



CITY COUNCIL AGENDA

SEPTEMBER 29, 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. 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, 2nd 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 for the final document.

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On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:30 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: Chirco. (Excused)

1:32 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: Chirco. (Excused)

- **Invocation (District 8)**
San José Sikh Gurdwara Hymn Singers provided 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.

- **Closed Session Report**
None.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to Stevens Creek Toyota for their contribution to San José's economy and high ethical standards. (Economic Development/Constant)
Mayor Reed recognized and commended Stevens Creek Toyota for their contribution to San Jose's economy and high ethical standards.
- 1.2 Presentation of a commendation to Solexant for developing the third-generation ultrathin-film PV technology. (Economic Development/Chu)
Mayor Reed and Council Member Chu recognized and commended Solexant for developing the third-generation ultrathin-film PV technology.

2. CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
None.
- 2.2 **Final adoption of ordinances.**

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 28705 – Rezoning certain real property situated on the southwesterly side of Campbell Avenue, 950 feet northwesterly of Newhall Street, to the A(PD) Planned Development Zoning District. PDC08-068
Ordinance No. 28705 adopted.
- (b) ORD. NO. 28706 – Rezoning certain real property situated at the northwest corner of North 6th Street and Jackson Street (601-621 North 6th Street) from LI Light Industrial to CP Commercial Pedestrian Zoning District. C09-024
Ordinance No. 28706 adopted.
- (c) ORD. NO. 28707 – Rezoning certain real property situated at the southeast corner of East Saint John Street and North Fourth Street (156 East Saint John Street) from CG Commercial General to DC Downtown Commercial Zoning District. C09-009
Ordinance No. 28707 adopted.
- (d) ORD. NO. 28708 – Prezoning certain real property situated at the southeast corner of East Mission Street and North Tenth Street from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District. PDC08-066
Ordinance No. 28708 adopted.
- (e) ORD. NO. 28709 – Prezoning certain real property situated on both side of Hope Street, north of Southside Drive, from County of Santa Clara to R-1-8 Single-Family Residence Zoning District. C09-013
Ordinance No. 28709 adopted.

2. CONSENT CALENDAR

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

Recommendation: Final adoption of ordinances.

- (f) ORD. NO. 28710 – Rezoning certain real property situated on the south of Lewis Road, on both sides of Garden Avenue, Wall Street and Water Street north of Southside Drive, and also the real property situated south of Southside Drive, on both sides of Garden Avenue and east of Water Street, north of a straight line extending west of Jackie Drive, from County of Santa Clara to R-1-8 Single-Family Residence Zoning District. C09-013
Ordinance No. 28710 adopted.

- (g) ORD. NO. 28711 – Rezoning certain real property situated between Water Street and Hope Street north of Southside Drive from County of Santa Clara to R-2 Two-Family Residence Zoning District. C09-013
Ordinance No. 28711 adopted.

- (h) ORD. NO. 28712 – Rezoning certain real property situated between Garden Avenue and Water Street, south of Southside Drive, from County of Santa Clara to R-2 Two-Family Residence Zoning District. C09-013
Ordinance No. 28712 adopted.

- (i) ORD. NO. 28713 – Rezoning certain real property situated east of Monterey Road, approximately 720 feet south of Lewis Road, from County of Santa Clara to R-M Multi-Family Residence Zoning District. C09-013
Ordinance No. 28713 adopted.

- (j) ORD. NO. 28714 – Rezoning certain real property situated south of Southside Drive, west of Water Street and east of Kenbrook Circle, from County of Santa Clara to R-M Multi-Family Residence Zoning District. C09-013
Ordinance No. 28714 adopted.

- (k) ORD. NO. 28715 – Rezoning certain real property situated east of Monterey Road, approximately 930 feet south of Lewis Road, and on both sides of Southside Drive from County of Santa Clara to CG Commercial General Zoning District. C09-013
Ordinance No. 28715 adopted.

- (l) ORD. NO. 28716 – Rezoning certain real property situated west of East Capitol Expressway, east of Monterey Road, south of Southside Drive and north of Rancho Drive from County of Santa Clara to R-1-8 Single-Family Residence Zoning District. C09-014
Ordinance No. 28716 adopted.

2. CONSENT CALENDAR

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

Recommendation: Final adoption of ordinances.

- (m) ORD. NO. 28717 – Rezoning certain real property situated south of Samaritan Drive, west of Union Avenue, north of Carlton Avenue, both sides of Dickens Avenue, Cooper Avenue, Charlotte Avenue, and Clydelle Avenue south of Carlton Avenue, and Winton Way south of Carlton Avenue from County of Santa Clara to R-1-8 Single-Family Residence Zoning District. C09-026

Ordinance No. 28717 adopted.

- (n) ORD. NO. 28718 – Extending the temporary moratorium on the establishment of new Bail Bonds Establishments pending the review and possible amendment of land use regulations applicable to such establishments, setting forth the findings to support the extension of such temporary moratorium, and making the effectiveness and applicability of the provisions of this ordinance retroactive to October 9, 2009.

Ordinance No. 28718 adopted.

2.3 Mayor and Council Excused Absence Requests.

Recommendation:

- (a) Request for an excused absence for Councilmember Constant from the Regular Meeting of the Rules and Open Government Committee on September 2, 2009 due to illness. (Constant)
(Rules Committee referral 9/16/09)
- (b) Request for an excused absence for Councilmember Constant from the Evening Meeting of the City Council on September 15, 2009 due to illness. (Constant)
(Rules Committee referral 9/23/09)
- (c) Request for an excused absence for Mayor Reed from the Regular Meeting of the Rules and Open Government Committee on September 16, 2009 due to Authorized City Business: Travel to San Francisco, CA for the Going Green West Conference. (Mayor)
(Rules Committee referral 9/23/09)

Excused.

2. CONSENT CALENDAR

2.4 Ratification of Final Expenditures in Various Appropriations for FY 2008-2009.

Recommendation:

- (a) Adopt an ordinance ratifying the final 2008-2009 appropriation increases detailed in this report.

Ordinance No. 28648 adopted.

- (b) Adopt the following 2008-2009 appropriation ordinance and funding sources resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Central Fund:

- (1) Increase the Earned Revenue estimate by \$762,798;
- (2) Increase the Transfer to Council District 1 by \$62,022;
- (3) Increase the Transfer to Council District 2 by \$36,728;
- (4) Increase the Transfer to Council District 3 by \$56,453;
- (5) Increase the Transfer to Council District 4 by \$25,564;
- (6) Increase the Transfer to Council District 5 by \$68,405;
- (7) Increase the Transfer to Council District 6 by \$59,571;
- (8) Increase the Transfer to Council District 7 by \$72,283;
- (9) Increase the Transfer to Council District 8 by \$61,387;
- (10) Increase the Transfer to Council District 9 by \$38,436;
- (11) Increase the Transfer to Council District 10 by \$9,000;
- (12) Increase the Transfer to City-Wide by \$244,425; and
- (13) Increase the Transfer to the General Fund by \$28,524.

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

Resolution No. 75108 adopted.

Ordinance No. 28649 adopted.

2.5 Agreement for Public Artwork at the Airport.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with Deborah Aschheim for the fabrication and installation of a public artwork at the Norman Y. Mineta San José International Airport Terminal B Arrivals Hall, in an amount not to exceed \$300,000. CEQA: Resolutions No. 67380 and 71451, PP 09-051. (Economic Development/Airport)

Deferred to 10/6/09, with direction to Staff to post the proposed artwork for public review.

2. CONSENT CALENDAR

2.6 Agreement for a Public Address System at the Airport.

Recommendation: Adopt a resolution:

- (a) Authorizing the Director of Finance to execute the First Amendment to the Public Address System Agreement with Signatures Technology Inc., dba Com-Net Software (COM-NET) to expand the system into Terminals A+ and the Terminal A Baggage Claim area at the Norman Y. Mineta San José International Airport (SJC) and to increase the total compensation by an amount not to exceed \$623,464 from \$1,652,805 to \$2,276,269 including all hardware, software, sales tax and the first year of support and professional services.
- (b) Increasing the contingency amount by \$100,000 from \$330,560 to \$430,560 and authorizing the Director of Finance to execute change orders as required; covering unanticipated changes in the system design and/or installation.

CEQA: Resolution Nos. 67380 and 71451, File No. PP09-160. (Finance)

Resolution No. 75109 adopted.

2.7 Report on RFP for Recovery Audit Services.

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

- (a) Negotiate and execute an agreement with Lavante, Inc. to provide audit and recovery services relating to the City's accounts payable vendor disbursements and invoices ("Recovery Audit Services") for an initial term commencing upon execution through June 30, 2010, with compensation to be paid on a fee recovery basis equal to 18% of actual claims recovered, subject to a \$100,000 maximum for any one claim realized.
- (b) Exercise three, one-year options to renew the Agreement, subject to the appropriation of funds.

CEQA: Not a Project. (Finance)

Resolution No. 75110 adopted.

2. CONSENT CALENDAR

2.8 Funding Commitment of CDBG Funds to Legal Aid Society of Santa Clara County.

Recommendation:

- (a) Adopt a resolution authorizing:
 - (1) A funding commitment of Community Development Block Grant (CDBG) funds in the amount of \$150,000 to Legal Aid Society of Santa Clara County (Legal Aid);
 - (2) Approval of a Substantial Amendment to City's FY 2009-2010 Consolidated Annual Action Plan (ConPlan);
 - (3) The Housing Director to negotiate and execute a CDBG grant agreement not to exceed \$150,000; and

Resolution No. 75111 adopted.

- (b) Approval of the following Appropriation Ordinance amendments in the Community Development Block Grant Fund (441) for 2009-2010:
 - (1) Decrease the CDBG Program Development and Monitoring appropriation by \$150,000;
 - (2) Establish an appropriation for Legal Aid Fair Housing Program in the amount of \$150,000.

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

Ordinance No. 28650 adopted.

2.9 Agreement with Cirque du Soleil.

Recommendation:

- (a) Approve a lease agreement with Cirque du Soleil for the purpose of leasing portions of the City's "E" Parking Lot (Taylor/San Pedro/Mission) to Cirque du Soleil from December 14, 2009 to April 2, 2010 to allow Cirque du Soleil to present to the public its touring show, for rental consideration to the City of \$95,000.
- (b) Direct staff to facilitate the permitting process required to authorize use of the "E" Parking Lot for Cirque du Soleil's touring show, which will include community outreach and City employee and public parking plans, and that the City hold a public hearing to consider amendment of the current Conditional Use Permit for this site.

Approved.

- (c) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
 - (1) Establish a City-Wide appropriation to the Office of Economic Development for Cirque du Soleil in the amount of \$175,000; and
 - (2) Increase the estimate for Other Revenue by \$175,000.

CEQA: Exempt, File No. CPA05-015.02. Council District 3. (Economic Development)
(Deferred from 9/22/09 – Item 2.4)

Resolution No. 75112 adopted.

Ordinance No. 28651 adopted.

2. CONSENT CALENDAR

2.10 SB 402 (Wolk) Recycling: Beverage Containers: Redemption Payments and Restoration of Funding.

Recommendation: As recommended by the Rules and Open Government Committee on September 23, 2009, adopt a neutral position on SB 402 (Wolk) Recycling: Beverage Containers: Redemption Payments and Restoration of Funding. (Environmental Services) [Rules Committee referral 09/23/09 – Item D(1)(a)]

Position of Support Adopted.

2.11 Downtown Parking Board Appointment.

Recommendation: As recommended by the Rules and Open Government Committee on September 23, 2009, appoint David Walker to the Downtown Parking Board as an At-Large representative to a four year term ending June 30, 2013. (Reed/Liccardo) [Rules Committee referral 09/23/09 – Item G(1)]

Approved.

2.12 Airport Noise Advisory Committee Appointment.

Recommendation: As recommended by the Rules and Open Government Committee on September 23, 2009, appoint John Salah, Airport Commissioner for Norman Y. Mineta San José International Airport to the Airport Noise Advisory Committee. (Airport) [Rules Committee referral 09/23/09 – Item G(2)]

Approved.

3. STRATEGIC SUPPORT SERVICES

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

The City Manager reported that the City of San José was honored by the Silicon Valley/San Jose Business Journal with three significant “Structures 2009” awards last week.

3.2 Report of the Rules and Open Government Committee – September 9, 2009

Mayor Reed, Chair

Accepted.

3.3 Report of the Public Safety, Finance and Strategic Support Committee – September 17, 2009, Councilmember Nguyen, Chair

Accepted.

3. STRATEGIC SUPPORT SERVICES

3.4 Ethics Update.

Recommendation: Accept staff's presentation to the City Council on ethical issues related to gifts. (City Attorney's Office)

Accepted.

3.5 Amend Retiree Healthcare Agreement with the City Association of Management Personnel.

Recommendation: Adopt a resolution amending the terms of the current retiree healthcare agreement with the City Association of Management Personnel (CAMP), which would extend the reopener to commence meeting and conferring on retiree healthcare benefits for future employees and a medical reimbursement program for future retirees from January 2010 to January 2011. CEQA: Not a Project. (City Manager's Office)

Resolution No. 75114 adopted.

3.6 Agreement with Prudential Insurance Company of America for a Group Plan.

Recommendation:

- (a) Approve an agreement with Prudential Insurance Company of America (Prudential) for a group plan to make voluntary long-term care (LTC) insurance services available to City of San José Employees, Retirees and their dependents/beneficiaries for the period of January 1, 2010 through December 31, 2013.
- (b) Approve an option to renew contracts with no additional increase in rates for two additional years, through December 31, 2015.

CEQA: Not a Project. (Human Resources)

Approved.

3.7 Audit of the Park Trust Fund.

Recommendation: As recommended by Public Safety, Finance and Strategic Support Committee on September 17, 2009, accept the City Auditor's Audit titled "Audit of the Park Trust Fund: The Department of Parks, Recreation and Neighborhood Services Has Improved Administration of the Park Trust Fund and Can Further Strengthen its Policies and Procedures," with the exception of Recommendation #6, Attempt to secure interest accrual on in-lieu fees not yet paid by the Redevelopment Agency. (City Auditor)

[Public Safety, Finance and Strategic Support Committee referral 9/17/09 – Item D(2)]

Accepted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

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

- 4.2 **Ordinance Amending the Procedure for Initiating a City Landmark.**

Recommendation: Consider an ordinance amending Part 2 of Chapter 13.48 of Title 13 of the San José Municipal Code, entitled “Designation,” to revise Section 13.48.110.C to streamline the historic landmark designation process by either:

- (a) Allowing the City Council greater discretion on whether to initiate the procedure for the designation of a landmark so nominated; or
- (b) Allowing the Director of Planning, Building and Code Enforcement to initiate the procedure for the designation of a nominated landmark.

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

(Continued from 6/30/09- Item 4.2, 8/4/09 – Item 4.2 and 9/1/09 – Item 4.2)

Option “B” was accepted, allowing the Director of Planning, Building and Code Enforcement to initiate the procedure for the designation of a nominated landmark. Ordinance No. 28652 passed for publication.

- 4.3 **Report on Bids and Award of Contract for Couplet Conversion – Julian Street and St. James Street Project.**

Recommendation: Report on bids and award of contract for the SNI 13S01d: Couplet Conversion – Julian Street and St. James Street Project to the low bidder, Joséph J. Albanese, Inc., to include the base bid and Add Alternate No. 2, in the amount of \$3,535,968.85, and approval of a contingency in the amount of \$176,800. CEQA: Negative Declaration and addenda thereto, File Nos. PP02-05-115 and PP08-126. Council District 3. SNI: 13th Street. (Public Works)

Deferred to 10/6/09 per Administration.

5. NEIGHBORHOOD SERVICES

- 5.1 **Report of the Neighborhood Services and Education Committee**
Councilmember Campos, Chair
No Report.

6. TRANSPORTATION & AVIATION SERVICES

- 6.1 Report of the Transportation and Environment Committee – September 14, 2009**
Councilmember Liccardo, Chair
Accepted.

7. ENVIRONMENTAL & UTILITY SERVICES

- 7.1 Ordinance on Indoor Use of Recycled Water.**

Recommendation: As recommended by the Transportation and Environment Committee on August 17, 2009, direct the City Attorney’s Office to draft an ordinance amending the San José Municipal Code to prohibit the use of potable water for indoor uses for which recycled water is allowed in non-residential buildings and condition development approval on the installation of plumbing that allows for the use of recycled water, in compliance with provisions of the Plumbing Code. (Environmental Services) [Transportation and Environmental Committee Referral 8/17/09 – Item D(2)] (Deferred from 9/1/09 – Item 7.1)
Dropped per Administration.

8. PUBLIC SAFETY SERVICES

- 8.1 Actions relating to Gaming Control Fees and Operations.**

Recommendation: Approve the following actions and 2009-2010 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund resulting from implementation of the new Gaming Control Ordinance (Title 16) and in order to achieve a service delivery model that is fully cost recovery and implement greater operational efficiencies:

- (a) Gaming Control Administration/Regulation Unit:
 - (1) Adopt a resolution amending the adopted 2009-2010 Fees and Charges Resolution No. 72737 (the Schedule of Fees & Charges) as amended, to decrease the Cardroom Card Table Fee from \$25,527 per table to \$22,162 per table.

(Item continued on the next page)

8. PUBLIC SAFETY SERVICES

8.1 Actions relating to Gaming Control Fees and Operations. (Cont'd.)

Recommendation:

- (b) Gaming Control Licensing/Work Permit Unit:
 - (1) Adopt the following 2009-2010 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
 - (a) Increase the Police Department's 2009-2010 General Fund Personal Services appropriation by \$219,956;
 - (b) Decrease the Police Department's 2009-2010 General Fund Non-Personal/Equipment appropriation by \$80,378;
 - (c) Increase the revenue estimate in the General Fund for Licenses and Permits by \$139,578.
 - (2) Authorize the addition of 2.0 Senior Auditor positions in the Police Department Division of Gaming Control as of January 2, 2010, with interim assistance obtained through January 2010.
 - (3) To make the following changes to the Work Permit Fees by adopting a resolution amending the adopted 2009-2010 Fees and Charges Resolution No. 72737 (the Schedule of Fees & Charges) as amended to:
 - (a) Change the Work Permit to Work Permit Fees – Cardroom Employee Work Permit and increase from \$333 per initial issue plus fingerprint fees to \$470 per initial issue plus fingerprint fees;
 - (b) Change the Renewal to Work Permit Fees – Cardroom Employee Work Permit Renewal Fee and decrease from \$333 per renewal plus fingerprint fees to \$307 per renewal plus fingerprint fees;
 - (c) To add a Third Party Providers of Proposition Player Service Work Permit Fee as follows: \$470 per initial issue plus fingerprint fees;
 - (d) To add a Third Party Providers of Proposition Player Service Work Permit Renewal Fee as follows: \$307 per renewal plus fingerprint fees;
 - (e) To increase the General (Non-Criminal) Fingerprint Fee from \$10 per card to \$20 per card;
 - (4) To make the following changes to the Cardroom License Fees by adopting a resolution amending the adopted 2009-2010 Fees and Charges Resolution No. 72737 (the Schedule of Fees & Charges) as amended to:
 - (a) To remove the note under the service description under “Cardroom License Application Fee Deposit,” and add the explanation that “Cardroom License” refers to all categories of Licenses required under Title 16, including: Key Employee, Stock Ownership, Funding Source (Third Party Providers of Proposition Player Service), Funded Player and Funding Source Employee, Financial Source and Landowner, and amend the fee as follows: \$10,000 initial deposit for costs plus additional time billed at actual costs of the application processing and investigation, billed at top salary step, including benefits and overhead plus any actual costs such as, but not limited to, transportation, travel, and lodging for any City . . .

(Item continued on the next page)

8. PUBLIC SAFETY SERVICES

8.1 Actions relating to Gaming Control Fees and Operations. (Cont'd.)

Recommendation:

- (b) (4) (a) . . . employees. Additional deposits after the initial deposit may be required depending on the length, complexity, and scope of the investigation. At such time as a licensing hearing is requested by the applicant, a further deposit to pay the anticipated costs of the licensing hearing shall be required, including the cost of the hearing officer billed at top salary step, and the cost of services of the City Attorney’s Office;
- (b) To add a Cardroom License Renewal Application Fee Deposit and add the explanation that “Cardroom License” refers to all categories of Licenses required under Title 16, including: Key Employee, Stock Ownership, Funding Source (Third Party Providers of Proposition Player Service), Funded Player and Funding Source Employee, Financial Source and Landowner, and establish the fee as follows: \$5,000 initial deposit for costs plus additional time billed at actual costs of the application processing and investigation, billed at top salary step, including benefits and overhead plus any actual costs such as, but not limited to, transportation, travel, and lodging for any City employees. Additional deposits may be required after the initial deposit depending on the length, complexity, and scope of investigation. At such time as a licensing hearing is requested by the applicant, a further deposit to pay the anticipated costs of the licensing hearing shall be required, including the cost of the hearing officer billed at top salary step, and the cost of services of the City Attorney’s Office shall be required;
- (5) Adopt a resolution amending the adopted 2009-2010 Fees and Charges Resolution No. 72737 (the Schedule of Fees & Charges) as amended to: Amend the “Cardroom Permit Amendment Fee” fee as follows: \$5,000 initial deposit per amendment for costs plus additional time billed at actual costs of the application processing investigation, and holding the licensing hearing before the hearing officer, billed at top salary step, including benefits and overhead plus any actual costs such as, but not limited to, transportation, travel, and lodging for any City employees. Additional deposits after the initial deposit may be required depending on the length, complexity, and scope of the investigation and application hearing. The final cost of services, including the cost of services of the City Attorney’s Office at the application hearing shall also be included in the final fee determination by the Chief of Police at the close of the application hearing;

(Item continued on the next page)

8. PUBLIC SAFETY SERVICES

8.1 Actions relating to Gaming Control Fees and Operations. (Cont'd.)

Recommendation:

- (b) (6) Adopt a resolution amending the adopted 2009-2010 Fees and Charges Resolution No. 72737 (the Schedule of Fees & Charges) as amended to Change the title “Appeal Hearing Deposit” to “Regulatory Action and Cease and Desist Hearing Fee” and amend the fee as follows: payment of the City’s reasonable costs of investigation and prosecution of the case, including attorneys’ fees incurred by the City up to the date of the hearing;

CEQA: Not a Project. (Police/City Manager’s Office)
(Deferred from 9/1/09 – Item 8.1)

Deferred to 10/20/09 by the Rules & Open Government Committee.

8.2 Agreement for the Consortium for Police Leadership in Equity.

Recommendation: Approve the agreement between the City of San José and the Consortium for Police Leadership in Equity for research on issues of sociological and psychological dynamics in law enforcement and in police/community relations in the City of San José, with no monetary compensation by the City. (Police Department)

Approved.

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

9.1 Policy on Implementation of the Inclusionary Housing.

Recommendation: Adopt resolutions by the City Council and the Redevelopment Agency Board amending the “City of San José Policy on Implementation of the Inclusionary Housing Requirement of Health & Safety Code Section 33413(b)(2)” for redevelopment project areas by providing a waiver of the requirement for a very low-, low- or moderate-income restriction on a for-sale unit when the affordable housing price is within five percent (5%) of the unrestricted market value of the unit. CEQA: Not a project. (Redevelopment Agency/City Manager’s Office)

Resolution No. 75114 adopted.

Redevelopment Agency Resolution No. 5931 adopted.

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

9.2 Policy for Distribution of Tickets or Passes to City/Agency Officials.

Recommendation:

- (a) Adopt a resolution by the City Council approving revisions to Council Policy 9-11, currently entitled “Distribution of Arena Tickets,” to broaden its application to distribution of any tickets or passes by the City to City/Agency officials and employees.

Resolution No. 75115 adopted.

- (b) Adopt a resolution by the Redevelopment Agency Board approving Revised Council Policy 9-11 as it applies to Agency officials and employees.

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

Redevelopment Agency Resolution No. 5932 adopted.

- Notice of City Engineer’s Pending Decision on Final Maps
None.
- Notice of City Engineer’s Award of Construction Projects
None.
- Open Forum

Cathy Brandhorst expressed personal viewpoints on homelessness.

- Adjournment

The Council of the City of San José was adjourned at 3:51 p.m. in memory of Donna Ward, Senior Librarian, who passed away September 14, 2009. (Library)

8. JOINT REDEVELOPMENT AGENCY/COUNCIL

The Joint Redevelopment Agency Board convened at 3:47 p.m. to consider Item 8.1 in a Joint Session.

8.1 Adjustments to the Agency's FY 2009-10 Adopted Capital Budget for City Support Services.

Recommendations: It is recommended that:

- (a) The Redevelopment Agency Board adopt a resolution approving amendments to the Redevelopment Agency's FY 2009-10 Adopted Capital Budget, adding \$2,804,532 for City Support Services and various capital projects in redevelopment areas and amending the FY 2009-10 Agency appropriations resolution.

Redevelopment Agency Resolution No. 5933 adopted.

- (b) The City Council and Redevelopment Agency Board approve an amendment to the FY 2009-10 Cooperation Agreement to make payments to the City for 2nd Quarter Redevelopment Services and project expenses.

CEQA: Not a project. [MERGED]

Approved.

The Council of the City of San José and Redevelopment Agency Board was adjourned at 3:49 p.m.