

CITY COUNCIL AGENDA

JUNE 24, 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
DAVID D. CORTESE,
MAYOR
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8

DISTRICT 9
DISTRICT 10

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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**
8:30 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: Constant.

10:00 a.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: Constant.

1:30 p.m. - Ceremonial Items, Regular Session, Council Chambers
Absent Council Members: Constant.
- **Invocation (District 6)**
Ryan Vasquez from the Children's Musical Theatre of San José performed "Something's Coming" from *West Side Story*.
- **Pledge of Allegiance**
Mayor Reed led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with Items 3.2 and 3.15 deferred to 8/5/08.

- Closed Session Report

City Attorney Doyle disclosed the following Closed Session action of June 24, 2008: for the appointment of Fire Chief:

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

Noes: Campos.
Disqualified: None.
Absent: Constant.
Vacant: None.

1. CEREMONIAL ITEMS

- 1.1** Presentation of a proclamation declaring June 27th, 2008 as “National HIV Testing Day” in the City of San José. (Mayor)
Mayor Reed recognized June 27th, 2008 as “National HIV Testing Day” in the City of San José.
- 1.2** Presentation of a proclamation declaring the month of July 2008 as “National Recreation and Parks Month” in the City of San José. (Pyle)
Mayor Reed and Council Member Pyle recognized the month of July 2008 as “National Recreation and Parks Month” in the City of San José.
- 1.3** Presentation of a commendation to Pioneer High School and Simonds Elementary School for their commitment to excellence and designations as California Distinguished Schools. (Pyle)
Mayor Reed and Council Member Pyle recognized and commended Pioneer High School and Simonds Elementary School for their commitment to excellence and designations as California Distinguished Schools.
- 1.4** Presentation of a proclamation declaring the month of July as “Olympics Month” in the City of San José. (Constant)
(Rules Committee referral 6/11/08)
Mayor Reed recognized the month of July as “Olympics Month” in the City of San José.
- 1.5** Presentation of a commendation to Gabrielle Gamez for her involvement in the Shooting Stars Basketball Enrichment Program. (Mayor)
(Rules Committee referral 6/18/08)
Mayor Reed and Council Member Campos recognized and commended Gabrielle Gamez for her involvement in the Shooting Stars Basketball Enrichment Program.

1. CEREMONIAL ITEMS

- 1.6 Swearing in ceremony for District 3 Youth Commissioner Enedelia Ochoa, District 5 Youth Commissioner Destiny Trevino, District 6 Youth Commissioner Sara Alise Vierra, and District 10 Youth Commissioner Nicholas Polussa. (City Clerk)
(Rules Committee referral 6/18/08)
City Clerk Lee Price administered the Oath of Office to District 3 Youth Commissioner Enedelia Ochoa, District 5 Youth Commissioner Destiny Trevino, District 6 Youth Commissioner Sara Alise Vierra, and District 10 Youth Commissioner Nicholas Polussa.

2. CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of minutes.

- (a) Regular Minutes of April 22, 2008
- (b) Joint City Council/Santa Clara Valley Water District Board Study Session Minutes of April 24, 2008

Deferred to 8/5/08 per City Clerk.

- (c) Regular Minutes of April 29, 2008
Approved.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 28330 – Amending Section 3.36.1020 of Chapter 3.36 of Title 3 of the San José Municipal Code related to service connected disability benefits for employees of the Fire Department who are members of the Police and Fire Department Retirement Plan.

Ordinance No. 28330 adopted.

- (b) ORD. NO. 28331 – Amending Sections 3.36.1270 and 3.36.1280 of Chapter 3.36 of Title 3 of the San José Municipal Code to revise the benefit formula for certain surviving spouses and surviving domestic partners of members of the Police and Fire Department Retirement Plan who are employed in the Fire Department.

Ordinance No. 28331 adopted.

2. CONSENT CALENDAR

2.2 Final adoption of ordinances. (Cont'd.)

- (c) ORD. NO. 28332 – Amending Chapters 3.28 and 3.36 of Title 3 of the San José Municipal Code to provide the City with the option to make lump sum payments of City required contributions to the Police and Fire Department Retirement Plan and to the Federated City Employees Retirement Plan on or before August 1, 2008 for the balance of Fiscal Year 2008-09, to provide the City with an annual option commencing with Fiscal Year 2009-10 to select the periodic basis on which City required contributions will be made in advance to the plans, to provide for the establishment by each Retirement Board of the amounts of the City required contributions for the advance lump sum payment for Fiscal Year 2008-09 and for such alternative periodic bases as City may select commencing with Fiscal Year 2009-10, to provide that City required payments to the medical benefits accounts within said plans shall be made on the same periodic basis as retirement contribution payments are made, and to provide for adjustment of the City contributions in the following fiscal year after any lump sum payment is made to reflect any difference in contributions due to a variance between the actual payroll amount for the fiscal year in which the payment was made as compared to the projected payroll amount on which the lump sum payment was calculated.

Ordinance No. 28332 adopted.

- (d) ORD. NO. 28333 – Rezoning certain real property situated on the west side of Coleman Avenue between Newhall Street and Brokaw Road from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District. PDC08-017

Ordinance No. 28333 adopted.

- (e) ORD. NO. 28334 – Rezoning certain real property situated on the southeast corner of Vine Street and Floyd Street (1312 Vine Street) to A(PD) Planned Development Zoning District. PDC07-068

Ordinance No. 28334 adopted.

- (f) ORD. NO. 28335 – Rezoning certain real property situated on the west side of North 4th Street, approximately 230 feet north of East St. James Street (237 North

Ordinance No. 28335 adopted.

- (g) ORD. NO. 28336 – Rezoning certain real property situated at the northerly terminus of Industrial Avenue (1605 Industrial Avenue) to HI(PD) Planned Development Zoning District. PDC08-002

Ordinance No. 28336 adopted.

- (h) ORD. NO. 28337 – Rezoning certain real property in the area generally bounded by West Hedding Street, the CalTrain right-of-way, Stockton Avenue, Emory Street, and Elm Street to A(PD) Planned Development Zoning District. PDC07-072

Ordinance No. 28337 adopted.

2. CONSENT CALENDAR

2.2 Final adoption of ordinances. (Cont'd.)

- (i) ORD. NO. 28338 – Amending Section 20.70.010 of Chapter 20.70 of Title 20 of the San José Municipal Code to expand the area to which the Downtown Zoning District Regulations apply to include an area bounded by 4th Street, St. John Street, 7th Street and San Fernando Street.
Ordinance No. 28338 adopted.

- (j) ORD. NO. 28339 – Amending Ordinance No. 26136, which Ordinance approved a Development Agreement with Cisco Technology, Inc. relative to the development of real property in North San José, to allow amendment of a certain occupancy deadline contained in the original Development Agreement, and to ratify the effectiveness of the original Development Agreement from November 13, 2000, and authorizing the City Clerk to execute the Amended Development Agreement.
Ordinance No. 28339 adopted.

- (k) ORD. NO. 28340 – Rezoning certain real property situated at the southeast corner of River Oaks Parkway and Seely Avenue (545-575 River Oaks Parkway) to the A(PD) Planned Development Zoning District. PDC06-067
Ordinance No. 28340 adopted.

- (l) ORD. NO. 28341 – Rezoning certain real property situated at the south side of Murphy Avenue approximately 400 feet easterly of Old Oakland Road (1180 Murphy Avenue) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District. PDC07-042
Ordinance No. 28341 adopted.

- (m) ORD. NO. 28342 – Rezoning certain real property situated at the south side of Douglas Street approximately 200 feet easterly of South Willard Avenue (1480 Douglas Street) to A(PD) Planned Development Zoning District. PDC07-089
Ordinance No. 28342 adopted.

- (n) ORD. NO. 28343 – Rezoning certain real property situated at the west side of Lucretia Avenue approximately 250 feet south of Bellhurst Avenue to A(PD) Planned Development Zoning District. PDC06-131
Ordinance No. 28343 adopted.

- (o) ORD. NO. 28344 – Rezoning certain real property situated on the east side of Monterey Road approximately 700 feet northerly of Tully Road (2112 Monterey Road) to A(PD) Planned Development Zoning District. PDC08-012
Ordinance No. 28344 adopted.

2. CONSENT CALENDAR

2.3 Agreement for Advertising, Marketing Communications and Event Support for the Airport.

Recommendation:

- (a) Approval of a consultant master agreement with Barnestorming Advertising and Marketing Communications to provide marketing, communications, and event support services to Norman Y. Mineta San José International Airport for a two-year term beginning July 1, 2008 through June 30, 2010, in an amount not-to-exceed \$370,000.

Approved.

- (b) Adoption of a resolution authorizing the City Manager to exercise up to two one-year options to extend the term on a fiscal year basis to June 30, 2012, in amounts not-to-exceed \$185,000 per year for a total contract amount not-to-exceed \$740,000.

CEQA: Resolution Nos. 67380 and 71451, File No. PP08-086. (Airport)

Resolution No. 74468 adopted.

2.4 Amendments to the Small Concession Agreement and Lease of Airport Premises.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a:

- (a) First amendment to the Small Concession Agreement with Verified Identity Pass, Inc. to extend the term from December 1, 2008 through November 30, 2010, with projected annual revenue to the City of approximately \$153,000;
- (b) First amendment to the Lease of Airport Premises with Verified Identity Pass, Inc. to extend the term from December 1, 2008 through November 30, 2010, with annual lease revenue to the City of \$73,944.96;
- (c) Second amendment to the Small Concession Agreement with Verified Identity Pass, Inc. to extend the term from December 1, 2010 to November 30, 2012, on the same terms and conditions;
- (d) Second amendment to the Lease of Airport Premises with Verified Identity Pass, Inc. to extend the term from December 1, 2010 to November 30, 2012, on the same terms and conditions.

CEQA: Resolutions Nos. 67380 and 71451, File No. PP08-102. (Airport)

Resolution No. 74469 adopted.

2.5 Amendment to Airport legal services agreement with Orrick, Herrington & Sutcliffe LLP.

Recommendation: Adoption of a resolution authorizing the City Attorney to negotiate and execute an Eleventh Amendment to the agreement with Orrick, Herrington & Sutcliffe LLP for legal services related to the financing of improvements at the Norman Y. Mineta San José International Airport and the City's outstanding Airport revenue debt, increasing compensation by \$100,000, for a total amount not to exceed \$350,000.

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

Resolution No. 74470 adopted.

2. CONSENT CALENDAR

2.6 Certification of the Results of the Municipal Election held on June 3, 2008.

Recommendation: Adoption of a resolution declaring the results of the June 3, 2008 Municipal Election pursuant to Elections Code Section 15400. (City Clerk)
Deferred to 8/12/08 per City Clerk.

2.7 Council appointment to Board of Administration, Federated Retirement System.

Recommendation: Consider nominating petitions and the recommendation of the Federated Retirement Board for appointment of one employee member from a department other than Public Works to fill a vacancy for a term expiring November 30, 2009. (City Clerk/Federated Retirement Board)
RENUMBERED TO ITEM 3.11

2.8 Amendment to an Agreement with San José Stage Company.

Recommendation: Approval of a fourth amendment to the grant agreement with San José Stage Company, in order to extend the term of the agreement to an optional fifth year with a grant in an amount not-to-exceed \$68,252, thereby increasing the total grant amount to \$352,357 for the five-year term. CEQA: Not a Project. (Economic Development)
Approved.

2.9 Fiscal Year 2008-2009 Workforce Investment Act Program Agreements.

Recommendation: Adoption of a resolution authorizing:

- (a) The City Manager to negotiate and execute all contracts, amendments, agreements, leases, subleases and memos of understanding with contractors and vendors providing services to the Workforce Investment Act (WIA) Program, including, but not limited to, novations or assignments, vendor training contracts, case management contracts, consultant contracts, memorandums of understanding required with Mandatory Partners for the use of One-Stop facilities, and cities and the unincorporated area of Santa Clara County whose residents receive service under the WIA Program for the period from July 1, 2008 to June 30, 2009 in accordance with procurement procedures and requirements mandated by the State and Federal governments for Workforce Investment Act grant recipients and with established City procurement procedures and requirements that have been reviewed and approved by the Silicon Valley Workforce Investment Network (work2future) Executive Committee and/or the work2future Board, so long as moneys have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.

(Item continued on the next page)

2. CONSENT CALENDAR

2.9 Fiscal Year 2008-2009 Workforce Investment Act Program Agreements (Cont'd.)

- (b) The City Manager to amend Council approved agreements that have been reviewed and approved by the work2future Executive Committee and/or the work2future Board so long as moneys have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.
- (c) The City Manager to negotiate and execute all grants and sub-grant agreements for discretionary funding applied for and approved by the work2future Board for the period from July 1, 2008 to June 30, 2009 so long as moneys have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.

CEQA: Not a Project. (Economic Development)

Resolution No. 74471 adopted.

2.10 Agreement to Provide Consulting Services to the Environmental Services Department.

Recommendation: Approval of an agreement with R3 Consulting Group, Inc., to provide consulting services for waste characterization studies, best waste management practice analyses, audit and certification of existing and new facilities, and training of staff regarding enhancements to the Construction and Demolition Diversion Program, for a term from July 1, 2008 through June 30, 2010 in an amount not to exceed \$500,000.

CEQA: Not a Project. (Environmental Services)

Approved.

2.11 Continuation Agreement for Water System Modeling, Capital Planning, Major Water Facilities Fee Update and Scheduling Options.

Recommendation: Approval of a continuation agreement with Metcalf & Eddy, Inc., for water system modeling, capital planning, Major Water Facilities Fee update and scheduling options, to retroactively extend the term of the agreement from May 31, 2008 to September 30, 2008, at no additional cost to the City. CEQA: Not a Project.

(Environmental Services)

Approved.

2. CONSENT CALENDAR

2.12 Amendment of the Recycle Plus Agreements.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute:
 - (1) Amendments to agreements with GreenTeam of San José and GreenWaste Recovery, Inc. to expand the multi-family recycling program and to allow for other operational and administrative improvements, for an estimated net annual expenditure increase of \$1,513,000.
 - (2) Amendments to agreements with California Waste Solutions and Garden City Sanitation to reduce the cost to the City for on-premises service; to compensate the haulers for shared cart collection retroactive to July 1, 2007; and to allow for other operational and administrative improvements, for an estimated net annual increase of \$90,000.
 - (3) Amendments to the agreements with GreenWaste Recovery, Inc. to provide additional street sweeping services at the rate \$69.72 for each additional mile.

Resolution No. 74472 adopted.

Noes: Campos, Williams.

- (b) Adoption of a resolution to amend services rates for the Recycle Plus Program to reduce customer rates for on-premises collection by \$20.24 monthly, from \$75.24 per month over the base service rate to \$55.00 per month; and delete the rates in the single-family dwelling program for contaminated recycling rates at multi-family properties, effective July 1, 2008.

CEQA: Negative Declaration, File No. SP06-024 and addenda thereto, PP08-096.
(Environmental Services)

Resolution No. 74473 adopted.

Noes: Campos, Williams.

2.13 Annual Certification of the City's Investment Policy.

Recommendation: Adoption of a resolution approving the annual certification of the City of San José Investment Policy, including certain revisions to update the list of the Primary Government Securities Dealers. CEQA: Not a Project. (Finance)

Resolution No. 74474 adopted.

2. CONSENT CALENDAR

2.14 Purchase of Software Maintenance Services for Computer Aided Dispatch (CAD) System.

Recommendation: Adoption of a resolution authorizing the Director of Finance to:

- (a) Execute any necessary documentation to purchase software maintenance services from Intergraph Corporation for the Computer Aided Dispatch System, with pricing obtained under the U.S. General Services Administration cooperative contract # GS-35F-0011-K with Intergraph; in an amount not-to-exceed \$288,120 for the period of July 1, 2008 through June 30, 2009.
- (b) Execute subsequent annual software maintenance agreements subject to the appropriation of funds.

CEQA: Not a Project. (Finance)

Resolution No. 74475 adopted.

2.15 Renew the Annual Operations and Maintenance Service Agreement with Nortel Networks Corporation.

Recommendation: Adoption of a resolution authorizing the Director of Finance to:

- (a) Exercise the third of six options to renew the annual Operations and Maintenance Services with Nortel Networks, Inc. for managed services of the converged network and telephone system in the amount of \$800,000.
- (b) Exercise the three remaining one-year options for ongoing support and maintenance subject to the appropriation of funds.

CEQA: Not a Project. (Finance)

Resolution No. 74476 adopted.

2.16 Actions Related to the Sanitary Sewer Service and Use Charges, and Storm Sewer Service Charges.

Recommendation: Adoption of a resolution:

- (a) Setting a public hearing on Tuesday, August 5, 2008 at 1:30 p.m. for 2008-2009 Sanitary Sewer Service and Use Charges, and Storm Sewer Service Charges based on annual reports of the Director of Finance, and direct the City Clerk to publish notice of the time and place of the hearing.
- (b) Allowing the Director of Finance to file, with the City Clerk, the 2008-2009 Sanitary Sewer Service and Use Charges on or before July 15, 2008.

CEQA: Not a Project. (Finance)

Resolution No. 74477 adopted.

2. CONSENT CALENDAR

2.17 Amendment to the General Banking Services Agreement with Union Bank of California.

Recommendation: Approval of the seventh amendment to the General Banking Services Agreement with Union Bank of California to extend the term of the agreement for nine months from July 1, 2008 through March 31, 2009, to amend the termination provision to allow either party to terminate the agreement upon 30 day written notice to the other, and to increase the agreement total maximum compensation for the extended term in an amount not-to-exceed \$787,500. CEQA: Not a Project. (Finance)

Approved.

2.18 Amendment to the Investment Custodial Services Agreement with Wells Fargo Bank.

Recommendation: Approval of the Fifth Amendment to the Investment Custodial Services Agreement with Wells Fargo Bank to extend the term of the agreement for nine months from July 1, 2008 through March 31, 2009, to amend the termination provision to allow either party to terminate the agreement upon 30 day written notice to the other, to authorize the City Manager and other designated officials to make changes to the list of authorized personnel who transmit instructions to the bank without further Council action; and to increase the maximum compensation for the extended term in an amount not to exceed \$37,500. CEQA: Not a Project. (Finance)

Approved.

2.19 Asset Management Oversight Services Related to the Dolce Hayes Mansion.

Recommendation: Adoption of a resolution authorizing the Director of Finance to:

- (a) Negotiate and execute the first amendment to the continuation agreement with Horwath Hospitality & Leisure, LLC to provide City with asset management oversight services related to the Dolce Hayes Mansion to:
 - (1) Extend the current term of the agreement for an additional one-year period of July 1, 2008 through June 30, 2009, and to increase the contract amount from \$234,826 by \$78,000 for a revised not-to-exceed amount of \$312,826; and
 - (2) Add two additional option years, at City's sole discretion, to extend the agreement for the option terms of July 1, 2009 through June 30, 2010 and July 1, 2010 through June 30, 2011, respectively for a total compensation for the term of the agreement from December 1, 2004 through June 30, 2011, in an amount not-to-exceed \$479,986.
- (b) Exercise the two one-year options subject to the appropriation of funds.

CEQA: Not a Project. (Finance)

Resolution No. 74478 adopted.

2. CONSENT CALENDAR

2.20 Amendment to agreement for Maintenance of Airport Parking Access and Revenue Control Equipment.

Recommendation: Adoption of a resolution authorizing the Director of Finance to:

- (a) Execute the First Amendment to the Agreement for Maintenance of Parking Revenue Control Equipment at the San José International Airport with ACS Transport Solutions, Inc., to extend the term of the Agreement for one year, increase the not-to-exceed compensation from \$2,646,341 by \$463,679 to \$3,110,020, and with two additional one year options to extend.
- (b) Exercise two additional one year options to extend the agreement subject to the appropriation of funds.
- (c) Execute change orders as required to add or delete services as program requirements change, subject to the appropriation of funds.

CEQA: Resolutions Nos. 67380 and 71451, File No. PP08-078. (Finance)

Resolution No. 74479 adopted.

2.21 Open Purchase Orders #11 and #12 for FY 2007-2008.

Recommendation:

- (a) Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2007-2008 #11 and authorization for the Director of Finance to execute the purchase orders.
- (b) Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2007-2008 #12 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)

Approved.

2.22 Open Purchase Order #1 for FY 2008-2009.

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2008-2009 #1 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)

Approved.

2.23 Amendment to the Agreement for the Lease and Maintenance of Airport Shuttle Buses.

Recommendation: Adoption of a resolution authorizing the Director of Finance to execute the sixth amendment to the Agreement for the Lease and Maintenance of Airport Shuttle buses with Penske Truck Leasing Co., L.P. to extend the term of the lease for an additional three month period, from July 1, 2008 to September 30, 2008, and increasing total compensation by \$350,000 from \$16,847,145 to a not-to-exceed amount of \$17,197,145. CEQA: Resolution Nos. 67380 and 71451, File No. PP08-077. (Finance)

Resolution No. 74480 adopted.

2. CONSENT CALENDAR

2.24 Follow-up Actions Related to History San José Funding.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute the seventh amendment to the operation agreement with History San José, as directed by Council on December 18, 2007, to increase the compensation for Fiscal Year 2008-09 from \$335,085 to \$875,000, subject to appropriations. CEQA: Not a Project. Council District 7. (General Services)

Resolution No. 74481 adopted.

2.25 Actions Related to the Workforce Housing Reward Program.

Recommendation: Adoption of a resolution:

- (a) Approving a change in the use of \$150,223 of Workforce Housing Reward Program funds from providing permanent supportive housing for the homeless, to creating a free childcare center for homeless and at risk families.
- (b) Approving a grant of \$150,223 of Workforce Housing Reward Program funds to InnVision the Way Home for the rehabilitation of the Georgia Travis Center to create a State licensed day care center for homeless and at-risk families.

CEQA: Exempt, File No. CP02-052. (Housing)

Resolution No. 74482 adopted.

2.26 Increase in the Predevelopment Loan to First Community Housing for the North Fourth Street Family Apartments Project.

Recommendation: Adoption of a resolution approving a \$400,000 increase in the predevelopment loan, for a total of \$500,000, to First Community Housing, or its designated affiliate, for the North Fourth Street Family Apartments project located at 1470 North Fourth Street to be made available to extremely low-income, very low-income and low-income households. CEQA: EIR Resolution No. 72768. File No. PDC06-022. Council District 3. (Housing)

Resolution No. 74483 adopted.

2.27 Actions Related to Funding for the Charities Housing Development Corporation for Future Development Costs of an Affordable Housing Project.

Recommendation: Adoption of a resolution:

- (a) Approving a funding commitment for a loan of up to \$1,800,000 of HOME Investment Partnership (HOME) program funds to Charities Housing Development Corporation, a Community Housing Development Organization (“CHDO”), for the future development of a rental housing project affordable to lower-income households;
- (b) Approving \$75,000 in HOME funds to subsidize the administrative costs of operating a CHDO.

CEQA: Not a Project. (Housing)

Resolution No. 74484 adopted.

2. CONSENT CALENDAR

2.28 Actions Related to the Housing Services Partnership Contracts.

Recommendation: Adoption of a resolution:

- (a) Approving a 3-month extension to the Housing Services Partnership contracts to provide homeless services on behalf of the City from July 1, 2008 through September 30, 2008;
 - (b) Approving an increase in the Housing Services Partnership contract amount from \$3,532,822 to \$3,854,058 to cover the cost of services provided through September 30, 2008;
 - (c) Authorizing the Director of Housing to negotiate and execute all necessary documents.
- CEQA: Not a Project. (Housing)

Resolution No. 74485 adopted.

2.29 Agreement to Provide Property and Casualty Insurance Broker and Loss Control Services.

Recommendation: Approval of an agreement with Marsh USA, Inc. to provide Property and Casualty Insurance Broker and Loss Control Services for the period of July 1, 2008 through June 30, 2011, with two one-year options for extension through June 30, 2013 for the City of San José. The annual cost is \$252,160, and the cost for three years of service is not-to-exceed \$756,480, year four and five will be negotiated. CEQA: Not a Project. (Human Resources)

Approved.

2.30 Acceptance of a Donation for Happy Hollow Corporation.

Recommendation: Adoption of a resolution:

- (a) Accepting a \$200,000 donation from the Happy Hollow Corporation, a non-profit corporation for the purpose of funding the Endangered Species Carousel, a new attraction as part of the Happy Hollow Park and Zoo bond funded improvements, and to negotiate and execute grant agreements and any documents necessary to accept the donation.
- (b) Authorizing the City Manager to accept a future planned donation of \$400,000 from Happy Hollow Corporation for the purpose of funding the Endangered Species Carousel, a new attraction as part of the Happy Hollow Park and Zoo bond funded improvements, and to negotiate and execute grant agreements and any documents necessary to accept the donation.

CEQA: Mitigated Negative Declaration, File No. PP05-142. SNI: Tully/Senter. (Parks, Recreation and Neighborhood Services)

Resolution No. 74486 adopted.

2. CONSENT CALENDAR

2.31 Actions Related to Grant Funding from the Penitencia Creek Trail Reach 6 Project.

Recommendation: Adoption of a resolution authorizing the City Manager to accept up to \$150,000 in grant funding and to negotiate and execute all documents related to the grant funding from the California Coastal Conservancy for the Penitencia Creek Trail Reach 6 (King Road to Mabury Avenue) project. CEQA: Mitigated Negative Declaration, File No. PP03-04-134. Council District 4. (Parks, Recreation and Neighborhood Services)

Resolution No. 74487 adopted.

2.32 Amendment to the Jackson Square Parkland Agreement.

Recommendation: Approval of the second amendment to the Parkland Agreement for Tentative Map No. PT04-015 between the City of San José and Jackson Square, LLC to extend the completion date from June 21, 2008 to June 30, 2009 to construct and dedicate Madden Park. CEQA: Mitigated Negative Declaration, File No. PDC03-036. Council District 5. (Parks, Recreation and Neighborhood Services)

Approved.

2.33 Negotiations with San José State University for a Sports Field Complex.

Recommendation: Direction to the Administration to continue negotiations for a joint use partnership with San José State University, with the mutual goal of producing an agreement to facilitate the development and long-term joint use of a sports field complex on San José State University south campus land. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

Approved.

2.34 Historic Landmark Initiation for the Slettedahl House at 202 S. 14th Street and the Foster House at 198 S. 13th Street.

Recommendation: Adoption of a resolution:

- (a) Initiating proceedings to consider the residential buildings located at 202 S. 14th Street and 198 S. 13th Street as landmarks of special historic, architectural, cultural, aesthetic or engineering interest or value of a historic nature.
- (b) Referring the matter back to the Historic Landmarks Commission for its consideration at a public hearing, report and recommendation.
- (c) Setting a public hearing on Tuesday, September 9, 2008 at 1:30 p.m. for Council consideration of City landmark designation of the structures.

CEQA: Not a Project. Council District 3. SNI: University. (Planning, Building and Code Enforcement)

Resolution No. 74488 adopted.

2. CONSENT CALENDAR

2.35 Agreement to Establish Cost Sharing for the Santa Clara County Children's Interview Center.

Recommendation: Adoption of a resolution authorizing the City Manager to:

- (a) Execute an agreement with the County of Santa Clara establishing cooperative efforts and cost sharing regarding the Santa Clara County Children's Interview Center for the period of July 1, 2008 to June 30, 2009 in an amount not-to-exceed \$132,691,
- (b) Execute up to four (4) additional one-year options to renew the agreement with the County of Santa Clara, subject to annual appropriation, and
- (c) Negotiate and amend the provisions of the agreement concerning the amount of the agreement and the financial contributions of the City and County for each of the four (4) additional one-year options to renew.

CEQA: Not a Project. (Police)

Resolution No. 74489 adopted.

2.36 Amendment to an Agreement for the Edenvale Sanitary Sewer Supplement Phase V Project.

Recommendation: Approval of the second amendment to the consultant agreement with HMM Engineers for the Edenvale Sanitary Sewer Supplement Phase V Project increasing the amount of compensation by \$150,000, for a total agreement amount not-to-exceed \$1,525,000. CEQA: Mitigated Negative Declaration, File No. PP01-03-055. Council District 2. (Public Works)

Approved.

2.37 Amendment to Master Agreements for a Variety of Program, Project and Construction Management Services to Supplement In-House Resources.

Recommendation: Approval of amendments to three consultant master agreements to extend their terms for 2 years and increase the maximum compensation as follows:

- (a) Kitchell CEM for a variety of program, project and construction management services to supplement in-house resources from the date of execution of the master agreement through December 31, 2010, increasing compensation by \$150,000, for a total agreement amount not-to-exceed \$500,000.
- (b) Gilbane Building Company for a variety of program, project and construction management services to supplement in-house resources from the date of execution of the master agreement through December 31, 2010, increasing compensation by \$150,000, for a total agreement amount not-to-exceed \$500,000.
- (c) URS Corporation for a variety of program, project and construction management services to supplement in-house resources from the date of execution of the master agreement through December 31, 2010, increasing compensation by \$250,000, for a total agreement amount not-to-exceed \$500,000.

CEQA: Not a Project. (Public Works)

Approved.

2. CONSENT CALENDAR

2.38 **Repeal of Ordinance No. 27971 and Correction of Legal Description for the Public Right-of-way on Taylor Street between Anita and Walnut.**

Recommendation: Approval of an ordinance repealing Ordinance No. 27971 and establishing a corrected legal description for the public right-of-way on Taylor Street between Anita and Walnut Streets. CEQA: Exempt, File No. PP06-038. Council District 3. (Public Works)

Ordinance No. 28351 passed for publication.

2.39 **Amendment to an Agreement for Continuation of Program Management Services Supporting Happy Hollow Park and Zoo.**

Recommendation: Approval of the second amendment to the Gilbane Building Company master agreement, increasing the total compensation of the original agreement by \$957,000 from \$2,048,000 to \$3,005,000 for a continuation of program management services supporting Happy Hollow Park & Zoo construction activities. CEQA: Mitigated Negative Declaration, File No. PP05-142. (Public Works)

Approved.

2.40 **Report on Bids for the Silver Creek Valley Road Pavement Resurfacing/ Rehabilitation Project.**

Recommendation: Report on bids and award of contract for the Silver Creek Valley Road Pavement Resurfacing/Rehabilitation project to the low bidder, Granite Construction Company in the amount of \$2,795,048, and approval of a contingency in the amount of \$139,753. CEQA: Exempt, File No. PP06-066. Council District 8. (Public Works)

Approved.

2.41 **Summary Vacation of a 25-foot Building Set Back Line Easement.**

Recommendation: Adoption of a resolution summarily vacating a 25-foot Building Set Back Line Easement at 2517 South Bascom Avenue, recorded June 23, 1965 as part of Tract No. 3970 in Book 196 of Maps at Pages 18 and 19 of Official Records, Office of the Recorder, County of Santa Clara. CEQA: Mitigated Negative Declaration, File No. CP07-101. Council District 9. (Public Works)

Resolution No. 74490 adopted.

2.42 **Agreement for Public Improvements on Monterey Road and Curtner Avenue.**

Recommendation: Adoption of a resolution authorizing the Director of Public Works to negotiate and execute a Construction Agreement with Westrust San José, LLC (“Developer”), for certain public improvements at the northeast corner of Monterey Road and Curtner Avenue with a reimbursement to the Developer of an amount not-to-exceed \$979,616. CEQA: EIR Resolution No. 72771, File No. PDC04-029. Council District 7. (Public Works)

Resolution No. 74491 adopted.

2. CONSENT CALENDAR

2.43 Office Space Lease Agreement for the Police Gaming Unit.

Recommendation:

- (a) Approval of a five-year lease period with Civic Center Office Investors, LLC, for 4,901 rentable square feet of office space for the Police Gaming Unit, on the 10th floor of 675 North First Street in San José, at a monthly rental rate, including tenant improvements, of \$9,556.95 for a total amount of rentals not-to-exceed \$615,173.52, and including tenant improvements for a total not-to-exceed \$130,000.00.

Approved.

- (b) Adopt a resolution authorizing the City Manager to execute the office lease document contingent upon adoption of the FY 2008 – 2009 budget and an appropriation therefore.

CEQA: Not a Project. Council District 3. (Public Works)

Resolution No. 74492 adopted.

2.44 Amendment to the Agreement for Design Services for the Happy Hollow Park and Zoo Pedestrian Bridge.

Recommendation: Approval of the first amendment to the agreement with HNTB Corporation, for design services for the Happy Hollow Park & Zoo Pedestrian Bridge project increasing the total compensation by \$650,000 from \$99,000 to \$749,000.

CEQA: Mitigated Negative Declaration, File No. PP05-142. (Public Works)

Approved.

2.45 Acquisition of Two Easements from Pacific Gas and Electric for Purposes of the Lower Silver Creek Trail Project.

Recommendation:

- (a) Adoption of a resolution:
- (1) Determining that the public interest and necessity requires acquisition of two blanket easements over parcels located at Silverstone Place, San José, CA (Assessors Parcel Numbers 486-39-029 and 486-30-100) from PG&E.
 - (2) Authorizing and directing the City Attorney to file suit in eminent domain to acquire such property interest, 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.

Resolution No.74467 adopted.

(Item continued on the next page)

2. CONSENT CALENDAR

2.45 Acquisition of Two Easements from Pacific Gas and Electric for Purposes of the Lower Silver Creek Trail Project (Cont'd.)

- (b) Adoption of the following Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District 5 (Fund 382):
- (1) Increase the appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$100,000 for the Trail: Lower Silver Creek/Silverstone Place project;
 - (2) Decrease the Ending Fund Balance by \$100,000.

CEQA: Mitigated Negative Declaration, File No. PP07-106. (Public Works/City Manager's Office)

Ordinance No. 28345 adopted.

2.46 Agreement for the City's Storm Drainage, Sanitary Sewer Connection and Sewage Treatment Plant Connection Fee Study.

Recommendation:

- (a) Approval of an agreement with FCS Group for consultant services for the City's Storm Drainage, Sanitary Sewer Connection, and Sewage Treatment Plant Connection Fee Study, from the date of execution to June 30, 2009, in a total amount not to exceed \$308,000.

Approved.

- (b) Adoption of the following Appropriation Ordinance amendments in the Storm Sewer Capital Fund (469):
- (1) Increase the Storm Drainage Fee Study appropriation in the Storm Sewer Capital Fund by \$25,000; and
 - (2) Decrease the Ending Fund Balance in the Storm Sewer Capital Fund by \$25,000.

Ordinance No. 28346 adopted.

- (c) Adoption of the following Appropriation Ordinance amendments in the Sewage Treatment Plant Connection Fee Fund (539):
- (1) Increase the Connection Fee Study appropriation in the Sewage Treatment Plant Connection Fee Fund by \$101,000; and
 - (2) Decrease the Ending Fund Balance in the Sewage Treatment Plant Connection Fee Fund by \$101,000.

CEQA: Not a Project. (Public Works/Environmental Services/City Manager's Office)

Ordinance No. 28347 adopted.

2. CONSENT CALENDAR

2.47 Actions Related to the Alma Community Center.

Recommendation:

- (a) Approval of:
- (1) An increase in the contingency budget for the Alma Community Center Improvement project in the amount of \$60,000 for a total contingency budget of \$77,000.
 - (2) Contract Change Order Number 2 in an amount of \$82,550 for a total contract amount of \$420,250 with Joseph J. Albanese, Inc. for the Alma Community Center Improvement project.
 - (3) An increase in the project delivery budget for the Alma Community Center Improvement project in the amount of \$5,000 for a total project delivery budget of \$175,000.

Approved.

- (b) 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 \$86,250.
 - (2) Increase the appropriation to the Parks, Recreation and Neighborhood Services Department for the Alma Community Center Improvement project (PSM 524, Amendment 1) in the amount of \$86,250.

CEQA: Exempt, File No. PP07-049. Council District 7. SNI: Washington. (Public Works/Parks, Recreation and Neighborhood Services/City Manager's Office)

Ordinance No. 28348 adopted.

Resolution No. 74460 adopted.

2.48 Report on Bids for the STP Street Resurfacing/Rehab Project.

Recommendation: Report on bids and award of contract for the STP Street Resurfacing/Rehab Project – Round 3, Federal Project No. STPL-5005(090) to the low bidder, Top Grade Construction, Inc. in the amount of \$9,503,006, and approval of a contingency in the amount of \$475,000. CEQA: Exempt, File No. PP06-066. Council Districts 1, 4, 5, 6, 7, 8 and 9. (Public Works/Transportation)

Approved.

2.49 Increase the Construction Contingency for the Oakland Road Widening Project.

Recommendation: Approval of an increase of the construction contingency for the Oakland Road Widening Project (Segment 1 & 2) from \$129,000 to \$168,000. CEQA: Mitigated Negative Declaration, File No. PP03-06-209. Council District 4. (Public Works/Transportation)

Approved.

2. CONSENT CALENDAR

2.50 Fiscal Year 2008-2009 Downtown San José Property-Based Business Improvement District Annual Report.

Recommendation: Adoption of a resolution:

- (a) Approving the Downtown San José Property-Based Business Improvement District Annual Report for Fiscal Year 2008-2009 as filed or modified by Council.
- (b) Confirming the individual assessments as proposed or modified by Council, including the assessment on City owned property of approximately \$296,000 and the assessment on Redevelopment Agency property of approximately \$63,000.
- (c) Directing that the City baseline services contribution in the amount of \$340,000, and assessment payment be made.
- (d) Directing the Director of Finance to deliver the assessment roll to the County for collection with the property taxes.

CEQA: Exempt: File No. PP08-095. Council District 3. (Public Works/Transportation)
Resolution No. 74493 adopted.

2.51 Actions Related to Speed Limits on Various Roadways.

Recommendation: Repeal Resolution No. 74114 related to the establishment of speed limits in the City of San José, and adopt a resolution to establish speed limits on the following roadways:

- (a) Hellyer Ave., between Fontanos Way and Silicon Valley Blvd., 45 MPH
- (b) Canoas Garden Ave., between Almaden Rd. and Almaden Expy., 25 MPH
- (c) Canoas Garden Ave., between Almaden Expy. and Curtner Ave., 30 MPH
- (d) Canoas Garden Ave., between Curtner Ave. and Sands Dr., 35 MPH

CEQA: Exempt, File No. PP05-030. Council District 2 and 6. (Transportation)
Resolution No. 74494 adopted.

2.52 Amendment to an Agreement with the Santa Clara Valley Transportation Authority for the Stevens Creek Interchange Upgrade.

Recommendation: Approve the first amendment to the cooperative agreement between the City of San José and the Santa Clara Valley Transportation Authority for the Interstate 280/880 and Stevens Creek Boulevard Interchange Improvement Project extending the term of the agreement from June 30, 2008 to December 31, 2010 at no additional cost to the City. CEQA: Not a Project. (Transportation)

Approved.

2. CONSENT CALENDAR

2.53 Installation of Bike Lanes on City Streets.

Recommendation: Adoption of a resolution authorizing the installation of bike lanes on the following street segments; and repealing Resolution 73913:

- (a) Aborn Road (Towers Lane to Silver Creek Road)
- (b) Cunningham Avenue (Capitol Expressway to White Road)
- (c) Hamilton Avenue (Hicks Avenue to Meridian Avenue)
- (d) Ruby Avenue (Tully Road to Quimby Road)
- (e) Tully Road (Glen Hanleigh Drive to Ruby Avenue)
- (f) Yerba Buena Road (Silver Creek Road to Silver Creek Valley Road)

CEQA: Exempt, File No. PP08-112. (Transportation)

Resolution No. 74495 adopted.

2.54 Excused absence for Councilmember Constant.

Recommendation: Request for an excused absence for Councilmember Constant from the Community and Economic Development Committee meeting on June 23, 2008 due to Authorized City Business: Federated City Employees' Retirement Services Education Training in San Francisco, CA. (Constant)

(Rules Committee referral 6/11/08)

Absence Excused.

2.55 Actions related to the Carolyn Norris Park Site.

Recommendation:

- (a) Approval of the Carolyn Norris Park Master Plan Report.
- (b) Approval of a Turnkey Park Agreement with Summerhill Parkwood, LLC to construct turnkey park improvements on the Carolyn Norris Park site and to reimburse Summerhill Parkwood, LLC in an amount not to exceed \$198,328 for park improvements above its Parkland Dedication Obligations on the Carolyn Norris Park site associated with Planned Development Permit PD05-082 and Tentative Map No. PT05-103.

Approved.

- (c) Adoption of the following Appropriation Ordinance in the Subdivision Park Trust Fund (Fund 375):
 - (1) Establish an appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$97,000 for Norris Park Turnkey Project Design Review and Inspection
 - (2) Decrease the Reserve: Future PDO/PIO Projects by \$97,000.

CEQA: Exempt, File No. PP07-263. Council District 9. (Parks, Recreation and Neighborhood Services)

(Deferred from 6/17/08 – Item 2.15)

Ordinance No. 28354 adopted.

2.56 Councilmember Nguyen's Travel to Chicago, IL.

Recommendation: Approval of travel by Councilmember Nguyen to Chicago, IL on October 1-3, 2008 for the San José/Silicon Valley Chamber of commerce City to City Trip 2008. Source of Funds: Mayor & Council Travel Fund. (Nguyen)
(Rules Committee referral 6/18/08)

Approved.

2.57 Councilmember Williams' Travel to Dublin, Ireland.

Recommendation: Approval of travel by Councilmember Williams to Dublin, Ireland on July 19-25, 2008 to foster the important civic and government linkages that have been built during the 22-year San José-Dublin Sister City relationship. The four day official trip will include meetings with the City of Dublin and Irish National Government, Dublin area businesses and university officials.. Source of Funds: District 2 Funds. (Williams)
(Rules Committee referral 6/18/08)

Approved.

2.58 Findings report relating to the Bay 101 Conditional Approval of Stock Transfer.

Recommendation: Acceptance of the finding reports from Kafoury, Armstrong & Company, LLP relating to the Bay 101 Conditional Approval of Stock Transfer, quarter ending December 31, 2007. (City Auditor)
(Rules Committee referral 6/18/08)

Reports Accepted.

2.59 Appropriation Ordinance and Funding sources Resolution Amendments in the General Fund to terminate the Officeholder Account for Councilmember Campos, District 5.

Recommendation: Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

- (a) Increase the Council District 5 appropriation by \$176.
- (b) Increase the revenue estimate for Other Revenue by \$176.

(City Clerk/City Manager's Office)

[Rules Committee referral 6/18/08 – Item A(1)(a)(1)]

Ordinance No. 28355 adopted.

Resolution No. 74497 adopted.

2. CONSENT CALENDAR

2.60 Actions related to the CommUnity Resource Fair.

Recommendation:

- (a) Approval of the CommUnity Resource Fair on June 29, 2008 and the use of the Mayor's Special Events Account.
- (b) Approval and acceptance of donations from various businesses and community groups to support the CommUnity Resource Fair on June 29, 2008.

Approved.

- (c) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendment in the Gift Trust Fund:

- (1) Establish a gift appropriation to the City Clerk's Office for the CommUnity Resource Fair in the amount of \$20,800; and
- (2) Increase the Earned Revenue estimate by \$20,800.

(City Clerk/City Manager's Office)

[Rules Committee referral 6/18/08 – Item A(1)(a)(2)]

Ordinance No. 28356 adopted.

Resolution No. 74498 adopted.

3. STRATEGIC SUPPORT SERVICES

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

City Manager Debra Figone announced the appointment of Darryl Von Raesfeld to the position of Fire Chief.

3.2 Report of the Rules and Open Government Committee – June 11, 2008

**Mayor Reed, Chair
Deferred to 8/5/08.**

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

**Councilmember Nguyen, Chair
No Report.**

3.4 Amendment to legal services agreement with Nossaman, Guthner, Knox & Elliott, LLP for services related to the Police and Fire Retirement Plan.

Recommendation: Adoption of a resolution authorizing the City Attorney to execute the third amendment to the legal services agreement with Nossaman, Guthner, Knox & Elliott, LLP, to increase the compensation by \$600,000, for a total amount not to exceed \$1,600,000. CEQA: Not a Project. (City Attorney's Office/Board of Administration for Police & Fire Department Retirement Plan)

Resolution No. 74499 adopted.

3. STRATEGIC SUPPORT SERVICES

3.5 Amendments to the City Payplan for various classifications.

Recommendation: Adoption of a resolution to:

- (a) Amend the City of San José Pay Plan to:
 - (1) Change the titles effective June 29, 2008 for the classifications of:
 - (a) Crime & Intelligence Analyst (1187) (formerly Crime Data Specialist)
 - (b) Senior Crime & Intelligence Analyst (1186) (formerly Senior Crime Data Specialist)
 - (c) Supervising School Crossing Guard (2443) (formerly School Safety Coordinator)
 - (d) Environmental Laboratory Supervisor (5118) (formerly Research Chemist/Research Microbiologist (5119)
 - (e) Environmental Laboratory Manager (5117) (formerly Laboratory Supervisor)
 - (2) Change the salary ranges effective June 29, 2008 for the classifications of:
 - (a) Animal Shelter Veterinarian PT (3256)
 - (b) Program Manager I (8073)
 - (c) Program Manager II (8076)
- (b) Amend the City of San José Pay Plan to:
 - (1) Provide general salary increases of 3.75% effective June 29, 2008 for unrepresented employees in Units 81, 82 and 99, excluding Temporary Employees and unclassified employees in the Office of the City Auditor.
 - (2) Change the salary ranges effective June 29, 2008, for the classifications:
 - (a) Assistant City Clerk U (1613)
 - (b) Temporary Employee U PT (9985)
 - (3) Change the salary ranges and titles effective June 29, 2008 for the classifications of:
 - (a) Analyst I, Independent Police Auditor (7664) (formerly Police Data Analyst I)
 - (b) Analyst II, Independent Police Auditor (7665) (formerly Police Data Analyst II)
 - (4) Create the following classification effective June 29, 2008:
 - (a) Sr. Analyst, Independent Police Auditor (7666)
- (c) For unrepresented employees in Units 81, 82 and 99, excluding Temporary Employees, amend the employees' health plan cost-sharing formula for medical plan coverage to 10% of the lowest priced plan currently available to City employees effective December 14, 2008.
- (d) Amend the City of San José Pay Plan to provide general salary increases of 3.75% effective June 29, 2008 for Council Appointees.
- (e) For Council Appointees, amend the employees' health plan cost-sharing formula for medical plan coverage to 10% of the lowest priced plan currently available to City employees effective December 14, 2008.

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

Resolution No. 74500 adopted.

3. STRATEGIC SUPPORT SERVICES

3.6 Various Budget Actions for Fiscal Year 2007-2008.

Recommendation:

- (a) Approval of 2007-2008 Appropriation Ordinance and Funding Sources Resolution amendments in various funds as detailed in Attachments A (General Fund), B (Special Funds) and C (Capital Funds) of the memorandum.
Ordinance No. 28353 adopted.
Resolution No. 74519 adopted.

- (b) Approval of 2007-2008 Appropriation Ordinance amendments in various funds as detailed in Attachment B - Supplemental (Special Funds) in addition to the recommendations in Attachment B (Special Funds) detailed in the original memorandum dated June 10, 2008.
Ordinance No. 28360 adopted.

- (c) Approval of 2007-2008 Appropriation Ordinance and Funding Sources Resolution amendments as detailed in Attachment C – Supplemental (Capital Funds) in-lieu of the recommendations detailed in pages 1 and 2 of Attachment C (Capital Funds) in the original memorandum dated June 10, 2008 for the following funds in the Airport Capital Program: Airport Capital Improvement Fund, Airport Revenue Bond Improvement Fund, Airport Renewal and Replacement Fund, and Airport Passenger Facility Charge Fund.
CEQA: Not a Project. (City Manager’s Office)
Ordinance No. 28350 adopted.
Resolution No. 74463 adopted.

3.7 Various Budget Actions and Final Adoption of the Fiscal Year 2008-2009 Budget.

Recommendation:

- (a) Adoption of the Annual Appropriation Ordinance, including transfers and loans for Fiscal Year 2008-2009 and the Manager’s Final Budget Addendum.
Ordinance No. 28349 adopted.

 - (b) Adoption of the Annual Funding Sources Resolution for Fiscal Year 2008-2009 and the Manager’s Final Budget Addendum.
Resolution No. 74461 adopted.

 - (c) Adoption of a resolution in compliance with Article XIII B of the Constitution of the State of California and as modified by Proposition 111 and SB 88 electing the population and inflation factors and establishing the Fiscal Year 2008-2009 Appropriation Limit.
CEQA: Not a Project. (City Manager’s Office)
Resolution No. 74462 adopted.
- Noes: Oliverio.**

3. STRATEGIC SUPPORT SERVICES

3.8 Public Hearing for the Reimbursement of Cost for Sidewalk Repairs.

Recommendation: Conduct a public hearing and adopt a resolution approving the report of the Director of Finance on the Cost of Sidewalk Repairs, confirming the assessments contained in the Report and directing the recording of liens on the property tax roll for the cost of sidewalk repairs. CEQA: Not a Project. (Finance)

Resolution No. 74501 adopted.

3.9 Agreement with Housing and Development Software for a Database System.

Recommendation:

- (a) Adoption of a resolution authorizing the City Attorney to execute a settlement and release agreement with Housing and Development Software, LLC, pursuant to the settlement authorization approved by Council in Closed Session on October 30, 2007, that provides in part for the entering into a separate “Agreement for the Implementation of a Housing Development System”.
- (b) Adoption of a resolution authorizing the Director of Finance to:
 - (1) Execute an agreement with Housing and Development Software, LLC (HDS) for the purchase of Funds Management, Single Family, Multifamily, and Loan Servicing software, for a total amount not-to-exceed \$400,400 including first year maintenance, installation, implementation, training and applicable tax.
 - (2) Execute change orders not-to-exceed 20% contingency in the amount of \$80,000 to cover unanticipated changes or requirements.
 - (3) Exercise four one-year options for ongoing maintenance and support subject to appropriation of funds.
- (c) Adoption of the following Appropriation Ordinance Amendments in the Low and Moderate Income Housing Fund (443) for 2007-2008:
 - (1) Increase the Housing Non-Personal/Equipment appropriation by \$480,400.
 - (2) Decrease the Ending Fund Balance by \$480,400.

CEQA: Not a Project. (Housing/Finance/Information Technology/City Manager’s Office)

Item Dropped per Administration.

3.10 Public Hearing for the Consideration of a Rule 20A Underground Utility District along White Road.

Recommendation: Public hearing and approval of an ordinance to establish a Rule 20A Underground Utility District along White Road, between Rose Avenue and 150 feet north of Alum Rock Avenue. CEQA: Exempt, File No. PP08-042. Council District 5. (Public Works)

Ordinance No. 28357 passed for publication.

3. STRATEGIC SUPPORT SERVICES

3.11 Council appointment to Board of Administration, Federated Retirement System.

Recommendation: Consider nominating petitions and the recommendation of the Federated Retirement Board for appointment of one employee member from a department other than Public Works to fill a vacancy for a term expiring November 30, 2009. (City Clerk/Federated Retirement Board)

RENUMBERED FROM ITEM 2.7

Appointed Patrick Skillsky.

3.12 Approval to Donate Five Surplus Brush Patrol Vehicles.

Recommendation:

(a) Adoption of a resolution authorizing the Director of Finance to donate five surplus Brush Patrol Vehicles (1988 Ford F350 Cab and Chassis with a Brush Patrol body) with a cumulative estimated value of \$25,000 as follows: one vehicle to the Spring Valley Fire District, a volunteer fire department; two vehicles to San José Search and Rescue, a non-profit organization; one vehicle to Central County Occupational Center, an educational organization; and one surplus Brush Patrol to the Uvas Volunteer Fire Department.

Resolution No. 74502 adopted.

(b) Direction to the City Manager and City Attorney to draft revisions to the Council Policy requiring that all requests for donation of surplus personal property including from foreign governmental bodies come directly from the donee to the Director of Finance or other City Manager designee, that the equipment benefits the donee, and that the donee use the donated equipment for the benefit as stated in the request for the donation.

CEQA: Not a Project. (Finance)

(Deferred from 6/3/08 – Item 2.10, 6/10/08 – Item 2.11 and 6/17/08 – Item 2.22)

Approved.

3.13 SB 1407 (Perata) – Courthouse Construction.

Recommendation: As recommended by the Rules and Open Government Committee of June 18, 2008 adopt a position of support for SB 1407 (Perata) – Courthouse Construction. (Cortese)

[Rules Committee referral 6/18/08 – Item C(1)(a)]

Support for position adopted.

3. STRATEGIC SUPPORT SERVICES

3.14 Report of the Rules and Open Government Committee – June 4, 2008
Mayor Reed, Chair
Report accepted.

3.15 Report of the Rules and Open Government Committee – June 18, 2008
Mayor Reed, Chair
Deferred to 8/5/08 per Orders of the Day.

4. COMMUNITY & ECONOMIC DEVELOPMENT

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

4.2 Fiscal Year 2008-2009 Arts Program Allocations, Grants and Agreements.

Recommendation: Approval of the Arts Commission recommendation, subject to approval of the 2008-2009 Proposed Operating Budget, to:

(a) Allocate 2008-2009 funds to the Office of Cultural Affairs' arts and cultural programs, projects, grants, activities and support in a total amount not-to-exceed \$4,551,239.

Approved.

(b) Adoption of a resolution authorizing the City Manager to negotiate and execute 2008-2009 grant agreements as follows:

- (1) Festival, Parade and Celebration Grant Agreements with 26 organizations for 35 events in a total amount not-to-exceed \$457,749; and
- (2) Arts Grant Agreements with 58 organizations in a total amount not-to-exceed \$2,747,392.

CEQA: Not a Project. (Economic Development)

Resolution No. 74503 adopted.

4.3 Actions Related to Funding for the 90 Archer Street Apartment Project.

Recommendation: Adoption of a resolution approving a funding commitment of up to \$3,940,000 of 20% Housing Funds to Charities Housing Development Corporation ("Charities Housing"), or its designated affiliate, for a land acquisition/construction/permanent loan for the development of the 42-unit 90 Archer Street Apartments Project, that is located at 90 Archer Street, to be made available to extremely low-income and very low-income households. CEQA: EIR Resolution No. 72768. File No. PDC06-085. Council District 3. (Housing)

Dropped per Administration.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.4 Funding Commitment for the 10th and Hedding Family Townhome Project.

Recommendation: Adoption of a resolution approving a funding commitment of up to \$6,300,000 to CORE Affordable Housing LLC, or its designated affiliate, of which up to \$5,953,242 will finance land acquisition, for the development of the 53-unit 10th and Hedding Family Townhomes located at 851 and 899 North 10th Street, to be made available to extremely low-, very low- and low-income households. CEQA: Mitigated Negative Declaration, File No. PDC07-025. Council District 3. SNI: 13th Street. (Housing)

Resolution No. 74504 was adopted and Staff's recommendations were approved with further direction as outlined in Council Member Liccardo's memorandum dated June 20, 2008:

- (1) **Direct City Manager to have staff and the developer engage the community in a discussion on the project that includes outreach to the 13th Street NAC and nearby homeowner associations, including Viridian.**
- (2) **Return to Community and Economic Development Committee with policy regarding what additional community outreach will be required in instances where all prior neighborhood notification regarding a market-rate, ownership project preceded a developer's decision to seek government subsidies for rental affordable housing.**

4.5 TEFRA Hearing and Actions Related to the Issuance of Refunding Bonds for the Las Ventanas Apartment Project.

Recommendation:

- (a) Conduct a Tax Equity and Fiscal Responsibility Act (TEFRA) hearing for the issuance of up to \$31,000,000 in tax-exempt public activity bonds to refund a portion of the City's \$31,000,000 of City of San José Variable Rate Demand Multifamily Housing Revenue Bonds (Evans Lane Apartments) Series 2002H;
Approved.
- (b) Adoption of a resolution of:
 - (1) Authorizing the issuance of tax-exempt multifamily housing revenue refunding bonds designated as "City of San José Variable Rate Demand Multifamily Housing Revenue Refunding Bonds (Las Ventanas Apartments) Series 2008B" in a principal amount not-to-exceed \$31,000,000 (the "Refunding Bonds");
 - (2) Approving a loan of Refunding Bond proceeds to Evans Lane Apartments, L.P., a California limited partnership, to fund a permanent loan for Las Ventanas Apartments (formerly known as Evans Lane Apartments) located at 1848 Evans Lane in San José (the "Development");

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.5 TEFRA Hearing and Actions Related to the Issuance of Refunding Bonds for the Las Ventanas Apartment Project (Cont'd.)

- (b) Adoption of a resolution of:
 - (3) Approving in substantially final form the Bonds, Trust Indenture, Financing Agreement, First Amendment to Regulatory Agreement, Intercreditor Agreement and Bond Purchase Agreement;
 - (4) Authorizing the City Manager, Director of Finance, Deputy Director of Finance, and Director of Housing to execute and, as appropriate, to negotiate, execute and deliver these bond documents and other related bond documents as necessary;

Resolution No. 74465 adopted.

- (c) Adoption of a resolution approving an increase of \$687,108 in the City's permanent loan amount resulting in a total permanent loan amount of \$16,232,773 to Evans Lane Apartments, L.P. (the "Borrower") for the Las Ventanas Apartments.

CEQA: Mitigated Negative Declaration, File No. PDC01-096. Council District 6. (Housing/Finance)

Resolution No. 74464 adopted.

4.6 Public Hearing on the Reorganization/Annexation of Territory Designated as Burbank No. 40.

Recommendation: Conduct a public hearing and adoption of a resolution ordering the reorganization of territory designated as Burbank No. 40, which involves the annexation to the City of San José of approximately 2.78 acres of land located at the northwest corner of West San Carlos Street and Brooklyn Avenue and public right-of-way along West San Carlos Street, Brooklyn Avenue, and Topeka Avenue, and the detachment of the same from the appropriate special districts, including Central Fire Protection, Area No. 01 (Library Services) County Service, Burbank Sanitary and County Lighting County Services. CEQA: EIR Resolution No. 65459. Council District 6. (Planning, Building and Code Enforcement)

Resolution No. 74505 adopted.

4.7 Actions related to the design and installation of Public Artwork at Happy Hollow Park and Zoo.

Recommendation: Approval of an agreement with Tom Otterness to design, fabricate and install public artwork for the Happy Hollow Park and Zoo in a total amount not-to-exceed \$932,500. CEQA: Exempt, File No. PP05-184. (Economic Development) (Deferred from 6/3/08 – Item 2.8, 6/10/08 – Item 4.4 and 6/17/08 – Item 4.5)

Approved.

Noes: Campos.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.8 Public Hearing and Consideration of a Resolution Approving a Conservation Area Amendment.

Recommendation: Conduct a public hearing and consider a resolution approving a Conservation Area Amendment to allow a seven-parcel expansion of the current boundaries of the Hanchett and Hester Park Conservation Area to include the following single-family detached residences: 23, 26, 27, 28, 31, 34 and 36 Tillman Avenue Cassandra Ravenscroft, project proponent. CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). Council District 6. (Planning, Building and Code Enforcement)

CA08-001 – District 6

[Continued from 6/3/08 – Item 4.9 and 6/17/08 – Item 11.1(a)]

Resolution No. 74506 adopted.

5. NEIGHBORHOOD SERVICES

5.1 Report of the Neighborhood Services and Education Committee – June 12, 2008 Councilmember Chirco, Chair Report accepted.

5.2 Fiscal Year 2008-2009 Parks, Recreation and Neighborhood Services Agreements.

Recommendation: Adoption of a resolution authorizing the following actions related to Fiscal Year 2008-09 Parks, Recreation and Neighborhood Services agreements:

- (a) Authorizing the City Manager to negotiate and execute all agreements and amendments for Parks, Recreation and Neighborhood Services Department programs identified on Attachment A of the staff memorandum that have environmental clearance.
- (b) Authorizing the Director of Parks, Recreation and Neighborhood Services to negotiate and execute 2008-2009 contracts and amendments that have environmental clearance consistent with adopted budgeted amounts for the following grant programs:
 - (1) Bringing Everyone's Strengths Together (BEST)
 - (2) Healthy Neighborhoods Venture Fund Grant (HNVF)
 - (3) San José After School Program (SJAS)
- (c) Authorizing the City Manager to negotiate and execute agreements and amendments that have environmental clearance to accept grant funds from the Corporation for National Community Services for the Senior Companion program, County of Santa Clara (County) for provision of mental health services and senior nutrition programs consistent with the 2008-2009 Adopted Budgeted;

(Item continued on the next page)

5. NEIGHBORHOOD SERVICES

5.2 Fiscal Year 2008-2009 Parks, Recreation and Neighborhood Services Agreements. (Cont'd.)

- (d) Authorizing a three-month extension of the agreement with the County of Santa Clara of the Senior Nutrition Agreement into the first three months of 2008-2009 and to accept grant funds for that period in amounts consistent with budgeted amount in the 2008-2009 Adopted Budget, until a new agreement for 2008-2009 is finalized with the County.

CEQA: Mexican American Community Services Corporation – Construction and joint use of an outdoor sports facility: Exempt, File No. PP08-103; Guadalupe Gardens Demonstration Garden: Mitigated Negative Declaration, File No. PP02-033; all remaining items on Attachment A: Not a Project. (Parks, Recreation and Neighborhood Services)
Resolution No. 74507 adopted.

5.3 Actions Related to the Martin Park Master Plan.

Recommendation:

- (a) Approval of the Martin Park Master Plan Report.
- (b) Approval of a Turnkey Parkland Agreement with KB Home South Bay Inc. (“Developer”) for Tentative Map No. PT04-091, Tract No. 9644 to:
 - (1) Relieve Developer of its prior written Interim Parkland Agreement to construct the expansion of Martin Park (“Martin Park Landfill site”) as a turnkey park project;
 - (2) Credit the Developer in the amount of up to \$424,135 for costs associated with development of the Martin Park Landfill site;
 - (3) Construct minor turnkey park improvements on Martin Park and Forestdale Tot Lot; and
- (b) (4) Collect parkland in-lieu fees in the amount of \$1,151,715 to satisfy Developer’s Parkland Dedication Obligation for the project.

Approved.

- (c) Adoption of the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Subdivision Park Trust Fund (Fund 375):
 - (1) Increase the appropriation to the Parks, Recreation and Neighborhood Services Department for the Preliminary Studies-Turnkey Parks by \$4,350; and
 - (2) Increase the Earned Revenue estimate by \$4,350.

CEQA: Exempt, File No. PP08-026. Council District 3. SNI: Five Wounds/Brookwood Terrace. (Parks, Recreation and Neighborhood Services/City Manager’s Office)

Ordinance No. 28352 adopted.

Resolution No. 74466 adopted.

5. NEIGHBORHOOD SERVICES

5.4 Report on Bids and Action Related to Bascom Library and Community Center Project.

Recommendation: Report on bids and take appropriate action based on the evaluation of bids for the Bascom Library and Community Center Project. CEQA: Exempt, File No. PP07-081. Council District 6. SNI: Burbank/Del Monte. (Parks, Recreation and Neighborhood Services/Library/Public Works)
(Deferred from 6/10/08 – Item 5.3 and 6/17/08 – Item 5.3)
Deferred to 8/5/08 per Administration.

5.5 Report on B.E.S.T. Resource Allocation Strategy.

Recommendation: Approval of the Resource Allocation Plan of the San José Bringing Everyone's Strengths Together (B.E.S.T.) Program for FY2008-2009. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)
[Neighborhood Services and Education Committee referral 06/12/08 – Item (e)]
Approved.

6. TRANSPORTATION & AVIATION SERVICES

6. Report of the Transportation and Environment Committee Councilmember Williams, Chair. No Report.

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

8.1 Award of Contract for the Fire Station No. 19 Relocation Project.

Recommendation: Adoption of a resolution authorizing the City Manager to award the Fire Station No. 19 Relocation project to the low bidder, and approval of a five percent contingency in a combined amount not-to-exceed \$3,675,000.00. CEQA: Exempt, File No. PP06-116. (Public Works/Fire)
Resolution No. 74508 adopted.

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

See Items 8.1 “Approval of a Reimbursement Agreement with SVTC Technologies, Inc.”, 8.2 “Approval on an ENA with Urban Markets, LLC for planned urban market development . . .”, 8.3 “City Council and Agency Board actions related to award of contract for construction of the SoFA Sidewalk Demonstration Project”, and 8.4 “Approval of a contract for the Civic Auditorium Boiler System Replacement Project” on the Redevelopment Agency Agenda, which will be heard and action taken only during the Redevelopment Agency Meeting that follows the Council Meeting today.

CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEMS 9.1, 9.2, 9.3 AND 9.4 IN A JOINT SESSION

9.1 Various Actions Related to the Redevelopment Agency’s FY 2007-2008 and Proposed FY 2008-2009 Budgets.

Recommendation: Adoption of Redevelopment Agency Board resolutions:

- (a) Approving the amendments to the FY 2007-08 Adopted Budget to reflect various modifications to the FY 2007-08 Revenue resolution, Capital Budget, and amending the FY 2007-08 Agency appropriation resolution;

Redevelopment Agency Resolution No. 5839 Adopted.

- (b) Approving amendments to FY 2008-09 Proposed Budget;

Redevelopment Agency Resolution No. 5840 Adopted.

- (c) Adopting the FY 2008-09 Revenue and Appropriations Resolutions for the Operating and Capital Budgets detailed on Attachment C of the staff memorandum, and authorizing the Executive Director to rebudget FY 2007-08 Operating and Capital remaining appropriation balances for on-going projects/programs previously approved by the Agency Board;

Redevelopment Agency Resolution No. 5841 Adopted.

Redevelopment Agency Resolution No. 5852 Adopted.

- (d) Making certain determinations regarding the expenditure of Agency funds to eradicate graffiti.

CEQA: Not a Project. (Redevelopment Agency)

Redevelopment Agency Resolution No. 5842 Adopted.

Noes: Campos.

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

9.2 Negotiate and Execute an Amended Affordability Restriction and approve a Funding Commitment for the Madison Place at Monte Vista Apartments Project.

Recommendation:

- (a) Adoption of a resolution by the Redevelopment Agency Board authorizing the Director of Housing to negotiate and execute an amended affordability restriction to allow an existing for-sale affordability agreement to incorporate rental unit requirements for the 30-unit Madison Place at Monte Vista Apartments Project located at 809 Auzerais Avenue.

Redevelopment Agency Resolution No. 5850 Adopted.

- (b) Adoption of a resolution by the City Council approving a funding commitment of up to \$3,000,000 to Eden Housing, Inc., or its designated affiliate, for an acquisition/permanent loan for the 30-unit Madison Place at Monte Vista Apartments project located at 809 Auzerais Avenue, to be made available to extremely low-income (ELI) and very low-income (VLI) senior households.

CEQA: Not a Project. Council District 6. SNI: Burbank/Del Monte. (City Manager’s Office/Redevelopment Agency)

Resolution No. 74509 adopted.

9.3 Amendment to an Agreement with San José Day Nursery.

Recommendation: Approval of the Third Amendment to the Agreement providing for the development, renovation and operation of a Smart Start Center between the San José Day Nursery, the City of San José, and the Redevelopment Agency of the City of San José, increasing the Agency contribution by \$150,000, for a total City/Agency contribution not to exceed \$1,450,000, in order to provide funding for the completion of improvements to San José Day Nursery’s existing facilities located at 33 North Eighth Street, and also extending the duration of the Smart Start covenants for the property from 30 to 35 years as consideration for the increase in funding. CEQA: Exempt, File No. CP05-002. (Redevelopment Agency/City Manager’s Office)

Approved.

9.4 Cooperation Agreements between the City and the Redevelopment Agency.

Recommendation: Approval of the Fiscal Year 2008-2009 Cooperation Agreements between the City of San José and the Redevelopment Agency for:

- (a) Capital Improvement Projects in the Merged Redevelopment Area; and
- (b) Support Services in the Fiscal Year 2008-09 Operating Budget.

CEQA: Not a Project. (Redevelopment Agency/City Manager’s Office)

Approved.

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

9.5 Approval of Actions Related to the Public Art Master Plan and increasing administrative contract authority.

Recommendation:

(a) City Council approval of an Ordinance amending Title 22 of the San Jose Municipal Code modifying the basis for calculating the percent for public art in City and Agency Capital Improvement Projects and other changes to implement portions of the Public Art Master Plan approved by City Council on March 13, 2007.

Ordinance No. 28358 passed for publication.

(b) City Council approval of an Ordinance amending Section 4.04.020 of Title 4 of the San Jose Municipal Code to increase administrative contract authority for public art contracts, grant agreements and sponsorship agreements to \$250,000.

Ordinance No. 28359 passed for publication.

(c) Adoption of resolutions by the City Council and Redevelopment Agency Board rescinding City Council Resolution No. 64284 and Redevelopment Agency Board Resolution No. 3606, with the rescission to be effective upon the effective date of the foregoing ordinance.

Resolution No. 74510 adopted.

Redevelopment Agency Resolution 5851 adopted.

(d) Direct the City Manager and Executive Director to return to Council in August for policy discussion and consideration regarding the Public Art Master Plan's recommended one percent public art allocation on City capital projects funded with development fees and to engage in discussions with the development community before returning to Council.

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

Accepted.

- Notice of City Engineer's Pending Decision on Final Maps
- Notice of City Engineer's Award of Construction Projects Open Forum
None.
- Adjournment
The Council of the City of San José adjourned at 4:16 p.m.

8. JOINT REDEVELOPMENT AGENCY ITEM

The Joint Redevelopment Agency Board convened at 11:22 a.m. to consider Items 8.1, 8.2, 8.3 and 8.4 in a Joint Session.

8.1 Approval of a Reimbursement Agreement with SVTC Technologies, Inc.

Recommendations:

- (a) Adoption of a resolution by the Redevelopment Agency Board approving an adjustment to FY 2007-08 Adopted Capital Budget by adding \$100,000 to the Edenvale Emerging Technology Fund project line in the Edenvale Redevelopment Project Area, and amending the FY 2007-2008 Agency appropriations resolution.

Redevelopment Agency Resolution No. 5847 adopted.

- (b) Approval by the Redevelopment Agency Board of a Reimbursement Agreement with SVTC Technologies, Inc., to provide financial assistance in an amount not to exceed \$100,000, for acquisition and installation of capital equipment to be installed in SVTC Technologies, Inc., industrial and manufacturing headquarters facility in the Edenvale Redevelopment Project Area.

Approved.

- (c) Adoption of a resolution by the Redevelopment Agency Board making certain findings as required by Redevelopment Law.

Redevelopment Agency Resolution No. 5848 adopted.

- (d) Adoption of a resolution by the City Council directing the City Manager to pursue Employment Training Panel Funds, in an amount up to \$100,000, to support the workforce development efforts of SVTC Technologies, Inc.,

CEQA: Resolution No. 67245, File No. HA82-269-01. **[EDENVALE]**

Resolution No. 74517 adopted.

8.2 Approval of an ENA with Urban Markets, LLC for a planned urban market development in the San Pedro Square district.

Recommendation: Approval by the City Council and Redevelopment Agency Board of an Exclusive Negotiations Agreement (ENA) with Urban Markets, LLC to negotiate for a 180-day period for a planned urban market development in the San Pedro Square district of the Downtown core, generally bounded by West Santa Clara Street on the south, North Market Street on the east, West Saint John Street on the north and Almaden Avenue on the west. CEQA: Resolution No 72767, File No. PP08-114. **[JULIAN-STOCKTON/SNI]**

Approved, with motion to return in two months for a follow-up study session and fiscal impact analysis.

Noes: Campos.

8. JOINT REDEVELOPMENT AGENCY ITEM

8.3 City Council and Agency Board actions related to award of a contract for construction of the SoFA Sidewalk Demonstration Project.

Recommendation:

- (a) Adoption of a resolution by the City Council making certain determinations required by Redevelopment Law, Health and Safety Code Section 33445, for Agency funding of the proposed improvements to the SoFA Sidewalk Demonstration Project; and,
- (b) Adoption of a resolution by the Redevelopment Agency Board delegating authority to the Executive Director to award a contract to the lowest responsive bidder and to authorize a construction contingency in an amount not to exceed 10% of the contract amount for construction of the SoFA Sidewalk Demonstration Project, for a total construction cost not to exceed \$600,000 including the contingency, to resolve bid protests and responsibility issues or reject all bids if an award cannot be made.

CEQA: Resolution No 72767, File No. PP08-119. **[MARKET GATEWAY]**
Deferred to 8/26/08 per Council.

8.4 Approval of a contract for the Civic Auditorium Boiler System Replacement Project.

Recommendations:

- (a) Adoption of a resolution by the City Council making certain determinations required by Redevelopment Law, Health and Safety Code Section 33445, for Agency funding of the proposed improvements to the Civic Auditorium; and,
Resolution No. 74518 adopted.
- (b) Adoption of a resolution by the Redevelopment Agency Board approving a contract with San Jose Boiler Works in the amount of \$1,290,000, for the Civic Auditorium Boiler System Replacement Project; authorizing a project contingency in the amount of \$129,000 for a total contract amount of \$1,419,000.

CEQA: Final EIR "San Jose Downtown Strategy 2000", Resolution No 72767 and Addenda Thereto, File No. PP08-098. **[PARK CENTER PLAZA]**

Redevelopment Agency Resolution No. 5849 adopted.

**JOINT CITY OF SAN JOSÉ
CITY COUNCIL/FINANCING AUTHORITY
AGENDA**

11:17 A.M.

TUESDAY, JUNE 24, 2008

CHAMBERS

1. Call to Order

Absent: Council Member Constant

2. Actions Related to the City of San José Financing Authority Commercial Paper Program.

Recommendation:

- (a) Adoption of a resolution by the City Council approving the issuance of commercial paper notes for the additional purpose of refunding the outstanding City of San José Financing Authority Lease Revenue Bonds, Series 2002C (Civic Center Project) in an amount not-to-exceed \$63,000,000 pursuant to the previously established commercial paper program designated as “City of San José Financing Authority Lease Revenue Commercial Paper Notes” in the not-to-exceed aggregate amount of \$116 million, and determining that there will be significant public benefits accruing from such financing and authorizing the extension of the Standby Bond Purchase Agreement related to the Series 2002C Bonds with JPMorgan.

Resolution No. 74511 adopted.

- (b) Adoption of a resolution of the City of San José Financing Authority authorizing the issuance of City of San José Financing Authority Lease Revenue Commercial Paper Notes in an amount not-to-exceed \$63,000,000 for the additional purpose of refunding the outstanding City of San José Financing Authority Lease Revenue Bonds, Series 2002C (Civic Center Project) and certain related costs and authorizing the extension of the Standby Bond Purchase Agreement related to the Series 2002C Bonds with JPMorgan.

SJFA Resolution No. 83 adopted.

3. **Actions Related to the City of San José Financing Authority Lease Revenue Bonds, Series 2008ABCDE and Delegation of Authority Related to Variable Rate Debt of the City or the Authority.**

Recommendation:

- (a) Actions related to the City of San José Financing Authority Lease Revenue Bonds, *Series 2008A (Civic Center Refunding Project)*
- (1) Adoption of a resolution of the City Council amending and restating Resolution No. 74400 related to actions in connection with the issuance of the City of San José Financing Authority Lease Revenue Bonds, Series 2008A (Civic Center Refunding Project) (the “Civic Center Refunding Bonds”) in order to increase the aggregate principal amount authorized from an amount not-to-exceed \$61,000,000 to an amount not-to-exceed \$70,000,000 and to authorize certain designated officials to take other actions as necessary in connection with the issuance of the Civic Center Refunding Bonds.
Resolution No. 74512 adopted.
Disqualified: Pyle.
- (2) Adoption of a resolution of the City of San José Financing Authority Board amending and restating Resolution No. 78 related to actions in connection with the issuance of the Civic Center Refunding Bonds in order to increase the aggregate principal amount authorized from an amount not-to-exceed \$61,000,000 to an amount not-to-exceed \$70,000,000 and to authorize certain designated officials to take other actions as necessary in connection with the issuance of the Civic Center Refunding Bonds.
SJFA Resolution No. 84 adopted.
Disqualified: Pyle.
- (b) Actions related to the City of San José Financing Authority Lease Revenue Bonds, *Series 2008B (Civic Center Garage Refunding Project)*
- (1) Adoption of a resolution of the City Council amending and restating Resolution No. 74401 related to actions in connection with the issuance of the City of San José Financing Authority Lease Revenue Bonds, Series 2008B (Civic Center Garage Refunding Project) (the “Civic Center Garage Refunding Bonds”) in order to increase the aggregate principal amount authorized from an amount not-to-exceed \$35,000,000 to an amount not-to-exceed \$40,000,000 and to authorize certain designated officials to take other actions as necessary in connection with the issuance of the Civic Center Garage Refunding Bonds.
Resolution No. 74513 adopted.
Disqualified: Pyle.

(Item continued on the next page)

3. **Actions Related to the City of San José Financing Authority Lease Revenue Bonds, Series 2008ABCDE and Delegation of Authority Related to Variable Rate Debt of the City or the Authority. (Cont'd.)**

Recommendation:

- (b) (2) Adoption of a resolution of the City of San José Financing Authority Board amending and restating Resolution No. 79 related to actions in connection with the issuance of the Civic Center Garage Refunding Bonds in order to increase the aggregate principal amount authorized from an amount not-to-exceed \$35,000,000 to an amount not-to-exceed \$40,000,000 and to authorize certain designated officials to take other actions as necessary in connection with the issuance of the Civic Center Garage Refunding Bonds.

SJFA Resolution No. 85 adopted.

Disqualified: Pyle.

- (c) Actions related to the City of San José Financing Authority Lease Revenue Bonds, *Series 2008C and Series 2008D (Hayes Mansion Refunding Project)*
- (1) Adoption of a resolution of the City Council amending and restating Resolution No. 74402 related to actions in connection with the issuance of the City of San José Financing Authority Lease Revenue Bonds, Series 2008C (Hayes Mansion Refunding Project) and City of San José Financing Authority Taxable Lease Revenue Bonds, Series 2008D (Hayes Mansion Refunding Project) (the “Hayes Mansion Refunding Bonds”) in order to extend the maturity of the Series 2008D Bonds from June 1, 2024 to June 1, 2025 and to authorize certain designated officials to take other actions as necessary in connection with the issuance of the Hayes Mansion Refunding Bonds.

Resolution No. 74514 adopted.

Disqualified: Pyle.

- (2) Adoption of a resolution of the City of San José Financing Authority Board amending and restating Resolution No. 80 related to actions in connection with the issuance of the Hayes Mansion Refunding Bonds in order to extend the maturity of the Series 2008D Bonds from June 1, 2024 to June 1, 2025 and to authorize certain designated officials to take other actions as necessary in connection with the issuance of the Hayes Mansion Refunding Bonds.

SJFA Resolution No. 86 adopted.

Disqualified: Pyle.

(Item continued on the next page)

3. **Actions Related to the City of San José Financing Authority Lease Revenue Bonds, Series 2008ABCDE and Delegation of Authority Related to Variable Rate Debt of the City or the Authority. (Cont'd.)**

Recommendation:

- (d) Actions related to the City of San José Financing Authority Lease Revenue Bonds, *Series 2008E (Ice Centre Refunding Project)*
- (1) Adoption of a resolution of the City Council amending and restating Resolution No. 74403 related to actions in connection with the issuance of the City of San José Financing Authority Taxable Lease Revenue Bonds, Series 2008E (Ice Centre Refunding Project) (the “Ice Centre Refunding Bonds”) in order to increase the aggregate principal amount authorized from an amount not-to-exceed \$28,000,000 to an amount not-to-exceed \$31,000,000 and to authorize certain designated officials to take other actions as necessary in connection with the issuance of the Ice Centre Refunding Bonds.
Resolution No. 74515 adopted.
Disqualified: Pyle.
- (2) Adoption of a resolution of the City of San José Financing Authority Board amending and restating Resolution No. 81 related to actions in connection with the issuance of the Ice Centre Refunding Bonds in order to increase the aggregate principal amount authorized from an amount not-to-exceed \$28,000,000 to an amount not-to-exceed \$31,000,000 and to authorize certain designated officials to take other actions as necessary in connection with the issuance of the Ice Centre Refunding Bonds.
SJFA Resolution No. 87 adopted.
Disqualified: Pyle.
- (e) Delegation of Authority Related to Variable Rate Debt of the City or the City of San José Financing Authority
- (1) Adoption of a resolution of the City Council authorizing the City Manager or the City Manager’s authorized designee, through August 5, 2008, to take various actions with respect to the outstanding variable rate debt of the City or City of San José Financing Authority without further action of the City Council when the City Manager determines it is prudent to do so.
Resolution No. 74516 adopted.
Disqualified: Pyle.

(Item continued on the next page)

3. Actions Related to the City of San José Financing Authority Lease Revenue Bonds, Series 2008ABCDE and Delegation of Authority Related to Variable Rate Debt of the City or the Authority. (Cont'd.)

Recommendation:

- (e) (2) Adoption of a resolution of the City of San José Financing Authority Board authorizing the Executive Director or the Executive Director's authorized designee, through August 5, 2008, to take various actions with respect to the outstanding variable rate debt of the City of San José Financing Authority without further action of the City of San José Financing Authority Board when the Executive Director determines it is prudent to do so.

SJFA Resolution No. 88 adopted.

Disqualified: Pyle.

4. Adjourn the San José Financing Authority at 11:20 a.m.