



MINUTES OF THE CITY COUNCIL

SAN JOSÉ, CALIFORNIA

TUESDAY, APRIL 29, 2008

The Council of the City of San José convened in regular session at 9:02 a.m. in the Council Chambers at City Hall.

Present: Council Members - Campos, Chirco, Chu, Constant, Cortese, Liccardo, Nguyen, Oliverio, Pyle, Williams; Reed.

Absent: Council Members - None.

Upon motion unanimously adopted, Council recessed at 9:04 a.m. to a Closed Session in Room W133, (A) to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Manager Designee Alex Gurza; Employee Organizations: (1) San José Police Officers' Association; (2) Municipal Employees' Federation, AFSCME Local 101, AFL-CIO; (3) City Association of Management Personnel Agreement; (4) International Association of Firefighters (IAFF), Local 230; Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.

By unanimous consent, Council recessed from the Closed Session at 10:45 a.m. and reconvened at 1:30 p.m. in the Council Chambers.

Present: Council Members - Campos, Chirco, Chu, Constant, Cortese, Liccardo, Nguyen, Oliverio, Pyle, Williams; Reed.

Absent: Council Members - None.

INVOCATION

IndepenDance Company from Independence High School performed a dance routine to "Imagine" by John Lennon. (District 4)

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PLEDGE OF ALLEGIANCE

Mayor Reed led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Council Member Pyle, seconded by Council Member Williams and carried unanimously, the Orders of the Day and the Amended Agenda were approved with item 3.2 deferred to May 6, 2008, and Items 3.5 and 9.1(b) deferred to May 20, 2008. (11-0.)

CLOSED SESSION REPORT

City Attorney Doyle disclosed the following Closed Session actions of April 29, 2008:

- A. Authority to initiate litigation was given in one matter. The names of the action(s) and the defendant(s), as well as the substance of the litigation shall be disclosed to any person upon inquiry once the action(s) is/are formally commenced.

Council Vote: Ayes: Campos, Chirco, Chu, Cortese, Liccardo, Nguyen, Pyle, Williams; Reed.

Noes: Constant, Oliverio.
Disqualified: None.
Absent: None.
Vacant: None.

CEREMONIAL ITEMS

- 1.2 Presentation of a proclamation declaring May 1st, 2008 as “Paint Our Town Purple Day” in support of the Relay for Life in the City of San José. (Pyle/Williams/Oliverio)**

Action: Mayor Reed, Council Member Pyle and Council Member Oliverio recognized May 1st, 2008 as “Paint Our Town Purple Day” in support of the Relay for Life in the City of San José.

- 1.3 Presentation of a proclamation declaring April 30, 2008 as “El día de los niños / El día de los libros – Children’s Day / Book Day” in the City of San José. (Mayor/Campos/ Oliverio) (Rules Committee referral 4/23/08)**

Action: Mayor Reed, Council Member Campos, Council Member Chu, Council Member Oliverio and Library Director Jane Light presented a proclamation declaring April 30, 2008 as “El día de los niños / El día de los libros – Children’s Day / Book Day” in the City of San José.

CONSENT CALENDAR

Upon motion by Council Member Williams, seconded by Council Member Campos and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0.)

- 2.3 Approval of a consultant agreement with David J. Powers & Associates, Inc. for Airport environmental analysis services in an amount not-to-exceed \$250,000 and for the term of July 1, 2008 to June 30, 2011. CEQA: Resolution Nos. 67380 and 71451, File No. PP08-045. (Airport)**

Documents Filed: Memorandum from Director of Aviation William F. Sherry, dated April 7, 2008, recommending approval of a consultant agreement.

Action: The consultant agreement with David J. Powers & Associates, Inc. for Airport environmental analysis services in an amount not-to-exceed \$250,000 and for the term of July 1, 2008 to June 30, 2011 was approved. (11-0.)

- 2.4 Adoption of a resolution authorizing the City Attorney to execute the Settlement Agreement and Release with Tadco Supply, Inc., considered by the City Council during the closed session held on April 8, 2008. (City Attorney's Office)**

Action: Deferred to May 6, 2008 per City Attorney.

- 2.5 Adoption of a resolution authorizing the City Manager to negotiate and execute vision service contracts with EyeMed Vision Care and Vision Service Plan for July 1, 2008 through June 30, 2012. CEQA: Not a Project. (Human Resources)**

Documents Filed: (1) Memorandum from Director of Human Resources Mark Danaj, dated April 7, 2008, recommending adoption of a resolution. (2) Supplemental memorandum from Director of Human Resources Mark Danaj, dated April 28, 2008, correcting information reported in memo to Council of April 7, 2008,

Action: [Resolution No. 74336](#), entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Agreements with EyeMed Vision Care and Vision Service Plan to Provide Vision Benefits to City Employees and Their Dependents", was adopted. (11-0.).

2.6 Adoption of a resolution amending the City of San José Pay Plan effective March 11, 2008 to change the title for the classification of Executive Assistant U (8021). CEQA: Not a Project. (Human Resources)

Documents Filed: Memorandum from Director of Human Resources Mark Danaj, dated April 7, 2008, recommending adoption of a resolution.

Action: [Resolution No. 74337](#), entitled: “A Resolution of the Council of the City of San José Amending the City of San José Pay Plan to Change the Title for the Classification of Executive Assistant U (8021) Formerly Executive Assistant to the City Auditor effective March 11, 2008”, was adopted. (11-0.)

2.7 Approval of Contract Change Order # 14 for the Norman Y. Mineta San José International Airport North Concourse Building Foundation and Utility Tunnel Concrete, Package 02A with Gonsalves & Santucci, Inc., dba Conco, to use savings from the total base bid reductions under previously approved change order numbers 5, 8 and 9 to pay for the cost of additional work necessary to complete the project in the total amount of \$166,114, at no increase in the total contract amount. CEQA: Resolution Nos. 67380 and 71451, File No. PP08-044. (Public Works/Airport)

Documents Filed: Memorandum from Director of Public Works Katy Allen and Director of Aviation William F. Sherry, dated April 7, 2008, recommending approval of a contract change order.

Action: The Contract Change Order # 14 for the Norman Y. Mineta San José International Airport North Concourse Building Foundation and Utility Tunnel Concrete, with Gonsalves & Santucci, Inc., using savings from total base bid reductions under a previously approved change order to pay for the cost of additional work necessary to complete the project in the total amount of \$166,114, at no increase in the total contract amount, was approved. (11-0.)

2.8 Adoption of a resolution to summarily vacate a portion of the Public Service Easement lying in the northeasterly quadrant of Lot 16 of Tract 9707 at the Southside of Coleman Avenue between Seymour and Hobson Streets. CEQA: Resolution No. 72369. Council District 3. (Public Works)

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated April 7, 2008 recommending adoption of a resolution.

Action: [Resolution No. 74338](#), entitled: “A Resolution of the Council of the City of San José Summarily Vacating a Portion of the Public Service Easement Lying within Lot 16 of Tract 9707 on the South Side of Coleman Avenue between Seymour and Hobson Streets”, was adopted. (11-0.).

2.9 Acceptance of the report on the proposed fiscal year 2007/08 - 2012/13 Workplan for the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program. CEQA: Not a Project. (Public Works)

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated April 7, 2008, recommending approval of a workplan.

Council Member Williams pulled the item for further clarification.

Deputy Director Public Works Timm Borden and Director of Public Works Katy Allen answered questions regarding the workplan.

Action: Upon motion by Council Member Williams, seconded by Council Member Nguyen and carried unanimously, the report on the proposed fiscal year 2007/08 - 2012/13 Workplan for the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program, was accepted. (10-0-1. Absent: Chirco.)

**2.10 Request for an excused absence for Councilmember Chirco from the Regular Meeting of the Neighborhood Services and Education Committee on April 10, 2008 due to illness. (Chirco)
(Rules Committee referral 4/16/08)**

Documents Filed: Memorandum from Council Member Chirco, dated April 10, 2008, requesting an excused absence due to illness.

Action: The absence from the Regular Meeting of the Neighborhood Services and Education Committee on April 10, 2008, was excused. (11-0.)

2.11 Request for an excused absence for Councilmember Constant from the Closed Session and Afternoon Meeting of the City Council on April 15, 2008 due to a death in the family. (Constant) (Rules Committee referral 4/16/08)

Documents Filed: Memorandum from Council Member Constant, dated April 10, 2008, requesting an excused absence due to the death of a close family member.

Action: The absence from the Closed Session and Regular City Council Meeting of April 15, 2008, was excused. (11-0.)

STRATEGIC SUPPORT SERVICES

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

Action: City Manager Debra Figone reported that the Draft Budget would be released May 1 and noted the schedule of the upcoming budget sessions was on the website.

3.2 Report of the Rules and Open Government Committee – April 16, 2008 Mayor Reed, Chair

Action: Deferred to May 6, 2008 per Orders of the Day.

3.3 Report of the Public Safety, Finance and Strategic Support Committee – April 17, 2008 Councilmember Nguyen, Chair

Documents Filed: Report of the Public Safety, Finance and Strategic Support Committee, dated April 17, 2008.

Action: Upon motion by Council Member Campos, seconded by Council Member Williams and carried unanimously, the Public Safety, Finance and Strategic Support Committee Report and actions of April 17, 2008 were accepted. (11-0.)

3.4 As recommended by the Elections Commission, approve an ordinance amending Section 2.08.1630 of Chapter 2.08 of Title 2 of the San José Municipal Code to change the special eligibility requirement that one member of the Elections Commission be an attorney-at-law licensed to practice in the State of California, and to make technical changes. (City Clerk) (Rules Committee referral 4/16/08)

Documents Filed: Memorandum from City Clerk Lee Price, dated April 18, 2008, recommending approval of an ordinance.

City Attorney Doyle responded to brief questions from the Council.

Public Comments: Ross Signorino spoke in favor of having an attorney, maybe two, serve on the Elections Commission.

Action: Upon motion by Council Member Pyle, seconded by Council Member Chirco and carried unanimously, [Ordinance No. 28295](#), entitled: “An Ordinance of the City of San José Amending Section 2.08.1630 of Chapter 2.08 of Title 2 of the San José Municipal Code to (1) Change the Special Eligibility Requirement that one Member of the Elections Commission be an Attorney-at-Law; and (2) Make other Technical and Clarifying Changes”, was passed for publication. (11-0.)

3.5 Adoption of a resolution:

- (a) **Declaring the 0.19 acre City-owned property and building at 410 Park Avenue surplus to the needs of the City;**
- (b) **Approving the sale agreement with an adjacent property owner, Park Delmas Investors, LLC, in the amount of \$450,000; and**
- (c) **Authorizing the Director of Public Works to execute all documents necessary to complete the transfer of the property; and**
- (d) **Directing the City Manager to return with appropriation actions to allocate proceeds from this sale to address the City's Deferred Maintenance and Infrastructure Backlog.CEQA: Res. No. 72767. District 3. (Public Works)**

Action: Deferred to May 20, 2008 per Orders of the Day.

COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Adoption of a resolution:

- (a) **Authorizing the issuance of tax-exempt multifamily housing revenue bonds designated as "City of San José Multifamily Housing Revenue Bonds (Fairgrounds Senior Housing Apartments), Series 2008B" in an aggregate principal amount not to exceed \$26,000,000 (the "Bonds");**
- (b) **Approving a loan of Bond proceeds to Fairgrounds Senior Housing, L.P., a California limited partnership, for financing a portion of the costs of constructing the Fairgrounds Senior Housing Apartments located at 520 Tully Road in San José;**
- (c) **Approving in substantially final form the Bonds, Trust Indenture, Loan Agreement, Regulatory Agreement, Declaration of Restrictive Covenants and Assignment of Deed of Trust and Loan Documents and Bond Purchase Agreement; and**
- (d) **Authorizing the City Manager or authorized designee to execute and, as appropriate, negotiate, execute and deliver these bond documents and other related bond documents as necessary.**

CEQA: Resolution No. 71359, County Fairgrounds Housing EIR. Council District 7. (Finance/Housing)

(Deferred from 4/22/08 – Item 4.2)

Documents Filed: (1) Memorandum from Deputy Director of Finance Julia H. Cooper and Director of Housing Leslye Krutko, dated April 1, 2008, recommending adoption of a resolution. (2) Supplemental memorandum from Deputy Director of Finance Julia H. Cooper and Director of Housing Leslye Krutko, dated April 24, 2008, updating information contained in the April 1, 2008 memorandum. (3) Memorandum from Deputy Director of Finance Julia H. Cooper dated April 18, 2008, transmitting Approval of the Issuance of Bonds, Loan of Bond Proceeds and related documents for the fairgrounds senior housing apartments.

4.2 Action: Upon motion by Council Member Nguyen, seconded by Council Member Pyle and carried unanimously, [Resolution No. 74339](#), entitled: “A Resolution of the City Council of the City of San José Authorizing the Issuance of Multifamily Housing Revenue Bonds and the Loan of the Proceeds thereof for the Financing of the Fairgrounds Senior Housing Apartments and Approving other Related Documents and Actions”, was adopted. (11-0.)

4.3 **Consideration of an ordinance rezoning the real property located on the southeast corner of Stevens Creek and South Winchester Boulevard (Santana Row) from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to (1) modify perimeter setbacks and (2) change allowed uses, including the elimination of previously entitled 22,500 square feet of retail uses, a 190 room hotel and 229 residential dwelling units. This proposal would allow the addition of 160,000 square feet of office/commercial uses on a 40.78 gross acre site (FRIT San José Town & Country Village LLC, c/o Randy Paul, Developer). Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. CEQA: EIR Resolution No. 68210 and Addendum thereto.**

PDC07-095 – District 6

[Continued from 4/22/08 - Item 11.1(d)]

Action: Deferred to May 6, 2008 per Applicant’s Request.

TRANSPORTATION AND AVIATION SERVICES

6.2 **Report on bids and award of contract for the Remove and Replace Asphalt Concrete Pavement 2008 Project to the low bidder, Top Grade Construction, Inc., in the amount of \$1,445,800, and approval of a 5% contingency in the amount of \$73,000. CEQA: Exempt, File No. PP04-039. (Transportation)**

Documents Filed: Memorandum from Director of Transportation James R. Helmer, dated April 7, 2008, recommending approval of a construction contract.

Director of Transportation James R. Helmer responded to questions from Council.

Action: Upon motion by Vice Mayor Cortese, seconded by Council Member Oliverio and carried unanimously, the report on bids and award of contract for the remove and replace asphalt concrete pavement 2008 project to the low bidder, Top Grade Construction, Inc., in the amount of \$1,445,800, and approval of a 5% contingency in the amount of \$73,000, was accepted. (11-0.)

JOINT COUNCIL/REDEVELOPMENT AGENCY

9.1 (e) **City Council and Redevelopment Agency Board acceptance of the Downtown Working Group's final report. CEQA: Not a Project. Council District 3.**

Documents Filed: Memorandum from City Manager Debra Figone and Executive Director of the Redevelopment Agency of the City of San José, Harry S. Mavrogenes, dated April 15, 2008, recommending the Downtown Working Group's final report.

Council Member Williams gave an overview of the efforts of the Downtown Working Group.

Chief of Police Robert L. Davis noted actions taken in collaboration with the community to enhance public safety. Assistant Director of Transportation Jim Ortbal spoke on the enhancement of garage security and cleaning.

Public Comments: Ross Signorino asked that handicapped access be considered when initiating sidewalk cafes.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Williams and carried unanimously, the Downtown Working Group's final report was accepted. (11-0.)

9.1 (a) **Actions related to the Downtown Hospitality Zone as follows:**

- (1) **City Council and Redevelopment Agency Board acceptance of the attached Downtown Hospitality Zone Assessment (HZA) Report produced by the Responsible Hospitality Institute (RHI); and,**
- (2) **City Council approval of the creation of a position within the City Manager's Office to focus on Downtown related issues highlighted in the attached Downtown Hospitality Zone Assessment draft work plan and to work closely with a community-based advisory group to facilitate the action items recommended in the HZA report to ensure that new and existing policies are working to make downtown a vibrant, hospitable and safe entertainment center.**
- (3) **Provide direction on funding options for this position for consideration in the upcoming budget process (2008-2009), including the possibility of fees from entertainment uses offsetting a portion of the costs incurred.**

CEQA: Not a Project. Council District 3.

Documents Filed: (1) Joint memorandum from Mayor Reed and Council Members Liccardo, Williams and Oliverio, recommending acceptance of actions related to downtown issues. (2) Memorandum from City Manager Debra Figone and Executive Director of the Redevelopment Agency of the City of San José, Harry S. Mavrogenes, dated April 15, 2008, recommending acceptance of the Downtown Hospitality Zone Assessment Report and approval of the creation of a position within the City Manager's Office.

9.1 (a) Actions related to the Downtown Hospitality Zone (Cont'd.)

Chief Development Officer Paul Krutko provided introductory remarks. Redevelopment Agency Director Leslie Parks and Downtown Association Director Scott Knies presented the Assessment recommendations. Police Lieutenant David Hober explained background requirements for security personnel at downtown clubs. Chief Development Officer Paul Krutko clarified the nature of the position recommended in the City Manager's Office, as highlighted in the work plan. In response to an inquiry from Mayor Reed, he confirmed that the Council was not being asked to approve any budget actions at this time.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Oliverio and carried unanimously, Recommendations (a) 1-3 were accepted. (11-0.)

9.1 (b) Actions related to Permitting Promoters as follows:

(1) Approval of an ordinance by the City Council:

(a) Amending Chapter 6.58 of Title 6 of the San José Municipal Code to require operators of public dancehall venues to use permitted promoters and to hold persons required to be permitted under Chapter 6.58 of the Code, but not so permitted responsible for violations of Chapter 6.58 of the Code;

(b) Amending Chapter 6.60 of Title 6 of the Code to require operators of public entertainment business venues to use permitted promoters and to hold persons required to be permitted under Chapter 6.60, but not so permitted, responsible for violations of Chapter 6.60 of the Code ; and

(c) Adding Chapter 6.62 to Title 6 of the Code to require promoter permits and setting regulations and conditions on promoter permits.

(2) Adoption of a resolution by the City Council amending the Administrative Citation Schedule of Fines for Certain Violations of the Code to amend and establish fines for certain violations of Code Chapters 6.58 (Public Dancehalls) and 6.60 (Public Entertainment Permit) and to establish fines for violations of Code Chapter 6.62 (Event Promoters), and repealing Resolution No. 74033, to be effective July 1, 2008.

CEQA: Not a Project. Council District 3.

Documents Filed: Joint memorandum from Mayor Reed and Council Member Liccardo, dated April 23, 2008, recommending deferral of Council deliberation on Item 9.1 (b).

Action: Deferred to May 20, 2008 per Mayor and District 3.

- 9.1 (c) **Actions related to Street Vendors as follows:**
- (1) **City Council direction to staff to develop an ordinance:**
 - (a) **Repealing the Flower Vendor Ordinance set forth in Chapter 6.30 of Title 6 of the San José Municipal Code;**
 - (b) **Amending the Peddler Permit Ordinance, Chapter 6.54 of Title 6 of the San José Municipal Code, 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; and**
 - (c) **Amending the Downtown Special Events Ordinance, Chapter 6.55 of Title 6 of the San José Municipal Code, 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 peddlers within the Special Event Boundary to peddle at alternative, temporary 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.**
 - (2) **City Council and Redevelopment Agency acceptance of staff's recommended process to assist peddlers wishing to operate as approved location peddlers in the Downtown Vendor Program Area.**
- CEQA: Resolution No. 72767. Council District 3.**

Documents Filed: Memorandum from City Manager Debra Figone and Executive Director of the Redevelopment Agency of the City of San José, Harry S. Mavrogenes, dated April 11, 2008, recommending downtown street vendor permit process improvements, ordinances changes, and new regulations.

Assistant Director of Economic and Cultural Development Kim Walesh presented highlights of the Downtown Street Vendor Program.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Nguyen and carried unanimously, the Council approved the recommendations regarding street vendors as set forth in the Staff report. (11-0.)

- 9.1 (d) **Actions related to Sidewalk Dining as follows:**
- (1) **Approval of an ordinance by the City Council amending Part 12 of Chapter 20.100 of Title 20 of the San José Municipal Code, the provisions related to sidewalk cafe permits, to allow the Director of Planning to issue a sidewalk cafe permit to an establishment located in the Downtown that also has an entertainment permit and is designated as a code public eating establishment pursuant to the provisions of Title 6 of the San José Municipal Code, and to retail establishments, to reduce the requirement for full food service, to include provisions related to the revocation of such permits, and to clarify the definition of a sidewalk café.**

**CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends approval with 12:00 a.m. (midnight) closing and Planning Commission recommends approval with 2:00 a.m. closing and continuation of Downtown Working Group (4-3-0). Council District 3.
(Continued from 4/22/08 – Item 11.4)**

Documents Filed: (1) Memorandum from Planning Commission Secretary Joseph Horwedel, dated April 14, 2008, transmitting the Planning Commission recommendation of approval. (2) Cover letter and binder of information regarding the Sidewalk Café Ordinance Revision, submitted by Dave Powell, (Owner, San José Bar & Grill and Tres Gringos), dated April 24, 2008. (3) Proof of Publication of Notice of Public Hearing, executed on March 14, 2008, submitted by the City Clerk.

Assistant Director of Economic and Cultural Development Kim Walesh summarized the Sidewalk Café program. Assistant Director of Planning and Code Enforcement Laurel Prevetti responded to questions from Council. Tim Albert of the San José Police Department Vice Unit and Chief of Police Robert L. Davis responded to key issues from Council. Senior Deputy City Attorney Renee Gurza clarified regulations for the proposed sidewalk café ordinance.

Extensive Council discussion followed.

Council Member Oliverio moved approval of the Staff's recommendation with a 2 a.m. close, with the option of revoking an establishment's privileges if found non-compliant. Council Member Liccardo proposed a friendly amendment to evaluate the effectiveness of the amendment of the ordinance 8 months after the enactment. Council Member Oliverio proposed a one-year evaluation instead. Vice Mayor Cortese seconded the motion.

Public Comments: Speaking in support of extended hours for sidewalk cafes were: Bob Lee, Dave Powell (San José Bar & Grill), Jody Hansen (San José Silicon Valley Chamber of Commerce), John Conway (Britannia Arms), Jenny Wolfes and Blage Zelalich. Stephanie Sorensen spoke in opposition to extended hours.

9.1 (d) Actions related to Sidewalk Dining (Cont'd.)

Action: On a call for the question, [Ordinance No. 28296](#) allowing sidewalk cafes to remain open until 2 a.m. was passed for publication with the following amendments: (a) Conditions/permits to expire after 18 months; (b) Council to evaluate the effectiveness of the ordinance 12 months after enactment; (c) Staff to take an update to the Community Economic Development Committee in 6 months; (d) Other directions to the City Manager as outlined in the Joint Memorandum from Mayor Reed and Council Members Liccardo, Williams and Oliverio, dated April 24, 2008. (7-4-0. Noes: Constant, Chu, Liccardo; Reed)

(f) City Council and Redevelopment Agency Board acceptance of the evaluation of the Soft Closing Pilot Program. CEQA: Exempt, File No. PP07-117. Council District 3. City Manager's Office/Redevelopment Agency)

Documents Filed: Joint memorandum from City Manager Debra Figone and Executive Director of the Redevelopment Agency of the City of San José, Harry S. Mavrogenes, dated April 11, 2008, recommending the Staff's report.

Chief Development Officer Paul Krutko presented the Soft Closing Pilot Program. Chief of Police Robert L. Davis and Tim Albert of the San José Police Department Vice Unit offered additional input on security issues.

Public Comments: Dan Doherty (Smoke Tiki Lounge) and Mauricio Mejia (Vault Ultra Lounge) spoke in support of the Staff's recommendation.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Williams and carried unanimously, the evaluation of the Soft Closing Pilot Program was accepted, with direction to the City Manager as outlined in Recommendation #2 of the memorandum from Mayor Reed and Council Members Liccardo, Williams and Oliverio, dated April 24, 2008, including modification to add: "Any fee should include only the additional costs incurred by the City for services necessary to support or respond to those establishments with relevant permits". (9-0-2. Absent: Chirco, Cortese).

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>
9715	Southwest corner of Chynoweth Ave and Cedar Grove Circle	2	Chynoweth Development LLC	7 Lots / 6 Units	Single Family Detached	Approve
9974	East side of Radio Avenue, 160 feet north of Lincoln Court	6	Radio Homes, LLC	15 Lots / 14 Units	Single-Family Attached& Detached	

OPEN FORUM

- (1) Ross Signorino stated that he has no public disclosures to be made.
- (2) Mark Trout expressed religious viewpoints and concerns about military veterans’ health.

ADJOURNMENT

The Council of the City of San José was adjourned at 6:50 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

Lee Price, MMC
City Clerk

rmk/4-29-08MIN

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JOINT REDEVELOPMENT AGENCY/COUNCIL

The Joint Redevelopment Agency Board convened to consider Item 8.1 in a Joint Session:

- 8.1**
- (a) City Council and Redevelopment Agency Board acceptance of the recommended expansion concept design and direction for the Redevelopment Agency to proceed with schematic design of the project based on a potential budget estimate of \$250,000,000.**
 - (b) Adoption of a resolution by the Redevelopment Agency Board approving a proposed adjustment to the Agency's FY 2007-2008 Adopted Capital Budget, shifting \$3,000,000 from FY 2008-2009 for the Convention Center Expansion Phase 1 project line to cover LMN Architects and Gilbane Building Company contracts in the Merged Redevelopment Area, and amending the FY 2007-2008 Agency appropriations resolution.**
 - (c) Redevelopment Agency Board approval of the second amendment to the agreement with LMN Architects, adding \$4,250,000, for a total contract amount of \$5,550,000 to complete schematic design of the overall project, update the cost estimate based on the schematic design, produce necessary design documents and provide bid support and construction contract administration for the central utility plant replacement project, and extending the term of the agreement one year to December 31, 2009.**
 - (d) Redevelopment Agency Board approval of the first amendment to the agreement with Gilbane Building Company, adding \$1,475,000, for a total contract amount of \$1,650,000 for preconstruction services related to schematic design of the overall project and preconstruction, bid support and construction management services related to the central utility plant replacement project, and extending the term of the agreement one year to December 31, 2009.**

CEQA: Resolution No. 72767. On June 21, 2005, the City Council made findings in connection with the adoption of the Downtown Strategy 2000. The Program EIR for the Downtown Strategy 2000 addressed the Convention Center expansion project at a programmatic, or highly conceptual, level. Subsequent environmental review will be completed based on the more detailed project description that will be an outcome of the City Council/Agency Board's design direction and other approvals requested in this memorandum. The City Council/Agency Board's ultimate action to authorize the Convention Center expansion would be informed by this subsequent environmental review. [MERGED]

Documents Filed: Memorandum from Executive Director of the Redevelopment Agency of the City of San José, Harry S. Mavrogenes and City Manager Debra Figone, dated April 15, 2008, recommending Convention Center Phase 1 expansion.

Redevelopment Agency Director Bill Ekern presented the next phase of the Convention Center design. George Shaw of LMN Architects provided an overview of the expanded program recommended for the Convention Center Phase 1 Expansion Project. Dan Fenton, representing Team San José and the San José Visitor's Bureau, discussed needs and recommendations of those groups for the renovation of the existing facility.

8.1 (Cont'd.)

Action: Upon motion by Council Member Constant, seconded by Council Member Nguyen and carried, actions related to the Convention Center Phase 1 Expansion Project were approved, with the following two amendment: (1) Staff to return to Council with a progress report. (2) Progress report to provide evidence that specific target market is expanding as indicated in initial market analyses; and Redevelopment Agency Resolution No. 5824 proposing an adjustment to the Agency's FY 2007-2008 Adopted Capital Budget, shifting \$3,000,000 from FY 2008-2009 for the Convention Center Expansion Phase 1 project line to cover LMN Architects and Gilbane Building Company contracts in the Merged Redevelopment Area, and amending the FY 2007-2008 Agency appropriations resolution, was adopted.
(10-1-0. Noes: Oliverio.)

The Joint Redevelopment Agency meeting adjourned at 3:25 p.m.