

# CITY COUNCIL AGENDA

**JUNE 2, 2009**

**AMENDED AGENDA**

PETE CONSTANT  
ASH KALRA  
SAM LICCARDO  
KANSEN CHU  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO  
MADISON P. NGUYEN  
ROSE HERRERA  
JUDY CHIRCO, VICE MAYOR  
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 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, Staff Reports and some associated documents for City Council items may be viewed on the Internet at [www.sanjoseca.gov/clerk/agenda.asp](http://www.sanjoseca.gov/clerk/agenda.asp). Council Meetings are televised live and rebroadcast on Channel 26.

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, 2<sup>nd</sup> Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov) for the final document.

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 6)**
  - \* River Glen Estudiantina performing a medley of traditional Latin-American song, “Mañanitas de Cielito Lindo con Muchos Colores”

- **Pledge of Allegiance**

- **Orders of the Day**

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

- \* ADJOURNMENT: This meeting will be adjourned in memory of James Little, the son of a District 8 Constituent, who was killed in an automobile accident on his way home from college in San Diego, CA. (Herrera)

**THE CITY OF SAN JOSE PARKING AUTHORITY MEETING WILL BE HEARD IMMEDIATELY FOLLOWING THE AFTERNOON COUNCIL SESSION.**

- Orders of the Day (Cont'd.)

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

- Closed Session Report

## **1. CEREMONIAL ITEMS**

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- 1.1 Presentation of a commendation to Fat Spaniel Technologies for providing a solution to the solar electric plant management problem. (Economic Development)
- 1.2 Presentation of a proclamation declaring the week of June 1-7, 2009 as “National CPR and AED Awareness Week” in the City of San José. (Fire)
- 1.3 Presentation of a commendation to the San José District 10 Disaster and Emergency Preparedness Conference Team for their hard work organizing all aspects of the conference. (Pyle)  
**TO BE HEARD IN THE EVENING**
- 1.4 Presentation of a commendation to Wesley Mukoyama, retiring Executive Director of Yu-Ai-Kai, for his years of dedicated service to the residents of Japantown and the entire City of San José. (Liccardo)  
(Deferred from 5/19/09 – Item 1.6)  
**TO BE HEARD IN THE EVENING**
- 1.5 Presentation of a commendation to California Waste Solutions for receiving the International Festivals and Events Association’s “Gold Award for Best Sponsor” for the San José Holiday Parade. (Chu)  
**TO BE HEARD IN THE EVENING**  
(Rules Committee referral 5/20/09)
- 1.6 Presentation of the FY 2008-09 Government Finance Officers Association’s “Distinguished Budget Presentation Award” and the “Certificate of Recognition for Budget Preparation” to the San José Redevelopment Agency. (Mayor/Redevelopment Agency)  
(Rules Committee referral 5/20/09)
- 1.7 Presentation of a commendation to the winners of the Falcon Naming Contest. (Mayor)  
**TO BE HEARD IN THE EVENING**  
\* (Rules Committee referral 5/27/09)

## 2. CONSENT CALENDAR

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

### 2.1 Approval of Minutes.

**Recommendation:** Final approval of minutes.

- (a) [Regular Minutes of April 7, 2009.](#)
- (b) [Minutes of the Foreclosure Mitigation Study Session of April 13, 2009.](#)
- (c) [Regular Minutes of April 14, 2009.](#)
- (d) [Regular Minutes of April 21, 2009.](#)
- (e) [Minutes of the Joint/Santa Clara Valley Water District Study Session on Water Supply of April 23, 2009.](#)
- (f) [Regular Minutes of April 28, 2009.](#)

### 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 28542 – Rezoning certain real property situated at the northwest corner of Carla Drive and Almaden Expressway to A(PD) Planned Development Zoning District. PDC08-055 [Presentation](#)
- (b) ORD. NO. 28543 – Amending Chapter 9.10 of Title 9 of the San José Municipal Code to add Section 9.10.152 and 9.10.153 to define Large Events and Large Venues; amend Section 9.10.1720 to increase the Late Report Penalty; and amend Section 9.10.1445 to conform with new definitions.
- (c) ORD. NO. 28544 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to A & A Recycling.
- (d) ORD. NO. 28545 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to All Points Roll Off, Inc.
- (e) ORD. NO. 28546 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Allied Waste of North America, LLC dba Allied Waste of Santa Clara County.
- (f) ORD. NO. 28547 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Bernardini Enterprises, Inc. dba JD Services.
- (g) ORD. NO. 28548 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Eagle Recycling, Inc.

*(Item continued on the next page)*

## 2. CONSENT CALENDAR

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

**Recommendation:** Final adoption of ordinances.

- (h) ORD. NO. 28549 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Eco Box Recycling, Inc.
- (i) ORD. NO. 28550 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Environmental Management Systems, LLC dba EMS.
- (j) ORD. NO. 28551 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Environmental Resource Recovery, Inc. dba Valley Recycling.
- (k) ORD. NO. 28552 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to GreenWaste Recovery, Inc.
- (l) ORD. NO. 28553 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to GreenWaste Recovery, Inc. dba \$99 Debris Box Service.
- (m) ORD. NO. 28554 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Grifall Trucking, Inc.
- (n) ORD. NO. 28555 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Haul-Away Today.
- (o) ORD. NO. 28556 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to JHM Service, Inc.
- (p) ORD. NO. 28557 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Jonna Corporation, Inc. dba Premier Recycle.
- (q) ORD. NO. 28558 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to LMH Enterprises, Incorporated dba Number "1" Disposal.
- (r) ORD. NO. 28559 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Los Altos Garbage Company dba Stevens Creek Disposal & Recycling.
- (s) ORD. NO. 28560 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Mission Trail Waste Systems, Inc. dba Recycle West.
- (t) ORD. NO. 28561 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Pacific Coast Recycling, Inc.

*(Item continued on the next page)*

## 2. CONSENT CALENDAR

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

**Recommendation:** Final adoption of ordinances.

- (u) ORD. NO. 28562 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Panther Industries.
- (v) ORD. NO. 28563 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Qualified Trucking, Inc.
- (w) ORD. NO. 28564 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to R & D Mendes Enterprises, Inc. dba Accurate Cleaning Systems.
- (x) ORD. NO. 28565 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Recycling & Waste Services, Inc.
- (y) ORD. NO. 28566 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to San José Conservation Corps.
- (z) ORD. NO. 28567 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to The Flea Market, Inc.
- (aa) ORD. NO. 28568 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Waste Connections of California, Inc. dba GT Waste.
- (ab) ORD. NO. 28577 – Rezoning certain real property situated on the east side of South White Road approximately 250 feet south of Cunningham Lake Court to A(PD) Planned Development Zoning District. PDC09-008 [Presentation](#)
- (ac) ORD. NO. 28578 – Prezoning certain real property situated at the west side of Lincoln Avenue extending from West San Carlos St. to Pacific Avenue on the north, excluding the northwest corner of West San Carlos St. and Lincoln Ave., to A(PD) Planned Development Zoning District. PDC07-017 [Presentation](#)
- (ad) ORD. NO. 28579 – Amending Section 20.40.100 of Chapter 20.40, Section 20.50.100 of Chapter 20.50, and Section 20.90.060 of Chapter 20.90, and adding a new Part 13.5 to Chapter 20.80 and a new Section 20.200.995 to Chapter 20.200, all of Title 20 of the San José Municipal Code (the Zoning Code), to establish land use regulations for relocated Cardrooms.
- \* (ae) ORD. NO. 28569 – Amending Sections 23.02.800 and 23.02.1220 of Chapter 23.02, amending Sections 23.04.010 and 23.04.030 of Chapter 23.04, and adding a new Section 23.02.365 to Chapter 23.02, all of Title 23 of the San José Municipal Code, to establish regulations for a Stevens Creek Signage Area.

*(Item continued on the next page)*

## 2. CONSENT CALENDAR

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

**Recommendation:** Final adoption of ordinances.

- \* (af) [ORD. NO. 28576](#) – Amending Section 20.100.500 of Chapter 20.100 of Title 20 of the San José Municipal Code to allow for an additional extension of Development Permit terms or a reactivation of certain expired Development Permits for a temporary period of time.

### 2.3 Mayor and Council Excused Absence Requests.

**Recommendation:**

- (a) [Request for an excused absence for Vice Mayor Chirco from the Closed Session and Regular Meeting of the City Council on May 19, 2009 due to illness.](#)  
(Chirco)  
(Rules Committee referral 5/20/09)
- (b) [Request for an excused absence for Councilmember Constant from the Regular Meeting of the Rules and Open Government Committee on May 13, 2009 due to illness.](#) (Constant)  
(Rules Committee referral 5/20/09)
- (c) [Request for an excused absence for Councilmember Herrera from the Closed Session, Regular Meeting and Evening Session of the City Council on May 19, 2009 due to the death of a close family member.](#) (Herrera)  
(Rules Committee referral 5/20/09)

### 2.4 [Lease with Southwest Airlines.](#)

**Recommendation:** Approve a First Amendment to the Provisioning Facility Ground [Lease](#) with Southwest Airlines Co. to allow Southwest to indefinitely delay commencement of construction of tenant improvements, subject to termination by the Director of Aviation upon thirty (30) days written notice at any time prior to issuance of a notice to proceed with construction to Southwest. CEQA: Resolution Nos. 67380 and 71451, File No. PP09-074. (Airport)  
(Deferred from 5/19/09 – Item 2.4)

### 2.5 [Agreement for Storm GIS Data Improvement Project.](#)

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with MRF Geosystems Corporation of Calgary, Alberta, Canada from the date of execution through June 30, 2011, in an amount not to exceed \$300,000 for the Storm GIS Data Improvement Project. CEQA: Not a Project. (Public Works)  
(Deferred from 5/19/09 – Item 2.12)

## 2. CONSENT CALENDAR

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### 2.6 Agreement with Jacobs Consultancy.

**Recommendation:** Approve a second amendment to the consultant [agreement](#) with Jacobs Consultancy, Inc. for Airport airspace and airfield analysis services, increasing the maximum cost of the agreement by \$300,000, from \$200,000 to an amount not to exceed \$500,000. CEQA: Resolution Nos. 67380 and 71451, File No. PP09-106. (Airport)

### 2.7 Renaming a New Facility.

**Recommendation:** As recommended by the Parks and Recreation Commission on May 6, 2009, rename a new facility located at 110 N. Jackson Street as the “Dr. James Akiyama Wellness Center.” (City Clerk)

### 2.8 Preparation for Hosting League of California Cities 2009 Annual Conference.

**Recommendation:** Adopt a [resolution](#) of support for Administration activities necessary to coordinate the planning host City responsibilities for the 2009 League of California Cities Annual Conference. CEQA: Not a Project. (City Manager’s Office).

### 2.9 Agreement with HF&H Consultants.

**Recommendation:** Approve the first amendment to the [agreement](#) with HF&H Consultants for environmental consultant services for various Environmental Service Department projects, increasing the total compensation by \$250,000, from \$250,000 to an amount not to exceed \$500,000. CEQA: Not a Project. (Environmental Services)

### 2.10 Agreement with R3 Consulting.

**Recommendation:** Approve a fifth amendment to the [agreement](#) between the City and R3 Consulting Group, Inc., to provide solid waste consulting and rate modeling services to the Environmental Services Department, extending the term through December 31, 2010, and increasing the compensation by \$130,000, from \$600,000 to an amount not to exceed \$730,000. CEQA: Not a Project. (Environmental Services)

### 2.11 **Annual Review and Update of the City’s Investment Policy.**

**Recommendation:** Adopt a resolution approving the annual certification of the City’s Investment Policy, including certain revisions:

- (a) Updating job titles of the City Investment Officials;
- (b) Adding language in the authorized investments section to clarify and modify certain percent restrictions;
- (c) Removing the requirement that the average maturity of the investment portfolio not exceed two years;
- (d) Updating of the List of the Primary Government Securities Dealers;
- (e) Making other clarifying changes thereto.

CEQA: Not a Project. (Finance)

\* **RECOMMEND DROP PER ADMINISTRATION, RESCHEDULED FOR 6/9/09**

## 2. CONSENT CALENDAR

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### 2.12 [Almaden Road Park Site Master Plan.](#)

#### [Attachment – Master Plan Report Almaden Road](#)

**Recommendation:** Approve a master plan for the new park site located at 1501 Almaden Road. CEQA: Negative Declaration, File No. PP08-166. Council District 7. SNI: Washington. (Parks, Recreation and Neighborhood Services)

### 2.13 [Agreement with County of Santa Clara for Penitencia Creek Trail.](#)

**Recommendation:** Approve an [agreement](#) with the County of Santa Clara for construction, operation and maintenance of the Penitencia Creek Trail (King Road to Mabury Avenue). CEQA: Mitigated Negative Declaration, File No. PP03-04-134. Council District 4. (Parks, Recreation and Neighborhood Services)

### 2.14 [Gift Trust Fund Appropriation Ordinance and Resolution Amendments.](#)

**Recommendation:** Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Gift Trust Fund:

- (a) Increase the appropriation to the Police Department for Internet Crimes Against Children Gifts by \$11,500; and
  - (b) Increase the estimate for Earned Revenue by \$11,500.
- CEQA: Not a Project. (Police/City Manager's Office)

### 2.15 **Report on Bids and Award of Contract for the Fleming Park Project.**

**Recommendation:** Report on bids and award of a contract for the Fleming Park Project to the low bidder, Joseph J. Albanese, Inc., for the base bid and Add Alternate Nos. 1 and 2 in the amount of \$369,953, and approval of a contingency in the amount of \$18,500. CEQA: Exempt, File No. PP07-237, November 21, 2007. Council District 5. (Public Works)

\* **RECOMMEND DROP PER ADMINISTRATION**

### 2.16 [Underground Utility Program Workplan.](#)

**Recommendation:** Approve the proposed Fiscal Year 2008/09 - 2013/14 Workplan for the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program. CEQA: Not a Project. (Public Works)

### 2.17 [Agreement for Transportation Incident Management Center.](#)

**Recommendation:** Approve an [agreement](#) with IBI Group for the Consultant design services for the Transportation Incident Management Center and Technology Training Center, from the date of execution to June 30, 2011, in an amount not to exceed \$400,000. CEQA: Not a Project. (Transportation/Public Works)

## 2. CONSENT CALENDAR

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### 2.18 Actions Related to the CommUnity Resource Fair

**Recommendation:**

- (a) Approve the CommUnity Resource Fair to be held on Sunday, June 7, 2009 at History San José.
- (b) Approve the use of the Mayor's Special Event fund balance of \$2,784.
- (c) Approve and accept receipt of and use of various donations in support of the CommUnity Resource Fair on June 7, 2009.
- (d) Approve appropriation of \$35,000 in donations to the Mayor's Special Event fund to pay for event costs.

(City Clerk)

\* (Rules Committee referral 5/27/09)

### 2.19 Appointments to Boards, Commissions and Committees.

**Recommendation:** As recommended by the Rules and Open Government Committee on May 27, 2009:

- (a) Appoint Clarence Madrilejos to the Human Rights Commission for an unexpired term ending December 31, 2010.
- (b) Appoint Lee Jack Ellak to the Housing and Community Development Commission for an unexpired term ending December 31, 2011.
- (c) Appoint Kevin Smith for a term ending June 30, 2012 and Elizabeth Kabanek for an unexpired term ending June 30, 2011 to the Traffic Appeals Commission.
- (d) Appoint Johnny Khamis for an unexpired term ending December 31, 2009, and Dallas Radcliffe and Robert Braunstein for terms ending December 31, 2011 to the Small Business Development Commission.
- (e) Appoint Michael Fitzgerald to the Landlord Position for an unexpired term ending December 31, 2010 and Ashok Naidu to the Neutral Position for an unexpired term ending December 31, 2011 on the Advisory Commission on Rents.
- (f) Appoint Jose Castro for an unexpired term ending June 30, 2010 and Robert Levy for a term ending June 30, 2012 to the Parks and Recreation Commission.
- (g) Appoint John Robinson to the Disability Advisory Commission for a term ending June 30, 2012.
- (h) Appoint Mara Cleaves Wold to the Healthy Neighborhoods Leadership Committee.

(Chu/Nguyen/Herrera/Pyle/City Manager's Office)

\* (Rules Committee referral 5/27/09 – Items 9.1 and 9.2)

## 3. STRATEGIC SUPPORT SERVICES

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

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules and Open Government Committee – [April 29, 2009](#)

##### Mayor Reed, Chair

- (1) Call to Order
- (2) Review of Agenda
- (3) City Council (City Clerk)
  - (1) Review May 5, 2009 Final Agenda
    - (a) Add new items to Final Agenda
      - (1) Independent Police Auditor Recruitment and Selection Process
        - (a) Independent Police Auditor Compensation Package/Employment Agreement. (Mayor)
        - (b) Supplemental memorandum from Mayor Reed
        - (c) Memorandum from Council Members Campos, Chu, Herrera, Kalra and Pyle
      - (b) Assign “Time Certain” to Agenda items if needed
      - (c) Review of items that meet Exception Rule if needed
    - (2) Review May 12, 2009 Draft Agenda
      - (a) Add new items to Draft Agenda
      - (b) Assign “Time Certain” to Agenda items if needed
      - (c) Review of items that meet Exception Rule if needed
  - (4) Redevelopment Agency items reported out at Redevelopment Agency meeting
  - (5) Review of upcoming Study Session Agendas
  - (6) Legislative Update
    - (1) State
      - (a) AB821 (Brownley), the Clean and Healthy Schools Act. (Environmental Services)  
\* **HEARD BY COUNCIL 5/5/09 – ITEM 3.9**
      - (b) AB283 (Chesbro), California Product Stewardship Act of 2009. (Environmental Services)
      - (c) SB346 (Kehoe), Hazardous Materials: Motor Vehicle Brake Friction Materials. (Environmental Services)  
\* **HEARD BY COUNCIL 5/12/09 – ITEM 3.5**
    - (2) Federal
  - (7) Meeting Schedules
  - (8) The Public Record
  - (9) Appointments to Boards, Commissions and Committee
    - (1) Approve reappointment of Paiman Komeilizadeh to the Disability Advisory Commission. (Pyle)
    - (2) Approve reappointment of David M. Flaughner and James K. Kim to the Parks and Recreation Commission. (Pyle)
  - (10) Rules Committee Reviews, Recommendations and Approvals
    - (1) Report on Community Based Organization Partnerships. (Economic Development)
    - (2) Proposed Lobbyist Ordinance Amendments. (Campos/Chu)

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules and Open Government Committee – April 29, 2009 (Cont'd.)

##### Mayor Reed, Chair

- (11) Review of Additions to Council Committee Agendas
    - (1) Community and Economic Development Committee
    - (2) Neighborhood Services and Education Committee
    - (3) Transportation and Environment Committee
    - (4) Public Safety, Finance and Strategic Support Committee
  - (12) Open Government Initiatives
    - (1) Reed Reforms
    - (2) Sunshine Reform Task Force Recommendations
    - (3) Significant Public Record Act Requests  
Letter of appeal from Martha O'Connell and A.E. Liz Warren,  
Homeowners Organized to Maintain Equity (HOME)
    - (4) Council Policy Manual Update
  - (13) Open Forum
  - (14) Adjournment
- (Deferred from 5/19/09 – Item 3.3)

#### 3.3 Report of the Rules and Open Government Committee – [May 6, 2009](#)

##### Mayor Reed, Chair

- (1) Call to Order
  - (2) Review of Agenda
  - (3) City Council (City Clerk)
    - (1) Review May 12, 2009 Final Agenda
      - (a) Add new items to Final Agenda
      - (b) Assign “Time Certain” to Agenda items if needed
      - (c) Review of items that meet Exception Rule if needed
    - (2) Review May 19, 2009 Draft Agenda
      - (a) Add new items to Draft Agenda
      - (b) Assign “Time Certain” to Agenda items if needed
      - (c) Review of items that meet Exception Rule if needed
  - (4) Redevelopment Agency items reported out at Redevelopment Agency meeting
  - (5) Review of upcoming Study Session Agendas
  - (6) Legislative Update
    - (1) State
      - (a) SB 497 (Correa), School Recycling Programs. (Environmental Services)
- HEARD BY COUNCIL 5/12/09 – ITEM 3.6**
- (2) Federal
  - (7) Meeting Schedules
  - (8) The Public Record
  - (9) Appointments to Boards, Commissions and Committee
    - (1) Reappointment to Commissions. (Oliverio/Nguyen/Chirco)
  - (10) Rules Committee Reviews, Recommendations and Approvals
    - (1) Council Resolution for BART. (Chu)

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*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.3 Report of the Rules and Open Government Committee – May 6, 2009 (Cont'd.)

##### Mayor Reed, Chair

- (11) Review of Additions to Council Committee Agendas
    - (1) Community and Economic Development Committee Addition Regarding Santa Clara Valley Habitat Plan Status. (Planning, Building and Code Enforcement)
    - (2) Neighborhood Services and Education Committee
    - (3) Transportation and Environment Committee Workplan Addition Regarding Consideration of Private Sector Green Building Ordinance for New Construction. (Planning, Building and Code Enforcement)
    - (4) Public Safety, Finance and Strategic Support Committee
  - (12) Open Government Initiatives
    - (1) Reed Reforms
    - (2) Sunshine Reform Task Force Recommendations
    - (3) Significant Public Record Act Requests
    - (4) Council Policy Manual Update
  - (13) Open Forum
  - (14) Adjournment
- (Deferred from 5/19/09 – Item 3.3)

#### 3.4 Report of the Rules and Open Government Committee – May 13, 2009

##### Mayor Reed, Chair

- (1) Call to Order
- (2) Review of Agenda
- (3) City Council (City Clerk)
  - (1) Review May 19, 2009 Final Agenda
    - (a) Add new items to Final Agenda
    - (b) Assign “Time Certain” to Agenda items if needed
    - (c) Review of items that meet Exception Rule if needed
  - (2) Review May 26, 2009 Draft Agenda  
None – Meeting Cancelled
- (4) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (5) Review of upcoming Study Session Agendas
- (6) Legislative Update
  - (1) State
    - (1) AB 1192 (Strickland) Cities: Powers. (Finance)
- (7) Meeting Schedules
- (8) The Public Record
- (9) Appointments to Boards, Commissions and Committee
- (10) Rules Committee Reviews, Recommendations and Approvals
  - (1) Monthly Report of Activities for April 2009. (City Auditor)

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**HEARD BY COUNCIL 5/19/09 – ITEM 3.5**

*(Item continued on the next page)*

### **3. STRATEGIC SUPPORT SERVICES**

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#### **3.4 Report of the Rules and Open Government Committee – May 13, 2009 (Cont'd.)**

##### **Mayor Reed, Chair**

- (11) Review of Additions to Council Committee Agendas
    - (1) Community and Economic Development Committee
    - (2) Neighborhood Services and Education Committee
    - (3) Transportation and Environment Committee
    - (4) Public Safety, Finance and Strategic Support Committee
  - (12) Open Government Initiatives
    - (1) Reed Reforms
    - (2) Sunshine Reform Task Force Phase II Mayor Public Policy Proposals. (Mayor)
    - (3) Significant Public Record Act Requests
    - (4) Council Policy Manual Update
  - (13) Open Forum
  - (14) Adjournment
- (Deferred from 5/19/09 – Item 3.3)

#### **3.5 Report of the Public Safety, Finance and Strategic Support Committee – [May 21, 2009](#)**

##### **Councilmember Nguyen, Chair**

- (1) Call to Order and Roll Call
  - (2) Review of Workplan
  - (3) Report to Committee
    - (1) Consent Calendar
      - (a) Accept Redevelopment Agency Monthly Financial Reports. (Redevelopment Agency)
        - (1) Financial Statements
        - (2) Capital Cost Report
        - (3) Cash Flow Projections
      - (b) Accept Third Quarter Report on Performance Measures for January – March for Strategic Support. (City Manager's Office)
      - (c) Accept Third Quarter Report on Performance Measures for Public Safety. (Police/Fire)
    - (2) Report on Sworn Police Retirees Performing Administrative Duties. (Police)
    - (3) Status Report on Fire Department Strategic Plan. (Fire)
    - (4) Report on Citywide Information Security. (Information Technology)
    - (5)
      - (a) Report on Third Quarter Revenue Collection Strategic Plan. (Finance)
      - (b) Report on Third Quarter Debt Report. (Finance)
      - (c) Report on Third Quarter Investment Report. (Finance)
    - (6) An Audit of the Conservation Corps. (City Auditor)
    - (7) An Audit of the Police Department Auto Theft Unit. (City Auditor)
- SEE ITEM 3.9 FOR COUNCIL ACTION TO BE TAKEN**
- (4) Open Forum
  - (5) Adjournment

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.6 Council Salary Setting Commission Recommendations.

Attachment – Memo from Councilmembers Constant and Liccardo

Attachment – Letter from the Council Salary Setting Commission

**Recommendation:** As recommended by the Council Salary Setting Commission, approve an ordinance setting the salaries and benefits of the Mayor and City Council for Fiscal Year (FY) 2009 - 2010 and FY 2010 - 2011 as follows:

- (a) For the Mayor, maintain the annual salary at the current level of \$127,000 for FY 2009 - 2010 and FY 2010 - 2011, respectively.
- (b) For each Councilmember, maintain the annual salary at the current level of \$90,000 for FY 2009 - 2010 and FY 2010 - 2011, respectively.
- (c) Retain the levels of health, dental, life insurance and other benefits through FY 2010 - 2011 in accordance with the benefits provided to management employees in Unit 99 and salary continuation insurance benefits as well as the City's contributions to CalPERS or PTC 457 plans through FY 2010 - 2011.
- (d) Continue to require Councilmembers to pay \$250 for each unexcused absence at scheduled Council meetings, pursuant to City Charter Section 407.
- (e) Maintain a monthly vehicle allowance of up to \$600 for the Mayor and City Council through June 30, 2011.

(City Clerk/City Attorney)

#### 3.7 2009 Public Safety Bond Program.

Supplemental – Memo from the Deputy Director of Finance

**Recommendation:** Adopt a resolution to:

- (a) Authorize the issuance of the City of San José General Obligation Bonds, Series 2009 (Public Safety Projects) in the not-to-exceed aggregate principal amount of \$9,000,000 to be sold at a competitive sale.
- (b) Approve, in substantially final form, the Fiscal Agent Agreement, Official Notice Inviting Bids, and Preliminary Official Statement and authorize the City Manager, or other authorized officers, to execute these documents and other related documents as necessary in connection with the issuance of the 2009 Bonds.

CEQA: Not a Project. (Finance) Continuing Disclosure Certificate  
Custody Agreement

#### 3.8 AB 410 (De La Torre), Recycled Water.

**Recommendation:** As recommended by the Rules and Open Government Committee on May 20, 2009, adopt a position of support for AB 419 (De La Torre), Recycled Water. (Environmental Services)

[Rules Committee referral 5/20/09 – Item 6.1(a)]

#### 3.9 Audit of the Police Department Auto Theft Unit.

**Recommendation:** As recommended by the Public Safety, Finance and Strategic Support Committee on May 21, 2009, accept the audit of the Police Department Auto Theft Unit. (City Auditor)

(Public Safety, Finance and Strategic Support Committee referral 5/21/09 – Item 3.7)

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.10 [AB 761\(Calderon\)](#).

**Recommendation:** As recommended by the Rules and Open Government Committee on May 27, 2009, adopt an oppose position for AB 761 (Calderon). (Housing)

\* [Rules Committee referral 5/27/09 – Item 6.1(a)]

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

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

#### 4.2 Approval to set Public Hearings on the Business Improvement Districts.

**Recommendation:**

- (a) [Preliminary approval of the report as filed by the Hotel Business Improvement District Advisory Board](#), or as modified by Council; and adoption of a resolution of intention to levy the annual assessment for Fiscal Year 2009-2010, and set June 16, 2009 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments. CEQA: Exempt, File No. PP08-048. (Economic Development) [Resolution](#)
- (b) [Preliminary approval of the report as filed by the Downtown Business Improvement District Advisory Board](#), or as modified by Council; and adoption of a resolution of intention to levy the annual assessment for Fiscal Year 2009-2010, and set June 16, 2009 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments. CEQA: Exempt, File No. PP08-048. Council District 3. SNI: St. James Square; University; Josefa/Auzerais; Burbank/DelMonte. (Economic Development) [Resolution](#)
- (c) [Preliminary approval of the report as filed by the Japantown Business Improvement District Advisory Board](#), or as modified by Council; and adoption of a resolution of intention to levy the annual assessment for Fiscal Year 2009-2010, and set June 16, 2009 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments. CEQA: Exempt, File No. PP08-048. Council District 6. (Economic Development) [Resolution](#)
- (d) [Preliminary approval of the report as filed by the Willow Glen Business Improvement District Advisory Board](#), or as modified by Council; and adoption of a resolution of intention to levy the annual assessment for Fiscal Year 2009-2010, and set June 16, 2009 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments. CEQA: Exempt, File No. PP08-048. Council District 6. (Economic Development) [Resolution](#)

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.3 Community Development Block Grant Recovery and Stimulus Funds.

**Recommendation:** Adopt a [resolution](#) authorizing the approval of a substantial amendment to the Consolidated Plan – Annual Action Plan 2008-2009 for the following purposes:

- (a) Approve a shortened citizen participation comment period of 7 days in accordance with federal guidance related to the Community Development Block Grant recovery (CDBG-R) federal stimulus funding; and
- (b) Approve the awards of the CDBG-R, as specified in the Council memo dated May 19, 2009, and authorize the Director of Housing to negotiate and execute all non-capital agreements and contracts not requiring CEQA/NEPA review and to negotiate all capital project agreements and contracts, including any amendments or modifications, and after CEQA/NEPA review and City Council project approval, to execute all documents, for the expenditure of federal stimulus CDBG-R funds on behalf of the City.

CEQA: Not a Project. (Housing)

### 4.4 Public Hearing on Coleman Avenue Underground Utility District.

**Recommendation:** Conduct a public hearing and approve an [ordinance](#) to establish a Rule 20A Underground Utility District along Coleman Avenue between West Hedding Street and Spring Street, North Market Street between West Julian Street and West St. James Street, and Devine Street between North San Pedro Street and North First Street. CEQA: Mitigated Negative Declaration, File No. PP08-257. Council District 3. (Public Works)

### 4.5 Public Hearing on an ordinance amending Title 23 of the San José Municipal Code, the Sign Ordinance.

**Recommendation:** Consideration of an [ordinance](#) of the City of San José amending Title 23 of the San José Municipal Code, the Sign Ordinance, to amend Section 23.04.030 to increase the maximum height for freestanding signs in the Capitol Expressway Auto Mall Signage Area; to amend Section 23.04.156 to modify the requirements for vertical projecting signs in the Urban Mixed Use Sign Zone; and to make other related clarifying changes.

CEQA: Exempt, PP09-111. (Planning, Building and Code Enforcement)  
Citywide

## 5. NEIGHBORHOOD SERVICES

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### 5.1 Report of the Neighborhood Services and Education Committee – [May 14, 2009](#) Councilmember Campos, Chair

- (1) Call to Order and Roll Call
- (2) Review of Work Plan

*(Item continued on the next page)*

## 5. NEIGHBORHOOD SERVICES

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### 5.1 Report of the Neighborhood Services and Education Committee – May 14, 2009 Councilmember Campos, Chair (Cont'd.)

- (3) Reports to Committee
  - (1) Consent Calendar
    - (a) Review of Citywide Sports. (Parks, Recreation and Neighborhood Services)
    - (b) Update on Library Partners in Reading Literacy Program. (Library)
  - (2) Report on 2009-14 Early Care and Education Strategic Plan. (Library)  
**SEE ITEM 5.3 FOR COUNCIL ACTION TO BE TAKEN**
  - (3) Report on Draft Volunteer Policy. (Parks, Recreation and Neighborhood Services)  
**SEE ITEM 5.4 FOR COUNCIL ACTION TO BE TAKEN**
  - (4) Report on Neighborhoods of Distinction Program. (Planning, Building and Code Enforcement)  
**SEE ITEM 5.5 FOR COUNCIL ACTION TO BE TAKEN**
  - (5) Report on Neighborhoods Commission. (City Clerk/City Manager's Office/Housing)  
**SEE ITEM 5.6(a) FOR COUNCIL ACTION TO BE TAKEN**
  - (6) Update on Community Action and Pride (CAP) Grant Program. (Strong Neighborhoods Initiative)
  - (7) School/City Collaborative Monthly Update. (City Manager's Office)
- (4) Open Forum
- (5) Adjournment

### 5.2 [Strong Neighborhoods Initiative Hoffman/Via Monte Improvement Plan Amendment.](#)

[Attachment – Memo from the RDA and Office of the City Manager](#)

\*

#### **Recommendation:**

- (a) Accept the Strong Neighborhoods Initiative (SNI) Hoffman/Via Monte Neighborhood Improvement Plan Amendment as the renewed community vision for the future of the Hoffman/Via Monte SNI Planning Area; and
- (b) Encourage Hoffman/Via Monte 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. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). Council District 10. SNI: Hoffman/Via Monte. (City Manager's Office/Redevelopment Agency)  
(Deferred from 5/5/09 – Item 5.2 and 5/19/09 – Item 5.2) [Presentation](#)

### 5.3 [2009-2014 Early Care and Education Strategic Plan.](#)

**Recommendation:** As recommended by the Neighborhood Services and Education Committee on May 14, 2009, approve *the Early Care and Education Investment in the Future Strategic Work Plan 2009-14*. (Library)  
(Neighborhood Services and Education referral 5/14/09 – Item 3.2)

## 5. NEIGHBORHOOD SERVICES

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### 5.4 [PRNS Department Volunteer Policy.](#)

**Recommendation:** As recommended by the Neighborhood Services and Education Committee on May 14, 2009, adopt a [resolution](#) approving revision to Council Policy 3-1, the Parks, Recreation and Neighborhood Services Volunteer Policy. (Parks, Recreation and Neighborhood Services)  
(Neighborhood Services and Education referral 5/14/09 – Item 3.3)

### 5.5 [Distinctive Neighborhood Program Policy Options.](#)

**Recommendation:** As recommended by the Neighborhood Services and Education Committee on May 14, 2009, accept the findings of the Distinctive Neighborhood Program. (Planning, Building and Code Enforcement)  
(Neighborhood Services and Education referral 5/14/09 – Item 3.4)

\* **TO BE HEARD IN THE EVENING**  
[Presentation](#)

### 5.6 [Actions related to the Neighborhoods Commission.](#)

**Recommendation:**

- (a) [As recommended by the Neighborhood Services and Education Committee on May 14, 2009:](#)
- (1) Direct the City Attorney to draft an amendment to the Neighborhoods Commission ordinance to adjust the dates of the two-year pilot to reflect the date of the formal appointment of the Commission members.
  - (2) Approve the preliminary Neighborhoods Commission work plan and direct Administration to develop a formal work plan in consultation with the Commission for consideration by the Neighborhood Services and Education Committee at a subsequent meeting.
  - (3) Direct the Administration to complete outreach effort relating to the evaluation of efficiencies and opportunities to consolidate or eliminate any of the City's existing board and commission.  
[Supplemental – Memo from the Office of the City Manager](#)  
(Neighborhood Services and Education referral 5/14/09 – Item 3.5)
- (b) Appoint the Neighborhoods Commission nominees to serve as Neighborhoods Commissioners for the two-year duration of the pilot.  
[Supplemental – Memo from the Office of the City Manager](#)  
(City Clerk/City Manager's Office/Housing)

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 [Actions related to the Station Area Plan for Diridon Station.](#)

**Recommendation:**

- (a) Approve a funding [agreement](#) with the Metropolitan Transportation Commission for development of a Diridon Station Area Plan in the amount of \$750,000 to be paid to the City.
- (b) Approve a funding and cooperative [agreement](#) with the Valley Transportation Authority in the amount of \$100,000 to be paid to the City.
- (c) Adopt a resolution authorizing the City Manager, or designee, to negotiate and execute a consultant services agreement with Field Paoli Architects, A Professional Corporation for preparation of the Diridon Station Area Plan, in an amount not to exceed \$950,000.
- (d) Adopt the following 2008-2009 Funding Sources Resolution and Appropriation Ordinance amendments in the Construction Excise Tax Fund (465):
  - (1) Decrease the estimate for Earned Revenue by \$850,000;
  - (2) Decrease the Reserve - Diridon Station Expansion Planning by \$850,000;
  - (3) Increase the Diridon Station Expansion Planning appropriation to the Department of Transportation by \$850,000; and
  - (4) Decrease the Ending Fund Balance by \$850,000.

CEQA: Not a Project. Council Districts 3 and 6. SNI: Burbank/Del Monte, Delmas Park. (Transportation/City Manager's Office)

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.1 [Agreement for Sewer Alignment.](#)

**Recommendation:**

- (a) Approve a consultant [agreement](#) with AECOM USA, Inc., for consultant services including preparation of a sewer alignment study, design and construction documents, and construction administration services for the 60-Inch Brick Interceptor Phase VIA Project, from the date of execution to December 31, 2012, in a total amount not to exceed \$3,211,378.
- (b) Adopt the following Appropriation Ordinance amendments in the Sewer Service and Use Charge Capital Improvement Fund (545):
  - (1) Increase the 60" Brick Interceptor, Phases VIA & VIB appropriation by \$1,900,000; and
  - (2) Decrease the Edenvale Sanitary Sewer Supplement, Phases VA and VB appropriation by \$1,900,000.

CEQA: Exempt, File No. PP09-078. Council Districts 3 and 4 (Public Works/City Manager's Office)

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.2 City Council Input on Policy Options Related to Single-Use Carryout Bags.

**Recommendation:**

- (a) Accept this report regarding: the status of County-wide efforts for reducing single-use carryout bags and encouraging shopping with reusable bags; San José stakeholder engagement efforts; 2009 Municipal Regional Water Permit litter mitigation requirements; and program options for San José to address plastic and paper bag usage;
- (b) Direct staff to incorporate the Council input on the options contained in this report into a proposal for Council consideration in September 2009 to reduce carryout bags in San José;
- (c) Direct staff to continue development of an outreach campaign to promote the use of reusable bags in San José, in collaboration with other similar regional initiatives, which includes the provision of reusable bags at an estimated cost of \$95,000; and
- (d) Direct staff to incorporate the Council input on the options contained in this report into the City's legislative position for a state-wide program to reduce the use of single-use carryout bags, and to work to have such bills introduced or amended to achieve the City's goals.

CEQA: Not a Project. (Environmental Services)

**DROP, REFERRED TO COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE**

### 7.3 [Energy Efficiency and Conservation Block Grants.](#)

[Attachment – Memo from the Mayor and Councilmembers Chirco, Kalra and Liccardo](#)

**Recommendation:** Adopt a [resolution](#) authorizing the City Manager to submit the City's application to the Department of Energy for \$8,840,060 in Energy Efficiency and Conservation Block Grant funds as authorized by the American Recovery and Reinvestment Act of 2009. CEQA: Not a Project. (Environmental Services/Housing)

## 8. PUBLIC SAFETY SERVICES

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### 8.1 [Public Intoxication Task Force Report.](#) [Presentation](#)

[Attachment – Memo from the City Manager](#)

**Recommendation:**

- (a) Accept the report on the work of the Public Intoxication Task Force and the following recommendations in response to the City Council's Referral (dated November 18, 2008):
  - (1) Non-criminal sanctions and [alternatives to arrests](#) under Penal Code Section 647(f):
    - (a) Consider the service delivery benefits of a Sobering Station, with the acknowledgement that the City Council should deliberate on the costs to implement this option.

*(Item continued on the next page)*

## 8. PUBLIC SAFETY SERVICES

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### 8.1 Public Intoxication Task Force Report. (Cont'd.)

**Recommendation:**

- (a) (1) (b) Develop and implement, in coordination with the District Attorney's Office, Department of Corrections and Superior Court, a pilot program that would not seek prosecution of Public Intoxication [Penal Code Section 647(f)] arrests until an individual is arrested for a sixth offense in a rolling twelve month period.
- (2) Procedures that an officer should satisfy to obtain objective evidence to support findings to arrest under Penal Code Section 647(f):
  - (a) Offer Preliminary Alcohol Screening (PAS) testing and document the results in Incident Reports or an individual's refusal of the testing.
  - (b) Conduct Field Coordination Tests, such as line walking and standing balance tests, for all potential public intoxication arrests in which a person appears able to safely participate in the tests and a safe environment exists for the officer to consider conducting these tests to assess a violation of Penal Code 647(f), and document the results in Incident Reports, when an individual submits or declines to participate with the test.
  - (c) Improve Police Officer training in regards to how to recognize someone who is subject to arrest for a violation of Penal Code Section 647(f), identify and pursue alternatives to arrest, and document the evidence supporting the charge(s) against those who are arrested.
- (b) Provide status reports on the implementation of the above recommendations to the Public Safety, Finance and Strategic Support Committee.

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

**TO BE HEARD IN THE EVENING**

## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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*See Items 8.1 "Approval of actions related to the San José McEnery Convention Center Expansion" and 8.2 "Approval of a Cooperation Agreement between the City and the Redevelopment Agency for the implementation and use HUD grant funds" on the Redevelopment Agency Agenda, which will be heard and action taken only during the Redevelopment Agency Meeting that follows the Council Meeting today.*

- **Open Forum (To be heard no earlier than 3:30 p.m.)**  
*Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council or Redevelopment Agency Board.*
- **Continue RDA Board Meeting**
- **Council will recess until 7:00 p.m.**

## 10. GENERAL PLAN PUBLIC HEARINGS

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No General Plan Public Hearing at this time.

## 11. PUBLIC HEARINGS ON CONSENT CALENDAR

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

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

### 11.1 Public Hearings on Consent Calendar.

**Recommendation:**

- (a) [Consideration of an ordinance rezoning the real property located on the west side of South Winchester Boulevard, approximately 550 feet southerly of Stevens Creek Boulevard \(369 S Winchester Blvd\) from A\(PD\) Planned Development District to A\(PD\) Planned Development District to allow up to 4,685 square feet of commercial/retail uses including a drive through on a 0.64 gross acre site, \(Dennee Glenford V Jr Trustee, Owner; Glen Dennee Company Mark Brading, Developer\). Council District 1. SNI: None. CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval \(7-0-0\). \[Attachment – Staff Report\]\(#\) \[Ordinance\]\(#\)  
\[PDC08-052 – District 1\]\(#\)  
\[Presentation\]\(#\)](#)
- (b) [Consideration of an ordinance rezoning the real property located on the southwest side of Camden Avenue, approximately 180 feet northwest of S. Bascom Avenue \(2270 Camden Avenue\) from the CP Commercial Pedestrian to the CN Commercial Neighborhood Zoning District to allow commercial uses on a 0.4 gross acre site \(Akbar and Mary Nazemian, et al, Owners\). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.  
\[C09-012 – District 9\]\(#\) \[Ordinance\]\(#\)  
\[Supplemental – Memo from the Director of PBCE\]\(#\)  
\[Presentation\]\(#\)](#)

**END OF PUBLIC HEARINGS ON CONSENT CALENDAR**

## 11. PUBLIC HEARINGS

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### 11.2 Rezoning real property located at the southwest corner of Edward Avenue and South 1<sup>st</sup> Street.

- \* **Recommendation:** Consideration of an ordinance rezoning the real property located at the southwest corner of Edwards Avenue and South 1<sup>st</sup> Street from LI Light Industrial and R-M Multiple Family Residence Zoning Districts to A(PD) Planned Development Zoning District to allow relocation of one National Register eligible house, demolition of five structures and construction of up to 50 residential units and approximately 5,350 square feet of commercial/retail space on a 1.08 gross acre site (Barriga Emilio Et Al, Jose Montero, Owner). SNI: Washington. CEQA: Mitigated Negative Declaration. [PDC08-035](#) – District 3

**RECOMMEND CONTINUANCE TO 06/16/09 PER ADMINISTRATION**

[Presentation](#)

### 11.3 [ADMINISTRATIVE HEARING and consideration of an appeal of the Planning Commission's decision to deny a Conditional Use Permit and Determination of Public Convenience or Necessity.](#)

[Attachment – Staff Report](#)

- \* **Recommendation:** Conduct an ADMINISTRATIVE HEARING and consider an appeal of the Planning Commission's decision to deny, as mandated by code, a Conditional Use Permit and Determination of Public Convenience or Necessity to allow off-sale of alcoholic beverages at an existing retail store on a 0.13 gross acre site, in the CP Pedestrian Commercial Zoning District, located at/on the northeast corner of Bird Avenue and Auzerais Avenue (394 Bird Ave) (Tedrose Shiferaw, Appellant; John L and Joyce L Oliver, Owner). SNI: Delmas Park. CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend the City Council deny the subject Conditional Use Permit and not make a Determination of Public Convenience or Necessity by finding that the required finding for a Determination of Public Convenience or Necessity cannot be made and that there is not a significant overriding public benefit served by the proposed off-sale of alcohol (7-0-0).

[CP08-007/ABC08-009](#) – District 3

[Presentation](#)

# 11. PUBLIC HEARINGS

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## 11.4 [Conservation Area Designation Request.](#)

[Attachment – Memo from the Historic Landmarks Commission](#)

**Recommendation:** Adopt a [resolution](#) to designate the area generally bounded on the north by Interstate 280, on the east by the rear property lines of the commercial properties on the west side of South First Street, on the west by the Guadalupe River, and on the south by portions of Willow Street and the rear property lines of properties on the north side of Willow Street, as the Guadalupe/ Washington Conservation Area, excluding Assessor Parcel Numbers 264-36-122 (32 Union Street), 264-36-104 (21 Sutter Street), and 264-36-069 (24 Sutter Street) (Various Owners/City of San Jose, Applicant). CEQA: Exempt. SNI: Washington. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

[CA09-001 – Districts 3 & 7](#)

[Presentation](#)

ATTACHMENTS FOR PHASE I	ATTACHMENTS FOR PHASE II
<a href="#">Part 1</a>	<a href="#">Part 1</a>
<a href="#">Part 2</a>	<a href="#">Part 2</a>
<a href="#">Part 3</a>	<a href="#">Part 3</a>
<a href="#">Part 4</a>	<a href="#">Part 4</a>
<a href="#">Part 5</a>	<a href="#">Part 5</a>
<a href="#">Part 6</a>	<a href="#">Part 6</a>
<a href="#">Part 7</a>	<a href="#">Part 7</a>

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

- **Open Forum**

*Members of the Public are invited to speak on any item that does not appear on today’s Agenda and that is within the subject matter jurisdiction of the City Council or Redevelopment Agency Board.*

- **Adjournment**

\* This meeting will be adjourned in memory of James Little, the son of a District 8 Constituent, who was killed in an automobile accident on his way home from college in San Diego, CA. (Herrera)

**CITY OF SAN JOSÉ PARKING AUTHORITY  
AGENDA**

**1:30 P.M.**

**TUESDAY, JUNE 2, 2009**

**CHAMBERS**

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**1 CALL TO ORDER AND ROLL CALL**

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1:30 p.m. - Regular Session, Council Chambers, City Hall

**2 APPROVAL OF MINUTES**

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2.1 [Minutes of June 3, 2008](#) (approved September 9, 2008)

**3 OLD BUSINESS**

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**4 NEW BUSINESS**

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**5 ADJOURNMENT**

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