CITY OF
SAN JOSE
CAPITAL OF SILICON VALLEY

CITY COUNCIL AGENDA

SEPTEMBER 14, 2010

SYNOPSIS

PETE CONSTANT	DISTRICT 1		PIERLUIGI OLIVERIO	DISTRICT 6
ASH KALRA	DISTRICT 2		MADISON P. NGUYEN	DISTRICT 7
SAM LICCARDO	DISTRICT 3	CHUCK REED MAYOR	ROSE HERRERA	DISTRICT 8
KANSEN CHU	DISTRICT 4		JUDY CHIRCO, VICE MAYOR	DISTRICT 9
NORA CAMPOS	DISTRICT 5		NANCY PYLE	DISTRICT 10

CITY OF SAN JOSE
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Office of the City Clerk

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

  9:01 a.m. - Closed Session, Call to Order in Council Chambers
  Absent Council Member: None.

  1:31 p.m. - Regular Session, Council Chambers, City Hall
  Absent Council Member: None.

- Invocation (District 8)

  The Folklorico Nacional Mexicano Dancers performed 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(c) deferred to 09/21/10, Item 2.6 and Item 2.14 were dropped.

- Closed Session Report

  No Report.

1. CEREMONIAL ITEMS

1.1 Presentation of a commendation to the Center for Employment Training for their commitment to promote human development and education by providing people with marketable skills training and supportive services that contributes to self-sufficiency. (Chu/Liccardo)

Mayor Reed and Council Members Chu and Liccardo recognized and commended the Center for Employment Training.

2. CONSENT CALENDAR

2.1 Approval of Minutes.

There were none.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

(a) ORD. NO. 28802 – Amending various section of Chapters 4.04, 4.12, and 4.16 of Title 4 of the San José Municipal Code to adjust contract authority limits for Council Appointees based on the Consumer Price Index, and to streamline procurements and the disposition of personal property.

Ordinance No. 28802 adopted.

(b) ORD. NO. 28803 – Amending Section 4.04.020 of Chapter 4.04 of Title 4 of the San José Municipal Code to authorize the City Manager to enter into and execute leases not exceeding $250,000 in rentals whether the City is a Lessor or Lessee and authorizing the City Manager to execute documents pertaining to the sale of surplus properties if the sales price does not exceed $250,000, the property does not exceed one half acre in size, and all other applicable provisions of Chapter 4.20 are met; and amending Chapter 4.20 of Title 4 to add a new Section 4.20.010 pertaining to definitions, and further amending Sections 4.20.020 to add types of notices of sales and price; 4.20.030 to specify the conditions for direct negotiations for sale of surplus property; 4.20.040 to authorize competitive processes for sale in addition to auction; 4.20.70 to modify the conditions under which property may be sold to the adjacent property owner and renumber all remaining Sections of Chapter 4.20 without further modifications.

Ordinance No. 28803 adopted.

(c) ORD. NO. 28804 – Amending Part 5 of Chapter 14.25 of Title 14 and Part 5 of Chapter 19.38 of Title 19 of the San José Municipal Code to eliminate the low income unit exemption from the requirements of Chapter 14.25 and Chapter 19.38, respectively.

Ordinance No. 28804 adopted.

(d) ORD. NO. 28806 – Rezoning certain real property situated at the northwest corner of Winfield Boulevard and Blossom River Way (1009 Blossom River Way), from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District. PDC10-004

Ordinance No. 28806 adopted.

(e) ORD. NO. 28807 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to On the Move Trucking and Recycling.

Ordinance No. 28807 adopted.

2. CONSENT CALENDAR

2.2 Final adoption of ordinances (Cont'd.)

(f) ORD. NO. 28808 – Rezoning certain real property situated on the west side of Guadalupe Mines Road, approximately 1,130 feet southerly of Via Campagna (6411 Guadalupe Mines Road), from A(PD) Planned Development Zoning District to R-1-8(PD) Planned Development Zoning District. PDC10-005

Ordinance No. 28808 adopted.
Noes: Kalra, Liccardo, Oliverio.

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

(a) Rules and Open Government Committee Report of August 18, 2010. (Mayor)

(b) Community and Economic Development Committee Report of August 23, 2010. (Pyle)

Approved.

(c) Rules and Open Government Committee Report of August 25, 2010. (Mayor)

Deferred to 09/21/10 per Orders of the Day.

2.4 Mayor and Council Excused Absence Requests.

There were none.

2.5 City Council Travel Reports.

There were none.

2.6 Actions Related to Council Member Liccardo's Travel to Seattle, WA.

Recommendation:

(a) Approve Council Member Liccardo's travel to Seattle, WA on October 27-29, 2010 to participate in the annual San José-Silicon Valley Chamber of Commerce City-to-City trip as one of the City's designated representatives. Source of Funds: Mayor/Council Travel Fund.

(b) Request an excused absence for Council Member Liccardo from the regular City Council meeting on October 27, 2010.

(Liccardo)
(Rules Committee referral 8/11/10)
(Deferred from 8/24/10 – Item 2.10)
Dropped per Council District 3 under Orders of the Day.

2. CONSENT CALENDAR

2.7 Agreements with the Association of Bay Area Governments to Conduct a Retrofit California Program.

Recommendation:

(a) Adopt a resolution authorizing the City Manager to negotiate and execute agreements with the Association of Bay Area Governments to conduct a Retrofit California Program involving a Whole Neighborhood Energy Efficiency and Workforce Development Program and receiving funding in an amount not to exceed $750,000.

Resolution No. 75551 adopted.

(b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund for 2010-2011:

(1) Establish a City-wide appropriation for the Environmental Services Department for the San José-Retrofit California Program in the amount of $374,012.

(2) Increase the estimate for revenue from Local Agencies by $374,012.

CEQA: Categorically Exempt, File No. PP10-038. (Environmental Services/City Manager's Office)

Ordinance No. 28809 adopted.
Resolution No. 75552 adopted.

2.8 Agreements with KEMA Services, Inc. and EMCOR Energy Services, Inc., for Energy Audit and Analysis Professional Services.

Recommendation: Adopt a resolution authorizing the City Manager to:

(a) Execute Consultant agreements with KEMA Services, Inc. and EMCOR Energy Services, Inc., for energy audit and analysis professional services, in amounts not to exceed a maximum of $320,025 for each agreement.

(b) Negotiate and execute amendments to increase or decrease either or both agreement amounts, subject to a combined not-to-exceed maximum of $640,050.

CEQA: Statutorily Exempt, File No. PP10-066(d), CEQA Guidelines Section 15262, Feasibility and Planning Studies. (Environmental Services)

Resolution No. 75553 adopted.

2.9 Actions Related to the Agreement with Turbo Data Systems and the Schedule of Parking Penalties and Late Payment Penalty for Parking Violations.

Recommendation:

(a) Approve a First Amendment to the Agreement between the City and Turbo Data Systems, Inc. to clarify the scope of services to include special collections of unpaid parking citations through the California Franchise Tax Board Interagency Offset Program and increase the maximum annual compensation by $80,000 from a not to exceed amount of $600,000 to $680,000.

Approved.

2. CONSENT CALENDAR

2.9 Actions Related to the Agreement with Turbo Data Systems and the Schedule of Parking Penalties and Late Payment Penalty for Parking Violations (Cont'd.)

(b) Adopt a resolution authorizing the Director of Finance to negotiate and execute any subsequent amendments to the Agreement between the City and Turbo Data Systems, Inc. to increase the maximum annual compensation to be paid by the City of San José to Turbo Data Systems, Inc. for special collections of unpaid parking citations under the California Tax Board Interagency Offset Program, subject to City Council appropriation of funds.

CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical change to the environment. (Finance/Transportation)

Resolution No. 75554 adopted.

(c) Subject to City Council approval of the proposed First Amendment to the Agreement between the City of San José and Turbo Data Systems, Inc. for parking citation processing and collection services, adopt a resolution to repeal Resolution No. 74985 and set forth the Schedule of Parking Penalties and Late Payment Penalty for Parking Violations to include a 35% collection amount on any unpaid parking citations submitted to the California Franchise Tax Board Interagency Offset program, effective September 15, 2010.

CEQA: Statutorily Exempt, File No. PP10-067(a), CEQA Guidelines Section No.15273 – Rates, Tolls, Fares and Charges. (Transportation)

Resolution No. 75555 adopted.

2.10 Agreement with the County of Santa Clara to Accept Program Funds for Police and Fire Department Training and Exercise Events.

Recommendation:

(a) Adopt a resolution authorizing the City Manager to execute an agreement with the County of Santa Clara to accept program funds from the County for 2009 State Homeland Security Grant Program funding for Police and Fire Department training and exercise events in an amount up to $1,404,107 and Fire Department funding for the 2009 Metropolitan Medical Response System Grant Program in the amount of $321,221, and to negotiate and execute additional amendments to the agreement and all related documents without further Council action.

Resolution No. 75556 adopted.

(b) Adopt the following appropriation ordinance and funding sources resolution amendments in the General Fund in fiscal year 2010-2011:

(1) Establish a city-wide appropriation to the Fire Department for the 2009 Metropolitan Medical Response System (MMRS) Grant Program in the amount of $321,221.

(Item continued on the next page)

2. CONSENT CALENDAR

2.10 Agreement with the County of Santa Clara to Accept Program Funds for Police and Fire Department Training and Exercise Events (Cont'd.)

(b) (2) Increase the existing city-wide appropriation to the Police Department for the State Homeland Security Grant Program in the amount of $100,675.

(3) Increase the estimate for Revenue from the Federal Government by $421,896.

CEQA: Not a Project, File No. PP10-066(e), SHSGP Grant Agreement. (Police/Fire/City Manager's Office)

Ordinance No. 28810 adopted.

Resolution No. 75557 adopted.

2.11 Sponsored Travel to China for the International Solar Cities Congress.

Recommendation:

(a) Accept invitation from Mayor of Dezhou, China to be a plenary speaker at the International Solar Cities Congress from September 14-18, 2010 in Dezhou, China.

(b) Approve travel to China for Mary Tucker, Energy Program Manager for the Environmental Services Department, as the City's official staff representative to the Solar Cities Congress.

Source of Funds: The conference sponsor will pay for travel and accommodations costs.

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

Approved.

2.12 Council Member Chu's Travel to San Diego, CA.

Recommendation: Approve travel by Council Member Chu to San Diego, CA on September 15-17, 2010 to attend the League of California Cities Annual Conference, Board Meeting, and Annual Business Meeting as the City's designated Board Member and Voting Delegate. Source of Fund: Mayor and Council Travel Fund. (Chu)

(Rules Committee referral 9/1/10)

Approved.

2.13 Travel Request for City Clerk Lee Price.

Recommendation: Approve travel for City Clerk Lee Price to Riverside, California on September 8-10, 2010 to provide training services at Technical Track for City Clerks. Source of Funds: Technical Track for City Clerks. (City Clerk)

(Rules Committee referral 9/1/10)

Approved.

2. CONSENT CALENDAR

2.14 Travel Request for Independent Police Auditor LaDoris H. Cordell.

Recommendation: Approve travel by Independent Police Auditor LaDoris H. Cordell to Seattle, WA on September 20-23, 2010 to attend the annual National Association for Civilian Oversight of Law Enforcement (NACOLE) conference. Source of Funds: IPA's Non Personal Appropriation. (Independent Police Auditor)
(Rules Committee referral 9/1/10)

Dropped per Orders of the Day.

2.15 Process to Nominate a Fire Retiree Representative for Appointment by the City Council to the Board of Administration of the Police and Fire Retirement Department Retirement Plan.

Recommendation: As recommended by the Rules and Open Government Committee on September 1, 2010, ratify the process for the selection of nominees for Council appointment of the Fire Retiree Representative to the Board of Administration of the Police and Fire Retirement Plan. (City Clerk)
[Rules Committee referral 9/1/10 – Item G(1)(a)]

Approved.

2.16 Retirement Reform Work Plan.

Recommendation: As recommended by the Rules and Open Government Committee on September 1, 2010, review and approve the Retirement Reform Work Plan. (City Manager's Office)
[Rules Committee referral 9/1/10 – Item H(1)(a)]

Approved.

2.17 Updated Membership of the General Fund Structural Deficit Elimination Plan Stakeholder Group.

Recommendation: As recommended by the Rules and Open Government Committee on September 1, 2010, approve the revised membership of the General Fund Structural Deficit Elimination Plan Stakeholder Group. (Mayor)
[Rules Committee referral 9/1/10 – Item H(2)]

Approved, as amended (change membership roster, as follows):

(1) Christopher Platten to replace Randy Sekany as the representative for International Association of Firefighters.

(2) Delete "Willow Glen Neighborhood Association" after Ed Rast's name.

2. CONSENT CALENDAR

2.18 District 2 Job Resource Fair.

Recommendation: As recommended by the Rules and Open Government Committee on September 8, 2010:
(a) Approve the District 2 Job Resource Fair as a City Sponsored Special Event; and
(b) Approve and accept donations from various individuals, businesses or community groups to support the event.
(City Clerk)
[Rules Committee referral 9/8/10 – Item H(5)]
Approved.

2.19 District 2 Community Fest.

Recommendation: As recommended by the Rules and Open Government Committee on September 8, 2010:
(a) Approve the District 2 Community Fest as a City Sponsored Special Event; and
(b) Approve and accept donations from various individuals, businesses or community groups to support the event.
(City Clerk)
[Rules Committee referral 9/8/10 – Item H(6)]
Approved.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Debra Figone (Verbal Report)
City Manager Debra Figone reported that in light of the San Bruno tragedy, Staff is currently working with PG&E to obtain more complete records on natural gas pipelines in San José, including audit findings on past permitted work.

Mayor Reed stated that he offered the Mayor of the City of San Bruno assistance from the City of San José.

3.2 Response to Civil Grand Jury Report: Should the City Council Continue to Subsidize Team San José's Increasing Losses?

Recommendation: Accept the staff response to the Civil Grand Jury Report entitled "Should the City Council Continue to Subsidize Team San José's Increasing Losses?" CEQA: Not a Project, File No.PP10-069(a), Staff Reports / Assessments / Annual Reports / Information Memos. Council District 3. (Economic Development)
(Deferred from 8/24/10 – Item 3.2)
Deferred to 10/5/10 per Administration.

3. STRATEGIC SUPPORT SERVICES

3.3 Verbal Update on the Recruitment of the Chief of Police.

Recommendation: Verbal update on the process and schedule for the Police Chief Recruitment. (City Manager's Office)

Verbal report received.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Amendment to Section 20.200.740 of Chapter 20.200 of Title 20 of the San José Municipal Code to Clarify the Definition of a Massage Parlor Use.

Recommendation: Approve an ordinance amending Section 20.200.740 of Chapter 20.200 of Title 20 of the San José Municipal Code to clarify the definition of a massage parlor use to not include state-certified massage therapists or practitioners. CEQA: Use of San José 2020 General Plan Final Environmental Impact Report, Resolution 65459, File No. PP10-140. The Planning Commission voted 6-0-1 (Commissioner Kamkar absent) to recommend that the City Council approve an ordinance amending Title 20 of the San José Municipal Code to revise the definition of massage parlor use to not include state-certified massage therapists or practitioners. (Planning, Building and Code Enforcement)

Ordinance No. 28811 passed for publication.

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 High Speed Rail Project Update.

Recommendation: Take the following actions related to the California High Speed Train project:

(a) Accept staff's report and presentation on California High Speed Rail Authority's proposed project scope and status of the project, including a history of City's guiding principles and advocacy positions.

(b) Accept staff's report and presentation and evaluation of California High Speed Rail Authority's proposed design alternatives for Downtown San José area consisting of aerial and tunnel options.

(Item continued on the next page)

6. TRANSPORTATION & AVIATION SERVICES

6.1 High Speed Rail Project Update (Cont'd.)

(c) Discuss, consider and approve a City's position of support for one of the following policy alternatives for the proposed project alignment in the Downtown San José area:

(1) Endorse California High Speed Rail Authority recommendation to eliminate from further study the tunnel alignment and consider further study of an aerial trackway alignment located partially within the Route 87/280 freeway corridor as part of the environmental process, subject to California High Speed Rail Authority approval of a Cooperative Agreement with City ensuring the project will provide an attractive, world-class architectural design and addresses City concerns, such as possible noise and visual appearance of the aerial alignment through Downtown; or

(2) Advocate that the California High Speed Rail Authority (CHSRA) prepare a full environmental study for both aerial and tunnel design options.

(d) If policy alternative noted in above recommendation (c)(1) is approved by Council, direct staff to negotiate a Cooperative Agreement for City Council consideration at the Council meeting on October 5, 2010.

CEQA: Not a Project. The recommended actions are advisory to the CHSRA. The CHSRA is in the process of preparing an EIR for the High-Speed Train project. (Transportation)

(Deferred from 8/24/10 – Item 6.1)

Heard last.

The memorandum from Mayor Reed and Council Members Liccardo, Kalra and Nguyen, dated September 10, 2010, was approved, as amended:

(1) Staff report was accepted.

(2) Staff directed to continue negotiations with CHSRA to develop and complete a binding cooperative agreement on or before October 1, 2010 that ensures the City has authority to approve or reject any design and construction materials for the alignment through the Diridon Area.

(3) If an acceptable agreement cannot be reached by October 1, 2010, the City will seek a full study of the underground alignment as part of the full environmental review process at the October 7, 2010 CHSRA Hearing *and the City will convey its desire for a full study of the underground alignment by letter from the Mayor to the CHSRA Board*.

(4) Any agreement should also ensure that the City is given significant input on the design and noise impacts of building the Monterey Road Corridor at-grade.

(5) Agendize the Cooperative Agreement for Council consideration at the October 5, 2010 Council Meeting.

Noes: Chu, Oliverio.

Absent: Constant.

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Agreement for the First Phase of Environmental Documentation Related to the San José/Santa Clara Water Pollution Control Plant Master Plan.

Recommendation: Approve the consultant agreement with Environmental Science Associates and Jones & Stokes Associates, Inc. for:

(a) The first phase of environmental documentation services (draft project description, review of environmental studies, existing conditions report and draft Notice of Preparation) related to the San José/Santa Clara Water Pollution Control Plant Master Plan for a term commencing upon approval of the agreement through June 30, 2011 and an amount not to exceed $600,000.

(b) An option for the City to add services at fixed hourly rates, and increase the maximum amount of compensation up to $2,000,000 and extend the term of the agreement when Council selects the preferred alternative for environmental clearance under the California Environmental Quality Act and pursue preparation of environmental compliance documents under the National Environmental Policy Act.

CEQA: Statutorily Exempt, File No. PP10-066 (d), CEQA Guidelines Section 15262, Feasibility and Planning Studies. (Environmental Services)

Approved.

8. PUBLIC SAFETY SERVICES

8.1 Application for the Department of Homeland Security/Federal Emergency Management Agency Grant with Potential Award in 2011-2012.

Recommendation: Adopt a resolution authorizing the City Manager to apply for the Department of Homeland Security/Federal Emergency Management Agency administered "2010 Staffing for Adequate Fire and Emergency Response" Grant subject to further cost-benefit and grant provision analysis at time of notification of grant award anticipated in 2011-2012. CEQA: Not a Project, File No. PP10-068(a), Grant Application. (Fire)

Resolution No. 75558 adopted.

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

- ## Open Forum

  (1) Harvey Darnell, Citizens for Liberal San José, stated he has been working with the Planning Department for the past 2-1/2 years on interpreting the Riparian Policy and urged the Council to make the process easier to understand and follow.

  (2) David Wall spoke in opposition to using the Sewer Service and Use Charge Rate increases to create another fund and expressed concern about an employee facing dismissal.

  (3) Richard McCoy, United Veterans Council of Santa Clara County, appealed to the Mayor and Council for donations to help fund the Annual Veterans Day Parade.

- ## Adjournment

  The Council of the City of San José was adjourned at 5:10 p.m. in memory of Abebaw Feki, Ambassador for Ethiopian-Americans, loyal leader in the Ethiopian community and a successful business owner of Zeni Ethiopian Restaurant in District 1 who passed away on September 8, 2010. (Constant/Liccardo)

8. JOINT REDEVELOPMENT AGENCY ITEM

The Redevelopment Agency Board convened at 5:12 p.m. to consider Item 8.1 in a Joint Session.

8.1 Approving the award of a construction contract the San Jose Municipal Stadium Transformer Replacement Project and related budget actions.

Recommendation:

(a) Adoption of resolutions by the Agency Board:

(1) Awarding a construction contract to Devcon Construction Inc., the low bidder, in the amount of $308,708, for construction of the San Jose Municipal Stadium Transformer Replacement Project, and authorizing a construction contingency in the amount of $30,000, approximately 10% of the contract amount, for a total funding authorization of $338,708; and,

RDA Resolution No. 5983 adopted.
Noes: Liccardo.

(2) Approving an adjustment to the FY 2010-11 Adopted Capital Budget, adding $75,000 to the Municipal Stadium Project line in the Merged Area and amending the FY 2010-11 Agency appropriations resolution.

RDA Resolution No. 5984 adopted.
Noes: Liccardo.

(b) Adoption by the City Council of the following 2010-2011 Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund:

(1) Increase the Beginning Fund Balance in the amount of $54,843.
(2) Establish a Transfer to the Redevelopment Agency for San Jose Municipal Stadium Transformer Replacement Project in the amount of $54,843.

Ordinance No. 28812 adopted.
Resolution No. 75559 adopted.
Noes: Liccardo.

(c) Adoption by the City Council of the following 2010-2011 Appropriation Ordinance amendments in the General Fund:

(1) Decrease the Capital Improvements General Services Department Unanticipated/Emergency Maintenance appropriation in the amount of $20,157.
(2) Establish a Transfer to the Redevelopment Agency for San Jose Municipal Stadium Transformer Replacement Project in the amount of $20,157.

CEQA: Exempt, File No. PP10-098. **[SNI]**

Ordinance No. 28813 adopted.
Noes: Liccardo.

The Council of the City of San José and Redevelopment Agency Board was adjourned at 5:16 p.m.