

CITY COUNCIL AGENDA

MARCH 24, 2009

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. 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 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**
9:32 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: Chirco, Pyle. (Excused)

1:35 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: Chirco, Constant. (Excused)
- **Invocation (District 3)**
Talented thirteen year old Elise Gillum, Ballet San José School, provided a brilliant performance.
- **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 Items 4.2 (evening) and 5.1 deferred to 4/7/09, and Joint/RDA Item 8.2 heard and action continued to 4/7/09.
- **Closed Session Report**
No Report.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation in honor of the Assyrian New Year in the City of San José. (Chu/Pyle/Kalra)
Mayor Reed and Council Members Chu, Pyle and Kalra recognized Assyrian New Year in the City of San José.
- 1.2 Presentation of a proclamation in honor of the Iranian New Year in the City of San José. (Chu/Pyle/Kalra)
Mayor Reed and Council Members Chu, Pyle and Kalra recognized the Iranian New Year in the City of San José.
- 1.3 Presentation of a proclamation declaring March 25, 2009 as “Greek Independence Day” in the City of San José. (Constant)
Mayor Reed and Council Member Constant acknowledged March 25, 2009 as “Greek Independence Day” in the City of San José.
- 1.4 Presentation of a proclamation recognizing the month of April 2009 as “Donate Life California Month” in the City of San José. (Mayor)
Mayor Reed recognized the month of April 2009 as “Donate Life California Month” in the City of San José.
- 1.5 Presentation of a proclamation declaring March 28, 2009 as “SWAN (Support Women Artists Now) Day” in the City of San José. (Mayor)
(Rules Committee referral 3/11/09)
Mayor Reed recognized March 28, 2009 as “SWAN (Support Women Artists Now) Day” in the City of San José.

2. CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of minutes.

- (a) Regular Minutes of January 13, 2009.
- (b) Special Minutes of January 20, 2009.
- (c) Regular Minutes of January 27, 2009.

Approved.

2. CONSENT CALENDAR

2.2 Final adoption of ordinances.

- (a) ORD. NO. 28511 – Amending Part 2 of Chapter 18.08 of Title 18 of the San José Municipal Code, entitled “Procedures,” to add a new Section allowing the withdrawal of, or deeming withdrawn, applications to amend the General Plan under certain specified circumstances, and to make other nonsubstantive technical clarifications to said Part 2 of Chapter 18.08 of Title 18, amending Section 20.100.390 of Chapter 20.100 and Section 20.120.070 of Chapter 20.120, all of Title 20 of the San José Municipal Code, to allow certain development permit or approval applications or rezoning applications to be deemed withdrawn under certain circumstances of inactivity, and amending Section 20.100.170 of Chapter 20.100.170 of Chapter 20.100 of Title 20 of the San José Municipal Code to clarify that applicants of development permits or approvals may withdraw applications.

Ordinance No. 28511 adopted.

2.3 Naming a New Plaza.

Recommendation: As recommended by the Parks and Recreation Commission on March 4, 2009, name a plaza located in Evergreen Park at the corner of San Felipe and Yerba Buena Roads as John J. Montgomery Plaza. (City Clerk)

Approved.

2.4 Amendment to Investment Custodial Services Agreement.

Recommendation: Approve the Sixth Amendment to the Investment Custodial Services Agreement with Wells Fargo Bank to extend the term of the agreement for three months from April 1, 2009 through June 30, 2009 and to increase the maximum compensation by \$12,500 for the extended term in an amount not to exceed \$50,000. CEQA: Not a Project. (Finance)

Approved.

2.5 Amendment to the Agreement with Union Bank for General Banking Services.

Recommendation: Approve the Eighth Amendment to the General Banking Services Agreement with Union Bank of California to extend the term of the agreement for three months from April 1, 2009 through June 30, 2009 and to increase the Agreement’s total maximum compensation by \$262,500 for the extended term in an amount not to exceed \$1,050,000. CEQA: Not a Project. (Finance)

Approved.

2.6 Revisions to the City of San José Conflict of Interest Code.

Recommendation: Adopt a resolution amending the Conflict of Interest Code for the City of San José. (City Clerk)
(Deferred from 3/10/09 – Item 3.5)

Resolution No. 74837 adopted.

2. CONSENT CALENDAR

2.7 Excused Absence for Council Member Chu.

Recommendation: Request for an excused absence for Council Member Chu from the Regular Meeting of the Public Safety, Finance and Strategic Support Committee on April 16, 2009 due to Authorized City Business: League of California Cities Board Meeting in Sacramento, CA. (Chu)
(Rules Committee referral 3/11/09)

Excused.

2.8 Excused Absence for Council Member Constant.

Recommendation: Request for an excused absence for Council Member Constant from the Regular Meeting of the Rules and Open Government Committee on April 1, 2009 due to illness of close family member. (Constant)
(Rules Committee referral 3/11/09)

Excused.

2.9 Council Member Nguyen's Travel to Australia.

Recommendation: Approve travel by Council Member Nguyen to Australia on May 21 – June 3, 2009 to serve as a delegate, representing the United States, with the American Council of Young Political Leaders (ACYPL) International Exchange Program. Source of Funds: The American Council of Young Political Leaders (ACYPL). (Nguyen)
(Rules Committee referral 3/18/09)

Approved.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Debra Figone (Verbal Report) No Report.

3.2 Report of the Rules and Open Government Committee – March 4, 2009 Mayor Reed, Chair Accepted.

3.3 Report of the Public Safety, Finance and Strategic Support Committee Council Member Nguyen, Chair No Report.

3. STRATEGIC SUPPORT SERVICES

3.4 Settlement of Cardroom Litigation.

Recommendation:

- (a) Authorize the City Attorney to execute the litigation settlement agreements with Sutter's Place, Inc., dba Bay 101 and Garden City, Inc.

Memorandum from Mayor Reed, Vice Mayor Chirco and Council Member Campos, dated March 20, 2009 was approved, accepting the settlement agreement, including: Staff directed to develop and bring to the HNVF Leadership Committee a framework for administering the Charitable and Non-Profit Contributions to address the social problems associated with gambling from the Settlement of the Cardroom Litigation that includes:

- (1) **An outreach process to the nonprofit community that ensures the City's nonprofit partners are aware of the availability of these resources.**
- (2) **An allocation and distribution plan that is consistent with both the settlement and the Healthy Neighborhoods strategic work plan approved by the City Council in October 2008.**
- (3) **Scenarios for reimbursing costs associated with administration of the funds, exploring both City and non-City options.**

Staff requested to reach out to the nonprofits and community groups that have a connection with the Asian-American community and other ethnic groups, i.e. Asian-Americans for Community Involvement (AACI) once the outreach process begins.

- (b) Approve an ordinance revising Title 16 of the San José Municipal Code, Gaming Control Regulatory Program, to clarify and enhance the scope, terms, conditions and procedures of regulation of cardrooms and funding sources, and to make technical changes to the Title.

Ordinance No. 28517 passed for publication.

- (c) Adopt a resolution of the Council of the City of San José initiating proceedings on its own motion pursuant to the provisions of Section 20.120.010 of Chapter 20.120 of Title 20 of the San José Municipal Code to amend Sections 20.40.100, 20.50.100, 29.90.060, add a new Part 13.5 to Chapter 20.80, and add a new Section 20.200.995 of said Title 20 to provide for the appropriate location of relocated cardrooms, setting a public hearing thereon, and referring said proposed Title 20 amendments to the Planning Commission for report or recommendation.

Resolution No. 74838 adopted.

- (d) Adopt a resolution amending Resolution No. 72737 (the Schedule of Fees) as amended, to decrease cardroom table fees for Fiscal Year 2008-2009 to \$24,482.00.
CEQA: Not a Project. (City Attorney's Office)

Resolution No. 74839 adopted.

3. STRATEGIC SUPPORT SERVICES

3.5 Appointments to fill Unanticipated Vacancies on the Police and Fire Retirement Board.

Recommendation:

- (a) Interview candidate and consider an appointment to fill an unscheduled vacancy for the active employee member of the Police Department on the Board of Administration of the Police and Fire Department Retirement System for a term expiring November 30, 2009.

Conrad Taylor was appointed.

- (b) Interview candidate and consider an appointment to fill an unscheduled vacancy for the active employee member of the Fire Department on the Board of Administration of the Police and Fire Department Retirement System for a term expiring November 30, 2011.

(City Clerk)

Keith Keesling was appointed.

3.6 Report of the Rules and Open Government Committee – February 18, 2009

Mayor Reed, Chair

Accepted.

3.7 Report of the Rules and Open Government Committee – February 25, 2009

Mayor Reed, Chair

Accepted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Community & Economic Development Committee Special Meeting – March 12, 2009, Council Member Pyle, Chair

Accepted, with a correction to the minutes on Page 3, Paragraph 7 as follows, modify “*improved*” vendor list to “*approved*” vendor list.

4.2 Tree Removal Permit Process and Fee Analysis for Cost Recovery Model.

Recommendation: Direct the City Manager to develop and bring back to City Council for consideration:

- (a) Amendments to Title 13 of the Municipal Code to streamline the Tree Removal Process for trees located on single-family and duplex private properties;
- (b) Amendments to the City Council Policy 6-30: Public Outreach, relating to Tree Removal Permit; and
- (c) A fee to recover the Administration's costs associated with administering that streamlined tree removal process.

CEQA: Not a Project. (Planning, Building and Code Enforcement)

(Deferred from 3/17/09 – Item 4.2)

Deferred to 4/7/09 in the evening, per Orders of the Day.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Amend Agreements for the Airport West Property.

Recommendation: Approve an amendment of the Option Agreements with Coleman Airport Partners, LLC for the Airport West property located at 1125 Coleman Avenue to eliminate the requirement of the developers to provide a letter of credit under the agreements. CEQA: Not a Project. Council District 3. (Economic Development)
Approved.

4.4 City Generated Zone Towing.

Recommendation: Report on Request for Proposal and adopt a resolution authorizing the Director of Finance to:

- (a) Execute five-year agreements with each of the following companies for City Generated Zone Towing Services:
 - (1) Zone 1: Matos Auto Towing and Transport (San José, CA).
 - (2) Zone 2: City Towing, Inc. (San José, CA).
 - (3) Zone 3: Century Tow (San José, CA).
 - (4) Zone 4: Motorbody Company, Inc. (San José, CA).
 - (5) Zone 5: Courtesy Tow Services, Inc. (San José, CA).
 - (6) Zone 6: Delta Towing, Inc. (San José, CA)
- (b) Exercise two one-year options to extend the agreements.
- (c) Award any Zone to an alternate tow company and to execute an Agreement with that company in the event that any of the companies recommended above is unable to deliver the required deposit and contract documentation by 4:00 p.m. on March 25, 2009.

CEQA: Not a Project. (Finance)

Resolution No. 74840 adopted.

4.5 Fee Resolution amendments.

Recommendation: Conduct a public hearing and adopt a resolution amending the FY 08-09 Fee Resolution to adjust certain Planning fees to cost recovery and make other minor fee changes. CEQA: Not a Project. (Planning, Building and Code Enforcement)
The Public Hearing was held.
Resolution No. 74841 adopted.

4.6 City Policies Related to Contracting for Services.

Recommendation: Accept the verbal report by the City Manager on the Community & Economic Development Committee Special Meeting of March 12, 2009, related to the City's Policies on Contracting for Services. (City Manager)
[Community & Economic Development Committee referral 03/12/09 – Item 4.1(2)]
Accepted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.7 Rezoning real property located on the west side of North 11th Street.

Recommendation: Conduct a public hearing on consideration of an ordinance rezoning the real property located on the west side of North 11th Street approximately 300 feet north of East Santa Clara Street (55 N 11th Street) from R-M Multiple Residence Zoning District to A(PD) Planned Development Zoning District for a renovation and addition to (also relocation on-site for) an existing single-family residence, listed as a Structure of Merit on the Historic Resources Inventory, and construction of three (3) single-family attached residential units on a 0.19 gross acre site. SNI: 13th Street. CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommends approval for up to 3 units (existing plus 2 additional units) to provide more opportunity for parking on-site (6-0-1; Platten absent).

PDC08-005 – District 3

(Continued from 3/17/09 – Item 11.4)

The memorandum from Council Member Liccardo, dated March 23, 2009, was approved, as amended:

- (1) Approving the rezoning and to allow the construction of an additional three, single family attached residential units on the site, *including any permitted addition to and movement of the existing structure.*
- (2) *Staff directed to return on April 7, 2009 with a resolution for the City Council to nominate and initiate proceeding to consider the residence located at 55 North 11th Street as a City Landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of a historic nature.*
- (3) *Request Staff to proceed with processing of the permits applicable to any of these units irrespective of what happens with the original structure through the process of the Historic Landmarks Commission.*
 - (a) In the meantime, any site development or building permits relating to the alteration of or addition to the original structure should be considered by Staff with consideration to the possibility that a landmark designation may result from this process.
 - (b) Staff should apply parking requirements flexibility to allow for full utilization of this parcel, in light of the applicant's efforts to restore the historic structure and given the low density of the development relative to its General Plan designation of 25-50DU/AC.

Ordinance No. 28518 passed for publication, as amended.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.8 Rezoning real property located on the north side of Michigan Avenue.

Recommendation: Conduct a public hearing on consideration of an ordinance rezoning the real property located on the north side of Michigan Avenue, approximately 350 feet easterly of North 1st Street from CN Commercial Neighborhood Zoning District to A(PD) Planned Development Zoning District to allow up to 4 single family detached residences on a 0.48 gross acre site. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommends approval with (1) no interior partitions in garage ground level; (2) suggestion of working to reduce building foot print at planned development permit stage, incorporate green building principles and native plantings; (3) suggestion for city to review flood policy in Alviso to take into account potential effects of climate change (6-0-1; Platten absent).

PDC06-018 – District 4

Ordinance No. 28519 passed for publication.

4.9 Rezoning real property located on the southwest corner of Hostetter Road and Frost Drive.

Recommendation: Conduct a public hearing on consideration of an ordinance rezoning the real property located on the southwest corner of Hostetter Road and Frost Drive (1728 Hostetter Road) from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow the addition of a 400 square foot outdoor uncovered patio to an existing retail commercial building on a 0.63 gross-acre site (Frost LLC, Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommends approval with recommendations at the Planned Development permit stage to address landscape treatment/shrub border, trash receptacles with lids, signage regarding parking on street, and facilitate department of transportation review for possible permit parking on Frost Avenue (7-0-0).

PDC08-022 – District 4

(Continued from 3/17/09 – Item 11.6)

Ordinance No. 28520 passed for publication.

5. NEIGHBORHOOD SERVICES

- 5.1 **Report of the Neighborhood Services and Education Committee – March 12, 2009**
Council Member Campos, Chair
Deferred to 4/7/09 per Orders of the Day.

5. NEIGHBORHOOD SERVICES

5.2 Consolidated Plan Annual Action Plan.

Recommendation: Conduct a Public Hearing on the draft Consolidated Plan Annual Action Plan for FY 2009-2010, which is required by the Department of Housing and Urban Development in order to receive Federal Housing and Community Development funding, and announce that as of March 17, 2009, the draft Action Plan is available to the public for thirty-days for review and comment. CEQA: Not a Project. (Housing)

The Public Hearing was opened.

The Draft Action Plan, as of March 17, 2009, is available to the public for thirty-days for review and comment. There was no Council action.

5.3 Designate a portion of the Washington SNI Area as a Conservation Area.

Recommendation: Adopt a resolution nominating a portion of the Washington Strong Neighborhood Area for designation as the Guadalupe/Washington Conservation Area and directing the Department of Planning, Building and Code Enforcement to initiate the required process and proceedings to establish the Conservation Area. CEQA: Exempt under the provisions of Section 15307 of the State Guidelines for Implementation of the California Environmental Quality Act. Council Districts 3 and 7. SNI: Washington. (Planning, Building and Code Enforcement)

Resolution No. 74842 adopted.

Staff requested to return with more information on using multi-lingual noticing for outreach.

5.4 César E. Chávez Memorial Walkway.

Recommendation: As referred by the Rules and Open Government Committee on March 11, 2009, discuss and consider adoption of the César E. Chávez Memorial Walkway. CEQA: Exempt, File No. PP09-056. (Mayor/Campos/Liccardo)
[Rules Committee referral 3/11/09 – Item 3.2(10)(4)]

The route and signage for the César E. Chávez Memorial Walkway was adopted per the approved memorandum from Mayor Reed and Council Members Campos and Liccardo, dated March 12, 2009.

The Redevelopment Agency and Department of Transportation Staffs were directed to continue to work in coordination with the César Chávez Family Visions, Inc., community based organizations, the Latino and Filipino community and other stakeholders in implementing the César E. Chávez Memorial Walkway.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Transportation and Environment Committee Council Member Liccardo, Chair No Report.

6.2 Airport Ground Transportation Program and Fee Adjustments.

Recommendation: As recommended by the Transportation and Environment Committee on March 2, 2009:

- (a) Adopt a resolution:
 - (1) Revising Ground Transportation administrative fees and charges for trips to and from the Airport to be effective on May 1, 2009.
 - (2) Re-adopting all other Airport Rates and Charges.
 - (3) Repealing Resolution No. 74655.
- (b) Direct the City Attorney's Office to draft an ordinance to grant the Director of Aviation the authority to stop accepting applications for door-to-door shuttles for providing On-Demand service at the Airport and to establish and implement controls on the access, staging and quantity of door-to-door shuttle vehicles serving the Airport, including alternate day or reduced day access options.

CEQA: Resolution Nos. 67380 and 71451, File No. PP09-009. (Airport)

[Transportation and Environment Committee referral 3/2/09 – Item 6.1(3)(6)]

(Deferred from 3/17/09 – Item 6.3)

Deferred to 4/14/09 per Administration.

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Commercial Solid Waste System Redesign.

Recommendation: For Council consideration as discussed by the Transportation and Environment Committee on March 2, 2009:

- (a) Approve development of a Request for Proposals to solicit and award an exclusive franchisee to collect and process commercial solid waste, recyclables and organic materials for each of the two service districts for an initial term of ten years with two options to extend the term, the first for three years and the second for two years for a total of five years.
- (b) Include living wage and employee retention requirements in the Request for Proposals.
- (c) Direction to amend the City's Living Wage Policy to include exclusive commercial solid waste franchise services.

CEQA: Exempt, File No. PP08-247. (Environmental Services)

[Transportation and Environment Committee referral 3/2/09 – Item 6.1(3)(3)]

(Deferred from 3/17/09 – Item 7.2)

(Action continued on the next page)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Commercial Solid Waste System Redesign (Cont'd.)

The memorandum from Council Members Chu, Herrera, Campos and Kalra, dated March 20, 2009, was approved, with the following:

- (1) Direct Staff to separate the Requests for Proposal (RFP) for the processing of organic materials from the RFP for the commercial solid waste system redesign. Two separate Requests for Proposals to be issued:**
 - (a) For all collection as well as processing of recyclables.**
 - (b) Processing of the organic materials.**
- (2) Direct Staff to include Labor Peace in both Requests for Proposals. Per the City Attorney's memorandum, the City can request this information.**

Noes: Oliverio.

City Attorney was requested to provide a memorandum to Council confirming the issues during the period of no communications once a RFP is out for bid.

7.2 Municipal Stormwater NPDES Permit.

Recommendation:

- (a) Authorize the submission of written technical and legal comments by April 3, 2009, to the San Francisco Bay Regional Water Quality Control Board (Water Board) concerning the Water Board's Revised Tentative Order for a Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit (Regional Permit), dated February 11, 2009;**
- (b) Authorize City participation in Water Board public hearings related to the adoption of the Regional Permit, including presentation of testimony and comments at the hearing scheduled for May 13, 2009;**
- (c) Direct staff to engage stakeholders in discussions concerning the trash related programming specified in the Regional Permit and provide specific feedback to the Water Board; and**
- (d) Direct staff to work with the Mayor's Office to identify representation from Council to address the Water Board concerning the Regional Permit.**

CEQA: Not a Project. (Environmental Services)

Approved.

8. PUBLIC SAFETY SERVICES

8.1 South San José Police Substation actions.

Recommendation:

- (a) Adopt a resolution increasing the construction contingency for the South San José Police Substation construction contract with S.J. Amoroso Construction Co, Inc. (SJA) by \$3,600,000 to a total of \$6,310,000.

Resolution No. 74843 adopted.

- (b) Adopt the following 2008-2009 Appropriation Ordinance amendments in the Neighborhood Security Bond Fund (Fund 475):

- (1) Increase the South San José Police Substation appropriation by \$4,500,000.
- (2) Decrease the Driver Safety Training Center appropriation by \$1,000,000.
- (3) Decrease the Ending Fund Balance by \$3,500,000.

Ordinance No. 28521 adopted.

- (c) Adopt a resolution authorizing the Director of Public Works to negotiate and execute individual contract change orders up to \$600,000 each for the South San José Police Substation construction contract with S.J. Amoroso Construction Co, Inc. and repealing Council Resolution No. 74660, adopted November 4, 2008.

Resolution No. 74844 adopted.

- (d) Approve the First Amendment to the Master Agreement with Gilbane Building Company for Peer Review and Implementation Support Services for the South San José Police Substation extending the term of the agreement from December 31, 2009 to September 30, 2010, increasing the maximum compensation by \$500,000 from \$1,000,000 to an amount not to exceed \$1,500,000.

- (e) Approve the Second Amendment to the Phase two consultant agreement with RossDrulisCusenbery Architecture, Inc. relating to the planning, design and construction of South San José Police Substation extending the term of the agreement from July 31, 2009 to September 30, 2010, with no increase in compensation.

CEQA: Mitigated Negative Declaration, PP04-304. (Public Works/Police/City Manager's Office)

Approved.

- (1) **City Attorney directed to preserve any and all legal remedies against any parties during the course of the project.**
- (2) **City Manager directed to bring forward a policy discussion to the full Council prior to the budget process on the utilization of community policing centers and a comprehensive citywide strategy for future utilization of those centers.**

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

The Joint Council/Redevelopment Agency Board was convened at 5:44 p.m. to consider Item 9.1 in a Joint Session.

9.1 Public Hearing and approval of the FY 2009-2010 Mayor's March Budget Message.

Recommendation: Conduct a Public Hearing and approve the FY 2009-2010 Mayor's March Budget Message. (Mayor)
(Continued from 3/17/09 – Item 9.1)

Approved.

The Joint Council/Redevelopment Agency Board was adjourned at 6:00 p.m.

- **Notice of City Engineer's Pending Decision on Final Maps**
None.

- **Notice of City Engineer's Award of Construction Projects**
None.

- **Open Forum**
 - (1) **Ross Signorino expressed his views about the incident that occurred last Saturday involving the loss of four Oakland Police Officers, the perpetrator who was also killed and their respective families.**
 - (2) **Patrick Pizzo urged Council to request active park space projections for the various scenarios being evaluated by the Envision 2040 Task Force that meet or exceed the State Standards.**

- **Adjournment**

The Council of the City of San José was adjourned at 6:04 p.m. in memory of the four Oakland Police Officers, Sgt. Mark Dunakin, SWAT Sgt. Ervin Romans, SWAT Sgt. Daniel Sakai and Motorcycle Officer John Hege who were killed in the line of duty on March 21, 2009.

**HOUSING AUTHORITY OF
THE CITY OF SAN JOSÉ
AGENDA**

1:30 P.M.

TUESDAY, MARCH 24, 2009

CHAMBERS

- 1. Call to Order**
The meeting convened at 6:05 p.m.

- 2. San José Housing Authority Board of Commissioners.**

Recommendation: It is recommended that the Board of Commissioners for the Housing Authority of the City of San José authorize the Director of Housing to negotiate and execute a letter agreement with the Housing Authority of the County of Santa Clara supporting the Moving to Work Fiscal Year 2010 Annual Plan, including the following changes:

- (a) An additional 200 Section 8 vouchers will be designated for chronically homeless persons in FY 2010;
- (b) The 92 Section 8 vouchers that become available through the relocation of Markham Terrace residents be designated for the chronically homeless;
- (c) Section 8 vouchers that have been designated for chronically homeless persons through the Moving to Work 2010 Annual Plan and previous Annual plans remain in a set-aside for chronically homeless persons.

(Housing)

Approved, as amended, deleting proposed Activity #4 as described on Pages 20 and 21 to ensure that all project-based Section 8 vouchers are allocated on a competitive basis to ensure that all nonprofit and other affordable housing developers are given equal opportunity to be able to obtain project-based Section 8 vouchers as the Housing Authority of Santa Clara County.

- 3. Adjourn the Housing Authority of the City of San José.**
The meeting was adjourned at 6:11 p.m.

8. JOINT REDEVELOPMENT AGENCY ITEMS

The Joint Redevelopment Agency Board convened at 6:14 p.m. to consider Items 8.1, 8.2 and 8.3 in a Joint Session.

8.1 Actions related to approval of a contract for the Civic Auditorium Audio Visual/Sound System Project.

Recommendation: Adoption of resolutions:

- (a) By the City Council making certain determinations required by Redevelopment Law, Health and Safety Code Section 33445, for Agency funding of the proposed improvements to the Civic Auditorium.

Resolution No. 74845 adopted.

- (b) By the Redevelopment Agency Board approving a contract with BBI Engineering, Inc., in the amount of \$953,044, which includes two alternates, for the Civic Auditorium Audio Visual/Sound System Project, authorizing a project contingency in the amount of \$95,304 for a total contract amount of \$1,048,348, and authorizing the Executive Director to execute changes to the contract, subject to the limitations applicable to construction contract change orders.

CEQA: Not a Project. [PARK CENTER]

Redevelopment Agency Resolution No. 5897 adopted.

8.2 Approval of the Report to Council on Amendment to Redevelopment Plans for the Merged Project Area Tax Increment Limit and Bonded Indebtedness Limit Increases.

Recommendation: Public Hearing followed by Redevelopment Agency Board and City Council actions:

- (a) Adoption of resolutions by the City Council and Redevelopment Agency Board approving the Report to Council on the Amendment to the Redevelopment Plans for the Merged Project Area to increase the tax increment limit from \$7.6 billion to \$15 billion, to establish a single limit of \$7.6 billion for the bonded indebtedness that may be outstanding at any one time, and to modify the list of eligible public improvements in each Redevelopment Plan so that all Redevelopment Plans have consistent language relating to public improvements.
- (b) Approve an ordinance by the City Council of the proposed Amendment to the Redevelopment Plans in the Merged Project Area to increase the tax increment limit from \$7.6 billion to \$15 billion, to establish a single limit of \$7.6 million on the amount of bonded indebtedness that may be outstanding at any one time, and to modify the list of eligible public improvements in each Redevelopment Plan so that all Redevelopment Plans have consistent language relating to public improvements, and making certain findings.

CEQA: File No. PP08-289, adopted by the Director of Planning, Building and Code Enforcement, dated February 4, 2009. [MERGED]

The Public Hearing was held.

Action Continued to 4/7/09 per Orders of the Day.

8. JOINT REDEVELOPMENT AGENCY ITEMS

8.3 Approval to remove Naglee Park from the SNI Project Area.

Recommendation: Public Hearing followed by Redevelopment Agency Board and City Council actions:

- (a) Adoption of resolutions by the Redevelopment Agency Board and City Council approving the Report to Council on the Amendment to the Strong Neighborhoods Initiative Redevelopment Plan to remove Naglee Park from the Strong Neighborhoods Initiative (SNI) Project Area.

Resolution No. 74846 adopted.

Redevelopment Agency Resolution No. 5898 adopted.

- (b) Approve an ordinance by the City Council for the proposed Amendment to the SNI Redevelopment Plan to remove Naglee Park from the SNI Project Area.

CEQA: File No. PP08-289, adopted by the Director of Planning, Building and Code Enforcement, dated February 4, 2009. [SNI]

Ordinance No. 28522 passed for publication.

The Council of the City of San José and Redevelopment Agency Board was adjourned at 6:41 p.m.