



# CITY COUNCIL AGENDA

**DECEMBER 1, 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, 2nd 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 request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 as soon as possible, but at least three 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](#)   [See RDA Agenda](#)
- 1:30 p.m. - Regular Session, Council Chambers, City Hall
- 7:00 p.m. - General Plan Hearings, Council Chambers, City Hall  
- Public Hearings, Council Chambers, City Hall

- **Invocation (Mayor)**
- **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 Art Savage, the Sharks first General Manager, who led the negotiations which brought the team to San José.

**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 honoring Adobe Systems co-founders, Dr. John Warnock and Dr. Charles Geschke, for exemplifying the Silicon Valley spirit of entrepreneurship and technology innovation, for their efforts to build a world class business headquartered in San José and for promoting goodwill for people and the environment. (Mayor)  
(Rules Committee referral 11/18/09)
- 1.2 Presentation of a commendation to Hospice of the Valley. (Chirco)
- 1.3 Presentation of a commendation to Creating Economic Opportunities for Women for its efforts in assisting low-income immigrant and refugee women in the City of San José. (Kalra)
- 1.4 Presentation of a commendation to Alofa Talivaa for her volunteer work fundraising for disaster relief agencies. (Mayor)
- 1.5 Presentation of a proclamation declaring December 1<sup>st</sup>, 2009 as “World AIDS Day” in the City of San José. (Pyle)  
(Rules Committee referral 11/18/09)

# 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.**
- 2.2 **Final adoption of ordinances.**

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 28660 – Amending Chapter 12.05 of Title 12 of the San José Municipal Code to add Section 12.05.080 and amending Section 12.12.610 of Chapter 12.12 of Title 12 to permit certain persons to request formal written advice from the City Attorney.
- (b) ORD. NO. 28661 – Amending Chapter 8.04 of Title 8 of the San José Municipal Code to add a new Section 8.04.030 to allow for the appointment of an alternate Independent Police Auditor to assume the responsibilities of the Independent Police Auditor when the Independent Police Auditor has a conflict of interest warranting disqualification of the Office of the Independent Police Auditor.

## 2. CONSENT CALENDAR

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

**Recommendation:** Final adoption of ordinances.

- (c) ORD. NO. 28670 – Rezoning certain real property situated in the area generally bounded by both side of Underwood Drive, Temple Drive, Barker Drive, Keltner Avenue, north of Williams Road, from R-M Multiple Residence District to R-M (PD) Planned Development Zoning District. PDC09-017 [Presentation](#)
- (d) ORD. NO. 28671 – Rezoning certain real property situated on the northeast corner between Willow Street and Delmas Avenue to CN Commercial Neighborhood Zoning District. C08-044 [Presentation](#)  
[http://www.sanjoseca.gov/clerk/Agenda/20091201/20091201\\_0202dpres.pdf](http://www.sanjoseca.gov/clerk/Agenda/20091201/20091201_0202dpres.pdf)
- (e) ORD. NO. 28672 – Rezoning certain real property situated at the west side of North Tenth Street between East Mission and Vestal Streets (825 North Tenth Street) from LI Light Industrial to A(PD) Planned Development Zoning District. PDC06-069 [Presentation](#)
- (f) ORD. NO. 28673 – Rezoning certain real property situated on the north side of Ford Road, approximate 550 feet easterly of Monterey Road, from R-1-1 Single-Family Residence District to A(PD) Planned Development Zoning District. PDC09-022 [Presentation](#)

### 2.3 Mayor and Council Excused Absence Requests.

**Recommendation:**

- (a) [Request for an excused absence for Councilmember Campos from the Regular Meeting of the Transportation and Environment Committee on November 2, 2009](#) due to Authorized City Business: meeting with Robert Balgenorth, President California Building Trades in Sacramento, CA to discuss the Emerald City Program and Green Economy jobs in preparation for trip to Washington, D.C. on November 19-21, 2009. (Campos)  
(Rules Committee referral 11/17/09)

### 2.4 [Proposed Air Service Incentive Program Revisions.](#) [Supplemental – Memo from the Director of the SJ Mineta Airport](#)

**Recommendation:**

- (a) Adopt a [resolution](#) revising the airline fee-waiver incentive program to support the development of new air service at the Norman Y. Mineta San José International Airport by revising the calculation of qualifying incentive periods, limiting incentives for new flights to underserved cities only to new flights, and requiring reimbursement of waived fees for service cancelled prior to the end of a qualifying incentive period and repealing Resolution No. 74877.
- (b) Adopt a [resolution](#) establishing a Focus City Promotional Fee Waiver Incentive Program to support the development of new air service at the Airport and authorizing the City Manager to negotiate and execute Focus City Agreements with passenger airlines at the Airport to implement the terms and conditions of the Focus City Program.

CEQA: Resolution Nos. 67380 and 71451, File No. PP 09-192. (Airport)  
(Deferred from 11/17/09 – Item 2.5)

## 2. CONSENT CALENDAR

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### 2.5 [Settlement in Ascencion Calderon & Samuel Santana v. CSJ, et al.](#)

**Recommendation:** Approve settlement and authorize payment to Ascencion Calderon and Samuel Santana in the amount of \$97,500 pursuant to a Settlement [Agreement](#) and Release, as considered by the City Council during Closed Session held on November 10, 2009. CEQA: Not a Project. (City Attorney's Office).

### 2.6 [Ordinance Amending Cardroom License Renewal Provision.](#)

**Recommendation:** Approve proposed [ordinance](#) amending Section 16.32.190, the Cardroom License Renewal Provision of Chapter 16.32 of Title 16 of the San José Municipal Code, to reflect the streamlining of the license renewal procedure that was accomplished administratively under the revised Title 16, Ordinance No. 28517. CEQA: Not a Project. (City Attorney's Office)

### 2.7 [Renaming a Senior Center.](#)

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

**Recommendation:** As recommended by the Parks and Recreation Commission, rename Willows Senior Center, located at 2175 Lincoln Avenue, to “Willow Glen Community and Senior Center.” Council District 6. (City Clerk)  
[Rules Committee referral 11/04/09 – Item A(1)(a)]

### 2.8 [Naming a New Park.](#)

**Recommendation:** As recommended by the Parks and Recreation Commission, name a new park, located at 1501 Almaden Road, as “Roberto Antonio Balermينو Park.” Council District 7. (City Clerk)  
[Rules Committee referral 11/04/09 – Item A(1)(a)]

### 2.9 [Amendment to Security Services at the Water Pollution Control Plant.](#)

[Letter from the Water Pollution Control Plant](#)

**Recommendation:** Adopt a resolution authorizing the Director of Finance to execute a continuation of and first amendment to the [agreement](#) between the City of San José and First Alarm Security & Patrol to extend the initial twelve (12) month agreement term for security guard services an additional four (4) months through January 31, 2010, and to increase compensation by \$60,000 for a not-to-exceed amount of \$248,130. CEQA: Not a Project. (Finance)

### 2.10 [Ratification of Elevator Agreement.](#)

**Recommendation:** Adopt a [resolution](#) to ratify the Director of Finance's execution of an agreement between the City of San José and Schindler Elevator Corporation for elevator and escalator maintenance and repair services for an amount not to exceed \$185,500, for the initial term July 1, 2009 to June 30, 2010. CEQA: Not a Project. (Finance)

## 2. CONSENT CALENDAR

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### 2.11 [Purchase and Installation of Automated Check-In and Sorting Systems for the Library.](#)

**Recommendation:** Report on bids and award the purchase of two (2) Automated Check-In and Sorting Systems (ACS) to the low bidder, Lyngsoe Systems, Inc. in an amount not to exceed \$539,422 that includes installation and all applicable sales taxes and authorize the Director of Finance to execute the Purchase Order. CEQA: Not a Project. (Finance)

### 2.12 [Agreement for Consultant Services for the Upper Penitencia Creek Bridges and Stream Damage in Alum Rock Park.](#)

**Recommendation:**

- (a) Approve the Fourth Amendment to an [Agreement](#) with Winzler & Kelly for consultant services to design engineering solutions to repair Upper Penitencia Creek bridges and stream damage in Alum Rock Park expanding the scope of services, extending the term of the contract from December 31, 2009 to June 30, 2011, and increasing compensation by \$200,000 to an amount not to exceed \$537,000.
- (b) Adopt the following Appropriation Ordinance amendments in the Construction and Conveyance Tax Fund City-Wide Parks Purposes (Fund 391):
  - (1) Increase the appropriation to the Parks, Recreation and Neighborhood Services Department for the Capital Maintenance Projects by \$200,000; and
  - (2) Decrease the Ending Fund Balance by \$200,000.

CEQA: Not a Project. (Parks, Recreation and Neighborhood Services/City Manager's Office)

### 2.13 [Agreement with Patton Boggs.](#)

**Recommendation:** Approve a first amendment to the [agreement](#) with Patton Boggs LLP, for legislative services in Washington, D.C. for FY 2009-2010 for an additional \$5,000 to their existing contract, bringing the contract total for FY 2009-2010 to \$143,000, and the total compensation including all option periods not to exceed \$638,000. CEQA: Not a Project. (Police)

### 2.14 [Actions relating to Subdivision Agreements with Private Developers.](#)

- \* **Recommendation:** Approve an [ordinance](#) to amend Chapter 14.04 of Title 14 and Chapter 19.32 of Title 19 of the San José Municipal Code to address specific findings made by the City Auditor relating to subdivision agreements with private developers for the construction of public improvements, and other changes relating to the Public Works Director's authority to enter into such agreements. CEQA: Not a Project. (Public Works)

## 2. CONSENT CALENDAR

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2.15 [Ordinance amending Title 20 of the San José Municipal Code relating to the Recordation of Land Use Permits and alternate means of compliance with General Development Plans.](#)

**Recommendation:** Consideration of an [ordinance](#) amending Sections 20.100.290 and 20.100.300 of Chapter 100 of Title 20 of the San José Municipal Code relating to recordation of Land Use Permits, and Section 20.120.150 of Chapter 120 of Title 20 of the San José Municipal Code relating to alternative means of compliance with General Development Plans to address specific findings made by the City Auditor relating to general Development Plan implementation. CEQA: Not a Project.

Citywide

(Deferred from 11/17/09 – Item 4.11)

2.16 [Annual Development In Lieu Fee Report.](#)

**Recommendation:** Review of the 2008 – 2009 Annual Report regarding in-lieu fees collected by the City from developers in lieu of construction of public improvements. CEQA: Not a Project. (Public Works)

2.17 [Sponsored Travel to Sweden for Sustainable Transportation Conference.](#)

**Recommendation:** Approve sponsored travel to Sweden for Acting Director of Transportation, Hans Larsen, from December 5, 2009 to December 12, 2009, to participate in an international conference on sustainable transportation, pursuant to San José Municipal Code Section 12.08.030(I). CEQA: Not a Project. (Transportation)

2.18 [Agreement for Almaden/Woz Parking Lot Lease.](#)

**Recommendation:** Approve the Eleventh Amendment to the Parking Lot Lease [Agreement](#) between the City of San José and Boston Properties (dba BP Almaden Associates, LLP) for the Almaden/Woz Parking Lot, to extend the term of the lease from January 1, 2010 to June 30, 2012, at the current lease rate of \$33,200 per month, for a maximum amount of \$996,000 over the extended term. CEQA: Not a Project. Council District 3. (Transportation)

2.19 [Resolution Supporting the Initiative to eliminate the Achievement Gap in San José by 2020.](#)

**Recommendation:** As referred by the Rules and Open Government Committee on November 18, 2009, consider adoption of a [resolution](#) endorsing the San José 2010 compact to eliminate the achievement gap. (Mayor)  
[Rules Committee referral 11/18/09 – Item A(1)(a)]

## 2. CONSENT CALENDAR

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### 2.20 Mayor Reed's Travel to Washington, D.C.

**Recommendation:** Approve travel by Mayor Reed to Washington, D.C. on November 18-19, 2009 to participate on a panel relating to local governments' fiscal stress moderated by the Wall Street Journal economics editor David Wessell, and meet with the President's senior economic advisors to discuss Silicon Valley economic issues. Source of Funds: Brookings Institute. (Mayor)  
(Rules Committee referral 11/18/09)

### 2.21 2009-2010 Weed Abatement Report.

**Recommendation:** Adopt a [resolution](#):

- (a) Accepting the 2009-2010 Hazardous Vegetation Commencement Report compiled by the Santa Clara County Department of Agriculture and Resource Management;
- (b) Declaring that those certain noxious or dangerous seasonal and recurrent weeds, growing or likely to be growing, and refuse, situated or likely to be situated, on those properties identified in the report are a nuisance; and
- (c) Directing the Santa Clara County Department of Agriculture and Resource Management to mail notices of a public hearing before the City Council on January 12, 2010 at 1:30 p.m. on the report to property owners of affected real properties, pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Agreement between the City of San José and the County of Santa Clara.

CEQA: Exempt, File No. PP06-196. (Planning, Building and Code Enforcement)  
(Rules Committee referral 11/18/09)

## 3. STRATEGIC SUPPORT SERVICES

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

### 3.2 Report of the Rules and Open Government Committee – October 28, 2009 Mayor Reed, Chair

- (a) City Council (City Clerk)
  - (1) Review November 3, 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 Rules (if needed)
  - (2) Review November 10, 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 Rules (if needed)
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting  
*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules and Open Government Committee – October 28, 2009

##### Mayor Reed, Chair (Cont'd.)

- (c) Review of upcoming Study Session Agendas
  - (1) Review November 5, 2009 Special City Council Meeting Agenda.
  - (2) Review November 9, 2009 Redevelopment Agency/City Council Joint Budget Study Session Agenda.
- (d) Legislative Update
  - (1) State
    - (a) Oppose Senate Bill No. 88 (DeSaulnier) regarding Local Government Bankruptcy.  
**HEARD BY COUNCIL ON 11/3/09**
  - (2) Federal
- (e) Meeting Schedules
  - (1) Approval to cancel Regular Meetings in November and December and schedule Rules-in-Lieu Meetings. (City Clerk)
  - (2) Request to set Study Session on Sign Code Update on November 13, 2009 in the City Hall Council Chambers from 9:00 a.m. – 12:00 p.m. (City Manager's Office)
- (f) The Public Record
- (g) Appointments to Boards, Commissions and Committee
- (h) Rules Committee Reviews, Recommendations and Approvals
  - (1) Accept the Administration's request to defer the discussion of consideration of an amendment to sections 4.04.020A.3 (b) (c) and (e) of the San Jose Municipal Code regarding contract authority to the October 28, 2009 Rules and Open Government Committee meeting. (Finance)
  - (2) Discuss methods to amend parkland agreements with developers that are in default or have upcoming payments of in-lieu fees even though their projects will not start construction for a long time; and direct staff to do a workload assessment for developing recommendations for City Council consideration. (Mayor)
- (i) Review of Additions to Council Committee Agendas
  - (1) Community and Economic Development Committee
    - (a) Request to add the Citywide Monuments Policy to the CED Committee agenda for December 14, 2009. (Economic Development)
  - (2) Neighborhood Services and Education Committee
  - (3) Transportation and Environment Committee
  - (4) Public Safety, Finance and Strategic Support Committee
- (j) Open Government Initiatives
  - (1) Reed Reforms
  - (2) Sunshine Reform Task Force
  - (3) Significant Public Record Act Requests
  - (4) Council Policy Manual Update
- (k) Open Forum
- (l) Adjournment  
(Deferred from 11/17/09 – Item 3.2)

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

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#### **3.3 Report of the Rules and Open Government Committee – November 4, 2009**

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

- (a) City Council (City Clerk)
  - (1) Review November 10, 2009 Final Agenda
    - (a) Add new items to final agenda
      - (1) Recommendation to name a new park. (City Clerk)
      - (2) Recommendation to rename a Senior Center. (City Clerk)
    - (b) Assign “Time Certain” to Agenda items if needed
    - (c) Review of Items that Meet Exception Rules (if needed)
  - (2) Review November 17, 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 Rules (if needed)
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Review of upcoming Study Session Agendas
  - (1) Review November 5, 2009 Special City Council Meeting Agenda.
  - (2) Review November 9, 2009 Redevelopment Agency/City Council Joint Budget Study Session Agenda.
- (d) Legislative Update
  - (1) State
  - (2) Federal
- (e) Meeting Schedules
- (f) The Public Record
- (g) Appointments to Boards, Commissions and Committee
- (h) Rules Committee Reviews, Recommendations and Approvals
  - (1) Adopt Ordinance allow cultivation/medical use of cannabis in San José. (Oliverio)
- (i) Review of Additions to Council Committee Agendas
  - (1) Community and Economic Development Committee
    - (a) Return to CED Committee in November, or at the earliest opportunity thereafter to identify strategies and policy changes to reduce the burdens of city fees on nonprofits, neighborhood organizations, and other sponsors of event. (Liccardo/Pyle)
  - (2) Neighborhood Services and Education Committee
  - (3) Transportation and Environment Committee
  - (4) Public Safety, Finance and Strategic Support Committee
- (j) Open Government Initiatives
  - (1) Reed Reforms
  - (2) Sunshine Reform Task Force

*(Item continued on the next page)*

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

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#### **3.3 Report of the Rules and Open Government Committee – November 4, 2009 Mayor Reed, Chair (Cont'd.)**

- (j) Open Government Initiatives (Cont'd.)
  - (3) Significant Public Record Act Requests
    - (a) Consideration of Release of 911 Tapes and Police Report of fatal shooting on May 10, 2009.
      - (1) Approve the request for release of the 911 tapes sought by the Mercury News. (Mayor)
      - (2) Correspondence from Bert Robinson requesting the committee to consider the release of the police report. (Mercury News)
      - (3) Email correspondence from City to Mr. Raj Jaydev, et al. regarding Public Records Request for 911 Tapes, Police Records, and other Records. (City Manager's Office)
    - (b) Consideration of Release of Police Records of arrest made on September 3, 2009. (Mayor)
  - (4) Council Policy Manual Update
- (k) Open Forum
- (l) Adjournment

#### **3.4 Report of the Special Rules and Open Government Committee – November 9, 2009 Mayor Reed, Chair**

- (a) City Council (City Clerk)
  - (1) Review November 17, 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 Rules (if needed)
- (b) Review of Additions to Council Committee Agendas
  - (1) Community and Economic Development (CED) Committee – Verbal Confirmation of date for the December 2009 meeting. (City Manager's Office)
  - (2) Public Safety, Finance and Strategic Support Committee – Referral to the November 19, 2009 a review of all initiatives underway dealing with the use of force by the San José Police Department. (Mayor/Nguyen)
- (c) Open Forum
- (d) Adjournment

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

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.6 [Ordinance Requiring Electronic filing of Campaign Statements by Candidates and Committees.](#)

**Recommendation:** Approve an [Ordinance](#) amending Chapter 12.06 of the San José Municipal Code to require electronic filing of campaigns disclosure statements by candidate controlled committees and independent committees. (City Clerk/City Attorney's Office)

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

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

#### 4.2 [Inclusionary Housing Ordinance.](#)

**Recommendation:** Approve an ordinance amending Title 5 of the San José Municipal Code to add a new Chapter 5.08 adopting a Citywide Inclusionary Housing Program. CEQA: Resolution No. 65459, File No. PP08-258. (Housing)  
(Deferred from 11/17/09 – Item 4.2)

\* **RECOMMEND DEFERRAL TO 1/12/10 PER ADMINISTRATION**

#### 4.3 [Sign Ordinance Update.](#)

[Attachment 1 – Freeway Signs](#)

[Attachment 2 – Electronic Digital Signs](#)

[Attachment 3 – Large Banner Signs/Supergraphics](#)

[Attachment 4 – Billboards on Private Property & Off-Site Advertising on City Property](#)

[Attachment 5 – Public Correspondence](#)

**Recommendation:** Accept the report and direct staff to prepare an ordinance to revise Title 23 of the San José Municipal Code (the Sign Ordinance) consistent with the proposed draft signage strategy and conduct additional related community outreach. CEQA: Not a Project. (Planning, Building and Code Enforcement)  
(Deferred from 11/17/09 – Item 4.8)

\* **RECOMMEND DEFERRAL TO 1/12/10 PER ADMINISTRATION**

#### 4.4 [Report on RFP for Multi-Family Loan Portfolio Management System.](#)

**Recommendation:**

(a) Accept report on Request for Proposal for the purchase of a Multi-Family Loan Portfolio Management System and adoption of a resolution authorizing the Director of Finance to:

- (1) Execute an [agreement](#) with MK Partners, Inc. (Encino, CA) for the implementation of the Multi-Family Loan Portfolio Management System in an amount not to exceed \$246,700 including all professional and technical support services required to implement the system as well as hosting services that will be provided by Salesforce.com Inc. (San Francisco, CA) under a separate subscription agreement.

*(Item continued on the next page)*

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.4 Report on RFP for Multi-Family Loan Portfolio Management System. (Cont'd.)

**Recommendation:**

- (a) (2) Execute change orders not to exceed a contingency amount of \$40,000 to cover any unanticipated changes in the system design and implementation.
- (3) Execute ten one-year options to renew the agreements for continued technical support and hosting services subject to annual appropriation of funding.
- (b) Adopt the following Appropriation Ordinance amendments in the Low and Moderate Income Housing Fund (Fund 443) for 2009-2010:
  - (1) Decrease the Ending Fund Balance by \$286,700; and
  - (2) Increase the Housing Department's Non-Personal/Equipment Appropriation in the amount of \$286,700.

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

(Deferred from 11/3/09 – Item 2.5, 11/10/09 – Item 4.4 and 11/17/09 – Item 4.9)

\* **RECOMMEND DEFERRAL TO 12/8/09 PER ADMINISTRATION**

### 4.5 Historic Landmark Nomination and Mills Act Historical Property Contracts.

**Recommendation:** As recommended by the Historic Landmarks Commission, consider the following Historic Landmark Nominations and Mills Act Historical Property Contracts:

- (a) [Historic Landmark Nomination and Mills Act Historical Property Contract for the Purdy House](#) located at 438 N. Second Street (City Landmark No. HL08-189 and California Mills Act No. MA09-010). SNI: 13<sup>th</sup> Street. Council District 3.
  - (1) Conduct a public hearing and adopt a resolution designating the Purdy House, as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of an historic nature.
  - (2) Conduct a public hearing on the Historical Property Contract between the City of San José and the owners of the Purdy House (William and Jordan Saenz Baker, Property Owners) and adopt a resolution approving the contract.

The Historic Landmarks Commission (HLC) recommends (5-0-1; Cohen absent) that the City Council adopt resolutions designating the 438 N. Second Street as Historic Landmark No. 189 and approving associated Historical Property Contract File No. MA09-010 with the condition that “installing new fencing” not be included as an item in the Preservation Plan. CEQA: Exempt. (Planning, Building and Code Enforcement) [Presentation](#)

**RECOMMEND CONTINUANCE TO 12/8/09 PER ADMINISTRATION**

- (b) [Historic Landmark Nomination and Mills Act Historical Property Contract for the Latta House](#) located at 445 N. Third Street (City Landmark No. HL08-183 and California Mills Act No. MA09-002). SNI: 13<sup>th</sup> Street. Council District 3..
  - (1) Conduct a public hearing and adopt a resolution designating the Latta House as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of an historic nature.

*(Item continued on the next page)*

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.5 Historic Landmark Nomination and Mills Act Historical Property Contracts. (Cont'd.)

#### Recommendation:

- (b) (2) Conduct a public hearing on the Historical Property Contract between the City of San José and the owners of the Latta House (Courtney and Jonathan Carr, Property Owners) and adopt a resolution approving the contract.

The Historic Landmarks Commission (HLC) recommends (5-0-1; Cohen absent) that the City Council adopt resolutions designating the Latta House as Historic Landmark No. 183 and approving associated Historical Property Contract File No. MA09-002. CEQA: Exempt. (Planning, Building and Code Enforcement) [Presentation](#)

**RECOMMEND CONTINUANCE TO 12/8/09 PER ADMINISTRATION**

- (c) [Historic Landmark Nomination and Mills Act Historical Property Contract for the Frank and Nellie Wolfe House #9](#) located at 643 S. Sixth Street (City Landmark No. HL09-182 and California Mills Act No. MA09-001). SNI: University. Council District 3.

- (1) Conduct a public hearing and adopt a resolution designating the Frank and Nellie Wolfe House #9 as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of an historic nature.
- (2) Conduct a public hearing on the Historical Property Contract between the City of San José and the owners of the Frank and Nellie Wolfe House #9 (Jason Rowan and Batsirai Mutasa, Property Owners) and adopt a resolution approving the contract.

The Historic Landmarks Commission (HLC) recommends (5-0-1; Cohen absent) that the City Council adopt resolutions designating the Frank and Nellie Wolfe House #9 as Historic Landmark No. 182 and approving associated Historical Property Contract File No. MA09-001. CEQA: Exempt. (Planning, Building and Code Enforcement) [Presentation](#)

**RECOMMEND CONTINUANCE TO 12/8/09 PER ADMINISTRATION**

- (d) [Historic Landmark Nomination and Mills Act Historical Property Contract for the Former Second Presbyterian Manse](#) located at 655 S. Sixth Street (City Landmark No. HL09-187 and California Mills Act No. MA09-008). SNI: University. Council District 3.

- (1) Conduct a public hearing and adopt a resolution designating the Former Second Presbyterian Manse, as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of an historic nature.

*(Item continued on the next page)*

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.5 Historic Landmark Nomination and Mills Act Historical Property Contracts. (Cont'd.)

#### Recommendation:

- (d) (2) Conduct a public hearing on the Historical Property Contract between the City of San José and the owners of the Former Second Presbyterian Manse (David Dudek, Property Owner) and adopt a resolution approving the contract.  
The Historic Landmarks Commission (HLC) recommends (5-0-1; Cohen absent) that the City Council adopt resolutions designating the Former Second Presbyterian Manse as Historic Landmark No. 187 and approving associated Historical Property Contract File No. MA09-008 with the condition that the Preservation Plan only include improvements to the main house. CEQA: Exempt. (Planning, Building and Code Enforcement) [Presentation](#)  
**RECOMMEND CONTINUANCE TO 12/8/09 PER ADMINISTRATION**
- (e) [Historic Landmark Nomination and Mills Act Historical Property Contract for the Petree House located at 102 S. Twelfth Street \(City Landmark No. HL09-185 and California Mills Act No. MA09-005\). SNI: University. Council District 3.](#)  
(1) Conduct a public hearing and adopt a resolution designating the Petree House as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of an historic nature.  
(2) Conduct a public hearing on the Historical Property Contract between the City of San José and the owners of the Petree House (Seamus and Jennifer Turner, Property Owners) and adopt a resolution approving the contract.  
The Historic Landmarks Commission (HLC) recommends (4-0-1-1; Cohen absent, Colombe abstaining) that the City Council adopt resolutions designating the Petree House as a Historic Landmark No. 185 and approving associated Historical Property Contract File No. MA09-005. CEQA: Exempt. (Planning, Building and Code Enforcement) [Presentation](#)  
**RECOMMEND CONTINUANCE TO 12/8/09 PER ADMINISTRATION**
- (f) [Historic Landmark Nomination and Mills Act Historical Property Contract for the Cox House located at 198 S. Twelfth Street \(City Landmark No. HL09-188 and California Mills Act No. MA09-009\). SNI: University. Council District 3.](#)  
(1) Conduct a public hearing and adopt a resolution designating the Cox House as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of an historic nature.  
(2) Conduct a public hearing on the Historical Property Contract between the City of San José and the owners of the Cox House (Gary Rucker and Michael Howerton, Property Owners) and adopt a resolution approving the contract.  
The Historic Landmarks Commission (HLC) recommends (4-0-1-1; Cohen absent, Colombe abstaining) that the City Council adopt resolutions designating the Cox House as a Historic Landmark No. 188 and approving associated Historical Property Contract File No. MA09-009. CEQA: Exempt. (Planning, Building and Code Enforcement) [Presentation](#)  
**RECOMMEND CONTINUANCE TO 12/8/09 PER ADMINISTRATION**

*(Item continued on the next page)*

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.5 Historic Landmark Nomination and Mills Act Historical Property Contracts. (Cont'd.)

#### Recommendation:

(g) [Historic Landmark Nomination and Mills Act Historical Property Contract for the Riggs House](#) located at 577 S. Twelfth Street (City Landmark No. HL09-186 and California Mills Act No. MA09-006). SNI: University. Council District 3.

(1) Conduct a public hearing and adopt a resolution designating the Riggs House as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of an historic nature.

(2) Conduct a public hearing on the Historical Property Contract between the City of San José and the owners of the Riggs House (Suzanne Rice and Neil McCarthy, Property Owners) and adopt a resolution approving the contract.

The Historic Landmarks Commission (HLC) recommends (5-0-1; Cohen absent) that the City Council adopt resolutions designating the Riggs House as a Historic Landmark No. 186 and approving associated Historical Property Contract File No. MA09-006. CEQA: Exempt. (Planning, Building and Code Enforcement)

[Presentation](#)

**RECOMMEND CONTINUANCE TO 12/8/09 PER ADMINISTRATION**

(h) [Historic Landmark Nomination and Mills Act Historical Property Contract for the Field-Gross House](#) located at 167 S. Fourteenth Street (City Landmark No. HL09-184 and California Mills Act No. MA09-003). SNI: University. Council District 3.

(1) Conduct a public hearing and adopt a resolution designating the Field-Gross House as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of an historic nature.

(2) Conduct a public hearing on the Historical Property Contract between the City of San José and the owners of the Field-Gross House (Bernadette Drechsler, Property Owner) and adopt a resolution approving the contract.

The Historic Landmarks Commission (HLC) recommends (4-0-1-1; Cohen absent, Colombe abstaining) that the City Council adopt resolutions designating the Field-Gross House as a Historic Landmark No. 184 and approving associated Historical Property Contract File No. MA09-003. CEQA: Exempt. (Planning, Building and Code Enforcement)

[Presentation](#) [Presentation 2](#)

**RECOMMEND CONTINUANCE TO 12/8/09 PER ADMINISTRATION**

### 4.6 Mills Act Historical Property Contract for the Tommie Smith House and the Stern/Fischer Residence.

#### Recommendation:

(a) Conduct a public hearing on the Historical Property Contract (California Mills Act No. MA09-007) between the City of San José and the owners of the Tommie Smith House, located at 55 N. Eleventh Street, (City Landmark No. HL08-181) (Brian Bogue, Property Owner) and adopt a resolution approving the contract. SNI: University. CEQA: Exempt. Council District 3. (Planning, Building and Code Enforcement)

**RECOMMEND CONTINUANCE TO 12/15/09 PER ADMINISTRATION**

*(Item continued on the next page)*

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.6 Mills Act Historical Property Contract for the Tommie Smith House and the Stern/Fischer Residence. (Cont'd.)

#### Recommendation:

- (b) [Conduct a public hearing on the Historical Property Contract \(California Mills Act No. MA09-004\)](#) between the City of San José and the owners of the Stern/Fischer Residence, located at 132 Pierce Avenue, (City Landmark No. HL01-123) (James F. Cox, Property Owner) and adopt a resolution approving the contract. The Historic Landmarks Commission (HLC) recommends (5-0-1; Cohen absent) that the City Council adopt a resolution approving Historical Property Contract File No. MA09-004. SNI: University. CEQA: Exempt. Council District 3. (Planning, Building and Code Enforcement)

#### [Presentation](#)

**RECOMMEND CONTINUANCE TO 12/8/09 PER ADMINISTRATION**

## 5. NEIGHBORHOOD SERVICES

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### 5.1 Report of the Neighborhood Services and Education Committee – [November 12, 2009](#) Councilmember Campos, Chair

- (a) Call to Order and Roll Call
- (b) Review of Workplan
- (1) Discussion on Evaluation of Surplus City Properties for Charter Schools. (City Manager's Office)
  - (2) Report on PDO/PIO in Lieu Fee Agreement. (Parks, Recreation and Neighborhood Services)
  - (3) Anti-Graffiti/Anti-Litter Campaign Updates. (Parks, Recreation and Neighborhood Services)
- (c) Consent Calendar
- (1) Review of Quarterly Performance Measure Reporting.
- (d) Reports to Committee
- (1) Library Annual Use and Trends Report for Fiscal Year 2008-2009. (Library)
  - (2) Review of Relevant 2010 Legislative Guiding Principles. (City Manager's Office – Intergovernmental Relations)
  - (3) Healthy Neighborhoods 2008-09 Year-End Evaluation Report. (Parks, Recreation and Neighborhood Services)
  - (4) Greenprint Update. (Parks, Recreation and Neighborhood Services)  
**SEE ITEM 5.2 FOR COUNCIL ACTION TO BE TAKEN**
  - (5) Neighborhoods Commission Status Report and Review of Preliminary Draft Commission Workplan. (City Manager's Office/Strong Neighborhoods Initiative)  
**SEE ITEM 5.3 FOR COUNCIL ACTION TO BE TAKEN**

*(Item continued on the next page)*

## 5. NEIGHBORHOOD SERVICES

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### 5.1 Report of the Neighborhood Services and Education Committee – November 12, 2009 Councilmember Campos, Chair (Cont'd.)

- (d) Reports to Committee (Cont'd.)
  - (6) CommUniverCity Verbal Update. (City Manager's Office/Strong Neighborhoods Initiative)
  - (7) Report on Strong Neighborhoods Initiative. (City Manager's Office/Strong Neighborhoods Initiative)
  - (8) Schools/City Collaborative Monthly Verbal Report. (City Manager's Office)
- (e) Open Forum
- (f) Adjournment

### 5.2 [Greenprint Update.](#)

**Recommendation:** As referred by the Neighborhood Services and Education Committee on November 12, 2009:

- (a) Adopt the Final Greenprint 2009 Update with the changes indicated in the Final Errata Sheet;
- (b) Authorize the City Manager to make any grammatical changes, minor edits, corrections and other changes which do not impact the major policies and substance of the document during the final editing and production process; and
- (c) Adopt a resolution repealing City Council Policy 1-6 "Park and Recreation Priority for Expenditure of Funds Collected from the Construction Tax and Property Conveyance Tax" and City Council Policy 6-8 "City Improvement of School Sites for Public Recreation".

(Parks, Recreation and Neighborhood Services)

[Neighborhood Services and Education Committee referral 11/12/09 – Item D(4)]

**RECOMMEND DEFERRAL TO 12/8/09 PER ADMINISTRATION**

### 5.3 [Neighborhood Commission Status Report and Review of Preliminary Draft Commission Workplan.](#)

[Supplemental – Memo from the Office of the City Manager Presentation](#)

**Recommendation:** As referred by the Neighborhood Services and Education Committee on November 12, 2009, accept the Neighborhood Commission Status Report and Review of the Preliminary Draft Commission Workplan. (City Manager's Office)

[Neighborhood Services and Education Committee referral 11/12/09 – Item D(5)]

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 Report of the Transportation and Environment Committee – [November 2, 2009](#) Councilmember Liccardo, Chair

- (a) Call to Order and Roll Call
  - (1) Review November 3, 2009 Final Agenda

*(Item continued on the next page)*

## **6. TRANSPORTATION & AVIATION SERVICES**

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### **6.1 Report of the Transportation and Environment Committee – November 2, 2009 Councilmember Liccardo, Chair (Cont'd.)**

- (b) Review of Workplan
  - (1) Plant Master Plan Progress Report. (Environmental Services)
  - (2) Construction and Demolition Diversion Deposit Redesign. (Environmental Services)
- (c) Consent Calendar
- (d) Reports to Committee
  - (1) Review of Relevant 2010 Legislative Guiding Principles. (City Manager's Office – Intergovernmental Relations)
  - (2) City Bicycle Master Plan. (Transportation)  
**HEARD BY COUNCIL 11/17/09**
  - (3) LED Street Light Conversion Progress Report. (Transportation)
  - (4) Verbal Report on Energy Efficiency and Renewable Energy Activities. (Environmental Service)
  - (5) Environmentally Preferable Procurement Policy Revision and Report for Fiscal Year 2008-2009. (Finance)  
**HEARD BY COUNCIL 11/17/09**
  - (6) Taxicab Driver Permit Limitations. (Transportation)
- (e) Open Forum
- (f) Adjournment  
(Deferred from 11/17/09 – Item 6.1)

## **7. ENVIRONMENTAL & UTILITY SERVICES**

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## **8. PUBLIC SAFETY SERVICES**

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## **9. JOINT COUNCIL/REDEVELOPMENT AGENCY**

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- **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.*
- **Council will recess until 7:00 p.m.**

## 10. GENERAL PLAN 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 General Plan Consent Calendar (Item 10.1) 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 General Plan Consent Calendar (Item 10.1) and considered separately.

### 10.1 Tentative Approval of General Plan Public Hearings on Consent Calendar.

#### Recommendation:

- \* (a) **[Amendment on 1.2 acres on the east side of Oakland Road approximately 200 feet south of Service Street \(1290 Oakland Road\).](#)**  
Tentative approval of a General Plan amendment request to change the Land Use/Transportation Diagram designation from Medium Density Residential (8-16 DU/AC) to Heavy Industrial on a 1.2 gross acre site located on the east side of Oakland Road approximately 200 feet south of Service Street (1290 Oakland Road) (Dan Askari, owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval and Planning Commission recommends approval to Light Industrial or Heavy Industrial (6-0-1).  
GP08-04-04 – District 4 [Presentation](#)
  
- \* (b) **[Amendment on 33.6 acres on Cisco Way, north of River Oaks Parkway, southside of W. Tasman Drive and approximately 900 feet easterly of Lick Mill Blvd.](#)**  
Tentative approval of a General Plan amendment request to change the Land Use/Transportation Diagram consisting of two related parts:
  - (1) Removal of Transit/Employment Residential District Overlay (55+ DU/AC) and Floating Park designations on a 33.6 gross acre site located on Cisco Way, north of River Oaks Parkway, and
  - (2) Addition of Transit/Employment Residential District Overlay (55+ DU/AC) and Floating Park designations on a 33.6 gross acre site located on the south side of W. Tasman Drive, approximately 900 feet easterly of Lick Mill Blvd.(Cisco Technology Inc, owner). CEQA: Addendum to North San José Final Area Development Policy EIR, Resolution No. 72768. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).  
GP09-04-02 – District 4 [Presentation](#)

## 10. GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

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### 10.1 Tentative Approval of General Plan Public Hearings on Consent Calendar. (Cont'd.)

#### Recommendation:

- \* (c) [Amendment on 1.7 acres on the south side of Quimby Road, approximately S400 feet easterly of Murillo Avenue \(284 Quimby Road\).](#)  
Tentative approval of a General Plan amendment request to change the Land Use/Transportation Diagram designation from Very Low Density Residential (2.0 DU/AC) to Low Density Residential (5.0 DU/AC) on a 1.7 acre site, located on the south side of Quimby Road, approximately 400 feet easterly of Murillo Avenue (284 Quimby Road) (Huang Tammy C Et Al, Huang Euson, owner). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).  
[GP09-08-02](#) – District 8 [Presentation](#)
  
- \* (d) [Amendment on 69 acres on the south side of Quimby Road approximately 1,000 feet westerly of Capitol Expressway \(2218 Quimby Road\).](#)  
Tentative approval of a General Plan amendment request to change the Land Use/Transportation Diagram designation from 34 acres of Medium Low Density Residential (8.0 DU/AC), 23 acres of Industrial Park, and 12 acres of Public/Quasi-Public, all with Mixed Use Overlay, to 11.5 acres of Medium High Density Residential (12-25 DU/AC), 12 acres of Public Park/Open Space and 45.5 acres of General Commercial, with removal of Mixed Use Overlay, on a 69 gross acre site, and removal of Mixed Use Overlay on 10.5 acres of property designated Office, located on the south side of Quimby Road approximately 1,000 feet westerly of Capitol Expressway (2218 Quimby Road) (Arcadia Development Co, owner; City of San José, applicant). SNI: West Evergreen. CEQA: Addendum of Evergreen-East Hills Vision Strategy (EEHVS) Final EIR, Resolution to be adopted. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).  
[GP09-08-04](#) – District 8 [Presentation](#) [Presentation 2](#) [Presentation 3](#)
  
- \* (e) [Text Amendment to facilitate economic development.](#)  
Tentative approval of a General Plan text amendment request to add policy language to the San Jose 2020 General Plan to facilitate intensifying economic development areas including, but not limited to those areas located on transit corridors, Major Collectors, or Arterials. (City of San José, Applicant). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). CEQA: San Jose 2020 General Plan EIR Resolution No. 65459. SNI: All.  
[GP09-T-03](#) – Citywide

END OF GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

## 10. GENERAL PLAN PUBLIC HEARINGS

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### 10.2 [Text Amendment on the southwest corner of West San Carlos and Sunol Street \(860 W. San Carlos Street\).](#)

[Attachment – Staff Report](#)

[Presentation](#)

- \* **Recommendation:** Tentative approval of a General Plan text amendment request to change the Midtown Planned Community and Specific Plan to allow 1) an increase in allowable density to 125 dwelling units per acre, 2) an increase in allowable maximum height to 160 feet, and 3) changes to the Vasona Mixed Use, sub-area urban design guidelines including, but not limited to, setbacks applicable to the site. The project site located on the southwest corner of West San Carlos Street and Sunol Street (860 W SAN CARLOS ST)(Santa Clara County Transit Dist, Union Pacific Railroad, Owner; Green Republic LLP, Developer). SNI: Burbank/Del Monte. CEQA: Resolution to be Adopted. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval with maximum building heights of 150 feet subject to Federal Aviation Administration regulations (7-0-0).

[GP09-T-01](#) – District 6

### 10.3 [Text Amendment on the northeast corner of Yucca Avenue and Hillsdale Avenue.](#)

[Attachment – Memo from Vice Mayor Chirco](#)

[Attachment – Staff Report](#)

[Presentation](#)

- \* **Recommendation:** Tentative approval of a General Plan text amendment request to change Appendix F, Mixed Use Inventory #13 residential designation from Medium High Density Residential (12-25 DU/AC) to High Density Residential (25-50 DU/AC) located on the northeast corner of Yucca Avenue and Hillsdale Avenue (Hacienda Gardens LLC/Mark Tersini, Owner/Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-1-0).

[GP09-T-04](#) – District 9

### 10.4 **Amendment on a .82-acre site on the east side of Almaden Expressway, Approximately 300 feet northerly of Fleetwood Drive.**

[Presentation](#)

**Recommendation:** Tentative approval of a General Plan amendment request to change the Land Use/Transportation Diagram designation from Very Low Density Residential (2 DU/AC) to Medium Low Density Residential (8 DU/AC) on a .82-acre site, located on the east side of Almaden Expressway, approximately 300 feet northerly of Fleetwood Drive (6082 Almaden Expressway) (Mazzone Benjamin W Trustee & Et Al, Owner). CEQA: Mitigated Negative Declaration.

[GP07-10-01](#) – District 10

- \* **RECOMMEND CONTINUANCE TO SPRING GENERAL PLAN PUBLIC HEARINGS**

## 10. GENERAL PLAN PUBLIC HEARINGS

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- 10.5 [Amendment on 9.76 acres on the west side of Cadwallader Avenue approximately 150 feet southerly of Prunetree Lane \(3905 Cadwallader Avenue\).](#)  
[Attachment – Staff Report](#)  
[Presentation](#)
- \* **Recommendation:** Tentative approval of a General Plan amendment request to change the Land Use/Transportation Diagram designation from Rural Residential (0.2 DU/AC) to Low Density Residential 5 (DU/AC) on a 9.76 acre site, located on the west side of Cadwallader Avenue, approximately 150 feet southerly of Prunetree Lane (3905 Cadwallader Avenue) (Cirelli Robert A Trustee & Et Al, Pianka Laura M And Michael K Et Al, Owners). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-1-0). [GP08-08-04](#) – District 8
- 10.6 [Text Amendment on the south of the Village Square, bounded by Cortona Drive, Classico Avenue and Ruby Avenue \(4035 Evergreen Village Square\).](#)
- \* **Recommendation:** Tentative approval of a General Plan Text Amendment request to amend the San José 2020 General Plan and Evergreen Specific Plan text to allow the construction of 35 residential units in excess of the 2,996 residential units allowed in the Evergreen Specific Plan, for the area located on the south of the Village Square, bounded by Cortona Drive, Classico Avenue and Ruby Avenue (4035 Evergreen Village Square)(Shapell Industries, Owner). CEQA: Use of the Evergreen Specific Plan, FEIR, Resolution No. 63179, and Addendum to the Evergreen-East Hills Vision Strategy FEIR, Resolution No. 74741. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval with only 12 units (4-3-0). [GPT09-08-01](#) – District 8
- 10.7 [Amendment on 2.88 acres on the east side of Monterey Road approximately 700 feet northerly of Tully Road.](#)  
[Attachment – Memo from Councilmember Nguyen](#)  
[Attachment – Letter from the Department of Housing](#)  
[Presentation](#)
- \* **Recommendation:** Tentative approval of a General Plan Amendment request to change the San José 2020 General Plan Land Use/Transportation Diagram land use designation from Combined Industrial/Commercial to High Density Residential (25 - 50 DU/AC) on a 2.88-acre site, located on the east side of Monterey Road, approximately 700 feet northerly of Tully Road (Owner/Developer Emergency Housing Consortium). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement recommends no change to the General Plan, recognizing that employment land offsets exist should the amendment be approved, and Planning Commission recommends approval (5-0-1-1). [GP08-07-04](#) – District 7

## 10. GENERAL PLAN PUBLIC HEARINGS

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### 10.8 [Amendment on an approximately 3.5-acre site on the southeast corner of Ridder Park Drive and Fox Lane.](#)

[Attachment – Staff Report](#)

[Attachment – Memo from Councilmember Chu](#)

[Attachment – Memo from Councilmember Chu dated November 30, 2009](#)

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

**Recommendation:** Tentative denial of a General Plan amendment request to add the Mixed Industrial Overlay to a 3.5-acre site designated Industrial Park on the San José 2020 General Plan Land Use/Transportation Diagram (D & J Construction Inc., Et Al, Owner/New Harvest Christian Fellowship, Applicant). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend denial (6-1-0).

[GP09-04-01](#) – District 4

(Deferred from 6/16/09 – Item 10.5)

### 10.9 **Approve all General Plan amendment actions on December 1, 2009**

**Recommendation:** Adopt a [resolution](#) approving all General Plan amendment actions taken on December 1, 2009, and adoption of related CEQA resolutions. (Planning, Building and Code Enforcement)

[CEQA Resolution 1](#)

[CEQA Resolution 2](#)

# 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 between Los Esteros Road and Grand Blvd \(675 Los Esteros Road\) from A\(PD\) Planned Development Zoning District to A\(PD\) Planned Development Zoning District to allow driveway modification and a wetlands exchange on a 52.5 gross acres site \(Zanker Road Resource Management, Ltd., Owner\). CEQA: Mitigated Negative Declaration.](#)  
[PDC08-054](#) – District 4      [Ordinance](#)    [Presentation](#)
  
- (b) [Consideration of an ordinance of the City of San José adding a new Section 20.200.1283 to Chapter 20.200 of Title 20 of the San José Municipal Code to define transitional housing and adding a new Section 20.200.1265 to Chapter 20.200 of Title 20 of the San José Municipal Code to define supportive housing, and to provide that those uses are and shall be treated as residential uses, subject only to those restrictions on residential uses applicable to the type of residential structure or use involved. CEQA: Resolution No. 65459 and Addenda thereto, File No. PP09-175. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval \(5-0-2\).](#)  
Citywide                                      [Ordinance](#)

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

- **Notice of Contracts Executed by Council Appointees**

In accordance with Municipal Code Section 4.04.080, titled “Quarterly Reports”, the following is a list of contracts executed by Council Appointees or designees during the first quarter of Fiscal Year 2008-2009 (April 1, 2009 – June 30, 2009). The list includes contracts or amendments to contracts for services with a value greater than \$100,000 and up to \$250,000, contracts or amendments to contracts for grants with a value greater than \$100,000 and up to \$250,000, or contracts and amendments to contracts for equipment, supplies, and material with a value greater than \$100,000 and up to \$1 million. Contract amounts are rounded to the nearest dollar. No Council action is being requested with respect to this report.

City Attorney’s Contract Activity

<u>Contractor</u>	<u>Description of Contract</u>	<u>Amount</u>
Hanson Bridgett Marcus Vlahos Rudy LLP	Legal services to assist with the development of City owned property for soccer stadium and other projects. Third amendment to extend term and increase compensation by \$25,000.	\$175,000
Hogan & Hartson LLP	Legal services related to aviation matters subject to the Federal Aviation Administration at the Norman Y. Mineta San Jose International Airport. Fifth amendment to extend term, amend compensation rates, and increase compensation by \$60,000.	\$200,000
McPharlin, Sprinkles & Thomas LLP	Legal services to assist with bankruptcy matters. Amendment to Second Continuation Agreement to extend term and increase compensation by \$25,000.	\$175,000

City Auditor’s Contract Activity

The City Auditor’s Office has no contract activity to report.

City Clerk’s Contract Activity

The City Clerk’s Office has no contract activity to report.

City Manager’s Contract Activity

<u>Department</u>	<u>Contractor</u>	<u>Description of Contract</u>	<u>Amount</u>
Airport	Albion Environment, Inc.	Provides Airport with technical advice, monitoring and analysis of wildlife issues at the Airport. The Airport Department completed the required Qualifications Based Consultant Selection process.	\$188,000

*(Item continued on the next page)*

- Notice of Contracts Executed by Council Appointees (Cont'd.)

City Manager's Contract Activity (Cont'd.)

<u>Department</u>	<u>Contractor</u>	<u>Description of Contract</u>	<u>Amount</u>
City Manager Office	Cortex Applied Research INC	Per Council direction on 9/30/08, an RFP was issued and an award was granted to Cortex to perform a review of the governance of the two Retirement Boards (the Federated City Employees Retirement System and the Police/Fire Department Plan) structure and governance of the board of administration of each retirement system.	\$110,000
ESD	Global Fluency	As noted in the Transportation & Environment Committee Memo from the meeting of February 4, 2008, Item G: Communications Strategy for Plant Master Plan, staff has been working aggressively with the consultants to provide strategic communications planning and media relations consulting services for the three-year effort to gain community input on and support for an operational and land use master plan that will address the critical infrastructure needs of the region's wastewater treatment facility for the next 30 years. This is a non-general fund expenditure.	\$250,000
ESD	MIG, Inc.	As noted in the Transportation & Environment Committee Memo from the meeting of February 4, 2008, Item G: Communications Strategy for Plant Master Plan, staff has been working aggressively with the consultants to provide strategic communications planning and media relations consulting services for the three-year effort to gain community input on and support for an operational and land use master plan that will address the critical infrastructure needs of the region's wastewater treatment facility for the next 30 years. This is a non-general fund expenditure.	\$250,000

*(Item continued on the next page)*

- Notice of Contracts Executed by Council Appointees (Cont'd.)

City Manager's Contract Activity (Cont'd.)

<u>Department</u>	<u>Contractor</u>	<u>Description of Contract</u>	<u>Amount</u>
ITD	ThirdWave Corporation	The Sunshine Reform Task Force has provided the Mayor and Council with a number of recommendations to achieve its goal of government transparency. The objective of this project is for the Consultant to work with the City in reviewing, assessing and recommending improvements for the City's external websites for Open Government activities.	\$209,450
Manager (OED)	Didler Hess and Stephen Glassman Studio	Design, fabricate and install a work of art at the Norman Y. Mineta International Airport's Concourse Wall Activated Artwork Platform.	\$125,000
Police	County of Santa Clara	Provide Criminal Justice Information Control (CJIC) Services, which is used by the Police Department to update criminal justice files.	\$145,000
Public Works	MRF Geosystems Corporation	This project will provide the CITY with an Integrated Enterprise Geographic Information System (GIS) and Sewer Management System (SMS). The goal of this project is to reconcile the GIS master list of sanitary sewer assets with the SMS sanitary sewer assets to ensure both systems are consistent and to further improve enterprise data access.	\$115,000

Director of Finance Contract Activity – Services

<u>Department</u>	<u>Contractor</u>	<u>Description of Contract</u>	<u>Amount</u>
Environmental Services	Advanced Solutions	Provide and Install Catch Basins.	\$110,000
Fire	Industrial Safety Supply	Testing and Repair Services for Self Contained Breathing Apparatus (SCBA). Amendment to add \$10,000.	\$150,000
General Services	Graebel/Erickson	Drayage/Moving Services. Amendment to add \$40,000.	\$240,000
General Services	Hoblit Motors	Provide and Install Push Bumper.	\$163,003

*(Item continued on the next page)*

- Notice of Contracts Executed by Council Appointees  
(Cont'd.)

Director of Finance Contract Activity – Services (Cont'd.)

<u>Department</u>	<u>Contractor</u>	<u>Description of Contract</u>	<u>Amount</u>
General Services	TAC Americas Inc.	HVAC Hardware, Software, Support. Amendment to add \$40,000.	\$194,715
PRNS	A Pro Pest Control	Pest Control Services. Amendment to add \$40,000.	\$110,000
PRNS	Fricke Parks Press	Printing of Citywide Activity Guide. Amendment to add \$43,000.	\$137,063
PRNS	Petalon Landscape Mgmt.	Landscape Management Services. Amendment to add \$35,000.	\$115,000
PRNS	Rog & Co.	Landscape Management Services at BMX Park. Amendment to add \$35,000.	\$115,000
Transportation	Arbortek Tree Service	Structural Tree Pruning Services.	\$200,000
Transportation	Coast Landscape Management	Landscape Maintenance Services (Minimal Islands).	\$125,000
Transportation	Coast Landscape Management	Landscape Maintenance Services (Median Islands).	\$111,000
Transportation	Flora Terra Landscape Mgmt.	Landscape Management for Evergreen Districts 2 & 3.	\$240,000
Transportation	San Jose Transport Inc.	Asphalt Trucking Services. Amendment to add \$6,000 for Purchase Order issued in Fiscal Year 2008/09.	\$106,000
Transportation	San Jose Transport Inc.	Asphalt and Debris Hauling Services. Amendment to add \$50,000.	\$150,000
Transportation	Scheidt & Bachmann USA	Maintenance of Parking Revenue Control Equipment. Amendment to add \$50,000.	\$200,000
Transportation	Streetlight Restoration	Light Pole Painting Services	\$240,000
Transportation	Valley Crest Landscape	Landscape Maintenance Services for Silvercreek District. Amendment to add \$140,000.	\$240,000
Transportation	Wilson Concrete Co.	Concrete Sidewalk Removal/Repair. Amendment to add \$100,000.	\$200,000

Director of Finance Contract Activity – Equipment, Materials, and Supplies

<u>Department</u>	<u>Contractor</u>	<u>Description of Contract</u>	<u>Amount</u>
Aviation	Dale Brisco Inc.	Baggage Conveyor Carrier Arm and Wheel Assembly.	\$138,837
Environmental Services	Thermo Process Instruments	Laboratory Supplies and Chemicals. Amendment to add \$30,000.	\$120,000

*(Item continued on the next page)*

- Notice of Contracts Executed by Council Appointees  
(Cont'd.)

Director of Finance Contract Activity – Equipment, Materials, and Supplies (Cont'd.)

<u>Department</u>	<u>Contractor</u>	<u>Description of Contract</u>	<u>Amount</u>
Finance	Computerland	Citywide for Desktop Computers and Monitors.	\$750,000
Fire	Laerdal Medical Corp.	Simman 3G Patient Simulator and Simbaby Infant Simulator.	\$120,128
General Services	Albany Ford Inc.	Standard Cab Dual Rear Wheel Cab and Chassis Trucks (2).	\$127,258
General Services	Altech Hiline	Hiline Step Van with Mounted Aerial Lift.	\$215,660
General Services	Buckles Smith	Electrical Parts and Supplies. Amendment to add \$150,000.	\$400,000
General Services	Coast Counties	2009 Combination Sewer Cleaning Trucks (2).	\$620,822
General Services	Coast Counties	Cab, Chassis Asphalt Dump Trucks (2).	\$315,038
General Services	Coast Counties	Cab, Chassis and Body Transfer Trucks (2).	\$226,032
General Services	Frontier Ford	Cab, Chassis with Animal Transport Body (3).	\$192,060
General Services	Harris Stratex Networks	Components to Upgrade Existing Digital Microwave.	\$159,878
General Services	Maita Chevrolet Geo & GMAC	2010 Unmarked Police Package Sedans (9).	\$197,434
General Services	Mission Valley Ford	2010 Trucks with Maintenance Body (3).	\$138,625
General Services	Motorola CE Inc.	Quantar Database Station/Repeaters (3)	\$107,166
General Services	Municipal Maintenance Equip	Regenerative Air Street Sweepers (2).	\$383,490
General Services	Municipal Maintenance Equip	Street Sweepers (2)	\$391,485
General Services	San Francisco Ford Lincoln Mercury	Cab and Chassis with Maintenance Body (2).	\$175,917
General Services	Toyota Material Handling	Electric Carts (12).	\$194,450
General Services	Toyota Sunnyvale	Prius Hybrid Gas/Electric Vehicles (9).	\$222,313
Information Technology	Nortel Networks Inc.	Networking Hardware and Software. Amendment to add \$285,000.	\$985,000
Police	San Diego Police Equipment	Ammunition. Amendment to add \$28,800.	\$201,800

*(Item continued on the next page)*

- **Notice of Contracts Executed by Council Appointees (Cont'd.)**

Director of Finance Contract Activity – Equipment, Materials, and Supplies (Cont'd.)

<u>Department</u>	<u>Contractor</u>	<u>Description of Contract</u>	<u>Amount</u>
Police	Western Contract Interiors	System Furniture for New Police Substation. <sup>1</sup>	\$900,820
Transportation	Granite Construction	Asphalt Concrete. Amendment to add \$90,000 for Purchase Order issued in Fiscal Year 2008/09.	\$300,000
Transportation	Granite Construction Co.	Asphalt Concrete.	\$350,000
Transportation	Granite Rock – Aromas	Seal Coat Aggregate.	\$150,000
Transportation	Reed & Graham	Asphalt Concrete. Amendment to add \$45,000 for Purchase Order issued in Fiscal Year 2008/09.	\$838,958
Transportation	Reed & Graham	Asphalt Concrete.	\$250,000
Transportation	Weco Industries	Sewer Maintenance Supplies. Amendment to add \$3,000.	\$101,000

- **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 Art Savage, the Sharks first General Manager, who led the negotiations which brought the team to San José.

## **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.
  - 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.