

# CITY COUNCIL AGENDA

**OCTOBER 18, 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](http://www.sanjoseca.gov/clerk/agenda.asp). Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Council Wing, 2<sup>nd</sup> Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov) for the final document.

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

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

- **Call to Order and Roll Call**  
9:00 a.m. - Closed Session, Call to Order in Council Chambers  
**Absent Council Members: Kalra, Oliverio.**  
  
1:30 p.m. - Regular Session, Council Chambers, City Hall  
**Absent Council Members: All Present.**
- **Invocation (District 9)**  
Leigh High School Band Ensemble, Directed by Suzi Royer, performed a woodwind ensemble piece for 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 Items 2.3(a) and (c) and Item 6.1 deferred to 10/25/11, and Item 2.7 Dropped.
- **Closed Session Report**  
No report.

# 1. CEREMONIAL ITEMS

---

- 1.1 Presentation of a proclamation declaring the Week of October 16 – 22, 2011 as “National Save for Retirement Week” in the City of San José. (Constant)  
**Mayor Reed and Council Member Constant recognized the Week of October 16 – 22, 2011 as “National Save for Retirement Week” in the City of San José.**
- 1.2 Presentation of a proclamation declaring the Week of October 16 – 22, 2011 as “National Protect Your Identity Week” in the City of San José. (Constant)  
**Mayor Reed and Council Member Constant recognized the Week of October 16 – 22, 2011 as “National Protect Your Identity Week” in the City of San José.**
- 1.3 Presentation of a commendation to Norma Rodriguez, Principal of San Antonio Elementary, in recognition and appreciation of her commitment and dedication to the children of the City of San José through her distinguished efforts as an educator. (Campos)  
**Mayor Reed and Council Member Campos commended Norma Rodriguez, Principal of San Antonio Elementary, in recognition and appreciation of her commitment and dedication to the children of the City of San José through her distinguished efforts as an educator.**
- 1.4 Presentation of a proclamation declaring the Month of October 2011 as “Breast Cancer Awareness Month” in the City of San José. (Herrera)  
(Rules Committee referral 10/12/11)  
**Mayor Reed and Council Member Herrera recognized the Month of October 2011 as “Breast Cancer Awareness 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. 28970 – Amending Part 1 of Chapter 2.08 of Title 2 of the San José Municipal Code to amend Section 2.08.160 and add a new Section 2.08.170 to clarify Council’s intent with respect to the nonvoting member position on the Board of Administration of the Federated City Employees Retirement System and the Board of Administration of the Police and Fire Department Retirement Plan and to amend Section 2.08.1270 to correct a clerical error related to compensation for members of the Board of Administration of the Police and Fire Department Retirement Plan.

**Ordinance No. 28970 adopted.**

**Noes: Rocha.**

## 2. CONSENT CALENDAR

---

### 2.2 Final Adoption of Ordinances. (Cont'd.)

**Recommendation:**

- (b) ORD. NO. 28974 – Rezoning certain real property situated on the northeast corner of Highway 280 and Saratoga Avenue, from the R-1-5 and R-1-8 Single-Family Residence Zoning Districts to A(PD) Planned Development Zoning District. PDC10-017

**Ordinance No. 28974 adopted.**

- (c) ORD. NO. 28975 – Rezoning certain real property situated at the northwest corner of Jackson Street and North 19<sup>th</sup> Street (897 Jackson Street) from an A(PD) Planned Development Zoning District and A(PD) Planned Development Zoning District. PDC10-027

**Ordinance No. 28975 adopted.**

- (d) ORD. NO. 28977 – Amending Sections 20.95.020, 20.95.110 and 20.95.120 of Chapter 20.95 of Title 20 of the San José Municipal Code to require special land use category projects that create or replace 5,000 square feet or more to use stormwater treatment measures in accordance with City Council Policy 6-29, and to require property owners to keep records of inspection and maintenance on the project site for all stormwater treatment measures installed pursuant to Policy 6-29.

**Ordinance No. 28977 adopted.**

### 2.3 Approval of Council Committee Reports.

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

- (b) Community and Economic Development Committee Report of September 26, 2011. (Herrera)

**Approved.**

- (a) Rules and Open Government Committee Report of September 21, 2011. (Mayor)

- (c) Rules and Open Government Committee Report of September 28, 2011. (Mayor)

**Deferred to 10/25/11 per Orders of the Day.**

### 2.4 Mayor and Council Excused Absence Requests.

**Recommendation:**

- (a) Request for an excused absence for Council Member Chu from the Joint City/County Meeting on October 28, 2011 due to Authorized City Business: Travel to China for the Technology Fast 50 Conference in Shenzhen and meetings with officials in Beijing and Tianjin to discuss establishing direct flights to San José and a San José-China Desk in Beijing per travel request dated 9/30/11. (Chu) (Rules Committee referral 10/12/11)

**Approved.**

## 2. CONSENT CALENDAR

---

**2.5 City Council Travel Reports.**  
None.

**2.6 Report from the Council Liaison to the Retirement Boards.**  
Council Member Herrera, attending as the Alternate Council Liaison, reported on a number of items, including the Board's fiduciary responsibilities and their concerns regarding worker's compensation.

**2.7 City Manager's Travel to Portland, Oregon.**

**Recommendation:** Authorize travel for City Manager Debra Figone to Portland, Oregon on October 19-21, 2011, to participate in the annual San José Silicon Valley Chamber of Commerce City-to-City trip as one of the designated representatives. Source of Funds: City Manager's Non Personal Services Appropriation. CEQA: Not a Project, File No. PP10-069, administrative activities. (City Manager's Office)

**Dropped per Orders of the Day.**

**2.8 Actions Related to the Fallon House Parking Lot.**

**Recommendation:** Adopt a resolution authorizing the City Manager:

(a) To negotiate and execute an amendment to the Agreement with History San Jose to remove the Fallon House Parking Lot, APN 259-32-083 located at 150 Terraine Street from the Agreement.

(b) To execute all related documents necessary to complete the transaction.  
CEQA: Resolution No. 72767, File No. CP 09-054. Council District 3. (Economic Development)

**Resolution No. 76022 adopted.**

**2.9 Park Management System for Happy Hollow Park and Zoo.**

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

(a) Execute a Second Amendment to the Agreement for a Park Management System with VGS Systems Engineering Inc., doing business as OmniTicket Network to add additional Hardware, Software Licenses, configuration services and training to expand the number of points of sale and improve automated business processes at the Happy Hollow Park & Zoo and Leininger Community Center, and increase compensation by \$40,674 for a revised not to exceed contract amount of \$270,283.45.

(b) Increase the contingency amount by \$60,000 to \$90,000 to cover unanticipated changes to the system implementation or functionality, or add additional points of sale, without further Council action other than appropriations of funds

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts for purchase and supplies. (Finance)

**Resolution No. 76023 adopted.**

## 2. CONSENT CALENDAR

---

### 2.10 Award of Purchase Order to Cannon Sline Industrial, Inc., for the Painting/ Rehabilitation of Clarifier Tanks.

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

- (a) Execute a Purchase Order with Cannon Sline Industrial, Inc. (Long Beach, CA) for the painting and rehabilitation of the first five of 25 secondary clarifier tanks at the Water Pollution Control Plant (WPCP) for the period October 1, 2011 through September 30, 2012, in an amount not to exceed \$449,578.
- (b) Execute additional purchase orders as required to complete the painting and rehabilitation of the remaining 20 tanks, at a fixed price per tank as established by a competitive bid, over a four year period ending September 30, 2016, subject to the appropriation of funds.
- (c) Execute change orders for contingencies not to exceed \$50,000 for any unforeseen changes or requirements that may arise prior to the completion of services.

CEQA: Exempt, File No. PP03-112. (Finance)

**Resolution No. 76024 adopted.**

### 2.11 Agreement with Club One, Inc., to Conduct a Comprehensive Wellness Program with the Fire Department.

**Recommendation:** Adopt a resolution authorizing the City Manager:

- (a) To execute a one-year agreement with four, one-year options for renewal with Club One, Inc., to conduct a comprehensive Wellness Program with the San José Fire Department, with a total first year compensation not to exceed \$115,000; and
- (b) To execute up to four, one-year options to renew subject to annual appropriation.

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts for Professional Services. (Fire)

**Resolution No. 76025 adopted.**

### 2.12 Enhanced Collaborative Model to Combat Human Trafficking Grant.

**Recommendation:**

- (a) Adopt a resolution authorizing the City Manager to accept the FY 2011 Enhanced Collaborative Model to Combat Human Trafficking Grant in the amount of \$500,000 and to execute the grant agreement with the Department of Justice specifying the grant terms including the City's provision of in-kind services and all related documents necessary to effectuate the grant.

**Resolution No. 76026 adopted.**

*(Item Continued on the next page)*

## 2. CONSENT CALENDAR

---

### 2.12 Enhanced Collaborative Model to Combat Human Trafficking Grant (Cont'd.)

- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
- (1) Establish a city-wide expenses appropriation to the Police Department for the 2011 Human Trafficking Prevention Grant in the amount of \$120,000;
  - (2) Increase the estimate for Earned Revenue from the Federal Government by \$120,000.

CEQA: Not a Project, File No. PP10-066(g), Grant Agreements and MOUs.  
(Police/City Manager's Office)

**Ordinance No. 28978 adopted.**

**Resolution No. 76027 adopted.**

### 2.13 Actions Related to Council Member Chu's Travel to Shenzhen, Beijing and Tianjin.

#### **Recommendation:**

- (a) Approve travel by Council Member Chu to Shenzhen, Beijing and Tianjin on October 26 – November 6, 2011 to attend the "Technology Fast 50" Conference in Shenzhen and meeting with officials in Beijing and Tianjin to discuss establishing direct flights to San José and a San José-China Desk in Beijing. Source of Funds: U.S.-China Exchange Council. (Chu)
- (b) Request for an excused absence for Council Member Chu from the Regular Meeting of the City Council on November 1, 2011 due to Authorized City Business: Travel to Shenzhen, Beijing and Tianjin to attend the "Technology Fast 50" Conference in Shenzhen and meeting with officials in Beijing and Tianjin to discuss establishing direct flights to San José and a San José-China Desk in Beijing. (Chu)

(Rules Committee referral 10/5/11)

**Approved.**

### 2.14 Council Member Liccardo's Travel to Dublin, Ireland and London, England.

**Recommendation:** Approve travel by Council Member Liccardo to Dublin, Ireland and London, England on July October 6 – 16, 2011 to travel with local leaders from the San José-Dublin Sister City Board and other San José community member to celebrate the 25<sup>th</sup> anniversary of the sister city relationship between San José and Dublin. Source of Funds: Personal Funds. (Liccardo)

[Rules Committee referral 10/5/11 – Item A(2)(a)(1)]

**Approved.**

## 2. CONSENT CALENDAR

---

### 2.15 Actions Related to Council Member Liccardo's Travel to Hong Kong and Shenzhen.

**Recommendation:**

- (a) Approve travel by Council Member Liccardo to Hong Kong and Shenzhen on October 23 – 28, 2011 as one of the City's designated representatives with the Silicon Valley-China Business Connect delegation for a weeklong series of meetings with businesses in China seeking to expand overseas, a goal of creating jobs and tax revenue in San José, and meet with airlines seeking to establish direct routes to San José. Source of Funds: U.S.-China Exchange Council. (Liccardo)
- (b) Request for an excused absence for Council Member Liccardo from the Regular Meeting of the Community and Economic Development Committee on October 24, 2011, the Closed Session, Regular Meeting and Evening Session of the City Council on October 25, 2011, and the Joint City/County Meeting on October 28, 2011 due to Authorized City Business: Travel to Hong Kong and Shenzhen as one of the City's designated representatives with the Silicon Valley-China Business Connect delegation for a weeklong series of meetings with businesses in China seeking to expand overseas, a goal of creating jobs and tax revenue in San José, and meet with airlines seeking to establish direct routes to San José. (Liccardo)

[Rules Committee referral 10/5/11 – Items A(2)(a)(2) and A(2)(a)(3)]

**Approved.**

### 2.16 Excused Absence for Council Member Liccardo.

**Recommendation:** Request for an excused absence for Council Member Liccardo from the Regular Meeting of the Transportation and Environment Committee on October 3, 2011 due to Authorized City Business: Travel to Sacramento, CA to meet with National Resources Secretary, John Laird, and travel to Oakland to meet with Metropolitan Transportation Commission Executive Director, Steve Heminger, to advocate on two critical transportation-related priorities for the City of San José. (Liccardo)

[Rules Committee referral 10/5/11 – Item A(2)(a)(4)]

**Approved.**

### 2.17 District 6 Movie Night.

**Recommendation:** As recommended by the Rules and Open Government Committee on October 5, 2011:

- (a) Approve the District 6 Movie Night as a City Council sponsored Special Event; and
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Exempt, File No. PP11-089. (City Clerk)

[Rules Committee referral 10/5/11 – Item H(4)]

**Approved.**

### 3. STRATEGIC SUPPORT SERVICES

---

**3.1 Report of the City Manager, Debra Figone  
No Report.**

**3.2 Labor Negotiations Update  
Recommendation:** Accept Labor Negotiations Update.  
**Heard at 9 a.m. Accepted.**

**3.3 2010-2011 Annual Report.**

**Recommendation:**

- (a) Accept the 2010-2011 City Manager's Annual Report of the Finances of the City of San José in compliance with City Charter Section 701(F).  
**Accepted.**
  
- (b) Adopt Appropriation Ordinance and Funding Sources Resolution amendments for 2011-2012 in various operating and capital funds to implement the 2010-2011 Annual Report recommendations, including appropriate technical adjustments, as detailed in Section IV (Recommended Budget Adjustments and Clean-Up Actions).  
**Ordinance No. 28979 adopted.**  
**Resolution No. 76028 adopted.**
  
- (c) Adopt a resolution authorizing the City Manager and Chief of Police:
  - (1) To negotiate and execute a Grant Agreement and any related documents to accept the 2011 COPS Hiring Program Grant in the amount of \$1,703,664, adding 3.0 Police Officer positions in the Police Department;
  - (2) To negotiate and execute additional amendments to the grant and any related documents necessary to effectuate the grant without further action by the City Council.

CEQA: Not a Project, File No. PP10-069(a), Annual Report. (City Manager's Office)  
**Resolution No. 76029 adopted.**

**3.4 Ratification of Final Expenditures for 2010-2011.**

**Recommendation:**

- (a) Adopt an ordinance ratifying the final 2010-2011 appropriation increases detailed in this report.  
**Ordinance No. 28980 adopted.**

*(Item Continued on the next page)*

### 3.4 Ratification of Final Expenditures for 2010-2011 (Cont'd.)

(b) Adopt the following 2010-2011 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Central Fund:

- (1) Increase the Earned Revenue estimate by \$885,672;
- (2) Increase the Transfer to Council District 1 by \$57,741;
- (3) Increase the Transfer to Council District 2 by \$40,952;
- (4) Increase the Transfer to Council District 3 by \$48,894;
- (5) Increase the Transfer to Council District 4 by \$32,000;
- (6) Increase the Transfer to Council District 5 by \$70,207;
- (7) Increase the Transfer to Council District 6 by \$53,975;
- (8) Increase the Transfer to Council District 7 by \$53,323;
- (9) Increase the Transfer to Council District 8 by \$58,098;
- (10) Increase the Transfer to Council District 9 by \$50,398;
- (11) Increase the Transfer to Council District 10 by \$35,292;
- (12) Increase the Transfer to City-Wide by \$250,940; and
- (13) Increase the Transfer to the General Fund – Parks Eligible Maintenance Costs by \$133,852.

**Ordinance No. 28981 adopted.**

**Resolution No. 76030 adopted.**

(c) Adopt the following 2010-2011 Appropriation Ordinance amendments in the Home Investment Partnership Program Trust Fund:

- (1) Increase the Multi-Family Loans & Grants appropriation by \$44,428; and
- (2) Decrease the Ending Fund Balance estimate by \$44,428.

**Ordinance No. 28982 adopted.**

(d) Adopt the following 2010-2011 Appropriation Ordinance amendments in the Multi-Source Housing Fund:

- (1) Increase the CalHome Program (BEGIN) appropriation by \$428,746; and
- (2) Decrease the Ending Fund Balance estimate by \$428,746.

**Ordinance No. 28983 adopted.**

(e) Adopt the following 2010-2011 Appropriation Ordinance amendments in the Vehicle Maintenance and Operation Fund:

- (1) Increase the Inventory Purchases appropriation by \$263,116; and
- (2) Decrease the Ending Fund Balance estimate by \$263,116.

CEQA: Not a Project, File No. PP10-069(b), Appropriation Ordinance. (City Manager's Office)

**Ordinance No. 28984 adopted.**

### 3. STRATEGIC SUPPORT SERVICES

---

#### 3.5 Ordinance Amending Chapters 12.04 and 12.06 of the San José Municipal Code Regarding Municipal Campaigns.

**Recommendation:** Approve an ordinance amending Section 12.04.160 of Chapter 12.04 of Title 12 of the San José Municipal Code to clarify enforcement of Title 12; amending Section 12.06.050 of Chapter 12.06 of Title 12 to clarify that volunteer personal services are not contributions; adding Section 12.06.140 to define late contribution; amending Section 12.06.210 and repealing Section 12.06.540 to delete alternative contribution limits; amending Sections 12.06.290 and 12.06.610 to revise the campaign contribution collection period; amending Section 12.06.295 to revise the deadline for a candidate to deposit personal funds; amending Section 12.06.530 to revise the current formula for calculating voluntary expenditure limits for Council Districts and to impose a method for adjusting the expenditure limits for Mayoral and Council District candidates in the future, if necessary; repealing Section 12.06.560 to delete the provision increasing expenditure limits during an election; amending Section 12.06.920 to revise the requirements of the report published by the City Clerk; and making other technical corrections. CEQA: Not a Project, File No. PP10-068(b), Municipal Code or Policy. (City Attorney's Office)

**Ordinance No. 28985 passed for publication, with the definition of "late contribution" being revised to \$250.**

#### 3.6 Planning Commission Interviews.

**Recommendation:**

- (a) Interview applicants for appointment to the Planning Commission
- (b) Appoint one (1) member to the Planning Commission to the balance of an unexpired term ending June 30, 2012.
- (c) If no appointment is made, direct the City Clerk to continue recruitment efforts and bring additional applicants forward for consideration within 90-days.

(City Clerk)

**Dori Yob was appointed to the Planning Commission to the balance of an unexpired term ending June 30, 2012.**

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

---

#### 4.1 Ordinance to Codify City's Development Agreement Regulations.

**Recommendation:** Approve an ordinance to amend Title 18 (Local Planning) of the San José Municipal Code to add a new Chapter 18.02 to codify existing regulations of the City pertaining to the consideration of development agreements. CEQA: Not a Project, File No. PP10-068(c), Municipal Code changes involving no changes to the physical environment. Citywide. (City Attorney's Office)  
(Deferred from 9/20/11 – Item 4.1)

**Ordinance No. 28986 passed for publication.**

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

---

### **4.2 Economic Strategy 18-Month Workplan.**

**Recommendation:** As recommended by the Community and Economic Development Committee on September 26, 2011, accept staff's proposed Economic Strategy Workplan. CEQA: Not a Project, File No. PP10-066(a), Staff Report. (Economic Development)  
[Community and Economic Development Committee referral 9/26/11 – Item D(3)]  
**Accepted.**

### **4.3 Habitat Conservation Plan.**

**Recommendation:** Direct staff to continue participation in Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) preparation, including:

- (a) Refinement of the draft HCP/NCCP in accordance with the September 2011 Framework;
- (b) Completion of the environmental review process for the HCP/NCCP;
- (c) Drafting of related wildlife and wetlands permits;
- (d) Performance of a cost-benefit assessment of the HCP/NCCP; and
- (e) Returning to Council for consideration of adoption of the HCP/NCCP and related documents and permits upon completion.

CEQA: Not a Project, File No. PP10-069. (Planning, Building and Code Enforcement)  
(Continued from 9/27/11 – Item 4.1)  
**Approved.**

## **5. NEIGHBORHOOD SERVICES**

---

## **6. TRANSPORTATION & AVIATION SERVICES**

---

### **6.1 Agreement for Ampco System Parking, Inc. for the Airport Parking Facilities Management.**

**Recommendation:** Adopt a resolution authorizing the City Manager to execute the Sixth Amendment to the Parking Management Agreement for the Norman Y. Mineta San Jose International Airport with Ampco System Parking, Inc., to add an option to extend the term of the agreement one year, ending on October 31, 2012, with the maximum compensation for this one-year extension term of \$4,800,000. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Finance/Airport)  
**Deferred to 10/25/11 per Orders of the Day.**

## 6. TRANSPORTATION & AVIATION SERVICES

---

### 6.2 Agreement with Air-Transport IT Services, Inc. for System Maintenance and Support.

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

- (a) Execute the third amendment to the agreement with Air-Transport IT Services, Inc. to extend services for system maintenance and support for an additional twelve month period ending on December 31, 2012, for a total compensation amount not to exceed \$1,587,824, for the one year of maintenance services.
- (b) Exercise an option for an additional one-year term ending on December 31, 2013, with a compensation adjustment based on the Consumer Price Index, not to exceed 3%, subject to the appropriation of funds.

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

**Resolution No. 76031 adopted.**

## 7. ENVIRONMENTAL & UTILITY SERVICES

---

### 7.1 Actions Related to the New Market Tax Credit.

**Recommendation:**

- (a) Adopt a resolution to authorize the City Manager to execute a Ground Lease, Master Lease, Development Agreement, One-Day Loan Agreement, Investment Fund Leverage Loan Agreement, Put/Call Agreement, Environmental Indemnification in the form proposed, and to authorize the City Manager to execute and deliver these documents and other related documents as necessary in connection with the closing of the New Markets Tax Credit (NMTC) financing transaction for the Environmental Innovation Center project.
- (b) Adopt the following 2011-2012 Appropriation Ordinance and Funding Source Resolution amendments in the Integrated Waste Management Fund:
  - (1) Increase the estimate for Earned Revenue by \$8,022,174 to recognize revenue from a one-day loan;
  - (2) Decrease the appropriation to the Environmental Services Department for Household Hazardous Waste Las Plumas Facility by \$11,587,471;
  - (3) Establish an appropriation to the Finance Department for a NMTC Transaction One-Day Loan in the amount of \$19,609,645;
  - (4) Increase the estimate for Earned Revenue by \$8,022,174 to recognize ground lease revenue;
  - (5) Decrease the appropriation to the Environmental Services Department for Non-Personal/Equipment by \$20,055;
  - (6) Establish an appropriation to the Finance Department for the NMTC Transaction One-Day Loan Repayment in the amount of \$8,042,229;

*(Item continued on the next page)*

## 7. ENVIRONMENTAL & UTILITY SERVICES

---

### 7.1 Actions Related to the New Market Tax Credit. (Cont'd.)

**Recommendation:**

- (b) (7) Increase the estimate for Earned Revenue by \$10,630,285 to recognize revenue from an initial draw and the fiscal year 2011-2012 portion of development budget;
- (8) Increase the appropriation for Household Hazardous Waste Las Plumas Facility by \$10,441,785; and
- (9) Establish an appropriation to the Office of Economic Development for the Environmental Innovation Center's Public Art in the amount of \$188,500.

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

**Deferred to 10/25/11 per Administration.**

### 7.2 Agreement with Zero Waste Energy Development Company for Commercial Organic Waste Processing Services.

**Recommendation:** Approve the Agreement for Commercial Organic Waste Processing Services between Zero Waste Energy Development Company, LLC and the City of San José, for a term from November 1, 2011 through June 30, 2027 with an initial service mobilization period from November 1, 2011 through June 30, 2012, and interim composting services to begin July 1, 2012. CEQA: Mitigated Negative Declaration, Resolution No. 75918. (Environmental Services)

**Approved.**

## 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 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>
10071	E/S of S. White Road approximately 400 feet south of Cunningham Avenue	8	Ponderosa Homes II, Inc.	16 Lots/ 14 Units	SFDR	Approve

- **Open Forum**  
None.

- **Adjournment**

**The Council of the City of San José adjourned at 6:03 p.m. in memory of James T. Beall, Sr., a long-time San Jose resident. He and his wife, Katherine, were the parents of 10 children. One of his sons, Jim Beall, Jr., would be elected to serve on the San Jose City Council. James Beall, Sr. fought to keep America free as a paratrooper in the 326<sup>th</sup> Glider Infantry Regiment of the 82<sup>nd</sup> Airborne, fighting in the European Theater of World War II. Mr. Beall treasured his family and friends in the belief that kindness was the greatest legacy a man could leave behind. May his memory and legacy forever live on in our hearts and minds. (Chu)**