)

[Attachment – Staff Report and Attachments](#)

[Attachment – Note of Appeal](#)

[Attachment – Draft Resolution](#)

[Attachment – Letter from Wilson, Meany and Sullivan](#)

[Attachment - Plans](#)

- * **Recommendation:** Conduct an ADMINISTRATIVE HEARING and consider an appeal of the Planning Commission's decision to deny a Conditional Use Permit and Determination of Public Convenience or Necessity to allow off-sale of alcoholic beverages in an existing commercial use on a 1.33 gross acre site in the DC Downtown Primary Commercial Zoning District, located at the southeast corner of 2nd Street and San Fernando Street (100 S 2nd STREET) (Block 3 Development Partners, LLC, Owner; Wilson Meany Sullivan, LLC Seth Bland, Developer). Council District 3. SNI: None. CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends adoption of a resolution making the appropriate findings to approve the subject Conditional Use Permit and make a Determination of Public Convenience or Necessity. CP08-056 & ABC08-007 – District 3

11.4 **Rezoning real property located on the south side of West San Carlos Street between Meridian Avenue and Page Street.**

Recommendation: Consider an ordinance rezoning the real property located on the south side of West San Carlos Street between Meridian Avenue and Page Street from County and CP Commercial Pedestrian Zoning District Commercial Pedestrian Zoning to A(PD) Planned Development Zoning District to allow up to 218 attached single family residences and 22,600 square feet for commercial uses on a 3.59 gross acres site (Dubrovnik Properties, LLC & Nicholas Gera, Owner). SNI: Burbank/Del Monte. CEQA: Mitigated Negative Declaration.

PDC07-096 – District 6

RECOMMEND CONTINUANCE TO 9/23/08

11. PUBLIC HEARINGS

11.5 [Rezoning real property located on the west side of O'Brien Court.](#)

[Attachment – Staff Report](#)

[Attachment – General Development Plan](#)

Recommendation: Consider an ordinance rezoning the real property located on the west side of O'Brien Court approximately 120 feet southerly of Campbell Avenue from LI Industrial Zoning District to A(PD) Residential Zoning District to allow the construction of one new single family detached residence on a 0.22 gross acre site (1001-1015 O'Brien Ct.) (Patrick Hadnett, Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).
PDC06-126 – District 6

11.6 [Rezoning real property located on the southeast corner of The Alameda and Bush Street.](#)

[Attachment – Staff Report](#)

[Attachment – General Development Plan](#)

Recommendation: Consider an ordinance rezoning the real property located on the southeast corner of The Alameda and Bush Street from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow 2,800 square feet of commercial uses and up to eight residential units in a mixed use configuration on a 0.24 gross acre site (746 The Alameda) (Klifo Family Investment LLC, Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).
PDC07-009 – District 6

11.7 [Various actions regarding Tully-Senter SNI Neighborhood Improvement Plan Amendment.](#)

[Attachment – Memo from RDA and CMO](#)

[Attachment – SNI Improvement Plan](#)

[Attachment – SNI Improvement Plan #2](#)

*

Recommendation:

- (a) Accept the Strong Neighborhoods Initiative (SNI) *Tully-Senter Neighborhood Improvement Plan Amendment* as the renewed community vision for the future of the Tully-Senter SNI Planning Area.
- (b) Encourage Tully-Senter area residents, property owners and community members to continue to dedicate their time, energy, and resources towards the *Plan* and this *Amendment* while continuing with their community-building activities.

CEQA: Resolution No. 71045. Council District 7. SNI: Tully-Senter. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0). (City Manager's Office/Redevelopment Agency)

- 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>
9994	South side of Hillsdale Avenue, 600 feet east of Pearl Avenue	6	Hamid Abtahi	7 Lots / 6 Units	Single Family Attached

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