



CITY COUNCIL AGENDA

MAY 13, 2008

SYNOPSIS

PETE CONSTANT
FORREST WILLIAMS
SAM LICCARDO
KANSEN CHU
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON P. NGUYEN
JUDY CHIRCO
NANCY PYLE

DAVID D CORTESE, VICE MAYOR

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 on items that are not on the agenda during Open Forum. 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 and Staff Reports 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.

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**
9:29 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: None.

1:29 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: None.

7:04 p.m. - Public Hearings, Council Chambers, City Hall
Absent Council Members: Oliverio. (Excused)
- **Invocation (District 5)**
Reverend Juan Saavedra, La Trinidad United Methodist Church presented an inspirational prayer.
- **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.
- **Closed Session Report**
No Report.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation declaring May as “National Historic Preservation Month” in the City of San José. (Chirco)
(Rules Committee referral 5/7/08)
Mayor Reed and Council Member Chirco recognized the month of May 2008 as “National Historic Preservation Month” in the City of San José.
- 1.2 Presentation of a commendation to Friends of Guadalupe River Park and Gardens, Rose Garden and Heritage Orchard Volunteers, Parks Staff, Mauby All Natural, and Environmental Services for their partnership in implementing sustainable Integrated Pest Management techniques at Guadalupe River Park and Gardens. (Chirco/Liccardo)
(Rules Committee referral 5/7/08)
Mayor Reed and Council Members Chirco and Liccardo recognized and commended the Friends of Guadalupe River Park and Gardens, Rose Garden and Heritage Orchard Volunteers, Parks Staff, Mauby All Natural, and Environmental Services for their partnership in implementing sustainable Integrated Pest Management techniques at Guadalupe River Park and Gardens.
- 1.3 Presentation of a commendation to YMCA’s Project Cornerstone Teen Volunteers of the Year, located in Country Lane Elementary School, for their commitment to promoting an environment where children and youth feel valued and thrive. (Constant)
(Rules Committee referral 5/7/08)
Mayor Reed and Council Member Constant recognized and commended YMCA’s Project Cornerstone Teen Volunteers of the Year for their commitment to promoting an environment where children and youth feel valued and thrive.
- 1.4 Presentation of a proclamation declaring May 10-18, 2008 as “National Tourism Week” in the City of San José. (Constant)
(Rules Committee referral 5/7/08)
Mayor Reed and Council Member Constant recognized May 10 through May 18, 2008 as “National Tourism Week” in the City of San José.
- 1.5 Presentation of a proclamation declaring May 13, 2008 as “LIVESTRONG Day” in the City of San José as part of the Lance Armstrong Foundation’s one day initiative to raise awareness and funds for the fight against cancer. (Liccardo)
(Rules Committee referral 5/7/08)
Mayor Reed and Council Member Liccardo recognized May 13, 2008 as “LIVESTRONG Day” in the City of San José to raise awareness and funds for the fight against cancer.

2. CONSENT CALENDAR

- 2.1 Approval of Minutes.
There were none.

2. CONSENT CALENDAR

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 28296 – Amending Part 12 of Chapter 20.100 of Title 20 of the San José Municipal Code to allow businesses that are designated as Public Eating Establishments and maintain a valid Entertainment Permit under Title 6 of the San José Municipal Code the ability to obtain a Sidewalk Café Permit to operate a Sidewalk Café in the Downtown, to allow Retail Sales Establishments the ability to operate a Sidewalk Café, and making other clarifying changes to said Part 12 of Chapter 20.100 (The sidewalk Café Permitting Process) and to related definitions set forth in Chapter 20.200, all of Title 20 of the San José Municipal Code.

Ordinance No. 28296 adopted.

2.3 Actions related to Commercial Solid Waste and Recyclables Collection Franchise.

Recommendation:

- (a) Approval of an ordinance repealing Ordinance No. 27748 to terminate the Commercial Solid Waste and Recyclables Collection Franchise with The Residential Bin Co., Inc.

Ordinance No. 28305 passed for publication.

- (b) Adoption of a resolution authorizing the Director of the Environmental Services Department to send a notice to The Residential Bin Co., Inc., terminating the Commercial Solid Waste and Recyclables Collection Franchise Agreement effective July 1, 2008.

CEQA: Negative Declaration, File No. PP92-11-308. (Environmental Services)

Resolution No. 74354 adopted.

2.4 Report on bids and award of contract for the Dissolved Air Flotation Pressure Retention Tanks and Valves Replacement.

Recommendation: Report on bids and award of construction contract for the Dissolved Air Flotation Pressure Retention Tanks and Valves Replacement – Phase II Project to the lowest responsive bidder, Anderson Pacific Engineering Construction, Inc., in the amount of \$819,780, and approval of a 10% contingency in the amount of \$82,000. CEQA: Exempt, File No. PP07-141. (Environmental Services)

Approved.

2. CONSENT CALENDAR

2.5 Agreement for technical assistance under the California Wastewater Process Optimization Program.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Quantum Energy Services and Technologies, Inc. to obtain technical assistance and financial incentives under the California Wastewater Process Optimization Program, for the implementation of energy savings to the San José/Santa Clara Water Pollution Control Plant, at no cost to the City, for a term commencing upon approval of the agreement and extending through December 31, 2008. CEQA: Not a Project. (Environmental Services)

Resolution No. 74355 adopted.

2.6 Report on Request for Proposal for Collections Services Providers.

Recommendation: Report on Request for Proposals for Collections Services Providers for the Finance Department and adoption of a resolution authorizing the Director of Finance to:

- (a) Execute agreements for collection services with Professional Recovery Systems Inc., the primary contractor with a set fee equal to 9.9% of debt collected or a flat fee of \$25, whichever is greater and Collection Bureau of America, Ltd., the secondary contractor with a set fee equal to 14.75% of debt collected or a flat fee of \$25, whichever is greater for an initial term of three years (May 13, 2008 through May 12, 2011) for the collection of delinquent accounts.
- (b) Exercise three one-year options to extend the agreements subject to the appropriation of funds.

CEQA: Not a Project. (Finance)

Resolution No. 74356 adopted.

2.7 Setting a public hearing for the reimbursement of cost for sidewalk repairs.

Recommendation: Adoption of a resolution setting a public hearing for June 24, 2008 at 1:30 p.m. for the approval of the report of the Director of Finance on the cost of sidewalk repairs. CEQA: Not a Project. (Finance)

Resolution No. 74357 adopted.

2.8 Master agreement related to aquatics facility projects.

Recommendation: Approval of a consultant master agreement with Callander Associates Landscape Architecture, Inc. for project design and management for aquatics facility projects from the date of execution through December 31, 2010, in an amount not-to-exceed \$500,000. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

Approved.

2. CONSENT CALENDAR

2.9 Agreement for In-Building Wireless Reinforcement Design Consulting Services.

Recommendation: Approval of an agreement with RTKL Associates Inc. for In-Building Wireless Reinforcement Design consultant services for the New City Hall complex, from the date of execution to December 31, 2008, in an amount not-to-exceed \$125,000. CEQA: Not a Project. (Public Works/Information Technology)

Approved.

2.10 Excused absence for Council Member Campos.

Recommendation: Request for an excused absence for Council Member Campos from the Budget Study Session on May 8, 2008 due to Long Standing Commitment: Speaking Engagement at the 2008 International Hispanic Network Conference in Burlingame, CA. (Campos)

(Rules Committee referral 4/30/08)

Excused.

2.11 Excused absences for Council Member Constant.

Recommendation: Request for excused absences for Council Member Constant.

- (a) Request for an excused absence from the Closed Session and City Council Meeting of May 20, 2008 due to Authorized City Business: Required Federated City Employees' Retirement Services Educational Training in Philadelphia, PA.
- (b) Request for an excused absence from the Rules and Open Government Committee of May 21, 2008 due to Authorized City Business: Required Federated City Employees' Retirement Services Educational Training in Philadelphia, PA.

(Constant)

(Rules Committee referral 4/30/08)

Excused.

2.12 Council Member Constant's Travel to Philadelphia, PA.

Recommendation: Approval of travel by Council Member Constant to Philadelphia, PA on May 19-22, 2008 to attend an educational training on IFEBP Portfolio Concepts and Management. Source of Funds: Federated City Employees' Retirement System Board of Administration. (Constant)

(Rules Committee referral 4/30/08)

Approved.

2.13 Council Member Constant's Travel to Chicago, IL.

Recommendation: Approval of travel by Council Member Constant to Chicago, IL on October 1-3, 2008 to attend the San José/Silicon Valley Chamber of Commerce City-to-City 2008 Trip. Source of Funds: Mayor/Council Travel Fund. (Constant)

(Rules Committee referral 4/30/08)

Approved.

3. STRATEGIC SUPPORT SERVICES

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

City Manager Debra Figone reported that the National Weather Service has declared a Heat Alert for the City of San José and the surrounding cities and added that ten cooling centers will be open throughout San José beginning Wednesday, May 14, 2008 through Friday evening, May 16, 2008.

For further information regarding the locations of the cooling centers, visit the City web site at: http://www.sanjoseca.gov/HeatAlert_CoolingCenters.asp

3.2 Report of the Rules and Open Government Committee – April 30, 2008

Mayor Reed, Chair

The Rules and Open Government Committee Report and the Actions of April 30, 2008 were accepted.

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

Council Member Nguyen, Chair

No Report.

3.4 Public Hearing on the Proposed Operating and Capital Budgets for the Fiscal Year July 1, 2008 to June 30, 2009.

Recommendation: Public Hearing on the Proposed Operating and Capital Budgets for the Fiscal Year July 1, 2008 to June 30, 2009, the Proposed Five-Year Capital Improvement Program for 2009-2013, the Proposed Fees and Charges Report for the Fiscal Year 2008-2009, and the Mayor's June Budget Message for Fiscal Year 2008-2009. CEQA: Not a Project. (City Manager's Office)

Heard in the evening.

The Public Hearing was held. There was no public testimony. The Public Hearing was closed. No Council action was taken.

3.5 Ethics Update.

Recommendation: Acceptance of staff's presentation to the City Council regarding recent ethical issues in the news and federal offenses that may be enforced against local officials. (City Attorney's Office)

Staff presentation received.

3. STRATEGIC SUPPORT SERVICES

3.6 Approval to write-off the uncollectible accounts listed in the Bad Debt Write-off Report.

Recommendation: Adoption of a resolution authorizing the Director of Finance to write-off the uncollectible accounts in the total amount of \$3,481,148.99 listed in the Bad Debt Write-off Report, as provided for in Section 4.24.030 of the Municipal Code. CEQA: Not a Project. (Finance)

Resolution No. 74358 adopted, as amended, Staff directed to:

- (1) Explore possibility of recovering credit card fees.
- (2) Return annually with updated report, including a column for status of the collection actions taken to date.
- (3) Explore opportunities to recover unpaid debts through future contract negotiations.

3.7 Request to waive Attorney-Client privilege.

Recommendation: Consider a request to waive the Attorney-Client privilege regarding the April 18, 2008 memorandum entitled, "Confidential Legal Advice Related to Imposition of appropriate Conditions in Land Use Approvals". (Constant)
[Rules Committee referral 4/30/08 – Item A(1)(a)]

Request to waive privilege denied, with direction to the City Attorney as follows:

- (1) Release a public version of the April 18, 2008 memorandum.
- (2) Return with a Council Policy giving guidance on conditions the City may require in land use decisions.

3.8 Process to fill an anticipated vacancy on the Federated Retirement Board.

Recommendation: That the City Council direct the anticipated, unscheduled vacancy for an employee member on the Board of Administration of the Federated Employees Retirement System be filled through an appointment process, with the Council selecting between the two options to appoint a new City employee to the end of the existing member's term, November 30, 2009. (City Clerk)
(Rules Committee referral 5/7/08)

Approved, the City Clerk directed to give Notice of the Vacancy on the Federated Retirement Board and to initiate the process for accepting petitions for nominations and appointment of a new employee member, pursuant to regulations governing employee elections.

3. STRATEGIC SUPPORT SERVICES

3.9 SB 1625 (Corbett) – Add all Plastic Containers to the State Bottle and Can Recycling Law.

Recommendation: Consider a position of support for SB 1625 (Corbett) – Add All Plastic Containers to the State Bottle and Can Recycling Law. (City Clerk)
(Rules Committee referral 5/7/08)

Approved.

3.10 AB 3034 (Galgiani) – Safe, Reliable High-Speed Passenger Bond Act for the 21st Century.

Recommendation: Consider a position of support for AB 3034 (Galgiani) – Safe, Reliable High-Speed Passenger Bond Act for the 21st Century. (City Clerk)
(Rules Committee referral 5/7/08)

Approved.

4. COMMUNITY & ECONOMIC DEVELOPMENT

**4.1 Report of the Community & Economic Development Committee – April 28, 2008
Council Member Pyle, Chair**

Deferred to 5/20/08 per Administration.

4.2 Approval of Actions Related to Real Property Assets.

Recommendation: Adoption of a resolution approving:

- (a) The City Real Property Asset Report, and
- (b) The proposed process for surplusing underutilized City of San José real property assets.

CEQA: Not a Project. (Public Works)

[Community and Economic Development Committee referral 4/28/08 – Item (g)]

Resolution No. 74359 adopted.

4.3 Approval of a Memorandum of Understanding Regarding Airport West Property.

Recommendation: Adoption of a resolution:

- (a) Approving a Memorandum of Understanding between the City of San José, Coleman Airport Partners, LLC, FWSH Partners, LLC and Earthquakes Soccer, LLC regarding proposed development of certain real properties including the 74.8-acre 1125 Coleman Avenue property.
- (b) Authorizing the City Manager or her designee to negotiate and execute an option agreement and a purchase and sale agreement for the property located at 1125 Coleman Avenue that will facilitate the development of 1.5 million square feet of office development, 300 hotel rooms, 95,000 square feet of retail space and the required parking for all uses including a proposed stadium.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Approval of a Memorandum of Understanding Regarding Airport West Property (Cont'd.)

- (c) Authorizing the City Manager or her designee to ensure that a 13.5 acre site for a proposed soccer stadium is reserved at the 1125 Coleman Avenue property. Staff will return to Council with information regarding financing and development of the stadium when appropriate.

CEQA: Not a Project. Council District 3. (Economic Development)

[Community and Economic Development Committee referral 4/28/08 – Item (h)]

Deferred to 5/20/08 per Administration.

4.4 Acceptance of the 2007 Development Services Customer Satisfaction Study – Final Survey Report.

Recommendation: Acceptance of the 2007 Development Services Customer Satisfaction Study – Final Survey Report which provides statistically reliable measures of customer satisfaction among customers of the City's development permit process. CEQA: Not a Project. (Planning, Building and Code Enforcement)

[Community and Economic Development Committee referral 4/28/08 – Item (i)]

The Staff presentation was heard.

4.5 Rezoning real property located on the southeast corner of Stevens Creek and South Winchester Boulevard.

Recommendation: 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) et al, and 5/6/08 – Item 11.7)

Ordinance No. 28306 passed for publication.

5. NEIGHBORHOOD SERVICES

5.1 Report of the Neighborhood Services and Education Committee Council Member Chirco, Chair

No Report.

5. NEIGHBORHOOD SERVICES

5.2 Agreements for the development of the Gary Albertson Parkway Trail.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute agreements with:
 - (1) Santa Clara County Open Space Authority for a grant amount not-to-exceed \$400,000 to supplement existing City funds for the construction of Gary Albertson Parkway Trail.
 - (2) Pacific Gas & Electric Company for an easement that permits development of the planned improvements and recreational use upon their property.

Resolution No. 74360 adopted.

- (b) Adoption of the following appropriation ordinance and funding sources resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #2 (Fund 378):
 - (1) Increase the estimate for Earned Revenue in the amount of \$400,000.
 - (2) Increase the trail: Albertson Parkway Project in the amount of \$319,000.
 - (3) Increase the Ending Fund Balance by \$81,000.

CEQA: Exempt, File No. PP07-076. Council District 2. (Parks, Recreation and Neighborhood Services/City Manager’s Office)

Ordinance No. 28307 adopted.

Resolution No. 74361 adopted.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Transportation and Environment Committee Council Member Williams, Chair

No Report.

6.2 Report on bids and award of contract for the Slurry Seal 2008 Project.

Recommendation: Report on bids and award of contract for the Slurry Seal 2008 Project to the low bidder, Bond Blacktop, Inc. in the amount of \$2,519,001 and approval of a five percent (5%) contingency in the amount of \$125,950. CEQA: Exempt, File No. PP04-039. (Transportation)

Approved.

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Report on bids and award of contract for the Alternative Disinfection Project.

Recommendation: Report on bids and award of construction contract for the Alternative Disinfection Project to the lowest responsive bidder, Anderson Pacific Engineering Construction, Inc., in the amount of \$7,709,000 and approval of a 15% contingency in the amount of \$1,160,000. CEQA: Exempt, File No. PP07-145. (Environmental Services)
Approved.

7.2 Actions related to increases to Recycle Plus Rates.

Recommendation: Adoption of a resolution increasing rates for Recycle Plus single-family services by 4.5% and multi-family services by 8%, effective July 1, 2008. CEQA: Not a Project. (Environmental Services)
Resolution No. 74362 adopted.

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

- **Open Forum**
(1) **Mark Trout expressed religious viewpoints.**

- **Adjournment**
The Council of the City of San José adjourned the afternoon session at 4:53 p.m.

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearings at this time.

11. PUBLIC HEARINGS

No Public Hearings at this time.

- Notice of City Engineer's Pending Decision on Final Maps
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 12/05/06, the following is a list of projects that were awarded or rejected by the Director of Public Works in April 2008:

<u>Project Name</u>	<u>Council District</u>	<u>Contractor</u>	<u>Contract Award Amount</u>	<u>Award Date</u>
SNI MAY 07d: Traffic Signal Installation at San Antonio Street & Scharff Avenue	5	San José Signal Electric Construction, Inc.	\$225,000	4/1/08
Norman Y. Mineta San José International Airport General Electrical Contract 07-08	Citywide	Cupertino Electric Inc.	\$130,000	4/2/08
Norman Y. Mineta San José International Airport Building Trades Contract 07-08	Citywide	Universal Builders Systems	\$200,000	4/2/08
Hedding Street Lighting Improvement	6	Pacific Electric Company	\$113,200	4/25/08
Rhodes Court Sanitary Sewer Replacement	6	Ranger Pipelines, Inc.	\$295,425	4/25/08

- **Adjournment**
The Council of the City of San José was adjourned at 7:05 p.m.

8. JOINT REDEVELOPMENT AGENCY ITEM

The Joint Redevelopment Agency Board convened at 4:54 p.m. to consider Items 8.1 and 8.2 in a Joint Session.

8.1 Approval of an amendment to the DDA with 360 Residences LLC, 23 story mixed used condominium project revising the public art provision and related fiscal actions.

Recommendation:

(a) Redevelopment Agency Board approval of the third amendment to the Disposition and Development Agreement (DDA) with 360 Residences LLC, revising the public art provision and providing for a public art payment to the Office of Cultural Affairs of \$57,500 upon execution of the third amendment and payment to the Office of Cultural Affairs of \$539,000 upon the sale of the first residential unit in the 23 story mixed use condominium project located in the SoFA District at Market and San Salvador Streets.

Approved.

(b) City Council adoption of the following appropriation ordinance and funding sources resolution amendments in the General Fund:

- (1) Increase the estimate for other revenue by \$32,500.
- (2) Increase the citywide expenses appropriation to the Office of Economic Development for the Public Art in Private Development Project by \$32,500.

CEQA: Resolution No. 72767 and addenda thereto, File No. H05-037. [MARKET GATEWAY]

Ordinance No. 28308 adopted.

Resolution No. 74363 adopted.

The Council of the City of San José and Redevelopment Agency Board was adjourned at 4:55 p.m.