

CITY COUNCIL AGENDA

AUGUST 11, 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.san.Joséca.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@san.Joséca.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: None.

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

7:01 p.m. - Public Hearings, Council Chambers, City Hall
Absent Council Members: None.
- **Invocation (District 7)**
Pastor Arnold Perez of Cry Out Christian Fellowship provided the Invocation.
- **Pledge of Allegiance**
Mayor Reed led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with Item 2.7 deferred to 8/18/09.

- **Closed Session Report**
City Attorney Doyle disclosed the following Closed Session actions of August 11, 2009:

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

Case Name: City v. International Association of Firefighters, Local 230.

Adverse Party or Parties: International Association of Firefighters, Local 230.

Substance of Litigation: City seeking review of arbitration award.

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

Noes:	None.
Disqualified:	None.
Absent:	Chirco, Liccardo. (Excused)
Vacant:	None.

1. CEREMONIAL ITEMS

- 1.1** Presentation of a commendation to McKinley Teen Center and YMCA East Valley Adventure Camp for their extraordinary community service efforts in the Five Wounds Brookwood Terrace area. (Liccardo)
(Rules Committee referral 7/29/09)

Mayor Reed and Council Members Herrera and Liccardo recognized and commended McKinley Teen Center and YMCA East Valley Adventure Camp for their extraordinary community service efforts in the Five Wounds Brookwood Terrace area.

- 1.2** Administer Oaths of Office to District 1 Youth Commissioner Kavya Shankar, District 2 Youth Commissioner Annie Chung, District 4 Youth Commissioner Kasey Ong, and District 7 Youth Commissioner Amanda Aldama. (City Clerk)
(Rules Committee referral 7/29/09 and 8/5/09)

Heard in the evening.

City Clerk Lee Price administered the Oaths of Office to District 1 Youth Commissioner Kavya Shankar, District 2 Youth Commissioner Annie Chung, District 4 Youth Commissioner Kasey Ong, and District 7 Youth Commissioner Amanda Aldama.

1. CEREMONIAL ITEMS

- 1.3 Presentation of commendations to HACE Scholarship recipients Gabrielle Castro, Esteban Servin and Tiffany Maldonado. (Campos)
(Rules Committee referral 8/5/09)

Mayor Reed and Council Member Campos recognized and commended HACE Scholarship recipients Gabrielle Castro, Esteban Servin and Tiffany Maldonado.

- 1.4 Presentation of a proclamation declaring August 15, 2009 as “Indian Independence Day” in the City of San José in recognition of a century of Indian immigration to America and to honor the many contributions Indian-Americans have made to the City. (Kalra)
(Rules Committee referral 8/5/09)

Mayor Reed and Council Member Kalra recognized and proclaimed August 15, 2009 as “Indian Independence Day” in the City of San José in recognition of a century of Indian immigration to America and to honor the many contributions Indian-Americans have made to the City. (Kalra)

2. CONSENT CALENDAR

- 2.1 Approval of Minutes.
None.

- 2.2 Final adoption of ordinances.
None.

- 2.3 Mayor and Council Excused Absence Requests.
None.

- 2.4 Fiscal Year 2009-10 Property Tax Levy for General Obligation Bonds.

Recommendation: Adopt a resolution establishing the FY 2009-10 property tax levy on all taxable property for general obligation bonded indebtedness. CEQA: Not a Project.
(Finance)

Resolution No. 75079 adopted.

- 2.5 Agreement for Security Guard Services.

Recommendation: Adopt a resolution authorizing the Director of Finance to negotiate and execute a continuation and amendment to the agreement with Silicon Valley Security & Patrol, Inc., as follows:

- (a) Continue and extend the term of agreement to August 31, 2009, to allow for final payment to the vendor.
- (b) Increase maximum compensation for the renewal period of the agreement by \$12,799 from \$131,000 to \$143,799 to cover additional costs for unanticipated security guard services. CEQA: Not a Project. (Finance)

Resolution No. 75080 adopted.

2. CONSENT CALENDAR

2.6 Lower Silver Creek Trail Project.

Recommendation: Report on bids and award of contract for the Lower Silver Creek Trail Reach 7 at Silverstone Place Project to the low bidder, Perma Green Hydroseeding, Inc., in the amount of \$389,700, and approval of a contingency in the amount of \$38,970. CEQA: Mitigated Negative Declaration, File No. PP07-106. Council District 5. SNI: East Valley/Communities. (Public Works)

Approved.

2.7 Seven Trees Boulevard Sidewalk Improvement Project.

Recommendation: Adopt the following Appropriation Ordinance amendments in the Construction Excise Tax Fund:

- (a) Establish an appropriation to the Department of Transportation for the Seven Trees Boulevard Sidewalk Project in the amount of \$574,000.
 - (b) Decrease the Reserve – Seven Trees Boulevard Sidewalk Project by \$574,000.
- CEQA: Exempt, File No. PP08-137. Council District 7. SNI: Seven Trees. (Public Works/Transportation/City Manager's Office)

Deferred to 8/18/09.

2.8 Travel Requests for the City Clerk.

Recommendation:

- (a) Approve travel for City Clerk Lee Price to Montecito, California on August 14-21, 2009 to provide training services at Continuing Education for Public Officials. Source of Funds: Continuing Education for Public Officials.
- (b) Approve travel for City Clerk Lee Price to Riverside, California on September 8-11, 2009 to provide training services at Technical Track for City Clerks. Source of Funds: Technical Track for City Clerks.

(City Clerk)

(Rules Committee referral 7/29/09)

Approved.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Debra Figone (Verbal Report)

The City Manager acknowledged the hard work and success of San José City Police Officers and Park Rangers in two recent incidents.

3.2 Report of the Rules and Open Government Committee – June 10, 2009

Mayor Reed, Chair

Accepted.

3. STRATEGIC SUPPORT SERVICES

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

- 3.4 Proposed Revisions to Titles 2 and 12 of the San José Municipal Code relating to the
City's Campaign Finance Regulations and the Elections Commission.**

Recommendation: As recommended by the Elections Commission, approve an ordinance amending parts of Title 2 and Title 12 of the San José Municipal Code related to Campaign Finance Regulations and the Elections Commission. (City Attorney/City Clerk)

Ordinance No. 28624 passed for publication, as amended.

Delete: (1) Provision suspending requirements that limit campaign contributions to independent committees, and (2) An exception to disclosure requirements for slate mailers. Referred to City Clerk, City Attorney and the Election Commission for potential refinements to the regulations regarding electronic electioneering communications.

- 3.5 Agreement with the Association of Maintenance Supervisory Personnel.**

Recommendation: Adopt a resolution approving the terms of an Agreement with the Association of Maintenance Supervisory Personnel, and authorizing the City Manager to execute the agreement with a term of June 28, 2009 to June 30, 2010. CEQA: Not a Project. (Employee Relations)

Resolution No. 75081 adopted.

- 3.6 Report of the Rules and Open Government Committee – June 17, 2009
Mayor Reed, Chair
Accepted.**

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 Donna Lane and Bradford Way Coalition Implementation Plan.

Recommendation:

- (a) Accept the Donna Lane and Bradford Way Improvement Plan as the community vision for the future of the Donna Lane and Bradford Way area; and
- (b) Encourage the Donna Lane and Bradford Way neighborhood residents, apartment owners and business leaders to continue to dedicate their time, energy and resources towards the Improvement Plan, continuing with their community-building activities.

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

Heard in the evening.

Accepted.

4.3 North Fourth Street Family Apartments Project Funding.

Recommendation: Adopt a resolution:

- (a) Approving an increase in the construction/permanent funding of up to \$6,209,579 to First Community Housing, or its designated affiliate, for the development of the North Fourth Street Family Apartments project to be built at 1460 North Fourth Street and made available to extremely low-income, very low-income, and low-income families.
- (b) Approving the capitalization of up to \$1,186,123 in interest to be accrued on the City's construction loan, bringing the total City construction/permanent funding up to \$13,894,579.

CEQA: Addendum to Final EIR for the North San José Area Development Policy, Resolution No. 72768, File No. PCD06-022. (Housing)

Resolution No. 75082 adopted.

Noes: Oliverio.

4.4 Kings Crossing Apartments Project.

Recommendation: Adopt a resolution:

- (a) Approving a change in the affordability mix for the Kings Crossing Apartments, a 94-unit affordable rental housing complex being developed by Charities Housing Development Corporation, or its designated affiliate, to be made available to extremely low-income and very low-income households, with 92 units affordable to households with incomes at or below 50% Area Median Income and two unrestricted managers' units.
- (b) Approving the forgiveness of up to \$475,000 in accrued interest on the City's acquisition/predevelopment loan.

CEQA: Final EIR, Resolution No. 74196, File No. PDC07-015. Council District 3. (Housing)

Resolution No. 75083 adopted.

Noes: Oliverio.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.5 Curtner Gardens Inn Project.

Recommendation: Adopt a resolution approving a change in affordability targeting to allow 12 units restricted to households with incomes no greater than 80% of Area Median Income (“AMI”), and 18 units restricted to households with incomes no greater than 60% AMI, to become restricted at 30% AMI in the existing Curtner Studios (formerly known as Curtner Gardens Inn) located at the northwest corner of Curtner and Canoas Gardens Avenues. CEQA: Exempt, File No. PP09-143. Council District 6. (Housing)

Resolution No. 75084 adopted.

5. NEIGHBORHOOD SERVICES

5.1 Report of the Neighborhood Services and Education Committee Council Member Campos, Chair. No Report.

6. TRANSPORTATION & AVIATION SERVICES

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

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

8.1 Independent Police Auditor’s 2008 Year-End Report and Administration’s Response.

Recommendation:

- (a) Accept the Independent Police Auditor’s 2008 Year-End Report. (Independent Police Auditor)
- (b) Accept the Administration’s Response to the Independent Police Auditor’s 2008 Year-End Report. (City Manager’s Office)
- (c) Accept the San José Police Department’s Internal Affairs Unit report on Department Initiated Investigations (DII) for CY 2008. (Police)

Accepted.

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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 at the southwest corner of North 1st Street and Century Center (1733 N 1st Street) from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to modify setbacks to a previously approved zoning (File No. PDC05-114) on a 2.4 gross acres site (Schmidt, F James Et Al, Owner). CEQA: Reuse of North San José EIR. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

PDC09-002 – District 3

Public Hearing Held.

Ordinance No. 28625 passed for publication.

- (b) Consideration of an ordinance rezoning the real property located on the east side of Morrill Avenue, approximately 200 feet northerly of Ione Drive (1356 Morrill Avenue) from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow up to 2 single-family detached residences on a 0.47 gross acre site (Huoming and Shuyun Huang, Owners). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC09-011 – District 4

Public Hearing Held.

Ordinance No. 28626 passed for publication.

END OF PUBLIC HEARINGS ON CONSENT CALENDAR

11. PUBLIC HEARINGS

11.2 Rezoning real property located on the northwest corner of East San Fernando Street and South 34th Street.

Recommendation: Consideration of an ordinance rezoning the real property located on the northwest corner of East San Fernando Street and South 34th Street (1647 E San Fernando Street) from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District to allow expansion of an existing religious assembly use by the construction of a 6,310 square-foot 2-story rectory, demolition of an existing 2,300 square foot 1-story rectory, construction of a 140 square foot memorial tower and addition of a 356 square foot porch/stairway to the front of the existing sanctuary building on a 0.49 gross acre site (An Lac Temple, Owner). SNI: Gateway East. CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC08-057 – District 5

Public Hearing Held.

Ordinance No. 28627 passed for publication.

11.3 Rezoning real property located on the west side of San Felipe Road.

Recommendation: Consideration of an ordinance rezoning the real property located on the west side of San Felipe Road, approximately 600 feet south of Delta Road (4203 San Felipe Road) to allow up to eight (8) single-family detached residences and one (1) 12,000 square foot office building on a 2.98 gross-acre site (Hawkstone San Felipe LLC, Owner/Developer). CEQA: Mitigated Negative Declaration.

PDC09-003 – District 8

Continued to 8/25/09 per Administration.

11.4 Rezoning real property located on the northeast side of San Felipe Road.

Recommendation: Consideration of an ordinance rezoning the real property located on the northeast side of San Felipe Road, approximately 800 feet northwest of Silver Creek Road and at the northwest terminus of Grand Oak Way to allow up to 35 single-family detached residences on a 19.13 gross acres site (DAL Properties LLC, Owner; DAL Properties LLC, Mark Lazzarini, Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-2-0).

PDC09-007 – District 8

Public Hearing Held.

Ordinance No. 28628 passed for publication, with direction to Staff to address the Planning Commission's recommendation regarding the riparian setback on Lot 26 and the two tree removals to the PD permit stage.

11. PUBLIC HEARINGS

11.5 Interim Ordinance establishing a temporary moratorium on new Bail Bonds Establishments.

Recommendation: Consideration of an interim ordinance of the City of San José establishing a temporary moratorium on the establishment of new Bail Bonds Establishments pending the review and possible amendment of land use regulations applicable to such establishments. The Planning Commission voted 5-1-1 (Zito absent, Campos abstain) to recommend that the Council approve the proposed ordinance to establish a temporary moratorium on the establishment of new bail bond businesses with an additional provision allowing existing bail bond businesses operating in conformance with all City requirements to relocate to another site if they lose their lease through no fault of their own. The Director of Planning, Building and Code Enforcement recommends that the Council approve the interim ordinance establishing a temporary moratorium on the establishment of new bail bond businesses as originally drafted by staff and that the ordinance not include the provision recommended by the Planning Commission allowing relocation of existing bail bond businesses that lose their leases through no fault of their own. CEQA: The proposed ordinance is categorically exempt pursuant to CEQA Guidelines Section 15061(b)(3) of the California Code of Regulations, File No. PP09-102. Citywide

Public Hearing Held.

Ordinance No. 28629 passed for publication.

Noes: Constant, Chu.

- **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 pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
10043	Northwest Corner of Lincoln Avenue and Parkmoor Avenue	6	Sobrato Group	2 Lots / 243 Units	Multi-Family Attached & Commercial	Approve

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:

None.

- **Notice of City Engineer’s Award of Construction Projects**

In accordance with Council Resolution No. 73532, the construction Contract Process Streamlining Policy approved on December 5, 2006, the following is a list of projects that were awarded or rejected by the Director of Public Works in June and July 2007:

AWARD:

<u>Project Name</u>	<u>Council District</u>	<u>Contractor</u>	<u>Contract Award Amount</u>	<u>Award Date</u>
Third Street Garage Staircase Replacement Project – Re-Bid Results and Award of Contract	3	Industrial Coating & Restoration	\$373,540	4/2/09
White Road & McKee Road Sanitary Sewer Rehabilitation	5	Darcy & Harty Construction, Inc.	\$463,583	4/7/09
Norman Y. Mineta San José International Airport: Terminal Modifications IV General Building	Citywide	Rodan Builders, Inc.	\$925,000	4/10/09
Naglee Avenue Sanitary Sewer Replacement	6	Peak Engineering, Inc.	\$697,810	4/21/09

(Item Continued on the next page)

- Notice of City Engineer's Award of Construction Projects
(Cont'd.)

Project Name	Council District	Contractor	Contract Award Amount	Award Date
Traffic Signal Installation at Hostetter Road and Piedmont Road	4	Brown and Fesler, Inc.	\$142,901	4/28/09
Narvaez and Shadow Creek Mobile Home Park Sanitary Sewer Realignment Project	10	Stoloski & Gonzalez, Inc.	\$408,566	4/28/09
Jackson Street: LRT to Japantown Pedestrian Corridor Project (First Street to Fourth Street) Federal Project No. CML-5005(094)	3	Joseph J. Albanese, Inc.	\$804,155	4/28/09
Norman Y. Mineta San Jose International Airport Building Trades Contract 09-10	Citywide	ASE Consulting Engr. Inc. DBA Silicon Valley Builders	\$250,000	5/13/09
Norman Y. Mineta San José International Airport Mechanical/ Plumbing Contract 09-10	Citywide	Stephen Ciari Plumbing/Heating Inc.	\$250,000	5/19/09
Fleming Park Project	5	Joseph J. Albanese, Inc.	\$369,953	6/1/09
Brace Avenue and Perie Lane Sanitary Sewer Rehabilitation	4 & 6	Fermin Sierra Construction, Inc.	\$388,880	6/2/09
Norman Y. Mineta San José International Airport General Engineering Contract 09-10	Citywide	George Bianchi Construction Inc.	\$320,000	6/9/09
SJPD Substation Fiberlink	2	Phase 3 Communication, Inc.	\$138,362	6/30/09
Moorpark/West San José Sanitary Sewer Improvement	1	Fermin Sierra Construction Inc.	\$330,330	7/23/09
Lake Cunningham Regional Skate Park Lighting Project	8	Beltramo Electric, Inc.	\$139,000	7/28/09

REJECTION

<u>Project Name</u>	<u>Council District</u>	<u>Contractor</u>	<u>Contract Award Amount</u>	<u>Award Date</u>
Transit Mall Paving Restoration Project	3	Reject Bids	EE \$157,000	5/15/09

- **Open Forum**
None.
- **Adjournment**

The Council of the City of San José was adjourned at 8:54 p.m. in memory of Jesse Dominguez, a lifelong San José community activist who passed away on July 22, 2009. Jesse devoted his life to helping our youth stay out of gangs. He organized the first Chicano spiritual walk in 1979 and worked with the Santa Clara County Human Relations Commission, other non-profits and churches to deliver his message of peace and justice. (Herrera)

8 JOINT REDEVELOPMENT AGENCY/COUNCIL

The Joint Redevelopment Agency Board convened at 4:05 p.m. to consider Items 8.1, 8.2 and 8.3 in a Joint Session.

8.1 Approval of a Cooperation Agreement for the loan of an Agency employee to the City.

Recommendation:

City Council and Redevelopment Agency Board approval of a Cooperation Agreement specifying the terms and conditions for the loan and employment of an Agency employee to the Office of Council Member Rose Herrera on a temporary basis, for up to one year.

Approved.

8.2 Approval of the Fourth Amendment to the Restaurant Lease with Cupertino Flames, LLC.

Recommendations:

(a) Adoption of a resolution by the City Council accepting the summary of costs and findings of the Amended Summary 33433 Report, pursuant to the California Health and Safety Code Section 33433 for the lease with Cupertino Flames, LLC, for ground floor retail space at 88 South Fourth Street.

Resolution No. 75085 adopted.

(b) Redevelopment Agency Board approval of the Fourth Amendment to the Restaurant Lease with Cupertino Flames, LLC, for the property located at 88 South Fourth Street, increasing the total square footage of the premises, revising the schedule and scope of the project, extending the lease term, waiving a portion of the Common Area Maintenance charges, and additional financing of the Shell Improvements through a Shell Improvement Allowance of \$260,000, for a total Agency assistance for the lease of \$735,000.

Approved.

(c) City Council approval of a First Amended Certificate of Nondisturbance and Attornment with Cupertino Flames, LLC under the terms of the Master Lease between the City and the Redevelopment Agency.

CEQA: Resolution No. 64273, Use of San Jose Downtown Strategy Plan FEIR. File No. CP98-054. [MERGED] (Deferred 6/23/09, Item 8.3)

Approved.

8 JOINT REDEVELOPMENT AGENCY/COUNCIL

8.3 Approval of an agreement with San Juan Bautista Child Development Center for renovations to expand the Head Start Preschool Program.

Recommendation:

Approval by the City Council and Agency Board of the second amendment to the agreement with SJB (formerly San Juan Bautista) Child Care Development Center, Inc., pertaining to the child care center at Terilyn Avenue, increasing the Agency contribution \$80,000, for a total Agency contribution of \$330,000 and amending the terms of the previously approved agreement to extend the project schedule and performance timelines. CEQA: Exempt, File No. CP08-052. [SNI: K.O.N.A.]

Approved.

ADJOURN CITY COUNCIL PORTION OF THE MEETING