



# CITY COUNCIL AGENDA

**JUNE 8, 2010**

## 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

*The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.*

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 request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 as soon as possible, but at least three business days before the meeting.

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

- **Call to Order and Roll Call**  
9:30 a.m. - Closed Session, Call to Order in Council Chambers  
**Absent Council Members: None.**  
  
1:30 p.m. - Regular Session, Council Chambers, City Hall  
**Absent Council Members: None.**
- **Invocation (District 6)**  
Reverend Kathryn Doar of St. Francis Church provided the Invocation.
- **Pledge of Allegiance**  
Mayor Reed led the Pledge of Allegiance accompanied by third-grade students from Forest Hill Elementary.
- **Orders of the Day**  
The Orders of the Day and the Amended Agenda were approved, with Items 2.3(e) and 2.3(g) deferred to 06/15/10.
- **Closed Session Report**  
None.

# 1. CEREMONIAL ITEMS

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- 1.1 Presentation of a proclamation declaring June 11, 2010 as “Filipino Independence Day” in the City of San José. (Chu/Liccardo)  
**Mayor Reed and Council Members Chu and Liccardo recognized June 11, 2010 as “Filipino Independence Day” in the City of San José and presented a commendation to American Legion Northside Post 858.**
- 1.2 Presentation of a commendation to The Crosscultural Community Services Center for their service to improve the quality of life for Silicon Valley families and children in need. (Herrera/Nguyen)  
**Mayor Reed and Council Members Herrera and Nguyen recognized and commended the Crosscultural Community Services Center for their service to improve the quality of life for Silicon Valley families and children in need.**
- 1.3 Presentation of a commendation to the YWCA for their efforts to strengthen students’ basic academic skills, while providing them with a rich, high-quality, life skills enrichment curriculum program through Project Inspire. (Pyle)  
**Mayor Reed, Vice Mayor Chirco and Council Members Campos, Herrera, Nguyen and Pyle recognized and commended the YWCA for their efforts to strengthen students’ basic academic skills, while providing them with a rich, high-quality, life skills enrichment curriculum program through Project Inspire.**
- 1.4 Presentation of a commendation to Relay for Life Almaden for their commitment to help the Almaden Community get well, stay well, find cures, and fight back against cancer. (Pyle)  
**Mayor Reed and Council Member Pyle recognized and commended Relay for Life Almaden for their commitment to help the Almaden Community get well, stay well, find cures, and fight back against cancer.**
- 1.5 Presentation of a proclamation recognizing June 26th and June 27th as “RACES Field Day” in the City of San Jose. (Mayor)  
(Rules Committee referral 5/26/10)  
**Mayor Reed recognized June 26th and June 27th as “RACES Field Day” in the City of San Jose.**

# 2. CONSENT CALENDAR

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- 2.1 **Approval of Minutes.**  
None.

## 2. CONSENT CALENDAR

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### 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 28745 – Amending Chapter 17.38 of Title 17 of the San José Municipal Code to require maintenance of vacant buildings and registration of neglected vacant or abandoned buildings.

**Ordinance No. 28745 adopted.**

- (b) ORD. NO. 28746 – Rezoning certain real property situated on the southeast corner of Airport Parkway and Old Bayshore Highway (APN: 230-29-065) to IP(PD) Planned Development Zoning District. PDC10-003

**Ordinance No. 28746 adopted.**

### 2.3 Approval of Council Committee Reports.

**Recommendation:** Approval of Council Committee Reports.

- (a) Transportation and Environment Committee Report of May 3, 2010. (Liccardo)  
[Deferred from 5/18/10 – Item 2.3(a) and 5/25/10 – Item 2.3(c)]
- (b) Rules and Open Government Committee Report of May 5, 2010. (Mayor)  
[Deferred from 5/25/10 – Item 2.3(a)]
- (c) Neighborhood Services and Education Committee Report of May 13, 2010. (Campos)  
[Deferred from 5/25/10 – Item 2.3(b)]
- (d) Rules and Open Government Committee Report of May 12, 2010. (Mayor)
- (f) Public Safety, Finance and Strategic Support Committee Report of May 20, 2010. (Nguyen)

**Approved.**

- (e) Rules and Open Government Committee Report of May 19, 2010. (Mayor)
- (g) Community and Economic Development Committee Report of May 24, 2010. (Pyle)
- Deferred to 06/15/10 per Orders of the Day.**

### 2.4 Mayor and Council Excused Absence Requests.

None.

### 2.5 City Council Travel Reports.

None.

## 2. CONSENT CALENDAR

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### 2.6 **Agreements with Ricondo & Associates, Inc. and Landrum & Brown, Inc. for Airport Economic Analysis Professional Services.**

**Recommendation:** Approve Consultant Master Services agreements with Ricondo & Associates, Inc. and Landrum & Brown, Inc. for airport economic analysis professional services, in amounts not to exceed a maximum of \$750,000 for each agreement and for a term from execution date to June 30, 2015. CEQA: Not a Project, File No. PP10-066(d), consultant services for studies/research. (Airport)

**Approved.**

### 2.7 **Quitclaim Deed for abandoned access road near San Felipe Road.**

**Recommendation:** Adopt a resolution authorizing the City Manager to execute a quitclaim deed to an abandoned access road across APN No. 660-02-013 to DAL Properties, Inc. in accordance with the provisions of a stipulated judgment approved by the City Council. CEQA: Mitigated Negative Declaration, File No. PDC09-007. (City Attorney's Office)

**Resolution No. 75388 adopted.**

### 2.8 **Contract with Fairbanks, Maslin, Maulin, Metz and Associates for Telephone Survey Work.**

**Recommendation:** Approve amendment to contract with Fairbanks, Maslin, Maulin, Metz and Associates to increase the contract amount by \$100,000 to allow for additional telephone survey work. CEQA: Not a Project, File No. PP10-066(d), consultant services for research with no commitment to a future course of action. (City Manager's Office)

**Approved.**

### 2.9 **Sponsored Travel to Washington D.C. to Speak at the Responsible Hospitality Institute.**

**Recommendation:**

- (a) Accept the offer of sponsored travel to Washington D.C. to speak at the Responsible Hospitality Institute.
- (b) Designate Leland Wilcox, Downtown Coordinator, as the City of San José's representative at the 2010 Leadership Summit Conference on June 6, 2010, pursuant to San José Municipal Code Section 12.08.030(I).

CEQA: Not a Project, File No. PP10-066(e), services that involve no physical changes to the environment. (Economic Development)

**Approved.**

## 2. CONSENT CALENDAR

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### 2.10 Agreement with Langham Consulting Services, Inc. for Services Related to the City's Utility Billing System.

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute the third amendment to the Agreement with Langham Consulting Services, Inc. to provide technical planning and implementation services related to the City's utility billing system; to increase the total compensation by \$180,000 to an amount not to exceed \$430,000; and to extend the agreement term through December 31, 2011. CEQA: Not a Project, File No.PP10-066(e), professional services with no physical changes to the environment. (Environmental Services)

**Resolution No. 75389 adopted.**

### 2.11 Agreement with the Happy Hollow Corporation for Promotion and Support.

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute the First Amendment to the Happy Hollow Corporation dba Happy Hollow Foundation agreement to provide promotion and support for Happy Hollow Park and Zoo through events, promotions, and fundraising activities retroactive from July 1, 2009 through June 30, 2013 with the option to extend the agreement with two one-year options through June 30, 2015. CEQA: Not a Project, File No.PP10-066(e) services that involve no physical changes to the environment. (Parks, Recreation and Neighborhood Services)

**Resolution No. 75390 adopted.**

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

**Recommendation:** 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:

- (a) Increase the estimate for Earned Revenue by \$288,210; and
- (b) Establish an appropriation to the Department of Public Works for the San José Convention Center Expansion and Renovation Project (PSM 605) in the amount of \$288,210.

CEQA: Resolution No. 72767 and Addenda thereto. File No. PP08-002. Council District 3. SNI: Downtown Core. (Public Works/City Manager's Office)

**Ordinance No. 28748 adopted.**

**Resolution No. 75391 adopted.**

## 2. CONSENT CALENDAR

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### 2.13 Intention to Form Maintenance District 23 (Berryessa Rd from I-680 to Piedmont Rd).

**Recommendation:** Adopt a resolution of intention to form Maintenance District 23 (Berryessa Rd from I-680 to Piedmont Rd) and directing the Director of Public Works to create and file an Engineer's Report. CEQA: Exempt, File No. PP10-090. Council District 4. (Public Works/Transportation)

**Resolution No. 75392 adopted.**

### 2.14 AB 155 (Mendoza) Local Government Bankruptcy Proceedings.

**Recommendation:** As recommended by the Rules and Open Government Committee on May 26, 2010, adopt an oppose position to AB 155 (Mendoza) Local Government Bankruptcy Proceedings, which was opposed by the City on November 3, 2009, as SB 88 (DeSaulnier). (Finance)

[Rules Committee referral 5/26/10 – Item D(1)]

**Position of opposition adopted.**

### 2.15 Appointments and Reappointments to Boards, Commissions and Committees.

**Recommendation:** As recommended by the Rules and Open Government Committee on May 26, 2010 and June 2, 2010:

- (a) Reappoint Roger Lasson, Larry Saltman and Robert Gill each to a term ending June 30, 2013 and appoint Kenneth Kelly and Richard McCoy each to a term ending June 30, 2013 on the Senior Citizens Commission. (Constant)
- (b) Appoint Joshua Barousse, Wendy Ho, and Guadalupe Rodriguez each to an unexpired term ending June 30, 2011 on the Human Rights Commission. (Chu)
- (c) Appoint William Collins to an unexpired term ending June 30, 2011 and Erica Valladao to a term ending June 30, 2013 on the Early Care and Education Commission. (Chirco)
- (d) Appoint Carlos Padilla to an unexpired term ending December 31, 2012 and Elaine Coombs to an unexpired term ending December 31, 2010 on the Advisory Commission on Rents. (Herrera)
- (e) Appoint George Gange and Ian Klufft each to unexpired term ending June 30, 2011 on the Airport Commission. (Chu)
- (f) Appoint Karl Vidt to an unexpired term ending June 30, 2012 and Deanford Chen and Jessica Rauff each to a term ending June 30, 2013 on the Disability Advisory Commission. (Pyle)
- (g) Appoint Sergio Arturo Jimenez to a term ending June 30, 2013 on the Parks and Recreation Commission. (Pyle)

*(Item continued on the next page)*

## 2. CONSENT CALENDAR

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### 2.15 Appointments and Reappointments to Boards, Commissions and Committees. (Cont'd.)

**Recommendation:** As recommended by the Rules and Open Government Committee on May 26, 2010 and June 2, 2010:

- (h) Reappoint Michael Martin to a term ending on June 30, 2013 on the Arts Commission. (Liccardo)
- (i) Appoint Nicholas Adams, Richard Allen James, and Richard Robbins each to a term ending June 30, 2013 and Ben Miyaji to an unexpired term ending June 30, 2011 on the Arts Commission. (Liccardo)
- (j) Appoint Spencer Horowitz to a term ending June 30, 2013 on the Airport Commission.
- (k) Appoint Alice Saelee to an unexpired term ending December 31, 2011 on the Housing and Community Development Advisory Commission. (Nguyen)
- (l) Appoint Mark Blaszczyk and Stephen Gifford each to a term ending June 30, 2013 on the Traffic Appeals Commission. (Nguyen)
- (m) Reappoint Hoa (Mike) Nguyen and David Hook each to a term ending June 30, 2013 and appoint Tony Nguyen to a term ending June 30, 2013 on the Library Commission. (Oliverio)

[Rules Committee referral 5/26/10 – Item G(1) – G(9)]

**Approved.**

### 2.16 District 2 Diwali, Festival of Lights.

**Recommendation:** As recommended by the Rules and Open Government Committee on May 26, 2010:

- (a) Approve the District 2 Diwali, Festival of Lights, as a City Council sponsored Special Event; and
- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP10-066(e), services involving no physical change to the environment. (City Clerk)

[Rules Committee referral 5/26/10 – Item H(3)]

**Approved.**

## 2. CONSENT CALENDAR

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### 2.17 Public Calendars.

**Recommendation:** As recommended by the Rules and Open Government Committee on May 26, 2010:

- (a) Accept the report on compliance with Open Government requirements for posting of public calendars by City officials on the City's website.

**Accepted.**

- (b) Approve the two minor modifications to the calendar disclosure requirements recommended by the Rules and Open Government Committee:

- (1) Changing the posting deadline time from Noon to 5:00 p.m.; and  
(2) When the posting deadline falls on a Monday holiday, extending it to the same time on the following day.

(City Manager's Office)

[Rules Committee referral 5/26/10 – Item H(4)]

**Approved.**

### 2.18 Council Policy 7-5, Naming of City-Owned Land and Facilities.

**Recommendation:** As recommended by the Rules and Open Government Committee on May 26, 2010, adopt a resolution revising Council Policy 7-5, Naming of City-Owned Land and Facilities. (Parks, Recreation and Neighborhood Services)

[Rules Committee referral 5/26/10 – Item H(5)]

**Resolution No. 75393 adopted.**

### 2.19 District 2 Canadian Flag Raising.

**Recommendation:** As recommended by the Rules and Open Government Committee on June 2, 2010:

- (a) Approve the District 2 Canadian Flag Raising as a City Council sponsored Special Event; and  
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP10-066(e), services involving no physical change to the environment. (City Clerk)

[Rules Committee referral 6/2/10 – Item H(1)]

**Approved.**

### **3. STRATEGIC SUPPORT SERVICES**

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

**The City Manager offered an overview of her participation in the cross-department Regional Influence Team as part of a sustainable community.**

#### **3.2 Arizona Immigration Legislation.**

**Recommendation:** As referred by the Rules and Open Government Committee on May 12, 2010, consider actions regarding Arizona's Immigration Legislation (Arizona SB 1070 and HB 2162), and request that the City Attorney join in an amicus brief filed by the County of Santa Clara or any other jurisdiction in opposition to the Arizona immigration legislation.

[Rules Committee referral 5/12/10 – Item A(1)(a)]

**Memorandum from Council Members Nguyen, Liccardo, Herrera and Kalra, dated May 5, 2010 was approved as amended, with Item 1 (c) pertaining to boycott eliminated from Council's direction to Staff.**

**Resolution No. 75401 adopted.**

**Noes: Constant, Oliverio.**

#### **3.3 Public Hearing on the Recording of Liens on the Property Tax Roll for the Cost of Sidewalk Repairs.**

**Recommendation:** Adopt a resolution approving the Report of the Director of Finance on the Reimbursement of Cost for Sidewalk Repairs, confirming the assessments contained in the Report and directing the recording of liens on the property tax roll for the cost of sidewalk repairs. CEQA: Not a Project, File No PP10-067(a), specific funding mechanism for increase or adjustment to fees, rates and fares. (Finance)

**Resolution No. 75394 adopted.**

#### **3.4 Police and Fire Department Retirement Plan Membership.**

**Recommendation:** Approve an ordinance amending Part 2 of Chapter 3.36 of Title 3 of the San José Municipal Code by adding a Section 3.36.205 to exclude from membership in the Police and Fire Department Retirement Plan, a Fire Chief or Police Chief, who has no prior service credit in that plan. CEQA: Not a Project, File No. PP10-068(b), Municipal Code, Title 3. (Human Resources)

**Ordinance No. 28749 passed for publication.**

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

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#### **4.1 Municipal Regulations and Enforcement Pertaining To Medicinal Use of Cannabis. Deferred to June 15, 2010 per Administration.**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.2 Approval to Set Public Hearings on the Business Improvement Districts.

#### **Recommendation:**

- (a) Preliminary approval of the report as filed by the Hotel Business Improvement District Advisory Board, or as modified by Council; and adoption of a resolution of intention to levy the annual assessment for Fiscal Year 2010-2011, and set June 22, 2010 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments. CEQA: Exempt, File No. PP08-048. (Economic Development)

**Resolution No. 75395 adopted.**

- (b) Preliminary approval of the report as filed by the Downtown Business Improvement District Advisory Board, or as modified by Council; and adoption of a resolution of intention to levy the annual assessment for Fiscal Year 2010-2011, and set June 22, 2010 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments. CEQA: Exempt, File No. PP08-048. Council District 3. SNI: St. James Square; University; Josefa/Auzerais; Burbank/DelMonte. (Economic Development)

**Resolution No. 75396 adopted.**

- (c) Preliminary approval of the report as filed by the Japantown Business Improvement District Advisory Board, or as modified by Council; and adoption of a resolution of intention to levy the annual assessment for Fiscal Year 2010-2011, and set June 22, 2010 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments. CEQA: Exempt, File No. PP08-048. Council District 6. (Economic Development)

**Resolution No. 75397 adopted.**

### 4.3 North San José Area Development Policy.

#### **Recommendation:**

- (a) Adopt a resolution amending the North San José Area Development Policy to:
- (1) Add capacity within the Policy to allow for up to one million square feet of regional retail distributed throughout the Policy area, and 1,000 hotel rooms outside the Core Area with no more than 250 rooms being developed in any given hotel except those sites designated as preferred hotel sites by the Rincon South Specific Plan; and
  - (2) Make other clarifying changes to facilitate implementation of the Policy.

**Resolution No. 75398 adopted.**

*(Item Continued on the next page)*

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.3 North San José Area Development Policy (Cont'd.)

- (b) Accept the North San José Urban Design Guidelines together with the addendum thereto dated April 2, 2009.
- (c) Accept the North San José Neighborhoods Plan.  
CEQA: Resolution No. 72768, Addendum to the North San José Policy Update Environmental Impact Report. Council Districts 3 and 4. (PBCE)  
**Accepted with direction as outlined by Mayor Reed and Council Members Chu, Liccardo and Pyle in their memorandum dated June 4, 2010.**

### 4.4 Public Hearing to Establish a Rule 20A Underground Utility District Along Lincoln Avenue.

**Recommendation:** Conduct a Public Hearing and approve an ordinance to establish a Rule 20A Underground Utility District along Lincoln Avenue from West San Carlos Street to approximately 160 feet north of Coe Avenue, Auzeais Avenue approximately 190 feet west of Lincoln Avenue, Northrup Street from Lincoln Avenue to Highway 280, Parkmoor Avenue from Lincoln Avenue to approximately 280 feet west of Northrup Street, and Paula Street approximately 210 feet west of Lincoln Avenue. CEQA: Addendum to a Mitigated Negative Declaration, File No. PP10-002. Council District 6. (Public Works)  
**Hearing Held**  
**Ordinance No. 28750 passed for publication.**

### 4.5 Commercial Signs on City Property.

**Recommendation:** As recommended by the Community and Economic Development Committee on May 24, 2010, accept the staff report and direct Administration to take the following actions:

- (a) Review the practices and outcomes of other major cities that have programs for commercial signage in the public right-of-way and on City property;
- (b) Identify options for implementing commercial advertising on street furniture in the public right-of-way and elsewhere on City property, and assess logistical and administrative issues associated with these options;
- (c) Conduct public outreach regarding the proposed options;
- (d) Issue a Request for Information to obtain responses from the outdoor advertising industry to test the market for outdoor commercial advertisement in San José and to ascertain the available options for commercial advertising on City property;
- (e) Return to the Community and Economic Development Committee with recommendations and alternatives for commercial advertising in the public right-of-way and on City property as a mechanism to eliminate blight, create vibrancy in the public right-of-way, and generate revenue.

CEQA: Not a Project, File No. PP10-069, direction involves no approvals of a project. (Planning, Building and Code Enforcement)  
[Community and Economic Development Committee referral 5/24/10 – Item D(4)]  
**Accepted.**

## 5. NEIGHBORHOOD SERVICES

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## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 Amendment to the Airport Master Plan.

**Recommendation:** As recommended by the Transportation and Environment Committee on May 3, 2010, accept the report and adopt a resolution approving a Major Amendment to the Airport Master Plan for the Norman Y. Mineta San José International Airport to:

- (a) Shift the plan horizon from 2017 to 2027;
- (b) Updated projected demand and facility requirements; and
- (c) Modify specific components of the facility development program.

CEQA: Airport EIR, Resolution Nos. 67380 and 71451, File No. PP10-024. (Airport)  
[Transportation and Environment Committee referral 5/3/10 – Item D(7)]

(Deferred from 5/18/10 – Item 6.1)

**Resolution No. 75399 adopted.**

## 7. ENVIRONMENTAL & UTILITY SERVICES

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## 8. PUBLIC SAFETY SERVICES

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## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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- Open Forum
  - (1) Ross Signorino expressed views on Nazi Germany.
  - (2) David Wall voiced concern on laws regarding public drunkenness.
  - (3) Kevin Cotilla apologized for his earlier comments on Consent Calendar Item 2.16, stating that he was misinformed.
- Continue RDA Board Meeting
- Adjournment

The Council of the City of San José was adjourned at 5:39 p.m.

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

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**The Joint Redevelopment Agency Board convened at 3:10 p.m. to consider Item 8.1 in a Joint Session.**

### **8.1 Approval of an amendment to the DDA with Boston Properties Limited Partnership for the Plaza at Almaden project.**

**Recommendation:**

- (a) Adoption of a resolution by the City Council accepting the summary of costs and findings of the Amended Summary 33433 Report.

**Resolution No. 75400 adopted.**

- (b) Redevelopment Agency Board approval of the Amended and Restated Disposition and Development Agreement (DDA) with Boston Properties Limited Partnership for the construction of a three-building office complex at Almaden Boulevard and Woz Way, revising the Schedule of Performance to, among other things, extend the date for commencement of the Project and accelerate the date for close of escrow of the Agency-owned property to Developer for a revised purchase price of \$700,000.

CEQA: Resolution No. 64273, adopted for Downtown Strategy Plan, File No. RH00-005 & RHA00-005-01. [GUADALUPE-AUZERAIS]

**Approved.**

### **8.2 Approval of an amendment to the Inclusionary Housing Policy.**

Recommendation: Adoption of resolutions by the Redevelopment Agency Board and City Council approving an amendment to the City/Agency Inclusionary Housing Policy in Redevelopment Project Areas, temporarily suspending inclusionary housing requirements related to newly constructed rental units until the earlier of January 1, 2013, or the effective date of the City's Inclusionary Housing Ordinance, to ensure compliance with case law. CEQA: PP08-258, addendum to the General Plan Update EIR, Resolution No. 65459 [MERGED]

[Rules and Open Government Committee referral, 5/26/10 – Item H(1)]

**Deferred to June 15, 2010 per Administration.**

**The Council of the City of San José and the Redevelopment Agency Board was adjourned at 3:14 p.m.**