

CITY COUNCIL AGENDA

JUNE 21, 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**
9:13 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: All Present.

1:33 p.m. - Reconvene Regular Session, Council Chambers, City Hall
Absent Council Members: All Present.

7:01 p.m. - General Plan/Public Hearings, Council Chambers, City Hall
Absent Council Members: All Present.
- **Invocation (District 6)**
Rabbi Joshua Fenton presented the Invocation.
- **Pledge of Allegiance**
Mayor Reed led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with Item 2.3 deferred to August 2011.

- **Closed Session Report**
City Attorney Doyle disclosed the following Closed Session actions of June 21, 2011:

A. Pending Litigation – Settlement Authorized:

Case Name: County of Santa Clara v. Redevelopment Agency, et al.

Substance of Settlement: Approval of settlement of lawsuit with County of Santa Clara.

Council Vote: Ayes: Campos, Chu, Constant, Herrera, Kalra, Liccardo, Nguyen, Pyle, Rocha; Reed.

Noes: Oliverio.
Abstain: None.
Not Present: None.

1. CEREMONIAL ITEMS

- 1.1** Presentation of a commendation to AKA Gym in recognition and appreciation of their commitment to the City of San José and the Silicon Valley. (Kalra)
Deferred to August 2011.
- 1.2** Presentation of a commendation to Denis Tarasov and Sophia Nasyrova for their participation as photographers in the Sister City exchange between Ekaterinburg and San José. (Pyle)
Mayor Reed and Council Member Pyle recognized and commended Denis Tarasov and Sophia Nasyrova.

2. CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of minutes.

- (a) Regular Minutes of April 5, 2011
- (b) The Housing Authority Minutes of the City of San José of April 5, 2011
- (c) Regular Minutes of April 12, 2011
- (d) Regular Minutes of April 19, 2011
- (e) Regular Minutes of April 26, 2011
- (f) Joint City/Financing Authority Minutes of April 26, 2011
- (g) Special Minutes of the Diridon Station Area Plan of April 28, 2011

Approved.

2. CONSENT CALENDAR

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 28924 – Adopting salaries and other compensation for the Mayor and Council Members recommended by the Council Salary Setting Commission pursuant to City Charter Section 407.

Ordinance No. 28924 adopted.

- (b) ORD. NO. 28925 – Adopting a limited amnesty program under which the City will forgive all late licensing fees, and suspend issuance of citations for violations of Section 7.20.520 of Chapter 7.20 of the San José Municipal Code.

Ordinance No. 28925 adopted.

- (c) ORD. NO. 28926 – Rezoning certain real property situated at the southeast corner of North First Street and East Rosemary Street from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District. PDC11-011

Ordinance No. 28926 adopted.

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) Rules and Open Government Committee Report of June 1, 2011. (Mayor)
(c) Rules and Open Government Committee Report of May 18, 2011. (Mayor)
(d) Rules and Open Government Committee Report of May 25, 2011. (Mayor)
(e) Rules and Open Government Committee Report of May 11, 2011. (Mayor)
(f) Rules and Open Government Committee Report of May 4, 2011. (Mayor)
(g) Rules and Open Government Committee Report of April 27, 2011. (Mayor)

Deferred to August 2011 per Orders of the Day.

- (b) Neighborhood Services and Education Committee Report of June 9, 2011. (Pyle)

Deferred to August 2, 2011 per Orders of the Day and City Clerk.

2.4 Mayor and Council Excused Absence Requests.

There were none.

2.5 City Council Travel Reports.

Council Members Herrera and Constant presented a brief update on their attendance at the League of California Cities on June 16, 2011 and June 17, 2011.

2.6 Report from the Council Liaison to the Retirement Boards.

There were none.

2. CONSENT CALENDAR

2.7 Agreement with Host International, Inc. for Food, Beverage and Retail Program at the Airport.

Recommendation: Adopt a resolution authorizing the Director of Aviation to negotiate and execute:

- (a) A First Amendment to the Host International, Inc. (“Host”) Food and Beverage Concession Agreement for the closure of Chiaramonte’s Deli in Terminal A+, an associated reduction in the minimum annual guarantee and a reimbursement for the unamortized capital investment should the closure become permanent.
- (b) A First Amendment to the Host Retail Concession Agreement for the closure of Sunset News in Terminal A+, an associated reduction in the minimum annual guarantee and a reimbursement for the unamortized capital investment should the closure become permanent.

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

Resolution No. 75874 adopted.

2.8 Agreement for Airport Air Service Marketing Communications Consulting Services.

Recommendation:

- (a) Approve consultant master agreements with HoffmanLewis, Inc. and with Barnestorming Advertising to provide marketing and communications support services to Mineta San José International Airport for two-year terms beginning July 1, 2011, through June 30, 2013, in a total amount for both agreements not to exceed \$520,000.
- (b) Adopt a resolution authorizing the City Manager to exercise up to two (2) one-year options to extend the terms of these agreements on a fiscal-year basis to June 30, 2013, in amounts not to exceed a total of \$260,000 per year, for a total four-year contract amount for both not to exceed \$1,040,000.

CEQA: Not a Project, File No. PP10-066(e), Services involving no physical changes to the environment. (Airport)

Deferred to August 23, 2011.

The memorandum from Mayor Reed, Council Members Pyle, Herrera and Liccardo, dated June 17, 2011, was approved, deferring Item 2.8 to August 23, 2011, including adding \$30,000 to complete the following. The Administration directed to:

- (1) Prepare a plan to focus consultant services on the highest priorities of the Airport: engagement with Airline CEOs and route planning executives to recruit more flights and service between San José International and major domestic and international destinations.**
- (2) Identify in the plan how funding resources will be allocated to the consultant scopes of work.**
- (3) Work with the Communications Working Group Chair and the Office of Economic Development to develop a plan.**
- (4) Present the approved plan to the Airport Ad Hoc Committee at its August 18, 2011 meeting.**

2. CONSENT CALENDAR

2.9 Settlement Agreements with Teresa and Jose Banuelos.

Recommendation: Approve settlement in the case of Teresa Banuelos and Jose Banuelos v. City of San José, et al., and authorize the City Attorney to execute a Settlement Agreement and Release with Teresa Banuelos in the amount of \$165,000, and with Jose Banuelos in the amount of \$10,000. CEQA: Not a Project; File No. PP10-066(h), Settlement Agreements. (City Attorney's Office)

Approved.

2.10 Contract with Fairbanks, Maslin, Maulin, Metz and Associates for Telephone Survey.

Recommendation: Approve a second amendment to the agreement with Fairbanks, Maslin, Maulin, Metz and Associates to extend the term by three years, reduce per survey cost by 3.8%, and increase the contract amount by \$151,500 from \$400,680, for a total contract amount of \$552,180, and amend the scope of services to add three additional surveys to be conducted during the extension. CEQA: Not a Project, File No. PP10-066, Contracts. (City Manager's Office)

Approved.

2.11 Implementation of Workforce Investment Act Programs and Projects for 2011-2012.

Recommendation: Adopt a resolution to:

- (a) Authorize the City Manager, or designee, to negotiate and execute all contracts, amendments, agreements, leases, subleases and memorandums of understanding with contractors and vendors providing services to the Workforce Investment Act Program (WIA), including, but not limited to, novations or assignments, vendor training contracts, case management contracts, consultant contracts, memorandums of understanding required with Mandatory Partners for the use of One-Stop facilities, and cities and the unincorporated area of Santa Clara County whose residents receive service under the WIA program for the period from July 1, 2011 to June 30, 2012, in accordance with procurement procedures and requirements mandated by the State and Federal governments for Workforce Investment Act grant recipients and with established City procurement procedures and requirements that have been reviewed and approved by the Silicon Valley Workforce Investment Network (work2future) Executive Committee and/or the Board. The City Manager or designee is also authorized to negotiate and execute amendments to Council-approved agreements that have been reviewed and approved by the work2future Executive Committee and/or the work2future Board so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.
- (b) Authorize the City Manager, or designee, to negotiate and execute all grants and sub-grant agreements for discretionary funding applied for and approved by the work2future Board for the period from July 1, 2011 to June 30, 2012.

CEQA: Not a Project. File No. PP10-066, Agreements/Contracts (New or Amended). (OED)
Resolution No. 75875 adopted.

2. CONSENT CALENDAR

2.12 Agreement with Habitat for Humanity Silicon Valley for the Lease of Space at 1608 Las Plumas Avenue Known as the San José Environmental Innovation Center.

Recommendation: Approve an agreement with Habitat for Humanity Silicon Valley, a California nonprofit corporation for the lease of space in real property located at 1608 Las Plumas Avenue, known as the San José Environmental Innovation Center, for purposes of operating a ReStore business, for rental revenue to City as follows: commencement date through month 28 \$0; month 29 through month 60 \$6,572.70 per month; month 61 through 72 \$6,704.15 per month; month 73 through month 84 \$6,838.24 per month for total compensation to the City of \$372,480. CEQA: Mitigated Negative Declaration for San José Environmental Innovation Center, adopted December 1, 2009, File No. PP09-138. Council District 3. (Economic Development)

Approved.

2.13 Grant Agreement with Habitat for Humanity Silicon Valley for Opening a ReStore in San José.

Recommendation: Approve a grant agreement with Habitat for Humanity Silicon Valley for a term from July 1, 2011 through June 30, 2013, for one-time start up costs related to opening a ReStore in San José in the amount of \$85,000. CEQA: Negative Declaration for the renovation for the EIC was adopted on December 1, 2009. File No. PP09-138. (Environmental Services)

Approved.

2.14 Agreement with Christmas in the Park, Inc. to Manage and Produce Christmas in the Park at Plaza de Cesar Chavez.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute a three-year agreement with Christmas in the Park, Inc., to manage and produce Christmas in the Park at Plaza de Cesar Chavez, with City to provide limited support staff and in-kind services for the 2011 event to support the successful production of the event. CEQA: Exempt, File No. PP05-277. Council District 3. (Economic Development)

Resolution No. 75876 adopted.

2.15 Appointments to the Joint Recycled Water Policy Advisory Committee.

Recommendation: Appoint Santa Clara Mayor Jaime Matthews with Santa Clara Vice Mayor Patricia Mahan as alternate to serve on the joint Recycled Water Policy Advisory Committee established in the Recycled Water Facilities and Program Integration Agreement between the City of San José and the Santa Clara Valley Water District. CEQA: Not a Project, File No. PP10-068, General Procedure & Policy Making Public Project. (Environmental Services)

Approved.

2. CONSENT CALENDAR

2.16 Agreement with R3 Consulting Group, Inc. to Support the Construction and Demolition Diversion Program.

Recommendation: Approve the third amendment to the agreement between R3 Consulting Group, Inc., and the City for Consulting Services to support the Construction and Demolition Diversion Program, to extend the term through December 31, 2012, with no increase in total compensation. CEQA: Not a Project, File No. PP10-066(e). (ESD)
Approved.

2.17 Grant Agreement with the United States Environmental Protection Agency for the Clean Creeks, Healthy Communities Project.

Recommendation:

(a) Adopt a resolution authorizing the City Manager to negotiate and execute a grant agreement with the United States Environmental Protection Agency (EPA) to fund the Clean Creeks, Healthy Communities Project (Project) for the term of June 30, 2011 through June 30, 2015, with a grant to the City in the amount of \$680,000, at a cost to the City over the term of the Agreement of \$112,867.

Resolution No.75877 adopted.

(b) Adopt a resolution authorizing the City Manager to negotiate and execute the following agreements with a subgrantee and funding agency:

(1) An agreement with Downtown Streets Team, a non-profit 501(c)(3) corporation, for the term July 1, 2011 through June 30, 2012 with an option to extend the term through June 30, 2013, subject to the appropriation of additional funds by the City Council, to conduct trash and litter cleanup and provide homeless assistance services as part of the Project at a cost to the City not to exceed \$258,000, with an additional cost to Downtown Streets Team of \$20,000.

(2) An amendment to the Memorandum of Agreement between the City of San José and the Santa Clara Valley Water District (Water District) for Trash Removal and Prevention to include Project implementation activities and Water District payment to City of \$65,000 per year for two years (2011-2012 and 2012-2013) towards the Project.

Resolution No. 25878 adopted.

(c) Adopt the following 2011-2012 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

(1) Increase the estimate for Revenue from the Federal Government by \$265,000.

(2) Increase the estimate for Revenue from Local Agencies by \$65,000.

(3) Establish a Citywide Clean Creeks, Healthy Communities appropriation to the Environmental Services Department in the amount of \$330,000.

CEQA: Categorically Exempt, File No. PP11-044. (Environmental Services/City Manager's Office)

Ordinance No. 28929 adopted.

Resolution No. 75879 adopted.

2. CONSENT CALENDAR

2.18 Actions Related to Agreements with the San José Conservation Corps.

Recommendation:

- (a) Adopt a resolution approving the following:
 - (1) Extending the due dates for the San José Conservation Corps' performance under the Settlement Agreement and Mutual Release dated January 12, 2010 ("Settlement Agreement"), to allow the Conservation Corps to commence the approved Additional Services in Alum Rock Park in the fall 2011, and extending the due date for completion of the project and for compliance with all requirements under the Settlement Agreement, to occur by December 31, 2011.
 - (2) Authorizing the City Manager to further extend the due dates for completion of the project or compliance with all other requirements of the Settlement Agreement for up to an additional 12 months.

Resolution No. 75880 adopted.

- (b) Approve grant agreements with the San José Conservation Corps to provide:
 - (1) Basic park support services for Parks, Recreation and Neighborhood Services from July 1, 2011 through June 30, 2012, with the option of the City to extend the agreement for up to four additional one-year terms with the first year compensation in an amount not to exceed \$250,000 and with compensation for subsequent years subject to adjustment based upon the Consumer Price Index, and appropriation of funds for each extension year.
 - (2) Events recycling and riparian clean-up services for Environmental Services Department from July 1, 2011 through June 30, 2012, with the option of the City to extend the agreement for up to four additional one-year terms with the first year compensation in an amount not to exceed \$110,000 and with compensation for subsequent years subject to adjustment based upon the Consumer Price Index, and appropriation of funds for each extension year.

Approved.

- (c) Adopt a resolution authorizing the City Manager to exercise up to four one-year options to extend the grant agreements with the San José Conservation Corps, subject to appropriation of funds for each option year.

CEQA: EIR Resolution No. 71045, File No. PP08-092. (Environmental Services/Parks, Recreation and Neighborhood Services)

Resolution No. 75881 adopted.

2. CONSENT CALENDAR

2.19 Renew an Open Purchase Order with Maintenance Innovations for Labor, Materials and Equipment Necessary for the Citywide Weed Abatement Program.

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

- (a) Exercise the second of three one-year options to renew an Open Purchase Order with Maintenance Innovations (Patterson, CA) to provide all labor, materials and equipment necessary for the Citywide Weed Abatement Program managed by the Department of Transportation, for the period June 18, 2011 through June 30, 2012, with total compensation not to exceed \$500,000.
- (b) Exercise the remaining option to renew the purchase order for one additional year, with total compensation not to exceed \$500,000, subject to the appropriation of funds.

CEQA: Exempt, File No. PP08-245. (Finance)

Resolution No. 75882 adopted.

2.20 Open Purchase Order with Valley Crest Landscape for Landscape Services for Special Assessment District #15, Silver Creek Valley.

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

- (a) Exercise the second of four one-year options to renew and establish an Open Purchase Order with Valley Crest Landscape (San José, CA) for the period July 1, 2011 through June 30, 2012, with total compensation not to exceed \$700,000, for landscape services, including all labor, materials and equipment, for Special Assessment District #15 (Silver Creek Valley) managed by the Department of Transportation.
- (b) Exercise the remaining options to renew the purchase order, not to exceed \$725,000 per year, subject to the appropriation of funds.

CEQA: Exempt, File No. PP07-213. (Finance)

Resolution No. 75883 adopted.

2.21 Establish Open Purchase Orders for the Purchase of Fuel and Petroleum Products.

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

- (a) Establish unencumbered Open Purchase Orders for the purchase of fuel and petroleum products with three fuel vendors for a total aggregate amount not to exceed \$5,800,000, for the period July 1, 2011 to June 30, 2012 as follows:
 - (1) Western States Oil Company (San José, CA) not to exceed \$4,060,000.
 - (2) Coast Oil Company (San José, CA) not to exceed \$580,000.
 - (3) Valley Oil Company (Mountain View) not to exceed \$1,160,000.
- (b) Increase or decrease the not-to-exceed amount for each purchase order as required due to the volatility in fuel prices; subject to the appropriation of funds.

CEQA: Not a Project, File No. PP10-066(a), agreements and contracts. (Finance)

Resolution No. 75884 adopted.

2. CONSENT CALENDAR

2.22 Setting a Public Hearing on Sewer Service and Use Charges and Storm Sewer Service Charges to be Placed on the Fiscal Year 2011-2012 County Assessment Roll.

Recommendation: Adopt a resolution:

- (a) Setting a Public Hearing on Tuesday, August 2, 2011, at 1:30 p.m. for 2011-2012 Sewer Service and Use Charges and Storm Sewer Service Charges based on annual reports of the Director of Finance and direct the City Clerk to publish notice of the time and place of the hearing.
- (b) Allowing the Director of Finance to file, with the City Clerk, the 2011-2012 Sewer Service and Use Charges and Storm Sewer Service Charges on or before July 15, 2011.

CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities. (Finance)

Resolution No. 75885 adopted.

2.23 Open Purchase Order 44517 with Granite Construction Co. for the Purchase of Asphalt Concrete.

Recommendation: Authorize the Director of Finance to execute a change order to the existing Open Purchase Order 44517 with Granite Construction Co. (San José, CA) to encumber an additional \$51,189 for a total amount not to exceed \$1,351,189 for the purchase of Asphalt Concrete for the one-year term ending May 30, 2011. CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts for Purchase of Supplies. (Finance)

Approved.

2.24 Open Purchase Order 45522 with Baker and Taylor for the Purchase of Books Including Trade Editions, Publishers Library Bindings, Single Binding Editions, Quality Paperbacks and Preprocessing.

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

- (a) Execute a change order to the existing Open Purchase Order 45522 with Baker and Taylor (Commerce, GA) to encumber an additional \$250,000 for a total amount not to exceed \$1,250,000 for the purchase of books including trade editions, publishers library bindings, single binding editions, quality paperbacks and preprocessing as required.
- (b) Exercise four one-year options to renew the Purchase Order, not-to-exceed \$1,500,000 per year, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP10-066 (a), Agreements and Contracts for Purchase of Supplies. (Finance)

Resolution No. 75886 adopted.

2. CONSENT CALENDAR

2.25 Agreement with Langham Consulting Services, Inc. to Provide Professional Services Related to the City's Integrated Billing System.

Recommendation: Approve the fourth amendment to the Agreement with Langham Consulting Services, Inc. to provide professional services related to the City's Integrated Billing System; to increase the total compensation by \$410,000 to an amount not to exceed \$840,000; and to extend the agreement term through December 31, 2012. CEQA: Not a Project, File No. PP10-066 (e), Services that involve no physical changes to the environment. (Finance/Environmental Services)

Approved.

2.26 Relocation Plan for Taylor Oaks Apartments.

Recommendation: Adopt a resolution approving the Relocation Plan for Taylor Oaks Apartments at 2727-2738 Kollmar Avenue prepared by Overland, Pacific & Cutler, Inc. dated May 16, 2011. CEQA: Exempt, File No. PP11-022. (Housing)

Resolution No. 75887 adopted.

2.27 Agreements for Employee Assistance Program.

Recommendation:

- (a) Adopt a resolution authorizing the City Manager to negotiate and execute amendments to the following three current agreements between the City and MHN Services to extend each agreement for a period of six months, from July 1, 2011 to December 31, 2011:
- (1) Employee Assistance Program for sworn employees at an added cost not to exceed \$254,500, and a total cost not to exceed \$2,500,000 for the total Agreement term,
 - (2) Employee Assistance Program for non-sworn employees at an added cost not to exceed \$64,000, and a total cost not to exceed \$610,000 for the total Agreement term, and
 - (3) Critical Incident Stress Debriefing for sworn employees at an added cost not to exceed \$7,500, and a total cost not to exceed \$35,000 for the total Agreement term.

Resolution No. 75888 adopted.

- (b) For all three agreements together, extending the term for a period of six additional months will result in total costs not to exceed \$326,000 for the period of July 1, 2011 to December 31, 2011, and for total costs not to exceed \$3,145,000 for the entire four years and three months term, from October 1, 2007 to December 31, 2011.

CEQA: Not a Project, File No. PP10-066(e). (Human Resources)

Approved.

2. CONSENT CALENDAR

2.28 Agreements with Standard Insurance Company.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute amendments to extend the two current group life insurance agreements between the City and Standard Insurance Company for a period of six months, from July 1, 2011 to December 31, 2011, to add compensation in an amount not to exceed \$550,000 and for contract costs not to exceed \$5,620,000, subject to the appropriation of available funds as follows:

- (a) Master Insurance Agreement.
 - (1) Basic Life Insurance – City-paid basic life insurance for employees at a total additional cost not to exceed \$236,000.
 - (2) Basic Life Insurance – Retiree-paid basic life insurance for retirees at a total additional cost not to exceed \$87,000.
 - (3) Additional Life Insurance – Employees. Employee-paid additional life insurance at a total additional cost not to exceed \$193,000.
 - (4) Dependent Life Insurance – Employees and Retirees. Employee and retiree-paid dependent life insurance at a total additional cost not to exceed \$13,000.
- (b) Agreement for Additional Life Insurance for Retirees.
 - (1) Retiree-paid – additional life insurance at a total additional cost not to exceed \$21,000.

CEQA: Not a Project, File No. PP10-066 (e). (Human Resources)

Resolution No. 2.28 adopted.

2.29 Agreement with FBMC Benefits Management, Inc., formerly Fringe Benefits Management Company, to provide City's Medical and Childcare Flexible Spending Accounts.

Recommendation:

- (a) Approve an Agreement with FBMC Benefits Management, Inc. (formerly Fringe Benefits Management Company) to provide City's medical and childcare flexible spending accounts (FSAs), including Internal Revenue Code (IRC) Section 125 compliance management services, and third party administrator (broker) services for the City's voluntary insurance benefits program for the period of January 1, 2011 to December 31, 2011, with two (2) one-year options to renew the Agreement through December 31, 2013, and one (1) twenty-month option to renew the Agreement from January 1, 2014 to August 31, 2015, for pre-funding costs not to exceed \$15,220 for plan year 2011 and \$42,000 for each subsequent plan year (2012, 2013 and 2014), and for total pre-funding costs not to exceed \$141,220 for the total fifty-six (56) month term, subject to appropriation of funds by the City Council.

Approved.

2. CONSENT CALENDAR

2.29 Agreement with FBMC Benefits Management, Inc., formerly Fringe Benefits Management Company, to provide City's Medical and Childcare Flexible Spending Accounts (Cont'd.)

- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Benefit Fund (Fund 160) for 2010-2011;
- (1) Increase the estimate for Earned Revenue in the amount of \$9,450;
 - (2) Increase the estimate for Transfers in the amount of \$4,770; and
 - (3) Increase in the Flexible Spending Account appropriation to the Human Resources Department in the amount of \$14,220.

Ordinance No. 28930 adopted.

Resolution No. 75890 adopted.

- (c) Adopt the following Appropriation Ordinance amendments in the General Fund (Fund 001) for 2010-2011:
- (1) Decrease the Wellness Program Reserve in the amount of \$4,770; and
 - (2) Establish a Transfer to the Benefit Fund (Fund 160) in the amount of \$4,770.

Ordinance No. 28931 adopted.

- (d) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Benefit Fund (Fund 160) for 2011-2012:
- (1) Increase the estimate for Transfers in the amount of \$8,700; and
 - (2) Increase in the Flexible Spending Account appropriation to the Human Resources Department in the amount of \$8,700.

Ordinance No. 28932 adopted.

Resolution No. 75892 adopted.

- (e) Adopt the following Appropriation Ordinance amendments in the General Fund (Fund 001) for 2011-2012:
- (1) Decrease the Wellness Program Reserve in the amount of \$8,700; and
 - (2) Establish a Transfer to the Benefit Fund (Fund 160) in the amount of \$8,700.

CEQA: Not a Project, File No. PP10-068 (b), Municipal Code, Title 3. (Human Resources/City Manager's Office)

Ordinance No. 28933 adopted.

2. CONSENT CALENDAR

2.30 Grant Agreement with Santa Clara Valley Water District for the Penitencia Creek Reach 1B Project.

Recommendation: Adopt a resolution authorizing the City Manager to accept, negotiate, and execute a grant agreement with the Santa Clara Valley Water District the amount of \$300,000 for the Penitencia Creek Reach 1B (Dorel Drive to Noble Avenue) Trail project with a City contribution of \$1,200,000 and to make the required commitments and assurances as set forth in the staff memorandum. CEQA: Mitigated Negative Declaration, File No. PP06-111. (Parks, Recreation and Neighborhood Services)

Resolution No. 75894 adopted.

2.31 Grant Agreement with State of California for the Coyote Creek (Highway 237 Bikeway to Tasman Drive) Trail Project.

Recommendation: Approve a grant agreement between the City and the State of California through the California Department of Transportation in the amount of \$350,000 for the Coyote Creek (Highway 237 Bikeway to Tasman Drive) Trail project with a City contribution of \$950,000. CEQA: Categorically Exempt, File No. PP10-144. (Parks, Recreation and Neighborhood Services)

Approved.

2.32 Master Agreement with CH2M Hill, Inc., for Consultant Design Services Supporting Various City Trail Projects.

Recommendation: Approve the second amendment to the master agreement with CH2M Hill, Inc., extending the duration from June 30, 2011 to June 30, 2013, for a continuation of ongoing consultant design services supporting various City trail projects, at no additional cost to the City. CEQA: Not a Project, File No. PP10-066(d), Agreements/Contracts (New or Amended). (Public Works)

Approved.

2.33 Master Agreement with Callander Associates Landscape Architecture, Inc., for Consultant Design Services Supporting Various City Trail Projects.

Recommendation: Approve the first amendment to the master agreement with Callander Associates Landscape Architecture, Inc., extending the duration from June 30, 2011 to June 30, 2013, for a continuation of ongoing consultant design services supporting various City trail projects, at no additional cost to the City. CEQA: Not a Project, File No. PP10-066(d), Agreements/Contracts (New or Amended). (Public Works)

Approved.

2. CONSENT CALENDAR

2.34 Report on Bids and Award of Contract for the Paul Moore Park Youth & Tot Lot Renovation Project.

Recommendation: Report on bids and award of contract for the Paul Moore Park Youth & Tot Lot Renovation Project No. 6231 to the low bidder, Goodland Landscape Construction, Inc., for the base bid and Add Alternate No. 1 in the amount of \$777,231, and approval of a contingency in the amount of \$39,000. CEQA: Exempt, File No. PP10-176. Council District 9. (Public Works)

Approved.

2.35 Agreement with Financial Consulting Solutions Group, Inc. for the Storm Drainage, Sanitary Sewer and Sewage Treatment Plant Connection Fee Study.

Recommendation: Approve the second amendment to the consultant agreement with Financial Consulting Solutions Group, Inc. for the Storm Drainage, Sanitary Sewer and Sewage Treatment Plant Connection Fee Study, extending the term of the agreement from June 30, 2011 to June 30, 2013, and increasing the amount of compensation by \$40,000, for the total agreement amount not to exceed \$348,000. CEQA: Not a Project, File No. PP10-066(d), Agreements/Contracts (New or Amended). (Public Works)

Approved.

2.36 Guadalupe Corridor Project.

Recommendation: Approve First Amendment to the Right of Way Cooperative Agreement between the City of San José, Santa Clara County, State of California and Valley Transportation Authority for the Guadalupe Corridor Project to extend the term of the agreement from June 30, 2011 to June 30, 2012, and update and replace Exhibit C to the original Agreement to reflect the latest parcel inventory and status. CEQA: File No. PP07-129, Guadalupe Corridor EIR, December 1981. (Transportation)

Approved.

2.37 Agreements for BART/Silicon Valley Berryessa Extension.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute the following agreements related to the BART project:

- (a) A cooperative agreement between the City of San José (City) and Santa Clara Valley Transportation Authority (VTA) for the construction by VTA of improvements to the existing storm drain system located at Trimble Road and Capitol Avenue, at no cost to the City, and City will own, operate and maintain the improvements after completion.
- (b) A cooperative agreement between the City and VTA for the construction by VTA of required improvements to support a future Berryessa BART Station, at no cost to the City, and City will own, operate and maintain the improvements after completion.

(Item continued on the next page)

2. CONSENT CALENDAR

2.37 Agreements for BART/Silicon Valley Berryessa Extension (Cont'd.)

- (c) A cooperative agreement between the City, VTA, and Santa Clara Valley Water District for the construction by VTA of improvements to Upper Penitencia Creek, at no cost to the City, and City will own, operate and maintain certain improvements after completion.

CEQA: Not a Project, File No. PP10-066(g), Memorandum of Understanding. Council District 3. (Transportation)

Resolution No. 75895 adopted.

2.38 Amendment to Orrick Herrington Legal Services Agreement.

Recommendation: Adopt a resolution authorizing the City Attorney to negotiate and execute a Sixteenth Amendment to the agreement with Orrick Herrington & Sutcliffe LLP for legal services related to the financing of improvements at the Norman Y. Mineta San José International Airport and the City's outstanding Airport revenue debt, to increase the compensation by \$75,000 for a total amount not to exceed \$610,000. CEQA: Not a Project, File No. PP10-066, services that involve no physical changes to the environment. (City Attorney's Office)

Resolution No. 75896 adopted.

2.39 Amendment to the City of San José Pay Plan.

Recommendation: Adopt a resolution:

- (a) Amending the City of San José Pay Plan, effective June 26, 2011, to create the following classifications:
- (1) Council Policy Aide, Analyst, Advisor, Director (7671/7673/7675/7677);
 - (2) Council Community Relations Aide, Representative, Coordinator, Director (7672/7674/7676/7678); and
 - (3) Council Chief of Staff (7679).
- (b) Amending the City of San José Pay Plan, effective June 26, 2011, to delete job classifications no longer in use:
- (1) Council Assistants (8899); and
 - (2) Senior Council Aide (PT) (7663).

(Human Resources)

Resolution No. 75897 adopted.

2.40 Master Agreement with GHD Inc., for Asset Management Consultant Services.

Recommendation: Approve a master agreement with GHD Inc., for Asset Management Consultant Services in an amount not to exceed \$300,000, for a term of July 1, 2011 date to June 30, 2014. CEQA: Not a Project, File No. PP10-066(a), new contract for professional services with no change to the physical environment. (Environmental Services)

(Deferred from 6/14/11 – Item 2.10)

Approved.

2. CONSENT CALENDAR

2.41 Agreement with Westin Engineering, Inc., for Implementation of a Computerized Maintenance Management System.

Recommendation: Approve a Continuation Agreement with Westin Engineering, Inc., for Implementation of a Computerized Maintenance Management System at the San José/ Santa Clara Water Pollution Control Plant for ten additional months to expire on June 30, 2012, at no additional cost. CEQA: Not a Project, File No. PP10-066(a), Contract amendment for software installation and support. (Environmental Services)
(Deferred from 6/14/11 – Item 2.11)

Approved.

2.42 Agreement with Signature Technologies for the Public Address System at International Terminal at the Airport.

Recommendation: Adopt a resolution authorizing the Director of Finance to execute the Second Amendment to the Public Address System Agreement with Signatures Technology Inc., dba Com-Net Software, to expand the public address system into the Federal Inspections Services International Terminal at the Norman Y. Mineta San José International Airport and to increase the total compensation by an amount not to exceed \$50,438, from \$2,276,269 to \$2,326,707, including all hardware, software, sales tax and the first year of support and professional services and warranty. CEQA: Resolution Nos. 67380 and 71451, File No. PP09-160. (Finance)

Renumbered from Item 3.5.

Resolution No. 75898 adopted.

2.43 Appointments and Reappointments to Boards, Commissions and Committees.

Recommendation: As recommended by the Rules and Open Government Committee on May 25, 2011 and June 15, 2011:

- (a) Appoint Clorama Sarah Dorvillias to the Housing and Community Development Advisory Commission to an unexpired term ending December 31, 2011. (Nguyen)
- (b) Appoint Amal Sinha to the Human Right Commission to an unexpired term ending December 31, 2011. (Chu)
- (c) Appoint Brad Cox to the Library Commission to a term ending June 30, 2014. (Oliverio)
- (d) Appoint Zheng Yu Huang and John Horton to the Small Business Development Commission to unexpired terms ending December 31, 2013, and Richard Reed to an unexpired term ending December 31, 2012. (Chu)
- (e) Reappoint Milton Cadena, Martha O'Connell, and Chaitanya Vaidya to the Senior Citizens Commission to terms ending June 30, 2014, and appoint Vincent Tarpey, Margaret Young, and Lynda Kelaita to term ending June 30, 2014. (Constant)
- (f) Appoint Hope Cahan, City Planning Commissioner, to the Airport Noise Advisory Committee. (Airport)

(Item continued on the next page)

2. CONSENT CALENDAR

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

- (g) Reappoint Kaela Bernal, Walter Soellner, Patrick Lydon, Chris Esparza, and Ben Miyaji to the Arts Commission to terms ending June 30, 2014. (Liccardo)
- (h) Reappoint Daniel E. Collen and Elizabeth Kabanek to the Traffic Appeals Commission to terms ending June 30, 2014. (Nguyen)
- (i) Reappoint Leslee Hamilton and Winston Chew to the Parks and Recreation Commission to terms ending June 30, 2014. (Pyle)
- (j) Reappoint James Westman and Christine Wright to the Disability Advisory Commission to terms ending June 30, 2014. (Pyle)
- (k) Reappoint George Gange and Ian Kluff to the Airport Commission to terms ending June 30, 2014. (Chu)
- (l) Reappoint William Collins and Kaushik Joglekar to the Early Care Education Commission to terms ending June 30, 2014. (Rocha)
- (m) Appoint Oliver Minkowski of Quality Beyond Testing, San José, California, to serve as private-sector representative on the Silicon Valley Workforce Investment Network Board of Directors as required by Law. (Mayor)

Approved.

2.44 Master Agreement for the Terms and Conditions of Accepting Airport Improvement Program Grants with the United States Department of Transportation Federal Aviation Administration.

Recommendation: Approve a Master Agreement for the Terms and Conditions of Accepting Airport Improvement Program (AIP) grants with the United States Department of Transportation Federal Aviation Administration (FAA) which shall apply to all future AIP grants from the FAA. CEQA: Resolutions No. 67380 and 71451, File No. PP 11-049. (Airport)

Approved.

2.45 Actuarial Services Related to Labor Negotiations.

Recommendation: Adopt a resolution authorizing the City Attorney to execute a Second Amendment to Second Continuation Agreement with Bartel Associates LLC for actuarial services related to labor negotiations, to extend the term through December 31, 2011, with no increase in the amount of total compensation allowed. CEQA: Not a Project; File No. PP10-066e, Services that involve no physical changes to the environment. (City Attorney's Office)

Resolution No. 75899 adopted.

2. CONSENT CALENDAR

2.46 Application to the State of California for Grant Funding from the Housing-Related Parks Program.

Recommendation: Adopt a resolution to:

- (a) Authorize the Director of Housing, or designee, to submit a grant application in the amount of up to \$1,781,200 to the California Department of Housing and Community Development, such amount being subject to revision by HCD in the course of application review, under the Housing-Related Parks Program (HRPP) for the acquisition of parkland in the Rincon South neighborhood.
- (b) Authorize the Director of Housing, or designee, to accept HRPP grant awards and conduct all negotiations, execute and submit all documents, including, but not limited to, applications, agreements, amendments, and payment requests, which may be necessary in connection with these grants.

CEQA: Not a Project, File No. PP10-068(a), Grant Application. (Housing/Parks, Recreation and Neighborhood Services)

Resolution No. 75900 adopted.

2.47 Mid-Autumn Festival.

Recommendation: As recommended by the Rules and Open Government Committee on June 15, 2011:

- (a) Approve the Mid-Autumn Festival as a City Council Sponsored Special Event.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the Mid-Autumn Festival.

(City Clerk)

Approved.

2.48 Discussions with the City of Campbell Regarding Cambrian No. 36.

Recommendation: Adopt a resolution extending the period of time to September 30, 2011, for discussions with the City of Campbell regarding options for the reorganization of some or all of the affected 103-acre territory of Cambrian No. 36 in a manner that would be revenue neutral or beneficial to the City of San José. CEQA: Not a Project, PP10-069, City Organizational & Administrative Activities. Council District 9. (Planning, Building and Code Enforcement)

Renumbered from Item 4.5.

Resolution No. 75901 adopted.

2. CONSENT CALENDAR

2.49 Report on the San José Bringing Everyone's Strengths Together and Mayor's Gang Prevention Task Force Programs.

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on June 16, 2011:

- (a) Accept the report on 2009-2010 San José Bringing Everyone's Strengths Together (BEST) and the Mayor's Gang Prevention Task Force (MGPTF) Evaluation Report.
- (b) Approve the MGPTF Strategic Work Plan Update 2011-2013 "Action Collaboration Transformation."
- (c) Approve the Resource Allocation Plan of the San José BEST Program for 2011-2012.

(City Manager's Office)

The memorandum from Mayor Reed, dated June 20, 2011, was approved, accepting the Staff recommendations and formally thanking the donors to the 2011 Safe Summer Initiative.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Debra Figone (Verbal Report) City Manager Debra Figone thanked retiree Kay Winer for her role as Acting Director of Human Resources stepping in at a critical time and leading the department with her expertise, sensitivity and leadership.

3.2 Labor Negotiations Update

Recommendation: Accept Labor Negotiations Update.

Heard at 9:00 a.m.

Accepted.

3.3 Approval of Various Budget Actions for Fiscal Year 2010-2011.

Recommendation: Adopt amendments to the annual appropriation ordinance and funding sources resolution for various operating and capital funds to reflect estimated 2010-2011 revenue receipts, expenses, and encumbrances. CEQA: Not a Project, File No. PP10-067 (b), Appropriation Ordinance. (City Manager's Office)

The supplemental memorandum from City Manager Debra Figone, dated June 21, 2011, was approved, including:

- (1) **Adopt the following 2010-2011 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:**
 - (a) **Establish a citywide appropriation to the Finance Department for TRANs Debt Service in the amount of \$600,000.**
 - (b) **Increase the revenue estimate for Utility Tax by \$400,000.**
 - (c) **Increase the revenue estimate for Telephone Line Tax by \$200,000.**

Ordinance No. 28927 and Resolution No. 75870 adopted, as amended.

3. STRATEGIC SUPPORT SERVICES

3.4 Adoption of the Annual Appropriation Ordinance and Annual Funding Sources Resolution for the Fiscal Year 2011-2012 Budget, and Resolution Establishing the Fiscal Year 2011-2012 Appropriation Limit.

Recommendation:

- (a) Adopt the Annual Appropriation Ordinance, including transfers and loans for Fiscal Year 2011-2012 and the Manager's Final Budget Addendum.
Ordinance No. 28928 adopted.
- (b) Adopt the Annual Funding Sources Resolution for Fiscal Year 2011-2012 and the Manager's Final Budget Addendum.
Resolution No. 75872 adopted.
- (c) Adopt a resolution in compliance with Article XIII B of the Constitution of the State of California and as modified by Proposition 111 and SB 88 electing the population and inflation factors and establishing the Fiscal Year 2011-2012 Appropriation Limit.
CEQA: Not a Project, File No. PP10-067 (b), Appropriation Ordinance. (City Manager)
Resolution No. 75873 adopted.

3.5 Agreement with Signature Technologies for the Public Address System at International Terminal at the Airport.

Recommendation: Adopt a resolution authorizing the Director of Finance to execute the Second Amendment to the Public Address System Agreement with Signatures Technology Inc., dba Com-Net Software, to expand the public address system into the Federal Inspections Services International Terminal at the Norman Y. Mineta San José International Airport and to increase the total compensation by an amount not to exceed \$50,438, from \$2,276,269 to \$2,326,707, including all hardware, software, sales tax and the first year of support and professional services and warranty. CEQA: Resolution Nos. 67380 and 71451, File No. PP09-160. (Finance)

Item 3.5 was renumbered to Item 2.42. See Item 2.42 for action.

3.6 Tax and Revenue Anticipation Note.

Recommendation:

- (a) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund for Fiscal Year 2011-2012:
 - (1) Increase the estimate for Other Revenue in the amount of \$125,000,000.
 - (2) Increase the estimate for Use of Money and Property in the amount of \$50,000.
 - (3) Increase the City-wide appropriation to the Finance Department for TRANs Debt Service by the amount of \$125,050,000.

Ordinance No. 28938 adopted.

Resolution No. 75923 adopted.

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.6 Tax and Revenue Anticipation Note (Cont'd.)

- (b) Adopt a resolution to:
 - (1) Authorize the issuance and sale of the City of San José 2011 Tax and Revenue Anticipation Note (“2011 Note”) in the not to exceed aggregate principal amount of \$125,000,000, to be sold through a private placement;
 - (2) Approve, in substantially final form, the Note Purchase Agreement and authorizing the Director of Finance or other authorized officers to execute the Note Purchase Agreement and other related documents, as necessary, in connection with the issuance of the 2011 Note and authorizing other related actions in connection therewith; and

Resolution No. 75924 adopted.

- (c) Adopt a resolution authorizing the Director of Finance to negotiate and execute a third amendment to the agreement with Public Resources Advisory Group serving as the City General Financial Advisor to increase the total not to exceed compensation amount authorized under the agreement from \$350,000 to \$450,000.

CEQA: Not a Project, File No. PP10-069, City organizational and administrative activities. (Finance/City Manager’s Office)

Resolution No. 75925 adopted.

3.7 Issuance of City of San José Airport Revenue Bonds, Series 2011A.

Recommendation:

- (a) Hold a TEFRA (Tax Equity and Fiscal Responsibility Act) hearing with respect to the proposed issuance by the City of tax-exempt airport revenue bonds and subordinated airport commercial paper notes in an aggregate principal amount not to exceed \$320,000,000, pursuant to a plan of financing in order to provide proceeds to finance or refinance all or a portion of the costs of acquisition, construction, equipping, financing, reconstruction, development, and modification of airport facilities that are included in or are consistent with the Airport Master Plan for the Airport.

The TEFRA Hearing was held.

- (b) Adopt the Sixteenth Supplemental Resolution (the “Resolution”) of the City Council authorizing the issuance of City of San José Airport Revenue Bonds, Series 2011A in one or more series (the “2011A Bonds”) in a total aggregate principal amount of not to exceed \$300,000,000, to be sold through negotiated sale; approving in substantially final form the Seventh Supplemental Trust Agreement, the Preliminary Official Statement, the Bond Purchase Agreement, the Escrow Agreement and the Continuing Disclosure Certificate; authorizing the distribution of one or more Preliminary Official Statements and the Final Official Statements; and authorizing and approving other related actions in connection with the issuance of the Series 2011A Bonds.

Resolution No. 75926 adopted.

3. STRATEGIC SUPPORT SERVICES

3.7 Issuance of City of San José Airport Revenue Bonds, Series 2011A (Cont'd.)

- (c) Adopt a resolution authorizing the City Manager to negotiate and execute an Agreement by and among the City, Public Financial Management and Public Resources Advisory Group for financial advisory services in connection with the issuance of the City of San José Airport Revenue Bonds Series 2011A and Series 2011B, in an amount not to exceed \$420,000.

Resolution No. 75927 adopted.

- (d) Adopt a resolution authorizing the City Attorney to negotiate and execute an Agreement with Orrick, Herrington & Sutcliffe LLP for bond and disclosure counsel services in connection with the issuance of the City of San José Airport Revenue Bonds Series 2011A and Series 2011B, in an amount not to exceed \$350,000.

CEQA: Resolutions No. 67380 and 71451, File No. PP 07-149. (Finance)

Resolution No. 75928 adopted.

3.8 Agreements for Revenue Enhancement Services Relating to Sales and Use Tax, Utility Users Tax and Franchise Fees, and Lodging Taxes and Fees.

Recommendation: Adopt resolutions to:

- (a) Authorize the Director of Finance to negotiate and execute the following agreements with:
- (1) MuniServices to provide Sales and Use Tax revenue enhancement services and data analysis for the term of July 1, 2011 through June 30, 2014, at a maximum annual compensation not to exceed \$415,000, with two one-year options to extend through June 30, 2016, at the same rate of compensation for each additional optional year subject to the City Council's annual appropriation of funds;
 - (2) Tax Compliance Services to provide Utility Users Tax and Franchise Fee compliance services for the term of July 1, 2011 through June 30, 2014, at a maximum annual compensation not to exceed \$127,800, with two one-year options to extend through June 30, 2016, at the same rate of compensation for each additional optional year subject to the City Council's annual appropriation of funds.
 - (3) Tax Compliance Services to provide Lodging Taxes and Fees compliance services for the term of July 1, 2011 through June 30, 2014, at a maximum annual compensation not to exceed \$46,125, with two one-year options to extend through June 30, 2016, at the same rate of compensation for each additional optional year subject to the City Council's annual appropriation of funds.

Resolution No. 75902 adopted.

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.8 Agreements for Revenue Enhancement Services Relating to Sales and Use Tax, Utility Users Tax and Franchise Fees, and Lodging Taxes and Fees (Cont'd.)

- (b) Authorize MuniServices to examine all Sales and Use Tax records of the California State Board of Equalization for tax collection purposes and other governmental functions of the City.

Resolution No. 75903 adopted.

CEQA: Not a Project, File No. PP10-069, City organizational and administrative activities. (Finance)

3.9 Governmental Fund Balance Financial Reporting Policy.

Recommendation: Adopt a resolution approving a new City Council Policy entitled, "Governmental Fund Balance Financial Reporting Policy," to comply with Governmental Accounting Standards Board (GASB) Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions. CEQA: Not a Project, File No. PP10-068(b), Municipal Code or Policy revision. (Finance)

Resolution No. 75904 adopted.

3.10 Actions Related to the Receipt of Funds for the Early Retiree Reinsurance Program.

Recommendation:

- (a) Adopt a resolution authorizing the City Manager to accept funds from the U.S. Department of Health and Human Services in the amount of \$1,276,177 for the Early Retirement Reinsurance Program in the 2010-21011 fiscal year;

Resolution No. 75905 adopted.

- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Benefit Fund (Fund 160) for 2011-2012:

- (1) Increase the estimate for Beginning Fund Balance in the amount of \$1,276,177.
- (2) Establish an earmarked reserve for Early Retiree Reinsurance Program in the amount of \$1,276,177.

CEQA: Not a Project, File No. PP10-068(a). (Human Resources/City Manager's Office)

Ordinance No. 28934 adopted.

Resolution No. 75906 adopted.

3.11 Declaration of a Fiscal and Public Safety Emergency and discussion of possible ballot language.

Recommendation:

- (a) Adopt a Declaration of a Fiscal and Public Safety Emergency establishing the necessity of making fiscal reforms to avert a fiscal disaster, prevent substantial degradation of public safety and other vital city services, and maintain the integrity of our retirement system so that earned and accrued benefits can be paid to current and future retirees.

3. STRATEGIC SUPPORT SERVICES

3.11 Declaration of a Fiscal and Public Safety Emergency and discussion of possible ballot language (Cont'd.)

- (b) Discuss possible draft ballot language for ballot measures allowing the residents of San José to vote on proposed changes to the Charter:
 - (1) Discuss possible draft ballot language for proposed changes to the Charter to set maximum limits on benefits and other compensation that may not be exceeded without voter approval;
 - (2) Amend Charter Section 1504 and Section 1505 to clarify purpose of disability retirement benefit.

Deferred to June 24, 2011 per Mayor Reed.

3.12 Master Parking Rate Schedule.

Recommendation: Adopt a resolution to repeal Resolution No. 75686 and set forth the Master Parking Rate Schedule, with rates effective July 1, 2011, unless noted otherwise to:

- (a) Implement the following parking rate and validation program changes at the Fourth Street Garage, the Market/San Pedro Square Garage, the Second/San Carlos Garage, and the Third Street Garage:
 - (1) Increase the daytime incremental parking rate from \$0.75 to \$1 every 20 minutes.
 - (2) Increase the maximum incremental daily parking rate from \$15 to \$20.
 - (3) Increase the evening flat rate from \$4 to \$5 effective January 1, 2012.
 - (4) Establish a \$4 flat daily rate Saturdays, Sundays and major holidays, with an increase to \$5 effective January 1, 2012.
 - (5) Modify the Downtown Parking Validation Program to provide for unlimited parking between 6 PM to 6 AM, Monday through Friday and all day on Saturday, Sunday and major holidays, with a two hour validation coupon.
- (b) Increase the daytime incremental parking rate from \$0.75 to \$1 every 20 minutes and increase the maximum incremental daily parking rate from \$15 to \$20 at the City Hall Garage.
- (c) Eliminate the one hour of free parking after 6:00 PM at the Fourth Street Garage.
- (d) Modify the Free and 50% Discounted Parking Incentive programs to allow a building owner or property manager to enter into a parking lease agreement with the City on behalf of their tenant(s), for up to two years of free or 50% discounted parking for eligible businesses and under the same terms and conditions of the existing programs.
- (e) Incorporate other changes as described in this memorandum to include the Japantown Lot and previously owned Redevelopment Agency parking facilities transferred to the City and other new facilities now owned, controlled, or operated by the City, improve operations of the parking facilities and associated programs, modify eligibility for the Clean Air Vehicle Program and Downtown Validation Program, and clarify the Director of Transportation's authority relative to establishing parking rates.

(Transportation)

(Action continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.12 Master Parking Rate Schedule (Action Cont'd.)

The memorandum from Council Member Liccardo, dated June 14, 2011, was approved, accepting the Staff recommendations with the following modifications:

- (1) Preserve free parking at daytime on Saturdays and Sundays in the Market Street Garage until July 1, 2012, and on Sundays at the 2nd and San Carols, 3rd Street and 4th and San Fernando Garages until July 1, 2012.
- (2) Accelerate rate increase for evening parking fees from \$4 to \$5 from January 1, 2012 to July 1, 2011, with continued use of validation for all customers of participating restaurants and retail.
- (3) Increase the rate on Arena event nights at the Market Street Garage from \$5 to \$7.

Resolution No. 75871 adopted, as amended.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Public Hearings on Business Improvement District Reports for FY 2011-2012.

Recommendation:

- (a) Conduct public hearing and adopt a resolution approving the Hotel Business Improvement District budget report for Fiscal Year 2011-12, as filed or as modified by the Council, and to levy the Hotel BID assessments for 2011-2012. CEQA: Exempt, File No. PP08-048. Council District 3. (Economic Development)

The Public Hearings were held.

Resolution No. 75907 adopted.

- (b) Conduct public hearing and adopt a resolution approving the Japantown Business Improvement District budget report for Fiscal Year 2011-12, as filed or as modified by the Council, and to levy the Japantown BID assessments for 2011-2012. CEQA: Exempt, File No. PP08-048. Council District 3. (Economic Development)

Resolution No. 75908 adopted.

- (c) Conduct public hearing and adopt a resolution approving the Downtown Business Improvement District budget report for Fiscal Year 2011-12, as filed or as modified by the Council, and to levy the Downtown BID increased assessments for 2011-2012. CEQA: Exempt, File No. PP08-048. Council District 3. SNI: St. James Square; University; Joséfa/Auzerais; Burbank/Del Monte. (Economic Development)

Resolution No. 75909 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Sale of City-Owned Surplus Property on Cahalan Avenue.

Recommendation: Adopt a resolution to:

- (a) Declare the vacant 50,530 square foot City-owned parcel [APN 464-44-057] located at the northern terminus of Cahalan Avenue south of the Route 85 freeway surplus to the needs of the City;
- (b) Approve an agreement between the City and Summerhill Blossom Hill Land Holding, LLC, for the sale of the property in the amount of \$450,000; and
- (c) Authorize the Director of Economic Development or designee to execute all sales documents and deeds necessary to complete the transaction.

CEQA: Exempt, File No. PP10-102. Council District 10. (Economic Development)

Resolution No. 75910 adopted.

4.3 Purchase and Sale Agreement for City Owned Property Located at 150 Terraine Street.

Recommendation: Adopt a resolution to:

- (a) Declare the vacant 13,045 square foot 150 Terraine Street City-owned Parcel (APN 259-32-083) surplus to the needs of the City;
- (b) Authorize the City Manager or designee to negotiate and execute a Purchase and Sale Agreement for City owned property located at 150 Terraine Street; and
- (c) Authorize the City Manager or designee to execute all sales documents and deeds necessary to complete the transaction.

CEQA: Resolution No. 72767, File No. CP 09-054. Council District 3. (Economic Development)

Resolution No. 75911 adopted.

4.4 Implementation of School of Arts & Culture at Mexican Heritage Plaza.

Recommendation:

- (a) Adopt a resolution authorizing the City Manager to negotiate and execute 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 this 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.

Resolution No. 75912 adopted.

Noes: Constant, Oliverio.

- (b) Adopt a resolution to amend the FY 2011-2012 Schedule of Fees and Charges (Resolution No. 72737, as amended) to suspend the use and rental fees for Mexican Heritage Plaza for so long as the City is not operating the facility.

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

Resolution No. 75913 adopted.

Noes: Constant, Oliverio.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.5 Discussions with the City of Campbell Regarding Cambrian No. 36.

Recommendation: Adopt a resolution extending the period of time to September 30, 2011, for discussions with the City of Campbell regarding options for the reorganization of some or all of the affected 103-acre territory of Cambrian No. 36 in a manner that would be revenue neutral or beneficial to the City of San José. CEQA: Not a Project, PP10-069, City Organizational & Administrative Activities. Council District 9. (Planning, Building and Code Enforcement)

Item 4.5 was renumbered to Item 2.48. See Item 2.48 for action.

5. NEIGHBORHOOD SERVICES

5.1 Parks, Recreation and Neighborhood Services 2011-2012 Agreements.

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

- (a) Authorize the City Manager to negotiate and execute all agreements and amendments for the Department of Parks, Recreation and Neighborhood Services identified on Attachment A of the staff memorandum consistent with the 2011-2012 Proposed Budget;
- (b) Authorize the City Manager to negotiate and execute agreements and amendments to accept grant funds identified in Attachment B of the staff memorandum;
- (c) Authorize the City Manager to negotiate and execute a four-month extension of the agreement with the County of Santa Clara for the Senior Nutrition Agreement into the first four months of 2011-2012 and to accept grant funds for that period in amounts consistent with budgeted amount in the 2010-2011 agreement, until a new agreement for 2011-2012 is finalized with the County;
- (d) Authorize the Director of Parks, Recreation and Neighborhood Services to negotiate and execute 2011-2012 contracts and amendments consistent with Adopted Budget amounts for the following grant programs:
 - (1) Bringing Everyone's Strengths Together (B.E.S.T.)
 - (2) Safe Summer Initiative Grant (S.S.I.G.)
 - (3) Mayor's Gang Prevention Task Force Memorandums of Understanding
- (e) Authorize the City Manager or designee to negotiate and execute 2011-2012 contracts and amendments consistent with Adopted Budget amounts for the following:
 - (1) Children's Health Initiative
 - (2) General Fund Grants (formerly known as Healthy Neighborhoods Venture Fund - HNVF)

(Item continued on the next page)

5. NEIGHBORHOOD SERVICES

5.1 Parks, Recreation and Neighborhood Services 2011-2012 Agreements (Cont'd.)

- (f) Authorize the City Manager to negotiate and execute the Third Amendment to the Park Maintenance Agreement between the City of San José and Hitachi Technologies, Inc. to extend the term of maintenance agreement from June 30, 2011 to June 30, 2012 for the Ramac, Raleigh Linear Green and Charlotte Commons parks at no cost to the City.

Resolution No. 75914 adopted.

CEQA: Grace Baptist Church, Not a Project, File PP10-066(e), Lease of Existing Space; Kids Love Soccer, Not a Project, File PP10-066(e), Consultant Services; Children's Health Initiative, Not a Project, File PP10-066(e), Services that involve no change to the environment; Hitachi Technologies, Mixed Use Transit Village, EIR, Resolution No. 72772; B.E.S.T., Not a Project, File PP10-066(e), Services that involve no change to the environment; General Fund Grants, Not a Project, File PP10-066(e), Services that involve no change to the environment; Alum Rock School District, Not a Project, File PP10-066(e), Services that involve no change to the environment; COPS Urban Violence Grant, Not a Project, File PP10-066(e), Services that involve no change to the environment; County of Santa Clara – Mental Health Services, Not a Project, File PP10-066(e), Services that involve no change to the environment; First 5 of Santa Clara County, Not a Project, File PP10-066(e), Services that involve no change to the environment; County of Santa Clara Agreement for Senior Nutrition Program, Not a Project, File PP10-066(e), Services that involve no change to the environment. (Parks, Recreation and Neighborhood Services)

5.2 Actions Related to the Neighborhoods Commission.

Recommendation: Approve an ordinance amending Ordinance No. 28178 to adjust the dates of the two-year pilot for the Neighborhoods Commission to reflect an extension of the Commission to December 31, 2011. CEQA: Not a Project, File No. PP10-069, City Organizational & Policy Making. (Parks, Recreation and Neighborhood Services)

Ordinance No. 28935 passed for publication.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Monterey Road Resurfacing Rehabilitation Project.

Recommendation:

- (a) Adopt a resolution authorizing the Director of Public Works to:
- (1) Determine the lowest responsive and responsible bidder and to award a construction contract for the 2010 STP Resurfacing and Rehabilitation Project–Monterey Road to the lowest responsive bidder, in an amount not to exceed the funds appropriated for the project, or to reject all bids and re-bid the project.

(Item continued on the next page)

6. TRANSPORTATION & AVIATION SERVICES

6.1 Monterey Road Resurfacing Rehabilitation Project (Cont'd.)

- (a) (2) Determine whether or not to award the “green” resurfacing process bid alternate as part of the construction contract, provided that awarding this bid alternate would not cause the construction contract to exceed the amount of funds appropriated for the project.

Resolution No. 75915 adopted.

- (b) Approve a contingency equal to five percent of the base contract award amount.
CEQA: Exempt, File No. PP11-035. Council District 2. (Transportation)

Approved.

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Public Hearing on a Commercial Solid Waste and Recyclables Collection Franchise.

Recommendation:

- (a) Adopt a resolution to adopt the Negative Declaration prepared for the Commercial Collection System Redesign Project, File No. PP10-157, as having been completed in compliance with the California Environmental Quality Act and reflecting the City’s independent judgment and analysis.

Resolution No. 75916 adopted.

- (b) Hold a public hearing on the application of Allied Waste Services of Santa Clara County for Commercial Solid Waste and Recyclable Material Collection Franchises for the North and South Service Districts; approve *ordinances* granting the franchises; and adopt a resolution authorizing the City Manager to negotiate and execute a Commercial Solid Waste and Recyclable Material Collection Franchises Agreement with Allied Waste Services of Santa Clara County, in substantial compliance with the terms specified in the draft Franchises Agreement, for a term from September 13, 2011 through June 30, 2027.

The Public Hearing was held.

Ordinance Nos. 28936 and 28937 passed for publication.

Resolution No. 75917 adopted.

- (c) Direct staff to return to Council in 2011-2012 with proposed ordinances or resolutions for adoption needed to implement the new commercial solid waste system, including establishing maximum customer service rates.

CEQA: Negative Declaration, File No. PP10-157. (Environmental Services/Planning, Building and Code Enforcement)

Approved.

7. ENVIRONMENTAL & UTILITY SERVICES

7.2 Actions Related to the Construction and Operation of a Dry Anaerobic Digestion Facility.

Recommendation:

- (a) Adopt a resolution to adopt the Mitigated Negative Declaration prepared for the Dry-Fermentation Anaerobic Digestion Facility Project, File No. SP09-057, as having been completed in compliance with the California Environmental Quality Act and reflecting the City's independent judgment and analysis, and to adopt a related mitigation monitoring and reporting program. CEQA: Mitigated Negative Declaration for Special Use Permit for a 270,000 ton per year dry fermentation anaerobic digestion facility to process the organic portion of solid waste, File No. SP09-057.

Resolution No. 75918 adopted.

- (b) Adopt a resolution to authorize the City Manager to negotiate and execute a ground lease in the form proposed, with Zero Waste Energy Development Company for the construction and operation of a dry anaerobic digestion facility on Water Pollution Control Plant land, for a 30 year term, subject to base rent equivalent to \$850,000 per year on Phase I, and ongoing rent payments of \$4.35 per organic ton processed in Phases II and III, subject to annual adjustment directly tied to Consumer Price Index increases.

Council District 4. (Planning, Building and Code Enforcement/Economic Development)

Resolution No. 75919 adopted.

The supplemental memoranda from Director of Building, Planning and Code Enforcement Joseph Horwedel, dated June 14, 2011 and June 16, 2011, were approved.

7.3 Agreement with Zero Waste Energy Development Company, LLC, for Commercial Organic Waste Processing.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute a Commercial Organic Waste Processing Services Agreement with Zero Waste Energy Development Company, LLC, in substantial compliance with the terms specified in the draft Agreement, for a term from July 1, 2011 through June 30, 2027, with an initial service mobilization period from July 1, 2011 through June 30, 2012, and services to begin July 1, 2012, at a first year annual cost not to exceed \$6,000,000, subject to appropriation of funds. CEQA: Mitigated Negative Declaration for Special Use Permit for a 270,000 ton per year dry fermentation anaerobic digestion facility to process the organic portion of solid waste, File No. SP09-057. (Environmental Services)

Resolution No. 75920 adopted.

7. ENVIRONMENTAL & UTILITY SERVICES

7.4 Term Sheet for the New Markets Tax Credit Transaction for the Environmental Innovation Center.

Recommendation:

- (a) Adopt a resolution authorizing the City Manager to negotiate and execute a term sheet with JPMorgan Chase N.A., Brownfield Revitalization, LLC, Northern California Community Loan Fund, and HEDC-New Markets, Inc., to secure New Markets Tax Credit financing for the San José Environmental Innovation Center.

Resolution No. 75921 adopted.

- (b) Adopt a resolution authorizing the City Manager or Designee to execute and record a grant deed effecting a lot line adjustment permit for the Environmental Innovation Center property.

CEQA: Negative Declaration for the renovation of the EIC was adopted on December 1, 2009, File No. PP09-138. (Environmental Services)

Resolution No. 75922 adopted.

7.5 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.
- (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 from 5/24/11 – Item 7.1 and 6/14/11 – Item 7.1)

Deferred to August 16, 2011 per Administration.

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

- **Open Forum**
 - (1) **David Wall congratulated the City Manager and District 3 Staff for their work and added that The Treatment Plant Advisory Committee meeting should be recorded and the minutes taken by the Office of the City Clerk.**
 - (2) **Roland Lebrun spoke about issues related to the Habitat Plan and the County of Santa Clara.**
 - (3) **Michael Medlin, Security Officer, presented his thoughts to the City Council about his experiences working for City Hall over the past 5 years.**

- **Adjournment**

The Council of the City of San José adjourned the afternoon session at 4:01 p.m.

10. GENERAL PLAN PUBLIC HEARINGS

10.1 Tentative approval of General Plan Consent Calendar items.

No General Plan Public Hearings on Consent Calendar at this time.

10.2 Amending the San José 2020 Land Use/Transportation Diagram designation on a 19.2-acre site located on the East side of Monterey Road approximately 500 feet southerly of East Alma Avenue.

Recommendation: Adopt a resolution amending the San José 2020 Land Use/Transportation Diagram designation on a 19.2-acre site from General Commercial (approximately 7 acres) and Heavy Industrial (approximately 12.2 acres) to Combined Industrial/Commercial, located on the East side of Monterey Road, approximately 500 feet southerly of East Alma Avenue. Director of Planning, Building and Code Enforcement and Planning Commission (5-0-2, Kamkar and Kline absent) recommend approval. CEQA: EIR Resolution to be adopted.

GP10-07-01 – District 7

Item 10.2 and 11.3 were heard together.

Vice Mayor Nguyen read the statement of overriding considerations into the record.

CEQA Resolution No. 75929 adopted.

Resolution No. 75930 adopted.

END OF GENERAL PLAN PUBLIC HEARINGS

11. PUBLIC HEARINGS ON CONSENT CALENDAR

11.1 Public Hearings on Consent Calendar.

Recommendation:

- (a) Consideration of an ordinance rezoning the real property located on the northeast corner of Toy Lane and Kettmann Road (2605 Toy Lane) to allow up to two single-family houses on .32 acres. Specifically, the proposal would facilitate the following: 1) an existing single-family lot to be subdivided into two lots; 2) demolition of a detached garage and storage structure; 3) the addition of an attached garage to the existing detached single-family residence; and 4) the construction of a new single-family detached residence with an attached garage on the newly created lot (Desai Himanshu and Anima H. Trustee, Owner).

CEQA: Exempt.

PDC07-052 – District 8

Ordinance No. 28940 passed for publication.

END OF PUBLIC HEARINGS ON CONSENT CALENDAR

11. PUBLIC HEARINGS

11.2 Administrative Hearing and Consideration of an Appeal of the Planning Commission's decision to deny a Conditional Use Permit and Determination of Public Convenience or Necessity.

Recommendation: Conduct an Administrative Hearing and consider an appeal of the Planning Commission's decision to deny a Conditional Use Permit and Determination of Public Convenience or Necessity to allow off-sale of alcohol at an existing full-service grocery store in an approximately 39,661 square-foot tenant space in a shopping center on a 14.10 gross-acre site in the CG-Commercial General Zoning District at the northeast corner of South White Road and Story Road (1070 S White road) (Mi Pueblo San José, Inc., Applicant / White Road Partners, LLC, Owner). SNI: East Valley/680 Communities. CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends the Council uphold the appeal and overturn the Planning Commission's decision to deny the permit and not grant the Determination of Public Convenience or Necessity.

CP11-017/ABC11-003 – District 5

(Deferred from 5/17/11 – Item 11.4)

Resolution No. 75931 adopted to uphold the appeal.

11.3 Rezoning real property located at/on the east side of Monterey Road.

Recommendation: Consideration of an ordinance rezoning the real property located at/on the east side of Monterey Road from LI-Light Industrial and HI-Heavy Industrial Zoning Districts to CG(PD) Planned Development Zoning District to allow the demolition of the three existing structures and construction of up to 257,296 square feet of commercial building on a 19.75 gross acre site (Michael Mulcahy for Sun Garden Tenants in Common, Owner). CEQA: EIR Resolution to be adopted under Item 10.2.

PDC10-026 – District 7

Item 11.3 and 10.2 were heard together.

The memorandum from Vice Mayor Nguyen, dated June 16, 2011, was approved, accepting the Staff/Planning recommendations, approving the proposed project and allowing as part of the Zoning and Development Standards, a total of five driveways (including the signalized entrance) as shown on the conceptual site plan.

Ordinance No. 28939 passed for publication, as amended.

- **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 pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9994	866 Hillsdale Avenue	6	Daya Tiffany Partnership	7 Lots/ 6 Units	Single Family Detached	Approve

- **Open Forum**

Peter B. Kennelly expressed concern about the type of material on billboards, specifically at Race Street and The Alameda.

- **Adjournment**

The Council of the City of San José was adjourned at 8:16 p.m.