CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

MINUTES OF THE CITY COUNCIL

SAN JOSÉ, CALIFORNIA **TUESDAY, APRIL 8, 2008**

The Council of the City of San José convened in regular session at 9:00 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 9:32 a.m. to a Closed Session in Room W133, (A) to confer with Legal Counsel – Anticipated Litigation (Claim not Filed): Significant exposure to litigation pursuant to subsection (b) of Section 54956.9 of the Government Code: Number of matter(s) to be discussed: 2; (B) to confer with Legal Counsel – Anticipated Litigation: Initiation of litigation pursuant to subsection (c) of Section 54956.9 of the Government Code: Number of matter(s) to be discussed: 4; (C) to confer with Existing Litigation Pursuant to Government Code Section 54956.9 subsection (a) to consider the case of: (1) Doe v. City of San José, et al.; (2) Fong, et al. v City of San José, et al.; (D) to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Manager Designee Alex Gurza; Employee Organizations: (1) International Association of Firefighters (IAFF), Local 230; (2) San José Police Officers' Association; (3) Municipal Employees' Federation, AFSCME Local 101, AFL-CIO; (4) City Association of Management Personnel.

By unanimous consent, Council recessed from the Closed Session at 10:32 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.

Access the video, the agenda and related reports for this meeting by visiting the City's website at http://www.sanjoseca.gov/clerk/agenda.asp or http:/www.sanjoseca.gov/clerk/MeetingArchive.asp. For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266.

INVOCATION

Father Candido Lim of St. Victor's Church presented a prayer for the Invocation. (District 4)

PLEDGE OF ALLEGIANCE

Mayor Reed led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Council Member Pyle, seconded by Vice Mayor Cortese and carried unanimously, the Orders of the Day and the Amended Agenda were approved with Item 6.2 dropped.

CLOSED SESSION REPORT

City Attorney Doyle disclosed the following Closed Session actions of April 8, 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, Constant, Cortese, Liccardo, Nguyen, Oliverio, Pyle, Williams; Reed.
	Noes:	None.
	Disqualified:	None.
	Absent:	None.
	Vacant:	None.

CEREMONIAL ITEMS

1.2 Presentation of commendations to AEG/Amgen Tour of California and Fit for Learning in relation to cycling events produced in February 2008. (Economic Development)

Action: Mayor Reed and Chief Development Officer Paul Krutko recognized and commended AEG/Amgen Tour of California and Fit for Learning in relation to cycling events produced in February 2008. Representatives from the Webcor Challenge presented a check for $17,000 to "Fit for Learning".

1.4 Presentation of a commendation to Stanka Vuckovic for her generous donations to Miller Middle School and charitable contributions to the West San José community. (Constant)
(Rules Committee referral 4/2/08)

Action: Mayor Reed and Council Member Constant recognized and commended Stanka Vuckovic for her generous donations to Miller Middle School and charitable contributions to the West San José community.

1.6 Presentation of a commendation to Cung Le, for his Strikeforce Middleweight Championship win at the HP Pavilion on March 29, 2008. (Nguyen)
(Rules Committee referral 4/2/08)

Action: Mayor Reed and Council Member Nguyen commended Cung Le, for his Strikeforce Middleweight Championship win at the HP Pavilion on March 29, 2008**.**

CONSENT CALENDAR

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

2.1 Approval of minutes.
(a) Regular Minutes of February 12, 2008
(b) Regular Minutes of February 26, 2008

Documents Filed: City Council Minutes of February 12 and February 26, 2008.

Action: The Minutes of February 12 and February 26, 2008 were approved. (11-0.)

2.2 Final adoption of ordinances.
(a) ORD. NO. 28277 – Rezoning certain real property situated on the south side of Stevens Creek Boulevard, approximately 300 feet easterly of Loma Linda Drive (5000 Stevens Creek Boulevard) to CN Commercial Neighborhood Zoning District. C08-007

Documents Filed: Proof of Publication of the title of Ordinance No. 28277 executed on March 25, 2008, submitted by the City Clerk.

Ordinance No. 28277 was adopted. (11-0.)

2.2 (b) ORD. NO. 28278 – Rezoning certain real property situated on the northwest corner of West San Carlos Street and Brooklyn Avenue (1915 West San Carlos Street) to CP-Commercial Pedestrian Zoning District on a portion of the real property and to R-1-8 Single Family Residence Zoning District on another portion of the real property, all as more particularly described herein. C07-065

Documents Filed: Proof of Publication of the title of Ordinance No. 28278 executed on March 25, 2008, submitted by the City Clerk.

Ordinance No. 28278 was adopted. (11-0.)

(c) ORD. NO. 28280 – Amending Section 12.06.050 of Chapter 12.06 of Title 12 of the San José Municipal Code to provide that compensation in any amount by an employer to an employee who spends any of his or her compensated time rendering services for political purposes is a contribution or an expenditure if personal service is rendered at the request, direction or with the consent of the employer; and amending section 12.06.250 to provide that except to the extent that Chapter 12.06 defines and limits contributions by business entities, the provisions of the Political Reform Act shall apply.

Action: Deferred to April 15, 2008.

(d) ORD. NO. 28281 – Amending Section 12.16.040 of Chapter 12.16 of Title 12 of the San José Municipal Code to require that disclosure reports for fundraising solicitations be filed by elected City Officials on a quarterly basis.

Action: Deferred to April 15, 2008.

(e) ORD. NO. 28282 – Amending Section 20.100.500 of Chapter 20.100 of Title 20 of the San José Municipal Code (the City's Zoning Ordinance) and Section 23.02.1300 of Chapter 23.02 of Title 23 of the San José Municipal Code (the City's Sign Ordinance) to provide for a Development Permit adjustment exception for City Landmark Properties that require Historic Preservation Permit adjustments.

Action: Deferred to April 15, 2008.

2.3 Approval of the biennial advertising plan for HP Pavilion at San José as submitted by HP Pavilion Management. CEQA: Not a Project. (Economic Development)

Documents Filed: Memorandum from Chief Development Officer Paul Krutko, dated March 17, 2008, recommending approval of an advertising plan for HP Pavilion.

Action: The biennial advertising plan for HP Pavilion at San José as submitted by HP Pavilion Management was approved.

2.4 Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2007-2008 #7 and authorization for the Director of Finance to execute the purchase orders. CEQA: See Administration's memo to Council for specific CEQA clearance determinations on each recommended action. (Finance)

Documents Filed: Memorandum from Director of Finance Scott P. Johnson, dated March 17, 2008, recommending approval of an award.

Action: The award of open purchase orders for supplies, materials, equipment and services for FY 2007-2008 #7 and authorization for the Director of Finance to execute the purchase orders was approved. (11-0.)

2.5 Adoption of a resolution authorizing the City Manager to:

(a) Execute an Agreement with Next Door, Solutions to Domestic Violence related to providing domestic violence victim advocate and after-care services to the San José Police Department for the period of March 1, 2008 through February 28, 2009, in an amount not to exceed $121,639; and

(b) Execute up to four additional annual renewal options for the periods and amounts not to exceed the total amount of $645,834 as follows:

(1) $125,300 for the period of March 1, 2009 through February 28, 2010;

(2) $129,060 for the period of March 1, 2010 through February 28, 2011;

(3) $132,921 for the period of March 1, 2011 through February 29, 2012;

(4) $136,914 for the period of March 1, 2012 through February 28, 2013.

CEQA: Not a Project. (Police)

Documents Filed: Memorandum from Chief of Police Robert L. Davis, dated March 17, 2008, recommending adoption of a resolution.

Action: Resolution No. 74309, entitled: "A Resolution of the City of San José Authorizing the City Manager to Execute an Agreement with Next Door Solutions to Domestic Violence to Provide Domestic Violence Advocacy and After-Care Services and to Execute up to Four Renewal Options", was adopted. (11-0.)

2.6 (a) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for 2007-2008:

(1) Increase the estimate for Earned Revenue by $199,000.

(2) Establish the appropriation to the Department of Public Works for the Ann Darling Drive Improvement Project (PSM 525) in the amount of $199,000.

(b) Adoption of a resolution making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with the Ann Darling Drive Improvement Project as more specifically described in the memorandum from the Redevelopment Agency, dated February 5, 2008.

CEQA: Not a Project. Council District 3. SNI: Five Wounds/Brookwood Terrace. (Public Works/City Manager's Office)

2.6 Documents Filed: Memorandum from Director of Public Works Katy Allen and Acting Budget Director Jennifer A. Maguire, dated March 17, 2008, recommending adoption of appropriation ordinance and funding sources resolution amendments.

Action: Ordinance No. 28283**,** entitled: "An Ordinance of the City of San José Amending Ordinance No. 28071 to Appropriate Monies in the Services for Redevelopment Capital Projects Fund for the Ann Darling Drive Improvement Project; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption", Resolution No. 74310, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 73862 Setting forth the Estimated Sources of Funds for the Fiscal Year 2007-2008 to Adjust Revenues in the Services for Redevelopment Capital Projects", and Resolution No 74311, entitled: "Resolution of the Council of the City of San José Making Certain Determinations Regarding the Expenditure of Redevelopment Agency Funds for Certain Public Improvements in the Strong Neighborhoods Initiative Redevelopment Project Area", were adopted. (11-0.)

2.7 (a) Approval of a first amendment to the agreement with Ross Drulis Cusenbery Architecture, Inc. for architectural consultant services for the Fire Station No. 36 Project to:

(1) Increase compensation by $65,000 from $643,505 to $708,505, and

(2) Extend the agreement from June 30, 2009 to January 31, 2010.

(b) Direct staff to incorporate Green Building measures to the maximum extent possible within the available funds for the design of Fire Station No. 36.

CEQA: Exempt, File No. PP06-009. Council District 8. (Public Works/Fire)

Documents Filed: Memorandum from Acting Chief of Fire Department Darryl Von Raesfeld and Director of Public Works Katy Allen, dated March 17, 2008 recommending approval of a first amendment to an agreement for architectural consultant services.

Action: The approval of a first amendment to the agreement with Ross Drulis Cusenbery Architecture, Inc. for architectural consultant services for the Fire Station No. 36 Project with an increase in compensation and incorporation of Green Building measures was approved. (11-0.)

2.8 Request for an excused absence for Councilmember Constant from the Rules and Open Government Committee Meeting on March 26, 2008 due to Authorized City Business: Federated City Employees' Retirement Services Educational Training at Stanford University. (Constant)
(Rules Committee referral 3/26/08)

Documents Filed: Memorandum from Council Member Constant, dated March 18, 2008 requesting an excused absence due to authorized City business.

Action: The absence was excused. (11-0.)

2.9 Approval of travel by Councilmember Oliverio to Seattle, WA on May 28 – 30, 2008 to attend the Governing Managing Technology 2008 Conference. The conference focuses on management, policy challenges and government issues in relation to Information Technology (IT). Source of Funds: Council District 6 Fund. (Oliverio)
(Rules Committee referral 3/26/08)

Documents Filed: Memorandum from Council Member Oliverio, dated March 24, 2008, requesting approval of travel.

Action: The travel request from Council Member Oliverio was approved. (11-0.)

2.10 Approve the Three-Year General Fund Structural Deficit Elimination Plan Stakeholder Group Nominations. (Mayor)
(Rules Committee referral 4/2/08)

Documents Filed: Joint memorandum from Mayor Reed and Council Member Constant, dated March 27, 200, recommending stakeholder group nominations.

Action: The Three-Year General Fund Structural Deficit Elimination Plan Stakeholder Group Nominations were approved. (11-0.)

2.11 Request for an excused absence for Mayor Reed from the Rules and Open Government Committee Meeting on April 2, 2008 due to Authorized City Business: Travel to Sacramento, CA for the Silicon Valley Leadership Group's Annual Legislative Advocacy Trip. (Mayor)
(Rules Committee referral 4/2/08)

Documents Filed: Memorandum from Mayor Reed, dated April 1, 2008, requesting an excused absence.

Action: The excused absence for Mayor Reed due to authorized City business was approved. (11-0.)

2.12 Approval of travel by Independent Police Auditor Barbara Attard to Eureka, CA on April 10 – 11, 2008 to participate in a forum on the topic of the possible increase of civilian oversight in Humboldt County. Source of Funds: No cost to the City of San José. The Humboldt County Human Rights commission and the Humboldt County Brach of the American Civil Liberties Union will cover expenses as a forum participant. This will be reported as a gift. (IPA)
(Rules Committee referral 4/2/08)

Documents Filed: Memorandum from Independent Police Auditor Barbara Attard, dated March 28, 2007 requesting approval of business travel.

2.12 Council Member Campos requested clarification on the nature of the Auditor's role in the Civilian Oversight panel. IPA Barbara Attard indicated that she was representing herself as the independent auditor for the City of San José and as the former president of the National Association for Civilian Oversight of Law Enforcement (NACOLE). She added that she was just one of several experts in the field.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Nguyen and carried unanimously, the business travel was approved. (11-0.)

STRATEGIC SUPPORT SERVICES

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

Action: City Manager Debra Figone gave an overview on the Soccer Stadium proposal, Economic Development Committee recommendations, and updates on the Mexican Heritage Plaza, Retirement Board Retreat and Bill AB2466.

3.2 Report of the Rules and Open Government Committee, Mayor Reed, Chair

(a) Report of the Rules and Open Government Committee of February 27, 2008
(b) Report of the Rules and Open Government Committee of March 5, 2008
(c) Report of the Rules and Open Government Committee of March 12, 2008

Documents Filed: The Rules and Open Government Committee Reports dated February 27, March 5, and March 12, 2008.

Action: Upon motion by Council Member Constant, seconded by Vice Mayor Cortese and carried unanimously, the Rules and Open Government Committee Reports and actions of February 27, March 5, and March 12, 2008 were accepted. (11-0.)

(d) Report of the Rules and Open Government Committee of March 19, 2008

Action: Deferred to April 15, 2008 per City Clerk.

3.3 Report of the Public Safety, Finance and Strategic Support Committee – March 20, 2008 Councilmember Nguyen, Chair

Documents Filed: Public Safety, Finance & Strategic Support Committee Report of March 20, 2008.

Action: Upon motion by Council Member Nguyen, seconded by Council Member Liccardo and carried unanimously, the Public Safety, Finance and Strategic Support Committee Report and Actions of March 20, 2008 were accepted. (11-0.)

3.4 Adoption of a resolution authorizing the Director of Finance to execute any necessary documentation to make purchases from PC Mall Gov Microsoft software licensing, under the pricing, terms, and conditions obtained under the Microsoft Select License Agreement for State and Local Governments not to exceed $500,000 for the first year, and for two additional years, as may be required, subject to annual appropriations. CEQA: Not a Project. (Finance)
(Deferred from 3/4/08 – Item 3.8)

Action: Deferred to May 6, 2008 per Administration.

3.5 (a) Accept Report on potential conflict issues arising from overlapping executives and directors of Team San José and the San José Convention and Visitors Bureau.
(b) Direct the Administration and the Attorney's Office to negotiate contracts with each corporation that have clearly stated purposes and performance measures and that their separate funding sources not be commingled or used in a way that conflicted with the City goals for each.
(City Attorney's Office)
(Deferred from 3/25/08 – Item 3.4)

Documents Filed: Memorandum from City Attorney Doyle, dated March 26, 2008, recommending resolution for Team San José Conflict Issues.

City Attorney Doyle provided the Staff report and responded to questions from Council.

Action: Upon motion by Council Member Constant, seconded by Council Member Pyle and carried unanimously, City Attorney Doyle's report addressing potential Team San José conflict issues was approved. (11-0.)

3.6 Acceptance of the 2007 Community Survey Report. CEQA: Not a Project. (City Manager's Office)
(Deferred from 03/25/08 – Item 3.6)

Documents Filed: (1) Memorandum from Communications Director Tom Manheim, dated March 28, 2008 recommending acceptance of the report of survey results from the 2007 San José Community Survey. (2) City of San José 2007 Community Survey Report of Findings, prepared by Fairbank, Maslin, Maullin & Associates, dated December 2007.

David Metz, Senior Vice President of Fairbank, Maslin, Maullin & Associates, summarized survey results and responded to questions from Council.

Public Comments: Ross Signorino suggested that improved lighting in the downtown may improve public safety.

Action: Upon motion by Council Member Pyle, seconded by Council Member Constant and carried unanimously, the City of San José 2007 Community Survey Report of Findings, prepared by Fairbank, Maslin, Maullin & Associates, was accepted. (11-0.)

PUBLIC SAFETY SERVICES

8.1 Accept verbal presentation from the Chief of Police on homicides in San José for 2007 and 2008. (Mayor/Police)

Documents Filed: Powerpoint presentation on Homicide Rates in San José, 2007-2008, provided by the San José Police Department.

Chief of Police Robert L. Davis offered a presentation on homicides in San José, including an overview of police and community efforts to resolve gang violence.

Public Comments: Expressing concerns and offering suggestions for resolving the escalating problem of violence in San José, were Matthew Talbott, Elsie Aranda, Judy Soito, Art Calderon, Ted Johnson, Bob Dolce, Ross Signorino, and Jeff Bornefeld.

Action: Upon motion by Council Member Constant, seconded by Council Member Liccardo and carried unanimously, the report on homicides in San José for 2007 and 2008 was accepted. (11-0.)

STRATEGIC SUPPORT SERVICES

3.8 Interview Elections Commission applicants and consider appointment to fill one unexpired term ending March 1, 2011. (City Clerk)

Documents Filed: Memorandum from City Clerk Lee Price, dated March 27, 2008 transmitting applications, conflict of interest review and Notice of Vacancy for the position of Elections Commissioner.

City Clerk Lee Price noted that there is one additional opening for an attorney representative on the Elections Commission. She advised that a minimum of eight (8) votes are required to make an appointment.

Action: Council interviewed applicants Chew and Layman and took no action to appoint. Votes in favor of applicant Chew: Reed, Williams, Liccardo, Chu, Nguyen, Cortese, Chirco; Votes in favor of applicant Layman: Constant, Oliverio, Pyle; Declined to vote: Campos.

3.7 Adoption of a Resolution amending the Rules for the Conduct of City Council and City Council Committee Meetings, superseding Resolution No. 73948, to implement certain provisions regarding Closed Session. (City Attorney's Office)

Documents Filed: Memorandum from City Attorney Doyle, dated March 27, 2008, recommending adoption of a resolution.

Public Comments: Russell Richeda (Counsel to the Retirement Board) urged the Council to not apply the same rules to the Retirement Boards. William Garbett recommended that the Council place a cap on real estate transactions.

3.7 (Cont'd.)

Extensive Council discussion followed.

Action: Upon motion by Council Member Pyle, seconded by Council Member Williams, and carried unanimously, Resolution No. 74312 was adopted as amended, with modifications to the draft Resolution to Rules for the Conduct of City Council and City Council Committee Meetings approved as follows: (1) Page 3, Item (a) 1-B: delete "the likely range of value of the property at issue". "The Council authorized the City Attorney to establish thresholds of values" instead. (2) Page 8, Item (e) 1: delete E. (3) Page 9, Item (e) 2: delete "in open session". (4) Page 19, Item (g) 4: change to read: "Committees with only two members present may not take action on any matter, but may hear the matter and refer it without a recommendation to the City Council". (11-0.)

3.9 Adoption of a resolution approving the terms of a Memorandum of Agreement with the International Brotherhood of Electrical Workers (IBEW), Local No. 332, and authorizing the City Manager to execute the agreement with a term of March 9, 2008 to March 6, 2010. CEQA: Not a Project. (City Manager's Office)

Documents Filed: Memorandum from Director of Employee Relations Alex Gurza, dated March 20, 2008, recommending adoption of a resolution.

City Manager Debra Figone presented an overview of terms of the agreement between the City and IBEW.

Action: Upon motion by Council Member Pyle, seconded by Vice Mayor Cortese and passed unanimously, Resolution No. 74313, entitled: "A Resolution of the Council of the City of San José Approving an Agreement between the City of San José and the International Brotherhood of Electrical Workers, Local No. 332 (IBEW)", was adopted. (11-0.)

COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Community & Economic Development Committee – March 24, 2008 Councilmember Pyle, Chair

Documents Filed: The Community & Economic Development Committee Report of March 24, 2008

Public Comments: William Garbett expressed objections to verbal reports given in lieu of written reports on substantial issues considered by Council Committees.

Action: Upon motion by Council Member Pyle, seconded by Council Member Williams and passed unanimously, the Community & Economic Development Committee Report and Actions of March 24, 2008 were accepted. (11-0.)

4.2 Actions related to the Coyote Valley Specific Plan and the revised Environmental Impact Report.
(Deferred from 02/26/08 – Item 4.6 and 03/04/08 – Item 4.3 and 03/11/08 – Item 4.6)

Documents Filed: (1) Memorandum from Director, Planning, Building and Code Enforcement Joseph Horwedel and Acting Budget Director Jennifer A. Maguire, dated February 11, 2008, recommending approval of a funding agreement and acceptance of the revised Environmental Impact Report. (2) Supplemental memorandum from Director, Planning, Building and Code Enforcement Joseph Horwedel, dated March 5, 2008, revising recommendation for funding agreement.

Action: Dropped per Administration.

4.4 Adoption of a resolution:

(a) Determining that the public interest and necessity requires acquisition of two easements on portions of Assessors Parcel Number 676-61-063 from the owner, Pacific Gas and Electric Company, a California corporation (PG&E) and the termination of an existing gas line maintenance easement owned by PG&E on a portion of Assessors Parcel Number 679-14-001 owned by the City of San José.

(b) Authorizing and directing the City Attorney to file suit in eminent domain to acquire such property interests, to apply for an order for possession before judgment, and to prosecute the action to final judgment and authorizing the deposit of money in court for possession of the property from the funds lawfully available.

CEQA: Exempt, File No. PP08-028. Council District 8. (Public Works)

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated March 17, 2008, recommending adoption of a resolution.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Pyle and carried unanimously, Resolution No. 74315, entitled: "A Resolution of Necessity of the Council of the City of San José Making Certain Findings and Determinations Relating to the Exercise of the Power of Eminent Domain Pursuant to Article 2, Chapter 4, Title 7 of Part 3 of the California Code of Civil Procedure for the Following Project: The Acquisition of: (1) Two Easements over Portions of Vacant Land (Portions of APN 676-61-063) Owned by Pacific Gas and Electric Company, a California Corporation ("PG&E"); and (2) An Existing PG&E Easement of a Portion of Real Property Owned by the City of San José (Portion of APN-679-14-001), all for the Construction of the New Fire Station 36 Project at the Southeast Corner of Old Silver Creek and Yerba Buena Roads, San José, California; and Authorizing and Empowering the City Attorney to File Suit in Eminent Domain to Acquire such Property Interest, to Apply for an Order of Possession Before Judgment, and to Prosecute said Action to Final Judgment; and Authorizing the Deposit of Money in the State Treasury Condemnation Fund for Possession of Said Property from the Funds Lawfully Available Therefore.", was adopted. (11-0.)

NEIGHBORHOOD SERVICES

5.2 Adoption of a resolution authorizing the City to access state and federal level summary criminal history information through the California Department of Justice for employment and volunteer purposes with the City of San José, and for licensing or certification purposes. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Albert Balagso, dated March 5, 2008, recommending adoption of a resolution.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Pyle and carried unanimously, Resolution No. 74316, entitled: "A Resolution of the Council of the City of San José Authorizing Access to Summary Criminal History Information for Employment, Licensing or Certification Purposes", was adopted. (11-0.)

TRANSPORTATION & AVIATION SERVICES

6.2 Report on Request for Proposal for Parking Access Revenue Control and Automatic Vehicle Identification System for the San José International Airport and adoption of a resolution authorizing the Director of Finance to:

(a) Execute an agreement with ACS Transport Solutions, Inc. for a three-year term and maximum compensation of $6,016,942.

(b) Execute change orders in an amount not to exceed $600,000 as contingency to cover unanticipated changes in the system design and/or installation.

(c) Exercise five one-year options for ongoing maintenance subject to the appropriation of funds.

(d) Execute amendments to the agreement to add or delete parking areas subject to annual appropriation of funds.

CEQA: Resolutions No. 67380 and 71451, File No. PP06-004. (Finance)

Action: Dropped per Orders of the Day.

ENVIRONMENTAL & UTILITY SERVICES

7.1 Acceptance of the 2007 Annual Status Report on cooperative efforts between the City of San José and the Santa Clara Valley Water District relating to:

- **(a) Flood Protection**
  - **(1) Flood Preparedness**
  - **(2) Floodwater Management Projects**
- **(b) Water Supply**
  - **(1) Water Supply Outlook**
  - **(2) Conservation**
  - **(3) Water Recycling**
- **(c) Watershed Protection and Stewardship**
  - **(1) Trash Reduction**
  - **(2) Habitat Conservation Plan**
  - **(3) Trails**
- **(d) Policy/Planning Initiatives**
  - **(1) Approved Regulatory Priorities**
  - **(2) Protection and Augmentation of the Water Supply**
  - **(3) General Plan Update**
  - **(4) District Comprehensive Plan**

CEQA: Not a Project. (City Manager's Office/Santa Clara Valley Water District)

Documents Filed: Memorandum from City Manager Debra Figone and Santa Clara Valley Water District (SCVWD) Chief Executive Officer Olga Martin-Steele dated March 17, 2008, recommending acceptance of the Status Report.

Director of Environmental Services John Stufflebean and Deputy Director Public Works Timm Borden presented the Staff report. Deputy Director Environmental Services Melody Tovar provided an overview of trash reduction efforts. Redevelopment Agency Program Manager Dennis Korabiak presented options for the Guadalupe Bridge Trail Detour. Council questions followed.

Action: Upon motion by Council Member Williams, seconded by Council Member Chirco and carried unanimously, the 2007 Annual Status Report on Cooperative Efforts between the City of San José and the Santa Clara Valley Water District was accepted. (11-0.)

7.2 Report on bids and award of contract for the Albany-Kiely Storm Drain Improvement Phase III-IV Project to the low bidder, Mountain Cascade, Inc., in the amount of $1,265,625, and approval of a contingency in the amount of $126,000. CEQA: Exempt, File No. PP07-177. Council District 1. (Public Works)

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated March 17, 2008, recommending acceptance of report on bids and award of contract.

Action: Upon motion by Council Member Constant, seconded by Council Member Chirco and carried unanimously, the report on bids and award of contract for the Albany-Kiely Storm Drain Improvement Project to the low bidder, with associated contingency was approved. (11-0.).

PUBLIC SAFETY SERVICES

8.2 Acceptance and approval of the recommendation to rename the Police Communications (PAC) Building the "Bobby Burroughs Police and Communications Center." CEQA: Not a Project. (Police)
[Public Safety, Finance and Strategic Support Committee referral 03/20/08 – Item (e)]

Documents Filed: Memorandum from Agenda Service Manager Nadine Nader, dated April 2, 2008 submitting a report on renaming the Police Communications Building.

Public Comments: Jay Wendling (Association of Retired San José Police Officers and Firefighters) offered support for the Staff recommendation.

Action: Upon motion by Council Member Constant, seconded by Council Member Nguyen and carried unanimously, the recommendation to rename the Police Communications Building the "Bobby Burroughs Police and Communications Center" was accepted. (11-0.)

OPEN FORUM

(1) District 4 resident Sandra Park expressed neighborhood grievances.

RECESS/RECONVENE

The City Council recessed at 6:07 p.m. from the afternoon Council Session and reconvened at 7:00 p.m. in the Council Chambers, City Hall.

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

Absent: Council Members - Cortese.

City Clerk Lee Price read the requests for continuance of the applications. Upon motion by Vice Mayor Cortese, seconded by Council Member Williams and carried unanimously, the below noted continuances and actions were taken as indicated. (11-0.)

CEREMONIAL ITEMS

1.3 Presentation of commendations to District 9 Stars: Ed Beckman, Jim &Anna Lafrom, Barbara Stover, Mary Ann Ward, Carlos Azcona, and Dennis Conte. (Chirco) (Rules Committee referral 4/2/08)

Action: Mayor Reed and Council Member Chirco recognized and commended District 9 Stars: Ed Beckman, Jim &Anna Lafrom, Barbara Stover, Mary Ann Ward, Carlos Azcona, and Dennis Conte for their dedication and commitment to District 9.

1.1 Presentation of a commendation to the City of San José's Champions of Arts Education Awards recipients. (Economic Development)

Action: Mayor Reed and Council Member Williams recognized and commended the City of San José's Champions of Arts Education Awards recipients for their outstanding achievements.

1.5 Presentation of a commendation to Jack Digby and Gregorio Payan for their heroic efforts in saving a co-workers life at the Airport. (Mayor/Cortese/Campos) (Rules Committee referral 4/2/08)

Action: Mayor Reed, Vice Mayor Cortese and Council Member Campos recognized and commended Jack Digby and Gregorio Payan for their heroic efforts in saving a co-workers life at the Airport.

COMMUNITY AND ECONOMIC DEVELOPMENT

4.3 (a) Approval of an ordinance amending Chapter 20.30 of Title 20, the Zoning Code of the San José Municipal Code, to establish a Secondary Dwellings Program; and more specifically amending Section 20.30.100 and adding Section 20.30.150 to Chapter 20.30 of Title 20 of the San José Municipal Code to allow Secondary Dwellings in the R-1 Single-Family Residence Districts and certain Planned Development Zoning Districts, subject to specific requirements; adding Section 20.200.325 to Chapter 20.200 of Title 20 of the San José Municipal Code to define a "Secondary Dwelling;" and making other related technical or clarifying changes. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (7-0-0).

(b) Adoption of a resolution amending the schedule of Parkland In Lieu Fees required under the Parkland Dedication Ordinance (Chapter 19.38 of the San José Municipal Code) and the Park Impact Fee Ordinance (Chapter 14.25 of the San José Municipal Code) to establish a Parkland Fee for Secondary Dwellings.

CEQA: Exempt, File No. PP07-227. (Planning, Building and Code Enforcement)
[Community and Economic Development Committee referral 02/25/08 – Item (b)(2)]
[Neighborhood Services and Education Committee referral 03/10/08 – Item (c)]

Documents Filed: (1) Memorandum from Director, Planning, Building and Code Enforcement, Joseph Horwedel, dated March 17, 2008, recommending approval of proposed ordinance. (2) Memorandum from Agenda Service Manager Nadine Nader, dated March 17, 2008, transmitting recommendations on the Secondary Units Program. (3) Replacement supplemental memorandum from Director, Planning, Building and Code Enforcement, Joseph Horwedel and Director of Housing Leslye Krutko, dated April 2, 2008, providing updated analysis on the secondary unit ordinance and parkland in-lieu fee. (5) Letter from Melanie Richardson (Chair, Parks and Recreation Committee), dated April 1, 2008, supporting the Staff recommendation. (6) Proof of Publication of the title of Ordinance No. 28284 executed on April 11, 2008, submitted by the City Clerk

Planning, Building & Code Enforcement Senior Planner Carolyn Hamilton offered a presentation on the Secondary Units Program.

Director of Housing Leslye Krutko, Assistant Director of Planning and Code Enforcement Laurel Prevetti and Parks, Recreation and Neighborhood Services Division Manager Matt Cano provided the Staff report and responded to questions from Council.

Public Comments: Bonnie Mace (Housing Committee Chair), Phyllis Ward (Affordable Housing Network), and Keith Watt spoke in support of the Staff recommendation.

4.3 (Cont'd.)

Action: Upon motion by Council Member Chirco, seconded by Council Member Campos and carried, Ordinance No. 28284, entitled "An Ordinance of the City of San José Amending Section 20.30.100 of, and Adding a New Section 20.30.150 to, Chapter 20.30 of Title 20 of the San José Municipal Code, and Adding a New Section to Chapter 20.200 of title 20 of the San José Municipal Code, all to Establish a Secondary Dwellings Program to be Effective as of June 15, 2008", passed for publication, and. Resolution No. 74314, entitled "A Resolution of the Council of the City of San José Amending the Schedule of Parkland In-Lieu Fees Set Forth in Resolution No. 74152 Charged Pursuant to Chapters 14.25 and 19.38 of the San José Municipal Code to Establish a Parkland Fee for Secondary Units", was adopted, with Director of Housing to return to Council with a full report in one year. (9-1-1. Noes: Constant. Absent: Cortese.)

PUBLIC HEARINGS ON CONSENT CALENDAR

Upon motion by Council Member Chu, seconded by Council Member Pyle and carried unanimously, the Public Hearings on Consent Calendar were approved and the below listed actions were taken as indicated. (10-0-1. Absent: Cortese.)

11.1 (a) Consideration of a Street Renaming of Nortel to Tamara Way, located on the east side of Orchard Parkway, approximately 700 feet south of Trimble Road. CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0). ST07-001 – District 4

Documents Filed: (1) Memorandum from Planning Commission Secretary, Joseph Horwedel, dated March 17, 2008, transmitting the Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. ST-07-001. (2) Proof of Publication of Notice of Public Hearing, executed on February 29, 2008, submitted by the City Clerk.

Public Comment: Mayor Reed opened the public hearing. There was no testimony from the floor. Mayor Reed closed the public hearing.

Action: The recommendation of the Planning Director was approved, and Resolution No 74317, entitled: "A Resolution of the City Council of the City of San José Renaming Nortel to Tamara Way, Nortel Being an Entry Driveway (Private), Located on the East Side of Orchard Parkway, Approximately 700 Feet South of Trimble Road", was adopted. (10-0-1: Absent: Cortese.)

END OF PUBLIC HEARINGS ON CONSENT CALENDAR

PUBLIC HEARINGS

11.2 Administrative Hearing and consideration of an appeal of the Planning Commission's decision to deny a Conditional Use Permit and Determination of Public Convenience or Necessity to allow demolition of 78,409 square feet of existing commercial building and allow construction of 80,800 square feet resulting in a total of 122,584 square feet for commercial uses including the off-sale of alcohol for a new grocery store (Whole Foods) on a 10.2 gross acres (Mandatory denial by the Planning Commission 12/10/07), in the CG General Commercial Zoning District, located in the area generally bound by Blossom Hill Road on the north, Gallup Drive to the west, Mesa drive to the south, and Almaden Expressway to the east (1110 Blossom Hill Road) (Pueblo Plaza Partnership, Owner). SNI: Hoffman/Via Monte. CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends to uphold the appeal and approve the subject Conditional Use Permit and make a Determination of Public Convenience or Necessity by finding that the required findings for a Determination of Public Convenience or Necessity can be made and that there is a significant overriding public benefit served by the proposed off-sale of alcohol.
CP07-072/ABC07-006 – District 10
(Continued from 1/29/08 – Item 11.3, 2/26/08 – Item 11.3, and 3/18/08 – Item 11.2)

Documents Filed: (1) Memorandum from Director, Planning, Building and Code Enforcement, Joseph Horwedel, dated January 11, 2008, transmitting Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. CP07-072/ABC07-006, dated December 4, 2007, and recommending upholding the appeal and approval of the Conditional Use Permit. (2) Supplemental memorandum from Director, Planning, Building and Code Enforcement, Joseph Horwedel, dated January 25, 2008 transmitting two memoranda from the Department of Public Works. (3) Proof of Publication of Notice of Public Hearing, executed on January 18, 2008, submitted by the City Clerk.

Public Comment: Mayor Reed opened the public hearing. William Garbett expressed concerns about the impact of liquor sales in the neighborhood and spoke in opposition to the Staff's recommendation.

Mayor Reed closed the Public Hearing.

Action: Upon motion by Council Member Pyle, seconded by Council Member Constant and carried unanimously, Resolution No. 74318, entitled: "A Resolution of the City Council of the City of San José Approving a Conditional Use Permit and a Request for a Determination of Public Convenience or Necessity to Use Certain Real Property Described Herein for the Purpose of Providing the Off-Sale of Alcoholic Beverages at a Grocery Store Located in the Area Generally Bound by Blossom Hill Road on the North, Gallup Drive to the West, Mesa Drive to the South, and Almaden Expressway to the East, Which Proposal Also Includes Demolition of 78,409 Square Feet of Existing Commercial Buildings and construction of 80,800 Square Feet of Space Resulting in a Total of 122,584 Square Feet of Space for Commercial Uses", was adopted. (10-0-1: Absent: Cortese.)

11.3 Consideration of an ordinance rezoning the real property located on the southwest corner between Keesling Avenue and Hamilton Way (1500 Keesling Avenue) from R-1-8 Single-Family Residence Zoning District to A(PD) Planned Development Zoning District to allow 3 single family, detached residences on a 0.4 gross acre site (Robert Cullen, Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (4-1-1-1).
PDC07-079 – District 6
(Continued from 3/18/08 – Item 11.3)

Documents Filed: (1) Memorandum from Planning Commission Secretary Joseph Horwedel, dated February 28, 2008, transmitting Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. PDC07-079, dated February 20, 2008. (2) Memorandum from Council Member Oliverio, dated April 8, 2008, recommending building materials for new construction.

Public Comments: The owner of the property, Robert Cullen, spoke in favor of his proposed plan design.

Mayor Reed closed the public hearing.

Action: Upon motion by Council Member Oliverio, seconded by Council Member Pyle and carried unanimously, the recommendation of the Planning Director was approved, and Ordinance No. 28285, entitled: "An Ordinance of the City of San José Rezoning Certain Real Property Situated at the Southwest Corner, between Keesling Avenue and Hamilton Way (1500 Keesling Avenue), from the R-1-8 Single-Family Residence Zoning district to the A(PD) Planned Development Zoning District", passed for publication. (10-0-1: Absent: Cortese.)

11.4 Consideration of a Conforming Rezoning and Tentative Map Permit for the real property located on the northwest corner of Los Gatos-Almaden Road and Warwick Road (14861 & 14879 Los Gatos-Almaden Road), in the R-1-2 Single-Family Residence Zoning District (Abdy Mirzadegan and Farajollah Ettefagh, Owners).

(a) Consideration of an ordinance rezoning the real property from R-1-2 Residence Zoning District to R-1-8 Residence Zoning District to allow residential uses on a 0.99 gross acre site. CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.
C07-087 – District 9

(b) Consideration of a Tentative Map Permit to reconfigure two parcels into five lots for five single family detached residences on a 0.99 gross acre site. CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.
T07-087 – District 9

(Continued from 3/18/08 – Item 11.5)

11.4 (Cont'd.)

Documents Filed: (1) Memorandum from Director, Planning, Building and Code Enforcement Joseph Horwedel, dated February 25, 2008, transmitting the Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C07-087 and T07-087, dated February 27, 2008, recommending approval. (2) Memorandum from Director, Planning, Building and Code Enforcement, Joseph Horwedel, dated March 8, 2008, transmitting zoning protests from adjacent neighborhood. (3) Proof of Publication of Notice of Public Hearing, executed on March 7, 2008, submitted by the City Clerk.

Action: Dropped. To be renoticed.

11.5 Consideration of an ordinance rezoning the real property located at/on the southwest corner of Catherine Street and Gold Street (1081 Catherine Street) from CP(PD) Commercial Pedestrian Planned Development Zoning District to A(PD) Planned Development Zoning District to allow subdivision of one parcel into four lots for construction of up to four single-family detached residences on a 0.46 gross acre site (Balfe Liam, Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-0-1).
PDC06-098 – District 4

Documents Filed: (1) Memorandum from Planning Commission Secretary Joseph Horwedel, dated March 17, 2008, transmitting Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. PDC06-098, dated March 4, 2008, recommending approval. (2) Proof of Publication of Notice of Public Hearing, executed on February 29, 2008, submitted by the City Clerk

Public Comment: Mayor Reed opened the public hearing. There was no testimony from the floor. Mayor Reed closed the public hearing.

Action: Upon motion by Council Member Chu, seconded by Council Member Constant and carried unanimously, the recommendation of the Planning Director was approved, and Ordinance No. 28286, entitled: "An Ordinance of the City of San José Rezoning Certain Real Property Situated on the Southwest Corner of Catherine Street and Gold Street (1081 Catherine Street) to A(PD) Planned Development Zoning District", passed for publication. (10-0-1: Absent: Cortese.)

11.6 Consideration of an ordinance rezoning the real property located at/on the southeast corner of Berryessa and Jackson Avenue from R-1-5(PD) Planned Development Zoning District and A-Agriculture Zoning District to A(PD) Planned Development Zoning District to allow up to 379 single-family attached residences and 30,000 square feet for commercial uses on a 20.18 gross acres site (Pepper Lane Berryessa LLC, Myra Reinhard, Owners; Pulte Home Corporation, Developer). CEQA: Mitigated Negative Declaration.
PDC07-033 – District 4

Action: Continued to May 6, 2008 per Administration.

11.7 Consideration of an ordinance rezoning the real property located on the west side of Lincoln Avenue extending from West San Carlos Street to the south and Pacific Avenue to the north, excluding the northwest corner of West San Carlos and Lincoln Avenue to allow the demolition of existing structures and the construction of 39 single-family attached residential and 2 live/work lofts on a 0.91 gross acre site (James & Tina Jean, Owners). SNI: Burbank/Del Monte. CEQA: Mitigated Negative Declaration.
PDC07-017 – District 6

Action: Continued April 22, 2008 per Administration.

11.8 Administrative Hearing and consideration of an appeal of the Planning Commission's decision to deny a Conditional Use Permit and Determination of Public Convenience and Necessity to allow the off-sale of alcohol at an existing gasoline service station on a 0.35 gross acre site, in the CP Pedestrian Commercial Zoning District, located at the northwest corner of S. Bascom Avenue and Camden Avenue (3145 S Bascom Avenue) (Ali Bozorghadad & Trustee, Owner(s)). CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends the City Council overturn the Planning Commission's decision to deny and approve the Conditional Use Permit and make a Determination of Public Convenience or Necessity. CP07-001/ABC07-001 – District 9

Documents Filed: (1) Memorandum from Director, Planning, Building and Code Enforcement Joseph Horwedel, dated March 17, 2008, transmitting Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. CP07-100/ABC07-100, dated November 28, 2007, recommending appeal of the Planning Commission's denial of a conditional use permit. (2) Supplemental memorandum from Director, Planning, Building and Code Enforcement Joseph Horwedel, dated March 28, 2008, transmitting a citizen's letter supporting the Planning Commission's denial of a conditional use permit. (3) Proof of Publication of Notice of Public Hearing, executed on March 28, 2008, submitted by the City Clerk

Motion: Council Member Chirco moved her memorandum dated April 7, 2008 in support of the Staff's recommendation to overturn the Planning Commissions' decision to deny the conditional use permit. Council Member Constant seconded her motion.

11.8 (Cont'd.)

Public Comment: Mayor Reed opened the public hearing. James Barrett, representing the applicant and Ed Hadad, the applicant, spoke to the merits of the application. Larry Pine and David McCaine urged the Council to deny the conditional use permit because there are other liquor stores nearby.

Mayor Reed closed the public hearing. Mayor Reed and Council Members Williams, Chirco, Constant, Chu, Liccardo and Nguyen disclosed meetings with the applicant and/or applicant's representative.

Council Member Campos noted that the applicant has a proven track record and the location is not within an SNI neighborhood or near a school. Council Member Liccardo argued the underlying policy allowing alcohol and gasoline sales needs to be re-visited. Council Member Nguyen concurred. Council Member Oliverio suggested that liquor licenses should be reserved for businesses like grocery stores that induce economic development.

Action: On a call for the question, the recommendation of the Planning Director was approved, and Resolution No. 74319, entitled: "A Resolution of the City Council of the City of San José Approving a Conditional Use Permit and a Request for a Determination of Public Convenience or Necessity to Use Certain Real Property Described Herein for the Purpose of a Proposed Expansion of the Retail Portion of a Gas Station to 1,647 Square Feet and to Allow the Off-Sale of Alcoholic Beverages at an Existing Gasoline Service Station's Mini-Mart on a 0.35 Gross Acre site Located at the Northwest Corner of South Bascom and Camden Avenues", was adopted.
(7-3-1. Noes: Liccardo, Nguyen, Oliverio. Absent: 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 receipt of the following Final Maps for review:

Tract	Location	Council District	Developer	Lots/Units	Type
9986	Northwest corner of Zanker Road and East Tasman Drive	4	FF Development LP	2 Lots / 704 Units	Multi-Family Attached and Retail
9987	West side of Baypointe Parkway, 370 feet north of Tasman Drive	4	FF Development LP	1 Lot / 183 Units	Multi-Family Attached

NOTICE OF CITY ENGINEER'S AWARD OF CONSTRUCTION PROJECTS

In accordance with Council Resolution No. 73532, the construction Contract Process Streamlining Policy approved on December 5, 2006, the following is a list of projects that were awarded or rejected by the Director of Public Works in March 2008:

AWARD:

Project Name	Council District	Contractor	Contract Award Amount	Award Date
Eden Avenue Streetscape Improvements	1	Pacific Electric Company	$255,165	3/7/08
Fire Department Bureau of Field Operations (BFO) Campus Modular Building Project	6	Williams Scotsman, Inc.	$41,229.67	3/13/08
SNI MAY07c: Traffic Signal Modification at San Antonio Street and Sunset Avenue	6	San José Signal Electric Construction, Inc.	$226,954	3/13/08
San José Convention Center Garage Project	3	George Bianchi Construction, Inc.	$111,360	3/17/08
G-79 Sidewalk Installation in Low-Income SNI Areas (Forestdale Avenue from Melbourne Blvd to Jeanne Avenue), A Community Development Block Grant Project	3	Joseph J. Albanese, Inc.	$115,246	3/28/08

ADJOURNMENT

The Council of the City of San José adjourned at 8:53 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

Lee Price, MMC
City Clerk

rmk/4/08/08MIN

Access the video, the agenda and related reports for this meeting by visiting the City's website at http://www.sanjoseca.gov/clerk/agenda.asp or http:/www.sanjoseca.gov/clerk/MeetingArchive.asp. For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266.

JOINT COUNCIL/REDEVELOPMENT AGENCY

8.1 (a) Adoption of a resolution by the Redevelopment Agency Board finding that infrastructure improvement to St. James Park will be of Primary Benefit to various downtown redevelopment project areas, and;

(b) Approval by the Redevelopment Agency Board of an agreement with MPA Design, in the amount of $300,000, for landscap architect services related to the preparation of design and construction documents for improvements to St. James Park.

(c) Adoption of a resolution by the City Council making certain determinations as required by the California Health and Safety Code Section 33445 for Agency funding of certain public improvements to St. James Park.

CEQA: Exempt, PP02-108. [MERGED]

Documents Filed: Memorandum from Executive Director of the Redevelopment Agency of the City of San José, Harry S. Mavrogenes, dated March 27, 2008, recommending approval of a consultant agreement with MPA Design.

Public Comments: William Garbett expressed concerns about the existing design.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Pyle and carried unanimously, RDA Resolution No. 5819 and Resolution No. 74320, entitled: "A Resolution of the Council of the City of San José Making Certain Determinations Required by Redevelopment Law, Health and Safety Code Section 33445, for Agency Funding of Public Improvements at St. James Park", was adopted. (11-0.).