

CITY COUNCIL AGENDA

APRIL 21, 2009

SYNOPSIS

PETE CONSTANT
ASH KALRA
SAM LICCARDO
KANSEN CHU
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

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

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

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

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

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

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

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

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

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

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

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

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 294-9337 (TTY) at least two business days before the meeting.

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

- **Call to Order and Roll Call**
 - 9:35 a.m.** - Closed Session, Call to Order in Council Chambers
Absent Council Members: Chirco. (Excused)
 - 1:38 p.m.** - Regular Session, Council Chambers, City Hall
Absent Council Members: Chirco. (Excused)
 - 7:03 p.m.** - Public Hearings, Council Chambers, City Hall
Absent Council Members: Chirco. (Excused)
- **Invocation (District 4)**
Dancers from the Joy of Dancing Studio performed “Rubber Ducky”.
- **Pledge of Allegiance**
Mayor Reed and the Third Grade Students from De Vargas Elementary School (District 1) led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with Item 8.2 referred to the Rules & Open Government Committee to be agendized on a future City Council Agenda.
- **Closed Session Report**
No Report.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to Rockwell Collins for their leadership and manufacturing solutions in providing vision systems to the defense and aerospace industries. (Economic Development)
Mayor Reed and Council Member Chu commended Rockwell Collins for their leadership and manufacturing solutions in providing vision systems to the defense and aerospace industries.
- 1.2 Presentation of Energy Saving Rebate Check from the PG&E “California Wastewater Process Optimization Program” for achieving significant energy savings in Municipal Wastewater Facilities throughout the PG&E service territory. (Environmental Services)
Mayor Reed accepted an Energy Saving Rebate Check from the PG&E “California Wastewater Process Optimization Program” on behalf of the City of San José.
- 1.3 Presentation of an Award to the City from the Northern California Solar Energy Association for ranking first in total solar projects installed within large cities. (Environmental Services)
Mayor Reed accepted an award from the Northern California Solar Energy Association on behalf of the City of San José.
- 1.4 Presentation of commendations to Outstanding Childcare Contributors Lew Osborn from Moreland School District Pre-School, Lynne Santo Yamaichi, Director and Brian Handa, teacher from the Buddhist Church Lotus Pre-School, and Michelle Wright Conn from Cisco: Families@First Center; and recipients of the George Howard Memorial Award for Volunteerism in Child Care Jennifer Sweeney, Program Manager and Wasmin Malik, Director of the Silicon Valley Education Foundation. (Chirco/Constant)
Heard in the evening.
Mayor Reed and Council Members Constant, Liccardo and Chu recognized and commended the outstanding Childcare Contributors and recipients of the George Howard Memorial Award for Volunteerism in Child Care. Vice Mayor Chirco was not present.
- 1.5 Presentation of a commendation to the Almaden Customer Service Realty Autism Golf Tournament for their extensive work helping children with Autism and their families. (Pyle)
Mayor Reed and Council Member Pyle recognized and commended the Almaden Customer Service Realty Autism Golf Tournament for their extensive work helping children with Autism and their families.
- 1.6 Presentation of a commendation to San José State’s Kappa Delta Sorority, Gamma Iota Chapter, for their highly successful charity event Shamrock Showcase. (Mayor/Liccardo) (Rules Committee referral 4/8/09)
Heard in the evening.
Mayor Reed and Council Member Liccardo recognized and commended Gamma Iota Chapter for their highly successful charity event “Shamrock Showcase”.

1. CEREMONIAL ITEMS

- 1.7 Presentation of a proclamation declaring the week of April 26 – May 2, 2009 as “National Crime Victims’ Rights Week” in the City of San José.
(Rules Committee referral 4/15/09)
Mayor Reed and Council Member Constant recognized the week of April 26, 2009 through May 2, 2009 as “National Crime Victims’ Rights 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. 28524 – Rezoning certain real property situated at the northeast corner of Coleman Avenue and Taylor Street (702 Coleman Avenue) to LI-Light Industrial Zoning District. C09-001
Ordinance No. 28524 adopted.

- 2.3 **Legal Services Agreement relating to labor relations and negotiations.**

Recommendation:

- (a) Adopt a resolution authorizing the City Attorney to negotiate and execute a fourth amendment to the January 18, 2005 agreement with Renne Sloan Holtzman & Sakai LLP, for legal services in connection with labor relations and negotiations increasing compensation by \$225,000 for a total amount not to exceed \$950,000, and extending the term through June 30, 2010.
Resolution No. 74876 adopted.

- (b) Adopt the following 2008-2009 Appropriation Ordinance amendments in the General Fund:
(1) Decrease the Contingency Reserve by \$225,000.
(2) Increase the City Manager's Non-Personal/Equipment appropriation by \$225,000.

CEQA: Not a Project. (City Attorney's Office/City Manager's Office)
(Deferred from 4/14/09 – Item 2.3)

Ordinance No. 28529 adopted.

2. CONSENT CALENDAR

2.4 Revision to the Airline Fee-Waiver Incentive Program.

Recommendation: Adopt a resolution revising the airline fee-waiver incentive program to support the development of new air service at Mineta San José International Airport by providing two-year incentives for new international routes to/from Canada and Mexico and repealing Resolution No. 74388 that established the current incentive program. CEQA: Resolution Nos. 67380 and 71451, File No. PP08-059. (Airport)

Resolution No. 74877 adopted.

2.5 Ordinance relating to regulation of video service providers.

Recommendation: Approve an ordinance amending Title 15 of the San José Municipal Code by adding Chapter 15.34 to implement certain provisions of the Digital Infrastructure and Video Competition Act of 2006, relating to the regulation of video service providers. CEQA: Not a Project. (City Attorney's Office)

Ordinance No. 28530 passed for publication.

2.6 Renaming a Pool.

Recommendation: As recommended by the Parks and Recreation Commission on April 1, 2009, rename a pool located at 421 N. First Street as "Rotary Ryland Pool" (currently named Ryland Pool). (City Clerk)

Approved.

2.7 Agreement for Public Artwork at the Airport.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with Bjorn Schulke to fabricate and install artwork for the Norman Y. Mineta San José International Airport North Concourse Concession Area in an amount not to exceed \$300,000. CEQA: Resolution Nos. 67380 and 71451, File No. PP09-051. (Economic Development)

Resolution No. 74878 adopted.

2.8 Contract for construction at the Water Pollution Control Plant.

Recommendation:

- (a) Report on bids and award of a one-year construction contract for New Construction of Various Equipment, to the low bidder, Anderson Pacific Engineering Construction, Inc., in an amount not to exceed \$450,930, with an option to extend the contract for two additional one year terms in an amount not to exceed \$500,000 per option term, for a total contract amount of up to \$1,450,930, subject to appropriation of funds.

Approved.

2. CONSENT CALENDAR

2.8 Contract for construction at the Water Pollution Control Plant (Cont'd.)

- (b) Adopt a resolution authorizing the Director of Environmental Services to exercise the option to extend the term of the contract for two additional one year terms, subject to appropriation of funds.

CEQA: Exempt, File No. PP08-202. (Environmental Services)

Resolution No. 74879 adopted.

2.9 Homebuyer Loan Education and Counseling Services Grant.

Recommendation:

- (a) Adopt a resolution authorizing the Director of Housing to negotiate and execute a grant agreement with the Neighborhood Housing Services of Silicon Valley (NHSSV) in the amount of \$250,000 for operational support of NHSSV's loan education and counseling services associated with the City's Homeownership Program.

Resolution No. 74880 adopted.

- (b) Adopt the following amendments to the 2008-2009 Appropriation Ordinance in the Low- and Moderate-Income Housing Fund (Fund 443):

(1) Increase the Housing Department's Non-Personal/Equipment appropriation by \$250,000.

(2) Decrease the Loans Grants and Site Acquisition appropriation by \$250,000.

CEQA: Not a Project. (Housing)

Ordinance No. 28531 adopted.

2.10 Establish a Rule 20A Underground Utility District along Coleman Avenue and set a public hearing.

Recommendation: Adopt a resolution to consider the establishment of a Rule 20A Underground Utility District along Coleman Avenue between West Hedding Street and Spring Street, North Market Street between West Julian Street and West St. James Street, and Devine Street between North San Pedro Street and North First Street, and setting a Public Hearing on June 2, 2009 at 1:30 p.m. CEQA: Mitigated Negative Declaration, File No. PP08-257. Council District 3. (Public Works)

Resolution No. 74881 adopted.

2.11 Excused absence for Vice Mayor Chirco.

Recommendation: Request for an excused absence for Vice Mayor Chirco from the Closed Session and the Regular Council Meeting on April 7, 2009 due to illness. (Chirco) (Rules Committee referral 4/8/09)

Excused.

2. CONSENT CALENDAR

2.12 Council Member Chu's Travel to Los Angeles, CA and Sacramento, CA.

Recommendation: Approve requests by Council Member Chu to travel to:

- (a) Los Angeles, CA on April 2, 2009 to attend the League of California Cities Housing, Community and Economic Development Committee meeting.
- (b) Sacramento, CA on April 15-17, 2009 to attend the League of California Cities' Legislative Action Days on April 15, 2009 and Board Meeting on April 16 – 17, 2009 as the designated representative of the City of San José.

Source of Funds: Mayor/Council Travel Fund. (Chu)

[Rules Committee referral 4/15/09 – Item 3(1)(a)]

Approved.

3. STRATEGIC SUPPORT SERVICES

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

City Manager Debra Figone provided an update on the FY2009-2010 proposed operating budget which is scheduled to be released on May 1, 2009.

3.2 Report of the Rules and Open Government Committee – March 25, 2009

Mayor Reed, Chair

Deferred to 4/28/09.

3.3 Report of the Rules and Open Government Committee – April 1, 2009

Mayor Reed, Chair

Deferred to 4/28/09.

3.4 Report of the Public Safety, Finance and Strategic Support Committee

Council Member Nguyen, Chair

No Report.

3.5 Retiree Healthcare Funding.

Recommendation: Adopt a resolution:

- (a) Approving the terms of agreements with the bargaining units listed below and authorizing the City Manager to execute the agreements effective June 28, 2009:
 - (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI).
 - (2) Association of Engineers and Architects, IFPTE Local 21 (AEA Units 41/42 and 43).
 - (3) Association of Maintenance Supervisory Personnel (AMSP).
 - (4) City Association of Management Personnel (CAMP).
 - (5) International Brotherhood of Electrical Workers, Local No. 332 (IBEW).
 - (6) Municipal Employees' Federation, AFSCME Local 101 (MEF).
 - (7) Confidential Employees' Organization, AFSCME Local 101 (CEO).

3. STRATEGIC SUPPORT SERVICES

3.5 Retiree Healthcare Funding (Cont'd.)

- (b) Implementing retiree healthcare funding for Executive Management and Professional Employees (Unit 99) and employees in the Unclassified Non-Management employee unit (Unit 82) who are in the Federated City Employees' Retirement System, effective June 28, 2009.

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

Resolution No. 74882 adopted.

3.6 AB 560 (Skinner) – Net Energy Metering.

Recommendation: As referred by the Rules and Open Government Committee on April 15, 2009, consider a position of support for AB560 (Skinner) – Net Energy Metering. (Mayor)

[Rules Committee referral 4/15/09 – Item 3(1)(a)]

Position of Support for AB560 accepted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Community & Economic Development Committee Council Member Pyle, Chair No Report.

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

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

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

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

(Deferred from 3/17/09 – Item 4.2, et al and 4/7/09 – Item 4.3)

Heard in the evening.

The memorandum from Council Member Constant was approved, with direction to Staff to return to Council with an analysis of the following changes to their proposal for modifying the private property tree remove permit process:

- (1) **Provide residents with the option of performing or identifying reasonable mitigation in lieu of a permit.**
- (2) **Set a reasonable cap on the permit cost.**
- (3) **Allow for removal of nuisance trees without a permit.**
- (4) **Not require an arborist report to remove a tree from a private property.**

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Envision San José 2040 General Plan Update Status Report.

Recommendation: Accept the Envision San José 2040 General Plan Update status report and provide direction to staff to proceed with environmental, fiscal and economic analysis of the four proposed growth study scenarios as recommended by staff. CEQA: Not a Project. (Planning, Building and Code Enforcement)

Accepted Envision 2040 Status Report and Scenarios C and E, with direction to the Task Force to approve either Scenarios G or K, or Scenarios J or F.

4.4 Downtown Street Vendor Ordinance.

Recommendation:

- (a) Approve an ordinance:
 - (1) Repealing Chapter 6.30 of Title 6 of the San José Municipal Code, the Flower Vendor Ordinance;
 - (2) Amending Chapter 6.54 of Title 6 of the San José Municipal Code, the Peddler Permit Ordinance, to: include regulation of flower street vendors; extend the hours during which approved location peddlers can peddle; authorize the City Manager to make and promulgate time, place and manner regulations reasonably necessary to promote economic growth and create a more vibrant Downtown; and update definitions in the Chapter 6.54 to ensure consistency of terms within Title 6 of the San José Municipal Code.
- (b) Approve an ordinance amending Chapter 6.55 of Title 6 of the San José Municipal Code, the Downtown Special Events Ordinance, to: reduce the area within which approved location peddler permits may be suspended during a designated Downtown Special Event by limiting the suspension area to the Special Event Boundary; authorize approved location peddlers within the Special Event Boundary to peddle at alternative, temporary approved locations outside the Boundary for the duration of the Downtown Special Event; and clarify the exceptions to the requirement for Event Organizers to provide approved location peddlers an equal opportunity to participate in the Downtown Special Event.
- (c) Direct staff to repeal all fees related to the Flower Vendor Ordinance and the Flower Vendor Permits from the City's Schedule of Fees and Charges, effective June 1, 2009.

CEQA: Downtown Strategy 2000 EIR, Resolution No. 72767. Council District 3.

(Economic Development)

(Deferred from 4/14/09 – Item 4.2)

Deferred to 4/28/09 per Administration.

5. NEIGHBORHOOD SERVICES

- 5.1 **Report of the Neighborhood Services and Education Committee – April 9, 2009**
Council Member Campos, Chair
Accepted.

5. NEIGHBORHOOD SERVICES

5.2 Library Internet Access and Computer Use Policy.

Recommendation: Consideration of a proposal to change the current Library Internet Access and Computer Use Policy. (Constant)
(Rules Committee referral 4/8/09)

The joint memorandum from Vice Mayor Chirco and Council Members Liccardo and Kalra, dated April 10, 2009, was approved, with the following:

- (1) **The City Manager directed to have Staff create a “log-on” page that reminds library users of City access rules, warns of the illegality of exposing harmful material to minors, advises users to use computers responsibly and requires users to affirmatively acknowledge agreement with these conditions before proceeding and, as amended, to ensure that existing policy is fully enforced to the extent of staff resources.**
- (2) **Consideration of any additional expenditures on any internet filtering technology greater than \$25,000, including Staff time was deferred until three conditions are met:**
 - (a) **The San José Police Department’s Sexual Assault Investigation and Internet Crimes Against Children Units are fully funded by the City and grant sources to ensure proactive enforcement against on-line predators.**
 - (b) **Library hours per branch return to their FY2000-2001 levels (54 hours per week) with adequate staffing to ensure full provision of services to the youth.**
 - (c) **The crossing guard program is fully funded to match expenditures needed to meet demand for crossing guard services citywide.**
- (3) **Upon completion of recommendation (2), Council should assess the technological solutions available at that time to ensure the most modern technology can efficiently and effectively be applied to minimize child exposure to harmful material**
- (4) **Pending review by the City Attorney, the intent of the following from the joint memorandum from Mayor Reed and Council Member Constant, dated April 10, 2009, to ensure that all patrons are aware of the need to protect the public from undesirable exposure was approved:**

Phase 1: San José Library Internet Access and Computer Use Policy: San José library patrons are expected to use library computers in a responsible and courteous manner. Computers are located in public areas and shared by people of all ages and backgrounds. Internet users must be considerate and respectful of other library patrons and especially mindful of children in the library. Use of public computers for internet access to material that depicts sexual conduct of minors under the age of 18 or that displays material harmful to minors may violate different Penal Code provisions, such as Penal Code Sections 311.11 and 313.1, which may constitute a misdemeanor or felony offense under California law. A potentially unlawful use of public computers may be referred to law enforcement personnel for appropriate action.

Noes: Constant, Oliverio; Reed.

5. NEIGHBORHOOD SERVICES

5.3 Level 1 Homework Center Program Allocations.

Recommendation: As referred by the Neighborhood Services and Education Committee on April 9, 2009, consider approval of the following changes to the Level 1 Homework Center Program Allocations Process:

- (a) Allocate the school-based portion of funds to districts serving grades K-8, as a block grant based on the % of district enrollment to total City enrollment, with:
 - (1) A minimum of \$10,000 per site, and a requirement that each School District submit a program.
 - (2) A spending plan with clear, quantifiable outcomes, performance measures, leveraging of funds and a central point of contact for the District grant to ensure accountability.
- (b) Recommend that the funding amounts provided to the Library system, the PRNS system, and to the competitive community-based organizations process remain at the same level of allocation from FY 08-09.
- (c) Expand the eligible use of funds to include weekend and/or summer programming provided the core service remains a safe place for homework center support.

(Parks, Recreation and Neighborhood Services)

[Neighborhood Services and Education Committee referral 4/9/09 – Item 5.1(3)(4)]

Deferred to 4/28/09 per Administration.

5.4 PRNS Pricing and Revenue Policy.

Recommendation: As referred by the Neighborhood Services and Education Committee on April 9, 2009:

- (a) Review and discuss the proposed Pricing and revenue Policy.
- (b) Direct City Staff to refer the program cost recovery goals and Pricing and Revenue Policy for final approval in the operating budget process.
- (c) Direct City Staff to return to City Council annually for approval of the cost recovery goals as part of the Fees and Charges portion of the annual operating budget process.
- (d) Authorize the City Manager or its designee to establish fees and charges in a manner consistent with the Pricing Policy and within the approved cost recovery goals.

(Parks, Recreation and Neighborhood Services)

[Neighborhood Services and Education Committee referral 4/9/09 – Item 5.1(3)(5)]

Approved, with Staff directed to provide information on cost to PRNS if registered Neighborhood Associations and NACs are charged a nominal fee for facility use.

5.5 Proposed Revision to Council Policy 0-30 “Schools and City Collaborative”.

Recommendation: As referred by the Neighborhood Services and Education Committee on April 9, 2009, adopt a resolution to revise Council Policy 0-30 “Schools and City Collaborative” to reflect recent changes to the structure of the Collaborative. (PRNS)

[Neighborhood Services and Education Committee referral 4/9/09 – Item 5.1(3)(7)]

Deferred to 4/28/09 per Administration.

6. TRANSPORTATION & AVIATION SERVICES

- 6.1 Report of the Transportation and Environment Committee – April 6, 2009**
Council Member Liccardo, Chair
Accepted.

6.2 Airport Tenant Improvements Construction Contract.

Recommendation: Report on bids and award of contract for the Airport and Airlines Tenant Improvement Project at the Norman Y. Mineta San José International Airport to the low bidder, San José Construction Co., Inc. in the amount of \$4,930,000, and approval of a contingency in the amount of \$739,500. CEQA: Resolution Nos. 67380 and 71451, PP09-045. (Airport/Public Works)
(Deferred from 4/14/09 – Item 6.4)
Approved.

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

8.1 Consortium for Police Leadership in Equity.

Recommendation: As recommended by the Rules and Open Government Committee on April 8, 2009:

- (a) Accept the introductory scope and preliminary timeline for Consortium for Police Leadership and Equity (CPL) to present to the City Council its organization and methodology for doing research related to racial and gender equity in policing.
- (b) Accept the preliminary quarterly status report schedule to the Public Safety, Finance & Strategic Support Committee.

(City Manager)

(Rules Committee referral 4/8/09 – Item 10.2)

Action continued to 5/5/2009 in order to obtain additional information regarding the scope, methodology and questions to be asked; to continue to engage with Consortium for Police Leadership in Equity and outreach with the community.

8. PUBLIC SAFETY SERVICES

8.2 Downtown Entertainment Zone Demographic Study.

Recommendation: As referred by the Public Safety, Finance and Strategic Support Committee on March 23, 2009:

- (a) Accept the City Manager's response to the City Council's referral on how and whether the City can accurately survey the demographics characteristics of people in the Downtown Entertainment Zone.
- (b) City Council consideration on how it would like to proceed with respect to conducting a Demographic Study in the Entertainment Zone.

(City Manager)

Referred to Rules & Open Government Committee to be agendized on a future City Council Agenda per Orders of the Day.

8.3 Downtown Entertainment Zone Status Report.

Recommendation: Accept the status report related to the Downtown Entertainment Zone Policing Cost-Sharing Model per Council direction on February 24, 2009. CEQA: Not a Project. Council District 3. (Economic Development)

(Referred from 2/24/09 – Item 3.5)

Deferred to 4/28/09 per Administration.

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

9.1 Actions related to Amendment of Redevelopment Plans in the Merged Project Area.

Recommendation:

- (a) Adopt a City Council resolution approving responses to written objections to the adoption of the proposed Amendment to the Redevelopment Plans in the Merged Project Area to increase the tax increment limit from \$7.6 billion to \$15 billion, to establish a single limit of \$7.6 billion on the amount of bonded indebtedness that may be outstanding at any one time, and to modify the list of eligible public improvements.

Resolution No. 74883 adopted.

- (b) Final adoption of Ordinance No. 28525, an Ordinance of the City of San José amending the Redevelopment Plans in the Merged Project Area increment limit from \$7.6 billion to \$15 billion, to establish a single limit of \$7.6 million on the amount of bonded indebtedness that may be outstanding at any one time, and to modify the list of eligible public improvements in each Redevelopment Plan so that all Redevelopment Plans have consistent language relating to public improvements, and making certain findings.

(Redevelopment Agency)

(Rules Committee referral 4/8/09)

Ordinance No. 28525 adopted.

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

9.2 Final Adoption of Ordinance No. 28525.

Recommendation: Final adoption of Ordinance No. 28525, an Ordinance of the City of San José amending the Redevelopment Plans in the Merged Project Area to increase the tax increment limit from \$7.6 billion to \$15 billion, to establish a single limit of \$7.6 million on the amount of bonded indebtedness that may be outstanding at any one time, and to modify the list of eligible public improvements in each Redevelopment Plan so that all Redevelopment Plans have consistent language relating to public improvements, and making certain findings.

Item 9.2 was renumbered to Item 9.1(b).

- **Open Forum**
None were presented.

- **Adjournment**
The Council of the City of San José adjourned the afternoon session at 5:12 p.m.

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

11.1 Public Hearings on Consent Calendar.

Recommendation:

- (a) Consideration of an ordinance rezoning the real property located on the northwest corner of Stockton Avenue and West Julian Street (715 W. Julian Street) from LI Light Industrial Zoning District to CP Commercial Pedestrian Zoning District to allow commercial uses on a 0.15 gross acre site (Speno, Anthony A. Trustee & Et Al, Owner). CEQA: Mitigated Negative Declaration.

C09-005 – District 6

Ordinance No. 28532 passed for publication.

END OF PUBLIC HEARINGS ON CONSENT CALENDAR

11. PUBLIC HEARINGS

11.2 Rezoning real property located on the east side of South 10th Street.

Recommendation: Consideration of an ordinance rezoning the real property located at/on the east side of S. 10th Street approximately 90 feet north of Margaret Street (684 S 10th Street) from the R-M Multiple Residence Zoning District to the A(PD) Planned Development Zoning District to allow three single-family detached residences on a 0.2 gross acre site (Rodriguez, Maritza, Owner). SNI: University. CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommends approval with recommendation for staff to work with applicant at the Planned Development permit stage to improve the site layout (4-2-1; Cahan & Jensen Opposed; Platten Absent).

PDC07-094 – District 3

(Continued from 3/17/09 – Item 11.3 and 4/7/09 – Item 11.3)

The memorandum from Council Member Liccardo, dated April 21, 2009, was accepted, approving the Staff/Planning recommendations and the following clarifications:

- (1) **Staff directed to work with the applicant to improve the site plan prior to the issuance of a Planned Development Permit. Staff retains the discretion to allow no more than two units if a suitable site development plan cannot be achieved which:**
 - (a) **Allows for adequate interior circulation and safe egress into high-speed traffic on South 10th Street.**
 - (b) **Maintains suitable privacy of residents on-site and on the adjoining sites, with appropriate setbacks and adequate on-site parking.**
- (2) **Staff directed to work with the applicant to continue to refine architectural elements so that the final design will be more compatible with the historic character of surrounding single family homes.**

Ordinance No. 28533 passed for publication, as amended.

- **Notice of City Engineer’s Pending Decision on Final Maps**
None.
- **Notice of City Engineer’s Award of Construction Projects**
None.
- **Open Forum**
There were none presented.
- **Adjournment**
The Council of the City of San José was adjourned at 11:06 p.m.

8. JOINT REDEVELOPMENT AGENCY ITEMS

The Joint Redevelopment Agency Board convened at 5:15 p.m. to consider Item 8.1 in a Joint Session.

8.1 Approval of an amendment to the lease with San Jose Credit Union for property located at 88 South Fourth Street.

Recommendations: Redevelopment Agency Board and City Council concurrence with the approval of the first amendment to the Lease with San Jose Credit Union for the property located at 88 South Fourth Street, Suite 120, increasing the term of the Lease, revising the schedule of adjustments to the Monthly Base Rent and providing a rent credit. CEQA: Resolution No. 64273 Downtown Strategy Plan San Jose FEIR, File No. CP98-054. [SNI]

Concurred.

The Council of the City of San José and Redevelopment Agency Board was adjourned at 5:16 p.m.