

# CITY COUNCIL AGENDA

**AUGUST 28, 2007**

AMENDED AGENDA

PETE CONSTANT  
FORREST WILLIAMS  
SAM LICCARDO  
KANSEN CHU  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO  
MADISON P. NGUYEN  
JUDY CHIRCO  
NANCY PYLE

DISTRICT 6  
DISTRICT 7  
DAVID D CORTESE, VICE MAYOR DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Community & Economic Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Neighborhood Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation & Aviation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

**The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.**

Agendas and Staff Reports for City Council items may be viewed on the Internet at [www.sanjoseca.gov/clerk/agenda.asp](http://www.sanjoseca.gov/clerk/agenda.asp). Council Meetings are televised live and rebroadcast on Channel 26.

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 294-9337 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
  - 9:00 a.m. - Closed Session, Call to Order in Council Chambers  
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 and continue the RDA Board Meeting  
(no earlier than 3:30 p.m.)
  - 7:00 p.m. - Public Hearings, Council Chambers, City Hall

- **Invocation (District 7)**  
Iola Williams Senior Center

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

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

**ITEM 9.1 IS TO BE CONSIDERED IN A JOINT CITY COUNCIL/  
REDEVELOPMENT AGENCY BOARD SESSION.**

ADJOURNMENT: This meeting will be adjourned in memory of Lou Garcia, a long time City employee who passed away suddenly last month. Lou, who served the City of San José as a Deputy City Manager of Environmental Services, was well liked and respected by many City employees.

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

- \* **SEE NEW CEREMONIAL ITEM 1.5, PRESENTATION OF A PROCLAMATION IN CELEBRATION OF THE ETHIOPIAN MILLENNIUM NEW YEAR ON SEPTEMBER 7, 2007.**

- **Closed Session Report**

# 1. CEREMONIAL ITEMS

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1.1 Presentation of a commendation to the Wet Weather Reliability Team for their exemplary dedication and valuable contributions to the City organization. (City Manager’s Office/ Mayor)

1.2 Presentation of a commendation to Barry Del Buono and EHC Lifebuilders for their ongoing efforts to protect human rights and their long-term contributions toward building a better community for all of our residents now and in the future. (Nguyen/Liccardo/ Cortese)

## TO BE HEARD IN THE EVENING

1.3 Presentation of a proclamation declaring September 2 through September 8, 2007 as “National Payroll Week” in the City of San José. (Mayor/Nguyen)

\* (Rules Committee referral 08/22/07)

1.4 Presentation of a commendation to Lauren Bryeans, April Grolle and Lauren Chief Elk for their heroic actions and bravery in the rescue of a young woman in distress. (Campos)

\* (Rules Committee referral 08/22/07)

1.5 [Presentation of a proclamation in celebration of the Ethiopian Millennium New Year](#) on September 7, 2007 and annually by raising the Green, Yellow and Red flag as in the previous two years. (Liccardo)

\* (Orders of the Day)

# 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. 28090 – Repealing Ordinance No. 27743 to terminate the commercial solid waste and recyclables collection franchise previously granted to Redwood Services, Inc. dba Redwood Debris Box Service.

(b) ORD. NO. 28094 – Rezoning certain real property situated at the southeast corner of East Hedding Street and North 17<sup>th</sup> Street (890 North 17<sup>th</sup> Street) to R-2(PD) Planned Development Zoning District. PDC07-004

## 2. CONSENT CALENDAR

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

**Recommendation:**

- (c) ORD. NO. 28095 – Rezoning certain real property situated on the northwest corner of East Santa Clara Street and North 24<sup>th</sup> Street (1135 East Santa Clara Street) to CP Commercial Pedestrian Zoning District. C07-044
- (d) ORD. NO. 28096 – Rezoning certain real property situated at the southeast corner of North First Street and Holger Way to the CG Commercial General Zoning District. C07-026
- (e) ORD. NO. 28097 – Rezoning certain real property situated at the west side of Fortran Drive, approximately 850 feet southerly of Nortech Parkway (4415 Fortran Drive) to IP-Industrial Park Zoning District. C07-028
- (f) ORD. NO. 28098 – Rezoning certain real property situated on the westerly side of the Guadalupe River, at the southern terminus of Seaboard Avenue (2500 Seaboard Avenue) to HI Heavy Industrial Zoning District. C07-034
- (g) ORD. NO. 28099 – Rezoning certain real property situated on the north side of Story Road, approximately 200 feet easterly of South King Road (1705 Story Road) to CP Commercial Pedestrian Zoning District. C07-051
- (h) ORD. NO. 28100 – Prezoning certain real property situated on the east side of North Bascom Avenue approximately 250 feet north of Olive Avenue (166 North Bascom Avenue) to CG Commercial General Zoning District. C07-036
- (i) ORD. NO. 28101 – Rezoning certain real property situated in an area on both sides of Berryessa Road, between the Union Pacific Railroad right of way to the east and the Coyote Creek to the west, north of Mabury Road (1590 Berryessa Road) to A(PD) Planned Development Zoning District. PDC03-108

### 2.3 [Setting Voluntary Expenditure Limits for the 2008 Municipal Election Cycle.](#)

**Recommendation:** Adopt a resolution setting population figures to calculate the Voluntary Expenditure Limits for the 2008 Municipal Election Cycle. (City Clerk)  
(Rules Committee referral 8/15/07)

### 2.4 [Approval to name a new park.](#)

**Recommendation:** As recommended by the Parks and Recreation Commission, name a new park located at the intersection of Old Berryessa Road and Oakland Road as “Luna Park”. (City Clerk)  
(Rules Committee referral 8/15/07)

## 2. CONSENT CALENDAR

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### 2.5 Approval of City Manager Debra Figone's Travel to Austin, Texas.

**Recommendation:** Approval of City Manager Debra Figone's travel to Austin, Texas on October 10-12, 2007 to participate in the San José Silicon Valley Chamber of Commerce "City-to-City Trip". Source Funds: City Manager's Office. (City Manager's Office)

### 2.6 Approval of fiscal actions for Redevelopment Agency Capital Projects.

**Recommendation:**

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

- (1) Increase the estimate for Earned Revenue by \$150,000.
- (2) Establish an appropriation to the Department of Public Works for the Kingman Avenue and Leigh Avenue, San Antonio Avenue and Scharff Avenue Traffic Signal Installation project (PSM #497) in the amount of \$150,000.

(b) Adoption of a resolution making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with the Kingman Avenue and Leigh Avenue, San Antonio Avenue and Scharff Avenue Traffic Signal Installation project as more specifically described in the memorandum from the Redevelopment Agency, dated June 8, 2007.

\* CEQA: Exempt, File No. PP06-210. Council Districts 5 and 6. SNI: Mayfair/Burbank Del Monte. (City Manager's Office/Public Works)

### 2.7 Approval of an agreement with ING for services related to Deferred Compensation.

**Recommendation:** Adoption of a resolution approving an agreement with ING National Trust to perform custody services for the Deferred Compensation Plan Loan Program, and authorizing the Secretary to the Deferred Compensation Advisory Committee to execute the agreement. CEQA: Not a Project. (Deferred Compensation Advisory Committee)

### 2.8 Approval of fiscal actions related to the Potential Soccer Stadium and Related Developments.

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

(a) Establish a City-wide appropriation to the Office of Economic Development for Economic Development Pre-Development Activities associated with the Potential Soccer Stadium and Related Developments in the amount of \$100,000.

(b) Increase the estimate for Other Revenue by \$100,000.

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

## 2. CONSENT CALENDAR

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2.9 [Approval of the San José Municipal Water System's 2007 Public Health Goals Report on Water Quality.](#)

**Recommendation:** Approval of the Municipal Water System's 2007 Public Health Goals Report on Water Quality and consent to file the report with the California Department of Public Health. CEQA: Not a Project. Council Districts 2, 7 and 8. (Environmental Services)

2.10 [Approval of an agreement with Eligible Public Schools for Reimbursement of City Solid Waste Fees.](#)

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute agreements with eligible public school districts, San José/Evergreen Community College District, and San José State University to allow for reimbursement of Commercial Solid Waste Franchise Fees paid to the City for an initial term of July 1, 2007, through June 30, 2009, and authorizing the Director of Environmental Services to exercise options for up to three one-year extensions. CEQA: Not a Project. (Environmental Services)

2.11 [Approval to amend a professional services agreement with Carollo Engineers.](#)

[Supplemental](#)

**Recommendation:** Approval of the second amendment to an agreement with Carollo Engineers for professional services, to delete services related to the Electrical System Review and Coordination and the Absorption Chiller Replacement Projects; and expand services related to the Alternative Disinfection Projects, and increase the maximum amount of compensation by \$65,800 from \$671,000 for a total amount not to exceed \$736,800. CEQA: Not a Project. (Environmental Services)

2.12 [Report on bids and award of contract for the Water Pollution Control Plant Valve Replacement Project.](#)

[Supplemental](#)

**Recommendation:** Report on bids and award of construction contract for the project entitled, "San José/Santa Clara Water Pollution Control Plant, FY 2007/2008 CIP, 30-inch Gate Valves Replacement for Process Water Pump Project," to the low bidder, ERS Industrial Services, Inc. in the amount of \$117,503.38; and approval of a contingency in the amount of \$12,000. CEQA: Exempt, File No. PP05-124. (Environmental Services)

2.13 [Approval to write-off the uncollectible airport accounts.](#)

[Supplemental](#)

\* **Recommendation:** Adoption of a resolution authorizing the Director of Finance to write off the uncollectible airport accounts listed in the Bad Debt Write-Off Report in the amount of \$42,877.33, as provided for in Section 4.24.030 of the San José Municipal Code. CEQA: Not a Project. (Finance)

## 2. CONSENT CALENDAR

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### 2.14 [Approval of a Cost Sharing Agreement for the Dr. Martin Luther King Jr. Library.](#)

**Recommendation:**

- (a) Approval of an agreement with San José State University for cost sharing associated with joint operations of the Dr. Martin Luther King, Jr. Library for fiscal year 2007-2008, and
- (b) Adoption of a resolution authorizing the Library Director to exercise four renewable option terms through fiscal year 2011-2012 at an amount not to exceed \$200,000 per fiscal year, subject to annual appropriation of funds.

CEQA: Not a Project. (Library)

### 2.15 [Approval to participate in the Playful City USA Recognition Program.](#)

**Recommendation:** Adoption of a resolution authorizing the City Manager to execute an application on behalf of the Mayor and City Council to participate in the Playful City USA recognition program sponsored by KaBOOM!. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

### 2.16 [Approval of fiscal actions related to the Lake Cunningham Regional Skate Park.](#)

**Recommendation:**

- (a) Approval of an increase in the contingency budget for the Lake Cunningham Regional Skate Park in the amount of \$349,877 for a total contingency budget of \$589,877.
- (b) Approval of Contract Change Order Number 5 in the amount of \$349,877 for a total contract amount of \$5,111,177 with Robert A. Bothman, Inc. for the Lake Cunningham Regional Skate Park Project.
- (c) Adoption of the following Appropriation Ordinance amendments in the Lake Cunningham Fund (Fund 462):
  - (1) Establish an appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$200,000 for the City-wide Skateboard Park Development Project; and
  - (2) Decrease the Ending Fund Balance by \$200,000.
- (d) Adoption of the following Appropriation Ordinance amendments in the Construction and Conveyance Tax Fund – Citywide Parks Purposes (Fund 391):
  - (1) Increase the City-wide Skateboard Park Development appropriation to the Parks, Recreation and Neighborhood Services Department by \$180,000; and
  - (2) Decrease the Ending Fund Balance by \$180,000.

CEQA: Mitigated Negative Declaration, File No. PP06-043. (Public Works/Parks, Recreation and Neighborhood Services/City Manager's Office)

## 2. CONSENT CALENDAR

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### 2.17 [Approval of an agreement for the Downer-Canoas Injection Station Site.](#)

**Recommendation:** Approval of an agreement with the Uenaka Family Partnership to obtain a temporary construction easement for access through their property to the City's Downer-Canoas Injection Station site. CEQA: Exempt, File No. PP06-165. Council District 10. (Public Works)

### 2.18 **Request for an excused absence for Council Member Pyle from the Regular City Council Closed Session on August 21, 2007, due to the death of a close family member. (Pyle)**

\* (Rules Committee referral 08/22/07)

### 2.19 [Acceptance of the Office of the City Auditor's Report.](#)

**Recommendation:** Acceptance of the Office of the City Auditor's *Report of Activities and Findings for the Period June 16, 2007 through July 15, 2007.* (City Auditor)

\* (Rules Committee referral 08/22/07)

## 3. STRATEGIC SUPPORT SERVICES

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### 3.1 **Report of the Rules and Open Government Committee – August 8, 2007 Mayor Reed, Chair**

#### (a) City Council

- (1) Review New Add Items to August 14, 2007 Agenda
- (2) Review August 21, 2007 Draft Agenda

#### (b) Redevelopment Agency items reported out at Redevelopment Agency meeting

#### (c) Legislative Update

##### (1) State

- (a) AB 548 (Levine, et al), Solid Waste; Multifamily Dwellings. (Environmental Services)

#### **HEARD BY COUNCIL 8/14/07 – ITEM 3.17**

- (b) AB 845 (Bass), Foster Youth: Transitional Housing. (Housing)
- (c) SB 275 (Cedillo), Health Care Facilities: Patient Transport. (Housing)
- (d) SB 1020 (Padilla), Solid Waste: Diversion. (Environmental Services)

#### **HEARD BY COUNCIL 8/14/07 – ITEM 3.18**

##### (2) Federal

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.1 Report of the Rules and Open Government Committee – August 8, 2007 (Cont'd.) Mayor Reed, Chair

- (d) Meeting Schedules
  - (1) Recommend Elected Officials attend a new Crisis Communication Class facilitated by the Governor's Office of Homeland Security on Monday, August 20, 2007. (Emergency Preparedness)
  - (2) Approve a Priority Setting Session Follow-up Meeting with City Council for September 4, 2007, 9 am – 4 pm. (City Manager)
  - (3) Approve a Joint Study Session on Flood Management Issues with City Council and the Santa Clara Valley Water District Board of Directors for November 19, 2007, 1 – 4 pm. (Public Works)
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
  - (1) Approve the amended City Council and Redevelopment Agency Committee Appointments. (Mayor)  
**HEARD BY COUNCIL 8/14/07 – ITEM 9.1**
- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) POW/MIA Flag Raising. (Mayor)  
**SEE ITEM 3.7 FOR COUNCIL ACTION TO BE TAKEN**
  - (2) Approve Mayor's Travel to Los Angeles, CA, for the U.S. Conference of Mayors on June 22-23, 2007 and Mayor's Travel to Sacramento, CA, for the Silicon Valley Leadership Group's 11<sup>th</sup> Annual Sacramento Advocacy Trip on April 25-26, 2007. (Mayor)
  - (3) League of California Cities Voting and Alternate Voting Delegates at the Annual Business Meeting. (City Manager)  
**HEARD BY COUNCIL 8/14/07 – ITEM 3.19**
  - (4) Public/Private Partnership Update. (City Manager/Parks, Recreation and Neighborhood Services)
- (h) Review of Council Committee Agendas
  - (1) Community and Economic Development Committee
  - (2) Neighborhood Services and Education Committee
  - (3) Transportation and Environment Committee
    - (a) Add item entitled, "Amendment to the Airport Design Build Contract with Hensel Phelps Construction Company to increase the size of the Consolidated Rental Car Garage" to the August 27, 2007 agenda. (Airport)
  - (4) Public Safety, Finance and Strategic Support Committee
    - (a) Add item entitled, "Public and Educational Cable Access Transition Planning" to the September 20, 2007 agenda. (City Manager)
- (i) Open Government Initiatives
  - (1) Reed Reforms
  - (2) Sunshine Reform Task Force
  - (3) Significant Public Records Act Requests
  - (4) Council Policy Manual Update
- (j) Open Forum
- (k) Adjournment

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### 3. STRATEGIC SUPPORT SERVICES

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#### 3.2 Joint Meeting of the Rules and Open Government Committee and the Sunshine Reform Task Force – June 27, 2007

##### Mayor Reed, Chair

- (a) Call to Order.
  - (b) Overview of the Day/Review Expected Outcomes.
  - (c) Discussion and Recommendations on Section 4 – Public Information (resume discussion from 6/6/07 Rules & Open Government Committee meeting).
  - (d) Discussion and Recommendation on Section 3 – Closed Session.
  - (e) Discussion and Recommendations on Bodies Subject to the Sunshine Ordinance – Policy Body, Ancillary Body, Non-Governmental Body (Section 2 – Public Meetings).
  - (f) Public Comments.
  - (g) Continuation of Discussion.
- (Deferred from 8/7/07 – Item 3.6 and 8/14/07 – Item 3.16)

#### 3.3 Report of the Public Safety, Finance and Strategic Support Committee – [August 16, 2007](#) Council Member Nguyen, Chair

- (a) Report on the FY 2006-07 Fourth Quarter Debt Report. (Finance)
  - (b) Report on the FY 2006-07 Fourth Quarter Investment Report. (Finance)
  - (c) Report on the FY 2006-07 Fourth Quarter Revenue collection Strategic Plan Report. (Finance)
- Recommend Deferral**
- (d) Redevelopment Agency Monthly Financial Reports. (Redevelopment Agency)
    - (1) Financial Statements.
    - (2) Capital Cost Report.
    - (3) Cash Flow Projections.
  - (e) Review of Call Center Customer Service Standards and Vision. (Information Technology)
  - (f) Report on the Progress on Automation and Technology in the Office of the City Clerk. (City Clerk/Information Technology)
- Deferred from June 2007**
- (g) Report on Key State Legislative Items. (City Manager)
  - (h) Oral Petitions
  - (i) Adjournment

#### 3.4 [Adoption of a City Council Expenditure and Reimbursement Policy.](#)

**Recommendation:** Adoption of a resolution approving a City Council Expenditure and Reimbursement Policy. (City Attorney/City Clerk/Finance)

[Rules Committee referral 6/20/07 – Item G(1)]

(Deferred from 8/7/07 – Item 3.8 and 8/14/07 – Item 3.3)

\* **TO BE HEARD LAST IN THE AFTERNOON**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.5 [Presentation, discussion and direction related to the liability for Retiree Healthcare Benefits.](#)

[Joint Mayor/Council Memo](#)

**Recommendation:**

- (a) Acceptance of the report on Retiree Health Care.
- (b) Direct staff to develop options to achieve full pre-funding of the retiree healthcare liability.
- (c) Direct staff to develop options to reduce the retiree healthcare liability.

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

(Continued from 8/7/07 – Item 3.11)

**TO BE HEARD IN THE EVENING**

#### 3.6 [Presentation of statewide ethics issues in response to Reed Reform #26.](#)

**Recommendation:** Presentation of statewide ethics issues in response to Reed Reform #26, "Hold regular public hearings on ethical issues around the state so we can learn from our mistakes and the mistakes of others". (City Attorney's Office)

#### 3.7 [Prisoner of War/Missing In Action Flag Raising.](#)

**Recommendation:** As recommended by the Rules and Open Government Committee on August 8, 2007, adoption of a resolution authorizing the City Manager to annually display the POW/MIA Flag as outlined in the memorandum previously submitted to and approved by the Rules and Open Government Committee.

\* [Rules Committee referral 08/08/07 – Item (g)(1)]

#### 3.8 [SB264 \(Alquist\) Transaction and Use Taxes.](#)

**Recommendation:** As recommended by the Rules and Open Government Committee on August 22, 2007, approve a support position on SB264 (Alquist) as outlined in the memorandum previously submitted to and approved by the Rules and Open Government Committee.

\* [Rules Committee referral 08/22/07 – (c)(1)(a)]

#### 3.9 [SB375 \(Steinberg\) Regional Preferred Growth Scenarios.](#)

**Recommendation:** As recommended by the Rules and Open Government Committee on August 22, 2007, approve an oppose position on SB375 (Steinberg) and recommend that it be made a two year bill to allow the City and other affected agencies to continue to work towards resolving the serious problems associated with the current bill as outlined in the memorandum previously submitted to and approved by the Rules and Open Government Committee.

\* [Rules Committee referral 08/22/07 – (c)(1)(b)]

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.10 [2007 League of California Cities Resolutions.](#)

**Recommendation:** As recommended by the Rules and Open Government Committee on August 22, 2007, approve the recommended City positions for four (4) resolutions to be considered at the Annual League of California Cities Conference to be held in Sacramento in September as outlined in the memorandum previously submitted to and approved by the Rules and Open Government Committee.

\* [Rules Committee referral 08/22/07 – (c)(1)(c)]

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

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

#### 4.2 [Approval of actions related to the Cost-Benefit Analysis Pilot Program.](#)

##### [Supplemental](#)

##### **Recommendation:**

- (a) Approval to incorporate the following Sunshine Reform Task Force Recommendations into Council-adopted Cost-Benefit Analysis Pilot Program: D.1.i. (Accountability), D.1.ii. (Net fiscal impact), D.1.iv.(A) (Housing Impact: Number of units constructed/ demolished), D.1.v. (Source of funds), and D.1.vi. (Neighborhood impacts); and
- (b) Approval to continue Council action to implement a Pilot Cost-Benefit Program apart from the Sunshine Ordinance.

\* CEQA: Not a Project. (Economic Development)  
(Deferred from 8/14/07 – Item 4.2)

**TO BE HEARD NO EARLIER THAN 3:00 P.M.**

### 5. NEIGHBORHOOD SERVICES

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#### 5.1 Report of the Neighborhood Services and Education Committee Council Member Chirco, Chair

## 5. NEIGHBORHOOD SERVICES

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### 5.2 Approval of actions related to the Neighborhoods Commission Proposal.

**Recommendation:** Approval of the Neighborhood Commission Proposal as approved by the NSE Committee approved with the following amendments:

- (a) The Neighborhoods Commission annual work plan will be developed in coordination with, and approved by, the NSE Committee;
- (b) The Neighborhoods Commission be instituted as a pilot from April 1, 2008 to March 31, 2010; and
- (c) The Neighborhoods Commission provide quarterly updates to the NSE Committee throughout the two-year pilot period.

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

[Neighborhood Services and Education Committee 8/9/07 – Item (e)(1)]

**RECOMMEND DEFERRAL TO 9/25/07 IN THE EVENING PER ADMINISTRATION**

### 5.3 Report on bids and approval to take actions for the Happy Hollow Park & Zoo, Pedestrian Bridge and the Attractions Projects.

**Recommendation:**

- (a) [Report on bids and take appropriate action based on the evaluation of bids](#) for the Happy Hollow Park & Zoo - Pedestrian Bridge Project.
- (b) [Report on bids and take appropriate action based on the evaluation of bids](#) for the Happy Hollow Park & Zoo - Zoo and Attractions Project.

CEQA: Mitigated Negative Declaration, File No. PP05-142. (Public Works/Parks, Recreation and Neighborhood Services)

\* **RECOMMEND DEFERRAL TO 9/11/07 PER ADMINISTRATION**

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 Report of the Transportation and Environment Committee Council Member Williams, Chair

### 6.2 [Acceptance of the status report on the Parking Security/Parking Rates Pilot Program.](#)

**Recommendation:** Acceptance of the status report on the implementation of the Enhanced Parking Security and Cleaning Plan, and the six-month pilot program on the \$5 rate at City parking garages after 10 p.m. on Thursday through Saturday that began July 1, 2007. CEQA: Not a Project. (Transportation)

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

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### **6.3 Approval of actions related to the Guadalupe Corridor Project Close-Out.**

**Recommendation:**

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute the Right-of-Way Cooperative Agreement between the City of San José, Santa Clara County, State of California and Valley Transportation Authority for the Guadalupe Corridor project.
- (b) Adoption of a resolution authorizing the Director of Public Works to:
  - (1) Execute all documents necessary on behalf of the City of San José for the conveyance and acceptance of property interests, including fee title and easements, associated with the Guadalupe Corridor project.
  - (2) Negotiate and execute the Joint Use Agreements between the State of California and the City of San José for affected City sewer facilities related to the Guadalupe Corridor project.
- (c) Adoption of a resolution authorizing the Director of Transportation to negotiate and execute those freeway Maintenance Agreements between the State of California and the City of San José that include the Guadalupe Corridor project as follows:
  - (1) Route 85 from Route 101 to De Anza Boulevard.
  - (2) Route 87 from the Route 85/87 Interchange to Coleman Avenue.

CEQA: Exempt, File No. PP07-129. Council Districts 1, 2, 3, 6, 7, 9 and 10.  
(Transportation/Public Works)

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

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## **8. PUBLIC SAFETY SERVICES**

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### **8.1 Approval of actions related to the Fire Station No. 2 Project.**

**Recommendation:**

- (a) Acceptance of the cost benefit analysis and direct staff to proceed with one of the three options for the Fire Station No. 2 Project.
- (b) Adoption of the appropriate appropriation ordinance and funding resolution amendments for the approved option as outlined in Attachment A of the Council report.

CEQA: Exempt, File No. PP05-220. Council District 5. (Fire/City Manager's Office/Public Works)

\* **RECOMMEND DEFERRAL TO 9/25/07 IN THE EVENING PER ADMINISTRATION**

## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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*See Item 8.1 “City Council and Redevelopment Agency Board actions related to an agreement with Charities Housing for child care”, and 8.2 “Authorization for the Executive Director and City Manager to enter into agreements to enable Cirque du Soleil to occupy the former San José Water Company property . . .” on the Redevelopment Agency Agenda, which will be heard and action taken only during the Redevelopment Agency Meeting that follows the Council Meeting today.*

### **CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEM 9.1 IN A JOINT SESSION**

#### **9.1 Approval of actions related to a Property and Business Improvement District in downtown.**

##### **Recommendation:**

- (a) Adoption of a resolution by the City Council authorizing the City Manager to appoint a City representative to the Downtown Property and Business Improvement District Owners Association Board of Directors.
- (b) Adoption of a resolution by the Redevelopment Agency Board authorizing the Executive Director to appoint a Redevelopment Agency representative to the Downtown Property and Business Improvement District Owners Association Board of Directors.
- (c) Adoption of a resolution by the City Council authorizing the City Manager to cast votes and submit a ballot for the election of members to the Downtown Property and Business Improvement District Owners Association Board of Directors.
- (d) Adoption of a resolution by the Redevelopment Agency Board authorizing the Executive Director to cast votes and submit a ballot for the election of members to the Downtown Property and Business Improvement District Owners Association Board of Directors.

CEQA: Not a Project. Council District 3. (City Manager’s Office/Redevelopment Agency)

## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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### 9.2 Consideration of items related to North San José and an ordinance rezoning the real property located on the southeast corner of Zanker Road and River Oaks Drive.

\* **Recommendation:**

- (a) Approval of the work plan for the North San José Neighborhoods Planning Taskforce.
- (b) Appointment of the North San José Neighborhoods Planning Taskforce.
- (c) Consideration of an ordinance rezoning the real property located on the southeast corner of Zanker Road and River Oaks Drive (3300 Zanker Road) from (IP) Industrial Park Zoning District to A(PD) Planned Development Zoning District to allow up to 1,900 single-family attached residences and 31,360 square feet for retail commercial, leasing office, and clubhouse uses on a 38.25 gross acre site (Irvine Apartment Communities, property owner and developer). CEQA: Resolution No. 72768 and addendum thereto. Director of Planning, Building and Code Enforcement recommends approval of the proposed zoning and Planning Commission recommended that the City Council defer consideration of the proposed project until the completion of a Master Plan for the North San José area (5-1-1).

PDC06-038 – District 4

(Continued from 6/5/07 – Item 11.6, 6/19/07 – Item 11.2, and 8/14/07 – Item 11.3)

**TO BE HEARD CONCURRENTLY WITH ITEM 11.2 IN THE EVENING**

- **Notice of City Engineer’s Pending Decision on Final Maps**

\* In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9939	WS of Dent Ave, 500’ N of Kooser Rd.	9	Rockwell Homes, Inc.	12 Lots/12 Units	SFD

- **Notice of City Engineer’s Award of Construction Projects**
- **Open Forum (To be heard no earlier than 3:30 p.m.)**
- **Continue RDA Board Meeting (immediately following Open Forum)**
- **Council will recess until 7:00 p.m.**

## 10. GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

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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 south side of Alum Rock Avenue, approximately 160 feet westerly of McCreery Avenue (1866 and 1870 Alum Rock Avenue: APN: 481-18-012) from the CG – Commercial General Zoning District to the CP – Commercial Pedestrian District to allow commercial uses on a 0.20 gross acre site (Manuel Matos, Owner/ Developer). SNI: Mayfair. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C07-038 – District 5

[Continued from 8/14/07 – Item 11.1(f)]

- (b) Consideration of an ordinance rezoning the real property located on the south side of Olga Drive Approximately 200 feet easterly of Saratoga Avenue (4170 Olga Drive) from CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District to allow up to five single-family detached residences on a 0.36 gross acre site (Noel Avenue LLC, Owner). SNI: Blackford. CEQA: Negative Declaration.

PDC06-112 – District 1

**RECOMMEND CONTINUANCE TO 9/11/07 PER ADMINISTRATION**

- (c) Consideration of an ordinance rezoning the real property located at the southwest corner of Cinnabar Street and Stockton Avenue (345 Stockton Avenue) from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 250 single-family attached residences in three-story buildings constructed on a podium on a 4.4 gross acre site (381 Stockton LLC, owner; Morrison Park Homes LLC, Chris Kober, developer). CEQA: Mitigated Negative Declaration.

PDC06-094 - District 6

**RECOMMEND CONTINUANCE TO 9/25/07 PER ADMINISTRATION**

# 11. PUBLIC HEARINGS

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## 11.2 Consideration of items related to North San José and an ordinance rezoning the real property located on the southeast corner of Zanker Road and River Oaks Drive.

[Supplemental Memo](#)  
[Council Memo](#)

\* **Recommendation:**

- (a) Approval of the work plan for the North San José Neighborhoods Planning Taskforce.
- (b) Appointment of the North San José Neighborhoods Planning Taskforce.
- (c) Consideration of an ordinance rezoning the real property located on the southeast corner of Zanker Road and River Oaks Drive (3300 Zanker Road) from (IP) Industrial Park Zoning District to A(PD) Planned Development Zoning District to allow up to 1,900 single-family attached residences and 31,360 square feet for retail commercial, leasing office, and clubhouse uses on a 38.25 gross acre site (Irvine Apartment Communities, property owner and developer). CEQA: Resolution No. 72768 and addendum thereto. Director of Planning, Building and Code Enforcement recommends approval of the proposed zoning and Planning Commission recommended that the City Council defer consideration of the proposed project until the completion of a Master Plan for the North San José area (5-1-1).

PDC06-038 – District 4

(Continued from 6/5/07 – Item 11.6, 6/19/07 – Item 11.2, and 8/14/07 – Item 11.3)

**TO BE HEARD CONCURRENTLY WITH ITEM 9.2 IN THE EVENING**

## 11.3 **Consideration of an ordinance rezoning the real property located on the southwest corner of North 1<sup>st</sup> Street and Century Center.**

**Recommendation:** Consideration of an ordinance rezoning the real property located on the southwest corner of North 1<sup>st</sup> Street and Century Center (1733 N 1<sup>st</sup> Street) from CO(PD) Commercial Office Planned Development, LI light Industrial, and CG Commercial General Zoning district to A(PD) Planned Development Zoning District to allow up to 460 single-family attached residences and 20,000 square feet for retail commercial uses on a 2.4 gross acres site (James Schmidt Et Al, Owner). CEQA: Resolution No. 72768 and Addenda thereto.

PDC05-114 - District 3

(Continued from 8/14/07 – Item 11.6)

\* **RECOMMEND CONTINUANCE TO 9/11/07 PER ADMINISTRATION**

## 11. PUBLIC HEARINGS

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### 11.4 Consideration of an ordinance rezoning the real property located on the east side of Radio Avenue, approximately 160 feet north of Lincoln Court.

**Recommendation:** Consideration of an ordinance rezoning the real property located on the east side of Radio Avenue, approximately 160 feet north of Lincoln Court (2102 Radio Avenue) from the R-M Multiple Residence Zoning District to the A(PD) Planned Development Zoning District to allow one single-family detached residence and up to 13 single-family attached residences on a 0.74 gross acre site (Willow Village Square, LLC, Paul Majoulet, Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). PDC05-122 - District 6  
(Continued from 8/14/07 – Item 11.7)

- Open Forum

- Adjournment

This meeting will be adjourned in memory of Lou Garcia, a long time City employee who passed away suddenly last month. Lou, who served the City of San José as a Deputy City Manager of Environmental Services, was well liked and respected by many City employees.