



# **CITY COUNCIL AGENDA**

**MAY 19, 2009**

## **SYNOPSIS**

PETE CONSTANT  
ASH KALRA  
SAM LICCARDO  
KANSEN CHU  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO  
MADISON P. NGUYEN  
ROSE HERRERA  
JUDY CHIRCO, VICE MAYOR  
NANCY PYLE

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Community & Economic Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Neighborhood Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation & Aviation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

**The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.**

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at [www.sanJoseca.gov/clerk/agenda.asp](http://www.sanJoseca.gov/clerk/agenda.asp). Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Council Wing, 2<sup>nd</sup> Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or [CityClerk@sanJoseca.gov](mailto:CityClerk@sanJoseca.gov) for the final document.

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**
  - 9:34 a.m.** - Closed Session, Call to Order in Council Chambers  
**Absent Council Members: Campos, Chirco, Herrera. (Excused)**
  - 1:33 p.m.** - Regular Session, Council Chambers, City Hall  
**Absent Council Members: Campos, Chirco, Herrera. (Excused)**
  - 7:04 p.m.** - Public Hearings, Council Chambers, City Hall  
**Absent Council Members: Campos, Chirco, Herrera. (Excused)**
- **Invocation (District 5)**  
**Pastor Ben Daniel, Foothill Presbyterian Church provided an inspirational prayer.**
- **Pledge of Allegiance**  
**Mayor Reed and the Students from Anderson Elementary School (District 1) led the Pledge of Allegiance**
- **Orders of the Day**  
**The Orders of the Day and the Amended Agenda were approved, with Item 1.9 added to the afternoon session and Item 3.3 deferred to 6/2/09.**

- **Closed Session Report**  
City Attorney Doyle disclosed the following Closed Session actions of May 19, 2009:

**A. Authority to Initiate Litigation:**

**Authority to initiate litigation was given in one (1) matter. The name of the action and the defendants, as well as the substance of the litigation shall be disclosed to any person upon inquiry once the action is formally commenced.**

**Council Vote: Ayes: Chu, Constant, Kalra, Liccardo, Nguyen, Oliverio, Pyle; Reed.**

**Noes: None.**

**Disqualified: None.**

**Absent: Campos, Chirco, Herrera. (Excused)**

**Vacant: None.**

## **1. CEREMONIAL ITEMS**

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- 1.1** Presentation of a commendation to recipients of the City of San José’s *Champions of Arts Education Awards*. (Economic Development)  
**Heard in the evening.**  
**Mayor Reed and Council Member Liccardo recognized and commended the City of San José’s “Champions of Arts Education Awards”.**
- 1.2** Presentation of a proclamation declaring the week of May 17-23, 2009 as “Public Works Week” in the City of San José. (Public Works)  
**Mayor Reed and Director of Public Works Katy Allen recognized the week of May 17 through May 23, 2009 as “Public Works Week” in the City of San José.**
- 1.3** Presentation of a proclamation declaring the month of May 2009 as “Motorcycle Awareness Month” in the City of San José. (Constant)  
(Deferred from 05/05/09 – Item 1.2)  
**Heard in the evening.**  
**Mayor Reed and Council Member Constant recognized the month of May 2009 as “Motorcycle Awareness Month” in the City of San José.**
- 1.4** Presentation of a proclamation declaring the month of May 2009 as “National Foster Care Month” in the City of San José. (Chirco)  
**Mayor Reed recognized the month of May 2009 as “National Foster Care Month” in the City of San José. Vice Mayor Chirco was not present.**
- 1.5** Presentation of a commendation to the St. Maria Goretti Church Life Teen Youth Group. (Nguyen)  
**Mayor Reed and Council Member Nguyen recognized and commended the Saint Maria Goretti Church Life Teen Youth Group.**

## 1. CEREMONIAL ITEMS

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- 1.6 Presentation of a commendation to Wesley Mukoyama, retiring Executive Director of Yu-Ai-Kai, for his years of dedicated service to the residents of Japantown and the entire City of San José. (Liccardo)  
**Deferred to 6/2/09.**
- 1.7 Presentation of a proclamation declaring the week of May 17-23, 2009 as “Hepatitis B Awareness Week” in the City of San José. (Mayor)  
**Heard in the evening.**  
**Mayor Reed recognized the week of May 17 through May 23, 2009 as “Hepatitis B Awareness Week” in the City of San José.**
- 1.8 Presentation of commendations to the winners of the Santa Clara County Association of REALTORS American Dream Essay Contest. (Mayor)  
**Heard in the evening.**  
**Mayor Reed recognized the winners of the Santa Clara County Association of REALTORS “American Dream Essay Contest”.**
- 1.9 Presentation of a proclamation declaring the month of May 2009 as “Teacher Appreciation Month” in San José. (Pyle)  
(Orders of the Day)  
**Mayor Reed and Council Member Pyle recognized the month of May 2009 as “Teacher Appreciation Month” in the City of San José.**

## 2. CONSENT CALENDAR

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- 2.1 **Approval of Minutes.**  
**There were none.**

- 2.2 **Final adoption of ordinances.**

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 28536 – Amending Chapter 15.14 of Title 15 of the San José Municipal Code to limit the discharge of dental amalgam into the sanitary sewer system and to require the installation of dental amalgam separators in certain dental offices.

**Ordinance No. 28536 adopted.**

- (b) ORD. NO. 28537 – Amending Chapter 15.14 of Title 15 of the San José Municipal Code to revise provisions related to the discharge of grease into the sanitary sewer system, to establish requirements for food service establishments related to installation or upgrade of grease control devices and to establish maintenance and record keeping requirements for grease control devices.

**Ordinance No. 28537 adopted.**

## 2. CONSENT CALENDAR

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

- (c) ORD. NO. 28540 – Adopting the proposed Seventh Amendment to the Redevelopment Plan for the Strong Neighborhoods Initiative Redevelopment Project Area to authorize the collection of tax increment from the “Diridon Area”; and making certain findings.

**Ordinance No. 28540 adopted.**

### 2.3 Mayor and Council Excused Absence Requests.

#### **Recommendation:**

- (a) Request for an excused absence for Vice Mayor Chirco from the Closed Session and Regular Meeting of the City Council on May 5, 2009 due to illness. (Chirco)
- (b) Request for an excused absence for Vice Mayor Chirco from the Regular Meeting of the Rules and Open Government Committee on May 6, 2009 due to illness. (Chirco)
- (c) Request for an excused absence for Council Member Constant from the Regular Meeting and Evening Session of the City Council on May 12, 2009 due to a medical appointment. (Constant)
- (d) Request for an excused absence for Vice Mayor Chirco from the Closed Session and Regular Meeting of the City Council on May 12, 2009 due to illness. (Chirco)  
(Rules Committee referrals 5/6/09 and 5/13/09)

**Excused.**

### 2.4 Lease with Southwest Airlines.

**Recommendation:** Approve a First Amendment to the Provisioning Facility Ground Lease with Southwest Airlines Co. to allow Southwest to indefinitely delay commencement of construction of tenant improvements, subject to termination by the Director of Aviation upon thirty (30) days written notice at any time prior to issuance of a notice to proceed with construction to Southwest. CEQA: Resolution Nos. 67380 and 71451, File No. PP09-074. (Airport)

**Deferred to 6/2/09 per Administration.**

### 2.5 Agreement for Dispatch Services with Taxi San José.

**Recommendation:** Approve the Second Amendment to the On-Demand Ground Transportation Management Concession Agreement with Taxi San José to reduce the compensation due to Taxi San José, for the period of May 1, 2009 through September 30, 2009, by \$29,423.40, and to amend the Staffing and Supervision Plan required by the Agreement. CEQA: Resolution Nos. 67380 and 71451, File No. PP09-096. (Airport)

**Approved.**

**Noes: Kalra.**

## 2. CONSENT CALENDAR

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### 2.6 Agreement for Consultant Services for Environmental Services Department Projects.

**Recommendation:** Approve the first amendment to the agreement with David J. Powers & Associates for environmental consultant services for various Environmental Services Department projects to increase the total compensation by \$250,000, from \$250,000 to an amount not to exceed \$500,000. CEQA: Not a Project. (Environmental Services)

**Approved.**

### 2.7 Award of Open Purchase Orders for Supplies.

**Recommendation:** Approve the award of open purchase orders for supplies, materials, equipment and services for FY 2008-2009 #6 and authorize 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.**

### 2.8 2009 Assistance to Firefighters Grant for the Purchase of Self-Contained Breathing Apparatus.

**Recommendation:** Adopt a resolution authorizing the City Manager and Fire Chief to apply for grant funds through Federal Emergency Management Agency's 2009 Assistance to Firefighters Grant Program for the purchase of Self-Contained Breathing Apparatus, training and other equipment for the firefighters. CEQA: Not a Project. (Fire)

**Resolution No. 74909 adopted.**

### 2.9 Lease Renewal with James V. Simoni for a Police Department Unit.

**Recommendation:** Approve a five-year lease with James V. Simoni for the use of approximately 8,500 square feet of office space at an initial rate of \$13,000 per month for the first year of the lease increasing to \$13,750 per month in the final year of the lease. CEQA: Not a Project. (Public Works)

**Approved.**

### 2.10 Agreement for Fire Station No. 19 Relocation Project.

**Recommendation:** Approve the first amendment to the agreement for consultant services with Don Dommer Associates, Inc., for the Fire Station No. 19 Relocation Project extending the term of the agreement from June 30, 2009 to March 31, 2010, and increasing the amount of \$35,000, for a total agreement amount not to exceed \$360,000. CEQA: Exempt, File No. PP06-116 (Fire Station No. 19). Council District 4. (Public Works)

**Approved.**

## **2. CONSENT CALENDAR**

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### **2.11 Report on Bids and Award of Contract for the Public Facilities Energy and Green Building Improvement Project.**

**Recommendation:** Report on bids and award of contract for the Public Facilities Energy and Green Building Improvement project to the lowest responsive bidder, Peterson Dean, Inc., in the amount of \$150,521 and approval of contingency in the amount of \$15,000. CEQA: Exempt, File No. PP09-010. (Public Works)

**Approved.**

### **2.12 Agreement for Storm GIS Data Improvement Project.**

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with MRF Geosystems Corporation of Calgary, Alberta, Canada from the date of execution through June 30, 2011, in an amount not to exceed \$300,000 for basic services for all eight (8) phases of the Storm GIS Data Improvement Project and \$100,000 for additional services during the term of the agreement, for a total agreement amount not to exceed \$400,000. CEQA: Not a Project. (Public Works)

**Deferred to 6/2/09 per Administration.**

### **2.13 Metropolitan Transportation Commission Grant.**

**Recommendation:** Adopt a resolution approving the request to the Metropolitan Transportation Commission for the allocation of Fiscal Year 2009-2010 Transportation Development Act, Article 3 State grant funding in the amount of \$982,087 and authorizing the City Manager, or designee, to negotiate and execute any grant documents to effectuate the grant. CEQA: Exempt, File No. PP08-186 and PP09-100. (Transportation)

**Resolution No. 74910 adopted.**

## **3. STRATEGIC SUPPORT SERVICES**

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### **3.1 Report of the City Manager, Debra Figone (Verbal Report) No Report.**

### **3.2 Report of the Rules and Open Government Committee – April 15, 2009 Mayor Reed, Chair Dropped, approved by Council 5/12/09.**

### **3.3 Report of the Rules and Open Government Committee – April 29, 2009 Mayor Reed, Chair Deferred to 6/2/09 per Orders of the Day.**

### **3.4 Report of the Public Safety, Finance and Strategic Support Committee Council Member Nguyen, Chair No Report.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.5 AB 1192 (Strickland) Cities: Powers.

**Recommendation:** As recommended by the Rules and Open Government Committee on May 13, 2009, adopt an oppose position to AB1192 (Strickland) Cities: Powers. (Finance) [Rules Committee referral 5/13/09 – Item 6.1(a)]

**Oppose position to AB1192 adopted.**

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

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#### 4.1 Report of the Community & Economic Development Committee Council Member Pyle, Chair

**No Report.**

#### 4.2 Update Convention Center Expansion Plan of Finance.

**Recommendation:** Accept the status report on an update of the plan of finance for the Proposed Convention Center Expansion and direction to staff to proceed accordingly. CEQA: Resolution No. 72767 and addenda thereto, File No. PP08-022. (Office of Economic Development)

**Dropped per Administration.**

#### 4.3 Actions Related to the Belovida at Newbury Park Project.

**Recommendation:** Adopt a resolution to:

- (a) Approve the reclassification of permanent and construction funds to provide of up to \$450,000 of the previously-approved predevelopment construction/permanent funding commitment of \$500,000 to CORE Affordable Housing, LLC, or its designated affiliate, for the 185-unit Belovida at Newbury Park (“Belovida”) project located northeasterly of the intersection on King Road and Dobbin Drive, to be made available to extremely low-income, very low-income, and low-income households.
- (b) Approve an increase in the construction/permanent funding of up to \$2,566,607, bringing the total City construction/permanent funding up to \$23,614,937.
- (c) Approve the forgiveness of up to \$560,000 in accrued interest on the City’s predevelopment and acquisition loans.
- (d) Allow the project to exceed the City Council policy limiting combined Loan-to-Value ratios to 100%.
- (e) Approve a City conditional loan commitment in the amount of up to \$3,123,330, the amount of the State’s Infill Infrastructure Grant funds, to be drawn upon only in the event that these funds committed by the State of California are not provided when needed.

CEQA: Resolution No. 74196. Council District 3. (Housing)

**Resolution No. 74911 adopted.**

**Noes: Oliverio.**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.4 Funding Commitment for the Brookwood Terrace Family Apartments.

**Recommendation:** Adopt a resolution:

- (a) Approving a construction/permanent loan commitment of up to \$10,893,000 for Brookwood Terrace Family Apartments, L.P., a California limited partnership, in which ROEM Development Corporation is the general partner and developer, for development of the 84-unit Brookwood Terrace Family Apartments, an affordable multifamily rental project to be located at 1350 E. San Antonio Street and made available to extremely low-income and very low-income households.
- (b) Approving a funding commitment of up to \$500,000 for a predevelopment loan to this Project, to be repaid from the construction/permanent loan.

CEQA: Mitigated Negative Declaration, and addenda thereto, File No. PP09-087.

Council District 3. SNI: Five Wounds/Brookwood Terrace. (Housing)

**Resolution No. 74912 adopted.**

**Noes: Oliverio.**

### 4.5 Funding Commitment for the Orvieto Terrace Family Apartments.

**Recommendation:** Adopt a resolution:

- (a) Approving a construction/permanent loan commitment of up to \$11,228,000 for the Orvieto Family Apartments, L.P., a California limited partnership, in which ROEM Development Corporation is the general partner and developer, for development of the 92-unit Orvieto Family Apartments, an affordable multifamily rental project to be located at the Southeast corner of Montecito Vista Way and Montecito Vista Drive, off of Monterey Highway South of Umbarger Road, and made available to extremely low-income and very low-income households.
- (b) Finding that expenditure of 20% Low and Moderate Income Housing Funds on the subject site is a benefit to the City's Redevelopment Project Areas.

CEQA: Resolution No. 72877 and addenda thereto, File No. PP09-086. Council District 7. (Housing)

**Resolution No. 74913 adopted.**

**Noes: Oliverio.**

### 4.6 Moratorium on New Bail Bonds Establishments.

**Recommendation:** Adopt a resolution to initiate proceedings for an interim ordinance to establish a temporary moratorium on the establishment of new bail bond businesses, set a public hearing on the interim ordinance for the first evening City Council meeting in August, and refer the interim ordinance to the Planning Commission for its recommendation. CEQA: Not a Project. (Planning, Building and Code Enforcement)

**Heard in the evening.**

*(Action continued on the next page)*

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.6 Moratorium on New Bail Bonds Establishments (Cont'd.)

The memorandum from Council Member Liccardo, dated May 19, 2009, was approved:

- (1) Accept staff recommendation to initiate proceedings for an interim ordinance to establish a temporary moratorium on the establishment of new bail bonds businesses until:
  - (a) The City and County can discuss and reach a resolution regarding the best approach to ensure that bail bond companies can secure timely release of their clients from custody, while protecting the neighborhoods' quality of life.
  - (b) The City Council has fully considered any proposed changes to Title 20 of the Municipal Code in a properly noticed public hearing, after outreach to the neighborhoods in compliance with Council Policy 6-30. Any proposals to change Title 20 to return to the *Rules and Open Government Committee* to decide what committee shall review the new *bail bonds zoning standards*, to ensure a public vetting in accordance with long established procedures.
- (2) City Manager directed to determine an appropriate approach for the enforcement of the current ordinance based upon discussions and collaboration with the Santa Clara County Executive.

Resolution No. 74925 adopted, as amended.

### 4.7 Report on Bids and Award of Contract for the Happy Hollow Park and Zoo Pedestrian Bridge Rebid Project.

**Recommendation:** Report on bids and award of contract for the Happy Hollow Park and Zoo Pedestrian Bridge Rebid Project to the low bidder, Anderson Pacific Engineering Construction, Inc. in the amount of \$3,305,000 for the base bid and Add Alternate No. 1 for a total contract award of \$3,355,000, and approval of a contingency in the amount of \$503,250. CEQA: Mitigated Negative Declaration and addenda thereto, File No. PP09-023. (Public Works/Parks, Recreation and Neighborhood Services)

**Approved.**

### 4.8 Public Hearing on Historic Landmark Nomination for the Tommie Smith House.

**Recommendation:** Conduct a public hearing and adopt a resolution designating the Tommie Smith House located on the west side of North 11<sup>th</sup> Street, approximately 300 feet north of East Santa Clara Street (55 North 11<sup>th</sup> Street) on a 0.19 acre site as a City Landmark of special historic, architectural, cultural, aesthetic or engineering interest of value of a historic nature (Brian C. Boguess, Property Owner). CEQA. Not a Project. SNI: 13<sup>th</sup> Street.

HL09-181 – Council District 3

**Resolution No. 44914 adopted.**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.9 Public Hearing and actions related to the Stevens Creek Signage Area.

**Recommendation:** Conduct a public hearing and approve an ordinance amending Title 23 of the San José Municipal Code to create the Stevens Creeks Boulevard Signage Area, establish regulations therefore, and make related clarifying changes. CEQA: Resolution No. 65459, File No. PP08-273. (Planning, Building and Code Enforcement). (Deferred from 4/7/09 – Item 4.4 and 5/12/09 – Item 4.5)

**The memorandum from Council Members Constant, Liccardo, Chu and Herrera, dated May 15, 2009, was approved, with the following additions:**

- (1) **Increase the maximum size of a freestanding sign to 150 square feet. (The equation for determining the maximum size of a freestanding sign will have to be amended as outlined below.)**
- (2) **Increase the maximum size of additional freestanding signs to 75 square feet each per each street frontage of 100 or more linear feet.**
- (3) **Increase the maximum height of a freestanding sign to 40 feet.**
- (5) **Expand the proposed boundaries to include all of the parcels bound by Stevens Creek Boulevard, Kiely and Saratoga Avenues.**

*Item (4) from the joint memorandum: “Allow for the use of innovative sign technology such as LED signs” was referred to the City Attorney’s Office for analysis.*

**Ordinance No. 28569 passed for publication, as amended.**

## 5. NEIGHBORHOOD SERVICES

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### 5.1 Report of the Neighborhood Services and Education Committee Council Member Campos, Chair No Report.

### 5.2 Strong Neighborhoods Initiative Hoffman/Via Monte Improvement Plan Amendment.

**Recommendation:**

- (a) Accept the Strong Neighborhoods Initiative (SNI) Hoffman/Via Monte Neighborhood Improvement Plan Amendment as the renewed community vision for the future of the Hoffman/Via Monte SNI Planning Area; and
- (b) Encourage Hoffman/Via Monte area residents, property owners and community members to continue to dedicate their time, energy and resources towards the Plan and this Amendment while continuing with their community-building activities.

CEQA: Resolution No. 71045. Director of Planning, Building and Code Enforcement recommends approval. Council District 10. SNI: Hoffman/Via Monte. (City Manager’s Office/Redevelopment Agency)

(Deferred from 5/5/09 – Item 5.2)

**Deferred to 6/2/09 in the afternoon per Administration.**

## **6. TRANSPORTATION & AVIATION SERVICES**

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- 6.1 Report of the Transportation and Environment Committee – May 4, 2009**  
**Council Member Liccardo, Chair**  
**Accepted.**

**6.2 Airport Exhibits Policy.**

**Recommendation:** Adopt a resolution establishing a new City Council Policy, entitled “Airport Exhibits Policy”. CEQA: Resolution Nos. 67380 and 71451, File No. PP09-098. (Airport)

**Dropped per Administration.**

**6.3 Report on RFP For Airport Baggage Handling and Conveyor System Services.**

**Recommendation:**

- (a) Report on Request for Proposal for the operation, maintenance and repair services of the Airport Baggage Handling Conveyor Systems in Terminals A and B.

**Accepted.**

- (b) Adopt a resolution authorizing the Director of Finance to:

- (1) Execute an agreement with Vanderlande Industries (Marietta, GA), for the operation, maintenance and repair of the Airport Baggage Handling Systems in Terminals A and B including all required spare and replacement parts, for an initial three year term with total compensation not to exceed \$5,168,360 subject to the annual appropriation of funds.
- (2) Execute change orders not-to-exceed a contingency amount of \$387,627 to cover any unanticipated changes to the scope of services.
- (3) Execute two additional one-year options to extend the agreement after the initial term subject to the annual appropriation of funds.

CEQA: Not a Project. (Finance)

**Resolution No. 74915 adopted.**

**6.4 Award of Bid for the Taxiway W Extension Phase 1 Project.**

**Recommendation:**

- (a) Adopt a resolution authorizing the Director of Public Works to determine the lowest responsive and responsible bidder, to award the Norman Y. Mineta San José International Airport Taxiway W Extension Phase 1 Project to the lowest responsive bidder, in an amount not to exceed \$14,204,000, or to reject all bids and re-bid the Project.

**Resolution No. 74916 adopted.**

- (b) Approve a contingency equal to ten percent of the award amount.

CEQA: Resolution Nos. 67380 and 71451, File No. PP 09-095. (Public Works/Airport)

**Approved.**

## **7. ENVIRONMENTAL & UTILITY SERVICES**

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### **7.1 Water Conservation Ordinance, Update on Drought Conditions and Approval to Establish a Water Budget Program.**

**Recommendation:** As referred by the Transportation and Environment Committee on May 4, 2009, approve the City of San José Drought Response report and consider the following actions:

- (a) Adopt a resolution declaring a water shortage of 15% for the City of San José.  
**Resolution No. 74917 adopted.**
  
- (b) Direct the City Attorney's Office to draft an ordinance amending Chapter 15.10 of the San José Municipal Code to strengthen the City's water waste prevention and water shortage measures.  
**Approved.**
  
- (c) Adopt a resolution establishing a water budget program for Municipal Water System customers located in the System's Edenvale, Evergreen and Coyote service areas.  
**Resolution No. 74918 adopted.**
  
- (d) Direct staff to increase water conservation outreach and education.  
(Environmental Services)  
(Transportation & Environment Referral 5/4/09 – Item 3.3)  
**Approved.**

## **8. PUBLIC SAFETY SERVICES**

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## **9. JOINT COUNCIL/REDEVELOPMENT AGENCY**

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### **9.1 City-Agency Short-Term Loan Agreement Due to Bond Market.**

**Recommendation:**

- (a) City Council and Redevelopment Agency Board approval of a loan agreement to the Redevelopment Agency from various City funds in an amount of \$12 million with a term of up to 72 hours, for the purpose of paying Agency obligations such as capital, operating and other expenses in the Adopted 2008-09 Agency Budget.  
**Approved.**

## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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### 9.1 City-Agency Short-Term Loan Agreement Due to Bond Market (Cont'd.)

(b) City Council adoption of the following 2008-2009 Appropriation Ordinance and Funding Sources Resolution amendments in the Sanitary Sewer Connection Fee Fund (540):

- (1) Increase the Loan to the Redevelopment Agency appropriation in the amount of \$550,000.
- (2) Increase the estimate for Loan Repayments from the Redevelopment Agency in the amount of \$550,000.

**Ordinance No. 28570 adopted.**

**Resolution No. 74919 adopted.**

(c) City Council adoption of the following 2008-2009 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #5 (382):

- (1) Establish a Loan to the Redevelopment Agency appropriation in the amount of \$1,360,000.
- (2) Establish an estimate for Loan Repayments from the Redevelopment Agency in the amount of \$1,360,000.

**Ordinance No. 28571 adopted.**

**Resolution No. 74920 adopted.**

(d) City Council adoption of the following 2008-2009 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #7 (385):

- (1) Establish a Loan to the Redevelopment Agency appropriation in the amount of \$1,100,000.
- (2) Establish an estimate for Loan Repayments from the Redevelopment Agency in the amount of \$1,100,000.

**Ordinance No. 28572 adopted.**

**Resolution No. 74921 adopted.**

(e) City Council adoption of the following 2008-2009 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Central Fund (390):

- (1) Establish a Loan to the Redevelopment Agency appropriation in the amount of \$750,000.
- (2) Establish an estimate for Loan Repayments from the Redevelopment Agency in the amount of \$750,000.

**Ordinance No. 28573 adopted.**

**Resolution No. 74922 adopted.**

## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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### 9.1 City-Agency Short-Term Loan Agreement Due to Bond Market (Cont'd.)

(f) City Council adoption of the following 2008-2009 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: City-Wide Parks Purposes (391):

- (1) Establish a Loan to the Redevelopment Agency appropriation in the amount of \$4,510,000.
- (2) Establish an estimate for Loan Repayments from the Redevelopment Agency in the amount of \$4,510,000.

**Ordinance No. 28574 adopted.**

**Resolution No. 74923 adopted.**

(g) City Council adoption of the following 2008-2009 Appropriation Ordinance and Funding Sources Resolution amendments in the Subdivision Park Trust Fund (375):

- (1) Establish a Loan to the Redevelopment Agency appropriation in the amount of \$3,730,000.
- (2) Establish an estimate for Loan Repayments from the Redevelopment Agency in the amount of \$3,730,000.

**Ordinance No. 28575 adopted.**

**Resolution No. 74924 adopted.**

(h) Approval of an amendment to the FY 2008-2009 Merged Area Cooperation Agreement between the City of San José and the Redevelopment Agency of the City of San José to specify a repayment schedule for outstanding City Parkland Fees owed to the City by the Agency.

(Redevelopment Agency/City Manager's Office)

**Approved.**

### ● Open Forum

- (1) **Ross Signorino mentioned an article from the Rotary Club newsletter entitled: "The Mayor Explores A's Ballot Measure", and suggested the Mayor explore the idea of private funding for the A's Stadium.**
- (2) **Wilma Hashi read a letter from a Parkview School 6th grader urging the Council to keep all the libraries open.**
- (3) **Maria Brazelton expressed appreciation to the City for offering transitional housing opportunities for those in need.**

### ● Adjournment

**The Council of the City of San José adjourned the afternoon session at 3:37 p.m.**

## **10. GENERAL PLAN PUBLIC HEARINGS**

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No General Plan Public Hearings at this time.

## **11. PUBLIC HEARINGS ON CONSENT CALENDAR**

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### **11.1 Public Hearings on Consent Calendar.**

#### **Recommendation:**

- (a) Consideration of an ordinance amending Title 20 of the San José Municipal Code, the Zoning Ordinance, to amend Section 20.100.500 of Chapter 20.100 Part 4 to allow the Director of Planning to reactivate certain expired development permits and to extend certain development permits for a discrete period of time and make other related clarifying changes. CEQA: Exempt, File No. PP09-070. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

Citywide

**Staff/Planning recommendation approved, as modified by the memorandum from Mayor Reed, dated May 15, 2009, providing the following direction to Staff:**

- (1) Amend the term of the special extension from one year to two years.**
- (2) Return to Council on or before June 16, 2009 with provisions to allow permit extensions for projects in North San José based on criteria that would achieve the objectives of the North San José Development Policy, including the City's Phase 1 Affordable Housing Goals.**
- (3) Return to the Community & Economic Development Committee in twelve months with an evaluation of the extension program.**

**Ordinance No. 28576 passed for publication, as amended.**

**END OF PUBLIC HEARINGS ON CONSENT CALENDAR**

## 11. PUBLIC HEARINGS

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### 11.2 Rezoning real property located on the east side of S. White Road.

**Recommendation:** Consideration of an ordinance rezoning the real property located on the east side of S. White Road approximately 250 feet south of Cunningham Lake Court from the R-1-8 Residential Zoning District to the A(PD) Planned Development Zoning District to allow up to 19 single-family detached residences or up to 14 single-family detached residences adjacent to a possible future new fire station on a 3.21 gross acres site (Bishop of Church of Jesus Christ, Owner) (Note: This site is one of several locations being considered for a possible new fire station. Any potential new fire station will undergo a separate environmental review). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval and Planning Commission recommends approval with minor modifications to development standards as recommended by staff and to consider the creation of through vehicular and pedestrian access connection from the new street of the proposed project to Flintcrest Drive (7-0-0).

PDC09-008 – District 8

(Continued from 5/5/09 – Item 11.2 and 5/12/09 – Item 4.7)

**Ordinance No. 28577 passed for publication.**

### 11.3 Prezoning real property located on the west side of Lincoln Avenue.

**Recommendation:** Consideration of an ordinance prezoning the real property located on the west side of Lincoln Avenue extending from West San Carlos Street on the south to Pacific Avenue on the north, excluding the northwest corner of West San Carlos and Lincoln Avenue to allow the demolition of existing structures and the construction of up to 47 single-family attached residential units and 6 live/work lofts on a 1.16 gross acre site. SNI: Burbank/Del Monte. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC07-017 – District 6

**Staff/Planning recommendation approved, as modified.**

**Staff directed to ensure:**

- (1) **Townhomes facing Pacific Avenue to blend in with the neighborhood (no stucco and with “truly” separated windows) to be addressed at the permit stage.**
- (2) **Eliminate the cap on commercial area of 1,500 square feet and retain the minimum area of 1,000 square feet from the zoning development standards.**

**Ordinance No. 28578 passed for publication, as amended.**

# 11. PUBLIC HEARINGS

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## 11.4 Ordinance amending Title 20 of the San José Municipal Code to provide for the appropriate relocation of existing Cardrooms.

**Recommendation:** Consideration of an ordinance of the City of San José amending Title 20 of the San José Municipal Code, the Zoning Code, to amend Section 20.40.100 of Chapter 20.40, Section 20.50.100 of Chapter 20.50 and Section 20.90.060 of Chapter 20.90, and to add a new part 13.5 to Chapter 20.80 and a new Section 20.200.995 to Chapter 20.200, to provide for the appropriate relocation of existing Cardrooms. CEQA: Exempt, File No. PP09-041. Planning Commission recommends approval (5-0-2, Commissioners Jensen and Cahan absent).  
Citywide

**Ordinance No. 28579 passed for publication.**

- **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 notification that the City Engineer has received the following Final Maps and is review them for final approval:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
10035	SW Corner of Willow Glen Wy & Creek Dr	6	Masoumi- Brothers, LLC	5 Lots / 5 Units	SFD

- **Notice of City Engineer’s Award of Construction Projects**  
**None.**

- **Open Forum**  
**There were none presented.**

- **Adjournment**  
**The Council of the City of San José was adjourned at 9:07 p.m. in memory of Council Member Rose Herrera’s mother, Katherine Jesse, who passed away May 18, 2009 after a ten year battle with Alzheimer’s disease.**

## **8. JOINT REDEVELOPMENT AGENCY ITEMS**

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**The Joint Redevelopment Agency Board convened at 3:18 p.m. to consider Items 8.1 and 8.2 in a Joint Session.**

### **8.1 Approval of actions related to the San Jose McEnery Convention Center Expansion.**

**Recommendation:**

- (a) City Council and Redevelopment Agency Board direction to proceed with developing plans to:
  - (1) Demolish the former Martin Luther King, Jr. Library building on West San Carlos Street to clear the path for the expansion of the San Jose Convention Center.
  - (2) Relocate the City staff currently housed in the former Martin Luther King, Jr. Library building to the City Hall and other City-owned facilities.
- (b) Adoption of a resolution by the Redevelopment Agency Board authorizing the Executive Director to negotiate and execute a lease agreement with Forest City Commercial to relocate the Agency's offices to 50 West San Fernando Street. CEQA: Resolution No. 72767 and addendum thereto, File No. PP08-002. **[MERGED]**  
**Deferred to 6/2/09.**

### **8.2 Approval of the Diridon Station Area Good Neighbor Committee.**

**Recommendation:** Approval of the Diridon Station Area Good Neighbor Committee's purpose, structure, and membership and direction that recommendations from the Committee that require Council/Board action be made through the Community and Economic Development Committee. CEQA: Not a Project. **[MERGED]** (Mayor)

**Approved, including:**

- (1) **Modification to the written memorandum to add two more designees from each organization: South Bay Labor Council and San José Silicon Valley Chamber of Commerce.**
- (2) **Return with an information memorandum about an updated work plan schedule and the designation of people from each of the organizations.**

**The Council of the City of San José and Redevelopment Agency Board was adjourned at 3:30 p.m.**