



CITY COUNCIL AGENDA

NOVEMBER 8, 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 discussion 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**
9:02 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: **Chu, Kalra, Oliverio.**

1:32 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: **All Present.**
- **Invocation (District 10)**
Musician Bernard Smith sang the national anthem 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 Item 2.3(b) deferred to 11/15/11.
- **Closed Session Report**
No Report.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation in support of the Shop San José Campaign to Women Impacting Public Policy (WISP) and representatives of San José's neighborhood business associations declaring November 26, 2011 as "Small Business Saturday" in the City of San José. (Herrera/Economic Development)
Mayor Reed and Council Member Herrera recognized the Shop San José Campaign to Women Impacting Public Policy (WISP) and representatives of San José's neighborhood business associations declaring November 26, 2011 as "Small Business Saturday" in the City of San José.
- 1.2 Presentation of a proclamation declaring the week of November 13 – 19, 2011 as "National Nurse Practitioner Week" in the City of San José. (Constant)
Mayor Reed and Council Member Constant recognized the week of November 13 – 19, 2011 as "National Nurse Practitioner Week" in the City of San José.
- 1.3 Presentation of commendations to Lynbrook High School and Valley Christian Junior High School which have each been named a 2011 Intel School of Distinction. (Constant)
Mayor Reed and Council Members Constant and Kalra presented a commendation to Lynbrook High School and Valley Christian Junior High School which have each been named a 2011 Intel School of Distinction.
- 1.4 Presentation of a commendation to Second Harvest Food Bank for helping to end hunger by providing food and nutrition programs for people in need in our community. (Mayor)
Deferred to 11/15/11 per Mayor.
- 1.5 Presentation of a commendation to the SJB Child Development Centers for promoting healthy lifestyles to children and families in San José. (Liccardo)
(Rules Committee referral 11/2/11)
Mayor Reed and Council Member Liccardo recognized the SJB Child Development Centers for promoting healthy lifestyles to children and families in San José.

2. CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
None.
- 2.2 **Final Adoption of Ordinances.**
None.

2. CONSENT CALENDAR

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) Rules and Open Government Committee Report of October 19, 2011. (Mayor)
- (c) Rules and Open Government Committee Report of October 12, 2011. (Mayor)
[Deferred from 11/1/11 – Item 2.3(a)]
- (d) Public Safety, Finance and Strategic Support Committee Report of October 20, 2011. (Constant)
[Deferred from 11/1/11 – Item 2.3(b)]
- (e) Rules and Open Government Committee Report of October 5, 2011. (Mayor)
[Deferred from 10/25/11 – Item 2.3(b) and 11/1/11 – Item 2.3(c)]

Approved.

- (b) Community and Economic Development Committee Report of October 24, 2011. (Herrera)
Deferred to 11/15/11 per Orders of the Day.

2.4 Mayor and Council Excused Absence Requests. None.

2.5 City Council Travel Reports.

Council Member Constant reported on his participation as Vice Chair of the National League of Cities' Public Safety and Crime Prevention Steering Committee, which met in October in Washington D.C. to discuss issues facing local governments.

2.6 Report from the Council Liaison to the Retirement Boards.

Council Member Constant offered highlights of Cheiron's experience study on the Police and Fire Department Retirement Plan.

2.7 Rental Car Operations Agreement and Lease at the Airport.

Recommendation: Approve Third Amendments to the On-Airport Rental Car Operations and Lease Agreements ("Agreement") with Avis Budget Car Rental, LLC; DTG Operations, Inc.; EAN, LLC; Fox Rent A Car, Inc.; and Hertz Corporation to update space layouts to reflect current operations at the Airport and to clarify certain Agreement provisions, including the commencement date and the ground rent appraisal schedule. CEQA: Not a Project, File No. PP10-066(f), Lease of existing space for same use. (Airport)

Approved.

2. CONSENT CALENDAR

2.8 Memorandum of Understanding for the San Francisco Bay Area Urban Areas Security Initiative Grant Program.

Recommendation: Adopt a resolution authorizing the City Manager to execute a joint two-year Memorandum of Understanding (Updated Governance MOU) between the City of Oakland, City of San Jose, City and County of San Francisco, County of Alameda, County of Contra Costa, County of Marin, County of Monterey, County of San Mateo, County of Santa Clara, and County of Sonoma as partners in the San Francisco Bay Urban Area Security Initiative (UASI) grant program with an effective term of December 1, 2011 to December 1, 2013. CEQA: Not a Project, File No. PP10-066(a), UASI Grant MOU. (Fire)

Resolution No. 76043 adopted.

2.9 Actions Related to the Protecting Children from Commercial Sexual Exploitation Grant.

Recommendation:

- (a) Adopt a resolution authorizing the City Manager to accept the FY 2011 Protecting Children from Commercial Sexual Exploitation Grant in the amount of \$292,000; and to execute the grant agreement with the Department of Justice, Office of Juvenile Justice and Delinquency Prevention specifying the grant terms and all related documents necessary to effectuate the grant.

Resolution No. 76044 adopted.

- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
- (1) Establish a city-wide expense appropriation to the Police Department for the 2011 Protecting Children from Commercial Sexual Exploitation Grant in the amount of \$145,000; and
 - (2) Increase the estimate for Earned Revenue from the Federal Government by \$145,000.

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

Ordinance No. 28988 adopted.

Resolution No. 76045 adopted.

2.10 Intention to Form Maintenance District 24 (The Alameda).

Recommendation: Adopt a resolution of intention to form Maintenance District 24 (The Alameda) and directing the Director of Public Works to create and file an Engineer's Report. CEQA: Exempt, File No. PP10-132. Council District 6. (Public Works/Transportation)

Resolution No. 76046 adopted.

2. CONSENT CALENDAR

2.11 Actions Related to the Downtown Parking Incentive Programs.

Recommendation: Adopt a resolution to repeal Resolution No. 75871 and set forth the Master Parking Rate Schedule to modify the Downtown Parking Incentive Programs by:

- (a) Expanding the Downtown Free Parking Incentive Program to include existing businesses that expand their Downtown office or commercial building space by a minimum of 10,000 square feet on or after November 1, 2011.
- (b) Expanding the Downtown Free and 50% Discounted Parking Incentive Programs to include Owner-Occupied Businesses that acquire Downtown office or commercial building space on or after November 1, 2011 and need parking for its employees.
- (c) Expanding the Downtown Free and 50% Discounted Parking Incentive Programs and provide the City Manager authority to negotiate and execute parking agreements for up to two and a half years of free or 50% discounted parking for up to 100 parking permits when it is determined that the enhanced terms of the parking agreement would be an overriding factor in the relocation or retention of a business in the Downtown as described in the memorandum and the business meets one of the following conditions on or after November 1, 2011:
 - (1) New Downtown business entering into a new office or commercial building lease for a minimum of 10,000 square feet; or
 - (2) New Downtown business entering into a new office or commercial building lease and executing a parking agreement with the City for a minimum of 30 parking permits for the duration of the parking agreement; or
 - (3) Existing Downtown business entering into a new office or commercial building lease and:
 - (a) Expanding their operation Downtown by a minimum of 5,000 square feet, or
 - (b) Executing a parking agreement with the City for a minimum of 30 parking permits if they are relocating their parking from a private parking facility to a City facility, or
 - (c) Executing a parking agreement with the City for a minimum additional 30 parking permits if they are already purchasing parking in a City facility.

CEQA: Statutorily Exempt, File No. PP10-067(a), CEQA Guidelines Section No. 15273, Rates, Tolls, Fares and Charges. Council District 3. (Transportation)

Resolution No. 76047 adopted.

2.12 Council Member Herrera's Travel to San Diego, CA.

Recommendation: Approve travel by Council Member Herrera to San Diego, CA on November 16 – 18, 2011 to attend the League of California Cities Leaders Workshop/ General Session as the President of the Women's Caucus. Source of Funds: League of California Cities and Mayor/Council Travel Fund. (Pyle)

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

Approved.

2. CONSENT CALENDAR

2.13 Extension of the Term and Interim Reappointment of the Fire Department Employee Representative to the Board of Administration of the Police and Fire Department Retirement Plan.

Recommendation: As recommended by the Rules and Open Government Committee, extend the term of office and reappoint Sean Kaldor, Fire Department employee member of the Board of Administration of the Police and Fire Department Retirement Plan, until such time as the City Council makes the appointment of an employee member to a new term of office expiring November 30, 2015. (City Clerk)
[Rules Committee referral 11/2/11 – Item H(5)]

Approved.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Debra Figone. (Verbal Report) City Manager Figone shared highlights of the 2012-2013 Preliminary General Fund Forecast.

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.
Met at 9:00 a.m. No update provided.

3.3 Report on Request for Proposal for Citywide Janitorial Services.

Recommendation: Report on Request for Proposal for Citywide Janitorial Services and adoption of a resolution authorizing the City Manager to:

- (a) Execute five separate agreements with GCA Services Group Inc. (Alviso, CA) for Janitorial Services, with an initial three year term ending October 31, 2014 for each agreement, and a cumulative total amount not to exceed \$19,118,608. Year two and three of the contract are subject to the appropriation of funds.

<u>Department</u>	<u>Year One Cost</u>	<u>Max. Compensation (three years)</u>
Public Works (Citywide Facilities)	\$2,951,232	\$8,853,696
Airport	2,576,126	7,728,377
Parks, Recreation & Neighborhood Services	462,597	1,387,790
Environmental Services	369,718	1,109,154
Office of Cultural Affairs	<u>13,197</u>	<u>39,591</u>
Total	\$6,372,870	\$19,118,608

(Item Continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.4 Report on Request for Proposal for Citywide Janitorial Services (Cont'd.)

- (b) Execute amendments as required to add or delete facilities, or change service levels due to seasonal changes or budget constraints, subject to the appropriation of funds.
- (c) Execute five one-year options to renew each of the agreements 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)

Deferred to 11/29/11 per Administration.

3.5 Civil Service Commission Interviews.

Recommendation:

- (a) Interview applicants for appointment to the Civil Service Commission;
- (b) Appoint up to three (3) members to the Civil Service Commission to full four-year terms expiring November 30, 2015; and
- (c) If any vacancy remains, direct the City Clerk to continue recruitment efforts and bring additional applicants forward for consideration within 90-days.

(City Clerk)

Deferred to 11/15/11 per Administration.

3.6 Revolving Door Ordinance.

Recommendation: Approve an ordinance amending Chapter 12.10 of Title 12 of the San José Municipal Code by adding Section 12.10.035 to prescribe limited restrictions for designated employees terminated due to reductions in work force. (City Attorney's Office) [Rules Committee referral 10/26/11 – Item H(5)]

Please note: Approval of this item requires 8 or more affirmative votes (2/3).

Ordinance No. 28989 passed for publication, with revision to staff's draft proposal, outlined as "Attachment A" in the memorandum dated November 4, 2011, cosigned by Council Members Rocha, Oliverio and Kalra, as follows:

12.10.035 Designated Employees Terminated Due to Reduction in Work Force

- A. Notwithstanding the provisions in this Chapter to the contrary, for any designated employee who was terminated or involuntarily separated from City or Agency service due to consolidation or elimination of functions or other reduction in the City or Agency work force which was based solely on economic or budgetary conditions, the provisions of Section 12.10.030 shall apply as follows:

(Item Continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.6 Revolving Door Ordinance (Cont'd.)

1. Section 12.10/030 A shall not apply.
2. Section 12.10.030 B shall apply insofar as it prohibits representation of anyone or any matter before the City Council, Redevelopment Agency Board, or any individual member of the City Council or Redevelopment Agency Board, but shall not apply insofar as it prohibits representation of anyone on any matter before any commission, any individual member of a commission, or City or Redevelopment Agency staff, provided that the business or person being represented (a) did not receive any subsidy from the City or Agency within the last 12 months of the employee's employment; or (b) was not involved in any project on which the employee worked within the last twelve (12) months of the employee's employment.
3. Except as provided in Subsection A.1, Section 12.10.030 C shall still apply.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Urgency and Regular Ordinance Amending Zoning Code Regulations Pertaining to Medical Marijuana Collectives.

Recommendation:

- (a) Council consideration of adoption of an urgency ordinance suspending Ordinance No. 28958 and providing that amending Ordinance No. 28958, adopted by the City Council on September 27, 2011 to establish land use regulations pertaining to medical marijuana collectives, to provide that Ordinance No. 28958 shall become effective only if and when Ordinance No. 28960, establishing health and safety regulations for medical marijuana collectives, first becomes effective and setting forth the facts constituting such urgency.

***Please note: Approval of this item requires 8 or more affirmative votes (2/3).
Urgency Ordinance No. 28990 adopted.***

- (b) Council consideration of approval of an ordinance suspending Ordinance No. 28958 and providing that Ordinance No. 28958, adopted by the City Council on September 27, 2011 to establish land use regulations pertaining to medical marijuana collectives, shall become effective only if and when Ordinance No. 28960, establishing health and safety regulations for medical marijuana collectives, first becomes effective.

CEQA: Resolution No. 75984. (City Attorney's Office/City Manager's Office)
(Deferred from 11/1/11 – Item 4.2)

Ordinance No. 28991 adopted.

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 Implementation of Per Day Rental Car Customer Facility Charge at the Airport.

Recommendation: Adopt a resolution:

- (a) Imposing a customer facilities fee and customer transportation fee (collectively, “CFC”) of \$6.00 per day, up to a maximum of five days per rental car contract effective December 1, 2011, for customers renting vehicles from On-Airport Rental Car Companies, for the purpose of paying the costs of the financing, design and construction of the Consolidated Rental Car Garage, and the costs of providing a common-use transportation system to transport rental car customers between Terminal A and the Consolidated Rental Car Garage;
- (b) Subject only to the State Controller’s Office substantiating the continued need for the rate increase at that time, increasing the CFC from \$6.00 to \$7.50 per day, up to a maximum of five days per rental car contract effective January 1, 2014, for customers renting vehicles from On-Airport Rental Car Companies, for the purpose of paying the costs of the financing, design and construction of the Consolidated Rental Car Garage, and the costs of providing a common use transportation system to transport rental car customers between Terminal A and the consolidated Rental Car Garage;
- (c) Authorizing the City Manager to reinstate and impose a CFC of \$10 per rental car contract in the event that the per day CFC provided for herein is held to be invalid or unenforceable; and
- (d) Repealing Resolution No. 74039, effective December 1, 2011.

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

Resolution No. 76048 adopted.

Noes: Chu.

7. ENVIRONMENTAL & UTILITY SERVICES

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>
10078	E/S Almaden Expwy, 200' S/O Fleetwood Drive	10	HH Almaden LLC	16 Lots / 16 Units	SFDR	Approve

- **Open Forum**

1. **Frank Jer urged fair treatment of City employees.**
2. **Jeanne Barber implored Council's consideration of hardships created for retirees and City employees in cutting COLA's and healthcare benefits.**
3. **Judy Bender expressed dissatisfaction with the City's treatment of her worker's compensation claim.**
4. **Jon Max Reger complained that PRNS employees are disproportionately effected by the City's reduction of benefits and read from the Koran.**

- **Adjournment**

The Council of the City of San José adjourned at 4:09 p.m.



**JOINT CITY OF SAN JOSÉ CITY COUNCIL/
DIRIDON DEVELOPMENT AUTHORITY AGENDA**

2:01 P.M.

TUESDAY, NOVEMBER 8, 2011

CHAMBERS

- 1. Call to Order and Roll Call.**
- 2. Actions Related to the Sale of Property to Athletics Investment Group LLC.**

Recommendation: It is recommended that the San José City Council and the San Jose Diridon Development Authority Board (Authority) conduct a public hearing and take the following actions:

- (a) The City Council and the Authority Board adopt resolutions affirming prior resolutions adopted by the City Council and Redevelopment Agency Board in support of the efforts of the Oakland Athletics organization to move the team to San Jose, including Resolution No. 74908 adopted in May, 2009, Resolution No. 75513 adopted in August, 2010, and Resolution 75567 adopted in September,

Public hearing held.

Resolution No. 76049 adopted.

Diridon Development Authority Resolution No. 105.1 adopted.

Staff recommendations were approved, including the incorporation of all resolutions, with the provision that if this option is exercised, the City will comply with any provision requiring a vote of the electorate, and including acceptance of recommendations outlined in the memorandum cosigned by Mayor Reed and Council Members Herrera and Liccardo, dated November 4, 2011, to:

- (1) **Approve the sale of an option to purchase property as recommended in the October 24, 2011 staff report to City Council and the San José Diridon Development Authority Board;**
- (2) **Direct the transfer of funds from the sale of property to the San José Redevelopment Agency; and**
- (3) **Reaffirm ass prior resolutions adopted by the City Council and Redevelopment Agency Board in support of the A's moving to San José.**

Noes: Oliverio.

(Item Continued on the next page)

**2. Option Agreement for Sale of Property to Athletics Investment Group LLC.
(Cont'd.)**

Recommendation:

- (b) The City Council adopt a resolution:
- (1) Approving the potential sale of certain real property (Property) located along South Montgomery Street between West San Fernando Street and Park Avenue in San José to the Athletics Investment Group, LLC (AIG) pursuant to an Option Agreement for the Sale of Property between AIG and the Authority, and
 - (2) Accepting the Summary Report and Re-Use valuation, and;
 - (3) Finding that the sale of the property will assist in the elimination of blight, is consistent with the Implementation Plan for the Strong Neighborhoods Initiative Redevelopment Project Area, and that the consideration for the property is not less than the fair reuse value for the proposed use with the covenants and conditions to be imposed under the Option Agreement and the potential costs of the proposed project;

Resolution No. 76050 adopted.

Noes: Oliverio.

- (c) The Authority Board adopt a resolution approving the Option Agreement for the Sale of Property with AIG and authorizing the Executive Director to negotiate and execute the purchase agreement and other ancillary documents contemplated by the Option Agreement, with proceeds of the sale to be paid to the San José Redevelopment Agency as consideration for the original transfer of the Property to the Authority;

Diridon Development Authority Resolution No. 106.1 adopted.

Noes: Oliverio.

- (d) The Authority Board adopt a resolution approving the establishment of a new fund for the San José Diridon Development Authority and consenting to the budget actions recommended to be taken by the City Council below; and

Diridon Development Authority Resolution No. 107.1 adopted.

Noes: Oliverio.

- (e) The City Council approve the establishment of the new fund and adopt the following Appropriation Ordinance and Funding Source Resolution amendments in the San José Diridon Development Authority Fund:

- (1) Establish an estimate for Earned Revenue in the amount of \$200,000;
- (2) Establish an estimate for Transfers from the Redevelopment Agency in the amount of \$60,000;
- (3) Establish an appropriation to the Office of Economic Development for Non-Personal/Equipment expenses in the amount of \$30,000;
- (4) Establish an appropriation to the Office of Economic Development for Administration expenses in the amount of \$10,000; and
- (5) Establish an Ending Fund Balance in the amount of \$220,000.

(Item Continued on the next page)

**2. Option Agreement for Sale of Property to Athletics Investment Group LLC.
(Cont'd.)**

Recommendation:

- (e) CEQA: Resolution to be adopted. This resolution will be based upon the information contained in that certain Final Environmental Impact Report for the Baseball Stadium in the Diridon/Arena Area, certified by the Planning Commission on February 28, 2007 by Resolution No. PC07-009, as supplemented by the information contained in that certain Final Supplemental Environmental Impact Report for the Baseball Stadium in the Diridon/Arena Area, certified by the City Council on June 16, 2010, by Resolution No. 75432.

Ordinance No. 28992 adopted.

Resolution No. 76051 adopted.

Resolution No. 76052 adopted.

CEQA Resolution No. 76053 adopted, with Council acknowledgement that the CEQA resolution identifies potential impacts, feasible mitigation, and findings, as well as the statement of override and the disclosure of any potential impacts, and that the letter and the spirit consistent with the requirements of CEQA have been followed.

Noes: Oliverio.

3. Open Forum

None.

**4. Adjourn the meeting of the San Jose Diridon Development Authority
The meeting was adjourned at 3:15 p.m.**