

# CITY COUNCIL AGENDA

**JUNE 23, 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**  
**8:00 a.m.** - Closed Session, Call to Order in Council Chambers  
**Absent Council Members: Chirco. (Excused)**  
  
**10:07 a.m.**- Regular Session, Council Chambers, City Hall  
**Absent Council Members: None.**  
  
**1:30 p.m.** - Ceremonial Items  
**Absent Council Members: None.**
- **Invocation (District 6)**  
The Choir of St. Christopher's performed "Spirit of God" for 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 2.32(a) modified to read "lowest responsive bidder".
- **Closed Session Report**  
**No Report.**

# 1. CEREMONIAL ITEMS

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- 1.1 Presentation of a commendation to Ramya Auroprem for being a finalist and the only San José student in the 82<sup>nd</sup> Scripps National Spelling Bee Competition. (Constant)  
(Rules Committee referral 6/17/09)  
**Mayor Reed and Council Member Constant recognized and commended Ramya Auroprem for being a finalist and the only San José student in the 82<sup>nd</sup> Scripps National Spelling Bee Competition.**
- 1.2 Presentation of commendations to Sergeant Luan Nguyen and Officer Manny Vasquez for their proactive service which ensured the protection and safety of fellow passengers on a flight from Vietnam to San Francisco. (Constant)  
(Rules Committee referral 6/17/09)  
**Mayor Reed and Council Member Constant recognized and commended Sergeant Luan Nguyen and Officer Manny Vasquez for their proactive service which ensured the protection and safety of fellow passengers on a flight from Vietnam to San Francisco.**
- 1.3 Presentation of a commendation to the Evergreen Business and Professional Association (EBPA) in honor of the EBPA High School Seniors Scholarships Program and their continuing support for business growth in the Evergreen-San José area. (Herrera)  
(Rules Committee referral 6/17/09)  
**Mayor Reed and Council Member Herrera recognized and commended the Evergreen Business and Professional Association in honor of the EBPA High School Seniors Scholarships Program and their continuing support for business growth in the Evergreen-San José area.**
- 1.4 Presentation of a commendation to Children’s Discovery Museum Kids Café and Vicki Yoshihara for their efforts modeling Zero Waste Practices and helping the City achieve its Green Vision Goal of Zero Waste to landfill. (Liccardo)  
(Rules Committee referral 6/17/09)  
**Mayor Reed and Council Member Liccardo recognized and commended the Children’s Discovery Museum Kids Café and Vicki Yoshihara for their efforts modeling Zero Waste Practices and helping the City achieve its Green Vision Goal of Zero Waste to landfill.**
- 1.5 Presentation of a proclamation declaring the month of July 2009 as “National Recreation and Parks Month” in the City of San José. (Pyle)  
(Rules Committee referral 6/17/09)  
**Mayor Reed and Council Member Pyle recognized the month of July 2009 as “National Recreation and Parks 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. 28589 – Adopting salaries and other compensation for the Mayor and Council Members recommended by the Council Salary Setting Commission pursuant to City Charter Section 407.

**Ordinance No. 28589 adopted.**

- (b) ORD. NO. 28594 – Amending Chapter 25.11 of Title 25 of the San José Municipal Code to add a new Part 12 to require an Airport Training Standards Program for employees of covered businesses at the Norman Y. Mineta San José International Airport and amending Part 15 Sections 25.11.1510 and 25.11.1530 to provide for administration and enforcement of the employee training standards program.

**Ordinance No. 28594 adopted.**

- (c) ORD. NO. 28595 – Amending Sections 24.02.340 and 24.02.355 of Chapter 24.2 Title 24 of the San José Municipal Code to allow for the further extension of plan checks and building permits.

**Ordinance No. 28595 adopted.**

- (d) ORD. NO. 28596 – Amending Sections 15.26.100, 15.26.120, 15.26.130, 15.26.140, 15.26.145 and 15.26.180 of Chapter 15.26 of Title 15 of the San José Municipal Code to allow annual automatic adjustment of the Underground Utility Fee and Reimbursement to developers for completion of underground utility projects and to make technical changes.

**Ordinance No. 28596 adopted.**

- (e) ORD. NO. 28597 – Amending Parts 2 and 3 of Chapter 15.10 of Title 15 of the San José Municipal Code to strengthen requirements related to water conservation and water shortages.

**Ordinance No. 28597 adopted.**

- (f) ORD. NO. 28598 – Repealing Section 11.12.040 of Chapter 11.12 of Title 12 of the San José Municipal Code and amending Section 11.12.050 of Chapter 11.12 of Title 12 to clarify the persons authorized to direct traffic.

**Ordinance No. 28598 adopted.**

- (g) ORD. NO. 28599 – Amending Section 4.76.200 of Chapter 4.76 of Title 4 of the San José Municipal Code to allow the disclosure of Business Tax Records under certain specified circumstances.

**Ordinance No. 28599 adopted.**

## 2. CONSENT CALENDAR

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

- (h) ORD. NO. 28600 – Waiving certain cancellation charges for outdoor events on facilities managed by the Department of Parks, Recreation and Neighborhood Services.

**Ordinance No. 28600 adopted.**

- (i) ORD. NO. 28601 – Amending Chapters 4.46 and 4.47 of Title 4 of the San José Municipal Code revising the reference to the valuation tables used to calculate the Building and Structure Construction Tax and Commercial-Residential-Mobilehome Park Building Tax from the current International Conference of Building Officials (ICBO) to its current successor organization, the International Code Council (ICC), and to future successor organizations' building valuation tables.

**Ordinance No. 28601 adopted.**

- (j) ORD. NO. 28602 – Amending Chapter 10.42 of Title 10 of the San José Municipal Code to repeal Section 10.42.110 and to amend Sections 10.42.130 and 10.42.140 to repeal the 60-Day Reporting Period for False Alarms, to provide a warning on the first false alarm and to make responsible parties subject to Administrative Citation on a second and subsequent false alarm in certain circumstances.

**Ordinance No. 28602 adopted.**

- (k) ORD. NO. 28603 – Amending Chapter 3.28 of Title 3 of the San José Municipal Code to amend Sections 3.28.030.11 and 3.28.680 and to add new Sections 3.28.030.30 and 3.28.690 related to the effect of absence due to mandatory reduction in paid working time on contributions to the Retirement Fund and calculation of retirement benefits.

**Ordinance No. 28603 adopted.**

- (l) ORD. NO. 28604 – Amending Sections 14.29.010 through 14.29.040 of Chapter 14.29 of Title 14 of the San José Municipal Code in order to add a Traffic Impact Fee for new regional retail and hotel development within the North San José Area Development Policy Boundaries.

**Ordinance No. 28604 adopted.**

- (m) ORD. NO. 28605 – Levying a Special Tax for Fiscal Year 2009-2010 and following Fiscal Years solely within and relating to Convention Center Facilities District No. 2008-1 City of San José, County of Santa Clara, State of California.

**Ordinance No. 28605 adopted.**

- (n) ORD. NO. 28606 – Rezoning certain real property situated on the southwest corner of Tully Road and McLaughlin Avenue (1100 Tully Road) to CN Commercial Neighborhood Zoning District. C08-047

**Ordinance No. 28606 adopted.**

## 2. CONSENT CALENDAR

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

- (o) ORD. NO. 28607 – Rezoning certain real property situated at the southwest corner of Edwards Avenue and South First Street to A(PD) Planned Development Zoning District. PDC08-035  
**Ordinance No. 28607 adopted.**
  
- (p) ORD. NO. 28608 – Rezoning certain real property situated approximately 1,200 feet northwesterly of the intersection of Los Esteros Road and Zanker Road from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District. PDC08-042  
**Ordinance No. 28608 adopted.**
  
- (q) ORD. NO. 28581 – Establishing Rule 20A Underground Utility District along Coleman Avenue between West Hedding Street and Spring Street, North Market Street between West Julian Street and West St. James Street, and Devine Street between North San Pedro Street and North First Street.  
**Ordinance No. 28581 readopted.**
  
- (r) ORD. NO. 28582 – Amending Section 23.04.156 of Chapter 23.04 of Title 23 of the San José Municipal Code to amend the requirements for Vertical Projecting Signs in the Urban Mixed Use Sign Zone, and make other related, nonsubstantive clarifying changes.  
**Ordinance No. 28582 readopted.**
  
- (s) ORD. NO. 28585 – Rezoning certain real property on the west side of South Winchester Boulevard approximately 550 feet southerly of Stevens Creek Boulevard (369 South Winchester Boulevard) to A(PD) Planned Development Zoning District. PDC08-052  
**Ordinance No. 28585 readopted.**
  
- (t) ORD. NO. 28586 – Rezoning certain real property situated on the southwest side of Camden Avenue, approximately 150 feet northwest of South Bascom Avenue (2270 Camden Avenue), to CN Commercial Neighborhood Zoning District. C09-012  
**Ordinance No. 28586 readopted.**

## 2. CONSENT CALENDAR

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### 2.3 Mayor and Council Excused Absence Requests.

**Recommendation:**

- (a) Request for an excused absence for Vice Mayor Chirco from the Closed Session Meeting of the City Council on June 9, 2009 due to illness. (Chirco)  
(Rules Committee referral 6/3/09)
- (b) Request for an excused absence for Council Member Nguyen from the Closed Session Meeting of the City Council on June 9, 2009 due to a medical appointment. (Nguyen)
- (c) Request for an excused absence for Vice Mayor Chirco from the Closed Session of the City Council Meeting on June 16, 2009 due to illness. (Chirco)
- (d) Request for an excused absence for Council Member Nguyen from the Final City Council Budget Hearing on June 15, 2009 due to illness. (Nguyen)
- (e) Request for an excused absence for Council Member Nguyen from the Closed Session, Regular Meeting and Evening Meeting of the City Council on June 16, 2009 due to illness. (Nguyen)
- (f) Request for an excused absence for Council Member Pyle from the Regular Meeting of the Rules and Open Government Committee on June 24, 2009 due to Authorized City Business: Sister City visits in Tallinn, Estonia. (Pyle)  
(Rules Committee referral 6/17/09)

**Excused.**

### 2.4 Airport Sustainability and Compliance Agreements.

**Recommendation:** Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute a Master Services Agreement with URS Corporation for sustainability and environmental compliance consultant services at Norman. Y. Mineta San José International Airport, from the date of execution to June 30, 2013, in an amount not to exceed \$500,000; and
- (b) Negotiate and execute a Master Services Agreement with CDM Incorporated for sustainability and environmental compliance consultant services at the Airport, from the date of execution to June 30, 2013, in an amount not to exceed \$500,000.

CEQA: Resolution Nos. 67380 and 71451, File No. PP09-126. (Airport)

**Resolution No. 75020 adopted.**

### 2.5 Amend Legal Services Agreement related to the Airport Terminal Area Improvement Program.

**Recommendation:** Adopt a resolution authorizing the City Attorney to negotiate and execute a Sixth Amendment to the Agreement with Nossaman LLP for legal services related to the Design-Build Agreement for the Airport Terminal Area Improvement Program, extending the term from July 1, 2009 through June 30, 2010, with no increase in total compensation. CEQA: Not a Project. (City Attorney's Office)

**Resolution No. 75021 adopted.**

## 2. CONSENT CALENDAR

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### 2.6 Settlement with Housing and Development Software, Inc.

**Recommendation:** Approve settlement and authorize City Attorney to execute a Settlement Agreement and Release with Housing and Development Software, Inc., providing for settlement payment to the City of San José in the total amount of \$80,000 to be made in installments over five years and secured by a Stipulated Judgment in order to resolve lawsuit regarding software installation dispute, as considered by the City Council during Closed Session held on December 9, 2008. CEQA: Not a Project. (City Attorney's Office)

**Approved.**

### 2.7 Actions related to Former Main Library Demolition Project.

**Recommendation:** Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (Cityside Redevelopment Fund) for 2009-2010:

- (a) Increase the Beginning Fund Balance by \$415,000; and,
- (b) Establish an appropriation to the General Services Department for the Former Main Library Demolition Project – Relocation of Staff and Furniture (PSM 587) in the amount of \$415,000.

CEQA: Former Main Library Demolition Project – Relocation of Staff and Furniture Project: Resolution No. 72767 and Addenda thereto. File No. PP08-002. Central Service Yard: Mitigated Negative Declaration, File No. PP05-136 and addendum File No. PP09-113. (City Manager's Office)

**Ordinance No. 28613 adopted.**

**Resolution No. 75022 adopted.**

### 2.8 Community Action and Pride Grant Program and Keep San José Beautiful Grant Program.

**Recommendation:** Adopt a resolution authorizing the City Manager's Office to execute an amendment to the agreement with United Neighborhoods of Santa Clara County to increase the "Donor Advised Funds" for the Community Action and Pride Grant Program and Keep San José Beautiful Grant Program and extend the term to June 30, 2011.

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

**Resolution No. 75023 adopted.**

## 2. CONSENT CALENDAR

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### 2.9 Fiscal Actions for Redevelopment Agency Capital Projects.

**Recommendation:**

- (a) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for 2008-2009:
  - (1) Increase the estimate for Earned Revenue by \$415,000.
  - (2) Increase the Ending Fund Balance by \$390,000.
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for 2009-2010:
  - (1) Decrease the Beginning Fund Balance by \$390,000.
  - (2) Establish the appropriation to the General Services Department for the Former Main Library Demolition Project – Relocation of Staff and Furniture in the amount of \$390,000.

(City Manager's Office)

**Dropped per Administration.**

### 2.10 Implementation of WIA Programs and Projects.

**Recommendation:** Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute all contracts, amendments, agreements, leases, subleases and memorandums of understanding with contractors and vendors providing services to the Workforce Investment Act Program (WIA), 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, 2009 to June 30, 2010 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 Board. The City Manager is also authorized to amend Council-approved agreements that have been reviewed and approved by the Work2Future Executive Committee and/or the Work2Future Board so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.
- (b) 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, 2009 to June 30, 2010.

CEQA: Not a Project. (Economic Development)

**Resolution No. 75024 adopted.**

## 2. CONSENT CALENDAR

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### 2.11 Silicon Valley Energy Watch Contract Amendment.

**Recommendation:**

- (a) Approve a change order to the agreement with PG&E for the Silicon Valley Energy Watch program, to extend the term of the agreement from June 30, 2009 to December 31, 2009, and increase the maximum amount of compensation payable to the City by \$104,214 from \$553,250, for a total amount not to exceed \$657,464.

**Approved.**

- (b) Adopt the following 2009-2010 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

- (1) Increase the Environmental Services Department's Personal Services appropriation by \$52,864;
- (2) Increase the Environmental Services Department's Non-personal/ Equipment appropriation by \$51,350;
- (3) Increase the estimate for Revenue from Local Agencies by \$104,214.

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

**Ordinance No. 28614 adopted.**

**Resolution No. 75025 adopted.**

### 2.12 Open Purchase Orders Report #1.

**Recommendation:** Approve the award of open purchase orders for supplies, materials, equipment and services for FY 2009-2010 #1 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.**

### 2.13 Actions Related to the Sanitary Sewer Service and Use Charges and Storm Sewer Service Charges.

**Recommendation:** Adopt a resolution:

- (a) Setting a public hearing on Tuesday, August 4, 2009 at 1:30 p.m. for 2009-2010 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; and
- (b) Allowing the Director of Finance to file, with the City Clerk, the 2009-2010 Sewer Service and Use Charges and Storm Sewer Service Charges on or before July 17, 2009.

CEQA: Not a Project. (Finance)

**Resolution No. 75026 adopted.**

## 2. CONSENT CALENDAR

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### 2.14 Airport Access Control System and Services Report.

**Recommendation:** Report on Request for Proposal to expand the existing Access Control System into the new Terminal B and the North Concourse at the Norman Y. Mineta San José International Airport, perform an assessment of the existing ACS in Terminals A and C, provide maintenance services for the entire system, and adopt a resolution authorizing the Director of Finance to:

- (a) Execute an agreement with Electronic Technologies Corporation, doing business as Ingersoll Rand Security Technologies to expand the existing Access Control System, including all hardware, software, implementation services and the first year support and maintenance with total compensation not to exceed \$342,712, including all applicable sales taxes.
- (b) Execute change orders not to exceed a contingency amount of \$51,000 to cover any unanticipated changes in the system design and/or installation.
- (c) Execute three additional one-year options for extended maintenance and support services subject to annual appropriation of funding.

CEQA: Resolution Nos. 67380 and 71451, File No. PP09-118. (Finance)

**Resolution No. 75027 adopted.**

### 2.15 Repair of the Parking Garage Deck at the Convention Center.

**Recommendation:** Report on bids and award the purchase for the repair of the parking garage deck at the San José Convention Center to Watertight Restoration, Inc. (San Francisco, CA), the low bidder, for a total amount not to exceed \$429,500; including labor, material, equipment, and applicable sales taxes and authorize the Director of Finance to:

- (a) Execute the purchase order.
- (b) Approve a contingency in the amount of \$65,000 for any unforeseen changes or requirements that may arise prior to the completion of the repairs.

CEQA: Exempt, File No. PP08-292. Council District 3. (Finance)

**Approved.**

### 2.16 Elevator and Escalator Maintenance and Repair Services.

**Recommendation:**

- (a) Adopt a resolution authorizing the Director of Finance to execute an Amendment to the Agreement for Elevator Maintenance Services with Kone, Inc. to:
  - (1) Add four elevators in the Employee Parking Garage to the Scope of Services for repair and maintenance services.
  - (2) Add Kone Remote Management System (KRMS) service to provide remote and real time elevator diagnostics for City Hall and garage elevators.

CEQA: Not a Project. (Finance)

**Resolution No. 75028 adopted.**

## 2. CONSENT CALENDAR

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### 2.16 Elevator and Escalator Maintenance and Repair Services (Cont'd.)

- (b) Report on Request for Proposals for elevator and escalator maintenance and repair services for city owned facilities including libraries, community centers, and downtown parking garages managed by General Services and adoption of a resolution authorizing the Director of Finance to:
- (1) Execute an agreement with Schindler Elevator Corporation (San Leandro, CA) not to exceed \$155,500, for the initial term July 1, 2009 to June 30, 2010.
  - (2) Execute amendments to the agreement to add or delete elevators or escalators as required subject to appropriation of funds.
  - (3) Exercise four one-year options to renew the agreement subject to the annual appropriation of funds.

CEQA: Not a Project. (Finance)

**Resolution No. 75029 adopted.**

### 2.17 Animal Services Agreement with the City of Milpitas.

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with the City of Milpitas to provide the City of Milpitas with animal care services for the period July 1, 2009 to June 30, 2012, in the amount of \$686,801. CEQA: Not a Project. (General Services)

**Resolution No. 75030 adopted.**

### 2.18 Actions Related to History San José.

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute the Amended and Restated Operation Agreement with History San José which includes, as directed by Council on December 18, 2007, a schedule and funding plan to increase the ongoing operating payment to \$875,000 per year for the remaining years of its Agreement with the City through Fiscal Year 2017-18, subject to City council approval of fiscal appropriations. CEQA: Exempt. (General Services)

**Resolution No. 75031 adopted.**

**Staff directed to return to Council before the next budget cycle with a funding plan for History San José.**

### 2.19 Funding for the Tenant-Based Rental Assistance Program.

**Recommendation:** Adopt a resolution:

- (a) Approving \$1,500,000 for the implementation of the first year of a transitional housing Tenant-Based Rental Assistance (TBRA) program for approximately 100 chronically homeless individuals or families.
- (b) Approving an amendment to the City's 2009-2010 Consolidated Plan to allow a TBRA program under the HOME guidelines.
- (c) Authorizing the Director of Housing to negotiate and execute all necessary documents.

CEQA: Not a Project. (Housing)

**Resolution No. 75032 adopted.**

## 2. CONSENT CALENDAR

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### 2.20 Housing Services Partnership Contract.

**Recommendation:** Adopt a resolution:

- (a) Approving a 12-month extension to the Housing Services Partnership (HSP) contract with EHC Lifebuilders (EHC) to provide homeless services on behalf of the City from July 1, 2009 through June 30, 2010;
- (b) Approving an increase in the HSP contract amount by \$1,331,340 from \$979,372 to \$2,310,712 to cover the cost of services provided through June 30, 2010; and
- (c) Authorizing the Director of Housing to negotiate and execute all necessary documents.

CEQA: Not a Project. (Housing)

**Resolution No. 75033 adopted.**

### 2.21 Long Term Care Insurance Services.

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with Prudential Insurance Company of America for a group plan to make voluntary long-term care insurance services available to City of San José Employees, Retirees and their dependents/beneficiaries for the period of July 1, 2009 through June 30, 2013, and to negotiate and execute an agreement with MetLife for an individual policy plan to make voluntary California Partnership Long-Term Care insurance services available to City of San José retirees and their beneficiaries for the period of July 1, 2009 through June 30, 2013. The Prudential group plan agreement also contains an option to renew contracts with no additional increase in rates for two additional years, through June 30, 2015. CEQA: Not a Project. (Human Resources)

**Dropped per City Attorney's Office.**

### 2.22 Agreement with VeriSign.

**Recommendation:** Adopt a resolution authorizing the City Manager to:

- (a) Execute an amendment to the agreement with VeriSign, Inc. to extend the term of the agreement from June 30, 2009 through June 30, 2010, and increase maximum compensation from \$349,760, by \$50,000, to \$399,760 for the purpose of providing on-site PCI (Payment Card Industry) Security Compliancy Assessment for the Mineta San José International Airport.
- (b) Execute subsequent information security amendments with VeriSign, Inc., as required, subject to the appropriation of funds.

CEQA: Not a Project. (Information Technology/Airport)

**Resolution No. 75034 adopted.**

### 2.23 Maintenance Agreement with Caltrans for the Guadalupe River Trail.

**Recommendation:** Approve a Maintenance Agreement between the State of California and the City of San José for the Guadalupe River Trail Reach 6 – Woz Way to Virginia Street. CEQA: Mitigated Negative Declaration, File No. PP04-03-102. Council District 3. SNI: Washington and Gardner. (Parks, Recreation and Neighborhood Services)

**Approved.**

## 2. CONSENT CALENDAR

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### 2.24 Parks, Recreation and Neighborhood Services 2009-10 Agreements.

**Recommendation:** Adopt a resolution authorizing the following, subject to the appropriation of funds by the City Council, and on such terms and conditions as deemed appropriate by the City Manager:

- (a) Authorize the City Manager to negotiate and execute all agreements and amendments for Parks, Recreation and Neighborhood Services Department (PRNS) identified on Attachment A;
- (b) Authorize the City Manager to negotiate and execute agreements and amendments to accept grant funds identified on Attachment B consistent with the 2009-2010 Adopted Budget;
- (c) Authorize a three-month extension of the agreement with the County of Santa Clara for the Senior Nutrition Agreement into the first three months of 2009-2010 and to accept grant funds for that period in amounts consistent with budgeted amount in the 2009-2010 Adopted Budget, until a new agreement for 2009-2010 is finalized with the County;
- (d) Authorize the Director of Parks, Recreation and Neighborhood Services to negotiate and execute 2009-2010 contracts and amendments consistent with adopted budgeted amounts for the following grant programs:
  - (1) Bringing Everyone's Strengths Together (B.E.S.T.).
  - (2) San José After School (S.J.A.S.).
  - (3) Safe Summer Initiative Grant (S.S.I.G.).
  - (4) Healthy Neighborhoods Venture Fund (H.N.V.F.).

CEQA: All items on Attachment A: Not a Project. All items on Attachment B: Not a Project. (Parks, Recreation and Neighborhood Services)

**Resolution No. 75035 adopted.**

### 2.25 Actions related to the Cottle Transit Village.

**Recommendation:** Adopt a resolution to submit an application to the FOCUS program to designate two contiguous subareas of the former Hitachi/IBM Campus on Cottle Road as a regional Planned Priority Development Area. CEQA: Reuse of the Hitachi Campus and Mixed-Use Transit Village Project Final Environmental Impact Report, Resolution No. 72772, and the San José Lowe's Store Project, File No. PDC06-003, Resolution No. 73814. (Planning, Building and Code Enforcement)

**Resolution No. 75036 adopted.**

## 2. CONSENT CALENDAR

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### 2.26 Homeland Security Grant Program Funding.

**Recommendation:**

- (a) Accept Homeland Security Grant Program funding from the County of Santa Clara for Police Department training and exercise in an amount up to \$1,166,127.  
**Accepted.**
- (b) Adopt the following appropriation ordinance and funding sources resolution amendments in the General Fund in fiscal year 2009-2010:
- (1) Increase the existing city-wide appropriation to the Police Department for the State Homeland Security Grant Program in the amount of \$250,089; and
  - (2) Increase the estimate for Earned Revenue Estimate from the Federal Government by \$250,089.

**Ordinance No. 28615 adopted.**  
**Resolution No. 75037 adopted.**

- (c) Adopt a resolution authorizing the City Manager to negotiate and execute future amendments to the existing agreement with Santa Clara County, approved by Council on 12/9/08, item 2.5 without further Council action.

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

**Resolution No. 75038 adopted.**

### 2.27 2009 Alcoholic Beverage Control Grant.

**Recommendation:**

- (a) Adopt a resolution authorizing the City Manager to:
- (1) Accept the 2009 Alcoholic Beverage Control Grant in the amount of \$80,830;
  - (2) Negotiate and execute the grant agreement specifying the grant terms and all related documents necessary to effectuate the grant, including any extensions or amendments and any related subsequent contract; and
  - (3) State in the resolution that any liability arising out of the performance of this contract, including civil actions, shall be the responsibility of the City; grant funds received shall not be used to supplant existing expenditures; and the award is not subject to local hiring freezes, which the grantor has stated means the City must agree to provide a project manager for the term of the grant.

**Resolution No. 75039 adopted.**

- (b) Adopt the following Appropriation Ordinance and the Funding Sources Resolution amendments in the General Fund for fiscal year 2009-2010:
- (1) Establish a city-wide appropriation to the Police Department for the 2009 Alcoholic Beverage Control (ABC) Grant in the amount of \$80,830;
  - (2) Increase the estimate for Revenue from the State of California by \$80,830.

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

**Ordinance No. 28616 adopted.**  
**Resolution No. 75040 adopted.**

## 2. CONSENT CALENDAR

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### 2.28 Living Wage Policy to Water Pollution Control Plant Contracts.

**Recommendation:** Adopt a resolution approving the City of San José Living Wage Policy as a formal City Council Policy and making it applicable to contracts solicited for and entered into for the San José/Santa Clara Water Pollution Control Plant. CEQA: Not a Project. (Public Works)

**Resolution No. 74041 adopted.**

**Noes: Constant, Oliverio.**

### 2.29 Surplus Property at McLellan and Edwards Avenues.

**Recommendation:** Adopt a resolution:

- (a) Declaring the vacant 0.118 acres of City-owned property west of McLellan Avenue at Edwards Avenue surplus to the needs of the City;
- (b) Approving an agreement for the sale of the property to an adjoining property owner, Santa Clara Valley Water District, for \$157,000; and
- (c) Authorizing the Director of Public Works to execute documents necessary to implement the Agreement and complete the transaction.

CEQA: Resolution to be adopted. Council District 3. SNI: Washington. (Public Works)

**Resolution No. 75042 adopted.**

**CEQA Resolution No. 75043 adopted.**

### 2.30 Thompson Creek and Sierra Creek Bank Erosion and Outfall Repair Projects.

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute a cooperative agreement with the Santa Clara Valley Water District to compensate the District for design and construction associated with the repair of eroded banks at two locations along Thompson Creek and at one location along Sierra Creek in a total amount not to exceed \$370,000. CEQA: Resolution to be adopted. Council District 8. (Public Works)

**Resolution No. 75044 adopted.**

**CEQA Resolution No. 75045 adopted.**

### 2.31 Environmental Services Building Repair Project Contract Change Order.

**Recommendation:**

- (a) Adopt a resolution authorizing the Director of Public Works to negotiate and execute Contract Change Order No. 6 with Zolman Construction and Development, Inc. for the Environmental Services Building Repair Project in an amount not to exceed \$325,000 to replace the existing damaged vinyl floor in the laboratory area of the building with ceramic floor tile and to install new, upgraded data/voice cabling and a security system.

**Resolution No. 75046 adopted.**

## 2. CONSENT CALENDAR

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### 2.31 Environmental Services Building Repair Project Contract Change Order (Cont'd.)

- (b) Increase the project funding by \$325,000, and contingency authorization from 15% to 24% for a total project contingency of \$865,000.
- (c) Increase the project delivery funding by \$50,000 for a total project delivery cost of \$1,094,000.

CEQA: Exempt, File No. PP08-157. (Public Works)

**Approved.**

### 2.32 Airport Terminal B Apron Reconstruction Phase 1 Project.

#### **Recommendation:**

- (a) Report on bids and award of contract for the Norman Y. Mineta San José International Airport Terminal B Apron Reconstruction Phase 1 Project to the “*lowest responsive bidder*”, Granite Rock Company dba Pavex Construction, in the amount of \$5,055,985; and
- (b) Approve a contingency in the amount of \$758,400, equal to fifteen percent of the award amount.

CEQA: Resolution Nos. 67380 and 71451, File No. PP09-115. (Public Works/Airport)

**Approved, with Item 2.32(a) modified to read “lowest responsive bidder”.**

### 2.33 Reimbursement of Contingent Lien Proceeds in the Evergreen Benefit Assessment District Funds.

#### **Recommendation:**

- (a) Declare \$2,056,013 in contingent lien proceeds as un-obligated in the Evergreen Benefit Assessment District Fund, and
- (b) Approve a reimbursement in the amount of \$2,056,013 to the Evergreen Specific Plan Property Ownership Partnership.

**Approved.**

- (c) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Evergreen Benefit Assessment District Fund:

- (1) Establish a Beginning Fund Balance estimate in the Evergreen Benefit Assessment District Fund in the amount of \$ 2,056,013; and
- (2) Establish an appropriation for the Reimbursement to the Evergreen Specific Plan Property Ownership Partnership in the amount of \$2,056,013.

CEQA: Not a Project. Council District 8. (Public Works/City Manager’s Office)

**Ordinance No. 28617 adopted.**

**Resolution No. 75047 adopted.**

## 2. CONSENT CALENDAR

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### 2.34 Environmental Innovation Center Phases 1 and 2.

**Recommendation:**

- (a) Report on bids and award of contract for the San José Environmental Innovation Center Phase I Improvements to the low bidder, Calstate Construction, in the amount of \$2,256,579 and approval of a contingency in the amount of \$225,657. CEQA: EIR Resolution No.73929, File No. PP06-100. Council District 3. SNI: Five Wounds/Brookwood Terrace. (Public Works/Environmental Services)

**Approved.**

- (b) Adopt a resolution authorizing the City Manager to negotiate and execute a Master Agreement with Group 4 Architecture Research + Planning, Inc. for consultant services through 50 percent construction document phase for design of the San José Environmental Innovation Center Phase II Project, from the date of execution to March 30, 2010, in a total amount not to exceed \$1,500,000. CEQA: Not a Project. Council District 3. SNI: Five Wounds/Brookwood Terrace. (Public Works/Environmental Services)

**Resolution No. 75048 adopted.**

### 2.35 Martin Park Landfill Gas Cutoff Wall Project.

**Recommendation:** Report on bids and award of contract for the Martin Park Landfill Gas Cutoff Wall Re-Bid Project to the low bidder, Granite Rock Company, DBA Pavex Construction Division, in the amount of \$1,228,250, and approval of a contingency in the amount of \$123,000. CEQA: Mitigated Negative Declaration, File No. H06-017, December 3, 2007. Council District 3. SNI: Five Wounds/Brookwood Terrace. (Public Works/Environmental Services)

**Approved.**

### 2.36 Happy Hollow Park and Zoo Phase 1 Parking Lot Project.

**Recommendation:** Report on bids and award of contract for the Happy Hollow Park & Zoo-Phase 1 Parking Lot Project to the low bidder, O.C Jones and Sons, Inc. to include the base bid and Add Alternate Nos. 1, 2, and 3, in the amount of \$4,518,000 and approval of a contingency in the amount of \$451,800. CEQA: Mitigated Negative Declaration, File No. PP05-142, dated April, 2007 and Amended Mitigated Negative Declaration, File No. PP09-023, dated February 6, 2009. (Public Works/Parks, Recreation and Neighborhood Services)

**Approved.**

## 2. CONSENT CALENDAR

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### 2.37 Leigh Avenue and Story Road Resurfacing Project.

**Recommendation:** Adopt a resolution authorizing the Director of Public Works to award the construction contract for the Leigh Avenue and Story Road Resurfacing Project to the lowest responsive bidder, and approve a five percent contingency in an amount not to exceed the funds appropriated for the project. CEQA: Exempt, PP06-066. Council Districts 5, 7 and 9. (Public Works/Transportation)

**Resolution No. 75049 adopted.**

### 2.38 ARRA Street Maintenance Funding, Phase II.

**Recommendation:** Adopt a resolution authorizing the Director of Transportation to:

(a) Submit a grant application to the Bay Area's Metropolitan Transportation Commission under the *American Recovery and Reinvestment Act of 2009* for the San José Street Resurfacing and Rehabilitation Project (Phase II) in the amount not to exceed \$2,443,000; and

(b) Negotiate and execute related grant documents to accept any grant funding.

CEQA: Exempt, File No. PP06-066. (Transportation)

**Resolution No. 75050 adopted.**

### 2.39 Green Vision Street Tree Planting Project.

**Recommendation:** Report on bids and award of contract for the G85B CDBG Green Vision Street Tree Planting Project to the low bidder, Blossom Valley Construction, Inc., in the amount of \$118,568 and approval of contingency in the amount of \$6,000. CEQA: Exempt, File No. PP08-168. Council District 5. (Transportation)

**Approved.**

### 2.40 Downtown Parking Marketing Agreement.

**Recommendation:** Approve a Marketing Agreement for the Downtown Parking Program with the San José Downtown Association, effective July 1, 2009 to June 30, 2012, with two one-year options to extend, not to exceed an annual compensation of \$100,000. CEQA: Not a Project. Council District 3. (Transportation)

**Approved.**

## 2. CONSENT CALENDAR

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### 2.41 Public-Private Partnership Update.

**Recommendation:** As recommended by the Rules and Open Government Committee on June 3, 2009:

(a) Accept the report on the status of the public-private partnership case studies;  
**Accepted.**

(b) Adopt a resolution:

(1) Rescinding Council Policy 1-8 “City Fees for Community Projects for which Donations Have Been Received;” and

(2) Approving Revised Council Policy 1-17 “Revenue Generating Policy Fundraising, Sponsorship and Contribution Guidelines” as further described in the memorandum submitted to the Rules and Open Government Committee.

**Resolution No. 75051 adopted.**

(c) Direct staff to return to the Rules and Open Government Committee after the July City Council recess with proposed modifications to Council Policy 7-5 “Naming of City-Owned Land and Facilities.”

(City Manager’s Office/Parks, Recreation and Neighborhood Services)

(Rules Committee referral 6/10/09 – Item 10.1)

**Approved.**

### 2.42 Revisions to the City Council Expenditure and Reimbursement Policy 0-38.

**Recommendation:** As recommended by the Rules and Open Government Committee on June 3, 2009, adopt a resolution approving revisions to the Council Expenditure and Reimbursement Policy. (City Clerk)

(Rules Committee referral 6/3/09 – Item 10.2)

(Deferred from 6/16/09 – Item 3.9)

**Resolution No. 75052 adopted.**

### 2.43 Renewal of City Auditor’s Contract.

**Recommendation:** Adoption of a resolution to reappoint Sharon Erickson as City Auditor for a four-year term beginning July 1, 2009. (Mayor)

(Rules Committee referral 6/17/09)

**Resolution No. 75053 adopted.**

## 2. CONSENT CALENDAR

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

**Recommendation:** Adopt a resolution authorizing the City Attorney to negotiate and Execute a Thirteenth 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, to extend the term to June 30, 2010 and to increase the compensation by \$75,000, for a total amount not to exceed \$425,000. CEQA: Not a Project. (City Attorney's Office)  
(Rules Committee referral 6/17/09)

**Resolution No. 75054 adopted.**

### 2.45 Resolution Challenging the Constitutionality of any Seizure by State Government of City's Street Maintenance Funds from the Highway Users Tax Account (HUTA).

**Recommendation:** Adopt a resolution authorizing the City Attorney to cooperate with the League of California Cities, other cities and counties in litigation challenging the constitutionality of any seizure by State government of the City's Street Maintenance Funds from the Highway Users Tax Account (HUTA). (City Attorney's Office)  
(Rules Committee referral 6/17/09)

**Resolution No. 75055 adopted.**

### 2.46 Fiscal Actions Related to Redevelopment Agency Capital Projects.

**Recommendation:**

(a) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for 2008-2009:

- (1) Increase the estimate for Earned Revenue by \$245,157;
- (2) Establish an appropriation to the Department of Transportation for the Phase II Circle of Palms Plaza Lighting Enhancement Project (PSM 573) in the amount of \$7,500;
- (3) Establish an appropriation to the Department of Public Works for the William Street and Colton Place Sidewalk Improvement Project (PSM 584) in the amount of \$30,000; and,
- (4) Increase the Ending Fund Balance by \$207,657.

**Ordinance No. 28618 adopted.**

**Resolution No. 75056 adopted.**

## 2. CONSENT CALENDAR

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### 2.46 Fiscal Actions Related to Redevelopment Agency Capital Projects (Cont'd.)

- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for 2009-2010:
- (1) Increase the Beginning Fund Balance by \$207,657;
  - (2) Increase the appropriation to the Public Works Department for the Hanchett Pillar Project (PSM 527 Amendment #1) in the amount of \$16,307;
  - (3) Establish an appropriation to the Department of Transportation for the Phase II Circle of Palms Plaza Lighting Enhancement Project (PSM 573) in the amount of \$41,150;
  - (4) Establish an appropriation to the Department of Transportation for the Park Avenue Tree Improvement Project (PSM 579) in the amount of \$15,200;
  - (5) Establish an appropriation to the Department of Public Works for the William Street and Colton Place Sidewalk Improvement Project (PSM 584) in the amount of \$135,000.

**Ordinance No. 28619 adopted.**

**Resolution No. 75057 adopted.**

- (c) Adopt resolutions making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with:
- (1) The Park Avenue Tree Improvement Project as more specifically described in the memorandum from the Redevelopment Agency, dated April 6, 2009;  
**Resolution No. 75058 adopted.**
  - (2) The Phase II Circle of Palms Lighting Enhancement Project as more specifically described in the memorandum from the Redevelopment Agency, dated March 5, 2009; and  
**Resolution No. 75059 adopted.**
  - (3) The Williams Street and Colton Place Sidewalk Improvement Project as more specifically described in the memorandum from the Redevelopment Agency, dated May 8, 2009.  
**Resolution No. 75060 adopted.**

CEQA: Hanchett Pillar Project: Exempt, PP08-115; Phase II Circle of Palms Plaza Lighting Enhancement Project: Resolution No. 72767, Use of FEIR, San Jose Downtown Strategy 2000, File No. PP06-116; Park Avenue Tree Improvement Project: Exempt, File No. PP06-105; and William Street and Colton Place Sidewalk Improvement Project: Exempt, File No. PP09-133. (Public Works/Transportation/City Manager's Office) (Rules Committee referral 6/17/09)

## **2. CONSENT CALENDAR**

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### **2.47 Firefighters Fire Station Construction Grant.**

**Recommendation:** Adopt a resolution authorizing the City Manager to submit a grant application for an amount not to exceed \$15 million dollars for an Assistance to Firefighters Fire Station Construction Grant pursuant to the provisions of the American Recovery and Reinvestment Act of 2009. CEQA: Not a Project. (Fire)  
(Rules Committee referral 6/17/09)

**Resolution No. 75061 adopted.**

### **2.48 Appointments to Boards, Commissions and Committees.**

**Recommendation:** As recommended by the Rules and Open Government Committee on June 17, 2009:

- (a) Appoint to the Arts Commission Kaela Bernal to an unexpired term ending June 30, 2011 and Jessica Zenk to a term ending June 30, 2012. (Liccardo)
- (b) Appoint Alan Roberts, Center Director of the San José Job Corps Center, to serve as a public sector representative on the Silicon Valley Workforce Investment Network Board of Directors as required by law. (Mayor)
- (c) Appoint Brian Darrow, Director of Land Use and Urban Policy for Working Partnerships USA, to the Envision San José 2040 General Plan Update Task Force. (Liccardo)

(Rules Committee referral 6/17/09 – Items 9.1, 9.2 and 9.3)

**Approved.**

## **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 – June 3, 2009**

**Mayor Reed, Chair**

**Approved.**

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

**Council Member Nguyen, Chair**

**No Report.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.4 Various Budget Actions for Fiscal Year 2008-2009.

**Recommendation:** Adopt amendments to the annual appropriation ordinance and funding sources resolution for various operating and capital funds to reflect estimated 2008-2009 revenue receipts, expenses, and encumbrances. CEQA: Not a Project. (City Manager's Office)

**Heard at morning session.**

**Ordinance No. 28592 adopted.**

**Resolution No. 74955 adopted.**

#### 3.5 Annual Appropriation Ordinance and Funding Sources Resolution for the Fiscal Year 2009-2010 Budget, Resolution Establishing the Fiscal Year 2009-2010 Appropriation Limit, and Resolution Accepting Recovery Act 2009 Grant.

**Recommendation:**

(a) Adopt the Annual Appropriation Ordinance, including transfers and loans for Fiscal Year 2009-2010 and the Manager's Final Budget Addendum.

**Ordinance No. 28593 adopted.**

(b) Adopt the Annual Funding Sources Resolution for Fiscal Year 2009-2010 and the Manager's Final Budget Addendum.

**Resolution No. 74956 adopted.**

(c) Adopt 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 2009-2010 Appropriation Limit.

**Resolution No. 74957 adopted.**

(d) Adopt a resolution accepting the Recovery Act 2009 Internet Crimes Against Children Task Force Program Grant in the amount of \$863,930 and authorizing the City Manager to execute the Grant Agreement and all related documents required to effectuate the grant.

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

**Heard at morning session.**

**Resolution No. 74958 adopted.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.6 Fiduciary Governance Models of the City's Retirement Plans.

**Recommendation:** Accept the consultant's report regarding the fiduciary governance model for the Police and Fire Department Retirement Plan and the Federated City Employees' Retirement System and direction to the City Manager to seek outreach from the stakeholders. (City Manager's Office)

**The joint memorandum from Mayor Reed and Council Members Constant, Kalra, Liccardo and Herrera, dated June 18, 2009 was approved, with Staff directed to return in 90 days with final recommendations after conducting outreach.**

#### 3.7 Proposal for a Power Purchase and Site Lease Agreement.

**Recommendation:** Accept this Report on the Request for Proposal for a Power Purchase and Site Lease Agreement for Solar Photovoltaic Power Production rejecting the sole proposal that was received and authorizing the City Manager to:

- (a) Enter into negotiations with SunPower Corporation (San José, CA) for a Power Purchase Agreement (PPA) to purchase solar energy for a maximum 25 year term.
- (b) Present to Council a fully negotiated PPA for final review and approval after successful negotiation of the agreement.

CEQA: Not a Project. (Finance/Environmental Services)

**Deferred to 8/4/09 per Mayor's Office.**

#### 3.8 Recruitment of the Independent Police Auditor.

**Recommendation:** Based on previous Council direction to retain an executive search firm for recruitment of the Independent Police Auditor (IPA), Human Resources are bringing forward the following alternative recommendations:

- (a) Direct the City Manager to negotiate and execute a contract with Avery and Associates in an amount not to exceed \$27,800 for professional fees and expenses to conduct the search for the City of San José Independent Police Auditor (IPA) position based on the a desire to start anew with this recruitment process, and the criteria of performance, references and expertise.

**Approved.**

**Noes: Constant, Oliverio, Pyle.**

- (b) Direct the City Manager to negotiate and execute a contract with Bob Murray and Associates in an amount not to exceed \$6,900 for expenses only based on the criteria of performance, references, expertise with similar recruitments, as well as their willingness to conduct a new search without an additional professional fee.

CEQA: Not a Project. (Human Resources)

**Not approved.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.9 Agreements with MEF and CEO.

**Recommendation:**

- (a) Adopt a resolution approving an amendment to the terms of the current agreement with the Municipal Employees' Federation (MEF), AFSCME Local 101, regarding forgoing the scheduled 1.5% general wage increase and freezing step and merit increases for Fiscal Year 2009-2010, and authorizing the City Manager to execute the amended agreement.

**Resolution No. 75006 adopted.**

- (b) Adopt a resolution approving an amendment to the terms of the current agreement with the Confidential Employees' Organization (CEO), AFSCME Local 101, regarding forgoing the scheduled 1.5% general wage increase and freezing step and merit increases for Fiscal Year 2009-2010, and authorizing the City Manager to execute the amended agreement.

**Resolution No. 75007 adopted if CEO ratifies the agreement by Friday, June 26, 2009.**

- (c) Adopt the related 2009-2010 Appropriation Ordinance amendments in the General Fund and in the Construction Excise Tax Fund and approve restoration of positions subject to AFSCME Local 101, Municipal Employees' Federation and Confidential Employees' Organization ratification of their respective agreements and direction to include these actions in the final 2009-2010 Operating and Capital Budgets as described in Attachment A.

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

(Rules Committee referral 6/17/09)

**Heard at morning session.**

**Ordinance No. 28609 adopted approving Scenario 2; and Scenario 3, if CEO ratifies the agreement by Friday, June 26, 2009.**

#### 3.10 Agreements with the Association of Engineers and Architects, International Federation of Professional and Technical Engineers, Local 21, Units 41/42 and Unit 43.

**Recommendation:** Adopt a resolution:

- (a) Approving the terms of a Memorandum of Agreement with the Association of Engineers and Architects, International Federation of Professional and Technical Engineers, Local 21, Unit 041 and 042, and authorizing the City Manager to execute the agreement with a term of July 1, 2009 to June 30, 2010.
- (b) Approving the terms of a Memorandum of Agreement with the Association of Engineers and Architects, International Federation of Professional and Technical Engineers, Local 21, Unit 043, and authorizing the City Manager to execute the agreement with a term of July 1, 2009 to June 30, 2010.

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

(Rules Committee referral 6/17/09)

**Dropped per Administration.**

## **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 MOU for a Soccer Practice Field on Airport West Property.**

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute a Memorandum of Understanding between the City and the Earthquakes, LLC, regarding their intent to develop lease terms for use of approximately 2.5 acres of the 74.8 acre Airport West Property for a practice field for the Earthquakes, a major league soccer team and the practice field is proposed to be developed adjacent to the approved site for a soccer stadium. CEQA: Not a Project. (Economic Development)

**Resolution No. 75062 adopted.**

**4.3 Workforce Investment Act Fund for the Federal and State Workforce Investment Act Grants.**

**Recommendation:**

- (a) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Workforce Investment Act Fund (290) for 2008-2009:
- (1) Establish an estimate for Recovery Act – Federal Revenue in the amount of \$109,000;
  - (2) Establish an estimate for the State Governor’s Economic Stimulus Revenue in the amount of \$401,736;
  - (3) Establish a Recovery Act – Workforce Adult Program appropriation to the Office of Economic Development in the amount of \$34,000;
  - (4) Establish a Recovery Act – Workforce Federal Dislocated Worker Program appropriation to the Office of Economic Development in the amount of \$75,000; and,
  - (5) Establish an appropriation to the Office of Economic Development for the State Governor’s Economic Stimulus Dislocated Worker Program in the amount of \$401,736.

**Ordinance No. 28620 adopted.**

**Resolution No. 75063 adopted.**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.3 Workforce Investment Act Fund for the Federal and State Workforce Investment Act Grants (Cont'd.)

- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Workforce Investment Act Fund (290) for 2009-2010:
- (1) Establish an estimate for Recovery Act – Federal Revenue in the amount of \$11,748,306;
  - (2) Establish a Recovery Act – Workforce Adult Program appropriation to the Office of Economic Development in the amount of \$1,992,103;
  - (3) Establish a Recovery Act – Workforce Federal Dislocated Worker Program appropriation to the Office of Economic Development in the amount of \$4,373,400;
  - (4) Establish a Recovery Act – Workforce Federal Youth Worker Program appropriation to the Office of Economic Development in the amount of \$4,744,413;
  - (5) Establish a Recovery Act – Workforce Federal Rapid Response Program appropriation to the Office of Economic Development in the amount of \$638,390.

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

**Ordinance No. 28621 adopted.**

**Resolution No. 75064 adopted.**

### 4.4 Administrative Citation Fines Schedule Amendment.

**Recommendation:** Adopt a resolution to:

- (a) Amend the Administrative Schedule of Fines to do the Following:
- (1) Increase the administrative fine amount for violation of San José Municipal Code Section 9.54.010, discing of vacant parcels without permit, from \$25 to \$2,500 per violation;
  - (2) Set administrative fine amounts for violation of San José Municipal Code Section 20.40.500, late night activity in Commercial Districts located within 150 feet of residential property, at \$250, \$500, and \$1,000 for initial and repeat violations;
  - (3) Set administrative fine amounts for violation of San José Municipal Code Section 20.100.310, violation of development permit requirements, at \$250, \$500, and \$1,000 for initial and repeat violations;
  - (4) Increase administrative fine amounts for violation of San José Municipal Code Section 9.44.010, smoking or allowing smoking, from \$100, \$200 and \$500 to \$250, \$500 and \$1,000 for initial and repeat violations; and
  - (5) Increase the administrative fine amount for violation of San José Municipal Code Section 17.72.600, parking on an unpaved surface, from \$75 to \$100.
- (b) Repeal Resolution No. 74986, the prior Administrative Citation Schedule of Fines resolution.

CEQA: Not a Project. (Planning, Building and Code Enforcement)

**Resolution No. 75065 adopted.**

## **4. COMMUNITY & ECONOMIC DEVELOPMENT**

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### **4.5 Preliminary Alum Rock Form Based Zoning Design Standards and Guidelines**

**Recommendation:** Review the Preliminary Alum Rock Form Based Zoning Design Standards and Guidelines, and direct staff to:

- (a) Develop, in coordination with the City Attorney's Office, an amendment to the Zoning Code to establish a new Alum Rock Form Based Zoning District based on these preliminary standards; and
- (b) Conduct additional public outreach regarding the proposed Zoning Code amendment. CEQA: Negative Declaration, File No. PP09-012. Council District 5. SNI: Mayfair and Gateway East. (Planning, Building and Code Enforcement)

**Approved.**

## **5. NEIGHBORHOOD SERVICES**

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### **5.1 Report of the Neighborhood Services and Education Committee Council Member Campos, Chair**

**No Report.**

**Meeting on June 11, 2009 was canceled.**

### **5.2 Actions Related to Healthy Neighborhood Venture Fund.**

**Recommendation:**

- (a) Proposed actions regarding the Healthy Neighborhoods Venture Fund (H.N.V.F.):
  - (1) Consider the following amendments to the 2009-2010 Adopted Operating Budget in the Anti-Tobacco Master Settlement Agreement Fund:
    - (a) Establish an Education/Health: Children's Health Initiative appropriation in the amount of \$2,100,000;
    - (b) Establish an Education/Health: San Jose After School appropriation in the amount of \$2,254,263;
    - (c) Establish an Education/Health: Community Based Organizations appropriation in the amount of \$2,645,675;
    - (d) Decrease the Education/Health appropriation by \$4,565,000;
    - (e) Increase the Administration appropriation by \$210,737;
    - (f) Decrease the Senior Services/Health appropriation by \$670,000;
    - (g) Establish a Senior Services/Health: Senior Nutrition appropriation in the amount of \$670,000;
    - (h) Establish a Senior Services/Health: Community Based Organizations appropriation in the amount of \$1,395,825;
    - (i) Decrease the To Be Allocated portion of the Ending Fund Balance by \$4,011,087; and
    - (j) Decrease the Unrestricted Ending Fund Balance by \$30,413

## 5. NEIGHBORHOOD SERVICES

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### 5.2 Actions Related to Healthy Neighborhood Venture Fund (Cont'd.)

- (a) Proposed actions regarding the Healthy Neighborhoods Venture Fund (H.N.V.F.):
  - (2) Approve the funding allocations, according to a Tiered Funding Strategy, in the Anti-Tobacco Master Settlement Agreement Fund, as outlined in Attachment A and approved by the Healthy Neighborhoods Leadership Committee on June 11, 2009.
  - (3) Incorporate changes included in this memorandum into the 2009-2010 Adopted Operating Budget document.
- (b) As referred by the Public Safety, Finance and Strategic Support Committee on June 18, 2009, consider the proposed actions regarding the Bringing Everyone's Strengths Together (B.E.S.T.):
  - (1) Accept the 2007-2008 San José Bringing Everyone's Strengths Together and Mayor's Gang Prevention Task Force (MGPTF) evaluation report.
  - (2) Approve the Resource Allocation Plan of the San José B.E.S.T. program for FY 2009-2010.

(Public Safety, Finance and Strategic Support Committee referral 6/18/09 – Item 3.5)  
(Parks, Recreation and Neighborhood Services)

#### **Approved, with Staff directed to:**

- (1) **Return to the HNVF Committee for redistribution of any remaining funds.**
- (2) **Perform an analysis and circulate an information memorandum regarding any potential gaps in service to the Asian community before the next budget cycle.**

Noes: Constant, Oliverio.

### 5.3 Administrative Hearing on Substitution of Subcontractor for the Seven Trees Community Center & Branch Library.

**Recommendation:** Conduct an Administrative Hearing to consider the request of Gonsalves & Stronck Construction Company, the general contractor on the new Seven Trees Community Center and Branch Library Project, to substitute itself and Jos. J. Albanese for General Development Industries, Inc., the listed subcontractor for the concrete work. The Director of Public Works recommends granting the request for those reasons set forth in the staff report. CEQA: Not a Project. Council District 7. (Public Works)

**Resolution No. 75008 adopted approving the Staff recommendations.**

## 5. NEIGHBORHOOD SERVICES

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### 5.4 Award the Construction Contract for the Educational Park Branch Library.

**Recommendation:**

- (a) Award the construction contract for the Educational Park Branch Library to the low bidder, Barry Swenson Builder, to include the base bid and Add Alternate Nos. 1 through 5 in the amount of \$7,136,300, and approve a contingency in the amount of \$1,070,445.

**Reject all bids and Staff directed to rebid.**

**Noes: Constant, Liccardo, Oliverio; Reed.**

**Absent: Chirco.**

- (b) Approve the first amendment to the agreement for consultant services with Anderson Brule Architects, for the Project, extending the term of the agreement from October 31, 2010 to April 30, 2011, modifying the scope of services, and increasing the amount of compensation by \$90,000, for a total agreement amount not to exceed \$1,280,000.

CEQA: Mitigated Negative Declaration, File No. PP08-024. Resolution approved by Council on November 6, 2007. Council District 4. (Public Works/Library)

(Deferred from 6/16/09 – Item 5.3)

**No action taken.**

### 5.5 Administrative Hearing on Substitution of Subcontractor for Happy Hollow Park & Zoo – Zoo and Attractions.

**Recommendation:** Conduct an Administrative Hearing to consider the request of West Bay Builders, Inc., the general contractor on the Happy Hollow Park & Zoo – Zoo and Attractions project, to substitute Jensen Corporation for Green Growth Industries, Inc., the listed subcontractor for the landscape, irrigation and green roof work. The Director of Public Works recommends granting the request for those reasons set forth in the staff report. CEQA: Mitigated Negative Declaration, File No. PP05-142, dated April 2007. (Public Works)

[Rules Committee referral 6/3/09 – Item 3.1(a)]

(Deferred from 6/9/09 – Item 3.10 and 6/16/09 – Item 5.5)

**Resolution No. 75009 adopted, as modified by delegating authority to Staff and ordering an Administrative Hearing to be held on Friday, June 26, 2009 which shall be binding.**

## 6. TRANSPORTATION & AVIATION SERVICES

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

**No Report.**

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.2 Federal Recovery Act Tier I Resurfacing Project.

**Recommendation:**

- (a) Adopt a resolution authorizing the City Manager to determine the lowest responsive and responsible bidder, to award a construction contract for the Federal Recovery Act Tier I Resurfacing Project to the lowest responsive bidder, in the amount not to exceed funds appropriated for the Project, or to reject all bids and re-bid the Project.

**Resolution No. 75066 adopted.**

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

**Approved.**

- (c) Adopt a resolution ratifying the City Manager's execution of a California Department of Transportation implementation agreement setting forth the disadvantaged business enterprise program that the City of San José must implement as a condition of receiving federal funding for roadway projects.

CEQA: Exempt, File No. PP06-066. Council Districts 3, 4, 5, 6, 7, 8, 9 and 10.  
(Transportation)

**Resolution No. 75067 adopted.**

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.1 Agreement for Disposal of Solid Waste and Related Services.

**Recommendation:**

- (a) Adopt a resolution authorizing the City Manager to negotiate and execute an amendment to the Agreement with International Disposal Corporation of California, Inc. to:

- (1) Provide for the disposal of grease, grit, and screening, and the beneficial reuse of biosolids from the Water Pollution Control Plant, at an estimated annual expenditure of \$1,614,520 for Fiscal Year 2009-2010.
- (2) Reflect changes to the residential and commercial solid waste management program including, but not limited to, enabling the exclusive commercial franchisees to use the City's disposal capacity at the Newby Island Landfill at the City's rate, clarifying the compensation for baled residential recycling residue, providing for the processing of certain waste generated from the performance of municipal services, and redefining the basis for reimbursement of regulatory costs.

**Resolution No. 75068 adopted.**

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.1 Agreement for Disposal of Solid Waste and Related Services (Cont'd.)

- (b) Direct staff to explore feasibility, options and terms and conditions for an agreement that would allow International Disposal Corporation of California, Inc., to deliver leachate from Newby Island Sanitary Landfill to the San José/Santa Clara Water Pollution Control Plant and for the delivery of recycled water from the Plant to Newby using existing pipelines. (Environmental Services)

**Approved.**

- (c) Adopt a resolution authorizing the City Attorney to execute a Settlement Agreement and Release that provides for the payment of \$700,000 to International Disposal Corporation of California, Inc. (“IDC”) by the City of San Jose in exchange for IDC’s release of all existing and potential claims for costs required by regulations adopted before January 1, 2009; and for amending the Agreement between the City of San Jose and International Disposal Corporation of California, Inc. to establish a new basis for future regulatory costs, and to reflect changes to the residential and commercial solid waste management program, as authorized by the City Council in Closed Session on June 2, 2009.

**Resolution No. 75069 adopted.**

CEQA: Hauling and disposal of grease, grit, and screenings: Exempt, File No. PP09-044; Hauling and beneficial use of biosolids: Exempt, File No. PP08-038; Newby Island Sanitary Landfill, 1997 Revised Solid Waste Facility Permit (43-AN-0003): Negative Declaration (H95-03-022).

### 7.2 Green Building Ordinance for New Private Sector Construction.

**Recommendation:** For lack of quorum, transmitted by the Transportation and Environment Committee on June 1, 2009, accept the staff report and consider approval of an ordinance amending Title 17 of the San José Municipal Code to add a new Chapter 17.84 to establish Green Building Regulations for Private Development to include the following:

- (a) Establishing the U.S. Green Building Council’s (USGBC), Leadership in Energy and Environmental Design (LEED) and Build it Green’s (BIG) Green Point Rated rating systems as the mandatory green building standards for the City of San José.
- (b) Establishing the Green Building Refundable Deposit and procedures for the collection and refund of the deposit.
- (c) Describing the process for requesting an exemption from the established Green Building Standards and pipeline provisions for determining how the standards apply to projects already in progress.
- (d) Listing implementation guidelines to illustrate the application of green building requirements to projects with multiple buildings.
- (e) Analyzing the cost implications resulting from green building requirements in accordance with California Energy Commission requirements.

CEQA: Exempt. (Planning, Building and Code Enforcement)

(Transportation and Environment Committee referral 6/1/09 – Item 3.9)

**Ordinance No. 28622 passed for publication.**

## **8. PUBLIC SAFETY SERVICES**

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

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**The Joint/Council Redevelopment Agency Board convened at 10:35 a.m. to consider Items 3.5, 9.1 and 9.2 in a Joint Session.**

### **9.1 FY 2009-2010 Cooperation Agreements between the City of San José and the Redevelopment Agency.**

**Recommendations:** Approve the FY 2009-2010 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 2009-10 Operating Budget.

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

**Heard with Item 3.5 at the Morning Session.**

**Approved.**

### **9.2 Redevelopment Agency FY 2008-2009 and FY 2009-2010 Revenue and Appropriations Actions.**

**Recommendations:** Adopt resolutions by the Redevelopment Agency Board:

- (a) Approving amendments to the FY 2008-09 Revenue Resolution;  
**Redevelopment Agency Resolution No. 5917 adopted.**
- (b) Adopting the FY 2009-10 Revenue and Appropriations Resolutions for the second year of the Adopted Two-Year Spending Plan including revisions to the FY 2009-10 Spending Plan, with direction to bring back a balancing plan in September 2009 for Agency Board approval that includes the remaining \$8.4 million due for City Improvements and Services;  
**Redevelopment Agency Resolution Nos. 5918 and 5919 adopted.**
- (c) Authorizing the Executive Director to rebudget the remaining FY 2008-09 Operating and capital budgets appropriation balances to FY 2009-10 for ongoing projects/programs previously approved by the Agency Board; and,  
**Redevelopment Agency Resolution No. 5920 adopted.**
- (d) Making certain determinations regarding the expenditure of Agency funds to eradicate graffiti.  
(Redevelopment Agency)

**Heard with Item 3.5 at the Morning Session.**

**Redevelopment Agency Resolution No. 5921 adopted.**

**The Joint Council/Redevelopment Agency Board was adjourned at 10:37 a.m.**

- **Open Forum**
  - (1) **Socorro McCord voiced objections to having missed the opportunity to address the Council on the selection of a firm to conduct the recruitment of the Independent Police Auditor because of confusion when the matter would be heard.**
  - (2) **Betsy Wolf-Graves spoke in support of the contract with Avery and Associates for the recruitment of the Independent Police Auditor**

- **Adjournment**

**This meeting was adjourned at 6:46 p.m. in memory of Joan Doss, a board member of the League of Women Voters San José/Santa Clara and the Willow Glen Neighborhood Association, as well as an active member of the NorCal Golden Retriever Rescue Association, AAUW and the Friends of the Cambrian Library. She was also a civil rights worker in the 1960's, traveling to the South and working on a hot line to help address civil rights violations. Joan is survived by her sons, Tom and Phil. (Chirco)**

**In memory of Tyrone Cheng, Recreation Program Specialist, who passed away on April 22, 2009. Tyrone had dedicated 34 years of service to the Parks, Recreation and Neighborhood Services Department, recently in the Clean Slate Program. His passion was to mentor, encourage and support youth to become productive members of society. (Balagso)**

- Notice of City Engineer’s Pending Decision on Final Maps  
None.
- Notice of City Engineer’s Award of Construction Projects  
None.
- Notice of Contracts Executed by Council Appointees

In accordance with Municipal Code Section 4.04.080, titled “Quarterly Reports”, the following is submitted as a report on contracts executed by Council Appointees or designee during the third quarter of Fiscal Year 2008-2009 (January 1, 2009 –March 31, 2009). The list includes contracts or amendments to contracts for services with a value greater than \$100,000 and up to \$250,000, contracts or amendments to contracts for grants with a value greater than \$100,000 and up to \$250,000, or contracts and amendments to contracts for equipment, supplies, and material with a value greater than \$100,000 and up to \$1 million. Contract amounts are rounded to the nearest dollar. No Council action is being requested with respect to this report.

City Attorney’s Contract Activity

<u>Contractor</u>	<u>Description of Contract</u>	<u>Amount</u>
Hanson Bridgett Marcus Vlahos Rudy LLP	Legal services to assist with the development of City owned property. Second amendment to extend term and add \$50,000.	\$150,000

City Auditor’s Contract Activity

The City Auditor’s Office has no contract activity to report.

City Clerk’s Contract Activity

The City Clerk’s Office has no contract activity to report.

City Manager’s Contract Activity

<u>Department</u>	<u>Contractor</u>	<u>Description of Contract</u>	<u>Amount</u>
Airport	Ricondo & Associates, INC	Conduct financial feasibility analysis including reports updating passenger, operations, and fleet mix activity; demand projections with facility requirements; and a financial model update for Airline Operating Agreements.	\$250,000
Environmental Services	Camp Dresser & McKee Inc.	Provide services for solid waste management.	\$250,000

- Notice of Contracts Executed by Council Appointees (Cont'd.)

City Manager's Contract Activity

<u>Department</u>	<u>Contractor</u>	<u>Description of Contract</u>	<u>Amount</u>
Environmental Services	Pacific Waste Consulting Group	Analysis of the recyclable materials market and material assessment of San José residential recyclable materials.	\$147,275
Library	National Hispanic University (NHU)	Grant funds for Early Childhood Education (ECE) providers participating in Smart Start San José Program at NHU.	\$221,659
PBCE	Pacific Municipal Consultants	Conduct an update of sign code regulations for the Downtown sign zone and for commercial and industrial uses citywide.	\$105,500

Director of Finance Contract Activity – Services

<u>Department</u>	<u>Contractor</u>	<u>Description of Contract</u>	<u>Amount</u>
Airport	San Jose Mercury News	Newspaper advertising to promote Airport usage. Amendment to add \$40,000	\$140,000
Environmental Services	Conhagen, Alfred Inc.	Large Pump Overhaul and Repair Services.	\$130,000
Environmental Services	Rain for Rent	Pipe maintenance and repair services. Amendment to add \$20,000.	\$105,000
Environmental Services	Trendtec Inc.	Temporary Environmental Inspectors (2). Amendment to add \$120,000.	\$168,252
Finance	Accountemps	Temporary Senior Accountant in Payroll Accounting. Amendment to add \$43,500.	\$105,136
General Services	O'Grady Paving Inc.	Rental of Self Propelled Asphalt Paving Equipment. Amendment to add \$80,000.	\$102,375
General Services	Pro Door and Glass	Citywide repair and maintenance of automatic doors.	\$249,000
General Services	Safety-Kleen Systems, Inc.	Recycling and disposal of hazardous waste.	\$200,000
General Services	Sheldrake & Mumford	Resurfacing courts and play areas.	\$230,000
Information Technology	Apropos Consulting, LLC	Asset Management Software, Support & Maintenance Services.	\$197,100
Police	Dataworks Plus, LLC	Mugshot System Maintenance	\$111,231
PRNS	Fricke Parks Press	Printing of Citywide Activity Guide. Amendment to add \$15,000.	\$107,063

- Notice of Contracts Executed by Council Appointees (Cont'd.)

Director of Finance Contract Activity – Equipment, Materials, and Supplies

<u>Department</u>	<u>Contractor</u>	<u>Description of Contract</u>	<u>Amount</u>
Airport	Wright Line, LLC	Console workstations for TSA and Airport Security.	\$108,741
Environmental Services	US Peroxide, LLC	Hydrogen Peroxide for odor control	\$310,000
General Services	Albany Ford, Inc.	2009 Ford Escape Hybrid Vehicles (4).	\$101,470
General Services	Coast Counties	Sewer cleaning truck.	\$279,647
General Services	Graybar Electric Company	Telecommunication supplies.	\$131,000
General Services	Maita Chevrolet Geo & GMAC	2009 SUV Vehicles (4) with Police package.	\$126,873
General Services	Maita Chevrolet Geo & GMAC	2009 Chevrolet Impalas (10) with Police package.	\$258,718
General Services	Nixon EGLI Equipment Co.	Asphalt Paver Engineering Vehicle.	\$132,355
Human Resources	Contract Office Group	Ergonomic chairs.	\$150,000
Transportation	Echelon Corporation	Low energy street lights and communication system pilot project.	\$128,613
Transportation	Pervo Paint	Traffic marking paint and solvents. Amendment to add \$50,000.	\$150,000

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

**11:08 A.M.**

**TUESDAY, JUNE 23, 2009**

**CHAMBERS**

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- 1. Call to Order**  
**Absent Council Members: None.**
  
- 2. Funding Related to Renewable Energy.**

**Recommendation:**

- (a) Adopt a resolution by the City Council to express the City's interest in participating in the California Statewide Communities Development Authority (California Communities) California FIRST Community Energy Financing Program and authorizing related actions.

**Resolution No. 75017 adopted.**

- (b) Adopt a resolution by the City Council authorizing City Manager or the City Manager's authorized designees to submit the City's application to the Internal Revenue Service for the allocation of New Clean Renewable Energy Bonds as authorized by the American Recovery and Reinvestment Act of 2009 and the Energy Improvement and Extension Act of 2008.

**Resolution No. 75018 adopted.**

- (c) Adopt a resolution by the City Council authorizing the City Manager to submit the City's applications for the following Federal funding opportunities:

- (1) Department of Energy Solar America Cities Special Project Grant in a total project amount not to exceed \$2,000,000, as authorized by the American Recovery and Reinvestment Act of 2009; and

**Resolution No. 75019 adopted.**

- (2) Department of Energy Industrial Energy Efficiency Grant in an amount not to exceed \$15,500,000.

**Dropped per Administration.**

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

**2. Funding Related to Renewable Energy (Cont'd.)**

- (d) Adopt a resolution by the Financing Authority authorizing the Executive Director or the Executive Director's authorized designees to submit the Financing Authority's application to the Internal Revenue Service for the allocation of New Clean Renewable Energy Bonds as authorized by the American Recovery and Reinvestment Act of 2009 and the Energy Improvement and Extension Act of 2008.

CEQA: Not a Project. (Environmental Services)

**SJFA Resolution No. 91 adopted.**

**3. Adjourn the San José Financing Authority.**

**The meeting was adjourned at 11:09 a.m.**

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

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**The Joint Redevelopment Agency Board convened at 10:38 a.m. to consider Items 8.1 and 8.2 in a Joint Session.**

### **8.1 Authorization to submit an application to design build the expansion of the Convention Center.**

**Recommendation:**

- (a) Adoption of a resolution by the City Council making certain determinations required by Redevelopment Law, Health and Safety Code Section 33445, for Redevelopment Agency funding of the proposed improvements for the expansion and renovation of the San José McEnery Convention Center.

**Resolution No. 75012 adopted.**

- (b) Adoption of a resolution by the City Council authorizing the Redevelopment Agency to submit an application, together with accompanying certification letter and other relevant documents, to the State Public Works Board to permit the use of design build for the expansion and renovation of the San José McEnery Convention Center under Public Contract Code Section 20688.6.

**Resolution No. 75013 adopted.**

- (c) Adoption of a resolution by the Redevelopment Agency Board authorizing the Executive Director to complete, execute and submit an application, together with accompanying certification letter and other relevant documents, to the State Public Works Board to permit the use of design build for the expansion and renovation of the San José McEnery Convention Center under Public Contract Code Section 20688.6.

CEQA: Resolution No. 72767 and Addenda thereto. File No. PP08-002. **[MERGED]**  
**Redevelopment Agency Resolution No. 5922 adopted.**

### **8.2 Award of a construction contract for the San José Convention Center Roof Replacement Project and related PSM appropriation.**

**Recommendation:**

- (a) Adoption of a resolution by the Redevelopment Agency Board approving the award of a construction contract to Pioneer Contractors, Inc., the low bidder, for a base bid plus alternates 2, 4 and 5, in the amount of \$3,554,000, for construction of the San Jose McEnery Convention Center Existing Roof and Terrace Capital Repair and Replacement Project, and authorizing a construction contingency in the amount of \$355,400, for a total funding authorization of \$3,909,400. CEQA: Resolution No. 72767 and Addenda thereto. File No. PP08-002.

**Redevelopment Agency Resolution No. 5923 adopted.**

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

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### **8.2 Award of a construction contract for the San José Convention Center Roof Replacement Project and related PSM appropriation (Cont'd.)**

- (b) City Council adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (Cityside Redevelopment Fund) for 2008-2009:
- (1) Increase the estimate for Earned Revenue by \$90,000.
  - (2) Establish an appropriation to the Department of Public Works for the San José Convention Center Roof Replacement project (PSM 580) in the amount of \$90,000.

CEQA: Not a Project. [Deferred from Council Agenda 9/9/09 - Item 2.12(a)(7)]

**[MERGED]**

**Ordinance No. 28612 adopted.**

**Resolution No. 75014 adopted.**

### **8.3 Approval of the Fourth Amendment to the Restaurant Lease with Cupertino Flames, LLC.**

#### **Recommendation:**

- (a) Adoption of a resolution by the City Council accepting the summary of costs and findings of the Amended Summary 33433 Report, pursuant to California Health and Safety Code Section 33433 for the lease with Cupertino Flames, LLC, for ground floor retail space at 88 South Fourth Street.
- (b) Redevelopment Agency Board approval of the Fourth Amendment to the Restaurant Lease with Cupertino Flames, LLC, for the property located at 88 South Fourth Street, increasing the total square footage of the premises, revising the schedule and scope of the project, extending the lease term, and financing the Shell Improvements through a Shell Improvement Allowance of \$260,000.
- (c) City Council approval of a First Amended Certificate of Nondisturbance and Attornment with Cupertino Flames, LLC under the terms of the Master Lease between the City and the Redevelopment Agency.

CEQA: Resolution No. 64273, Use of San José Downtown Strategy Plan FEIR. File No. CP98-054. **[MERGED]**

**Deferred to 8/11/09.**

### **8.4 Award of a contract to Pantano Excavating Inc. for demolition of two buildings related to the Hoffman/Via Monte Neighborhood Center Project.**

#### **Recommendation:**

- (a) Adoption of a resolution by the City Council making certain determinations required under California Health and Safety Code Section 33445 for Redevelopment Agency funding of the acquisition and demolition of existing vacant structures located at 1171 Mesa Drive and 5647 Gallup Drive and construction of the proposed Hoffman/Via Monte Neighborhood Center Project.

**Resolution No. 75015 adopted.**

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

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### **8.4 Award of a contract to Pantano Excavating Inc. for demolition of two buildings related to the Hoffman/Via Monte Neighborhood Center Project (Cont'd.)**

- (b) Adoption of a resolution by the Redevelopment Agency Board approving the award of a contract to Pantano Excavating, Inc., the low bidder in the amount of \$95,663, and authorizing a contingency in the amount of \$9,566 for a total funding authorization of \$105,229, for the removal of asbestos containing materials and the demolition of two vacant structures located at 1171 Mesa Drive and 5647 Gallup Drive.

CEQA: Exempt, File No. PP09-131. **[HOFFMAN/VIA MONTE SNI]**  
**Redevelopment Agency Resolution No. 5924 adopted.**

### **8.5 Second amendment to the agreement with ELS Architecture and Urban Design for the Civic Auditorium and Montgomery Theatre.**

#### **Recommendation:**

- (a) Adoption of a resolution by the Redevelopment Agency Board authorizing the Executive Director to negotiate and execute a second amendment to the agreement with ELS Architecture and Urban Design (ELS), in the amount of \$1,012,000, for a total contract amount not to exceed \$1,912,000, for continued architectural design services for the Civic Auditorium and Montgomery Theatre Rehabilitation Projects. CEQA: Not a Project.

**Redevelopment Agency Resolution No. 5925 adopted.**

- (b) Adoption of a resolution by the City Council making certain findings required under California Health and Safety Code Section 33445 for Agency funding for demolition of two City owned buildings known as meeting rooms 1A and 1B, adjacent to Parkside Hall, located at 180 Park Avenue. CEQA: Resolution No. 72767, File No. PP09-137.

**[PARK CENTER]**

**Resolution No. 75016 adopted.**

**The Council of the City of San José and Redevelopment Agency Board was adjourned at 10:41 a.m.**