



CITY COUNCIL AGENDA

OCTOBER 21, 2008

SYNOPSIS

PETE CONSTANT
FORREST WILLIAMS
SAM LICCARDO
KANSEN CHU
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON P. NGUYEN
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DAVID D CORTESE, VICE MAYOR 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 during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Redevelopment Agency Board. 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**
 - 9:00 a.m.** - Closed Session, Call to Order in Council Chambers
Absent Council Members: Campos. (Excused)
 - 1:34 p.m.** - Regular Session, Council Chambers, City Hall
Absent Council Members: Campos. (Excused)
 - 7:02 p.m.** - Public Hearings, Council Chambers, City Hall
Absent Council Members: Campos. (Excused)
- **Invocation (District 9)**
Branham High School Choir sang “Barter” and “The National Anthem”. Barbara West, directed the Choir.
- **Pledge of Allegiance**
Mayor Reed led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with Items 3.2, 3.7 and 6.2 deferred to 10/28/08.
- **Closed Session Report**
No Report.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation honoring Don Johnson for his retirement of over 30 years of leadership and commitment in providing outstanding junior tennis programs to the youth of San José. (Liccardo)
Dropped.

1. CEREMONIAL ITEMS

- 1.2 Presentation of a proclamation declaring October 19 through October 25, 2008 as “National Teen Safe Driving Week” in the City of San José and a commendation to Martin and Jo Harding for founding the Maxwell’s Pledge Program. (Mayor/Pyle/Police/Transportation)

Mayor Reed, Council Member Pyle, Police Chief Robert Davis and Director of Transportation James Helmer recognized October 19 through October 25, 2008 as “National Teen Safe Driving Week” in the City of San José.

Mayor Reed and Council Member Pyle recognized and commended Martin and Jo Harding for founding the Maxwell’s Pledge Program.

- 1.3 Presentation of the “Most Secure City” award to the City Council on behalf of Farmers Insurance. (Mayor)

Jeff Solis, Farmers Insurance, presented the “Most Secure City” award to Mayor Reed and the City Council.

- 1.4 Presentation of a proclamation declaring October 2008 as “Domestic Violence Awareness Month” in the City of San José. (Williams/Campos/City Manager’s Office)
(Deferred from 10/7/08 – Item 1.5)

Mayor Reed, Council Member Williams and City Manager Debra Figone recognized the month of October 2008 as “Domestic Violence Awareness Month” in the City of San José. Council Member Campos was not present.

- 1.5 Presentation of a commendation recognizing Joey Chestnut for successfully and decisively defeating his competition on July 4, 2008 at the “Nathan’s Hot Dog Eating Contest” in Coney Island, New York, while representing the City of San José. (Williams)
(Rules Committee referral 10/15/08)

Mayor Reed and Council Member Williams recognized and commended Joey Chestnut for successfully and decisively defeating his competition on July 4, 2008 at the “Nathan’s Hot Dog Eating Contest” in Coney Island, New York, while representing the City of San José.

2. CONSENT CALENDAR

- 2.1 **Approval of an Amendment to the City Council Minutes.**

Recommendation: Approval of an amendment to the City Council Minutes of June 3, 2008. (City Clerk)

Approved.

2. CONSENT CALENDAR

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD NO. 28419 – Amending Section 7.20.520 of Chapter 7.20 of Title 7 of the San José Municipal Code to allow residents who obtained a cat or dog license from another jurisdiction and are annexed into the City to transfer the remainder of the license period.

Ordinance No. 28419 adopted.

- (b) ORD NO. 28420 – Rezoning certain real property situated on the east side of Saratoga Avenue, 300 feet southerly of Los Felice Drive to CO Commercial Office Zoning District. C08-0041

Ordinance No. 28420 adopted.

- (c) ORD NO. 28421 – Rezoning certain real property situated on the west side of Piedmont Road approximately 220 feet north of Suncrest Avenue to A(PD) Planned Development Zoning District. (PDC07-021

Ordinance No. 28421 adopted.

- (d) ORD NO. 28423 – Rezoning certain real property situated at the east side of Entrada Cedros, approximately 200 feet south of Giuffrida Avenue to A(PD) Planned Development Zoning District. (PDC07-012)

Ordinance No. 28423 adopted.

2.3 Report on RFP for Mobile Identification Services.

Recommendation: Report on Request for Proposal for the purchase of Mobile Identification Interface Services and adoption of a resolution authorizing the Director of Finance to:

- (a) Execute an agreement with 3i Infotech Corporation (Edison, NJ) for professional services for the interface design, development, integration and implementation of Phase 1 implementation of the mobile identification project (remote real-time finger print identification) including software licenses and three years of maintenance and support, for a not-to-exceed amount of \$360,867 and to exercise options to initiate the following phases subject to appropriation of funds:

- (1) Phase 2 - Search and Return Mugshot Photo - \$250,000.
- (2) Phase 3 - Search through State CLETS database - \$109,100.
- (3) Phase 4 - Search through State AFIS database - \$241,110.

- (b) Execute options to renew software maintenance and support after the initial three year term subject to the annual appropriation of funds.

CEQA: Not a Project. (Finance)

Resolution No. 74629 adopted.

2. CONSENT CALENDAR

2.4 Actions Related to Historic Landmark Initiation for the Renzel House.

Recommendation: Adopt a resolution:

- (a) Initiating proceedings to consider the single-family house located at 120 Arroyo Way 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, December 2, 2008 at 1:30 p.m. for Council consideration of City Landmark designation of the structure noted above.

CEQA: Not a Project. Council District 3. SNI: University. HL08-174. (Planning, Building and Code Enforcement)

Resolution No. 74630 adopted.

2.5 Actions Related to Historic Landmark Initiation for the Somers House.

Recommendation: Adopt a resolution:

- (a) Initiating proceedings to consider the single-family house located at 675 S. Sixth 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, December 2, 2008 at 1:30 p.m. for Council consideration of City Landmark designation of the structure noted above.

CEQA: Not a Project. Council District 3. SNI: University. HL08-175. (Planning, Building and Code Enforcement)

Resolution No. 74631 adopted.

2.6 Excused absence for Vice Mayor Cortese.

Recommendation: Request for an excused absence for Vice Mayor Cortese from the Special Rules and Open Government Committee Meeting and the Special City Council Meeting on October 14, 2008 due to authorized City Business: Serving on a panel for the Silicon Valley Education Foundation. (Cortese)

(Rules Committee referral 10/08/08)

Excused.

2.7 Certificate of Sufficiency of Petition to Recall Council Member Nguyen, District 7.

Recommendation: Accept the Santa Clara County Registrar of Voters' Certificate of Sufficiency of Petition of Recall Petition and place on the City Council November 4, 2008 Agenda a resolution calling a Special Recall Election on March 3, 2009. (City Clerk)

Accepted.

2. CONSENT CALENDAR

2.8 Excused absence for Council Member Pyle.

Recommendation: Request for an excused absence from the Regular Meeting of the Neighborhood Services and Education Committee on October 9, 2008 due to an illness.

(Pyle)

(Rules Committee referral 10/15/08)

Excused.

2.9 Excused absences for Council Member Constant.

Recommendation: Request for excused absences from the following meetings due to authorized City Business, attending the Federated City Employees' Retirement Services Educational Training in San Antonio, Texas:

(a) The Redevelopment Agency Budget Study Session scheduled on November 17, 2008.

(b) The Executive and Regular City Council Meeting on November 18, 2008.

(c) The Rules and Open Government Committee Meeting on November 19, 2008.

(Constant)

(Rules Committee referral 10/15/08)

Excused.

2.10 Naming a new park.

Recommendation: As recommended by the Parks and Recreation Commission, name a new park located near the intersection of Rivers Oaks Parkway and Zanker Road in North San José as "River Oaks Park". (City Clerk)

(Rules Committee referral 10/15/08)

Approved.

2.11 Naming a new park.

Recommendation: As recommended by the Parks and Recreation Commission, name a new park located along the Guadalupe River at the terminus of Rivers Oaks Parkway in North San José as "Riverview Park". (City Clerk)

(Rules Committee referral 10/15/08)

Approved.

3. STRATEGIC SUPPORT SERVICES

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

No Report.

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules and Open Government Committee – October 1, 2008

Mayor Reed, Chair

Deferred to 10/28/08 per Orders of the Day.

3.3 Approve a Memorandum of Agreement with the Confidential Employees' Organization (CEO), AFSCME Local 101.

Recommendation: Adopt a resolution approving the terms of a Memorandum of Agreement with the Confidential Employees' Organization (CEO), AFSCME Local 101, and authorizing the City Manager to execute the agreement with a term of September 21, 2008 to September 17, 2011. CEQA: Not a Project. (City Manager's Office)

Resolution No. 74635 adopted.

3.4 Approval of actions related to the 2007-2008 Annual Report.

Recommendation:

- (a) Accept the 2007-2008 City Manager's Annual Report of the Finances of the City of San José in compliance with City Charter Section 701 (F).

Accepted.

- (b) Adopt Appropriation Ordinance and Funding Sources Resolution amendments in various operating and capital funds to implement the 2007-2008 Annual Report recommendations, including appropriate technical adjustments, as detailed in Section III (Recommended Budget Adjustments and Clean-Up Actions).

Ordinance No. 28422 adopted.

Resolution No. 74626 adopted.

- (c) Adopt a resolution approving amendments to City Council Policy 1-18 entitled Operating Budget and Capital Improvement Program Policy to add a subsection on the treatment of Interfund Loans to address a recommendation included in the Audit of the Management of the City's Tax –Exempt Bond Program and Use of Interfund Loans to Provide Financing for Capital Projects.

Resolution No. 74627 adopted.

- (d) Adopt a resolution making certain determinations regarding the expenditure of Redevelopment Agency funds on certain public improvements specifically described in the memorandum from the Redevelopment Agency dated August 7, 2008, included in the Appendix section of this report. These funds pay for eligible capital projects, making funds available for the San José BEST program and to support the addition of eight Police Officers.

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

Resolution No. 74628 adopted.

Budget Staff directed to return with a level of reserve for all funds.

3. STRATEGIC SUPPORT SERVICES

3.5 Discussion of the City's Organizational Initiatives.

Recommendation:

- (a) Discuss the status of the Three-Year General Fund Structural Deficit Elimination Plan;
 - (b) Review and accept progress report on the Six-Month Strategic Objectives; and
 - (c) Discuss the “Beyond Budget Cuts” organizational improvement effort.
- CEQA: Not a Project. (City Manager’s Office)

Progress report accepted.

3.6 Actions Related to the Hayes Mansion Conference Center.

Recommendation: Adoption of Appropriation Ordinance amendments in the General Fund to pay the City’s outstanding loan with Comerica Bank related to the Dolce Hayes Mansion operations:

- (a) Decrease the Hayes Mansion Conference Center Line of Credit Security Earmarked Reserve by \$5,000,000.
- (b) Establish a City-Wide appropriation for the Hayes Mansion Conference Center Line of Credit Payment in the amount of \$5,000,000.

CEQA: Not a Project. (Finance/City Manager’s Office)

Ordinance No. 28424 adopted.

Noes: Oliverio.

City Manager agreed to bring back, as part of the discussion on the asset management plan, options for paying down the debt on the conference center.

3.7 Report of the Rules and Open Government Committee – September 24, 2008 Mayor Reed, Chair

Deferred to 10/28/08 per Orders of the Day.

3.8 Work2Future Board Nomination.

Recommendation: As recommended by the Rules and Open Government Committee, approve the appointment of Jorge Zavala as a business/private industry representative on the Work2Future Board of Directors. (Reed)
(Rules Committee referral 10/15/08)

Approved.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Community & Economic Development Committee Council Member Pyle, Chair

No Report.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Approve a Willow Glen Community Benefit and Improvement District.

Recommendation: Adopt a resolution by the City Council:

- (a) Stating its intention to form a Community Benefit and Improvement District in Willow Glen.
 - (b) Preliminarily approving the Willow Glen Management Plan and Engineer's Report.
 - (c) Setting a public hearing on December 16, 2008 at 7:00 p.m.
 - (d) Calling an election for tabulation of the ballots for December 16, 2008 at 7:00 p.m.
- CEQA: Exempt, File PP08-097. Council District 6. (Public Works)

Deferred to 10/28/08 per Administration.

4.3 Public Hearing on the Reorganization of Winchester No. 42.

Recommendation: Conduct a public hearing and adopt a resolution ordering the reorganization/annexation of the territory designated as Winchester No. 42, which involves the annexation to the City of San José of approximately 85 gross acres of land located west of Winchester Boulevard between Stevens Creek Boulevard and Highway 280 and the detachment of the same from the appropriate special districts including Central Fire Protection, County Lighting, West Valley Sanitation, and Area No. 01 (Library Services) County Service. CEQA: Resolution No. 65459. Council District 1. (Planning, Building and Code Enforcement)

Heard in the evening.

Resolution No. 74636 adopted.

4.4 Public Hearing on the Reorganization of Buena Vista No. 2.

Recommendation: Conduct a public hearing and adopt a resolution ordering the reorganization/annexation of the territory designated as Buena Vista No. 2, which involves the annexation to the City of San José of approximately 40 gross acres of land located south of West San Carlos Street, west of Meridian Avenue and the detachment of the same from the appropriate special districts including Central Fire Protection, County Lighting, Burbank Sanitary District, Sunol Sanitary District, and Area No. 01 (Library Services). CEQA: Resolution No. 65459. Council District 6. (Planning, Building and Code Enforcement)

Heard in the evening.

Resolution No. 74637 adopted.

4.5 Public Hearing on the Reorganization of Riverside No. 51.

Recommendation: Conduct a public hearing and adopt a resolution ordering the reorganization/annexation of the territory designated as Riverside No. 51 which involves the detachment of 3.4 gross acres of land located along Santa Teresa Boulevard, 100 feet southeast of Bayliss Drive from the South Santa Clara Fire Protection District. CEQA: Resolution No. 65459. Council District 2. (Planning, Building and Code Enforcement)

Heard in the evening.

Resolution No. 74638 adopted.

5. NEIGHBORHOOD SERVICES

- 5.1 Report of the Neighborhood Services and Education Committee – October 9, 2008
Council Member Chirco, Chair
Accepted.**

- 5.2 Approve SNI's West Evergreen Neighborhood Improvement Plan Amendment.**

Recommendation:

- (a) Accept the Strong Neighborhoods Initiative (SNI) *West Evergreen Neighborhood Improvement Plan Amendment* as the renewed community vision for the future of the West Evergreen SNI Planning Area; and
- (b) Encourage West Evergreen 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 Districts 7 and 8. SNI: West Evergreen. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0). (Parks, Recreation and Neighborhood Services/City Manager's Office/ Planning, Building and Code Enforcement)

Heard in the evening.

Accepted.

- 5.3 Report on Healthy Neighborhoods Venture Fund Migration.**

Recommendation:

- (a) Approval of the Healthy Neighborhoods Venture Fund's implementation of the Results Based Accountability Model, including the following:
 - (1) Healthy Neighborhoods Strategic Work Plan.
 - (2) HNVF Allocation Plan.
 - (3) HNVF Rules of Order.
 - (4) HNVF Policies.
- (b) Acceptance of the Neighborhood Services and Education Committee's October 9, 2008, actions regarding the Report on HNVF Migration to RBA Model.

(Parks, Recreation and Neighborhood Services)

[Neighborhood Services and Education Committee referral 10/9/08 – Item (e)]

Accepted.

6. TRANSPORTATION & AVIATION SERVICES

- 6.1 Report of the Transportation and Environment Committee – October 6, 2008
Council Member Williams, Chair
Accepted.**

6. TRANSPORTATION & AVIATION SERVICES

6.2 Amend Schedule of Fees and Charges at the Airport for Taxis and authorizing biennial setting of all taxi rates.

Recommendation:

- (a) Adopt a resolution:
 - (1) Amending the Schedule of Fees and Charges at the Norman Y. Mineta San José International Airport contained in Resolution No. 74536 to establish a Taxicab Minimum Rate of Fare from the Airport of \$15, which will include the \$1.50 Airport Trip Fee and which will cover the first three miles of travel.
 - (2) Readopting all other Rates, Fares and Tariffs in Resolution No. 74536 not revised above.
 - (3) Repealing Resolution No. 74536.
- (b) Approve an ordinance:
 - (1) Amending Chapter 6.64 of Title 6 of the San José Municipal Code to authorize the Director of Transportation (“Director”) to set and adjust taxicab rates, fares and surcharges based on industry indicators on a biennial basis, or sooner, as the Director deems appropriate;

CEQA: Not a Project. (Airport/Transportation)

Deferred to 10/28/08 per Orders of the Day.

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Report on bids for the Installation of Water Services and Mains.

Recommendation: Report on bids and award of contract for Installation of Potable and Non-Potable Water Services and Mains: 2008-2009 to the lowest responsive bidder, West Valley Construction, for the estimated term of January 2009 to February 2010, for an agreement amount not to exceed \$663,220. CEQA: Exempt, File No. PP05-130. (Environmental Services)

Approved.

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

9.1 Approve actions related to the Smart Start Childcare and the San José Conservation Corps & Charter School.

Recommendation:

- (a) Adopt a resolution finding that creation of a Smart Start Center at 1560 Berger Drive will be of Primary Benefit to the Rincon de Los Esteros Redevelopment Project Area; and,
- (b) Approve an agreement with the San José Conservation Corps & Charter School (SJCC&CS), a California Non-Profit Corporation, in the amount of \$600,000, for improvements to the property located at 1560 Berger Drive for the creation of a Smart Start Center providing 82 childcare spaces to be operated under Smart Start San José standards.

CEQA: Mitigated Negative Declaration, File No. CP06-004. (City Manager's Office/Redevelopment Agency)

Item 9.1 will be heard at the 10/28/08 RDA Meeting.

9.2 Approve a loan agreement between the Agency and the City of San José to use the Sanitary Sewer Connection Fee Fund.

Recommendation:

- (a) City Council and Redevelopment Agency Board to approve a loan agreement between the Redevelopment Agency and the City of San José to use the Sanitary Sewer Connection Fee Fund, in an amount of \$34.46 million, with a term of up to 72 hours, for the purpose of paying Agency obligations, such as capital, operating and other expenses in the adopted 2008-2009 Agency Budget, including the State-mandated Educational Revenue Augmentation Fund payment and the pass-through obligation to the County of Santa Clara.

Approved.

- (b) City Council to adopt the following 2008-2009 appropriation ordinance and funding sources resolution amendments in the Sewer Service and Use Charge Capital Improvement Fund (545):
 - (1) Establish a Loan to the Redevelopment Agency appropriation in the amount of \$26,394,000.
 - (2) Decrease the Edenvale Sanitary Sewer Supplement, Phase VA and VB appropriation in the amount of \$20,051,000.
 - (3) Decrease the 30" Old Bayshore Supplement appropriation in the amount of \$3,494,000.
 - (4) Decrease the Spreckles Sanitary Sewer Force Main Supplement appropriation in the amount of 2,849,000.
 - (5) Reestablish the Edenvale Sanitary Sewer Supplement, Phase VA and VB appropriation in the amount of \$20,051,000.

(Continued on next page)

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

9.2 Approve a loan agreement between the Agency and the City of San José to use the Sanitary Sewer Connection Fee Fund (Cont'd.)

- (b) (6) Reestablish the 30" Old Bayshore Supplement appropriation in the amount of 3,494,000.
- (7) Reestablish the Spreckles Sanitary Sewer Force Main Supplement appropriation in the amount of 2,849,000.
- (8) Establish an estimate for Loan Repayments from the Redevelopment Agency in the amount of \$26,394,000.

Ordinance No. 28425 adopted.

Resolution No. 74633 adopted.

- (c) City Council to adopt the following 2008-2009 appropriation ordinance and funding sources resolution amendments in the Sanitary Sewer Connection Fee Fund (540):

- (1) Establish a Loan to the Redevelopment Agency appropriation in the amount of \$8,066,000.
- (2) Decrease the Edenvale Sanitary Sewer Supplement, Phase VA and VB appropriation in the amount of \$8,066,000.
- (3) Reestablish the Edenvale Sanitary Sewer Supplement, Phase VA and VB appropriation in the amount of \$8,066,000.
- (4) Establish an estimate for Loan Repayments from the Redevelopment Agency in the amount of \$8,066,000.

(City Manager's Office/Redevelopment Agency)

Ordinance No. 28426 adopted.

Resolution No. 74634 adopted.

9.3 Authorize the issuance of two series of Merged Area Redevelopment Project Tax Allocation Bonds in the aggregate principal amount of not-to-exceed \$119,000,000.

Recommendation: Adopt a resolution of the Redevelopment Agency Board amending and restating the original Resolution authorizing the issuance of two series of Merged Area Redevelopment Project Tax Allocation Bonds in the aggregate principal amount of not-to-exceed \$119,000,000 in order to authorize a true interest cost for the Series 2008A-T Bonds of not-to-exceed 8.5% and a true interest cost of the Series 2008B Bonds shall not exceed 7.0%. (Redevelopment Agency)

Redevelopment Agency Resolution No. 5861 adopted.

- **Open Forum**

- (1) **Andrew Garret urged the Council to order the Police Department's Internal Affairs unit to accept and file complaints against individual police officers.**

- **Adjournment**

The Council of the City of San José adjourned the afternoon session at 5:29 p.m.

10. GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

11.1 Public Hearings on Consent Calendar.

Recommendation:

- (a) Consideration of an ordinance rezoning the real property located on the northwest corner of Tully Road and Kenesta Way (1935 Tully road) from CP Commercial Pedestrian Zoning District to CN Commercial Neighborhood Zoning District to allow all commercial uses (McDonalds) on a 0.88 gross acre site (Franchise Realty Interstate Corporation, Owner). SNI: KONA, West Evergreen. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C07-099 – District 8

Ordinance No. 28427 passed for publication.

- (b) Consideration of an ordinance rezoning the real property located at/on the south side of Blossom Hill Road, approximately 300 feet westerly of Snell Avenue (456 Blossom Hill Road) from the CP Commercial Pedestrian Zoning District to the CN Commercial Neighborhood Zoning District to allow commercial uses on a 0.53 gross acre site (Gregory K. Bloom Trustee, Owner). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C08-028 – District 10

Ordinance No. 28428 passed for publication.

- (c) Consideration of a Street Renaming for Tract 9881 from Tierra Encantada Court to Bob Hansen Way, located on the south side of Tierra Encantada Way, approximately 220 feet east of McCreery Avenue (Tierra Encantada Development, LLP, Owner). SNI: Mayfair. CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

ST08-002 – District 5

Deferred to 11/18/08 per Council Member Campos.

END OF PUBLIC HEARINGS ON CONSENT CALENDAR

11. PUBLIC HEARINGS

There were none.

- Notice of City Engineer's Pending Decision on Final Maps
None.

- Notice of City Engineer's Award of Construction Projects
None.

- Open Forum

Speaking in support of the recall of Council Member Nguyen, urging a combined election to fill the vacancy if the recall is successful and objecting to an all-mail ballot election:

Paul Le, Loan Pham, Steven Do, Richard Nguyen, Cuong Dang, Huong Dang, Henry Phan, Lang Do, Tinh Cao, To Nguyen, Dien Ta, Leha Dang, Tran Hanh, Chau Nguyen (The Little Saigon News), Bernard Wong (Vietnamese Veteran Association), Louisiana Pham, Tammy Nguyen, Tuc Nguyen, Sam Castillo, Thomas Nguyen, Tiep Ngo, Randy Schneider, Tim Nguyen, Phuong Tran, Daonguyen Nguyen, Anthony Tam, Danny Vinh Le, Long Vu, Chan Do, De Duong, Que N. Phan, Tina Nguyen, Son Bui, Dung Huynh, Connie Dang, Luong Do (Aborn Compound Pharmacy), Thomas Nguyen, Thuc Tri Nguyen, Minh Ti Nguyen, Nhan Ho and Daley Nguyen.

- Adjournment

The Council of the City of San José was adjourned at 8:09 p.m. in memory of Pastor Jeffery S. Heard, who passed away suddenly on October 4, 2008. Pastor Heard was the founding Pastor of Rohi Temple of Reconciliation and President of Rohi Alternative Community Outreach, Inc., a non-profit organization dedicated to providing positive programs for youth in San José. (Campos)

