

CITY COUNCIL AGENDA

APRIL 27, 2010

SYNOPSIS

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

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

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. 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 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**
9:31 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: None.

1:35 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: None.

7:06 p.m. - General Plan/Public Hearings, Council Chambers, City Hall
Absent Council Members: None.

- **Invocation (District 4)**
Chinese “Guzheng” Demonstration was presented for the Invocation.

- **Pledge of Allegiance**
Mayor Reed led the Pledge of Allegiance.

- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with Item 2.3(a) deferred per Orders of the Day.

Per Orders of the Evening, Items 10.1(a) and 11.3 were continued to 05/18/10.

- **Closed Session Report**
No Report.

1. CEREMONIAL ITEMS

- 1.1 Administer Oaths of Office to District 5 Youth Commissioner Garland Heng and District 8 Youth Commissioner Rosealeen Dhaliwal. (City Clerk)
Heard in the Evening.
City Clerk Lee Price administered the Oaths of Office to District 5 Youth Commissioner Garland Heng and District 8 Youth Commissioner Rosealeen Dhaliwal.
- 1.2 Presentation of Outstanding Contributors in Childcare to Artemia Agustin, Tammy’s Family Daycare; Lisa Giuliana, Teachable Moments Family Day Care; Teresita Padilla, Lead Teacher at Santa Clara Office of Education McKinley Preschool; San Juan Bautista Child Development Center’s Fatherhood/Male Involvement Program. (Chirco)
Heard in the Evening.
Mayor Reed, Vice Mayor Chirco, and Council Members Liccardo, Kalra, Nguyen and Chu recognized and commended the outstanding contributors in childcare.
- 1.3 Presentation of the George Howard Memorial Award to 100 Black Men of Silicon Valley. (Chirco)
Heard in the Evening.
Mayor Reed, Vice Mayor Chirco and Council Member Oliverio recognized and commended the 100 Black Men of Silicon Valley.
- 1.4 Presentation of a commendation recognizing the local teen organization GROW (Give Raise Organize Work) for their financial support of the Calabazas Library. (Constant)
Heard in the Evening.
Mayor Reed and Council Member Constant recognized and commended the Give Raise Organize Work teen organization for their financial support of the Calabazas Library.
- 1.5 Presentation of a proclamation declaring May 1, 2010 as “Show Us Your Hope Day” in the City of San José. (Oliverio)
Mayor Reed and Council Member Oliverio recognized May 1, 2010 as “Show Us Your Hope Day” in the City of San José.
- 1.6 Presentation of a commendation to Grainger Company for helping local businesses maintain, repair and operate their business as well as their philanthropic commitment to the community. (Nguyen)
Mayor Reed and Council Member Nguyen recognized and commended the Grainger Company for helping local businesses maintain, repair and operate their business as well as their philanthropic commitment to the community.

1. CEREMONIAL ITEMS

- 1.7 Presentation of a commendation to Bill Wilson Center for strengthening the community by serving youth and families through counseling, housing, education and advocacy. (Nguyen)

Mayor Reed and Council Member Nguyen recognized and commended the Bill Wilson Center for strengthening the community by serving youth and families through counseling, housing, education and advocacy. The Grainger Company presented \$25,000 to the Bill Wilson Center.

2. CONSENT CALENDAR

- 2.1 **Approval of Minutes.**

There were none presented.

- 2.2 **Final adoption of ordinances.**

There were none presented.

- 2.3 **Approval of Council Committee Reports.**

Recommendation: Approval of Council Committee Reports.

- (a) Rules and Open Government Committee Report of April 7, 2010. (Mayor)

Deferred to 05/04/10 per Orders of the Day.

- (b) Public Safety, Finance and Strategic Support Committee Special Meeting Report of April 14, 2010. (Nguyen)

- (c) Public Safety, Finance and Strategic Support Committee Report of April 15, 2010. (Nguyen)

Deferred to 05/04/10 per City Clerk.

- 2.4 **Mayor and Council Excused Absence Requests.**

Recommendation:

- (a) Request for an excused absence for Council Member Campos from the Regular Meeting of the Transportation and Environment Committee on April 5, 2010 and Closed Session of City Council on April 6, 2010 due to Authorized City Business: Invited to the White House as a Representative of the City of San José. (Campos)

Excused.

Noes: Constant, Liccardo.

- (b) Request for an excused absence for Council Member Chu from the City Council Special Meeting on April 12, 2010 due to illness. (Chu)

- (c) Request for an excused absence for Council Member Chu from the Special Meeting of the Public Safety, Finance & Strategic Support Committee on April 14, 2010 due to Authorized City Business: District 4 Community Budget Meeting in San José, CA. (Chu)

Excused.

2. CONSENT CALENDAR

2.5 City Council Travel Reports.

There were none presented.

2.6 Compensation for Changes to Tenant Leasehold and Concession Areas at the Airport.

Recommendation:

- (a) Adopt a resolution authorizing the City Manager to negotiate with, and provide compensation to, Airport tenants for planning, design, permit and construction costs incurred where the Airport, for the benefit of the general public, requires changes to planned tenant improvements after a design has been approved by the City in a total amount for all such tenant costs incurred not to exceed \$500,000.

Resolution No. 75352 adopted.

- (b) Approve the Settlement Agreement and Release with Host International, Inc. (Host) to pay Host an amount not to exceed \$32,560 in full satisfaction of all planning, design, and permit costs incurred to redesign a concession area located in Terminal A that was relocated by the City after execution of the Host Retail Concession Agreement and completion of design by Host, but prior to tenant improvement construction.

CEQA: Resolution Nos. 67380 and 71451, File No. PP10-039. (Airport)

Approved.

2.7 Setting a Public Hearing for the Approval of the Report from the Director of Finance for the Cost of Sidewalk Repairs.

Recommendation: Adopt a resolution setting a Public Hearing for June 8, 2010 at 1:30 p.m. for the approval of the report from the Director of Finance for the cost of sidewalk repairs. CEQA: Not a Project. (Finance)

Resolution No. 75353 adopted.

2.8 Parkland Agreement with ROEM Development Corporation for Montecito Vista Park located at Goble Lane and Montecito Vista Drive.

Recommendation: Approval of the First Amendment to the Turnkey Parkland Agreement with ROEM Development Corporation, for Planned Development Permit PD06-062, associated with Tentative Map No. PT05-113 and Final Tract Map 9831 to extend the date to complete the park improvements from February 27, 2012 to February 27, 2015. CEQA: Resolution No. 72877. Council District 7. (Parks, Recreation and Neighborhood Services)

Approved.

2. CONSENT CALENDAR

2.9 Grant Applications for Prop 84.

Recommendation: Adopt a resolution authorizing the City Manager or designee to:

- (a) Draft a letter of support for the application of the San José Conservation Corps to the State of California Conservation Corps for the Thompson Creek Trail and Alum Rock Park and projects.
- (b) Sign and submit a Sponsor Land Tenure/Site Control Letter (Attachment A) to the California Conservation Corps for the Thompson Creek Trail and Alum Rock Park projects.
- (c) Accept this work as part of the settlement agreement dated January 12, 2010 between the City of San José and the San José Conservation Corps in the amount of \$160,000 regarding all claims and outstanding amounts identified in the Audit of the San José Conservation Corps issued by the City Auditor in May 2009.

CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

Resolution No. 75354 adopted.

2.10 Setting a Public Hearing for the Consideration of a Rule 20A Underground Utility District along Lincoln Avenue.

Recommendation: Adopt a resolution to consider the establishment of a Rule 20A Underground Utility District along Lincoln Avenue from West San Carlos Street to approximately 160 feet northwest of Coe Avenue, Auzerais Avenue approximately 190 feet west of Lincoln Avenue, Northrup Street from Lincoln Avenue to Highway 280, Parkmoor Avenue from Lincoln Avenue to approximately 280 feet west of Northrup Street, and Paula Street approximately 210 feet west of Lincoln Avenue, and setting a Public Hearing on June 8, 2010, at 1:30 p.m. CEQA: Addendum to a Mitigated Negative Declaration, File No. PP10-002. Council District 6. (Public Works)

Resolution No. 75355 adopted.

2.11 Independent Police Auditor Compensation Package/Employment Agreement.

Recommendation: Adopt a resolution appointing LaDoris Cordell for services as Independent Police Auditor for a term beginning May 17, 2010 and ending December 31, 2012, and approving compensation terms, which include Unit 99 benefits that are subject to change from time to time upon Council approval. (Mayor)

[Rules Committee referral 4/21/10 – Item A(1)(a)(1)]

Resolution No. 75356 adopted.

Noes: Constant, Oliverio.

3. STRATEGIC SUPPORT SERVICES

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

City Manager Debra Figone reported that 1,300 full time and part time employees are affected due to position eliminations or bumping and 970 positions are proposed for elimination. She added that the 2010-2011 Proposed Budget will be released on Monday, May 3, 2010. She also advised that she will provide additional clarification on the seniority lists.

3.2 Approval of Implementation of Terms Contained in the City's Last, Best and Final Offer to the Association of Building, Mechanical and Electrical Inspectors.

Recommendation: Adopt a resolution approving the implementation of the terms of the City's Last, Best and Final Offer for employees represented by the Association of Building, Mechanical and Electrical Inspectors (ABMEI), effective June 27, 2010. CEQA: Not a Project. (City Manager's Office)

Heard in the Evening.

Resolution No. 75362 adopted.

Noes: Campos, Chu, Kalra, Nguyen.

3.3 Approval of Compensation and Benefit Changes for Executive Management and Professional Employees in Unit 99 and Other Unrepresented Employees.

Recommendation: Adopt a resolution approving compensation and benefit changes for executive management and professional employees in Unit 99, and other unrepresented employees, effective June 27, 2010. (*City Manager not included*) CEQA: Not a Project. (City Manager's Office)

Resolution No. 75363 adopted, as amended.

(Action postponed on sick leave pay-out for deferred vested employees; Staff was directed to bring back a legal and fiscal analysis.)

Noes: Campos, Constant, Kalra, Nguyen, Oliverio.

3.4 Mayor, City Council, and City Council Appointee Compensation and Benefits.

Recommendation: Adopt a resolution approving compensation and benefit changes with the goal of achieving a 10% ongoing total compensation reduction for the Mayor, City Council and City Council Appointees, including the Redevelopment Agency Director, and excluding any change to the salary only for the newly hired Independent Police Auditor. (Mayor)

[Rules Committee referral 4/21/10 – Item A(1)(a)(2)]

Heard in the Evening. (Heard first, followed by Items 3.2 and 3.3)

Resolution No. 75361 adopted.

Staff directed to return with an ordinance to implement changes to Mayor/Council salaries.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Economic Strategy 2010.

Recommendation: Adopt a resolution to approve:

- (a) The Economic Strategy 2010 and the Workplan identifying “Top 10 Actions for 2010”.
- (b) The submittal of the Economic Strategy 2010 as the City’s Comprehensive Economic Development Strategy to the U.S. Economic Development Administration for qualifying federal grants.

CEQA: Not a Project, File No. PP10-069, Staff Report. (Economic Development)

Resolution No. 75357 adopted, as amended.

Staff directed to include the following in the “Top 10 Actions for 2010”: Retain and improve the Special Tenant Improvement Program and the Industrial Tools Installation Program to expedite permit review for expanding companies.

Staff requested to provide information to Council on how Clean Tech jobs will be tracked separately.

4.2 Economic Development Administration Grant Application for the Regional Innovation Cluster.

Recommendation: Adopt a resolution authorizing the City Manager, or designee, to submit an application for federal assistance to the U.S. Department of Commerce's Economic Development Administration for \$3,000,000 to build energy efficient building systems at the Clean Tech Demonstration Center, and \$2,000,000 in financial assistance for demonstration, deployment and commercialization activities undertaken by partners in the Regional Innovation Cluster. CEQA: Not a Project, File No. PP10-068, Grant Application. (Economic Development)

Resolution No. 75358 adopted.

4.3 Public Hearing on an Ordinance to Specify Parking Requirements for Business Destination Areas.

Recommendation: Conduct a public hearing and consider an ordinance amending Title 20 of the San José Municipal Code to amend: Table 20-190 (Parking Spaces Required by Land Use) in Section 20.90.60 and Section 20.90.220, both of Chapter 20.90, to specify a Parking Requirement for Business Destination Areas; and Chapter 20.200 to add a definition of Business Destination Areas. CEQA: Negative Declaration, File No. PP10-059. (Planning, Building and Code Enforcement)

Citywide

Continued to 05/18/10 per Administration.

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Countywide Household Hazardous Waste Collection Program Agreements.

Recommendation:

- (a) Approve the Agency Agreement with the County of Santa Clara for Countywide Household Hazardous Waste Collection Program for 2010-2011.
- (b) Approve the Agency Agreement with the County of Santa Clara for Countywide AB939 Implementation Fee for 2010-2011.

CEQA: Not a Project. (Environmental Services)

Approved.

7.2 Status Report Cooperative Efforts between City of San José and Santa Clara Valley Water District.

Recommendation: Accept the 2009 Annual Status Report on cooperative efforts between the City of San José and the Santa Clara Valley Water District relating to:

- (a) Flood Protection
 - (1) Flood Preparedness
 - (2) Floodwater Management
 - (3) Dam Safety
- (b) Water Supply
 - (1) Water Supply Outlook
 - (2) Water Conservation
 - (3) Water Recycling
- (c) Watershed Protection
 - (1) Trash Removal from Creeks
 - (2) Countywide Efforts Focused on Reducing Trash
 - (3) Coyote Valley Projects
 - (4) Santa Clara Valley Habitat Plan – A Conservation Legacy
 - (5) Parks, Trails, and Open Space Partnership
- (d) Policy/Planning Initiatives
 - (1) Adopting Joint Priorities for 2009-2010
 - (2) Protection and Augmentation of the Water Supply
 - (3) District Comprehensive Plan
 - (4) Water Resources Planning

CEQA: Not a Project. Environmental review was completed or is in progress as appropriate for each of the individual projects described in this Annual Status Report. (Environmental Services)

Accepted.

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

- **Open Forum**
 - (1) **Dr. Joan Todd, Historical Ventures, stated that small investors are interested in developing green energy businesses in the City of San José.**
 - (2) **Jim Piezzo, Green Earth Enterprise, encouraged the Council to remove barriers to the success of small businesses in San José.**
 - (3) **Keith Weissglass, representing State Senator Joe Simitian, issued an invitation to attend a community celebration honoring Vice Mayor Judy Chirco, Eleventh State Senate District “Woman of the Year” on Thursday, May 6, 2010, at 4:30 p.m. to 6:00 p.m., Camden Community Center, 3359 Union Avenue, San José, California.**
 - (4) **Wilma Hashii requested that the City Council re-open the Seven Trees Library.**
 - (5) **Mark Trout commented on the death of Georgia Senator Nancy Schaefer.**

- **Adjournment**

The Council of the City of San José adjourned the afternoon session at 3:50 p.m.

10. GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

10.1 Tentative approval of General Plan Consent Calendar items.

Recommendation:

- (a) Tentative approval of a General Plan amendment request to change the San José 2020 General Plan Land Use/Transportation Diagram land use designation from Non-Urban Hillside (Silver Creek Planned Residential Community) to Public/Quasi-Public (Silver Creek Planned Residential Community) on a 3-acre portion of a 21.1-acre site, located on the east side of Dove Hill Road, approximately 500 feet north of Hassler Parkway (4200 Dove Hill Road) (Kuehne Stanislaus and Eleanore Trustee & Et, owner). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).
GP08-08-03 - District 8

Continued to 05/18/10 per Orders of the Evening.

- (b) Tentative approval of a General Plan amendment request to amend the San José 2020 General Plan Land Use/Transportation Diagram to add a Neighborhood Business District (NBD) overlay to the Winchester Boulevard, generally from Stevens Creek Boulevard to Impala Drive. CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).
GP10-01-01 - District 1

City Council recommended tentative approval of the proposed General Plan Amendment.

- (c) Tentative approval of a General Plan Amendment request to change the San José 2020 General Plan, Land Use/Transportation Diagram designation from Very Low Density Residential (2 DU/AC) to Medium Low Density Residential (8 DU/AC) on a 1.82-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: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).
GP07-10-01 - Council District 10

City Council recommended tentative approval of the proposed General Plan Amendment and the memorandum from Council Member Pyle, dated April 26, 2010, with the following conditions: Staff directed to notify any potential developer that any Planned Development Rezoning must include a strong neighborhood integration component. The only access to this property will be through the existing Almaden Hills Estates neighborhood. New development will need to work with the existing neighborhood to address concerns such as but not limited to, protection of existing view sheds and the continuation of existing sound walls. Almaden Hills Estates is a very active community and new development needs make every effort create an environment that blends both.

10. GENERAL PLAN PUBLIC HEARINGS

10.2 General Plan Amendment request to change the Land Use/Transportation Diagram designation.

Recommendation: Tentative denial of a General Plan Amendment request to change the Land Use/Transportation Diagram designation to add Mixed Industrial Overlay to an existing Heavy Industrial land use designation on a 3.95 gross acre site, located at 2159 South 10th Street (Provident Holdings & Investments LLC, Owner). CEQA: Statutorily Exempt (Denial). Director of Planning, Building and Code Enforcement and Planning Commission recommend denial (5-1-1).

GP09-07-02 – District 7

(Continued from 2/23/10 – Item 11.3)

Continued to Fall 2010 General Plan Hearing per Administration.

10.3 Amendment on a 3.2 acre site located at the southeast corner of Yerba Buena Road and Highway 101 (3800 Dove Hill Road).

Recommendation: Tentative consideration of a General Plan amendment request to change the San José 2020 General Plan, Land Use/Transportation Diagram designation from Public/Quasi-Public to Medium Low Density Residential (8 DU/AC) on a 3.2 acre site located at the southeast corner of Yerba Buena Road and Highway 101 (3800 Dove Hill Road) (Lo, Joey and Frances, owner). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement recommends denial and Planning Commission recommends approval (5-2-0).

GP09-08-01 - Council District 8

City Council recommended tentative approval of the proposed General Plan Amendment, the recommendation of the Planning Commission and the memorandum from Council Member Herrera, dated April 27, 2010, with the following conditions:

- (1) Allow no more than nineteen homes.
- (2) Applicant should submit zoning for the entire site.
- (3) If the proposed church does not move forward after five years, Staff should initiate a change to non-urban hillside.

Noes: Kalra, Liccardo.

10. GENERAL PLAN PUBLIC HEARINGS

10.4 Amendment on a 2.61 gross acre site, located at the northeast corner of Ruby Avenue and Murillo Avenue (2494 Ruby Ave).

Recommendation: Tentative consideration of a General Plan Amendment request to change the San José 2020 General Plan, Land Use/Transportation Diagram designation from Very Low Density Residential (2 DU/AC) to Low Density Residential (5 DU/AC) on a 2.61 gross acre site, located at the northeast corner of Ruby Avenue and Murillo Avenue (2494 Ruby Ave)(Mahmood, Ghor; owner). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement recommends denial and Planning Commission recommends approval (7-0-0).

GP09-08-03 - Council District 8

City Council recommended tentative approval of the proposed General Plan Amendment and the recommendation of the Planning Commission.

Noes: Liccardo, Oliverio.

10.5 Approve all General Plan amendment actions on April 27, 2010.

Recommendation: Adopt a resolution approving all General Plan amendment actions taken on April 27, 2010. (Planning, Building and Code Enforcement)

Continued to 05/18/10.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

11.1 Public Hearings on Consent Calendar.

Recommendation:

- (a) Consider an ordinance rezoning the real property located at 1164 McLaughlin Avenue from the R-1-8 Residential Zoning District to the CG Commercial General Zoning District on a 0.17 gross acre site (Elizabeth Lien Vo, Owner). SNI: Tully/Senter. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C09-031 – District 7

Ordinance No. 28741 passed for publication.

- (b) In the event the Council approves the General Plan amendment to add the Neighborhood Business District overlay designation to a portion of Winchester Boulevard in Item 10.1(b), adopt a resolution to repeal Resolution No. 75235 designating that portion of Winchester Boulevard as a Targeted Business Area.

Continued to 05/18/10 General Plan Hearing.

11.2 Rezoning Real Property located at/on the west side of N. Third Street.

Recommendation: Consider an ordinance rezoning the real property located at/on the west side of N. Third Street, 340 feet south of Hensley Street (405 N Third Street) in the Hensley Historic District from the R-M Multiple Residence Zoning District to the A(PD) Planned Development Zoning District to allow up to six residential units within the existing structure(s) on a 0.17 gross acre site (Layne Sharon J, Owner; Bill Priest, Developer). SNI: 13th Street. CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval of 4 units (5-2-0).

PDC08-033 – District 3

Continued to 06/15/10.

11.3 Administrative Hearing and Consideration of an APPEAL of the Planning Commission's decision to approve a Conditional Use Permit.

Recommendation: Conduct an Administrative Hearing and consider an APPEAL of the Planning Commission's decision to approve a Conditional Use Permit to expand a legal non-conforming use by adding 11 rooms to an existing 16-room guest house on a 0.29 gross acre site, in the R-M Multiple Residence Zoning District, located at/on the southeast corner of E Saint John Street and N 5th Street (98 N 5th Street) (Sabankaya Semih and Jeanne K Trustee & Et Al, Owner). SNI: 13th Street. CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends to uphold Planning Commission's decision to approve.

CP07-053 – District 3

Continued to 05/18/10 per Orders of the Evening.

- **Open Forum**
 - (1) **Mark Trout criticized Child Protective Services.**
 - (2) **Sharat G. Lin, San José Peace and Justice Center, submitted an article about the Cinco de Mayo celebration on May 3, 2009 and urged the San José Police Department to treat this festival like any other and without discrimination.**
 - (3) **Donna Wallach, Justice for Palestinians, asserted she had personally observed discrimination by the San José Police Department of Hispanics at Cinco de Mayo on May 3, 2009.**

- **Adjournment**

The Council of the City of San José was adjourned at 12:08 a.m.

**JOINT CITY OF SAN JOSÉ CITY COUNCIL/
FINANCING AUTHORITY/REDEVELOPMENT AGENCY
AGENDA**

3:41 P.M.

TUESDAY, APRIL 27, 2010

CHAMBERS

- 1. Call to Order**
Absent Council Members: None.

- 2. Actions Related to the City of San José Financing Authority's Commercial Paper Program and Actions Related to the Administration and Meeting Schedule of the San José Financing Authority.**

Recommendation:

- (a) Adopt a resolution of the City Council to:
 - (1) Approve an amendment to the Amended and Restated Trust Agreement and authorize other related actions relating to the City of San José Financing Authority's Lease Revenue Commercial Paper Notes Program in order to allow issuance of Commercial Paper Notes to fund a loan to the Low and Moderate Income Housing Fund in an amount not to exceed the amount specified in a loan agreement by and among the City, the Authority, and the Redevelopment Agency, and to allow issuance of Commercial Paper Notes to fund advances to the City in the event there is a need to address unanticipated or seasonal cash flow deficiencies.

Resolution No. 75359 adopted.

- (b) Adopt a resolution of the City of San José Financing Authority Board to:
 - (1) Adopt a resolution to approve and authorize the execution of an amendment to the Amended and Restated Trust Agreement and authorize other related actions relating to the City of San José Financing Authority's Lease Revenue Commercial Paper Notes Program in order to allow issuance of Commercial Paper Notes to fund a loan to the Low and Moderate Income Housing Fund in an amount not to exceed the amount specified in a loan agreement by and among the City, the Authority, and the Redevelopment Agency and to allow issuance of Commercial Paper Notes to fund advances to the City in the event there is a need to address unanticipated or seasonal cash flow deficiencies.

SJFA Resolution No. 97 adopted.

JOINT/SAN JOSÉ FINANCING AUTHORITY

2. **Actions Related to the City of San José Financing Authority's Commercial Paper Program and Actions Related to the Administration and Meeting Schedule of the San José Financing Authority (Cont'd.)**

- (b) (2) Adopt a resolution to amend and restate Resolution No. SJFA-1 in order to modify the City of San José Financing Authority's regular meeting schedule, to confirm the appointment of Authority officials, to adopt Amended and Restated Bylaws, and to update the reference to the Conflict of Interest Code, to clarify that members of the Governing Board of the City of San José Financing Authority are subject to the provisions of the Conflict of Interest Code of the City, adopted by the City Council on March 24, 2009 by Resolution No. 74837, as may be amended.

CEQA: Not a Project. (Finance)

(Deferred from 4/20/10 – SJFA Item #2)

SJFA Resolution No. 98 adopted.

3. **City Appropriation Actions Related to the Supplemental Educational Revenue Augmentation Fund Financing.**

Recommendation:

- (a) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Low and Moderate Income Housing Fund:
- (1) Increase the estimate for Earned Revenue By \$52,734,250.
 - (2) Establish a Loan to the San José Redevelopment Agency in the amount of \$52,000,000.
 - (3) Establish a Reserve for the Loan Origination and Annual Monitoring Fee in the amount of \$406,250.
 - (4) Increase the Debt Service appropriation by \$172,000.
 - (5) Establish an appropriation to the Housing Department for Commercial Paper Debt Service in the amount of \$156,000.

Ordinance No. 28737 adopted.

Resolution No. 75360 adopted.

- (b) Adopt the following Appropriation Ordinance amendments in the Ice Centre Revenue Fund:

- (1) Establish a Loan to the San José Redevelopment Agency in the amount of \$2,000,000.
- (2) Decrease the Ending Fund Balance by \$2,000,000.

Ordinance No. 28738 adopted.

- (c) Adopt the following Appropriation Ordinance amendments in the Sewage Treatment Plant Connection Fee Fund:

- (1) Establish a Loan to the San José Redevelopment Agency in the amount of \$5,000,000.
- (2) Decrease the Reserve for Treatment Plant Expansion by \$5,000,000.

Ordinance No. 28739 adopted.

JOINT/SAN JOSÉ FINANCING AUTHORITY

3. City Appropriation Actions Related to the Supplemental Educational Revenue Augmentation Fund Financing (Cont'd.)

- (d) Adoption of the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund:
- (1) Establish a Loan to the San José Redevelopment Agency in the amount of \$3,000,000.
 - (2) Decrease the Reserve for Future Parkland Dedication Ordinance (PDO)/Park Impact Fee Ordinance (PIFO) Projects by \$3,000,000.
- Ordinance No. 28740 adopted.**

CEQA: Not a Project. (Finance/Housing/City Manager's Office)
(Deferred from 4/20/10 – SJFA Item #3)

**4. Adjourn the San José Financing Authority.
The Joint/San José Financing Authority Meeting was adjourned at 3:42 p.m.**

8. JOINT/REDEVELOPMENT AGENCY

The Joint Redevelopment Agency Board convened 3:33 p.m. to consider Item 8.1 in a Joint Session.

8.1 Approval of a Purchase and Sale Agreement for parcels needed for the planned Autumn Street Extension Project.

Recommendation:

- (a) Redevelopment Agency Board approval of a Purchase and Sale Agreement with Michael G. Akatiff & Christy D. Akatiff, as Trustees under Michael G. Akatiff and Christy D. Akatiff Revocable Living Trust Agreement dated July 8, 1993, and Pacific Coast Cycle Corporation in the amount of \$4,610,000 plus related closing costs, for the acquisition of all or portions of 443-479 Howard Street, 442 Howard Street, 428 Old W. Julian Street, 440 Old W. Julian Street, and APN 259-25-050 (vicinity of Howard Street), and authorization for the Executive Director to execute ancillary documents or take those actions necessary to close escrow.
- (b) Redevelopment Agency Board approval of a Purchase and Sale Agreement with Michael G. Akatiff & Christy D. Akatiff, as Trustees under Michael G. Akatiff and Christy D. Akatiff Revocable Living Trust Agreement dated July 8, 1993 for the sale of a portion of 445 Old W. Julian Street (APN 259-25-003); and authorizing the Executive Director to execute ancillary documents or take those actions necessary to close escrow.

CEQA: Autumn Extension/Coleman Widening EIR, Resolution No. 74870. JULIAN/STOCKTON]

Approved.

Noes: Campos.

The Council of the City of San José and Redevelopment Agency Board was adjourned at 3:40 p.m.