

CITY COUNCIL AGENDA

MAY 24, 2011

SYNOPSIS

PETE CONSTANT
ASH KALRA
SAM LICCARDO
KANSEN CHU
XAVIER E. CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON NGUYEN, VICE MAYOR
ROSE HERRERA
DONALD ROCHA
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 Tuesday at 7 p.m. as needed, 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.

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**
 - 9:04 a.m.** - Closed Session, Call to Order in Council Chambers
Open Session, Labor Negotiations Update (See Item 3.2)
Absent Council Members: Herrera, Kalra, Liccardo, Nguyen.
 - 9:11 a.m.** Adjourn to Closed Session in Council Chambers Conference Room, W133
Absent Council Members: All Present.
 - 1:33 p.m.** - Regular Session, Council Chambers, City Hall
Absent Council Members: All Present.

- **Invocation (District 5)**
Students from Alum Rock Union School District performing as the Alum Rock Jazz Band performed the Irving Berlin classic “Blue Skies”.

- **Pledge of Allegiance**
Mayor Reed led the Pledge of Allegiance.

- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with Items 2.3(c) through (i) deferred to 06/07/11 and Item 7.3 deferred to 05/31/10.

- **Closed Session Report**
No Report.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation declaring the month of May 2011 as “Older Americans Month” in the City of San José. (Constant)
Mayor Reed and Council Member Constant recognized the month of May 2011 as “Older Americans Month” in the City of San José.
- 1.2 Presentation of a commendation to Raging Waters San José, the largest waterpark in Northern California, in recognition of their importance as a key employer, regional family destination, and their commitment to the community. (Herrera)
Mayor Reed and Council Member Herrera presented a commendation to Raging Waters San José, the largest water park in Northern California.
- 1.3 Presentation of a commendation to the Housing Trust of Santa Clara County for their commitment to providing affordable housing opportunities to the San Jose community. (Nguyen)
Mayor Reed and Vice Mayor Nguyen presented a commendation to the Housing Trust of Santa Clara County for their commitment to providing affordable housing opportunities to the San Jose community.
- 1.4 Presentation of a proclamation declaring May as “Foster Care Month” in the City of San José. (Mayor) (Rules Committee referral 05/18/11)
Mayor Reed recognized the month of May as “Foster Care Month” in the City of San José.

2. CONSENT CALENDAR

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

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 28914 – Amending Title 3 of the San José Municipal Code to add a new Chapter 3.52, and to amend Sections 3.28.380, 3.28.1980, 3.28.1995, 3.28.2030 and 3.28.2045 and add a new Section 3.28.385 of Chapter 3.28 of Title 3 for the purpose of establishing a new trust pursuant to Section 115 of the Internal Revenue Code related to retiree healthcare benefit funding and payment of retiree health care benefits.

Ordinance No. 28914 adopted.

(Item Continued on the next page)

2. CONSENT CALENDAR

2.2 Final adoption of ordinances (Cont'd.)

- (b) ORD. NO. 28915 – Amending Section 3.36.580 of Part 4 of Chapter 3.36 of Title 3 of the San José Municipal Code to suspend the distribution of funds from the Police and Fire Department Retirement Plan Supplemental Retiree Benefit Reserve during Fiscal Year 2011-2012.

Ordinance No. 28915 adopted.

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) Ad Hoc Committee on Airport Competitiveness Report of April 8, 2011. (Mayor)
 - (b) Transportation and Environment Committee Report of May 2, 2011. (Liccardo)
- Approved.**

- (c) Rules and Open Government Committee Report of May 4, 2011. (Mayor)
- (d) Rules and Open Government Committee Report of April 27, 2011. (Mayor)
[Deferred from 5/17/11 – Item 2.3(a)]
- (e) Rules and Open Government Committee Report of April 20, 2011. (Mayor)
[Deferred from 5/10/11 – Item 2.3(a) and 5/17/11 – Item 2.3(b)]
- (f) Rules and Open Government Committee Report of April 13, 2011. (Mayor)
[Deferred from 5/3/11 – Item 2.3(a), 5/10/11 – Item 2.3(c) and 5/17/11 – Item 2.3(c)]
- (g) Rules and Open Government Committee Report of March 23, 2011. (Mayor)
[Deferred from 4/12/11 – Item 2.3(a), et al, and 5/17/11 – Item 2.3(d)]
- (h) Rules and Open Government Committee Report of March 16, 2011. (Mayor)
[Deferred from 4/5/11 – Item 2.3(a), et al, and 5/17/11 – Item 2.3(e)]
- (i) Rules and Open Government Committee Report of March 9, 2011. (Mayor)
[Deferred from 3/29/11 – Item 2.3(a), et al, and 5/17/11 – Item 2.3(f)]

Deferred to 06/07/11 per Orders of the Day.

2.4 Mayor and Council Excused Absence Requests.

Recommendation:

- (a) Request for an excused absence Council Member Chu from the Regular Meeting of the Public Safety, Finance and Strategic Support Committee on May 19, 2011 due to *City business*. (Chu) (Rules Committee referral 05/18/11)
(Correction as noted)
- (b) Request for an excused absence Council Member Constant from the Regular Meeting of the Public Rules and Open Government Committee on May 11, 2011 due to Authorized City Business: Aging Services Collaborative Recognition Event; and from the Afternoon Budget Study Session on May 12, 2011 due to illness. (Constant) (Rules Committee referral 05/18/11)

(Item Continued on the next page)

2. CONSENT CALENDAR

2.4 Mayor and Council Excused Absence Requests (Cont'd.)

Recommendation:

- (c) Request for an excused absence Vice Mayor Nguyen from the Closed Session and Regular Meeting of the City Council on May 17, 2011 due to illness. (Nguyen)
(Rules Committee referral 05/18/11)
- (d) Request for an excused absence Vice Mayor Nguyen from the City Council Budget Study Session on May 18, 2011 due to illness. (Nguyen)
(Rules Committee referral 05/18/11)
- (e) Request for an excused absence Vice Mayor Nguyen from the Regular Meeting of the Rules and Open Government Committee on May 18, 2011 due to illness.
(Nguyen)
(Rules Committee referral 05/18/11)
- (f) Request for an excused absence Council Member Pyle from the City Council Budget Study Session on May 13, 2011 due to illness. (Pyle)
(Rules Committee referral 05/18/11)
- (g) Request for an excused absence Council Member Pyle from the City Council Evening Session on May 17, 2011 due to illness. (Pyle)
(Rules Committee referral 05/18/11)

Approved.

2.5 City Council Travel Reports.

None.

2.6 Report from the Council Liaison to the Retirement Boards.

Council Member Constant reported on a presentation provided for the Federated Retirement Board last week by the new actuary for the Plan.

2.7 Agreement with LeighFisher, Inc. for Airport airspace and Airfield Analysis Services.

Recommendation: Approve a Fourth Amendment to the Consultant Agreement with LeighFisher Inc., formerly Jacobs Consultancy, Inc., for Airport airspace and airfield analysis services, extending the term of the Agreement from July 1, 2011 to June 30, 2014, increasing compensation by \$150,000, from \$500,000 to \$650,000, and consenting to the assignment to LeighFisher Inc. CEQA: Not a Project, File No. PP10-066(d), Consultant Services for Design/Study/Research/Inspection. (Airport)

Approved.

2. CONSENT CALENDAR

2.8 Agreement with David J. Powers & Associates, Inc for Airport Environmental Analysis Services.

Recommendation: Approve First Amendment to the Consultant Agreement with David J. Powers & Associates, Inc. for Airport environmental analysis services, extending the term of the Agreement from July 1, 2011 to June 30, 2014, and increasing compensation by \$100,000, from \$250,000 to \$350,000. CEQA: Not a Project, PP10-066(d), Consultant Services for Design/Study/Research/Inspection. (Airport)

Approved.

2.9 Contract Change Order to Install New Remote Control, Relay Protection and Monitoring Equipment.

Recommendation: Adopt a resolution authorizing the Director of Environmental Services or his designee to negotiate and execute Contract Change Order No. 6 to install new remote control, relay protection and monitoring equipment as part of the Switchgears M1, M2 & M3 Replacement Design-Build Project, in an amount not to exceed \$400,000. CEQA: Exempt, File No. PP04-03-079. (Environmental Services/Public Works)

Resolution No. 75804 adopted.

2.10 Construction Contract for the San José/Santa Clara Water Pollution Control Plant, Filter Under-Drain System Renovation and Media Replacement Project.

Recommendation:

(a) Award the construction contract for the San José/Santa Clara Water Pollution Control Plant, Filter Under-Drain System Renovation and Media Replacement (A-4) Project to the sole bidder, ERS Industrial Services, Inc., in the amount of \$519,118.72.

(b) Approve a contingency in the amount of \$51,900.

CEQA: Exempt, File No. PP11-024. (Environmental Services/Public Works)

Approved.

2.11 Summary Vacation of Old Taylor Street and Sanitary Sewer Easement.

Recommendation: Adopt a resolution summarily vacating:

(a) A portion of Old Taylor Street between San Pedro Street and Guadalupe Parkway and reserving a public service easement over a 15-foot wide strip adjacent to San Pedro Street; and

(b) A sanitary sewer easement adjacent to San Pedro Street.

CEQA: Exempt, File No. PP10-041. Council District 3. (Public Works)

Resolution No. 75805 adopted.

2. CONSENT CALENDAR

2.12 Report on Bids and Award of Contract for the Newhall Park Project.

Recommendation: Report on bids and award of contract for the Newhall Park Project No. 4650 to the low bidder, Blossom Valley Construction, Inc., in the amount of \$1,035,100, and approve a contingency in the amount of \$52,000. CEQA: Exempt, File No. PP10-110. Council District 3. (Public Works)
Approved.

2.13 Agreement for City Design Services with the Santa Clara Valley Transportation.

Recommendation:

- (a) Adopt a resolution authorizing the Director of Public Works to negotiate and execute the following amendments to the Agreement for Design Services with the Santa Clara Valley Transportation Authority for the Capitol Expressway Light Rail Pedestrian Improvements (CELR) Project:
 - (1) A first amendment to add services, extend the term, and increase compensation in the amount of \$150,000 for a total contract amount not to exceed \$459,225, subject to the appropriation of funds; and
 - (2) A subsequent amendment to adjust reimbursable hourly compensation rates upon adoption of the 2011-2012 Operating Budget.
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in 2010-2011 in the Construction Excise Tax Fund:
 - (1) Increase the appropriation to the Department of Transportation for the Capitol Expressway Light Rail Pedestrian Improvements project by \$50,000.
 - (2) Increase the estimate for Earned Revenue by \$50,000.

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. Council Districts: 5 & 8. SNI Areas: Five Wounds/Brookwood Terrace, Gateway East, Mayfair, East Valley/680 Communities. (Public Works/City Manager's Office)

Deferred to 06/07/11 per Administration.

2.14 AB 1167 (Fong) – Interagency Council on Homelessness.

Recommendation: As recommended by the Rules and Open Government Committee on May 18, 2011, adopt a position of support for AB 1167 (Fong) – Interagency Council on Homelessness. (Housing)

[Rules Committee referral 5/18/11 – Item D(1)(c)]

Position of support adopted.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Debra Figone (Verbal Report)
None provided.

3.2 Labor Negotiations Update

Recommendation: Accept Labor Negotiations Update.
Heard at 9 a.m.
No action taken.

3.3 Agreement with Team San José for Convention and Visitor Bureau Services.

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

- (a) An amendment to the existing Second Amended and Restated Agreement with San Jose Convention & Visitors Bureau until June 30, 2011, with a compensation for the extension period in an amount not to exceed \$1,100,000; and
- (b) An additional amendment to the existing Second Amended and Restated Agreement with San Jose Convention & Visitors Bureau until December 31, 2011, without further Council action other than the appropriation of funds.

CEQA: Not a Project, File No.PP10-066(e), Agreements/Contracts. (City Manager's Office)
Resolution No. 75806 adopted.

3.4 City Manager's Fiscal Reform Plan.

Recommendation: Accept the City Manager's Fiscal Reform Plan and direct staff to proceed with the steps necessary to implement the plan, including meeting and conferring with the bargaining units, as applicable. (Mayor)
[Rules Committee referral 5/11/11 – Item E(1)]

Approve the City Manager's memorandum with the inclusion of the following Council memorandums as guidelines for Staff's analysis and report back on June 21:

- (a) Memorandum cosigned by Mayor Reed, Vice Mayor Nguyen and Council Members Herrera and Liccardo dated May 13, 2011 as modified to include:
 - i) To make temporary, if possible, Recommendation B, the limitations on retirement benefits and requirement of voter approval of increases in retirement benefits, ii) direct staff to determine how to allocate any savings in the cost of the pension plans to the pension portion of the City's fiscal problems, and iii) the concept of a "middle tier" for opt-in by existing employees;
- (b) Memorandum from Council Member Rocha, dated May 20, 2011;
- (c) Memorandum from Council Member Pyle, dated May 23, 2011; and

(Item Continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.4 City Manager's Fiscal Reform Plan (Cont'd.)

- (d) Slide presented by Council Member Constant "Tier 2 Opt-in DB Plan for Current Employees - to be Designed with Parameters", as follows: "(1) Total City contribution not to exceed 50% of current normal cost; (2) Increased retirement age; (3) Reduced CPI, with cap; (4) Actuarial evaluations to be based on an assumed rate of return that has a 50% probability of occurrence as outlined in previous presentations by Retirement Services (6.75%); (5) Elimination of SRBR; (6) other modifications as needed.**
- (e) Staff to return to Council on June 21 with a full cost analysis for the proposals by the Mayor, Councilmember Rocha and Councilmember Constant both as percentage of employee compensation as well as an estimate of the aggregate dollar value, both as a mandatory set of benefits imposed on current employees and evaluated as an opt-in tier; that staff should apply some sensitivity analysis around assumptions of the percentage of employees that may opt-in and the likely demographics, particularly the ages of those employees; and apply the same 6.75% investment return assumption, the return which the retirement plans have a 50/50 probability of achieving.**
- (f) continue discussions with bargaining units regarding various options for reform and explore opportunities to achieve points of agreement.**
- (g) Defer the declaration of a fiscal emergency until Staff returns to Council on June 21, 2011 with draft language relating to that declaration.**

Noes: Campos, Chu, Kalra.

3.5 2011 – 2012 Clean Tech Legislative Agenda.

Recommendation: As recommended by the Rules and Open Government Committee on May 18, 2011, discuss and adopt the 2011 Clean Tech Legislative Agenda. (Mayor)
[Rules Committee referral 5/18/11 – Item A(1)(a)(1)]
Approved.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Public Hearing on the Annexation/Reorganization of Downer No. 11.

Recommendation: Conduct a Public Hearing and consider adoption of a resolution ordering the reorganization of territory designated as Downer No. 11 which involves the annexation to the City of San José of approximately 8.6 gross acres of land generally located west at the northwest corner of Blossom Hill Road and Southcrest Way, and the detachment of the same from the appropriate special districts including Central Fire Protection and Area No. 01 (Library Services) County Service. CEQA: The environmental impacts of this project were addressed by an Initial Study (IS) and Mitigated Negative Declaration (MND) that were prepared by the Director of Planning, Building, and Code Enforcement for both the approved General Plan Amendment (File No. GP10-01-01) and the Planned Development Rezoning/Rezoning (File No. PDC10-007). The documents were circulated for public review between October 14, 2010 and November 3, 2010, and the City Council approved the IS/MND on December 7, 2010. Council District 10. (Planning, Building and Code Enforcement)

Public Hearing held.

Resolution No. 75807 adopted.

4.2 Actions Related to Implementation of the School of Arts & Culture at the Mexican Heritage Plaza.

Recommendation:

- (a) Accept the Mexican Heritage Plaza Steering Committee's Business Plan for the School of Arts & Culture at the Mexican Heritage Plaza ("Plaza").

Accepted.

- (b) Adopt a resolution authorizing the City Manager to negotiate an Interim Incubator Operator Agreement with 1stACT Silicon Valley, for the management and operation of the Plaza based on business terms and conditions described in staff's memorandum for a term not to exceed 3 years at a maximum total compensation not to exceed \$1,485,000, subject to the City Council's annual appropriation of funds for the operating payments.

CEQA: Exempt, File No. PP10-097. Council District 5. SNI: Mayfair. (Public Works/Office of Economic Development)

Resolution No. 75808 adopted.

Noes: Oliverio

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 Airport Operations Program and Fee Adjustments.

Recommendation:

- (a) Adopt a resolution:
 - (1) Revising General Aviation Fees, Ground Transportation Fees and charges, and Badging fees, rates, and charges effective July 1, 2011;
 - (2) Revising Public Parking Fees and charges effective June 1, 2011;
 - (3) Re-adopting all other Airport Rates and Charges; and
 - (4) Repealing Resolution No. 74875.

Resolution No. 75809 adopted.

- (b) Approve an ordinance amending Chapter 25.08 of Title 25 of the San José Municipal Code to require all providers of taxicab services at the Airport to obtain an Airport ground transportation permit and to require that parking shuttle operations be conducted in a separate vehicle from any other ground transportation services at the Airport.

CEQA: Statutorily Exempt, File No. PP10-067(a), CEQA Guidelines Section 15273, Rates/Tolls/Fares/Charges. (Airport)

Ordinance No. 28919 passed for publication.

6.2 Valley Transportation Plan 2040.

Recommendation: As recommended by the Transportation and Environment Committee on May 2, 2011, accept the Valley Transportation Plan 2040 Report. (Transportation)

[Transportation and Environment Committee referral 5/2/11 – Item D(4)]

Deferred to 06/7/11 per Rules and Open Government Committee.

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 San José/Santa Clara Water Pollution Control Plant Odor Assessment.

Recommendation:

- (a) Accept the Plant's odor assessment status report and direct staff to continue with the development of a regional odor assessment study:
 - (1) Develop a stakeholder process including the other possible odor generating facilities and the Plant's tributary agencies.
 - (2) Develop a funding plan to include a portion of the funding from sources other than the Sewer Service and Use Charges.
 - (3) Complete development of a scope and engage consultant services.
 - (4) Provide a status report in the fall of 2011 on progress made.

(Item Continued on the next page)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 San José/Santa Clara Water Pollution Control Plant Odor Assessment (Cont'd.)

- (b) Accept the analysis of the feasibility of implementing odor control projects in three to seven years and direct staff to continue to explore the possibility of accelerating biosolids projects and deliver a status report in fall 2011.

CEQA: Not a Project, File No. PP10-069 (a) Staff Reports. (Environmental Services/Public Works)

Deferred to 06/14/11 per Administration.

7.2 Report on Bids and Award of Construction Contract for New Construction of Various Equipment 2010-2011 Project.

Recommendation: Report on bids and award of construction contract for New Construction of Various Equipment 2010-2011 project to the low bidder, Anderson Pacific Engineering Construction, Inc., in the amount of \$1,299,300, and approval of a 15 percent contingency in the amount of \$200,700. CEQA: Exempt, File No. PP08-202. (Environmental Services/Public Works)

Approved.

7.3 Actions Related to the San José Environmental Innovation Center Project.

Recommendation:

- (a) Accept the report on bids and, subject to staff's evaluation of any protests and further report to City Council, award of contract for the San José Environmental Innovation Center (Project) Rebid to the lowest bidder, Applegate Johnston, Inc., to include the base bid of \$10,624,000 and Add Alternates #1 and 2 in the amount of \$470,935.
- (b) Adopt a resolution authorizing the Director of Public Works to approve a contingency amount of \$1,330,000 for the Project, conditioned upon the necessary appropriation actions by City Council.
- (c) Approve the third amendment to the master agreement for consultant services with Group 4 Architecture Research + Planning, Inc. (Group 4) for the Project, to modify the scope of services and increase the amount of compensation by \$187,000 for a total agreement amount not to exceed \$2,980,000.
- (d) Adopt the following 2010-2011 Appropriation Ordinance and Funding Source Resolution amendments in the Integrated Waste Management Fund:
- (1) Increase the Estimate for Earned Revenue by \$2,209,000;
 - (2) Establish a Transfer from the Sewer Service and Use Charge Fund in the amount of \$1,539,454;
 - (3) Establish a Transfer from the Storm Sewer Operating Fund in the amount of \$200,000;
 - (4) Increase the appropriation for Household Hazardous Waste Las Plumas Facility by \$10,708,454;
 - (5) Decrease the appropriation to the Environmental Services Department for Non-Personal/Equipment by \$125,000; and

(Item Continued on the next page)

7. ENVIRONMENTAL & UTILITY SERVICES

7.3 Actions Related to the San José Environmental Innovation Center Project (Cont'd.)

Recommendation:

- (d) (6) Decrease the Reserve for the Environmental Innovation Center by \$6,635,000.
- (e) Adopt the following 2010-2011 Appropriation Ordinance amendments in the Sewer Service and Use Charge Fund:
 - (1) Establish a transfer to the Integrated Waste Management Fund in the amount of \$1,539,454; and
 - (2) Decrease the Ending Fund Balance by \$1,539,454.
- (f) Adopt the following 2010-2011 Appropriation Ordinance amendments in the Storm Sewer Operating Fund:
 - (1) Establish a transfer to the Integrated Waste Management Fund in the amount of \$200,000;
 - (2) Decrease the Ending Fund Balance by \$100,000; and
 - (3) Decrease the Non-Personal/Equipment appropriation to the Environmental Services Department by \$100,000.

CEQA: Negative Declaration for the renovation for the EIC was adopted on December 1, 2009, File No. PP09-138. Council District 3. (Environmental Services/Public Works/City Manager's Office)

Deferred to 05/31/11 per Orders of the Day.

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

- 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>
10080	Southeast corner of River Oaks Parkway and Seely Avenue	4	Essex Portfolio, L.P.	4 Lots/ 769 Units	MFA
10026	East corner of Berryessa and Jackson Avenues	4	Pulte Home Corporation	50 Lots/ 162 Units	MFA

- **Open Forum**
None.

- **Adjournment**

The Council of the City of San José adjourned at 6:09 p.m. in memory of Bruce DeMers, who served for 26 years with the San José Fire Department and was active in local political and community politics. His many contributions to the City of San José will be forever remembered. (Campos)