



CITY COUNCIL AGENDA

AUGUST 5, 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, VICE 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**
9:30 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: None.

1:33 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: None.

- **Invocation (District 7)**
Bishop Lopez, Church of Jesus Christ of Latter-Day Saints, offered the Invocation.

- **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 Item 2.3 and 5.2 deferred to 8/12/08.

- **Closed Session Report**
None

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to the Santa Clara County Office of Education for receiving Head Start’s “Gold Certificate”. (Chu)
Mayor Reed and Council Member Chu recognized and commended the Santa Clara County Office of Education for receiving Head Start’s “Gold Certificate”.
- 1.2 Presentation of proclamation declaring Tuesday, August 5, 2008 as “National Night Out” in the City of San José. (Mayor)
Mayor Reed recognized Tuesday, August 5, 2008 as “National Night Out” in the City of San José.
- 1.3 Presentation of the Government Finance Officers Association’s “Certificate of Achievement for Excellence in Financial Reporting” and the “Award of Financial Reporting Achievement” to the San José Redevelopment Agency. (Mayor/Redevelopment Agency)
Mayor Reed presented the Government Finance Officers Association’s “Certificate of Achievement for Excellence in Financial Reporting” and the “Award of Financial Reporting Achievement” to the San José Redevelopment Agency.

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 from 6/24/08 – Item 2.1(a) – (b)]
- (c) 2008-2009 Operating and Capital Budget; 2009-2013 Capital Improvement Program Study Session Minutes of May 7, 2008 through May 16, 2008

Approved.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 28351 – Repealing Ordinance No. 27971 and establishing a new, accurate legal description of the expanded public right-of-way on Taylor Street between Anita and Walnut Streets.
Ordinance No. 28351 adopted.
- (b) ORD. NO. 28357 – Establishing a Rule 20A Underground Utility District along White Road, between Rose Avenue and 150 feet north of Alum Rock Avenue.
Ordinance No. 28357 adopted.

2. CONSENT CALENDAR

2.3 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 from 6/24/08 – Item 2.6)

Deferred to 8/12/08 per Orders of the Day.

2.4 Approval in Open Session of payment in exchange for release of claim considered by the Council in Closed Session on June 17, 2008.

Recommendation: Approval of payment to claimants, Melanie Gill and Robert Day, in the amount of \$75,000, pursuant to a Release, authorized by the City Council in Closed Session on June 17, 2008. (City Attorney's Office)

Approved.

2.5 Office of the City Auditor's Report.

Recommendation: Acceptance of the Office of the City Auditor's *Report of Activities for the Period May 16, 2008 through June 15, 2008*. (City Auditor)

Report accepted.

2.6 City Manager Figone's Travel to Chicago, Illinois.

Recommendation: Approval of travel for City Manager Debra Figone to Chicago, IL on October 1-3, 2008 for the 2008 San José/Silicon Valley Chamber of Commerce City-to-City Trip. Source of Funds: City Manager's Non Personal Appropriation. (City Manager's Office)

Approved.

2.7 California State Employment Development Department Memorandum of Understanding.

Recommendation: Adoption of a resolution:

- (a) Designating the City's Office of Economic Development, the Planning Division of the Department of Planning, Building and Code Enforcement, consultant Applied Development Economics, and consultant Beacon Economics as representatives of the City, and authorizing them to examine ES202 industry and employment data for the City of San José from the California State Employment Development Department (EDD) for economic development purposes related to the Envision San José 2040 General Plan update; and

(Item continued on the next page)

2. CONSENT CALENDAR

2.7 California State EDD Memorandum of Understanding (Cont'd.)

- (b) Authorizing the City Manager or her designee to negotiate and execute a Memorandum of Understanding (MOU) with the California State Employment Development Department to examine ES202 industry and employment data for the City of San José for economic development purposes related to the Envision San José 2040 General Plan update. Execution of the MOU shall be contingent upon execution of amendments to the consultant agreements with ADE and Beacon to require compliance with the EDD MOU and all its requirements.

CEQA: Not a Project. (Economic Development)

Resolution No. 74520 adopted.

2.8 Agreement with California Trolley and Railroad Corporation for the Trolley Line at Kelley Park.

Recommendation: Approval of an agreement with the California Trolley and Railroad Corporation to provide overhead electricity to the tracks and to maintain and operate a section of the Trolley Line located at Kelley Park, known as the Kelley Park Line, for an initial 36 months with the option, conditioned upon mutual agreement, to extend the agreement an additional 24 months. CEQA: Exempt, File No. PP08-131. Council District 7. SNI: Tully/Senter. (Parks, Recreation and Neighborhood Services)

Approved.

2.9 Actions Related to the Vietnamese Heritage Garden.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute a third amendment to the agreement with the Viet Heritage Society for the development, maintenance and operations of the Vietnamese Heritage Garden to:
- (1) Increase the City's contribution toward the project by \$100,000, from \$1,730,000 to \$1,830,000; and
 - (2) Amend the agreement to change the completion of Phase I of the improvements within 6 years of execution of the original agreement and completion of Phase II of the improvements by December 31, 2015 and to provide the terms of use of the additional funding.

Resolution No. 74521 adopted.

- (b) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendment in Svcs for Redevelopment Capital Projects Fund (450):
- (1) Increase Beginning Fund Balance by \$100,000; and
 - (2) Establish an appropriation to the Parks, Recreation and Neighborhood Services Department for the Vietnamese Cultural Heritage Garden (PSM 534) in the amount of \$100,000.

Ordinance No. 28361 adopted.

Resolution No. 74522 adopted.

(Item continued on the next page)

2. CONSENT CALENDAR

2.9 Actions Related to the Vietnamese Heritage Garden (Cont'd.)

- (c) Adoption of resolutions making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with the Vietnamese Heritage Garden project as more specifically described in the memorandum from the Redevelopment Agency, dated January 15, 2008.

CEQA: Resolution No. 66098, File No. PP04-228. Council District 7. SNI: Tully/Senter. (Parks, Recreation and Neighborhood Services/City Manager's Office)

Resolution No. 74523 adopted.

2.10 Actions Related to the Mayellen Avenue Land Acquisition.

Recommendation:

- (a) Adoption of a resolution approving a purchase agreement with Henry Morado and Ofelia Lopez Morado for the purchase of real property located at 495 Mayellen Avenue, San José, CA (APN No. 277-16-060) for the amount of \$412,000, with an estimated additional amount of \$9,000 for closing and escrow costs, and authorizing the Director of Public Works to execute any additional documents necessary to complete the transaction.

Resolution No. 74524 adopted.

- (b) Adoption of the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund (Fund 375):
- (1) Establish an appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$421,000 for the Mayellen Avenue Land Acquisition; and
 - (2) Decrease the Reserve: Future PDO/PIFO Projects by \$421,000.

CEQA: Exempt, File No. PP08-140. Council District 6. SNI: Burbank/Del Monte. (Public Works/Parks, Recreation and Neighborhood Services/City Manager's Office)

Ordinance No. 28362 adopted.

2.11 Excused absence for Council Member Liccardo.

Recommendation: Request for an excused absence for Councilmember Liccardo from the Regular Meeting of the Community and Economic Development Committee on June 23, 2008 due to a subpoena to testify in a criminal trial on June 23, 2008. (Liccardo) (Rules in-Lieu referral 07/23/08)

Approved.

2.12 Councilmember Pyle's Travel to Dublin, Ireland

Recommendation: Approval of travel by Councilmember Pyle to Dublin, Ireland on July 19, 2008 – July 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: Special Fund managed by the Office of Economic Development to travel for Economic Development business. (Pyle)
(Rules in-Lieu referral 07/23/08)

Approved.

3. STRATEGIC SUPPORT SERVICES

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

The City Manager provided an oral update on labor negotiations, the City's fiscal forecast and additional impacts anticipated with adoption of the State Budget.

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

Mayor Reed, Chair

Deferred to 8/12/08.

3.3 Report of the Rules and Open Government Committee – June 18, 2008

Mayor Reed, Chair

Deferred to 8/12/08.

3.4 Report of the Public Safety, Finance and Strategic Support Committee – June 19, 2008

Councilmember Nguyen, Chair

Deferred to 8/19/08 per Administration

3.5 Approval of a Memorandum of Agreement with the Municipal Employees' Federation (MEF), AFSCME Local 101.

Recommendation: Adoption of a resolution approving the terms of a Memorandum of Agreement with the Municipal Employees' Federation (MEF) AFSCME Local No. 101, AFL-CIO, and authorizing the City Manager to execute the agreement with a term of July 1, 2008 to June 30, 2011. CEQA: Not a Project. (City Manager's Office)

Resolution No. 74525 adopted.

3.6 Agreement with the City Association of Management Personnel (CAMP).

Recommendation: Adoption of a resolution approving the terms of an agreement with the City Association of Management Personnel (CAMP), and authorizing the City Manager to execute the agreement with a term of July 1, 2008 to June 30, 2010. CEQA: Not a Project. (City Manager's Office)

Resolution No. 74526 adopted.

3. STRATEGIC SUPPORT SERVICES

3.7 Council Discussion, Consideration, and Action on the Submission of Various Ballot Measures for the November 4, 2008 Election.

Recommendation:

(a) Council discussion and consideration of various ballot measures for the November 4, 2008 election, and adoption of resolutions of the City Council calling and giving notice of, on its own motion, Special Municipal Elections to be held on November 4, 2008, to submit to the electors of the City of San José the following measures:

(1) A measure entitled “Reduction of Tax Rate and Updating of Telecommunications Users Tax” to reduce the tax from 5% to 4.75%. **Resolution No. 74527 was adopted, as amended (change “modernize” to “update” and “...tax from 5% to 4.5%”). Staff was directed to continue working with large business partners to determine if the proposed telephone users tax creates disproportionate financial impacts and, if so, provide a mitigation plan to the Council if the ballot measure is approved.**

(2) A measure entitled “Reduction and Replacement of 9-1-1 Fee” to replace the existing fee of \$1.75 per single line and \$13.13 on trunk lines, with a reduced tax of \$1.65 and \$12.38, respectively. **Resolution No. 74528 adopted, as amended (add per “telephone” line and “subject to existing audits”).**
Noes: Constant, Cortese.

Staff directed to continue to do outreach to taxpayers who may be disproportionately impacted, and, if so, provide a mitigation plan to the Council if the ballot measure is approved.

(3) A measure entitled “The San José Vital City Services Preservation Measure” to increase the existing business tax on card room revenues from 13% to 18% and clarify the definition of gross revenues.
No action taken.

(4) A measure entitled “Long Term Agreements in Certain City Parks” to amend the City Charter to permit the Council, without voter approval, to enter into agreements of up to 30 years, from the existing 3 years, that impact parks over 5 acres, if the agreements enhance the recreational purposes of the park.
Resolution No. 74530 was adopted, as amended (ballot language revised; 30 years changed to 25 years).

(5) A measure entitled “Council Compensation” to amend the City Charter to set Mayor and City Council salaries to 80% and 60%, respectively, of the salary established for a California Superior Court Judge.
No action taken.

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3. STRATEGIC SUPPORT SERVICES

3.7 Council Discussion, Consideration, and Action on the Submission of Various Ballot Measures for the November 4, 2008 Election (Cont.)

- (b) Council discussion and consideration of the inclusion of ordinance language in voter pamphlets.

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

City Clerk directed to post the text of the initiatives on the City's website, and make copies available at libraries and community centers, in lieu of publishing in the Voters' Sample Ballot.

- (c) Possible reconsideration of actions taken on June 19, 2008 on the following matters:

(1) Waive the 10-day Sunshine Notice Requirements to reconsider two actions taken by the City Council at a Special Meeting on June 19, 2008. **No action taken.**

(2) Consider placing a measure on the November 2008 ballot that would increase the card room business tax rate *only* if the number of card room tables permitted was also increased. (Constant) **No action taken.**

(3) Reconsider placing the Parkland/Proposed Fire House 37 on the November 4, 2008 ballot. (Oliverio) **Reconsidered; no action taken to repeal previous action. Staff was directed to return to Council with revisions to the CIP that confirm no decision has been made regarding the sale of fire station #6 and that the sale is not needed to complete fire station #37, consistent with the June 2008 Mayor's Budget Message.**

Noes: Chirco, Liccardo, Nguyen, Pyle, Reed, Williams.

3.8 Fiscal Year 2008-09 Property Tax Levy for General Obligation Bonds.

Recommendation: Adoption of a resolution establishing the FY 2008-09 property tax levy on all taxable property for general obligation bonded indebtedness. CEQA: Not a Project. (Finance)

Resolution No. 74531 adopted.

3.9 Public Hearing on the Sewer Service and Use Charges and Storm Sewer Service Charges.

Recommendation: Conduct a public hearing on the Sewer Service and Use Charges and Storm Sewer Service Charges report filed by the Director of Finance with the City Clerk's Office and adoption of a resolution approving the placement of recommended charges on the 2008-2009 tax roll, with such modifications as Council may make based on public hearing testimony. CEQA: Not a Project. (Finance)

Resolution No. 74532 adopted.

3. STRATEGIC SUPPORT SERVICES

3.10 Actions Related to Bellarmine College Preparatory.

Recommendation: Approval of the following actions regarding Bellarmine College Preparatory, located at 960 West Hedding Street, San José, CA 95126:

- (a) Conduct a Tax Equity and Fiscal Responsibility Act (TEFRA) Hearing for the issuance of \$2,000,000 of tax-exempt 501(c)(3) revenue bonds by the California Statewide Community Development Authority (CSCDA).

Approved.

- (b) Adopt a resolution approving the issuance of Tax-Exempt Obligations by the CSCDA in an aggregate principal amount not-to-exceed \$2,000,000 (“the “Bonds”) to be used to (a) finance or refinance the acquisition, construction, rehabilitation and improvement of property, including real and personal property, and including energy efficiency upgrades at Bellarmine’s existing school campus and (b) pay related expenses.

CEQA: Mitigated Negative Declaration, File No. PDC07-072. (Finance)

Resolution No. 74533 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Community & Economic Development Committee – June 23, 2008 Councilmember Pyle, Chair Deferred to 8/12/08.

4.2 Housing Director Authority Relating to Predevelopment Loans and Second Mortgages.

Recommendation:

- (a) Approval of an ordinance amending Chapter 5.06 of Title 5 of the San José Municipal Code – “Contract Authority of the Director of Housing, City Manager and Director of Finance” – to modify the Director of Housing’s delegated authority by: eliminating the maximum amount of predevelopment loans that can be made to nonprofit housing developers by the Director; and authorizing the Director to make commitments of project-based second mortgages.
- (b) Adoption of a resolution to increase the maximum amount of predevelopment loans that can be approved by the Director of Housing from \$100,000 to \$500,000; and set a \$500,000 limit on the amount of project-based second mortgages that can be committed by the Director of Housing to any one for-sale development.

CEQA: Not a Project. (Housing)

(Deferred from 5/20/08 – Item 4.3 and 6/3/08 – Item 4.4)

Deferred to 8/26/08

4. COMMUNITY & ECONOMIC DEVELOPMENT

Mexican Heritage Plaza Transition Plan.

Recommendation: Accept the staff report updating the Committee on the transition plan for Mexican Heritage Plaza. CEQA: Not a Project. (General Services/Economic Development)

[Community and Economic Development Committee referral 06/23/08 – Item (h)]
Deferred to 8/19/08

4.3 Approval of Funding for Bill Wilson Center for the Rehabilitation of The Commons.

Recommendation: Adoption of a resolution:

- (a) Approving a funding commitment of up to \$1,800,000 in Federal HOME Funds for Bill Wilson Center, or its designee, for the rehabilitation of The Commons, a 28-unit affordable rental housing project targeted to San José and Santa Clara youth aging out of foster care or otherwise at risk of homelessness located at 3661 Peacock Court in the City of Santa Clara, to be made available to extremely low-income, very low-income and low-income households; and
- (b) Approving a 224% loan-to-value ratio as an exception to City policy that the loan-to-value ratio in affordable housing projects should not exceed 100%.

CEQA: Exempt. (Housing)

NEPA: (National Environmental Policy Act): Finding of No Significant Impact (FONSI).
Resolution No. 74534 adopted.

5. NEIGHBORHOOD SERVICES

5.1 Report of the Neighborhood Services and Education Committee Councilmember Chirco, Chair No Report.

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

Recommendation:

- (a) Conduct a hearing to determine whether the low bid submitted by Zolman Construction & Development, Inc. for the Bascom Library and Community Center Project should be rejected on the ground that Zolman was not qualified to submit a bid.
- (b) Award the construction contract for the project to the low bidder, John Plane Construction, Inc., to include the base bid and add alternative Nos. 1 and 3, in the amount of \$17,974,000 and approve a contingency in the amount of \$1,797,000.

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 et. al. 6/24/08 – Item 5.4)

Deferred to 8/19/08.

6. TRANSPORTATION & AVIATION SERVICES

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

6.2 **Presentation by the City of San José Director of Aviation Regarding the Current
Status of the Airline Industry.**

Recommendation: Acceptance of a presentation by the City of San José Director of Aviation regarding the current status of the airline industry. CEQA: Not a Project. (Airport)
Deferred to 8/19/08.

6.3 **Actions Related to Taxicab Rates, Fares and Tariffs Resolutions.**

Recommendation:

- (a) Adopt a resolution:
- (1) Increasing the Taxicab Rates, Fares and Tariffs for the operations of taxicabs in the City of San José outside the Airport contained in Resolution No. 73886 as follows:
 - (a) Flag drop rate to \$3.50 for the first 1/10th of a mile.
 - (b) Per mile rate to \$3.00 (\$0.30 per 1/10th mile after the first 1/10th mile).
 - (c) Wait time rate to \$30 per hour (\$0.50 per minute).
 - (d) Implement a fuel surcharge in \$0.50 increments up to a maximum of \$2.00 that corresponds to the average price of gasoline reaching \$4.50, \$5.00, \$5.50 and \$6.00 in San José.
 - (e) Implement a \$1.50 Airport trip fee for trips to Mineta San José International Airport.
 - (2) Readopting all the other Rates, Fares and Tariffs in Resolution No. 73886 not revised above.
 - (3) Repealing Resolution No. 73886.

Resolution No. 74535 adopted, as amended.

(Item (d) modified – delete “maximum of \$2.00”; delay implementation of Item (e), \$1.50 Airport trip fee until the same fee can be implemented for other forms of commercial ground transportation to the Airport.)

Council directed Staff to return within 75 days with recommendation/s to implement an Airport minimum fare, a flat fare and/or other operational solutions for short distances.

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Noes: Williams.

(Item Continued on the next page)

6.3 Actions Related to Taxicab Rates, Fares and Tariffs Resolutions (Cont'd.)

- (b) Adopt a resolution:
 - (1) Increasing the Taxicab Rates, Fares and Tariffs for the operation of taxicabs in the City of San José at the Airport contained in Resolution No. 73885 as follows:
 - (a) Flag drop rate to \$3.50 for the first 1/10th of a mile.
 - (b) Per mile rate to \$3.00 (\$0.30 per 1/10th mile after the first 1/10th mile).
 - (c) Wait time rate to \$30 per hour (\$0.50 per minute).
 - (d) Implement a fuel surcharge in \$0.50 increments up to a maximum of \$2.00 that corresponds to the average price of gasoline reaching \$4.50, \$5.00, \$5.50 and \$6.00 in San José.
 - (e) Implement a \$1.50 Airport trip fee for trips to Mineta San José International Airport.
 - (f) Make appropriate changes to the definitions of Taxicab Trip and Trip.
 - (2) Readopting all the other Rates, Fares and Tariffs in Resolution No. 73885 not revised above.
 - (3) Repealing Resolution No. 73885.

CEQA: Not a Project. (Transportation/Airport)

**Resolution No. 74536 adopted, as amended.
(Item (d) modified – delete “maximum of \$2.00”; delay implementation of Item (e), \$1.50 Airport trip fee until the same fee can be implemented for other forms of commercial ground transportation to the Airport.)**

Council directed Staff to return within 75 days with recommendation/s to implement an Airport minimum fare, a flat fare and/or other operational solutions for short distances.

Noes: Williams.

Staff was directed to develop an ordinance that eliminates the requirements for taxicab rates to be set by City Council resolution after a public hearing.

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

See Items 8.1 “Actions related to a Memorandum of Agreement with Santa Clara Unified School District for future acquisition of land and construction of school/park facilities” on the Redevelopment Agency Agenda, which will be heard and action taken only during the Redevelopment Agency Meeting that follows the Council Meeting today.

- **Notice of City Engineer’s Pending Decision on Final Maps**

In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9917	W/S of San Felipe Rd, 300’ S of Yerba Buena Rd	8	Blossom Valley Investors, Inc.	32 Lots/ 25 units	SFD	Approve

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:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9999	NW corner of Curtner Ave and Monterey Rd	7	WPV San José LLC	6 lots/6 units	Retail
10009	E/S of Almaden Rd, 400’ S of McKean Rd	10	Almaden Project LLC	6 lots/6 units	SFD
10010	SE corner of Zanker Rd and River Oaks Parkway	4	Irvine Apartment Communities	6 lots/1900 units	MFA/Retail

- **Notice of City Engineer’s Award of Construction Projects**

- **Open Forum**

Mark Trout expressed religious viewpoints.

- **Adjournment**

The Council of the City of San José was adjourned at 7:07 p.m. in memory of David Powers, founder of David J. Powers & Associates, Inc., who passed away July 13, 2008, and is honored for his legacy and contributions to environmental review and public policy over the past 35 years. (Mayor)

8. JOINT REDEVELOPMENT AGENCY ITEM

The Joint Redevelopment Agency Board convened at 1:47 p.m. to consider Item 8.1 in a Joint Session.

8.1 Actions related to a Memorandum of Agreement with Santa Clara Unified School District for future acquisition of land and construction of school/park facilities.

Recommendations:

- (a) Adoption of a resolution by the Redevelopment Agency Board approving a plan setting aside Agency funds for the specific purpose of land acquisition and development costs of joint school and park facilities as needed to support student generation resulting from the proposed future residential development in North San Jose, consistent with the adopted North San Jose Vision 2030 Area Development Policy as follows:
- (1) Appropriate \$15 million from funds set aside for North San Jose infrastructure improvements in the FY 2008-09 Redevelopment CIP Budget for a joint school/park use on Agnews Development Center's East Campus lands located on Zanker Road; and,
 - (2) In FY 2011-12, contingent on the Agency's ability to issue future debt, appropriate an additional amount up to \$30 million for the acquisition of land and construction of joint school/park facilities, in North San Jose in the location identified above; and,
 - (3) Prior to issuance by the City of any residential building permits under Phase 2 of the adopted North San Jose Vision 2030 Area Development Policy, and contingent on the Agency's ability to issue future debt, appropriate funding to acquire land for a second joint school/City park site in the amount of \$50,000 per student generated out of Phase 1 of the adopted North San Jose Vision 2030 Area Development Policy in excess of existing capacity, in a total amount not to exceed \$30 million.

Redevelopment Agency Resolution No. 5853 adopted.

- 8.1 (b) Adoption of resolutions by the Redevelopment Agency Board approving an adjustment to the FY 2008-09 Adopted Capital Budget by shifting \$7,500,000 from the FY 2008-12 Adopted Capital Improvement Program/Budget (FY 2009-10 Rincon-Vision North San Jose project line) to the FY 2008-09 Rincon-Park and Infrastructure Improvement project line in the Rincon de Los Esteros Redevelopment Area, and amending the FY 2008-2009 Agency appropriations resolution.

Redevelopment Agency Resolution No. 5854 adopted.

(Item Continued on the next page)

8.1 (c) Direction to the City Manager and Redevelopment Agency Executive Director to:

- (1) Negotiate the terms of an Agreement with the Santa Clara Unified School District, for City Council/Agency Board consideration within 90-days of this action being approved, related to the appropriation of Agency funds towards land and development costs associated with the plan described above; and,
- (2) Initiate discussions with the State of California and any other private and public parties/agencies necessary to declare the Agency's and City's interest in pursuing the acquisition of a 15-acre portion of the Agnews Development Center's East Campus site on Zanker Road for joint school/park purposes.

[RINCON DE LOS ESTEROS]

Approved.