

# CITY COUNCIL AGENDA

**FEBRUARY 23, 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

Welcome to the San José City Council meeting!

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

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

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

You may speak to the City Council about any item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

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

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

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

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

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Council Wing, 2<sup>nd</sup> Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov) for the final document.

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

- **Call to Order and Roll Call**  
**9:30 a.m.** - Closed Session, Call to Order in Council Chambers  
**Absent Council Members: None.**  
  
**1:31 p.m.** - Regular Session, Council Chambers, City Hall  
**Absent Council Members: None.**  
  
**7:01 p.m.** - Public Hearings, Council Chambers, City Hall  
**Absent Council Members: None.**
- **Invocation (District 2)**  
Imam Allaedin Ezzedin, Blossom Valley Muslim Community Center, presented the Invocation.
- **Pledge of Allegiance**  
Mayor Reed and the Third Graders from Country Lane Elementary School in District 1 led the Pledge of Allegiance.
- **Orders of the Day**  
The Orders of the Day and the Amended Agenda were approved with Items 2.3(d) and (e) deferred to 03/02/10 and Item 9.3 deferred to 03/09/10.
- **Closed Session Report**  
No Report.

# 1. CEREMONIAL ITEMS

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- 1.1 Presentation of a commendation to Stormgears for their contributions to improve Evergreen's transportation system and accomplishments at the Northern California Lego Robotics. (Herrera)  
**Mayor Reed and Council Member Herrera recognized and commended Stormgears for their contributions to improve Evergreen's transportation system and accomplishments at the Northern California Lego Robotics.**
- 1.2 Presentation of a commendation to the Alameda Business Association for their continued efforts and dedication in revitalizing the Alameda Business District. (Oliverio)  
**Heard in the evening.**  
**Mayor Reed and Council Member Oliverio recognized and commended the Alameda Business Association for their continued efforts and dedication in revitalizing the Alameda Business District.**
- 1.3 Presentation of commendations to Harker and Lynbrook High School students for being selected as semi-finalists and finalists in the 2010 Intel Science Talent Search. (Constant)  
**Heard in the evening.**  
**Mayor Reed and Council Member Constant recognized and commended Harker and Lynbrook High School students for being selected as semi-finalists and finalists in the 2010 Intel Science Talent Search.**
- 1.4 Presentation of a commendation to the NAACP for being the nation's most significant civil rights organization that continues to advocate for civil rights issues of all people of color. (Kalra/Nguyen)  
(Rules Committee referral 2/17/10)  
**Mayor Reed and Council Members Kalra and Nguyen recognized and commended the NAACP for being the nation's most significant civil rights organization that continues to advocate for civil rights issues of all people of color.**

# 2. CONSENT CALENDAR

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- 2.1 **Approval of Minutes.**  
**There were none.**
- 2.2 **Final adoption of ordinances.**

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 28719 – Amending Ordinance No. 15879 as amended by Ordinance No. 21676 and Ordinance No. 26913 which granted a Franchise for the transmission and distribution of gas within the City of San José to Pacific Gas and Electric Company to add a Franchise Fee Surcharge of 0.3% resulting in a total Franchise Fee remitted to the City of 2.3% of gross receipts and to provide for the waiver of certain negotiation and arbitration rights under the franchise.

**Ordinance No. 28719 adopted.**

## 2. CONSENT CALENDAR

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

- (b) ORD. NO. 28720 – Amending Ordinance No. 15880 as amended by Ordinance No. 21677 and Ordinance No. 26914 which granted a Franchise for the transmission and distribution of electricity within the City of San José to Pacific Gas and Electric Company to add a Franchise Fee Surcharge of 0.3% resulting in a total Franchise Fee remitted to the City of 2.3% of gross receipts and to provide for the waiver of certain negotiation and arbitration rights under the franchise.

**Ordinance No. 28720 adopted.**

- (c) ORD. NO. 28721 – Rezoning certain real property situated on the west side of Cadwallader Avenue, approximately 500 feet south of Prunetree Lane, from R-1-5 Single-Family Residence and A(PD) Planned Development Zoning Districts to A(PD) Planned Development Zoning District. PDC09-010

**Ordinance No. 28721 adopted.**

### 2.3 Approval of Council Committee Reports.

**Recommendation:** Approval of Council Committee Reports:

- (a) Rules and Open Government Committee Report of January 13, 2010. (Mayor)  
(b) Rules and Open Government Committee Report of January 27, 2010.  
(c) Transportation and Environment Committee Report of February 1, 2010.

**Approved.**

- (d) Rules and Open Government Committee Report of February 3, 2010.  
(e) Neighborhood Services and Education Committee Report of February 11, 2010.

**Deferred to 03/09/10 per Orders of the Day.**

### 2.4 Mayor and Council Excused Absence Requests.

**Recommendation:**

- (a) Request for excused absences for Council Member Constant from the Closed Session, Regular and Evening Session of the City Council on March 16, 2010 and the Regular Meeting of the Rules and Open Government Committee on March 17, 2010 due to Authorized City Business: 2010 National League of Cities Congressional City Conference in Washington, D.C. (Constant)  
(b) Request for excused absences for Council Member Constant from the Regular Meetings of the Rules and Open Government Committee on February 3, April 21, June 2, August 4, October 20, and December 15, 2010 due to Authorized City Business: Santa Clara County LAFCO Meetings at the Santa Clara County Office. (Constant)

(Rules Committee referral 2/10/10)

**Excused.**

## 2. CONSENT CALENDAR

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### 2.5 Amendment to Advertising and Marketing Services Agreement at the Airport.

**Recommendation:** Approve a first amendment to the Master Agreement for Consultant Services between the City of San José and Barnestorming Advertising and Marketing Communications to:

- (a) Add marketing services to be paid in full using marketing funds collected by the City from the food and beverage and retail concessions at the Airport pursuant to the terms of the Airport food and beverage and retail concession agreements.
- (b) Increase the compensation by an amount not to exceed \$45,000 of concessionaire-paid marketing funds for the initial term of the Agreement, for a total amount not to exceed \$415,000.
- (c) Increase the compensation by an amount not to exceed \$45,000 of concessionaire-paid marketing funds for the first one-year Option Period of the Agreement, for a total amount not to exceed \$230,000, and a total maximum contract amount not to exceed \$830,000.

CEQA: Resolutions No. 67380 and 71451, File No. PP09-216. (Airport)

**Approved.**

### 2.6 Actions Related to the Weed and Seed Program.

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

- (a) Increase the estimate for Revenue from the Federal Government by \$142,000.
- (b) Increase the Weed and Seed – East San José appropriation to the Police Department in City-Wide Public Safety in the amount of \$71,000.
- (c) Increase the Weed and Seed – East San José appropriation to the City Manager’s Office in City-Wide Neighborhood Services in the amount of \$71,000.

CEQA: Not a Project. Council Districts 5 and 8. SNI: Valley/680 Communities and K.O.N.A. (City Manager’s Office/Police Department)

**Ordinance No. 28722 adopted.**

**Resolution No. 75275 adopted.**

### 2.7 Open Purchase Orders for Supplies, Materials, Equipment and Services.

**Recommendation:** Approve the award of open purchase orders for supplies, materials, equipment and services for FY 2009-2010 #6 and authorize the Director of Finance to execute the purchase orders. CEQA: See attachment for CEQA determinations. (Finance)

**Approved.**

## 2. CONSENT CALENDAR

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### 2.8 Amendment to Agreement for the Lease and Maintenance of Airport Shuttle Buses.

**Recommendation:** Adopt a resolution authorizing the Director of Finance to execute the second amendment to the agreement between the City of San José and Penske Truck Leasing Co., L.P. to extend the agreement term for an additional five months through July 31, 2010 for the lease and maintenance of airport shuttle buses. CEQA: Resolutions No. 67380 and 71451, File No. PP09-214. (Finance)

**Resolution No. 75276 adopted.**

### 2.9 Federal Emergency Management Agency Grant for Mobile Home Seismic Retrofitting.

**Recommendation:** Adopt a resolution:

- (a) Authorizing the Housing Department to accept a Federal Emergency Management Agency grant of \$150,000 from the California Emergency Management Agency to assist with the creation of a mobilehome seismic grant Phase One inventory list.
- (b) Authorizing the Director of Housing to negotiate and execute all documents necessary for the acceptance and completion of the grant.
- (c) Making findings that the use of Low- and Moderate-Income Housing Funds to provide matching grant funds for seismic inventories and rehabilitation outside a redevelopment project area benefits the Agency's redevelopment project areas.

CEQA: Not a Project. Council Districts 2, 7, and 10. SNI: Edenvale/Great Oaks. (Housing)

**Resolution No. 75277 adopted.**

### 2.10 Unity Care Properties Relocation Plan.

**Recommendation:** Adopt a resolution approving the Relocation Impact Statement and Last Resort Housing Plan for Unity Care's properties at 109 and 115 Roundtable Drive. CEQA: Exempt, File No. PP06-199. Council District 2. SNI: Edenvale/Great Oaks. (Housing)

**Resolution No. 75278 adopted.**

### 2.11 Grant Application for the Penitencia Creek Reach 1 Trail Project.

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

- (a) Submit a grant application in the amount not to exceed \$300,000 to the Santa Clara Valley Water District (Water District) under the 2010 Trail and Open Space Grant program for the Penitencia Creek Reach 1 (Dorel Drive to Noble Drive) Trail project ("Project").
- (b) Accept any grant funds awarded to the City and negotiate and execute all necessary documents related to any grant funding from the District to the City for the Project.

CEQA: Mitigated Negative Declaration, File No. PP06-111. Council District 4. (Parks, Recreation and Neighborhood Services)

**Resolution No. 75279 adopted.**

## 2. CONSENT CALENDAR

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### 2.12 Grant Application for a Feasibility Study of Edenvale Trail.

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

- (a) Submit a grant application in an amount not to exceed \$250,000 to the State of California under the Community Based Transportation Planning grant program for the feasibility study of Edenvale Trail (“Project”); and
- (b) Accept any grant funds awarded to the City and negotiate and execute all necessary documents related to any grant funding from State of California for the Project.

CEQA: Not a Project. Council District 2. SNI: Edenvale/Great Oaks. (Parks, Recreation, and Neighborhood Services)

**Resolution No. 75280 adopted.**

### 2.13 Update to City Council Policy 8-14: Post-Construction Hydromodification Management.

**Recommendation:** Adopt a resolution approving Revised City Council Policy 8-14: Post-Construction Hydromodification Management to bring the Policy into conformance with the new Hydromodification Management requirements of the San Francisco Bay Regional Water Quality Control Board (RWQCB) Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (Permit Number CAS612008), which was adopted on October 14, 2009 by:

- (a) Reducing the size of projects that are required to design, build, and maintain project-related hydromodification management controls (HMCs) for projects that create and/or replace one acre or more of impervious surface in subwatersheds and catchment areas that are identified in the RWQCB’s Hydromodification Management (HM) Applicability Map for Santa Clara County.
- (b) Reducing the area of the City that is subject to such requirements in accordance with the RWQCB’s HM Applicability Map for Santa Clara County.
- (c) Clarifying the types of projects that are exempt from HM requirements.
- (d) Adopting detailed descriptions of acceptable HMCs.
- (e) Delineating additional performance criteria for demonstrating that post-project stormwater runoff does not exceed estimated pre-project runoff rates and durations.
- (f) Including additional criteria beyond cost for determining when HMCs are impractical.

CEQA: Exempt. (Planning, Building and Code Enforcement)

**Resolution No. 75281 adopted.**

### 2.14 Architectural Consultant Services for the Calabazas Branch Library Project.

**Recommendation:** Approve the first amendment to the agreement for with Krong Design, Inc., extending the term of the agreement from February 28, 2011 to December 31, 2011, and increasing the amount of compensation by \$85,000, for a total amount not to exceed \$943,000. CEQA: Mitigated Negative Declaration, File No. PP08-023. Council District 1. (Public Works)

**Approved.**

## 2. CONSENT CALENDAR

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### 2.15 Cost Sharing Agreements for Grant-Funded Silicon Valley ITS – Enhancement Project.

**Recommendation:**

- (a) Approve a Cost Sharing Agreement with the City of Santa Clara for the construction of the grant-funded Silicon Valley ITS – Enhancement Project and other improvements, to clarify roles and responsibilities of each party, and to allow Santa Clara to reimburse the City up to a maximum amount of \$460,000 for the cost of the construction.
- (b) Approve a Cost Sharing Agreement with the City of Campbell for the construction of the grant-funded Silicon Valley ITS – Enhancement Project and other improvements, to clarify roles and responsibilities of each party, and to allow Campbell to reimburse the City up to a maximum amount of \$40,209 for the cost of the construction.

CEQA: Exempt, File No. PP03-06-214. Council Districts 1, 4, 6, and 9. (Transportation)  
**Approved.**

### 2.16 District 1 Annual Greek Flag Raising Event.

**Recommendation:** As recommended by the Rules and Open Government Committee on February 3, 2010:

- (a) Approve the designation of the District 1 Annual Greek Flag Raising Event as a City Council Sponsored Special Event; and
- (b) Approve and accept in-kind donations of materials and services to support the event.

CEQA: Not a Project. (City Clerk)  
[Rules Committee referral 2/3/10 – Item H(1)]  
**Approved.**

### 2.17 Council Member Constant’s Travel to Washington, D.C.

**Recommendation:** Approve travel by Council Member Constant to Washington, D.C. on March 13-17, 2010 to attend the National League of Cities’ Annual Congressional City Conference. Source of Funds: Mayor & Council Travel Fund. (Constant)  
(Rules Committee referral 2/10/10)

**Approved.**

### 2.18 Silicon Valley Workforce Investment Network Board Appointment.

**Recommendation:** As referred by the Rules and Open Government Committee on February 10, 2010, approve the appointment of Glen Ledet, Customer Service/Contract Compliance/ Public Outreach Manager for California Waste Solutions, San José to serve as a private sector representative on the Silicon Valley Workforce Investment Network Board of Directors. CEQA: Not a Project. (Mayor)

[Rules Committee referral 2/3/10 – Item G(1)]

**Approved.**

## 2. CONSENT CALENDAR

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### 2.19 Project Diversity Screening Committee Appointments.

**Recommendation:** As referred by the Rules and Open Government Committee on February 10, 2010:

- (a) Re-appoint Alphonse Arretz, Francine Davis, Alex Fraser and Victor Nakamoto for a second term to the Project Diversity Screening Committee;
- (b) Appoint Suneel Kelkar and Gail Sueki to fill the vacant Mayoral appointment positions on the Project Diversity Screening Committee.

CEQA: Not a Project. (Mayor)

[Rules Committee referral 2/3/10 – Item G(2)(a)]

**Approved.**

### 2.20 District 4 North San José Business Appreciation Luncheon.

**Recommendation:** As referred by the Rules and Open Government Committee on February 10, 2010:

- (a) Approve the designation of the District 4 North San José Business Appreciation Luncheon as a City Council and Redevelopment Agency Sponsored Special Event; and
- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project. (City Clerk)

[Rules Committee referral 2/10/10 – Item H(2)]

**Approved.**

### 2.21 District 9 City Council Sponsored Special Events.

**Recommendation:** As referred by the Rules and Open Government Committee on February 10, 2010:

- (a) Approve the designation of Council District 9 Celebrate Cambrian, Carolyn Norris Park Dedication, and the Cambrian Leadership Breakfast as a City Council Sponsored Special Events; and
- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project. (City Clerk)

[Rules Committee referral 2/10/10 – Item H(3)]

**Approved.**

### 2.22 Local Taxpayer, Public Safety and Transportation Act of 2010.

**Recommendation:** As recommended by the Rules and Open Government Committee on February 17, 2010, adopt a resolution in support of the proposed measure known as the Local Taxpayer, Public Safety and Transportation Act of 2010 targeted for the November 2010 Statewide General Election. (City Manager's Office)

[Rules Committee referral 2/17/10 – Item D(1)]

**Resolution No. 75282 adopted.**

## 2. CONSENT CALENDAR

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### 2.23 Appointments and Reappointments to Boards, Commissions and Committees.

**Recommendation:** As recommended by the Rules and Open Government Committee on February 17, 2010:

- (a) Appoint Patty Brooks to the Project Diversity Screening Committee. (Constant)
- (b) Reappoint Johnny Constantine Khamis to the Small Business Development Commission. (Nguyen)

[Rules Committee referral 2/17/10 – Items G(1)(b) and G(2)]

**Approved.**

### 2.24 District 5 Opening Reception for Bittersweet Harvest: The Bracero Program 1942-1964.

**Recommendation:** As recommended by the Rules and Open Government Committee on February 17, 2010:

- (a) Approve the designation of the District 5 Opening Reception for Bittersweet Harvest: The Bracero Program 1942-1964 as a City Council sponsored Special Event.
- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project. (City Clerk)

[Rules Committee referral 2/17/10 – Item H(2)]

**Approved.**

## 3. STRATEGIC SUPPORT SERVICES

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

**City Manager Debra Figone reported that the Five Year Budget Update will be released by Monday, March 1, 2010.**

### 3.2 FY 2009-10 First Quarter Revenue Collection Strategic Plan Report.

**Recommendation:** As recommended by the Public Safety, Finance and Strategic Support Committee on December 17, 2009:

- (a) Accept the FY 2009-10 First Quarter Revenue Collection Strategic Plan Report; and
- (b) Adopt a resolution authorizing the Director of Finance to write off 126 uncollectible accounts in an amount totaling \$1,702,757.42.

(Finance)

[Public Safety, Finance and Strategic Support Committee referral 12/17/09 – Item D(3)]

(Deferred from 1/12/10 – Item 3.7, et al., and 2/9/10 – Item 3.6)

**Deferred to 3/9/10 per Administration.**

## **4. COMMUNITY & ECONOMIC DEVELOPMENT**

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### **4.1 Sign Code Ordinance Update.**

**Recommendation:** Accept the report and direct staff to prepare an ordinance to revise Title 23 of the San José Municipal Code (the Sign Ordinance) consistent with the proposed draft signage strategy and conduct additional related community outreach.

CEQA: Not a Project. (Planning, Building and Code Enforcement)  
(Continued from 1/12/10 – Item 4.3 and 2/2/10 – Item 4.1)

**Deferred to 3/2/10 per Administration.**

## **5. NEIGHBORHOOD SERVICES**

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### **5.1 Park Trust Fund Annual Report for FY 2008-09.**

**Recommendation:** Accept this report on the status of the Park Trust Fund for fiscal year 2008-2009, ending June 30, 2009. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

**Report Accepted.**

### **5.2 Award of Contract for the Calabazas Branch Library Project.**

**Recommendation:** Report on bids and award of contract for the Calabazas Branch Library Project to the lowest responsive bidder, Zolman Construction and Development, Inc., to include the base bid and Add Alternate Nos. 1 through 4 in the amount of \$4,860,000, and approval of a contingency in the amount of \$730,000. CEQA: Mitigated Negative Declaration, File No. PP08-023. Council District 1. (Public Works/Library)

**Approved.**

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

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### **6.1 Relinquishment of State Routes.**

**Recommendation:** As recommended by the Transportation and Environment Committee on February 1, 2010, adopt a resolution in support of the City's pursuit of the relinquishment of State Route 82 and State Route 130 located within the City of San José to ensure policy support to initiate the State legislative and agreement negotiation processes with Caltrans that advance the relinquishment of State Routes 82 and 130. (Transportation)

[Transportation and Environment Committee referral 2/1/10 – Item D(3)]

**Resolution No. 75283 adopted.**

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

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### **6.2 Agreement for the Santa Clara/Alum Rock Bus Rapid Transit Project.**

**Recommendation:** As recommended by the Transportation and Environment Committee on February 1, 2010, approve an agreement with the Santa Clara Valley Transportation Authority to establish a vision statement and project description for the Santa Clara/Alum Rock Bus Rapid Transit Project. (Transportation)

[Transportation and Environment Committee referral 2/1/10 – Item D(4)]

**Approved.**

**Noes: Constant, Oliverio.**

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

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## **8. PUBLIC SAFETY SERVICES**

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

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**The Council/Redevelopment Agency Board was convened at 2:42 p.m. to consider Items 9.1, 9.2, 9.3 in a Joint Session.**

### **9.1 Actions related to the Convention Center Expansion and Renovation.**

**Recommendation:** Accept report on the feasibility of initiating the expansion and renovation of the Convention Center in FY 2009-10 and direct staff:

- (a) To present to the Team San José/CVB Board of Directors a plan to utilize additional non-general fund revenue sources to finance the proposed Convention Center Expansion.
- (b) To proceed with a Request for Proposal design-build solicitation after non-general fund revenue sources to support financing the project have been identified.

CEQA: Resolution No. 72767. (City Manager's Office/Redevelopment Agency)

**The memorandum from Mayor Reed and Council Members Constant, Nguyen, Herrera and Kalra was approved, accepting the Staff report on the feasibility of initiating the expansion and renovation of the Convention Center with the following direction to Staff:**

- (1) **Move forward with a design build solicitation to expand and renovate the Convention Center as expeditiously as possible.**
- (2) **Direct the City Manager and Redevelopment Agency Executive Director to recommend a team that will manage the expansion and renovation of the Convention Center, utilizing the expertise of Staff that is managing the Airport Design build project.**

*(Action continued on the next page)*

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

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### **9.1 Actions related to the Convention Center Expansion and Renovation (Cont'd.)**

- (3) Based on the design build process and recommended proposal, return to the City Council with the documents necessary to move forward with a financing plan.**
- (4) In the event that the design build process results in a funding gap, complete an analysis on utilizing Fund 536 and other non general fund sources to fill the potential gap and return to the City Council with funding options**

**Noes: Liccardo**

### **9.2 Agreement on Fourth and San Fernando Parking Garage Debt Service Payments.**

**Recommendation:** Contingent upon Redevelopment Agency Board approval of the 2009-2010 Agency Budget to be heard on February 23, 2010, the following actions are recommended:

- (a) Adopt resolutions by the City Council and Redevelopment Agency Board authorizing the City Manager and Executive Director to negotiate and execute a Second Amendment to the Loan Agreement from the City to the Redevelopment Agency from the General Purpose Parking Fund to:**
  - (1) Extend the repayment term of the existing \$6.8 million loan amount; and**
  - (2) Provide for an additional loan from the City to the Redevelopment Agency from the Parking Capital Development Fund, in an amount not to exceed \$6.8 million, for the purpose of reimbursing the Agency for its payment of debt service in FY 2009-2010, FY 2010-2011 and FY 2011-12 for the Fourth and San Fernando Parking Garage, subject to appropriation of funds.**

**Resolution No. 75284 adopted.**

**Redevelopment Agency Board Resolution No. 5943 adopted.**

- (b) City Council adoption of the following 2009-2010 Appropriation Ordinance amendments in the Parking Capital Development Fund:**
  - (1) Establish a Loan to the Redevelopment Agency – Fourth and San Fernando Parking Garage appropriation in the amount of \$1,700,000; and**
  - (2) Decrease the Department of Transportation Parking Capital Development project in the amount of \$1,700,000.**

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

**Ordinance No. 28723 adopted.**

### **9.3 Staff Response to Council Referral of February 8, 2010 regarding Economic Development Incentives.**

**Recommendation:** Accept Staff's response to the Council Referral from the February 8, 2010 Study Session regarding Economic Development Incentives. (City Manager's Office)

**Deferred to 03/09/10 per Orders of the Day.**

**The Joint Council/Redevelopment Agency Board was adjourned at 4:42 p.m.**

- **Open Forum**  
**Charles T. Johnson suggested the following: (1) installing enclosures for birds to nest upon light fixtures in parking lots; (2) color-coding bus schedule routes, and (3) a crosswalk for public safety at Hyde Avenue and Bollinger Road near Hyde Middle School.**
  
- **Adjournment**  
**The Council of the City of San José adjourned the afternoon session at 5:42 p.m.**

## 10. GENERAL PLAN PUBLIC HEARINGS

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No General Plan Public Hearings at this time.

## 11. PUBLIC HEARINGS

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### 11.1 Public Hearings on Consent Calendar.

There were none.

### 11.2 Rezoning the real property located at/on the west side of North 6<sup>th</sup> Street.

**Recommendation:** Consider an ordinance rezoning the real property located at/on the west side of North 6th Street, approximately 200 feet south of East Taylor Street (675 N 6th Street) from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 75 affordable housing units on a 0.55 acre site (First Community Housing). CEQA: Resolution to be adopted.

PDC08-010 – District 3

**Staff recommendations approved as modified by the memorandum from Council Member Liccardo, dated February 22, 2010: (1) Staff to identify a funding strategy for an enhanced crosswalk or other pedestrian facility across Taylor Street by the time of the approval of the Planned Development Permit. (2) The strategy should include transportation impact fees from this development and other nearby developments (such as the Corp Yard site), State bond funds supporting transit-oriented development or other sources. (3) A requirement on this developer as a “guarantee” or “backstop” for those funding alternatives, with a reasonable “cap” to limit costs and should be included as a condition with the Planned Development Permit.**

**Overriding considerations were read into the record.**

**Ordinance No. 28724 passed for publication, as amended.**

**CEQA Resolution No. 75288 adopted.**

**Noes: Oliverio.**

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

**Recommendation:** Early consideration of 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: Incomplete. Director of Planning, Building and Code Enforcement and Planning Commission recommend denial (5-1-1).

GP09-07-02 – District 7

**Applicant’s request approved. Staff directed to continue to process the application and complete the Environmental Review; Applicant’s request to be considered at the April 27, 2010 General Plan Hearings.**

**Noes: Chirco, Liccardo, Pyle, Oliverio; Reed.**

## 11. PUBLIC HEARINGS

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### 11.4 Administrative Hearing and Consideration of an Appeal of the Planning Commission's decision to deny a Conditional Use Permit and Determination of Public Convenience.

**Recommendation:** Conduct an Administrative Hearing and consider an Appeal of the Planning Commission's decision to deny a Conditional Use Permit and Determination of Public Convenience to allow off-sale of alcoholic beverages at an existing convenience store on a 1.01 gross acre site, with no new construction, in the CG General Commercial Zoning District, located at 2247 Alum Rock Avenue (Bill L. and Shirley A. Dalton Trustee & Et Al, Owner). CEQA: Exempt.

CP09-019 & ABC09-001 – District 5

**Resolution No. 75289 adopted to deny the appeal.**

### 11.5 Rezoning real property located on the north side of Auzerais Avenue between Bird Avenue and Royal Avenue.

**Recommendation:** Consider an ordinance rezoning the real property located on the north side of Auzerais Avenue between Bird Avenue and Royal Avenue from LI Light Industrial to A(PD) Planned Development Zoning District to demolish an existing gas station building and construct a new gas station mini-mart/car wash on a 0.6 gross acre site (395 Bird Avenue) (Vintners Distributors, Inc. (Sunny Goyal), Owner/Developer). SNI: Burbank/Del Monte. CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC09-023 – District 6

**Continued to 03/16/10.**

### 11.6 Administrative Hearing and Consideration of an Appeal of the Planning Commission's decision to deny a Conditional Use Permit and Determination of Public Convenience.

**Recommendation:** Conduct an Administrative Hearing and consider an Appeal of the Planning Commission's decision to deny a Conditional Use Permit and Determination of Public Convenience to allow off-sale of alcoholic beverages on a 3.7 gross acre site, in the CP Pedestrian Commercial Zoning District, located at 1711 Branham Lane (Jason Kim, Owner). CEQA: Exempt.

CP09-047 & ABC09-002 – District 9

**Resolution No. 75290 adopted to deny the appeal.**

- Notice of City Engineer's Pending Decision on Final Maps  
None.
- Notice of City Engineer's Award of Construction Projects  
None.

- **Open Forum**  
**Trini Esquivel and Felipe Juarez, K.O.N.A. SNI Neighborhood Association, requested monies for school improvements located within their neighborhood.**

- **Adjournment**  
**The Council of the City of San José was adjourned at 8:25 p.m. in the memory of Juanita Serrato-Lopez who passed away on January 26, and Diana Pena Lopez who passed away on January 30, both residents of San Jose. They are survived by loving husband and son, Robert Lopez, a City of San Jose Housing Department employee. (City Manager's Office).**

**In memory of Frank Schiavo, longtime resident of Council District 7, a retired environmental studies lecturer from San José State University, and president of the Citizens Against Airport Pollution (CAAP). Frank Schiavo was the recipient of numerous awards and honors for his environmental advocacy. His efforts has helped co-author various legislation and policy regarding environmental issues, including the City of San José's Compost Ordinance. He is survived by his stepmother and sister. (Nguyen)**

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

**4:43 P.M.**

**TUESDAY, FEBRUARY 23, 2010**

**CHAMBERS**

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- 1. Call to Order**  
**Absent Council Members: Constant. (Excused)**

- 2. Supplemental Education Revenue Augmentation Fund Financing Plan.**

**Recommendation:** Adopt resolutions by the City Council, San José Financing Authority, and Redevelopment Agency Board authorizing the City Manager, the Authority Executive Director, and the Agency Executive Director to negotiate and execute a Loan Agreement to provide funds to the Agency in the total amount of \$75,000,000, from various funding sources, for the purpose of making the FY 2009-10 and 2010-11 payments to the State for the Supplemental Education Revenue Augmentation Fund, pursuant to the terms and conditions outlined in the memorandum.

(City Manager's Office/Redevelopment Agency)

**Resolution No. 75285 adopted.**

**San José Financing Authority Resolution No. 96 adopted.**

**Redevelopment Agency Board Resolution No. 5944 adopted.**

**Noes: Oliverio.**

- 3. Adjourn the San José Financing Authority.**  
**The meeting was adjourned at 5:07 p.m.**

## **8. JOINT REDEVELOPMENT AGENCY ITEMS**

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### **8.1 Approval of the Agency's FY 2009-2010 Revised Capital and Operating Budgets and the FY 2010 – 2015 Capital Improvement Program and Related Actions.**

#### **Recommendation:**

- (a) Adoption of resolutions by the Redevelopment Agency Board approving the revised FY 2009-2010 Capital and Operating Budgets and amendments to the corresponding FY 2009-2010 Revenue and Appropriations Resolutions.  
**Redevelopment Agency Board Resolution Nos. 5945, 5946 and 5947 adopted.**  
**Noes: Campos, Oliverio.**
  
- (b) Adoption of a resolution by the Redevelopment Agency Board approving the FY 2010-2015 Capital Improvement Program.  
**Redevelopment Agency Board Resolution No. 5948 adopted.**  
**Noes: Campos, Oliverio.**
  
- (c) Adoption of resolutions by the Redevelopment Agency Board and City Council authorizing the Executive Director and the City Manager to negotiate and execute an amendment to the FY 2009-2010 Cooperation Agreement for the Merged Redevelopment Project Area to reflect the revised Agency's FY 2009-2010 Capital and Operating Budgets.  
**Redevelopment Agency Board Resolution No. 5949 adopted.**  
**Resolution No. 75286 adopted.**  
**Noes: Campos, Oliverio.**
  
- (d) Adoption of resolutions by the Redevelopment Agency Board and City Council authorizing the Executive Director and the City Manager to negotiate and execute an amendment to the FY 2009-2010 Cooperation Agreement for Operating Expenses to decrease the rental payment from the Agency to the City for office space at City Hall.

#### **[MERGED]**

**Redevelopment Agency Board Resolution No. 5950 adopted.**  
**Resolution No. 75287 adopted.**  
**Noes: Campos, Oliverio.**

**Approved as modified by the memorandum from Mayor Reed, dated February 19, 2010, adding direction that until funds to make payments to the State are secured and until further direction from the Agency Board is provided, the Agency Executive Director is not directed to spend any restricted funds unless contractually obligated or for budgeted operating expenses.**  
**Noes: Campos, Oliverio.**

## **8. JOINT REDEVELOPMENT AGENCY ITEMS**

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### **8.1 Approval of the Agency's FY 2009-2010 Revised Capital and Operating Budgets and the FY 2010 – 2015 Capital Improvement Program and Related Actions (Cont'd.)**

**The following clarifications on unrestricted funds were accepted. The services and projects that are eligible to be paid with these taxable bond proceeds that the Agency may expend funds on are services related to ongoing discussions with the County, services related to financing, services related to real estate negotiations, services related to environmental studies or services related to ongoing discussions with the County and financing real estate negotiations or environmental studies. Noes: Campos, Oliverio.**

**The Council of the City of San José and Redevelopment Agency Board was adjourned at 5:31 p.m.**