

# CITY COUNCIL AGENDA

**JUNE 2, 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.sanjoec.ca.gov/clerk/agenda.asp](http://www.sanjoec.ca.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@sanjoec.ca.gov](mailto:CityClerk@sanjoec.ca.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, Nguyen. (Excused)**
  - 1:30 p.m.** - Regular Session, Council Chambers, City Hall  
**Absent Council Members: Chirco, Nguyen. (Excused)**
  - 7:07 p.m.** - Public Hearings, Council Chambers, City Hall  
**Absent Council Members: Chirco, Nguyen. (Excused)**
- **Invocation (District 6)**

River Glen Estudiantina performed a medley of traditional Latin-American songs, “Mañanitas de Cielito Lindo con Muchos Colores” 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 Items 3.4 and 5.4 deferred to 6/9/09.
- **Closed Session Report**

City Attorney Doyle disclosed the following Closed Session actions of June 2, 2009:

## CLOSED SESSION REPORT (Cont'd.)

### A. Authority to Pursue Appellate Review in a Litigation Case:

**Case Name:** Vietnamese-American Community of Northern California v. City, et al.

**Adverse Party or Parties:** Vietnamese-American Community of Northern California.

**Substance of Litigation:** Injunctive relief regarding alleged Brown Act violations

**Council Vote: Ayes:** Campos, Chu, Constant, Herrera, Kalra, Liccardo, Oliverio, Pyle; Reed.

**Noes:** None.

**Disqualified:** None.

**Absent:** Chirco, Nguyen. (Excused)

**Vacant:** None.

## 1. CEREMONIAL ITEMS

---

- 1.1** Presentation of a commendation to Fat Spaniel Technologies for providing a solution to the solar electric plant management problem. (Economic Development)  
**Mayor Reed and Council Member Liccardo recognized and commended Fat Spaniel Technologies for supplying a solution to the solar electric plant management predicament.**
- 1.2** Presentation of a proclamation declaring the week of June 1-7, 2009 as “National CPR and AED Awareness Week” in the City of San José. (Fire)  
**Mayor Reed recognized the week of June 1-7, 2009 as “National CPR and AED Awareness Week” in the City of San José.**
- 1.3** Presentation of a commendation to the San José District 10 Disaster and Emergency Preparedness Conference Team for their hard work organizing all aspects of the conference. (Pyle)  
**Heard in the evening.**  
**Mayor Reed and Council Member Pyle recognized and commended the San José District 10 Disaster and Emergency Preparedness Conference Team for their hard work organizing all aspects of the conference.**

# 1. CEREMONIAL ITEMS

---

- 1.4 Presentation of a commendation to Wesley Mukoyama, retiring Executive Director of Yu-Ai-Kai, for his years of dedicated service to the residents of Japantown and the entire City of San José. (Liccardo)  
(Deferred from 5/19/09 – Item 1.6)  
**Heard in the evening.**  
**Mayor Reed and Council Member Liccardo recognized and commended Wesley Mukoyama, retiring Executive Director of Yu-Ai-Kai, for his years of dedicated service to the residents of Japantown and the entire City of San José.**
- 1.5 Presentation of a commendation to California Waste Solutions for receiving the International Festivals and Events Association’s “Gold Award for Best Sponsor” for the San José Holiday Parade. (Chu)  
(Rules Committee referral 5/20/09)  
**Heard in the evening.**  
**Mayor Reed and Council Member Chu recognized and commended California Waste Solutions for receiving the International Festivals and Events Association’s “Gold Award for Best Sponsor” for the San José Holiday Parade.**
- 1.6 Presentation of the FY 2008-09 Government Finance Officers Association’s “Distinguished Budget Presentation Award” and the “Certificate of Recognition for Budget Preparation” to the San José Redevelopment Agency. (Mayor/Redevelopment Agency)  
(Rules Committee referral 5/20/09)  
**Mayor Reed presented Redevelopment Agency Executive Director Harry S. Mavrogenes and Chief Financial Officer David Baum, with the FY 2008-09 Government Finance Officers Association’s “Distinguished Budget Presentation Award” and the “Certificate of Recognition for Budget Preparation”.**
- 1.7 Presentation of a commendation to the winners of the Falcon Naming Contest. (Mayor)  
(Rules Committee referral 5/27/09)  
**Heard in the evening.**  
**Mayor Reed recognized and commended the winners of the “Falcon Naming Contest”: Trisha, fourth grader at James Franklin Smith Elementary School, named a female falcon “Ilahay” of Persian origin meaning “angel”; NaTalya, third grader at Brooktree Elementary School, named a female falcon “Kya” which means “diamond in the sky” of African origin; Alejandra, first grader, Baker Elementary School and Johnathan, fourth grader, Village School, both named a female falcon “Tierra”, which means “earth” in Spanish and Rahul, first grader, Baker Elementary School, named the male falcon “Veer”, of Hindu origin meaning “brave”.**

## 2. CONSENT CALENDAR

---

### 2.1 Approval of Minutes.

**Recommendation:** Final approval of minutes.

- (a) Regular Minutes of April 7, 2009.
- (b) Minutes of the Foreclosure Mitigation Study Session of April 13, 2009 .
- (c) Regular Minutes of April 14, 2009.
- (d) Regular Minutes of April 21, 2009.
- (e) Minutes of the Joint/Santa Clara Valley Water District Study Session on Water Supply of April 23, 2009.
- (f) Regular Minutes of April 28, 2009.

**Approved.**

### 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 28542 – Rezoning certain real property situated at the northwest corner of Carla Drive and Almaden Expressway to A(PD) Planned Development Zoning District. PDC08-055  
**Ordinance No. 28542 adopted.**
- (b) ORD. NO. 28543 – Amending Chapter 9.10 of Title 9 of the San José Municipal Code to add Section 9.10.152 and 9.10.153 to define Large Events and Large Venues; amend Section 9.10.1720 to increase the Late Report Penalty; and amend Section 9.10.1445 to conform with new definitions.  
**Ordinance No. 28543 adopted.**
- (c) ORD. NO. 28544 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to A & A Recycling.  
**Ordinance No. 28544 adopted.**
- (d) ORD. NO. 28545 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to All Points Roll Off, Inc.  
**Ordinance No. 28545 adopted.**
- (e) ORD. NO. 28546 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Allied Waste of North America, LLC dba Allied Waste of Santa Clara County.  
**Ordinance No. 28546 adopted.**
- (f) ORD. NO. 28547 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Bernardini Enterprises, Inc. dba JD Services.  
**Ordinance No. 28547 adopted.**

## 2. CONSENT CALENDAR

---

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

- (g) ORD. NO. 28548 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Eagle Recycling, Inc.  
**Ordinance No. 28548 adopted.**
- (h) ORD. NO. 28549 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Eco Box Recycling, Inc.  
**Ordinance No. 28549 adopted.**
- (i) ORD. NO. 28550 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Environmental Management Systems, LLC dba EMS.  
**Ordinance No. 28550 adopted.**
- (j) ORD. NO. 28551 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Environmental Resource Recovery, Inc. dba Valley Recycling.  
**Ordinance No. 28551 adopted.**
- (k) ORD. NO. 28552 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to GreenWaste Recovery, Inc.  
**Ordinance No. 28552 adopted.**
- (l) ORD. NO. 28553 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to GreenWaste Recovery, Inc. dba \$99 Debris Box Service.  
**Ordinance No. 28553 adopted.**
- (m) ORD. NO. 28554 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Grifall Trucking, Inc.  
**Ordinance No. 28554 adopted.**
- (n) ORD. NO. 28555 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Haul-Away Today.  
**Ordinance No. 28555 adopted.**
- (o) ORD. NO. 28556 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to JHM Service, Inc.  
**Ordinance No. 28556 adopted.**
- (p) ORD. NO. 28557 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Jonna Corporation, Inc. dba Premier Recycle.  
**Ordinance No. 28557 adopted.**

## 2. CONSENT CALENDAR

---

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

- (q) ORD. NO. 28558 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to LMH Enterprises, Incorporated dba Number "1" Disposal.  
**Ordinance No. 28558 adopted.**
- (r) ORD. NO. 28559 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Los Altos Garbage Company dba Stevens Creek Disposal & Recycling.  
**Ordinance No. 28559 adopted.**
- (s) ORD. NO. 28560 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Mission Trail Waste Systems, Inc. dba Recycle West.  
**Ordinance No. 28560 adopted.**
- (t) ORD. NO. 28561 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Pacific Coast Recycling, Inc.  
**Ordinance No. 28561 adopted.**
- (u) ORD. NO. 28562 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Panther Industries.  
**Ordinance No. 28562 adopted.**
- (v) ORD. NO. 28563 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Qualified Trucking, Inc.  
**Ordinance No. 28563 adopted.**
- (w) ORD. NO. 28564 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to R & D Mendes Enterprises, Inc. dba Accurate Cleaning Systems.  
**Ordinance No. 28564 adopted.**
- (x) ORD. NO. 28565 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Recycling & Waste Services, Inc.  
**Ordinance No. 28565 adopted.**
- (y) ORD. NO. 28566 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to San José Conservation Corps.  
**Ordinance No. 28566 adopted.**
- (z) ORD. NO. 28567 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to The Flea Market, Inc.  
**Ordinance No. 28567 adopted.**
- (aa) ORD. NO. 28568 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Waste Connections of California, Inc. dba GT Waste.  
**Ordinance No. 28568 adopted.**

## 2. CONSENT CALENDAR

---

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

- (bb) ORD. NO. 28577 – Rezoning certain real property situated on the east side of South White Road approximately 250 feet south of Cunningham Lake Court to A(PD) Planned Development Zoning District. PDC09-008  
**Ordinance No. 28577 adopted.**
- (cc) ORD. NO. 28578 – Prezoning certain real property situated at the west side of Lincoln Avenue extending from West San Carlos St. to Pacific Avenue on the north, excluding the northwest corner of West San Carlos St. and Lincoln Ave., to A(PD) Planned Development Zoning District. PDC07-017  
**Ordinance No. 28578 adopted.**
- (dd) ORD. NO. 28579 – Amending Section 20.40.100 of Chapter 20.40, Section 20.50.100 of Chapter 20.50, and Section 20.90.060 of Chapter 20.90, and adding a new Part 13.5 to Chapter 20.80 and a new Section 20.200.995 to Chapter 20.200, all of Title 20 of the San José Municipal Code (the Zoning Code), to establish land use regulations for relocated Cardrooms.  
**Ordinance No. 28579 adopted.**
- (ee) ORD. NO. 28569 – Amending Sections 23.02.800 and 23.02.1220 of Chapter 23.02, amending Sections 23.04.010 and 23.04.030 of Chapter 23.04, and adding a new Section 23.02.365 to Chapter 23.02, all of Title 23 of the San José Municipal Code, to establish regulations for a Stevens Creek Signage Area.  
**Ordinance No. 28569 adopted.**
- (ff) ORD. NO. 28576 – Amending Section 20.100.500 of Chapter 20.100 of Title 20 of the San José Municipal Code to allow for an additional extension of Development Permit terms or a reactivation of certain expired Development Permits for a temporary period of time.  
**Ordinance No. 28576 adopted.**

### 2.3 Mayor and Council Excused Absence Requests.

#### **Recommendation:**

- (a) Request for an excused absence for Vice Mayor Chirco from the Closed Session and Regular Meeting of the City Council on May 19, 2009 due to illness. (Chirco)
- (b) Request for an excused absence for Council Member Constant from the Regular Meeting of the Rules and Open Government Committee on May 13, 2009 due to illness. (Constant)
- (c) Request for an excused absence for Council Member Herrera from the Closed Session, Regular Meeting and Evening Session of the City Council on May 19, 2009 due to the death of a close family member. (Herrera)

(Rules Committee referral 5/20/09)

**Excused.**

## 2. CONSENT CALENDAR

---

### 2.4 Lease with Southwest Airlines.

**Recommendation:** Approve a First Amendment to the Provisioning Facility Ground Lease with Southwest Airlines Co. to allow Southwest to indefinitely delay commencement of construction of tenant improvements, subject to termination by the Director of Aviation upon thirty (30) days written notice at any time prior to issuance of a notice to proceed with construction to Southwest. CEQA: Resolution Nos. 67380 and 71451, File No. PP09-074. (Airport)  
(Deferred from 5/19/09 – Item 2.4)

**Approved.**

### 2.5 Agreement for Storm GIS Data Improvement Project.

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with MRF Geosystems Corporation of Calgary, Alberta, Canada from the date of execution through June 30, 2011, in an amount not to exceed \$300,000 for the Storm GIS Data Improvement Project. CEQA: Not a Project. (Public Works)  
(Deferred from 5/19/09 – Item 2.12)

**Resolution No. 74926 adopted.**

### 2.6 Agreement with Jacobs Consultancy.

**Recommendation:** Approve a second amendment to the consultant agreement with Jacobs Consultancy, Inc. for Airport airspace and airfield analysis services, increasing the maximum cost of the agreement by \$300,000, from \$200,000 to an amount not to exceed \$500,000. CEQA: Resolution Nos. 67380 and 71451, File No. PP09-106. (Airport)

**Approved.**

### 2.7 Renaming a New Facility.

**Recommendation:** As recommended by the Parks and Recreation Commission on May 6, 2009, rename a new facility located at 110 N. Jackson Street as the “Dr. James Akiyama Wellness Center.” (City Clerk)

**Approved.**

### 2.8 Preparation for Hosting League of California Cities 2009 Annual Conference.

**Recommendation:** Adopt a resolution of support for Administration activities necessary to coordinate the planning host City responsibilities for the 2009 League of California Cities Annual Conference. CEQA: Not a Project. (City Manager’s Office).

**Resolution No. 74927 adopted.**

## 2. CONSENT CALENDAR

---

### 2.9 Agreement with HF&H Consultants.

**Recommendation:** Approve the first amendment to the agreement with HF&H Consultants for environmental consultant services for various Environmental Service Department projects, increasing the total compensation by \$250,000, from \$250,000 to an amount not to exceed \$500,000. CEQA: Not a Project. (Environmental Services)

**Approved.**

### 2.10 Agreement with R3 Consulting.

**Recommendation:** Approve a fifth amendment to the agreement between the City and R3 Consulting Group, Inc., to provide solid waste consulting and rate modeling services to the Environmental Services Department, extending the term through December 31, 2010, and increasing the compensation by \$130,000, from \$600,000 to an amount not to exceed \$730,000. CEQA: Not a Project. (Environmental Services)

**Approved.**

### 2.11 Annual Review and Update of the City's Investment Policy.

**Recommendation:** Adopt a resolution approving the annual certification of the City's Investment Policy, including certain revisions:

- (a) Updating job titles of the City Investment Officials;
- (b) Adding language in the authorized investments section to clarify and modify certain percent restrictions;
- (c) Removing the requirement that the average maturity of the investment portfolio not exceed two years;
- (d) Updating of the List of the Primary Government Securities Dealers;
- (e) Making other clarifying changes thereto.

CEQA: Not a Project. (Finance)

**Dropped per Administration, rescheduled for 6/9/09.**

### 2.12 Almaden Road Park Site Master Plan.

**Recommendation:** Approve a master plan for the new park site located at 1501 Almaden Road. CEQA: Negative Declaration, File No. PP08-166. Council District 7. SNI: Washington. (Parks, Recreation and Neighborhood Services)

**Approved.**

### 2.13 Agreement with County of Santa Clara for Penitencia Creek Trail.

**Recommendation:** Approve an agreement with the County of Santa Clara for construction, operation and maintenance of the Penitencia Creek Trail (King Road to Mabury Avenue). CEQA: Mitigated Negative Declaration, File No. PP03-04-134. Council District 4. (Parks, Recreation and Neighborhood Services)

**Approved.**

## 2. CONSENT CALENDAR

---

### 2.14 Gift Trust Fund Appropriation Ordinance and Resolution Amendments.

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

- (a) Increase the appropriation to the Police Department for Internet Crimes Against Children Gifts by \$11,500.
- (b) Increase the estimate for Earned Revenue by \$11,500.

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

**Ordinance No. 28580 adopted.**

**Resolution No. 74928 adopted.**

### 2.15 Report on Bids and Award of Contract for the Fleming Park Project.

**Recommendation:** Report on bids and award of a contract for the Fleming Park Project to the low bidder, Joseph J. Albanese, Inc., for the base bid and Add Alternate Nos. 1 and 2 in the amount of \$369,953, and approval of a contingency in the amount of \$18,500.

CEQA: Exempt, File No. PP07-237, November 21, 2007. Council District 5. (Public Works)

**Dropped per Administration.**

### 2.16 Underground Utility Program Workplan.

**Recommendation:** Approve the proposed Fiscal Year 2008/09 - 2013/14 Workplan for the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program. CEQA: Not a Project. (Public Works)

**Approved.**

### 2.17 Agreement for Transportation Incident Management Center.

**Recommendation:** Approve an agreement with IBI Group for the Consultant design services for the Transportation Incident Management Center and Technology Training Center, from the date of execution to June 30, 2011, in an amount not to exceed \$400,000. CEQA: Not a Project. (Transportation/Public Works)

**Approved.**

## 2. CONSENT CALENDAR

---

### 2.18 Actions Related to the CommUnity Resource Fair

**Recommendation:**

- (a) Approve the CommUnity Resource Fair to be held on Sunday, June 7, 2009 at History San José.
- (b) Approve the use of the Mayor's Special Event fund balance of \$2,784.
- (c) Approve and accept receipt of and use of various donations in support of the CommUnity Resource Fair on June 7, 2009.
- (d) Approve appropriation of \$35,000 in donations to the Mayor's Special Event fund to pay for event costs.

(City Clerk)

(Rules Committee referral 5/27/09)

**Approved.**

### 2.19 Appointments to Boards, Commissions and Committees.

**Recommendation:** As recommended by the Rules and Open Government Committee on May 27, 2009:

- (a) Appoint Clarence Madrilejos to the Human Rights Commission for an unexpired term ending December 31, 2010.
- (b) Appoint Lee Jack Ellak to the Housing and Community Development Commission for an unexpired term ending December 31, 2011.
- (c) Appoint Kevin Smith for a term ending June 30, 2012 and Elizabeth Kabanek for an unexpired term ending June 30, 2011 to the Traffic Appeals Commission.
- (d) Appoint Johnny Khamis for an unexpired term ending December 31, 2009, and Dallas Radcliffe and Robert Braunstein for terms ending December 31, 2011 to the Small Business Development Commission.
- (e) Appoint Michael Fitzgerald to the Landlord Position for an unexpired term ending December 31, 2010 and Ashok Naidu to the Neutral Position for an unexpired term ending December 31, 2011 on the Advisory Commission on Rents.
- (f) Appoint Jose Castro for an unexpired term ending June 30, 2010 and Robert Levy for a term ending June 30, 2012 to the Parks and Recreation Commission.
- (g) Appoint John Robinson to the Disability Advisory Commission for a term ending June 30, 2012.
- (h) Appoint Mara Cleaves Wold to the Healthy Neighborhoods Leadership Committee.

(Chu/Nguyen/Herrera/Pyle/City Manager's Office)

(Rules Committee referral 5/27/09 – Items 9.1 and 9.2)

**Approved.**

### **3. STRATEGIC SUPPORT SERVICES**

---

- 3.1 Report of the City Manager, Debra Figone (Verbal Report)**  
City Manager Debra Figone provided an update on the State Budget.
- 3.2 Report of the Rules and Open Government Committee – April 29, 2009**  
Mayor Reed, Chair  
Accepted.
- 3.3 Report of the Rules and Open Government Committee – May 6, 2009**  
Mayor Reed, Chair  
Accepted.
- 3.4 Report of the Rules and Open Government Committee – May 13, 2009**  
Mayor Reed, Chair  
Deferred to 6/9/09 per Orders of the Day.
- 3.5 Report of the Public Safety, Finance and Strategic Support Committee – May 21, 2009**  
Council Member Nguyen, Chair  
Accepted.
- 3.6 Council Salary Setting Commission Recommendations.**

**Recommendation:** As recommended by the Council Salary Setting Commission, approve an ordinance setting the salaries and benefits of the Mayor and City Council for Fiscal Year (FY) 2009 - 2010 and FY 2010 - 2011 as follows:

- (a) For the Mayor, maintain the annual salary at the current level of \$127,000 for FY 2009 - 2010 and FY 2010 - 2011, respectively.
- (b) For each Council Member, maintain the annual salary at the current level of \$90,000 for FY 2009 - 2010 and FY 2010 - 2011, respectively.
- (c) Retain the levels of health, dental, life insurance and other benefits through FY 2010 - 2011 in accordance with the benefits provided to management employees in Unit 99 and salary continuation insurance benefits as well as the City's contributions to CalPERS or PTC 457 plans through FY 2010 - 2011.
- (d) Continue to require Council Members to pay \$250 for each unexcused absence at scheduled Council meetings, pursuant to City Charter Section 407.
- (e) Maintain a monthly vehicle allowance of up to \$600 for the Mayor and City Council through June 30, 2011.

(City Clerk/City Attorney)

**Continued to 6/9/09.**

### 3. STRATEGIC SUPPORT SERVICES

---

#### 3.7 2009 Public Safety Bond Program.

**Recommendation:** Adopt a resolution to:

- (a) Authorize the issuance of the City of San José General Obligation Bonds, Series 2009 (Public Safety Projects) in the not-to-exceed aggregate principal amount of \$9,000,000 to be sold at a competitive sale.
- (b) Approve, in substantially final form, the Fiscal Agent Agreement, Official Notice Inviting Bids, and Preliminary Official Statement and authorize the City Manager, or other authorized officers, to execute these documents and other related documents as necessary in connection with the issuance of the 2009 Bonds.

CEQA: Not a Project. (Finance)

**Resolution No. 74929 adopted.**

**Staff requested to modify the Preliminary Official Statement to highlight the fact that Table 24 does not reflect the current funding status of the Pension Plans.**

#### 3.8 AB410 (De La Torre), Recycled Water.

**Recommendation:** As recommended by the Rules and Open Government Committee on May 20, 2009, adopt a position of support for AB419 (De La Torre), Recycled Water. (Environmental Services)

[Rules Committee referral 5/20/09 – Item 6.1(a)]

**Position of Support for AB419 adopted.**

#### 3.9 Audit of the Police Department Auto Theft Unit.

**Recommendation:** As recommended by the Public Safety, Finance and Strategic Support Committee on May 21, 2009, accept the audit of the Police Department Auto Theft Unit. (City Auditor)

(Public Safety, Finance and Strategic Support Committee referral 5/21/09 – Item 3.7)

**Accepted.**

#### 3.10 AB761(Calderon).

**Recommendation:** As recommended by the Rules and Open Government Committee on May 27, 2009, adopt an oppose position for AB761 (Calderon). (Housing)

[Rules Committee referral 5/27/09 – Item 6.1(a)]

**Oppose position for AB761 adopted.**

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

---

#### 4.1 Report of the Community & Economic Development Committee Council Member Pyle, Chair.

**No Report.**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

---

### 4.2 Approval to set Public Hearings on the Business Improvement Districts.

#### Recommendation:

- (a) Preliminary approval of the report as filed by the Hotel Business Improvement District Advisory Board, or as modified by Council; and adoption of a resolution of intention to levy the annual assessment for Fiscal Year 2009-2010, and set June 16, 2009 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments. CEQA: Exempt, File No. PP08-048. (Economic Development)

**Resolution No. 74930 adopted.**

- (b) Preliminary approval of the report as filed by the Downtown Business Improvement District Advisory Board, or as modified by Council; and adoption of a resolution of intention to levy the annual assessment for Fiscal Year 2009-2010, and set June 16, 2009 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments. CEQA: Exempt, File No. PP08-048. Council District 3. SNI: St. James Square; University; Josefa/ Auzerais; Burbank/DelMonte. (Economic Development)

**Resolution No.74931 adopted.**

- (c) Preliminary approval of the report as filed by the Japantown Business Improvement District Advisory Board, or as modified by Council; and adoption of a resolution of intention to levy the annual assessment for Fiscal Year 2009-2010, and set June 16, 2009 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments. CEQA: Exempt, File No. PP08-048. Council District 6. (Economic Development)

**Resolution No. 74932 adopted.**

- (d) Preliminary approval of the report as filed by the Willow Glen Business Improvement District Advisory Board, or as modified by Council; and adoption of a resolution of intention to levy the annual assessment for Fiscal Year 2009-2010, and set June 16, 2009 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments. CEQA: Exempt, File No. PP08-048. Council District 6. (Economic Development)

**Resolution No. 74933 adopted.**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

---

### 4.3 Community Development Block Grant Recovery and Stimulus Funds.

Recommendation: Adopt a resolution authorizing the approval of a substantial amendment to the Consolidated Plan – Annual Action Plan 2008-2009 for the following purposes:

- (a) Approve a shortened citizen participation comment period of 7 days in accordance with federal guidance related to the Community Development Block Grant recovery (CDBG-R) federal stimulus funding.
- (b) Approve the awards of the CDBG-R, as specified in the Council memo dated May 19, 2009, and authorize the Director of Housing to negotiate and execute all non-capital agreements and contracts not requiring CEQA/NEPA review and to negotiate all capital project agreements and contracts, including any amendments or modifications, and after CEQA/NEPA review and City Council project approval, to execute all documents, for the expenditure of federal stimulus CDBG-R funds on behalf of the City.

CEQA: Not a Project. (Housing)

**Resolution No. 74934 adopted, including modification to the original proposal and change the proposed budget by deleting the Streetlight Conversion project and reallocating the \$265,463 to Administration and Planning.**

### 4.4 Public Hearing on Coleman Avenue Underground Utility District.

**Recommendation:** Conduct a public hearing and approve an ordinance to establish a Rule 20A Underground Utility District along Coleman Avenue between West Hedding Street and Spring Street, North Market Street between West Julian Street and West St. James Street, and Devine Street between North San Pedro Street and North First Street.

CEQA: Mitigated Negative Declaration, File No. PP08-257. Council District 3. (Public Works)

**Ordinance No. 28581 passed for publication.**

### 4.5 Public Hearing on an ordinance amending Title 23 of the San José Municipal Code, the Sign Ordinance.

Recommendation: Consideration of an ordinance of the City of San José amending Title 23 of the San José Municipal Code, the Sign Ordinance, to amend Section 23.04.030 to increase the maximum height for freestanding signs in the Capitol Expressway Auto Mall Signage Area; to amend Section 23.04.156 to modify the requirements for vertical projecting signs in the Urban Mixed Use Sign Zone; and to make other related clarifying changes. CEQA: Exempt, PP09-111. (Planning, Building and Code Enforcement)

Citywide

**Ordinance No. 28582 passed for publication, as amended, action to amend the Sign Ordinance to increase maximum height for freestanding signs in the Capital Expressway Auto Mall Signage Area deferred to provide for additional community outreach.**

## 5. NEIGHBORHOOD SERVICES

---

- 5.1 **Report of the Neighborhood Services and Education Committee – May 14, 2009**  
Council Member Campos, Chair  
Accepted.

- 5.2 **Strong Neighborhoods Initiative Hoffman/Via Monte Improvement Plan Amendment.**

**Recommendation:**

- (a) Accept the Strong Neighborhoods Initiative Hoffman/Via Monte Neighborhood Improvement Plan Amendment as the renewed community vision for the future of the Hoffman/Via Monte SNI Planning Area; and
- (b) Encourage Hoffman/Via Monte area residents, property owners and community members to continue to dedicate their time, energy and resources towards the Plan and this Amendment while continuing with their community-building activities.

CEQA: Resolution No. 71045. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). Council District 10. SNI: Hoffman/Via Monte. (City Manager's Office/Redevelopment Agency)  
(Deferred from 5/5/09 – Item 5.2 and 5/19/09 – Item 5.2)

**Accepted.**

- 5.3 **2009-2014 Early Care and Education Strategic Plan.**

**Recommendation:** As recommended by the Neighborhood Services and Education Committee on May 14, 2009, approve *the Early Care and Education Investment in the Future Strategic Work Plan 2009-14*. (Library)

(Neighborhood Services and Education referral 5/14/09 – Item 3.2)

**Approved.**

- 5.4 **PRNS Department Volunteer Policy.**

**Recommendation:** As recommended by the Neighborhood Services and Education Committee on May 14, 2009, adopt a resolution approving revision to Council Policy 3-1, the Parks, Recreation and Neighborhood Services Volunteer Policy. (PRNS)

(Neighborhood Services and Education referral 5/14/09 – Item 3.3)

**Deferred to 6/9/09 per Orders of the Day.**

- 5.5 **Distinctive Neighborhood Program Policy Options.**

**Recommendation:** As recommended by the Neighborhood Services and Education Committee on May 14, 2009, accept the findings of the Distinctive Neighborhood Program. (Planning, Building and Code Enforcement)

(Neighborhood Services and Education referral 5/14/09 – Item 3.4)

**Heard in the evening.**

**Accepted.**

## 5. NEIGHBORHOOD SERVICES

---

### 5.6 Actions related to the Neighborhoods Commission.

#### **Recommendation:**

- (a) As recommended by the Neighborhood Services and Education Committee on May 14, 2009:
- (1) Direct the City Attorney to draft an amendment to the Neighborhoods Commission ordinance to adjust the dates of the two-year pilot to reflect the date of the formal appointment of the Commission members.
  - (2) Approve the preliminary Neighborhoods Commission work plan and direct Administration to develop a formal work plan in consultation with the Commission for consideration by the Neighborhood Services and Education Committee at a subsequent meeting.
  - (3) Direct the Administration to complete outreach effort relating to the evaluation of efficiencies and opportunities to consolidate or eliminate any of the City's existing board and commission.
- (Neighborhood Services and Education referral 5/14/09 – Item 3.5)

**Approved.**

- (b) Appoint the Neighborhoods Commission nominees to serve as Neighborhoods Commissioners for the two-year duration of the pilot.

(City Clerk/City Manager's Office/Housing)

**Approved.**

**Disqualified: Herrera.**

## 6. TRANSPORTATION & AVIATION SERVICES

---

### 6.1 Actions related to the Station Area Plan for Diridon Station.

#### **Recommendation:**

- (a) Approve a funding agreement with the Metropolitan Transportation Commission for development of a Diridon Station Area Plan in the amount of \$750,000 to be paid to the City.
- (b) Approve a funding and cooperative agreement with the Valley Transportation Authority in the amount of \$100,000 to be paid to the City.

**Approved.**

- (c) Adopt a resolution authorizing the City Manager, or designee, to negotiate and execute a consultant services agreement with Field Paoli Architects, A Professional Corporation for preparation of the Diridon Station Area Plan, in an amount not to exceed \$950,000.

**Resolution No. 74935 adopted.**

## 6. TRANSPORTATION & AVIATION SERVICES

---

### 6.1 Actions related to the Station Area Plan for Diridon Station (Cont'd.)

- (d) Adopt the following 2008-2009 Funding Sources Resolution and Appropriation Ordinance amendments in the Construction Excise Tax Fund (465):
- (1) Decrease the estimate for Earned Revenue by \$850,000;
  - (2) Decrease the Reserve - Diridon Station Expansion Planning by \$850,000;
  - (3) Increase the Diridon Station Expansion Planning appropriation to the Department of Transportation by \$850,000; and
  - (4) Decrease the Ending Fund Balance by \$850,000.

CEQA: Not a Project. Council Districts 3 and 6. SNI: Burbank/Del Monte, Delmas Park. (Transportation/City Manager's Office)

**Ordinance No. 28583 adopted.**

**Resolution No. 74936 adopted.**

## 7. ENVIRONMENTAL & UTILITY SERVICES

---

### 7.1 Agreement for Sewer Alignment.

#### **Recommendation:**

- (a) Approve a consultant agreement with AECOM USA, Inc., for consultant services including preparation of a sewer alignment study, design and construction documents, and construction administration services for the 60-Inch Brick Interceptor Phase VIA Project, from the date of execution to December 31, 2012, in a total amount not to exceed \$3,211,378.

**Approved.**

- (b) Adopt the following Appropriation Ordinance amendments in the Sewer Service and Use Charge Capital Improvement Fund (545):
- (1) Increase the 60" Brick Interceptor, Phases VIA & VIB appropriation by \$1,900,000; and
  - (2) Decrease the Edenvale Sanitary Sewer Supplement, Phases VA and VB appropriation by \$1,900,000.

CEQA: Exempt, File No. PP09-078. Council Districts 3 and 4 (Public Works/City Manager's Office)

**Ordinance No. 28584 adopted.**

## 7. ENVIRONMENTAL & UTILITY SERVICES

---

### 7.2 City Council Input on Policy Options Related to Single-Use Carryout Bags.

**Recommendation:**

- (a) Accept this report regarding: the status of County-wide efforts for reducing single-use carryout bags and encouraging shopping with reusable bags; San José stakeholder engagement efforts; 2009 Municipal Regional Water Permit litter mitigation requirements; and program options for San José to address plastic and paper bag usage.
- (b) Direct staff to incorporate the Council input on the options contained in this report into a proposal for Council consideration in September 2009 to reduce carryout bags in San José.
- (c) Direct staff to continue development of an outreach campaign to promote the use of reusable bags in San José, in collaboration with other similar regional initiatives, which includes the provision of reusable bags at an estimated cost of \$95,000.
- (d) Direct staff to incorporate the Council input on the options contained in this report into the City's legislative position for a state-wide program to reduce the use of single-use carryout bags and to work to have such bills introduced or amended to achieve the City's goals.

CEQA: Not a Project. (Environmental Services)

**Dropped; Referred to Community and Economic Development Committee.**

### 7.3 Energy Efficiency and Conservation Block Grants.

**Recommendation:** Adopt a resolution authorizing the City Manager to submit the City's application to the Department of Energy for \$8,840,060 in Energy Efficiency and Conservation Block Grant funds as authorized by the American Recovery and Reinvestment Act of 2009. CEQA: Not a Project. (Environmental Services/Housing)

**The memorandum from Mayor Reed, Vice Mayor Chirco and Council Members Kalra and Liccardo, dated May 21, 2009, was accepted, approving the staff recommendations and adopting a comprehensive plan to deploy renewable energy, reduce energy consumption through efficiency and smart microgrid technology and design a program for residential retrofits and green work force development. The Energy Plan is meant to be a comprehensive strategy used to guide the City over the short term. This plan consists of three main points:**

- (1) **Renewable Energy**
  - (a) **Install 50MW of renewable electricity on City owned lands for municipal use.**
  - (b) **Develop a Request for Qualifications (RFQ) process to select a Solar Contractor/Vendor to produce an installation and financing plan and schedule.**

*(Action continued on the next page)*

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

---

### **7.3 Energy Efficiency and Conservation Block Grants Action (Cont'd.)**

- (2) Energy Efficiency**
  - (a) Perform energy audits and solar assessments on all City facilities.**
  - (b) Use funds for the Energy Efficiency and Conservation Block Grants (EECBG) to being a program to retrofit all City facilities to reduce energy consumption.**
  - (c) Extend the City Building Energy Project Program (CBEPP) revolving fund from 1 year to 2 years.**
  - (d) Use EECBG funds to install additional smart street lights and apply the dollar savings from those lights to expand the pilot program across the City.**
- (3) Community Involvement**
  - (a) Establish a voluntary Citywide energy efficiency and solar assessment district to allow all San José residents the opportunity to participate in the Green Vision and receive proceeds from the Federal Stimulus Package.**
  - (b) Coordinate work force training programs with universities, community colleges, job training organizations and labor unions to ensure the City has trained and qualified workers ready to meet the challenge of retrofitting the City facilities, residences and commercial buildings.**

**Resolution No. 74937 adopted, as amended.**

**Staff to return to Council with limitations on use of funds and resources needed.**

## **8. PUBLIC SAFETY SERVICES**

---

### **8.1 Public Intoxication Task Force Report.**

**Recommendation:**

- (a) Accept the report on the work of the Public Intoxication Task Force and the following recommendations in response to the City Council's Referral dated November 18, 2008:**
  - (1) Non-criminal sanctions and alternatives to arrests under Penal Code Section 647(f):**
    - (a) Consider the service delivery benefits of a Sobering Station, with the acknowledgement that the City Council should deliberate on the costs to implement this option.**
    - (b) Develop and implement, in coordination with the District Attorney's Office, Department of Corrections and Superior Court, a pilot program that would not seek prosecution of Public Intoxication [Penal Code Section 647(f)] arrests until an individual is arrested for a sixth offense in a rolling twelve month period.**

## 8. PUBLIC SAFETY SERVICES

---

### 8.1 Public Intoxication Task Force Report (Cont'd.)

- (a) Accept the report on the work of the Public Intoxication Task Force and the following recommendations in response to the City Council's Referral dated November 18, 2008 (Cont'd.)
  - (2) Procedures that an officer should satisfy to obtain objective evidence to support findings to arrest under Penal Code Section 647(f):
    - (a) Offer Preliminary Alcohol Screening (PAS) testing and document the results in Incident Reports or an individual's refusal of the testing.
    - (b) Conduct Field Coordination Tests, such as line walking and standing balance tests, for all potential public intoxication arrests in which a person appears able to safely participate in the tests and a safe environment exists for the officer to consider conducting these tests to assess a violation of Penal Code 647(f), and document the results in Incident Reports, when an individual submits or declines to participate with the test.
    - (c) Improve Police Officer training in regards to how to recognize someone who is subject to arrest for a violation of Penal Code Section 647(f), identify and pursue alternatives to arrest, and document the evidence supporting the charge(s) against those who are arrested.
  - (b) Provide status reports on the implementation of the above recommendations to the Public Safety, Finance and Strategic Support Committee.

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

**Heard in the evening.**

**Accepted.**

**Noes: Kalra.**

## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

---

- **Open Forum**

- (1) **Marcus Eriksen and Anna Cummins, Algalita Marine Research Foundation, expressed concerns about the impact of plastics on the environment and human health.**
- (2) **Steve Mahan, Santa Clara Valley Blind Center, urged the Council to continue funding the Santa Clara Valley Blind Center as they are the only agency in San José that services this unique population.**
- (3) **Speaking in protest to recent actions by the San José Police Officers' Association: Lila, Charisse Domingo, Bennie Love, Gail Noble, Chip Brown, Raj Jayadev, Moses Avites, Danny Pines, Ramon Vasquez, Adrian Avila, Silicon Valley De-Bug, Aaron Resendez, Basta Coalition, Angel Luna, Darlene Wallach, Richard Konda, Asian Law Alliance, Betsy Wolf-Graves, ACLU Board, Anu Mandarilli, Charlotte Casey, San José Peace and Justice, Fred Hirsh, Brian Helmle, San José Copwatch, Jesse, Donna Wallach, Aram James, Sandy Perry, CHAM, Jean Melesaine, Mark Petersen-Perez, Demore Carter, Victor Guendulain and Elizabeth Gonzalez.**
- (4) **David Wall voiced his support for the San José Police Department.**

- **Adjournment**

**The Council of the City of San José adjourned the afternoon session at 5:14 p.m.**

## **10. GENERAL PLAN PUBLIC HEARINGS**

---

No General Plan Public Hearing at this time.

## **11. PUBLIC HEARINGS ON CONSENT CALENDAR**

---

### **11.1 Public Hearings on Consent Calendar.**

#### **Recommendation:**

- (a) Consideration of an ordinance rezoning the real property located on the west side of South Winchester Boulevard, approximately 550 feet southerly of Stevens Creek Boulevard (369 S Winchester Blvd) from A(PD) Planned Development District to A(PD) Planned Development District to allow up to 4,685 square feet of commercial/retail uses including a drive through on a 0.64 gross acre site, (Dennee Glenford V Jr Trustee, Owner; Glen Dennee Company Mark Brading, Developer). Council District 1. SNI: None. CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC08-052 – District 1

**Ordinance No. 28585 passed for publication.**

- (b) Consideration of an ordinance rezoning the real property located on the southwest side of Camden Avenue, approximately 180 feet northwest of S. Bascom Avenue (2270 Camden Avenue) from the CP Commercial Pedestrian to the CN Commercial Neighborhood Zoning District to allow commercial uses on a 0.4 gross acre site (Akbar and Mary Nazemian, et al, Owners). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C09-012 – District 9

**Ordinance No. 28586 passed for publication.**

**END OF PUBLIC HEARINGS ON CONSENT CALENDAR**

## 11. PUBLIC HEARINGS

---

### 11.2 Rezoning real property located at the southwest corner of Edward Avenue and South 1<sup>st</sup> Street.

**Recommendation:** Consideration of an ordinance rezoning the real property located at the southwest corner of Edwards Avenue and South 1<sup>st</sup> Street from LI Light Industrial and R-M Multiple Family Residence Zoning Districts to A(PD) Planned Development Zoning District to allow relocation of one National Register eligible house, demolition of five structures and construction of up to 50 residential units and approximately 5,350 square feet of commercial/retail space on a 1.08 gross acre site (Barriga Emilio Et Al, Jose Montero, Owner). SNI: Washington. CEQA: Mitigated Negative Declaration. PDC08-035 – District 3

**Continued to 6/16/09 per Administration.**

### 11.3 Administrative Hearing and consideration of an appeal of the Planning Commission's decision to deny a Conditional Use Permit and Determination of Public Convenience or Necessity.

**Recommendation:** Conduct an Administrative Hearing and consider an appeal of the Planning Commission's decision to deny, as mandated by code, a Conditional Use Permit and Determination of Public Convenience or Necessity to allow off-sale of alcoholic beverages at an existing retail store on a 0.13 gross acre site, in the CP Pedestrian Commercial Zoning District, located at/on the northeast corner of Bird Avenue and Auzerais Avenue (394 Bird Ave) (Tedrose Shiferaw, Appellant; John L. and Joyce L. Oliver, Owner). SNI: Delmas Park. CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend the City Council deny the subject Conditional Use Permit and not make a Determination of Public Convenience or Necessity by finding that the required finding for a Determination of Public Convenience or Necessity cannot be made and that there is not a significant overriding public benefit served by the proposed off-sale of alcohol (7-0-0).

CP08-007/ABC08-009 – District 3

**Resolution No. 74938 adopted to uphold the denial of the appeal.**

### 11.4 Conservation Area Designation Request.

**Recommendation:** Adopt a resolution to designate the area generally bounded on the north by Interstate 280, on the east by the rear property lines of the commercial properties on the west side of South First Street, on the west by the Guadalupe River, and on the south by portions of Willow Street and the rear property lines of properties on the north side of Willow Street, as the Guadalupe/Washington Conservation Area, excluding Assessor Parcel Numbers 264-36-122 (32 Union Street), 264-36-104 (21 Sutter Street), and 264-36-069 (24 Sutter Street) (Various Owners/City of San José, Applicant). CEQA: Exempt. SNI: Washington. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

CA09-001 – Districts 3 & 7

**Resolution No. 74939 adopted.**

- **Notice of City Engineer's Pending Decision on Final Maps**  
**None.**
- **Notice of City Engineer's Award of Construction Projects**  
**None.**
- **Open Forum**
  - (1) **Adrian Flores, Building Respect Through Dance, commented that educating children about the dangers of alcohol works and suggested that the San José Police Department consider more opportunities to speak to youth.**
  - (2) **Jane Lawson, Park Peace Officer Association of San José, and Sylvia Lowe, Overfelt Gardens Volunteer, expressed support for Mayor Reed's proposal to maintain funding for the Park Rangers Program to ensure San José parks remain clean, green and open to all.**
- **Adjournment**  
**The Council of the City of San José was adjourned at 10:13 p.m. in memory of James Little, the son of a District 8 Constituent, who was killed in an automobile accident in Los Angeles County, CA where he was attending college. (Herrera)**

**CITY OF SAN JOSÉ PARKING AUTHORITY  
AGENDA**

**1:30 P.M.**

**TUESDAY, JUNE 2, 2009**

**CHAMBERS**

---

**1 CALL TO ORDER AND ROLL CALL**

---

**5:24 p.m.** Regular Session, Council Chambers, City Hall  
**Absent Council Members: Chirco, Nguyen. (Excused)**

**2 APPROVAL OF MINUTES**

---

2.1 Minutes of June 3, 2008 (approved September 9, 2008)  
**Approved.**

**3 OLD BUSINESS**

---

**4 NEW BUSINESS**

---

**5 ADJOURNMENT**

---

**The meeting was adjourned at 5:25 p.m.**

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

---

**The Joint Redevelopment Agency Board convened at 4:12 p.m. to consider Items 8.1 and 8.2 in a Joint Session.**

### **8.1 Approval of actions related to the San Jose McEnery Convention Center Expansion.**

Recommendation:

- (a) City Council and Redevelopment Agency Board direction to proceed with developing plans to:
  - (1) Demolish the former Martin Luther King, Jr. Library building on West San Carlos Street to clear the path for the expansion of the San Jose Convention Center;
  - (2) Relocate the City staff currently housed in the former Martin Luther King, Jr. Library building to the City Hall and other City-owned facilities.
- (b) Adoption of a resolution by the City Council authorizing the City Manager to negotiate and execute short-term office space in the Downtown to relocate City staff being relocated from the former Martin Luther King, Jr., Library building.

CEQA: Resolution No. 72767 and addendum thereto, File No. PP08-002. **[MERGED]**  
(Deferred from 5/19/09 - Item 8.1)

**Deferred to 6/16/09.**

### **8.2 Approval of a Cooperation Agreement between the City and the Redevelopment Agency for the implementation and use HUD grant funds.**

Recommendations:

- (a) Approval by the City Council and Redevelopment Agency Board of a Cooperation Agreement between the City and the Agency outlining responsibilities for the implementation and use of Neighborhood Stabilization Program grant funds secured from the U.S. Department of Housing and Urban Development (HUD).

**Approved.**
- (b) Adoption of a resolution by the Redevelopment Agency Board amending the FY 2008-2009 Revenue Resolution to add \$5,311,624 transferred from the City; amending the FY 2008-2009 Capital Budget to add \$5,311,624 to the SNI Rental Housing Development new project line in the Strong Neighborhoods Initiative Redevelopment Area; and amending the FY 2008-2009 appropriations resolution.

CEQA: Not a Project. **[TULLY-SENTER SNI]**

**Redevelopment Agency Resolution No. 5909 adopted.**

**The Council of the City of San José and Redevelopment Agency Board was adjourned at 4:13 p.m.**