

CITY COUNCIL AGENDA

MAY 22, 2012

SYNOPSIS

PETE CONSTANT
ASH KALRA
SAM LICCARDO
KANSEN CHU
XAVIER E. CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON NGUYEN, VICE MAYOR
ROSE HERRERA
DONALD ROCHA
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

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

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

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

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

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

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

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

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

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

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 as soon as possible, but at least three business days before the meeting.

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

- **Call to Order and Roll Call**
9:32 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: Herrera, Kalra, Liccardo, Oliverio, Rocha. (Excused)

1:34 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: All Present.
- **Invocation (District 5)**
Venerable Thich Thong Dat, Maha Vairocana Buddhist Temple presented the Invocation.
- **Pledge of Allegiance**
Mayor Reed accompanied by Third Graders from Rosemary Elementary School led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with Item 1.3 dropped to be renoticed.
- **Closed Session Report**
No Report.

1. CEREMONIAL ITEMS

- 1.1** Presentation of a commendation to Solar Junction for winning the SunShot Solar Initiative Award from the US Department of Energy and the company's commitment to expand operations in the City of San José. (Chu/Economic Development)
Mayor Reed, Council Member Chu and Director of Economic Development Kim Walesh recognized and commended Solar Junction for its achievements.

1. CEREMONIAL ITEMS

- 1.2 Presentation of a proclamation recognizing the month of May 2012 as “Arthritis Awareness Month” in the City of San José. (Kalra)
Mayor Reed and Council Member Kalra recognized the month of May 2012 as “Arthritis Awareness Month” in the City of San José.
- 1.3 Presentation of a commendation to Carmen and Al Castellano of the Castellano Family Foundation for their dedication to continual support of the arts in San José. (Liccardo)
Dropped to be renoticed.
- 1.4 Presentation of a proclamation recognizing the week of May 21 – 28, 2012 as “Affordable Housing Week” in the City of San José. (Mayor/Nguyen/Liccardo)
Mayor Reed, Vice Mayor Nguyen, Council Member Liccardo and Director of Housing Leslye Corsiglia recognized the week of May 21, 2012 through May 28, 2012 as “Affordable Housing Week” in the City of San José

2. CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
There were none.
- 2.2 **Final Adoption of Ordinances.**

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 29065 – Amending Title 3 of the San José Municipal Code to add new Chapters 3.54 and 3.56 and to amend Sections 3.36.575, 3.36.1925, 3.36.1930, 3.36.1950, 3.36.2030, and 3.36.2050 of Chapter 3.36 of Title 3 for the purpose of establishing two new trusts pursuant to Section 115 of the Internal Revenue Code related to retiree healthcare benefit funding and payment of retiree health care benefits.

Ordinance No. 29065 adopted.

- (b) ORD. NO. 29066 – Amending Section 3.52.100 of Chapter 3.52 of Title 3 of the San José Municipal Code to provide that, beginning June 24, 2012, employee contributions for retiree healthcare benefits will be deposited into the Federated City Employees Healthcare Trust, rather than the Federated City Employees Retirement System Medical Benefits Account.

Ordinance No. 29066 adopted.

- (c) ORD. NO. 29069 – Amending Chapter 9.10 of Title 9 of the San José Municipal Code to amend Section 9.10.1435 to require the franchisee with a commercial solid waste and recyclables franchise based on geographic service districts to pay a source reduction and recycling fee.

Ordinance No. 29069 adopted.

2. CONSENT CALENDAR

2.2 Final Adoption of Ordinances. (Cont'd.)

- (d) ORD. NO. 29070 – Amending Chapter 9.10 of Title 9, and Sections 4.80.3070 and 4.80.3080 of Title 4 of the San José Municipal Code to conform the code to modifications associated with the new commercial solid waste system, and to existing practice for the use of ratepayer revenue in the Integrated Waste Management Fund, effective July 1, 2012.
Ordinance No. 29070 adopted.
- (e) ORD. NO. 29071 – Granting a commercial solid waste and recyclables collection franchise to Allpoints Roll Off, Inc.
Ordinance No. 29071 adopted.
- (f) ORD. NO. 29072 – Granting a commercial solid waste and recyclables collection franchise to Environmental Resource Recovery, Inc. dba Valley Recycling.
Ordinance No. 29072 adopted.
- (g) ORD. NO. 29073 – Granting a commercial solid waste and recyclables collection franchise to Ferma Corporation.
Ordinance No. 29073 adopted.
- (h) ORD. NO. 29074 – Granting a commercial solid waste and recyclables collection franchise to Greenwaste Recovery, Inc.
Ordinance No. 29074 adopted.
- (i) ORD. NO. 29075 – Granting a commercial solid waste and recyclables collection franchise to Greenwaste Recovery, Inc. dba \$99.00 Debris Box Service.
Ordinance No. 29075 adopted.
- (j) ORD. NO. 29076 – Granting a commercial solid waste and recyclables collection franchise to Guadalupe Rubbish Disposal Co., Inc. dba Guadalupe Recycling and Disposal.
Ordinance No. 29076 adopted.
- (k) ORD. NO. 29077 – Granting a commercial solid waste and recyclables collection franchise to Haul-Away Today.
Ordinance No. 29077 adopted.
- (l) ORD. NO. 29078 – Granting a commercial solid waste and recyclables collection franchise to Lam Hauling, Inc. dba 7 Days Box.
Ordinance No. 29078 adopted.
- (m) ORD. NO. 29079 – Granting a commercial solid waste and recyclables collection franchise to Mission Trail Waste Systems, Inc. dba Recycle West.
Ordinance No. 29079 adopted.

2. CONSENT CALENDAR

2.2 Final Adoption of Ordinances. (Cont'd.)

- (n) ORD. NO. 29080 – Granting a commercial solid waste and recyclables collection franchise to Jonna corporation, Inc. dba Premier Recycle Company.
Ordinance No. 29080 adopted.
- (o) ORD. NO. 29081 – Granting a commercial solid waste and recyclables collection franchise to R & D Mendes Enterprises, Inc. dba Accurate Cleaning Systems.
Ordinance No. 29081 adopted.
- (p) ORD. NO. 29082 – Granting a commercial solid waste and recyclables collection franchise to Recology South Bay.
Ordinance No. 29082 adopted.
- (q) ORD. NO. 29083 – Granting a commercial solid waste and recyclables collection franchise to Republic Services, Inc.
Ordinance No. 29083 adopted.
- (r) ORD. NO. 29084 – Granting a commercial solid waste and recyclables collection franchise to Revolution Resource Recovery, LLC.
Ordinance No. 29084 adopted.
- (s) ORD. NO. 29085 – Granting a commercial solid waste and recyclables collection franchise to San Jose Conservation Corps and Charter School dba San Jose Conservation Corps.
Ordinance No. 29085 adopted.
- (t) ORD. NO. 29086 – Granting a commercial solid waste and recyclables collection franchise to Universal Recycling Solutions, Inc..
Ordinance No. 29086 adopted.
- (u) ORD. NO. 29087 – Granting a commercial solid waste and recyclables collection franchise to Waste Connections of California, Inc. dba Greenteam of San Jose.
Ordinance No. 29087 adopted.

2.3 Approval of Council Committee Reports.

There were none.

2.4 Mayor and Council Excused Absence Requests.

There were none.

2.5 City Council Travel Reports.

There were none.

2. CONSENT CALENDAR

- 2.6 Report from the Council Liaison to the Retirement Boards.**
Council Member Constant offered highlights of the Federated Retirement Board Meeting on May 17, 2012.

- 2.7 Sale of City-Owned Property at Story Road.**

Recommendation: Adopt a resolution:

- (a) Declaring the .958 acre of City-owned property near Story Road and Roberts Avenue surplus to the needs of the City;
- (b) Approving an agreement between the City and Loanie Lam and Lisa Lam, owners of the adjoining property, for the sale of the property in the amount of \$42,000;
- (c) Approving the Grant of Easements to City for the maintenance and operation of monitoring wells and associated ingress and egress to the sale property; and
- (d) Authorizing the City Manager to execute the sale agreement, and the deed, Grant of Easements, and all other documents necessary to complete the transaction.

CEQA: Exempt, File No. PP10-009. Council District 7. (Economic Development)
(Deferred from 4/24/12 – Item 2.9 and 5/8/12 – Item 2.7)

Resolution No. 76234 adopted.

- 2.8 Legal Services Agreement Relating to Labor Relations.**

Recommendation: Adopt a resolution authorizing the City Attorney to negotiate and execute a first amendment to the agreement with Renne Sloan Holtzman & Sakai LLP for legal services in connection with labor relations, modifying the scope of services to provide additional legal services and advice, and increasing compensation by \$300,000 for a total amount not to exceed \$550,000, subject to appropriation of funds as recommended separately on the May 22, 2012 City Council Agenda. CEQA: Not a Project; File No. PP10-066(e), Services that involve no physical changes to the environment. (City Attorney's Office)

Deferred to June 05, 2012 per Rules and Open Government Committee.

- 2.9 Appropriation Action Related to Legal Services for Fiscal Reform Plan.**

Recommendation: Adopt the following 2011-2012 Appropriation Ordinance amendments in the General Fund:

- (a) Increase the City-Wide appropriation to the City Attorney's Office for Fiscal Reform Plan Outside Legal Counsel in the amount of \$550,000; and,
- (b) Decrease the Fiscal Reform Plan Implementation Earmarked Reserve in the amount of \$550,000.

CEQA: Not a Project; File No. PP10-067, Appropriation. (City Attorney's Office / City Manager's Office)

Deferred to June 05, 2012 per Rules and Open Government Committee.

2. CONSENT CALENDAR

2.10 Adoption of a Resolution for the Continued Suspension of Supplemental Retiree Benefit Reserve Payments.

Recommendation: Adopt a resolution amending and restating Resolution No. 75635 to continue to suspend supplemental retiree benefit reserve distribution from the Federated City Employees' Retirement Plan for Fiscal Year 2011-2012 and provide that there shall be no supplemental retiree benefit reserve distribution from the Federated City Employees' Retirement Plan during Fiscal Year 2012-2013. CEQA: Not a Project, File No. PP10-068(b), Municipal Code or Policy, new or revised. (City Manager's Office)

Resolution No. 76235 adopted.

2.11 Actions Related to Appropriation Ordinance and Funding Sources Resolution in the Workforce Investment Act Fund.

Recommendation: Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Workforce Investment Act (WIA) Fund (290):

- (a) Increase the estimate for Earned Revenue by \$60,000.
- (b) Establish an appropriation to the Office of Economic Development for the Cisco Systems Layoffs Award Grant in the amount of \$60,000.

CEQA: Not a Project; File No. PP10-067(b), Appropriation Ordinance. (Economic Development/City Manager's Office)

Ordinance No. 29090 adopted.

Resolution No. 76236 adopted.

2.12 Sale of City-Owned Property at 2123 Quimby Road.

Recommendation: Adopt a resolution:

- (a) Authorizing an alternative competitive process for the sale of the property at 2123 Quimby Avenue, APN: 491-04-022;
- (b) Approving an agreement between the City and Yolanda A. Munoz, for sale of the property in the amount of \$140,000; and
- (c) Authorizing the City Manager or her designee to execute all sales documents and the deed necessary to complete the transaction.

CEQA: Exempt File No. PP10-016. (Economic Development)

Resolution No. 76237 adopted.

2.13 Agreement with W.H.M.H.P. Barnett Family Limited Partnership and L.E.L. California General Partnership to Submeter Dwellings at Whispering Hills Mobile Home Park.

Recommendation: Approve an Agreement with W.H.M.H.P. Barnett Family Limited Partnership and L.E.L. a California General Partnership to submeter dwellings at Whispering Hills Mobile Home Park. CEQA: Categorically Exempt, File Number PP12-042. (Environmental Services)

Approved.

2. CONSENT CALENDAR

2.14 Agreement with R3 Consulting Group, Inc. to Provide Solid Waste Consulting Services.

Recommendation: Approve the Eighth amendment to the Agreement for Consultant Service between the City of San José and R3 Consulting Group, Inc. to provide solid waste consulting services to the Environmental Services Department, extending the term through June 30, 2013. No additional funding is requested for the contract amount, which is not to exceed \$730,000. CEQA: Not a Project, File No. PP10-066, Agreements. (Environmental Services)

Approved.

2.15 Inclusion of Valley Transportation Authority Cores, Corridors and Station Areas in the City of San José as Regional Priority Development Areas.

Recommendation: Adopt a resolution to support the designation of VTA Cores, Corridors and Station Areas within the City of San José as Priority Development Areas under the Association of Bay Area Governments FOCUS program. CEQA: Envision San José 2040 Final Environmental Impact Report, adopted on November 1, 2011, Resolution No. 76041. (Planning, Building and Code Enforcement)

Resolution No. 76238 adopted.

2.16 Amendment to the Master Agreement with V&A Consulting Engineers for a Continuation of Ongoing Engineering Consultant Services.

Recommendation: Approve the first amendment to the master agreement with V&A Consulting Engineers extending the duration from December 12, 2006 to June 30, 2015 for a continuation of ongoing engineering consultant services supporting various City projects, at no additional cost to the City. CEQA: Exempt, File No. PP05-274. (Public Works)

Approved.

2.17 Agreement with Metcalf Energy Center for Assigning Responsibility for Maintenance of Landscape Improvements.

Recommendation: Approve a Revocable License and Maintenance Agreement with Metcalf Energy Center, LLC for the purpose of assigning responsibility for maintenance of enhanced landscape improvements within and along Monterey Road, near Blanchard Road. CEQA: Final Staff Assessment issued by the California Energy Commission. Council District 2. (Public Works)

Approved.

2.18 Increase the Fair Swim Center Pump Room Renovation Project Contingency.

Recommendation: Approval to increase the Fair Swim Center Pump Room Renovation Project Contingency by \$39,000, from \$143,900 to a total amount of \$182,900. CEQA: Exempt, File No. PP11-089. Council District 7. (Public Works)

Approved.

2. CONSENT CALENDAR

2.19 Report on Bids and Award of a Contract for General Bridge and Pavement Maintenance Work.

Recommendation: Report on bids and award of a contract for general bridge and pavement maintenance work referred to as “6960 – DOT Pavement General Engineering Contract 2011-2012” to the lowest responsive bidder, Wattis Construction Co., Inc. in the amount of \$200,000. CEQA: Exempt, File No. PP11-102. (Transportation/Public Works)
Approved.

2.20 Naming of a New Pedestrian Bridge.

Recommendation: As recommended by the Transportation and Environment Committee on May 7, 2012, name the pedestrian bridge over the Union Pacific Railroad tracks near Blossom Hill Road in memory of Alexander Arriaga. CEQA: Exempt, File No. PP10-054. (Transportation)
Approved.

2.21 Denial of Waiver of Revolving Door Restrictions.

Recommendation: As recommended by the Rules and Open Government Committee on May 9, 2012, deny a Waiver of the Revolving Door Restriction for former Department of Environmental Services employee Eric Rosenblum. (City Clerk)
[Rules Committee referral 5/9/12 – Item G(4)]
Waive Request Denied.

2.22 Grant Agreement with San José Conservation Corps for Event Recycling and Creek Cleanup & Riparian Work.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an amendment to the agreement with the San José Conservation Corps to expand the scope of services and include trash removal on all City owned or controlled properties; and authorize the City Manager to negotiate and execute future amendments during the term of the agreement if amendments are with the City Manager’s contracting authority as specified in the Municipal Code. CEQA: EIR Resolution No. 71045. (Environmental Services)
(Rules Committee referral 5/16/12)
Resolution No. 76239 adopted.

3. STRATEGIC SUPPORT SERVICES

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

3. STRATEGIC SUPPORT SERVICES

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.

Heard at 9:30 a.m.

No Report.

3.3 Agreement with Vision Service Plan for Vision Care Insurance Services.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an agreement between the City and Vision Service Plan to provide vision care insurance services to employee, retirees and their dependents at a total cost not to exceed \$3,716,410 for the period of July 1, 2012 to December 31, 2015, subject to the appropriation of funds. CEQA: Not a Project, File No. PP10-066(e) Services that involve no physical changes to the environment. (Human Resources)

Resolution No. 76240 adopted.

3.4 Actions Related to the Minimum Wage Initiative.

Recommendation:

- (a) Accept the report on effects of the proposed ordinance as prepared by staff consistent with California Elections Code Section 9212; and
- (b) Discuss the report and consider future action on the following options consistent with San Jose City Charter, Article 16, Sections 1601 (b) and 1603 (a) (2) and California Elections Code Section 9215:
 - (1) Adopt the proposed ordinance as submitted no later than June 1, 2012; or
 - (2) Adopt a resolution calling an election to submit the initiative to the voters at a Special Municipal Election on a date to be decided; or
 - (3) Adopt a resolution no later than August 10, 2012 calling an election to submit the initiative to the voters at the next General Election on Tuesday, November 6, 2012.

(City Clerk)

(Referred from 5/1/12 – Item 2.11)

The Staff report was accepted with a resolution to be adopted no later than August 10, 2012 calling for an election to submit the initiative to the voters at the next General Election on Tuesday, November 6, 2012.

Staff directed to analyze the impact of modifications of this policy as identified on Page 12 of the Staff Report (Section 9212) on the impacts of variations on employment and living standards of the working poor and to return to Council before the end of the fiscal year.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Convention and Cultural Affairs Fund Budget Adjustments.

Recommendation: Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Convention and Cultural Affairs Fund.

- (a) Increase the Non-Personal/Equipment appropriation by \$2,600,000;
- (b) Increase the estimate for Earned Revenue by \$3,100,000; and
- (c) Increase the Ending Fund Balance by \$500,000.

(City Manager's Office)

Heard following Item 6.2.

Ordinance No. 29093 adopted.

Resolution No. 76247 adopted.

4.2 Initiate Proceedings for the Reorganization of Territory Designated as Hamilton No. 60 from the County into the City of San José.

Recommendation: Adopt a resolution initiating proceedings and setting June 19, 2012 at 1:30 p.m. for a public hearing to order the reorganization of territory designated as Hamilton No. 60, which involves the annexation to the City of San José of approximately 0.44 gross acres of land generally located at the southwest corner of Bascom Avenue and Maywood Avenue, and the detachment of the same from the appropriate special districts including Central Fire Protection, West Valley Sanitation, County Lighting, and Area No. 01 (Library Services) County Service. CEQA: EIR Resolution No. 76041. (Planning, Building and Code Enforcement)

Resolution No. 76241 adopted.

4.3 Rezoning Real Property Located on the West Side of Ringwood Avenue.

Recommendation: Consideration of an ordinance rezoning the real property located on the west side of Ringwood Avenue, approximately 310 feet southerly of McKay Drive (1719 Ringwood Avenue), from the A Agriculture Zoning District to the R-1-8 Single-Family Residence Zoning District (Seet, Ding Shee Trustee Et Al, Owner/Applicant). CEQA: EIR Resolution No. 76041.

C12-007 – District 4

Ordinance No. 29091 passed for publication.

Noes: Oliverio.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.4 Historic Landmark Nomination and Mills Act Historical Property Contract for the “Geer House”.

Recommendation: Consider a Historic Landmark Nomination and Mills Act Historic Property Contract for the “Geer House” located on the north side of Coe Avenue, between Riverside Drive and Plaza Drive (795 Coe Avenue), on a 0.45-acre site (City Landmark No. HL11-198 and California Mills Act No. MA11-003).

- (a) Conduct a public hearing and adopt a resolution designating the “Geer House” as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of an historic nature.
- (b) Conduct a public hearing on the Historical Property Contract between the City of San José and the owners of the “Geer House” (Ruthann L. and Robert E. Eaton, Owners) and adopt a resolution approving the contract.

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

HL11-198/MA11-003 – District 6

Continued to June 05, 2012 per Administration.

4.5 Historic Landmark Nomination and Mills Act Historical Property Contract for the “Stiller House”.

Recommendation: Consider a Historic Landmark Nomination and Mills Act Historic Property Contract for the “Stiller House” located on the northwest corner of East Saint James Street and North Seventh Street (285 East Saint James Street) on a 0.14-acre site (City Landmark No. HL11-200 and California Mills Act No. MA11-004).

- (a) Conduct a public hearing and adopt a resolution designating the “Stiller House” as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of an historic nature.
- (b) Conduct a public hearing on the Historical Property Contract between the City of San José and the owners of the “Stiller House” (Alex V. Waddington, Owner) and adopt a resolution approving the contract.

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

HL11-200/MA11-004 – District 3

Continued to June 05, 2012 per Administration.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.6 Historic Landmark Nomination and Mills Act Historical Property Contract for the “Cozzens House”.

Recommendation: Consider a Historic Landmark Nomination and Mills Act Historic Property Contract for the “Cozzens House” located on the northeast corner of Minnesota Avenue and Newport Avenue (1195 Minnesota Avenue) on a 0.28-acre site (City Landmark No. HL11-201 and California Mills Act No. MA11-005).

- (a) Conduct a public hearing and adopt a resolution designating the “Cozzens House” as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of an historic nature.
- (b) Conduct a public hearing on the Historical Property Contract between the City of San José and the owners of the “Cozzens House” (Anthony J and Pauleet A. Ornellas Trustee, Owner) and adopt a resolution approving the contract.

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

HL11-201/MA11-005 – District 6

Continued to June 05, 2012 per Administration.

4.7 Historic Landmark Nomination and Mills Act Historical Property Contract for the “Samuel and Lila Martin House #1”.

Recommendation: Consider a Historic Landmark Nomination and Mills Act Historic Property Contract for the “Samuel and Lila Martin House #1” located on the east side of South Sixth Street, approximately 190 feet south of East Reed Street (641 South Sixth Street), on a 0.12-acre site (City Landmark No. HL11-202 and California Mills Act No. MA11-006).

- (a) Conduct a public hearing and adopt a resolution designating the “Samuel and Lila Martin House #1” as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of an historic nature.
- (b) Conduct a public hearing on the Historical Property Contract between the City of San José and the owners of the “Samuel and Lila Martin House #1” (Craig Shannon, Owner) and adopt a resolution approving the contract.

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

HL11-202/MA11-006 – District 3

Continued to June 05, 2012 per Administration.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.8 Historic Landmark Nomination and Mills Act Historical Property Contract for the “Robert Hutchinson House”.

Recommendation: Consider a Historic Landmark Nomination and Mills Act Historic Property Contract for the “Robert Hutchinson House” located on the northwest corner of Reed Street and South Sixth Street (593 South Sixth Street), on a 0.23-acre site (City Landmark No. HL12-203 and California Mills Act No. MA12-001).

- (a) Conduct a public hearing and adopt a resolution designating the “Robert Hutchinson House” as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of an historic nature.
- (b) Conduct a public hearing on the Historical Property Contract between the City of San José and the owners of the “Robert Hutchinson House” (Robert W. and Lois M. Stevens, Owner) and adopt a resolution approving the contract.

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

HL12-203/MA12-001 – District 3

Continued to June 05, 2012 per Administration.

4.9 Mills Act Historical Property Contract for the “W. Prussia Building”.

Recommendation: Conduct a public hearing on the Historical Property Contract (California Mills Act No. MA12-002) between the City of San José and the owners of the “W. Prussia Building,” located on the west side of South First Street, approximately 100 feet northerly of West San Salvador Street (371-387 South First Street), on a 0.21-acre site (City Landmark No. HL01-130) (Vic Rodriguez Properties, LLC, Owner) and adopt a resolution approving the contract. CEQA: Exempt. (Planning, Building and Code Enforcement)

MA12-002 – District 3

Continued to June 05, 2012 per Administration.

4.10 Mills Act Historical Property Contract for the “Rucker Mansion”.

Recommendation: Conduct a public hearing on the Historical Property Contract (California Mills Act No. MA12-003) between the City of San José and the owners of the “Rucker Mansion,” located on the east side of South Third Street, approximately 90 feet southerly of East San Salvador Street (418 South Third Street), on a 0.22-acre site (City Landmark No. HL01-133) (Thang Do, Owner) and adopt a resolution approving the contract. CEQA: Exempt. (Planning, Building and Code Enforcement)

MA12-003 – District 3

Continued to June 05, 2012 per Administration.

5. NEIGHBORHOOD SERVICES

5.1 Memorandum of Understanding with Launchpad Development Company for the Development of an Elementary Charter School to be Operated by Rocketship Education.

Recommendation: Approve the Memorandum of Understanding (MOU) between the City of San José and Launchpad Development Company, a California 501(c)(3) non-profit Corporation, setting forth the framework for:

- (a) The possible sale of approximately 20,000 square feet of City owned property located near the Tamien Caltrain Station for the development of an elementary charter school to be operated by Rocketship Education, a California 501(c)(3) non-profit corporation; and
- (b) Development of a children's play area, picnic shelter and a parking lot on a portion of the adjacent City owned property to be constructed and maintained by the school operator, and jointly used by both parties.

CEQA: Not a Project, File No. PP10-066(g), Memorandum of Understanding. Council District 3. (Parks, Recreation and Neighborhood Services)

Approved.

Abstained: Liccardo.

5.2 Consider Adoption of Resolution to Clarify and Consolidate Exclusions from the Requirements to Pay Prevailing Wages Under the City's Prevailing Wage Policy and Approval of Construction of "Sons of San Jose" Monument..

Recommendation:

- (a) Adopt a resolution to:
 - (1) Clarify that the City's prevailing wage policy does not apply to the construction of park improvements that are wholly donated to the City;
 - (2) Memorialize and consolidate into one resolution certain exclusions from the requirement to pay prevailing wages under the City's prevailing wage policy.
 - (3) Repeal previous resolutions or portions thereof setting forth the exclusions incorporated into this resolution.

Resolution No. 76242 adopted.

- (b) Adopt a resolution authorizing the City Manager to negotiate and execute an agreement between the City of San Jose and the San Jose Vietnam War Memorial Foundation, Inc. for the design, fabrication, installation, and maintenance of a monument honoring the individuals from San Jose who lost their lives in the Vietnam War, to be located at Confluence Point in the Guadalupe River Park, at no cost to the City.

CEQA: Exempt, File No. PP11-081. (Parks, Recreation and Neighborhood Services)

Resolution No. 76243 adopted.

5. NEIGHBORHOOD SERVICES

5.3 Agreement with the Roman Catholic Welfare Association of San José (Archbishop Mitty High School) for the Renovation, Operation, Maintenance and Joint Use of John Mise Park.

Recommendation:

- (a) Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with the Roman Catholic Welfare Association of San José, Inc., a non-profit corporation (Archbishop Mitty High School) for the funding, renovation, operation, maintenance, and joint use of John Mise Park with the following terms:
 - (1) Term of thirteen years with an automatic extension if Archbishop Mitty High School complies with all terms of the agreement for twelve years for a possible term of twenty-five years;
 - (2) Financial contribution in the amount of up to \$3,500,000 from City and up to \$375,000 from Archbishop Mitty High School for renovation of the sports field;
 - (3) In-kind contribution from Archbishop Mitty High School for park maintenance in exchange for exclusive use of the sports field and parking spaces during certain hours; and
 - (4) Financial contribution of up to \$175,000 from Archbishop Mitty High School for replacement of the artificial turf for the sports field.

The memorandum from Council Member Constant, dated May 11, 2012, was approved:

- (1) **Accepting the Staff recommendations and proceed with an agreement with the Roman Catholic Welfare Association of San José (Archbishop Mitty High School) for the funding, renovation, operation, maintenance and joint use of John Mise Park.**
- (2) **Staff was directed to include installation of neutral-color fencing, such as green or black, around the perimeter of the artificial turf field, rather than galvanized steel, to insure that the fence has a minimal impact on the aesthetics of the park.**

Resolution No. 76248 adopted.

Noes: Chu, Kalra.

Staff directed to continue with ongoing dialogue with the community and consider plans for future opportunities for other uses in the park.

- (b) Provide direction on how to respond to concerns that Archbishop Mitty High School has raised regarding the City's contractual provision imposing liquidated damages for prevailing wage violations.

CEQA: Categorically Exempt, File No, PP12-021. Council District 1. (Parks, Recreation and Neighborhood Services)

(Deferred from 5/15/12 – Item 5.1)

Item 5.3(b) was dropped.

5. NEIGHBORHOOD SERVICES

5.4 Amendment to City Council Policy 7-8 on Long-Term Use of City Parklands for Private Enterprise Purposes.

Recommendation: Adopt a resolution amending City Council Policy 7-8 on Long-Term Use of City Parklands for Private Enterprise Purposes to:

- (a) Broaden the definition of “Agreements for Recreational Purposes” to include improvements to parklands that enhance the recreational use of the park by providing a necessary element of that use, such as supplying power or other utilities.
- (b) Modify the restriction on allowable compensation under early termination to remove the constraint that the compensation amount be restricted to the lesser of the unrealized amortization of the capital investment or the fair market value.

CEQA: Not a Project, File No. PP10-068 (b), Municipal Code or Policy. (Environmental Services/Parks, Recreation and Neighborhood Services)

Resolution No. 76244 adopted.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Actions Related to the Airport Shuttle Bus Reduction.

Recommendation:

- (a) Adopt a resolution authorizing the City Manager to execute the following two agreements together with other documents necessary to complete the transaction:
 - (1) First Amendment to the Restated Lease between the City of San José and Penske Truck Leasing Co., LP terminating the remainder of the lease term for 14 compressed natural gas (CNG) shuttle buses (Fleet A) and sale to San José with San José’s payment to Penske in the amount not to exceed \$4,407,508; and
 - (2) Purchase Agreement between the City of San José and the City and County of San Francisco for the sale of Airport Shuttle Bus Fleet A for a total sales price of \$3,400,000.

Resolution No. 76245 adopted.

- (b) Adopt the following 2011-2012 Appropriation Ordinance and Funding Sources Resolution amendments in the Airport Revenue Fund:

- (1) Increase the estimate for Earned Revenue by \$3,400,000; and
- (2) Increase the Reserve – Per Master Trust Agreement by \$3,400,000.

CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Airport/Finance/City Manager’s Office)

Ordinance No. 29092 adopted.

Resolution No. 76246 adopted.

6. TRANSPORTATION & AVIATION SERVICES

6.2 LED Streetlight Conversion Program.

Recommendation: As recommended by the Transportation and Environment Committee on May 7, 2012, accept the status report on current implementation of the adaptive LED streetlight conversion program and provide input to staff on policy options for future conversion efforts. (Transportation)

[Transportation and Environment Committee referral 5/7/12 – Item D(2)]

The memorandum from Mayor Reed and Council Members Liccardo and Rocha, dated May 18, 2012, recommending acceptance of the Staff report and affirming Staff's prioritization of conversion effort as discussed at the Transportation and Environment Committee with the following changes:

- (1) Continue efforts to combine the Streetlight Conversion Program with the Building Retrofit/Energy Efficiency efforts for City buildings.**
- (2) Develop an RFQ/RFP designed to select a partner from the list of ESCO's (Energy Service Company) approved to operate in California that clearly states the following objectives of the program:**
 - (a) Replace all City streetlights with programmable, controllable, energy-efficient LED's.**
 - (b) Retrofit city buildings to improve energy efficiency and reduce operational costs.**
 - (c) Finance the entire package of improvements in order for loan repayment to come solely from the energy savings that are guaranteed by the partner.**
 - (d) Form a working group from pertinent City departments and the City Attorney's Office.**

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 Merged Area Redevelopment Project Revenue Bonds, Series 1996 A & B And Series 2003 A & B – JP Morgan Letters of Credit Extension Coordination.

Recommendation: It is recommended that the City Council, acting as the Successor Agency to the Redevelopment Agency of the City of San José, adopt a resolution to:

- (a) Authorize, subject to the approval of the Oversight Board, the execution and delivery of a Fifth Amendment to Reimbursement Agreements in substantially final form with JPMorgan Chase Bank, NA (“JPMorgan”), to extend the terms of the letters of credit relating to the Redevelopment Agency of the City of San José Merged Area Redevelopment Project Taxable Revenue Bonds (Subordinate Tax Allocation), Series 2003A and 2003B (collectively, "2003 Bonds") and the Redevelopment Agency of the City of San José Merged Area Redevelopment Project Revenue Bonds (Subordinate Tax Allocation), Series 1996A and Series 1996B (collectively, "1996 Bonds");
- (b) Authorize, subject to the approval of the Oversight Board, the execution and delivery of a Letter Agreement regarding fees and charges for the various letters of credit in substantially final form provided by JPMorgan under the Fifth Amendment to Reimbursement Agreements for the 1996 Bonds and the 2003 Bonds in the amount of 2.25% of the aggregate outstanding amounts of the letters of credit, depending on the underlying ratings of the Redevelopment Agency of the City of San José (the “Agency”);
- (c) Authorize the Executive Officer of the Successor Agency to the Redevelopment Agency of the City of San José (“Successor Agency”) or her designee to take any actions and execute any and all documents necessary to complete this transaction.

CEQA: Not a Project, File No. PP10-066, Agreements/Contracts (New or Amended).

Successor Agency Resolution No. 7009 adopted.

- **Notice of City Engineer’s Pending Decision on Final Maps**
In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
10126	So of E Williams Street and West of 22 nd Street	3	Watt Companies	1 Lot / 67 Units	SFA

- **Open Forum**
Ross Signorino congratulated local law enforcement for the arrest of a 21 year old suspect in connection with the disappearance of the Morgan Hill teen Sierra La Mar.
- **Adjournment**
The Council of the City of San José was adjourned at 8:27 p.m.