

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, NOVEMBER 30, 2010

The Council of the City of San José convened in regular session at 9:00 a.m. in the Council Chambers at City Hall.

Present: Council Members - Campos, Chirco, Chu, Herrera, Kalra, Liccardo, Oliverio, Pyle.

Absent: Council Members - Constant, Nguyen; Reed. (Excused)

Upon motion unanimously adopted, Council recessed at 9:00 a.m. to a Closed Session in Room W133 (A) Public Employment/Public Employee Appointment Pursuant to Government Code Section 54957: Department or Agency: Richard Doyle; Title: City Attorney; (B)) to confer with Legal Counsel pursuant to Government Code (a) of Section 54956.9 with respect to existing litigation: in re Juelson; (C) to confer with Legal Counsel pursuant to Government Code subsection (b) with respect to anticipated litigation of significant exposure (Claim Not Filed) in one (1) matter. (D) to confer with Legal Counsel pursuant to Government Code subsection (a) of Section 54956.9 with respect to existing litigation: (1) Sanchez/Powell/Henderson/Burton. v. City of San José; Names of Parties Involved: Christina Sanchez, Barbara Powell, Sherretta Henderson, Natasha Burton, City of San José; Court: United States District Court, Northern District of California; Case No: C06-06331 JW; C 08-01213 JW; C08-01214 JW; and C08-01215 JW (Consolidated); Amount of Money or Other Relief Sought: Damages according to proof; (E) to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Manager Designee Alex Gurza; Employee Organizations: (1) International Association of Firefighters, Local 230 (IAFF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Association of Firefighters; How to obtain a copy of existing contract or MOA: web: http://www.sanjoseca.gov/employee_relations/moa.asp; Telephone for Employee Relations: 408-535-8150.

CLOSED SESSION (Cont'd.)

By unanimous consent, Council recessed from the Closed Session at 10:45 a.m. and reconvened to Regular Session at 1:32 p.m. in the Council Chambers.

Present: Council Members - Campos, Chirco, Chu, Herrera, Kalra, Liccardo, Oliverio, Pyle.

Absent: Council Members - Constant, Nguyen; Reed. (Excused)

INVOCATION

Almaden Valley branch librarian Ed Koetitz and his sheepdog puppet, Shaggy, offered story time entertainment for the Invocation. (District 10)

PLEDGE OF ALLEGIANCE

Vice Mayor Chirco led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Council Member Pyle, seconded by Council Member Herrera and carried unanimously, the Orders of the Day and the Amended Agenda were approved. (8-0-3).

CEREMONIAL ITEMS

1.1 Presentation of commendations to Joyce and Pat Milligan for their 23 years of dedication and contribution to the San José Library Foundation. (Liccardo)

Action: Mayor Vice Mayor Chirco and Council Member Liccardo recognized and commended Joyce and Pat Milligan for their 23 years of dedication and contribution to the San José Library Foundation.

Vice Mayor Chirco and members of the City Council honored Council Member Campos on her last day on the San José City Council as she takes on her new position with the State Assembly and thanked her for her dedication and service to the City of San José.

CONSENT CALENDAR

Upon motion by Council Member Pyle, seconded by Council Member Herrera and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (8-0-3).

2.1 Approval of minutes.

- (a) **Joint Redevelopment Agency/City Council Budget Preparation Study Session Minutes of September 7, 2010.**
- (b) **Special Meeting Minutes of September 7, 2010.**
- (c) **Regular Meeting Minutes of September 14, 2010.**
- (d) **Regular Meeting Minutes of September 21, 2010.**
- (e) **Regular Meeting Minutes of September 28, 2010.**
- (f) **Joint Redevelopment Agency/City Council Budget Study Session Minutes of September 30, 2010.**

Documents Filed: (1) Joint Redevelopment Agency/City Council Budget Preparation Study Session Minutes dated September 7, 2010. (2) Regular Minutes dated September 7, 14, 21 and 28, 2010.

Action: The minutes were approved. (8-0-3).

2.2 Final adoption of ordinances.

- (a) **ORD. NO. 28849 – Rezoning certain real property situated at the southeast corner of West San Carlos Street and Sunol Street (860 West San Carlos Street) from HI-Heavy Industrial and Combined Industrial/Commercial to A(PD) Planned Development Zoning District. PDC08-061**

Documents Filed: Proof of Publication of the Title of Ordinance No. 28849 executed on November 16, 2010, submitted by the City Clerk.

Action: [Ordinance No. 28849](#) was adopted. (8-0-3).

- (b) **ORD. NO. 28850 – Rezoning certain real property situated on the east side of Almaden Expressway, approximately 250 feet north of Redmond Avenue (16440 Almaden Expressway), from R-1-1 Single-Family Residence Zoning District to A(PD) Planned Development Zoning District. PDC07-064**

Documents Filed: Proof of Publication of the Title of Ordinance No. 28850 executed on November 16, 2010, submitted by the City Clerk.

Action: [Ordinance No. 28850](#) was adopted. (8-0-3).

2.2 Final adoption of ordinances (Cont'd.)

- (c) **ORD. NO. 28852 – Amending Chapter 3.48 of Title 3 of the San José Municipal Code to allow the City of San José Deferred Compensation Plan to accept rollovers of eligible distributions from the City of San José’s pension plans and credit such distributions to terminated employees’ City of San José Deferred Compensation Plan accounts.**

Documents Filed: Proof of Publication of the Title of Ordinance No. 28852 executed on November 23, 2010, submitted by the City Clerk.

Action: [Ordinance No. 28852](#) was adopted. (8-0-3).

- (d) **ORD. NO. 28854 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Revolution Resource Recovery, LLC.**

Documents Filed: Proof of Publication of the Title of Ordinance No. 28854 executed on November 23, 2010, submitted by the City Clerk.

Action: [Ordinance No. 28854](#) was adopted. (8-0-3).

2.3 Approval of Council Committee Reports.

- (a) **Rules and Open Government Committee Report of November 3, 2010.
(Mayor)**
- (b) **Rules and Open Government Committee Report of November 10, 2010.
(Mayor)**

Documents Filed: (1) The Rules and Open Government Committee Reports dated November 3 and 10, 2010.

Action: The reports were approved. (8-0-3).

2.5 City Council Travel Reports

Documents Filed: Memorandum from Council Member Chu, dated November 30, 2010 providing a City Council Travel Report.

Council Member Chu reported on his recent trip to the League of California Cities Board of Directors meeting in San Diego.

Action: Upon motion by Council Member Chu, seconded by Council Member Oliverio and carried unanimously, the travel report was accepted. (8-0-3).

- 2.6 Approve a Second Amendment to the Airport Master Agreement for Signage and Wayfinding Consultant Services with Jacobs Engineering Group, Inc., extending the term of the agreement to September 30, 2011, with no increase in total compensation. CEQA: Not a Project, File No. PP10-066(d), Consultant Services for Design/Study/Research/Inspection. (Airport)**

Documents Filed: Memorandum from Director of Aviation William F. Sherry, dated November 8, 2010, recommending a second amendment to a consultant agreement with Jacobs Engineering, Inc.

Action: The Second Amendment to the Airport Master Agreement for Signage and Wayfinding Consultant Services with Jacobs Engineering Group, Inc., with related contingency, was approved. (8-0-3).

- 2.7 Approve a first amendment to the master consultant agreement with Airport & Aviation Professionals, Inc. dba AvAirpros, to expand the scope of services to include other services as necessary to facilitate ongoing coordination, discussion, and management of issues with the Airlines serving the Norman Y. Mineta San Jose International Airport with no increase in total compensation. CEQA: Not a Project, File No. PP10-066(d), Consultant Services for Design/Study/Research/Inspection. (Airport)**

Documents Filed: Memorandum from Director of Aviation William F. Sherry, dated November 8, 2010, recommending a first amendment to a consultant agreement.

Action: The first amendment to the master consultant agreement with Airport & Aviation Professionals, Inc. dba AvAirpros, with related contingency, was approved. (8-0-3).

- 2.8 (a) Approve an ordinance repealing Sections 11.72.020, 11.72.030, 11.72.040, 11.72.050, 11.72.060 and 11.72.070 of Chapter 11.72 of Title 11 of the San José Municipal Code and amending Section 11.72.150 of Chapter 11.72 of Title 11 to eliminate bicycle licensing requirements.**
(b) Adopt a Resolution amending the 2010-2011 Schedule of Fees and Charges (Resolution No. 72737, as amended) to eliminate the bicycle licensing fees.
CEQA: Not a Project; PP10-068(c), Municipal Code or Policy. (City Attorney's Office)

Documents Filed: City Council Action Request from City Attorney Richard Doyle, dated November 18, 2010, recommending adoption of an ordinance and resolution.

Public Comments: Shanique Flynn and Eleftheria Mina spoke in opposition to the proposal.

Council Member Liccardo provided an explanation of the proposal and offered support of its approval.

2.8 (Cont'd.)

Action: Upon motion by Council Member Liccardo, seconded by Council Member Herrera and carried unanimously, [Ordinance No. 28855](#) entitled: “An Ordinance of the City of San José Repealing Sections 11.72.020, 11.72.030, 11.72.040, 11.72.050, 11.72.060 and 11.72.070 of Chapter 11.72 of Title 11 of the San José Municipal Code and Amending Section 11.72.150 of Chapter 11.72 of Title 11 to Eliminate Bicycle Licensing Requirements” was passed for publication, and [Resolution No. 75639](#), entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 72737 as Previously Amended by Resolutions Nos. 73019, 73056, 73242, 73637, 73831, 74035, 74047, 74452, 74839, 74841, 74981, 75135, 75334, 75338, 75442, 75502, 75509, 75600, and 75610, and to Eliminate the Bicycle License Fees”, was adopted. (8-0-3).

2.9 **Adopt a resolution revising the regulations and procedures of the San José Elections Commission, and repealing Resolution No. 75260, which sets forth the current regulations and procedures for the San José Elections Commission’s investigations and hearings. (City Attorney/City Clerk)**

Documents Filed: Joint memorandum from City Attorney Richard Doyle and City Clerk Lee Price, dated November 4, 2010, recommending revisions to the regulations and procedures of the San José Elections Commission.

Action: [Resolution No. 75640](#) entitled: “A Resolution of the Council of the City of San José Amending Regulations and Procedures for the San José Elections Commission Investigations and Hearings and Repealing Resolution No. 75260”, was adopted. (8-0-3).

2.10 **Approve the Third Amendment to the Master Agreement between the City of San José and HF&H Consultants, LLC for environmental consultant services on the commercial solid waste redesign and franchise procurement, increasing the amount of the agreement by \$50,000 from \$800,000 to an amount not to exceed \$850,000. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Environmental Services)**

Documents Filed: Memorandum from Director of Environmental Services John Stufflean, dated November 8, 2010, recommending approval of the third amendment to a master agreement.

Action: The Third Amendment to the Master Agreement between the City of San José and HF&H Consultants, LLC for environmental consultant services on the commercial solid waste redesign and franchise procurement, with related contingency, was approved. (8-0-3).

2.11 Adopt a Resolution to amend the 2010-2011 Schedule of Fees and Charges (Resolution No. 72737, as amended), to:

- (a) Establish a new Waste Diversion Compliance Initial Review Fee in the amount of \$100, and**
- (b) Establish a new Waste Diversion Compliance Additional Review Fee in the amount of \$100 per hour.**

CEQA: Statutorily Exempt, File No. PP10-067(a), CEQA Guidelines Section 15273, Rates Tolls, Fares and Charges. (Environmental Services/City Manager's Office)

Documents Filed: Joint memorandum from Director of Environmental Services John Stufflebean and Budget Director Jennifer Maguire, dated November 8, 2010, recommending adoption of a resolution.

Action: [Resolution No. 75641](#), entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 72737 as Previously Amended by Resolutions Nos. 73019, 73056, 73242, 73637, 73831, 73879, 73881, 74035, 74047, 74452, 74839, 74841, 74981, 75135, 75334, 75338, 75442, 75502, 75509, 75600, 75610, and 75639 to Establish Fees for Waste Diversion Compliance, to be Effective January 1, 2011", was adopted. (8-0-3).

2.12 Exercise the first of three one year options to renew purchase order. Exercising this option will result in encumbering an additional \$160,000 to the existing Open Purchase Order #44308 with Harris Blade Rentals for a total amount not to exceed \$400,000 for the rental of heavy construction earth moving equipment. This service was competitively solicited, Harris Blade Rental was the only responsive bidder, and was awarded a purchase order for a one year term in March, 2010, with three additional one year options to renew. CEQA: Not a Project, File No. PP10-066(a). (Finance)

Documents Filed: City Council Action Request from the Department of Finance, dated November 10, 2010, recommending exercising options to renew a purchasing order.

Action: The first of three one year options to renew a purchase order, exercising an option that will result in encumbering an additional \$160,000 to the existing Open Purchase Order #44308 with Harris Blade Rentals for a total amount not to exceed \$400,000, with related contingency, was approved. (8-0-3).

2.13 Adopt the following Appropriation Ordinance amendments in the Housing Trust Fund:

(a) Increase the appropriation to the Housing Department for the Destination: Home project by \$161,176.

(b) Decrease the Ending Fund Balance by \$161,176.

CEQA: Not a Project, File No. PP10-066(e), Agreements/Contracts. (Housing/City Manager's Office)

Documents Filed: Joint memorandum from Director of Housing Leslye Corsiglia and Budget Director Jennifer Maguire, dated November 8, 2010, recommending adoption of an ordinance.

Public Comments: Kelsey Ramirez and Cassia Homann spoke in support of the staff recommendation.

Action: Upon motion by Council Member Pyle, seconded by Council Member Herrera and carried unanimously, [Ordinance No. 28856](#) entitled: "An Ordinance of the City of San José Amending Ordinance No. 28765 to Appropriate Monies in the Housing Trust Fund for the Destination: Home Project; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption", was adopted. (8-0-3).

2.14 Approval of the second amendment to the Master Agreement for consultant services with Group 4 Architecture Research + Planning, Inc., for the San José Environmental Innovation Center Phase II Project, increasing compensation by \$793,000 for a total agreement amount not to exceed \$2,793,000, expanding the scope of services, and extending the term of the agreement from May 31, 2011 to December 22, 2012. CEQA: A CEQA Negative Declaration for the renovation for the EIC, including the HHW facility, was adopted on December 1, 2009, File No. PP09-138. Council District 3. (Public Works)

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated November 8, 2011, recommending approval of a second amendment to a master agreement.

Action: The second amendment to the Master Agreement for consultant services with Group 4 Architecture Research and Planning, Inc., for the San José Environmental Innovation Center Phase II Project, increasing compensation by \$793,000 for a total agreement amount not to exceed \$2,793,000 with related contingencies, was approved. (8-0-3).

- 2.15 (a) Adopt a resolution to:**
- (1) Authorize the Director of Housing to accept an earmark grant award from the U.S. Department of Justice (DOJ) in the amount of \$400,000 for a pilot job training and employment preparation program for at-risk women incarcerated and/or recently released from jail.**
 - (2) Authorize the Director of Housing to negotiate and execute a Memorandum of Understanding with the County of Santa Clara for its Office of Women’s Policy to implement the “Skills to Succeed” program for 50 at-risk women with the proceeds from the DOJ grant.**
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Multi-Source Housing Fund:**
- (1) Establish an appropriation to the Housing Department for the Skills to Succeed project in the amount of \$200,000.**
 - (2) Increase the estimate for Earned Revenue by \$200,000.**

CEQA: Not a Project, File No. PP10-066(e), Agreements/Contracts. (Housing/City Manager’s Office)

Documents Filed: Memorandum from Director of Housing Leslye Corsiglia and Budget Director Jennifer Maguire, dated November 8, 2010, recommending adoption of a resolution and appropriation ordinance and funding sources resolution amendments.

Action: [Ordinance No. 28857](#) entitled: “An Ordinance of the City of San José Amending Ordinance No. 28765 to Appropriate Monies in the Multi-Source Housing Fund for the Skills to Succeed Project; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; [Resolution No. 75642](#), entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Housing to Accept a Grant Award from the U.S. Department of Justice for a Pilot Job Training and Employment Preparation Program and Authorizing the Director of Housing to Negotiate and Execute a Memorandum of Understanding with the County of Santa Clara to Administer the “Skills to Succeed” Program”; and [Resolution No. 75643](#) entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 75447 Setting Forth the Estimated sources of Funds for the Fiscal Year 2010-2011 to Adjust Revenues in the Multi-Source Housing Fund”, were adopted. (8-0-3).

- 2.16 Adopt a resolution to consider the establishment of the Kirk Park/ Community Center Rule 20A Underground Utility District located along Foxworthy Avenue, between Yucca Avenue and Briarwood Avenue, and setting a Public Hearing on January 25, 2011, at 1:30 p.m. CEQA: Addendum to a Mitigated Negative Declaration, File No. PP10-164. Council District 9. (Public Works)**

Documents Filed: City Council Action Request from the Department of Public Works recommending adoption of a resolution.

Action: [Resolution No. 75644](#), entitled: “A Resolution of the Council of the City of San José Setting the Time and Place for a Public Hearing to Consider the Establishment of a Rule 20A Underground Utility District Along Foxworthy Avenue, Between Yucca Ave. and Briarwood Avenue on January 25, 2011 and 1:30 p.m.” was adopted. (8-0-3).

- 2.17 Adopt a resolution authorizing the City Manager to negotiate and execute an operations and maintenance agreement between the City of San José and the County of Santa Clara for landscaping and streetlight improvements along Capitol Expressway between Capitol Avenue and Quimby Road at an annual cost to the City of approximately \$15,500 per year beginning in FY 2012-13 and increasing to approximately \$29,500 in FY 2015-16 with the completion of the plant establishment period. CEQA: Not a Project, File No. PP10-066(e), New contract for maintenance services. Council Districts 5 and 8. (Transportation)**

Documents Filed: Memorandum from Acting Director of Transportation Hans Larsen, dated November 8, 2010, recommending adoption of a resolution.

Council Member Herrera spoke to the merits of the project and thanked the staff for their dedication.

Public Comments: Alicia Moore and Marian Mercer spoke in support.

Action: Upon motion by Council Member Herrera, seconded by Council Member Liccardo and carried unanimously, [Resolution No. 75645](#), entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with the County of Santa Clara for Landscaping and Streetlight Operation and Maintenance on Capitol Expressway Between Capitol Avenue and Quimby Road”, was adopted. (8-0-3.)

- 2.18 Accept the Downtown San Jose Property-Based Business Improvement District Financial Report for FY 2009-2010, which provides information to the public and the property owners in the District regarding the use of the assessments and the management and operations of the District. CEQA: Exempt, File No. PP08-095. (Transportation)**

Documents Filed: City Council Action Request from the Transportation Department, dated November 8, 2010, recommending approval of the Downtown PBID Annual Report.

Council Member Liccardo pulled Item 2.18 to thank staff for their hard work and leadership.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Herrera and carried unanimously, the Downtown San Jose Property-Based Business Improvement District Financial Report for FY 2009-2010 was accepted. (8-0-3).

2.19 As recommended by the Rules and Open Government Committee on November 17, 2010:

- (a) **Appoint Patrick Lydon to the Arts Commission for an unexpired term ending June 30, 2011. (Liccardo)**
- (b) **Appoint Diane Elizabeth Thompson to the Disability Advisory Commission for an unexpired term ending June 30, 2012. (Pyle)**
- (c) **Appoint Devora Davis, Theresa Marie Sabatino, and Rebecca Campbell Swanson to the Early Care and Education Commission for terms ending June 30, 2013. (Chirco)**
- (d) **Appoint Dalton Victor to the Human Rights Commission for a term ending December 31, 2013. (Chu)**
- (e) **Re-appoint Brian Ho and Molly Uzoh for terms ending December 31, 2013 and appoint Harmeet S. Bhugra to an unexpired term ending December 31, 2010, and David William Clancy and Leo Cortez to unexpired terms ending December 31, 2011 on the Small Business Development Commission. (Chu)**
- (f) **Appoint James Prunty to the Traffic Appeals Commission for an unexpired term ending June 30, 2012. (Nguyen)**

[Rules Committee referral 11/17/10 – Items G(1)(a) – G(1)(f)]

Documents Filed: Memorandum from City Clerk Lee Price, dated November 17, 2010, transmitting recommendations of the Rules and Open Government Committee.

Action: The appointments to the Arts Commission, the Disability Advisory Commission, the Early Care and Education Commission, the Small Business Development Commission and the Traffic Appeals Commission were accepted. (8-0-3).

2.20 Re-appoint Jeffrey Perkins as the Public Member of the Board of Administration of the Federated City Employee Retirement System to a term commencing December 1, 2010 expiring on a date to be determined upon the appointment of a successor. (Constant)

Documents Filed: Memorandum from Council Member Constant, dated November 18, 2010, recommending the reappointment of Jeffrey Perkins.

Action: The reappointment of Jeffrey Perkins as the Public Member of the Board of Administration of the Federated City Employee Retirement System was accepted. (8-0-3).

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

3.2 Accept the Comprehensive Annual Financial Report containing audited financial statements for the fiscal year. (Finance)

Action: Deferred to December 7, 2010 per Administration.

3.3 Accept the Report on Fourth Quarter Debt Issuance and Debt Management activities. (Finance)

Action: Deferred to December 7, 2010 per Administration.

COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Conduct a public hearing and consider an ordinance amending Title 20 of the San José Municipal Code to add a new Chapter 20.75 entitled Pedestrian Oriented Zoning Districts and establishing the Main Street Districts within that Chapter; to modify Chapter 20.90 to provide parking and loading requirements for the Main Street Districts; and to make other related modifications to Chapters 20.10, 20.40, 20.80, 20.175 and 20.200. CEQA: Negative Declaration and Addenda, File No. PP09-012. (Planning, Building and Code Enforcement)

Documents Filed: (1) Memorandum from Council Member Campos, dated November 23, 2010, recommending establishment of main street zoning districts. (2) Memorandum from Director, Planning, Building and Code Enforcement Joseph Horwedel dated November 10, 2010 transmitting the report recommending amendment to Title 20 of the San José Municipal Code. (3) Memorandum from Planning Commission Secretary Joseph Horwedel, dated November 19, 2010, transmitting the Planning Commission recommendation. (4) Supplemental memorandum from Director, Planning, Building and Code Enforcement Joseph Horwedel, dated November 19, 2010, providing an analysis of Planning Commission recommendations. (5) Proof of Publication of Notice of Public Hearing, executed on November 5, 2010, submitted by the City Clerk. (6) Presentation by Staff “Main Street Zoning Districts”, dated November 30, 2010.

Senior Planner, Carolyn Hamilton, offered a presentation on the creation of a new pedestrian zoning district. Director, Planning, Building and Code Enforcement Joseph Horwedel responded to questions from Council.

Council Member Campos moved approval of her memorandum, dated November 23, 2010, to approve Staff’s recommendation and to proceed with the necessary steps to rezone all or a portion of the Alum Rock Neighborhood Business District. Council Member Herrera seconded the motion.

Council discussion followed.

Vice Mayor Chirco opened the public hearing.

Public Comment: Woody DeMayo, franchise owner of the Jack in the Box, asked for the City’s flexibility in incorporating his plans for a drive-thru. Vice Mayor Chirco referred Mr. DeMayo to Director, Planning, Building and Code Enforcement Joseph Horwedel for further discussion.

Vice Mayor Chirco closed the public hearing.

4.1 (Cont'd.)

Action: On a call for the question, and carried unanimously, the recommendation of the Planning Commission and the Planning Director was approved, and Ordinance No. 28858, entitled: “An Ordinance of the City of San José Amending Title 20 of the San José Municipal Code to Add a New Chapter 20.75, Pedestrian Oriented Zoning Districts, Establish the Main Street Districts Within that Chapter, Establish Parking and Loading Requirements for Main Street districts, and Make Other Related Changes to Chapter 20.10, General Provisions and Zoning Districts, Chapter 20.40, Commercial Zoning Districts, Chapter 20.80 Specific Use Regulations, Chapter 20.175 Commercial and Industrial Common Interest Development Regulations, and 20.200, Definitions, All to Better Align with and Further Support the Pedestrian Oriented Zoning Districts”, was passed for publication, with direction to Staff to proceed with the necessary steps to rezone all or a portion of the Alum Rock Neighborhood Business District. (8-0-3).

TRANSPORTATION & AVIATION SERVICES

- 6.1 (a) **Authorize the City Manager, or designee, to submit the following grant applications to the Metropolitan Transportation Commission (MTC) for Federal Congestion Mitigation and Air Quality (CMAQ) funds:**
- (1) **In the amount of \$835,619 for the “Walk n’ Roll San Jose!” non-infrastructure program, with a local match commitment of \$108,263;**
 - (2) **In the amount of \$567,762 for the “Walk n’ Roll San Jose! – Safe Access” infrastructure project, with a local match commitment of \$84,838;**
 - (3) **In the amount of \$1,500,000 for the “Innovative Bicycle Detection System” project, with a local match commitment of \$210,000.**
- (b) **Commit the City to provide the required local match stated above and to pay for any additional cost to complete each of the projects;**
- (c) **Assure each of the projects will be completed in compliance with the submitted applications, MTC Regional Funding Delivery Policy, and the grant program requirements; and**
- (d) **Authorize the City Manager, or designee, to accept grant funding from the MTC for each of the submitted applications and negotiate and execute any documents to accept the grant funds.**

CEQA: *Walk n’ Roll San Jose! Non-Infrastructure Project, and Walk n’ Roll San Jose! – Safe Access Infrastructure Project: Exempt, File No. PP10-113, Section 15301(c); Innovative Bicycle Detection System Project: Exempt, File No. PP06-210, Section 15301(c). (Transportation)*

Documents Filed: (1) Memorandum from Acting Director of Transportation Hans Larsen, dated November 8, 2010, recommending adoption of three separate resolutions. (2) Staff presentation “MTC Climate Initiative Grants”, dated November 30, 2010.

6.1 (Cont'd.)

Acting Director of Transportation Hans Larsen provided a presentation of the Metropolitan Transportation Commission climate initiative grants.

Public Comments: Jonathon Young spoke in support of the staff's recommendation.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Herrera and carried unanimously, [Resolution No. 75646](#), entitled: "A Resolution of the Council of the City of San José Authorizing the Filing of an Application for Federal Surface Transportation Program (STP) and/or Congestion Mitigation and Air Quality Improvement (CMAQ) Funding for the "Walk N' Roll San José!" Non-Infrastructure Program and Committing the Necessary Non-Federal Match, and Stating the Assurance to Complete the Project"; [Resolution No. 75647](#), entitled: "A Resolution of the Council of the City of San José Authorizing the Filing of an Application for Federal Surface Transportation Program (STP) and/or Congestion Mitigation and Air Quality Improvement (CMAQ) Funding for the "Walk N' Roll San José! – Safe Access" Infrastructure Program and Committing the Necessary Non-Federal Match, and Stating the Assurance to Complete the Project"; and [Resolution No. 75648](#), entitled: "A Resolution of the Council of the City of San José Authorizing the Filing of an Application for Federal Surface Transportation Program (STP) and/or Congestion Mitigation and Air Quality Improvement (CMAQ) Funding for the Innovative Bicycle Detection System Project and Committing the Necessary Non-Federal Match, and Stating the Assurance to Complete the Project", were adopted. (8-0-3).

ENVIRONMENTAL & UTILITY SERVICES

- 7.1 (a) **Approve an ordinance of the City of San José amending Sections 9.10.1100, 9.10.1200, and 9.10.1210 of Chapter 9.10 of Title 9 of the San José Municipal Code to limit the ability to establish residential solid waste service accounts to the owner and their agents.**
- (b) **Accept a status report on the Healthy Neighborhood Venture Fund contribution option for City utility billing customers.**

CEQA: Not a Project, File No. PP10-068, General Procedure & Policy Making. (Finance/Environmental Services/Information Technology)

Documents Filed: Joint memorandum from Director of Finance Scott P. Johnson, Director of Environmental Services John Stufflebean and Chief Information Officer Stephen Ferguson, dated November 8, 2010, recommending approval of an ordinance and acceptance of status report.

Action: Upon motion by Council Member Pyle, seconded by Council Member Herrera and carried unanimously, [Ordinance No. 28859](#), entitled: "An Ordinance of the City of San José Amending Sections 9.10.1100, 9.10.1200 and 9.10.1210 of Chapter 9.10 of Title 9 of the San José Municipal Code to Limit the Ability to Establish Residential Solid Waste Service Accounts to the Owner and Their Agents", was passed for publication, and the status report on the Healthy Neighborhood Venture Fund was accepted. (8-0-3).

NOTICE OF CITY ENGINEER'S PENDING DECISION ON FINAL MAPS

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
10064	Between W. Campbell Ave & Via Cristobal, 750 feet west of Via D'Este	1	Castle Structures, LLC	6 Lots / 6 Units	SFDR

OPEN FORUM

(1) Gabrielle Antolovich urged participation in a Voices United and Youthphoria Coalition public forum supporting the adoption of a "Social Host" ordinance to address underage drinking. (2) Susan Ko suggested the City maintain recycling bins at public transportation points in keeping with the Green Vision Plan.

ADJOURNMENT

The Council of the City of San José adjourned at 2:55 p.m. in memory of Ellen "Muffie" Meier. Muffie's life will forever be defined by her fierce loyalty to the ones that she loved, her incredible professional wisdom and the pivotal role she played as an advisor to politicians and political efforts at every level of government. In addition, Muffie was known for her relentless and selfless commitment to the Zen Hospice Project where she served as Co-President of the Board of Directors. (Herrera)

Minutes Recorded, Prepared and Respectfully Submitted by,

Lee Price, MMC
City Clerk

rmk/11-30-10.MIN

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