



CITY COUNCIL AGENDA

JANUARY 10, 2006

AMENDED AGENDA

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ, VICE MAYOR
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
MADISON P. NGUYEN
DAVID D. CORTESE
JUDY CHIRCO
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 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 Gonzales 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

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, City Hall Tower, 18th Floor, City Hall
[See Separate Agenda](#)
1:30 p.m. - Regular Session, Council Chambers, City Hall
7:00 p.m. - Public Hearings, Council Chambers, City Hall
RECOMMEND CANCELLATION OF THE EVENING SESSION
- **Invocation (District 1)**
Pastor Jon Talbert, Westgate Church
- **Pledge of Allegiance**
- **Orders of the Day**

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

ITEMS 9.1, 9.2, 9.3 AND 9.4 ARE TO BE CONSIDERED IN A JOINT CITY COUNCIL/REDEVELOPMENT AGENCY BOARD SESSION.

***See Item 1.6:** Presentation by the California Construction Magazine...

***See Item 1.7:** Presentation of a commendation to Halfdan Hussey...

ADJOURNMENT: This meeting will be adjourned in memory of Dr. Zehra Attari, long time Evergreen resident and pediatrician who dedicated her life to selflessly serve the entire Bay Area community and will be missed by many.

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

1. CEREMONIAL ITEMS

- 1.1 Presentation of a check for \$150,000 from PG&E to the City for the energy efficiency measures installed in the New City Hall. (Environmental Services/Public Works)
(Deferred from 12/13/05 – Item 1.1)
* **RECOMMEND DEFERRAL TO 1/24/06**
- 1.2 Presentation of two prestigious awards received at the National League of Cities Conference in Charlotte, N.C., the 2005 James C. Howland Gold Award presented to both the City and San Jose State University, America City and County Crown Communities Award. (Mayor/City Manager’s Office)
- 1.3 Presentation of a commendation to Marina Hinestroza for her hard work, dedication, and commitments as a Latina Pioneer in media and publications. (Cortese)
- 1.4 Presentation of a commendation to the East Hill Youth Football Junior Pee Wees and the East Hill Youth Football Pee Wees for winning the San José PAL Football Championship in 2005. (Cortese)
(Rules-in-Lieu referral 1/4/06)
* **RECOMMEND DEFERRAL TO 1/24/06**
- 1.5 Presentation from Sustainable Silicon Valley in recognition of the City of San José’s efforts to reduce CO2 Emissions. (LeZotte)
* (Rules-in-Lieu referral 1/4/06)
- 1.6 Presentation by the California Construction Magazine for the City Hall as the Best Overall California Project for 2005. (City Manager’s Office)
* (Orders of the Day)
- 1.7 Presentation of a commendation to Halfdan Hussey for his artistic vision, his commitment to the art of cinema, and his innovative approach to exposing the residents of San José to independent and quality filmmaking. (Vice Mayor)
* (Orders of the Day)

2. CONSENT CALENDAR

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. CONSENT CALENDAR

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 27630 – Amends Part 2, Part 3, and various other sections of Chapter 17.08 of Title 17 of the San José Municipal Code to add construction standards for flood zone A99, accessory structures, crawlspaces, and add the requirement for cumulative tracking of improvements to existing structures, and other technical changes to conform the flood hazard ordinance to the National Flood Insurance Program regulations.
- (b) ORD. NO. 27633 – Amends Section 11.96.070 of Chapter 11.96 of Title 11 of the San José Municipal Code to add a twenty-four hour prohibition of commercial vehicles in excess of five tons of Eighth Street between Martha Street and Humboldt Street, Humboldt Street between Eleventh Street and Twelfth Street, Humboldt Street, between Fifth Street and Tenth Street, Martha Street and Humboldt Street, Sixth Street between Virginia Street and Humboldt Street, Twelfth Street between Martha Street and Humboldt Street, and Vistapark Drive between Capitol Expressway and Branham Lane, and a prohibition from 8:00 p.m. until 6:00 a.m. on Seventh Street between Virginia Street and Keyes Street.
- (c) ORD. NO. 27634 – Rezones certain real property situated at the northeast corner of Monterey Road and Tully Road (2180 Monterey Road) to A(PD) Planned Development Zoning District. PDC04-066
- (d) ORD. NO. 27635 – Rezones certain real property situated at the northwesterly side of Lewis Road, approximately 210 feet southwesterly of Garden Avenue (265 Lewis Road) to A(PD) Planned Development Zoning District. PDC05-076
- (e) ORD. NO. 27636 – Rezones certain real property situated on the west side of Lincoln Avenue, approximately 230 feet northerly of Pine Avenue (1669 Lincoln Avenue) to A(PD) Planned Development Zoning District. PDC05-070
- (f) ORD. NO. 27637 – Rezones certain real property situated east and west sides of Hoover Avenue, north and south sides of Harding Avenue, Pershing Avenue, and Schiele Avenue (1025 Schiele Avenue) to R-1-8 Single-Family Residence Zoning District. CC05-100
- (g) ORD. NO. 27638 – Rezones certain real property situated on the west side of Skylark Drive, at the western terminus of Hummingbird Drive (2482 Almaden Expressway) to A(PD) Planned Development Zoning District. PDC05-034
- (h) ORD. NO. 27639 – Amends Section 19.16.170 of Chapter 19.16 of Title 19, and adding a new chapter 20.175 to Title 20, of the San José Municipal Code relating to commercial and industrial common interest developments.

2. CONSENT CALENDAR

2.3 [Approval to amend a consultant agreement for Airport Environmental Analysis Services.](#)

[Supplemental](#)

Recommendation: Approval of third amendment to consultant agreement with David J. Powers & Associates for Airport Environmental Analysis Services, increasing compensation by \$150,000 from \$100,000 to a total agreement amount of \$250,000, and extending the termination date from June 30, 2006 to June 30, 2007. (Airport)

2.4 [Acceptance of the Office of the City Auditor's Report of Activities and Findings for the period October 16 through November 15, 2005.](#)

Recommendation: Acceptance of the Office of the City Auditor's *Report of Activities and Findings for the period October 16 through November 15, 2005*. (City Auditor)

2.5 [Approval of fiscal actions for Redevelopment Agency Capital Projects.](#)

Recommendation:

- (a) Adoption of the following 2005-2006 appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund):
 - (1) Establish an appropriation to the Department of Transportation for the Fourth & Santa Clara Sidewalks Improvement Project (PSM 427) in the amount of \$56,000.
 - (2) Increase the estimate for Earned Revenue by \$56,000.
- (b) Adoption of a resolution making certain determinations regarding the related expenditure of Redevelopment Agency Funds on certain public improvements in the Century Center Redevelopment Project Area, as more specifically described in the memorandum from the Redevelopment Agency dated November 22, 2005. CEQA: Not a Project. Council District 3. SNI: University. (City Manager's Office)

2.6 **Approval of an agreement for artwork at the Edenvale Branch Library.**

- * **Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Troy Corliss to fabricate and install an artwork at Edenvale Branch Library in an amount not to exceed \$151,224. CEQA: Exempt, File No. PP05-184. (Economic Development)

2. CONSENT CALENDAR

2.7 Approval of actions for the Modern Ice Turnkey Park Project.

Recommendation:

- (a) Adoption of the following appropriation ordinance and funding sources resolution amendments in the Park Trust Fund:
 - (1) Establish an appropriation to the Department of Public Works in the amount of \$56,100 for the Modern Ice Turnkey Park Project located on Berryessa Road, approximately 500 feet northeast of Old Oakland Road; and
 - (2) Increase the estimate for Earned Revenue by \$56,100.
- (b)
 - (1) Acceptance of an Irrevocable Offer of Dedication of Parkland from Taylor Woodrow Homes, Inc.; and
 - (2) Approval of a Turnkey Park Agreement with Taylor Woodrow Homes, Inc. for Planned Development Permit PD 05-032, associated with Tentative Maps No. PD05-036.

CEQA: Mitigated Negative Declaration PDC05-014. Council District 3. SNI: 13th Avenue. (Parks, Recreation and Neighborhood Services/City Manager's Office)

RECOMMEND DEFERRAL TO 1/24/06

2.8 Approval of an agreement for the Rebuild of Fire Station No. 2 Project.

- * **Recommendation:** Approval of an agreement with Wolff/Lang/Christopher Architects, Inc. dba WLC Architects for consultant services including design services for the Rebuild of Fire Station No. 2 Project, from the date of execution to June 30, 2009, in a total amount not to exceed \$558,000. CEQA: Exempt, PP05-220. Council District 5. SNI: East Valley/680. (Public Works/Fire)

2.9 **Approval of actions for a Cirque du Soleil Special Parking Rate.**

Recommendation: Adoption of a resolution to amend the Master Parking Rate Schedule by the following actions:

- (a) Establish a Special Event Parking Rate for the "C" Lot within a range of \$5 to \$15.
- (b) Authorize the Director of Transportation to determine the Special Event Parking Rate based upon the location and expected attendance and parking demand for the event, and repeal Resolution No. 72639.

CEQA: Exempt, File No. PP05-282. Council District 3. (Transportation/General Services)

2. CONSENT CALENDAR

2.10 Approval of Council Member Campos' Travel.

- * **Recommendation:** Approval of travel by Council Member Campos to:
 - (a) San Diego, California, on January 5-January 8, 2006 to attend the League of California Cities-Latino Caucus Board meeting; and
 - (b) The League of California Cities Legislative Event and TCPW Policy Committee Meeting in Sacramento on January 11- 12, 2006.Funding Source: Mayor and Council Travel Fund. (Campos)
(Rules-in-lieu referral 1/4/06)

2.11 Approval of the City Auditor's Travel Calendar from January 1 through June 2006.

- * **Recommendation:** Approval of the City Auditor Gerald Silva's travel calendar from January 1 through June 30, 2006 at no cost to the City. (City Auditor)
(Rules-in-Lieu referral 1/4/06)

2.12 [Approval to amend the agreement with Nortel Networks for the Voice over Internet Protocol Phone System.](#)

- * **Recommendation:** Authorization to the Director of Finance to execute a change order to the Nortel Networks agreement through the use of available contract contingency funds in an amount not to exceed \$150,000, to integrate the City's Voice Over Internet Protocol phone system with Customer Relationship Management functionality of the Consolidated Utility Billing System Project. CEQA: Not a project. (Finance)

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair

3.2 Report of the Rules Committee – December 14, 2005 Vice Mayor Chavez, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review January 10, 2006 Council Agenda
 - (a) Adds to the January 10, 2006 Draft Agenda
 - (2) Review January 3, 2006 Council Agenda
MEETING CANCELLED – HOLIDAY CLOSURE
 - (3) Review December 27, 2005 Council Agenda
MEETING CANCELLED – HOLIDAY CLOSURE
 - (4) Review December 20, 2005 Council Agenda
MEETING CANCELLED – HOLIDAY CLOSURE

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – December 14, 2005 (Cont'd.) Vice Mayor Chavez, Chair

- (c) Legislative Update
 - (1) State
 - (a) 2005 State Legislative Summary
 - (2) Federal
- (d) Meeting Schedules
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Cellular Communication Coverage at City Hall Work Load Assessment
 - (2) Review of Tow Services Agreements
 - (3) Loss of Federal Difficult Development Area Designation for the Low-Income Housing Tax Credit Program
 - (4) Approve Council Committee Workplans
- (h) Oral Communications
- (i) Adjournment

3.3 Report of the Making Government Work Better Committee Council Member Reed, Chair

3.4 Presentation of information related to SBC's permit request.

Recommendation: Presentation of information regarding franchise requirements for SBC's permit request to install facilities to support internet protocol television (IPTV) services (Project Lightspeed). (Public Works/Information Technology/City Manager's Office)

(Rules Committee referral 12/7/05)

(Deferred from 12/13/05 – Item 3.12)

* **RECOMMEND DEFERRAL TO 1/24/06**

3.5 [Applicant interviews and appointments to the Appeals Hearing Board.](#)

Recommendation: Interview six applicants and make appointments to fill two, three-year terms ending December 31, 2008 on the Appeals Hearing Board. (City Clerk)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee – [December 19, 2005](#) Council Member Chirco, Chair

[Attachment](#)

- (a) Animal Care Center Status Report and Policy Barriers Report
- (b) Discussion and Maintenance of Parks and Community Facilities
- (c) Strong Neighborhoods Evaluation and Renewing the Action Agenda
- (d) Discussion of San José's Community Outreach Strategies
- (e) Oral Petitions
- (f) Adjournment

4.2 Report of the Driving a Strong Economy Committee Council Member Williams, Chair

4.3 [Public Hearing on a rezoning the real property located on 2230 Alum Rock Avenue.](#)

Recommendation: Consideration of an ordinance rezoning the real property located on the southwest corner of Alum Rock Avenue and Scharff Avenue (2230 Alum Rock Ave.) (Lau Philip, et al., Owner) from CG Zoning District to CP Zoning District to allow commercial use on a 0.40 gross acre site. SNI: Mayfair. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommend approval. No Planning Commission action required.

[C05-103](#) - District 5

RENUMBERED FROM 11.1(a)

4.4 [Public Hearing on a rezoning the real property located on 341 South Cypress Avenue.](#)

Recommendation: Consideration of an ordinance rezoning the real property located on a 0.25 gross acre site located on the west side of South Cypress Avenue, approximately 400 feet south of Stevens Creek Boulevard (341 South Cypress Avenue) (Logan Randall J., Trustee & et al., Owner) from RM-Multiple Residence Zoning District to A(PD) Planned Development Zoning District to allow up to two single-family detached residences and two single-family attached residences. CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

[PDC05-081](#) - District 1

RENUMBERED FROM 11.1(b)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.5 Approval of an agreement with American Airlines and American Aviation Supply Company.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an economic development agreement between the City and American Airlines and American Aviation Supply Company which will provide for an economic incentive payment to American Airlines equal to a 65 percentage of the sales taxes generated by its single source purchasing and resale company to be located in the City of San José over and above a base taxable sales for previous years. (Airport/Economic Development/City Manager's Office)

* **RECOMMEND DEFERRAL TO 1/31/06**

4.6 Public Hearing and approval to establish a Hotel Business Improvement District and levy assessments for Fiscal Year 2005-2006.

Attachment

Recommendation:

- (a) Public hearing to consider the establishment of the Hotel Business Improvement District.
- (b) Approval of an ordinance establishing the Hotel Business Improvement District.
- (c) Public hearing to approve the budget and the levy of assessments for the Hotel Business Improvement District for the remainder of Fiscal Year 2005-2006 (ending June 30).
- (d) Adoption of a resolution approving the budget and authorizing the levy of assessments for the Hotel Business Improvement District for the remainder of Fiscal Year 2005-2006 (ending June 30).
- (e) Approval of an agreement with San José Hotels, Inc. for the administration of the Hotel Business Improvement District.

CEQA: Exempt, File No. PP05-203. (Economic Development)

4.7 Public Hearing and approval of actions related to the 2005-2006 Weed Abatement Report.

* **Recommendation:** Adoption of a resolution:

- (a) Overruling any and all objections to the 2005-2006 Hazardous Vegetation Commencement Report; and
- (b) Directing the Santa Clara County Department of Agriculture and Resource Management to abate the seasonal and/or recurrent public nuisances on those properties identified in the Report 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, PP05-016. (Planning, Building and Code Enforcement)

5. NEIGHBORHOOD SERVICES

5.1 [Report of the All Children Achieve Committee – December 8, 2005](#)

Council Member Yeager, Chair

- (a) Four-Year Report on Accomplishments and Gaps of the Blueprint for Bridging the Digital Divide
- (b) Discussion on Joint Use Agreement Streamlining
- (c) Report on Children’s Health Initiatives
- (d) Oral Petitions
- (e) Adjournment

5.2 [Approval of actions related to the acquisition of property by eminent domain.](#)

Recommendation: Adoption of a resolution determining that the public interest and necessity require the acquisition of a portion of a commercial parcel currently used as a gas station for purposes of improving and widening Senter Road to six vehicular lanes of traffic including construction of curb, gutter, sidewalk, driveways, bicycle lanes, pavement restoration, upgrade to the street light system, installation of street trees and modifications to the traffic signals at the intersection of Capitol Expressway and Senter Road, from the owner, World Oil Company, and located at 3148 Senter Road, San José, CA 95111 (APN No. 497-51-009) and authorizing the City Attorney to file suit in eminent domain to acquire such property interest, to apply for an order for possession before judgment, and to prosecute the action to final judgment, and authorizing the deposit of money in court for possession of the property from the funds lawfully available. CEQA: Resolution No. 57204. Council District 7. (Public Works)

6. TRANSPORTATION & AVIATION SERVICES

6.1 [Report of the Building Better Transportation Committee – December 5, 2005](#)

Council Member Campos, Chair

[Attachment](#)

- (a) Expansion and Improvement of Transit and Transportation Systems
- (b) Traffic Relief/Safe Streets
- (c) Supporting Smart Growth
- (d) Regional Relationships/Funding/Policy
- (e) Oral Petitions
- (f) Adjournment

6. TRANSPORTATION & AVIATION SERVICES

6.2 [Discussion and review of Tow Services Agreements.](#)

Recommendation:

- (a) Request staff review the tow services agreements and clarify whether the annual review and adjustments is for the tow rates only or all rates charges by tow operators.
- (b) Request staff do a workload assessment for a mid-contract study of all fees related to tow services in similar jurisdictions to see if adjustments should be made above the CPI.

(Williams)

* (Rules Committee referral 12/14/05)

RECOMMEND DEFERRAL TO 1/24/06

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

8.1 [Acceptance of the 2005 Annex A update on the roles of elected officials during declared disaster.](#)

Recommendation: Acceptance of the 2005 Annex A update on the roles of elected officials during declared disasters as part of the City's Emergency Operations Plan.

CEQA: Not a Project. (Emergency Services)

* **RECOMMEND DEFERRAL TO 2/14/06**

8.2 [Approval of fiscal actions related to the Urban Areas Security Initiative.](#)

* **Recommendation:**

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute all agreements necessary for the expenditure of the Urban Area Security Initiative (UASI) and ECOMM grant funds, subject to City Council appropriation. CEQA: Not a Project. (Emergency Services)

DROP

- (b) [Adoption of the following amendments to the annual Appropriation Ordinance and Funding Sources Resolution in the General Fund:](#)
 - (1) Increase the 2004 Urban Areas Security Initiative (UASI) appropriation in the City-wide Expenses by \$1,975,345;
 - (2) Establish an appropriation for the 2005 UASI grant in the amount of \$385,000;
 - (3) Increase the estimate for Revenue from the Federal Government by \$2,360,345;
- (c) Reallocate 2004 and 2005 UASI budgets to accommodate regional exercises and implement training requirements.

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

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

CONVENE THE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEMS 9.1, 9.2, 9.3, 9.4, AND 9.5 IN A JOINT SESSION. ITEMS 9.4 AND 9.1 TO BE HEARD IMMEDIATELY FOLLOWING THE CONSENT CALENDAR IN THIS ORDER.

9.1 [Approval of actions related to the San Jose Grand Prix.](#)

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Recommendation:

- (a) Adoption of a Resolution by the City Council:
 - (1) Approving the Second Amended and Restated Agreement to Conduct a San José Grand Prix, by and among the City, the Redevelopment Agency, and San José Open Wheel Racing, LLC, successor in interest to Canary Enterprises, LLC, amending among other things the proposed Race Circuit and defining certain financial obligations of the City and Agency in the amount of approximately \$2.9 million for the 2006 race and \$1.1 million for the 2007 race, subject to appropriation;
 - (2) Directing the City Manager to negotiate the lease or purchase of property from Caltrans of those certain parcels under Highway 87 and under I-280 east and west of Almaden Boulevard for parking and related support uses in conjunction with the Grand Prix;
 - (3) Authorizing the City Manager to negotiate and execute as necessary, an agreement with the Valley Transportation Authority (VTA) and San Jose Open Wheel Racing, LLC, to modify transit service to accommodate the Grand Prix, at a cost not to exceed \$200,000; and;
- (b) Adoption of Appropriation Ordinance amendments in the General Fund to reflect the City's cash investment of \$1,000,000, to provide \$200,000 as contingency funding and to provide \$50,000 for Public Works Design costs:
 - (1) Increase the San José Grand Prix appropriation by \$1,200,000;
 - (2) Establish an appropriation to the Department of Public Works for the San José Grand Prix 2006 Design in the amount of \$50,000; and
 - (3) Decrease the Contingency Reserve by \$1,250,000.
- (c) Adoption of the following Appropriation Ordinance amendments in the Construction Excise Tax Fund for VTA costs and other race improvements:
 - (1) Establish an appropriation to the Department of Transportation for the San Jose Grand Prix project in the amount of \$300,000; and
 - (2) Decrease the Ending Fund Balance by \$300,000.
- (d) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) to support Public Works design costs:
 - (1) Increase the San Jose Grand Prix 2006 Design project appropriation by \$200,000; and
 - (2) Increase the estimate for Earned Revenue by \$200,000.

(Item continued on next page.)

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

9.1 Approval of actions related to the San Jose Grand Prix. (Cont'd.)

Recommendation:

- (e) Adoption of a resolution by the Agency Board:
 - (1) Approving an adjustment to the FY2005-2006 Adopted Capital Budget to reallocate \$500,000 from Merged Area, Downtown Streetscape project line to the Merged Area, Grand Prix Reserve project line, as detailed in Attachment A, and amending the FY 2005-06 Appropriations Resolution;
 - (2) Approving the Second Amended and Restated Agreement to Conduct a San José Grand Prix, by and among the City, the Redevelopment Agency, and San José Open Wheel Racing, LLC, successor in interest to Canary Enterprises, LLC, amending among other things the proposed Race Circuit and defining certain financial obligations of the City and Agency;
 - (3) Authorizing the Executive Director to negotiate and execute, as necessary, amendments to Parking Agreements with West Hotel Partners L.P. with regard to the use of the Convention Center parking garage during the Grand Prix, at no cost to the City or Agency.
- (f) Adoption of a resolution by the City Council to amend the Master Parking Rate Schedule to allow the Director of Transportation to establish parking rates ranging from \$5 to \$15 for the San Jose Grand Prix during the Race weekend at City and Agency parking facilities, and to incorporate any changes adopted pursuant to Item 2.9 of this agenda..

CEQA: Not a Project. (City Manager's Office/Redevelopment Agency)
(Deferred from 12/6/05 – Item 9.1)

**TO BE HEARD IMMEDIATELY FOLLOWING THE CONSENT CALENDAR
AFTER ITEM 9.4.**

9.2 [Approval of City Council and Redevelopment Agency Committee appointments.](#)

[Mayor's Memo](#)

- * **Recommendation:** Reconsideration of the approval of re-appointments for 2006, to all City Council and Redevelopment Agency Committee and Board and Commissions made during 2005 and consideration of the appointments of the Mayor to Boards and Commissions. (Mayor)
(Referred from 12/13/05 – Item 9.3)

9.3 [Discussion of possible Council action to form a committee to review Mayor's Draft Budget Message for FY 2006-07.](#)

[Mayor's Memo](#)

Recommendation: Discussion of possible Council action to form a committee to review Mayor's Draft Budget Message for FY 2006-07. (Yeager)

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

9.4 Approval of actions related to City and San José State University collaboration efforts.

Recommendation:

- (a) [Adoption of a resolution by the City Council authorizing the City Manager](#) to negotiate, and return to Council for approval of, a memorandum of understanding between the City of San José and San José State University to include certain specified matters necessary for the development of a joint plan to determine appropriate land uses and shared opportunities in the area of the City commonly known as the South Campus/Spartan Keyes area. (Economic Development)
- (b) [Adoption of a Resolution authorizing the City Manager](#) to place banners in the public right of way delineating the boundary of the San Jose State University (SJSU) campus and to execute an agreement with SJSU to implement the same, all in a manner consistent with the elements and overall vision described in this memorandum. Council District 3. (Office of Economic Development)
- (c)
 - (1) [Adoption of a resolution approving a pilot Homeownership Program](#) for tenure track faculty at San Jose State University and making findings that the use of 20% Housing Funds in connection with certain housing projects outside a redevelopment area and for San Jose State University tenure track faculty is of benefit to the San Jose Redevelopment Agency's project areas; and
 - (2) Approval by the Redevelopment Agency Board of the first amendments to four Disposition and Development Agreements for Historic Houses between the Redevelopment Agency and Spartan Shops, revising the agreements to require the Agency to subordinate the Agency's interest in the homes to the University's third party financing for the Homeownership Program identified above, and authorizing the Executive Director to execute ancillary documents contemplated by the amended Disposition and Development Agreements.

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

TO BE HEARD FIRST, IMMEDIATELY FOLLOWING THE CONSENT CALENDAR.

9.5 Report on the San Jose Earthquakes and discussion with Major League Soccer (MLS) concerning the San Jose Earthquakes and an Expansion Franchise for San Jose.

Recommendation: Report on the San Jose Earthquakes and discussion with Major League Soccer (MLS) concerning the San Jose Earthquakes and an Expansion Franchise for San Jose. (Office of Economic Development/Redevelopment Agency)
(Rules-in-lieu referral 1/4/06)

RECOMMEND DEFERRAL TO 2/7/06

- Closed Session Report
- Notice of City Engineer's Pending Decision on Final Maps
- Open Forum—To be heard jointly with Redevelopment Agency Public Discussion. Following Open Forum, Council will recess until 7:00 p.m.

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS

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

11.1 Public Hearings on Consent Calendar.

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.

- (a) Consideration of an ordinance rezoning the real property located on the southwest corner of Alum Rock Avenue and Scharff Avenue (2230 Alum Rock Ave.) (Lau Philip, et al., Owner) from CG Zoning District to CP Zoning District to allow commercial use on a 0.40 gross acre site. SNI: Mayfair. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommend approval. No Planning Commission action required.

C05-103 - District 5

RENUMBERED TO 4.3, TO BE HEARD AT 1:30 P.M.

- (b) Consideration of an ordinance rezoning the real property located on a 0.25 gross acre site located on the west side of South Cypress Avenue, approximately 400 feet south of Stevens Creek Boulevard (341 South Cypress Avenue) (Logan Randall J., Trustee & et al., Owner) from RM-Multiple Residence Zoning District to A(PD) Planned Development Zoning District to allow up to two single-family detached residences and two single-family attached residences. CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC05-081 - District 1

RENUMBERED TO 4.4, TO BE HEARD AT 1:30 P.M.

- Open Forum

- Adjournment

This meeting will be adjourned in memory of Dr. Zehra Attari, long time Evergreen resident and pediatrician who dedicated her life to selflessly serve the entire Bay Area community and will be missed by many.