

# CITY COUNCIL AGENDA

**MARCH 10, 2009**

## SYNOPSIS

PETE CONSTANT  
ASH KALRA  
SAM LICCARDO  
KANSEN CHU  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO  
MADISON P. NGUYEN  
ROSE HERRERA  
JUDY CHIRCO, VICE MAYOR  
NANCY PYLE

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

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

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

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

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

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

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

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

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

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

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**  
9:30 a.m. - Closed Session, Call to Order in Council Chambers  
Absent Council Members: Chirco. (Excused)  
  
1:33 p.m. - Regular Session, Council Chambers, City Hall  
Absent Council Members: Chirco. (Excused)
- **Invocation (District 3)**  
Tlaloc Chalchihuitlicue Aztec Dance in Collaboration with Tezkatlipoka Traditional Aztec Dance and Drum performed the dance of the Eagle and Jaguar.
- **Pledge of Allegiance**  
Mayor Reed and students of A. J. Dorsa Elementary School led the Pledge of Allegiance.
- **Orders of the Day**  
The Orders of the Day and the Amended Agenda were approved, with Item 4.5 deferred to 4/7/09.
- **Closed Session Report**  
No Report.

# 1. CEREMONIAL ITEMS

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- 1.1 Presentation by the San José Tech Museum to the City of San José. (Mayor) **Mayor Reed accepted a check from the San José Tech Museum of the City of San José for the Redevelopment Agency of San José/Team San José in the amount of \$648,783 for shared proceeds from “Leonardo: 500 Years into the Future”.**
- 1.2 Presentation of a commendation to Airtronics Metal Products, Inc., for choosing San Jose and for the benefits it provides to our residents and our economy through jobs and revenues to the “Capital of Silicon Valley.” (Mayor/Redevelopment Agency) **Mayor Reed, Council Member Nguyen and Executive Director of the Redevelopment Agency Harry S. Mavrogenes recognized and commended Airtronics Metal Products, Inc., for choosing San Jose and for the benefits it provides to our residents and our economy through jobs and revenues to the “Capital of Silicon Valley”.**

# 2. CONSENT CALENDAR

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## 2.1 Approval of Minutes.

**Recommendation:** Approval of minutes.

- (a) Regular Minutes of November 4, 2008.
- (b) Special Minutes of November 10, 2008 on the Citywide Inclusionary Housing Policy.
- (c) Regular Minutes of November 18, 2008.

**Approved.**

## 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 28503 – Rezoning certain real property situated on the northwest corner of Blossom Hill Road and Poughkeepsie Road (161 Blossom Hill Road) to R-MH Mobilehome Park Zoning District. C08-064

**Ordinance No. 28503 adopted.**

- (b) ORD. NO. 28504 – Rezoning certain real property situated on the southwest corner of South De Anza Boulevard and Fallen Leaf Lane (1051 South De Anza Boulevard) to CN Commercial Neighborhood Zoning District. C08-060

**Ordinance No. 28504 adopted.**

- (c) ORD. NO. 28505 – Rezoning certain real property situated on the east side of North 33<sup>rd</sup> Street, 140 feet south of McKee Road (280 North 33<sup>rd</sup> Street) to CP Commercial Pedestrian Zoning District. C08-053

**Ordinance No. 28505 adopted.**

## 2. CONSENT CALENDAR

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### 2.3 Agreement relating to cable television franchise issues.

**Recommendation:** Adopt a resolution authorizing the City Attorney to execute a Second Continuation Agreement with Miller & Van Eaton, LLP, for consultant services related to cable television franchise renewal matters, extending the term through December 31, 2009, with no increase in total compensation. CEQA: Not a Project. (City Attorney's Office)

**Resolution No. 74815 adopted.**

### 2.4 Settlement regarding Rodriguez, Cruz v. City of San Jose.

**Recommendation:** Approve settlement and authorize payment to Regina Rodriguez and Justin Cruz in the amount of \$87,000 pursuant to a Settlement Agreement and Release, as considered by the City Council during the Closed Session held on February 9, 2009. CEQA: Not a Project. (City Attorney's Office)

**Approved.**

### 2.5 City Manager's Travel to San Diego, California.

**Recommendation:** Approve the City Manager's travel to San Diego, California on March 19 and 20, 2009, for the CEO's for Cities 2009 Strategy Session. Source of Funds: City Manager's Non Personal Appropriation. (City Manager's Office)

**Approved.**

### 2.6 Open Purchase Orders for FY 2008-2009 #5.

**Recommendation:** Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2008-2009 #5 and authorization for the Director of Finance to execute the purchase orders. CEQA: See attachment for CEQA determinations. (Finance)

**Approved.**

### 2.7 Change in the affordability mix of the 90 Archer Street Apartment.

**Recommendation:** Adopt a resolution approving a change in the affordability mix of the 90 Archer Street Apartments, a 42-unit rental housing development to be constructed at 90 Archer Street, to be made available to extremely low-income and very low-income households, with 41 units affordable to households with incomes at or below 45% Area Median Income and one unrestricted managers' unit. CEQA: Resolution No. 72768 and Addendum thereto, File No. PDC06-085. Council District 3. (Housing)

**Resolution No. 74816 adopted.**

## 2. CONSENT CALENDAR

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### 2.8 Home Investment Partnership Program.

**Recommendation:** Adopt the following amendment to the 2008-2009 Appropriation Ordinance in the Home Investment Partnership Program (HOME) Fund 445:

- (a) Increase the WelcomeHOME appropriation by \$600,000; and
- (b) Decrease the Home Loans and Grants appropriation by \$600,000.

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

**Ordinance No. 28508 adopted.**

### 2.9 Amendment to the Buena Vista Park Master Plan.

**Recommendation:** Approve an amendment to the Buena Vista Park Master Plan for its proposed expansion. CEQA: Exempt, PP08-266. Council District 6. SNI: Burbank/Del Monte. (Parks, Recreation and Neighborhood Services)

**Approved.**

### 2.10 Agreement for the Silver Creek Linear Park Master Plan.

**Recommendation:** Approve an agreement with 2M Associates, a California general partnership, for consultant services for a hydrologic study and an update to the Silver Creek Linear Park Master Plan from the date of execution through December 31, 2010 in the amount not to exceed \$139,410. CEQA: Not a Project. Council District 8. (Parks, Recreation and Neighborhood Services)

**Approved.**

### 2.11 Summarily vacate a 10-foot Public Service Easement and a 5-foot Wire Clearance Easement.

**Recommendation:** Adopt a resolution summarily vacating a 10-foot Public Service Easement and a 5-foot Wire Clearance Easement lying in the northerly and southerly boundaries of Lot 163, Tract 3451 (Mylinda Drive). CEQA: Not a Project. Council District 4. (Public Works)

**Resolution No. 74817 adopted.**

### 2.12 Establish a Rule 20A Underground Utility District along Tully Road and set a public hearing.

**Recommendation:** Adopt a resolution to consider the establishment of a Rule 20A Underground Utility District along Tully Road, between Kenoga Drive and 720 feet west of Senter Road, and along Senter Road, between Parrott Street and 170 feet south of Tully Road, and set a public hearing on April 14, 2009 at 1:30 p.m. CEQA: Addendum to a Mitigated Negative Declaration, PP08-160. Council District 7. (Public Works)

**Resolution No. 74818 adopted.**

## 2. CONSENT CALENDAR

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### 2.13 Intention to vacate a 20-foot street alley and set a public hearing.

**Recommendation:** Adopt a resolution of intention to vacate a 20-foot street alley, located between Eastgate Avenue and Beverly Boulevard, reserve a public services easement over the vacated area, and set a public hearing on April 14, 2009 at 1:30 p.m. CEQA: Exempt, H07-049. Planning Commission recommends approval (7-0-0). Council District 5. (Public Works)

**Resolution No. 74819 adopted.**

### 2.14 San José Animal Care Center Tenant Improvements II Project.

**Recommendation:** Approval to increase the construction contingency for the San José Animal Care Center Tenant Improvements II Project in the amount of \$5,854, from \$3,474 to \$9,328. CEQA: Mitigated Negative Declaration, PP00-057. (Public Works)

**Approved.**

### 2.15 Fiscal Actions for Redevelopment Agency Capital Projects.

**Recommendation:**

- (a) (1) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for 2008-2009:
- (a) Increase the estimate for Earned Revenue by \$859,000.
  - (b) Establish the appropriation to the Department of Public Works for the Convention Center Central Utility Plant Project (PSM 561) in the amount of \$194,000.
  - (c) Establish the appropriation to the Department of Public Works for the Autumn Street Extension Project (PSM 566) in the amount of \$665,000.

**Ordinance No. 28509 adopted.**

**Resolution No. 74820 adopted.**

- (2) Adopt resolutions making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with:

- (a) The Convention Center Central Utility Plant Project as more specifically described in the memorandum from the Redevelopment Agency, dated January 15, 2009; and

**Resolution No. 74821 adopted.**

*(Item Continued on the next page)*

## 2. CONSENT CALENDAR

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### 2.15 Fiscal Actions for Redevelopment Agency Capital Projects (Cont'd.)

- (a) (2) (b) The Autumn Street Extension Project as more specifically described in the memorandum from the Redevelopment Agency dated January 22, 2009.  
CEQA: Convention Center Central Utility Plant Project: Resolution No. 72767 and addendum thereto, File No. PP08-002; Autumn Street Extension Project: Not a Project. (Public Works/City Manager's Office)  
**Resolution No. 74822 adopted.**
- (b) (1) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for 2008-2009:
- (a) Increase the estimate for Earned Revenue by \$385,000.
  - (b) Increase the appropriation to the Department of Transportation for the Agency Pole Painting Project (PSM 501 Amendment #1) in the amount of \$360,000.
  - (c) Establish the appropriation to the Department of Transportation for the Bird Avenue Bike Lanes and Lane Modification Project (PSM 569) in the amount of \$25,000.
- Ordinance No. 28510 adopted.**  
**Resolution No. 74823 adopted.**
- (2) Adopt a resolution making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with the Bird Avenue Bike Lanes and Lane Modification Project as more specifically described in the memorandum from the Redevelopment Agency, dated February 2, 2009.  
CEQA: Agency Pole Painting Project: Exempt, File No. PP07-242; Bird Avenue Bike Lanes and Lane Modification Project: Exempt, File No. PP08-293.  
(Transportation/City Manager's Office)  
**Resolution No. 74824 adopted.**

### 2.16 Councilmember Herrera's Travel Out of State.

**Recommendation:** Approve travel by Councilmember Herrera to Boston, MA on October 21 – 23, 2009 to participate in the San José/Silicon Valley Chamber of Commerce City-to-City Trip for 2009. Source of Funds: Mayor & Council Travel Fund. (Herrera) (Rules Committee referral 2/25/09)  
**Approved.**

## 2. CONSENT CALENDAR

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### 2.17 Actions related to Councilmember Kalra's Travel Out of State.

**Recommendation:**

- (a) Approve travel by Councilmember Kalra to Washington, D.C. on March 14-18, 2009 to attend the National League of Cities Congressional City Conference. Source of Funds: Council Office Budget. (Kalra)  
(Rules Committee referral 2/25/09)
- (b) Request for an excused absence for Councilmember Kalra from the Closed Session and Regular Meeting and Evening Meeting of the City Council on March 17, 2009 due to Authorized City Business: National League of Cities 2009 Congressional City Conference in Washington, D.C. (Kalra)  
(Rules Committee referral 3/04/09)

**Approved.**

### 2.18 Approval of Travel for the City Clerk.

**Recommendation:**

- (a) Approve travel for City Clerk Lee Price to Riverside, California on March 11-12, 2009 to provide professional development training services at Technical Track for City Clerks. Source of Funds: Technical Track for City Clerks.
- (b) Approve travel for City Clerk Lee Price to Brea, California on March 27, 2009 to provide professional development training services for the City Clerks Association of California (CCAC). Source of Funds: City Clerks Association of California.

(City Clerk)

(Rules Committee referral 2/25/09)

**Approved.**

### 2.19 Actions Related to Councilmember Liccardo's Travel to San Diego, CA.

**Recommendation:**

- (a) Designate Councilmember Liccardo as the City's representative to the CEOs for Cities meeting regarding the nation urban agenda on March 19-20, 2009.
- (b) Approve travel by Councilmember Liccardo to San Diego, CA on March 19-20, 2009 to act as the City's representative to the CEOs for Cities meeting regarding the national urban agenda. Source of Funds: Mayor/Council Travel Fund.

(Liccardo)

(Rules Committee referral 3/04/09)

**Approved.**

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

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**3.1 Report of the City Manager, Debra Figone (Verbal Report)**  
City Manager Debra Figone announced the cancellation of the Public Intoxication Task Force meeting scheduled for March 12, 2009 in order to pull 200 incident reports for a representative example. The March 26, 2009 meeting of the Task Force will remain as scheduled.

**3.2 Report of the Rules and Open Government Committee – February 11, 2009**  
Mayor Reed, Chair  
Accepted.

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

**3.4 Ethics update.**

**Recommendation:** Accept staff's presentation to the City Council on ethical issues related to recent changes in California law. (City Attorney's Office)  
Accepted.

**3.5 Revisions to the City of San José Conflict of Interest Code.**

**Recommendation:** Adopt a resolution amending the Conflict of Interest Code for the City of San José. (City Clerk)  
Deferred to 3/24/09 per the City Clerk.

**3.6 Implementation of Phase I of Sunshine Reform.**

**Recommendation:** Accept report on implementation of Phase I of the City's Open Government (Sunshine Reform) initiatives. CEQA: Not a Project. (City Manager's Office)  
Accepted.

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

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- 4.1 Report of the Community & Economic Development Committee – February 23, 2009  
Councilmember Pyle, Chair  
Accepted.**

- 4.2 Rezoning real property located on the northeast corner of Juliet Park Drive and Rosemar Avenue.**

**Recommendation:** Conduct a public hearing on the consideration of an ordinance rezoning the real property located on the northeast corner of Juliet Park Drive and Rosemar Avenue (Tract 8735) from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow up to 17 single-family detached residences on a 26.4 gross acre site (Rosemar Enterprises Corp, Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-1-0).

PDC06-063 – District 5

(Continued from 1/27/09 – Item 11.3 and 2/10/09 – Item 11.2)

**Continued to 3/17/09 per District 5**

- 4.3 Amendments to Titles 18 and 20 of the San José Municipal Code to clarify the ability to withdraw development applications and to allow inactive applications to be deemed withdrawn.**

**Recommendation:** Conduct a public hearing on the consideration of an ordinance amending Part 2 of Chapter 18.08 of Title 18 of the San José Municipal Code, entitled “Procedures,” to add a new section allowing the withdrawal of, or deeming withdrawn, applications to amend the General Plan under certain specified circumstances, and to make other non-substantive technical clarifications to said Part 2 of Chapter 18.08 of Title 18, amending Section 20.100.390 of Chapter 20.100 and Section 20.120.070 of Chapter 20.120, all of Title 20 of the San Jose Municipal Code, to allow certain development permit or approval applications or rezoning applications to be deemed withdrawn under certain circumstances of inactivity, and amending Section 20.100.170 of Chapter 20.100.170 of Chapter 20.100 of Title 20 to clarify that applicants of development permits or approvals may withdraw applications. CEQA: Exempt, File No. PP09-014. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1; Platten absent). (Planning, Building and Code Enforcement)

**Ordinance No. 28511 passed for publication.**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.4 ADMINISTRATIVE HEARING regarding an appeal of the Planning Commission's decision to deny a Determination of Public Convenience or Necessity.

**Recommendation:** Conduct an ADMINISTRATIVE HEARING and consider an appeal of the Planning Commission's decision to deny a Determination of Public Convenience or Necessity application as mandated by the Municipal Code to allow off-sale of alcoholic beverages (beer, wine & liquor) at an existing retail grocery store on a 0.54 gross acre site, in the CP Pedestrian Commercial and R-1-8 Single-Family Residence Zoning District, located on the southeast corner of Vollmer Way and S. King Road (400 S. King Road) (Peter and Maria P Haramis, Owner). SNI: Mayfair. CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend that the Council uphold the appeal and grant the Determination of Public Convenience or Necessity (7-0-0).

ABC08-012 – District 5

#### **Administrative Hearing Held**

**Resolution No. 74825 to uphold the appeal was adopted, with suggested recommendations to be forwarded to Alcohol Beverage Control (ABC), and with Staff directed to inspect the business in 12 months and provide a status report to Council via an informational memorandum.**

### 4.5 Sidewalk Café Update.

**Recommendation:** As referred by the Community and Economic Development Committee of February 23, 2009, accept the status report and consider continuation of the sidewalk café permit program on a permanent basis and eliminate the automatic expiration dates that would sunset the program under the most recent ordinance revision that took effect on May 30, 2008. CEQA: Exempt. (Planning, Building and Code Enforcement)

[Community and Economic Development referral 2/23/09 – Item (c)(2)]

**Deferred to 4/7/09 per the Administration.**

### 4.6 Funding commitment for the San Carlos Bowl Seniors Project.

**Recommendation:** Adopt a resolution to:

- (a) Approve a request for early disbursement of \$603,435 of the existing funding commitment to San Carlos Willard Associates, L.P., or its designated affiliate, to finance the shared offsite development costs for the 100-unit San Carlos Bowl Seniors rental project located at 1523-1533 West San Carlos Street; and
- (b) Authorize the Director of Housing to negotiate and execute all documents to effectuate this early disbursement.

CEQA: Exempt, PD04-103. Council District 6. SNI: Burbank/Del Monte. (Housing) (Deferred from 3/3/09 – Item 2.3)

**Deferred to 3/17/09 per Administration.**

## 5. NEIGHBORHOOD SERVICES

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- 5.1 Report of the Neighborhood Services and Education Committee  
Councilmember Campos, Chair.  
No Report.

## 6. TRANSPORTATION & AVIATION SERVICES

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- 6.1 Report of the Transportation and Environment Committee  
Councilmember Liccardo, Chair.  
No Report.

## 7. ENVIRONMENTAL & UTILITY SERVICES

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## 8. PUBLIC SAFETY SERVICES

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## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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- 9.1 Actions related to the Formation of a Convention Center Facilities District.

**Recommendation:**

- (a) Hold a public hearing, accept the Convention Center Facilities District Report, and take the following actions relating to the formation of Convention Center Facilities District No. 2008-1 and the necessity to incur bond indebtedness:
- (1) Adopt a resolution of Formation of Convention Center Facilities District No. 2008-1, authorizing the levy of a special tax therein, establishing an initial annual appropriations limit therefore and submitting the authorization to levy a special tax and the establishment of the appropriations limit to the qualified electors thereof.  
**Resolution No. 74826 adopted.**
  - (2) Adopt a resolution to Incur Bonded Indebtedness of the proposed Convention Center Facilities District pursuant to the City of San José Convention Center Facilities District financing procedure in an amount not to exceed \$750,000,000 over the life of the District.  
**Resolution No. 74827 adopted.**
  - (3) Adopt a resolution calling a special mailed-ballot election among property owners in the District.  
**Resolution No. 74828 adopted.**

*(Item Continued on the next page)*

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

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### **9.1 Actions related to the Formation of a Convention Center Facilities District (Cont'd.)**

- (b) Adopt resolutions authorizing the City Manager and the Executive Director to negotiate and execute a Cooperation Agreement between the City and Agency related to the financing and construction of the proposed Convention Center Phase I Project.

CEQA: Resolution No. 72767 and addendum thereto, File No. PP08-002. (City Manager's Office/Redevelopment Agency)

**Resolution No. 74829 adopted.**

**Redevelopment Agency Resolution No. 5891 adopted.**

**Actions related to the Formation of a Convention Center Facilities District were approved, with direction to Staff to explore real and practical issues associated with smaller, independent hotels that may not otherwise benefit from the assessment.**

- **Notice of City Engineer's Pending Decision on Final Maps**
- **Notice of City Engineer's Award of Construction Projects**
- **Open Forum**
  - (1) **David Wall commented on the stream flow augmentation and reclaimed water projects.**
  - (2) **Ross Signorino offered congratulations to participating law enforcement officials on a recent and successful raid.**
- **Adjournment**

**The Council of the City of San José adjourned the afternoon session at 4:05 p.m. in memory of Alfons "Al" Vindasius. He was at the heart of the industry that created Silicon Valley registering several patents for the design and fabrication of advanced semiconductor devices. He will be missed by his family and member of the Market Almaden Neighborhood where he gave generously of his time and expertise. (Liccardo)**

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

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### **8.1 Approval of an agreement with the St. Elizabeth's Day Home for the creation of a Smart Start Center at 950 St. Elizabeth Drive.**

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

- (a) Adoption of a resolution by the Agency Board finding that creation of a Smart Start Center at 950 St. Elizabeth Drive will be of Primary Benefit to the Burbank/Del Monte Strong Neighborhoods Initiative Redevelopment Project Area.

**Redevelopment Agency Resolution No. 5892 adopted.**

- (b) Approval by the Redevelopment Agency Board and City Council of an agreement with St. Elizabeth's Day Home, in the amount of \$400,000, for improvements to the property located at 950 St. Elizabeth Drive for the creation of a Smart Start Center providing 24 new pre-school child care spaces, added to 170 existing child care spaces, for a total of 194 spaces to be operated under Smart Start San Jose standards.

**Approved.**

- (c) Adoption of a resolution by the Redevelopment Agency Board approving a shift of \$50,000 from the Adopted FY 2009-2010 Two-Year Spending Plan to the FY 2008-09 Adopted Capital Budget for the Child Care Development Fund project line in the Merged Redevelopment Area, and amending the FY 2008-2009 Agency appropriations resolution.

**[BURBANK/DEL MONTE SNI]**

**Redevelopment Agency Resolution No. 5893 adopted.**

### **8.2 Setting a public hearing on May 5, 2009, at 1:30 p.m., to consider a proposed Plan Amendment to allow collection of tax increment from the Diridon/Arena Area.**

**Recommendation:** Adoption of resolutions by the Redevelopment Agency Board and City Council setting a public hearing on May 5, 2009, at 1:30 p.m., to consider a proposed Plan Amendment to authorize the collection of tax increment from a portion of the Burbank/Del Monte neighborhood of the Strong Neighborhoods Initiative Area that is located in the Arena/Diridon Area. CEQA: Not a project. [MERGED]

**Resolution No. 74830 adopted.**

**Redevelopment Agency Resolution No. 5894 adopted.**