



CITY COUNCIL AGENDA

APRIL 24, 2012

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.

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. 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**
9:36 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: Kalra, Liccardo; Reed. (Excused)

1:31 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: All Present.
- **Invocation (District 4)**
Independence High School Glee Club performed “Send It On” for the Invocation.
- **Pledge of Allegiance**
Mayor Reed led the Pledge of Allegiance, accompanied by Third Graders from Payne Elementary School.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved with Item 4.8 heard after Item 3.1 and Item 7.2 was deferred to May 15, 2012.
- **Closed Session Report**
No Report.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to Terry Christensen for his retirement from San José State University. (Campos)
Mayor Reed and Council Members Campos, Liccardo and Kalra recognized and commended Terry Christensen upon his retirement from San José State University.

1. CEREMONIAL ITEMS

- 1.2 Presentation of a proclamation honoring HOPE Services for its 60 years of providing services to people with developmental disabilities in the community. (Pyle)
Mayor Reed and Council Member Pyle recognized and commended HOPE Services for its 60 years of dedication to the community.
- 1.3 Presentation of a commendation to the Santa Clara Valley Chapter of the California Native Plant Society for its environmental stewardship and alignment with the City of San José’s Green Vision goals. (Liccardo)
Mayor Reed and Council Member Liccardo recognized and commended the Santa Clara Valley Chapter of the California Native Plant Society for its achievements.
- 1.4 Presentation of a commendation to DeAndre Brackensick in recognition of his stellar representation of San José while performing on American Idol. (Kalra)
Mayor Reed and Council Member Kalra recognized and commended DeAndre Brackensick for his outstanding achievements.
- 1.5 Presentation of a commendation to Hon. James Emerson (Ret.) for his volunteer service to the IPA-SJPD Mediation Program. (Mayor)
Heard before Item 8.1.
Mayor Reed and Independent Police Auditor Judge LaDoris Cordell (Ret.) recognized and commended Honorable James Emerson (Ret.) for his volunteer service to the Independent Police Auditor – San José Police Department Mediation Program.

2. CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of Minutes

- (a) Regular Minutes of December 13, 2011
- (b) Regular Minutes of January 10, 2012
- (c) Regular Minutes of January 24, 2012
- (d) Regular Minutes of January 31, 2012

Approved.

2.2 Final Adoption of Ordinances.

Recommendation: Final Adoption of Ordinances.

- (a) ORD. NO. 29053 – Amending Chapter 9.44 of Title 9 of the San José Municipal Code to regulate outdoor smoking.

Ordinance No. 29053 adopted.

2. CONSENT CALENDAR

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

Recommendation:

- (b) ORD. NO. 29057 – Rezoning certain real property situated on an approximately 7.23-gross-acre site on the northwest side of East Gish Road, 500 feet southwesterly of Oakland Road (721 East Gish Road), to the CIC(PD) Planned Development Zoning District. PDC11-023
Ordinance No. 29057 adopted.

2.3 Approval of Council Committee Reports. No Report.

2.4 Mayor and Council Excused Absence Requests. No Report.

2.5 City Council Travel Reports. Mayor Reed reported highlights of his trip to Washington, D.C.

2.6 Report from the Council Liaison to the Retirement Boards. No Report.

2.7 Amendment to Lease of Airport Premises with Menzies Aviation, Inc. for Space Located at 1277 Airport Boulevard.

Recommendation: Approve a Third Amendment to Lease of Airport Premises with Menzies Aviation (USA), Inc. for space located at 1277 Airport Boulevard, from May 1, 2012 through June 30, 2017, with annual revenue to the City of approximately \$46,590. CEQA: Not a Project, File No. PP10-066(f), Lease of existing space for same use. (Airport)
Approved.

2.8 Sale of City-Owned Property at 20399 Almaden Road.

Recommendation: Adopt a resolution:

- (a) Authorizing an alternative competitive process for the sale of the property at 20399 Almaden Road, APN 583-13-013.
- (b) Approving an agreement between the City and Carrie Griffin Portillo, for sale of the property in the amount of \$207,000.
- (c) Authorizing the City Manager or designee to execute the sale agreement, and the deed and all other documents necessary to complete the transaction, and ratifying any disclosures or certifications made by the City Manager or designee regarding the property as required by law.

CEQA: Exempt File No. PP 00-02-023. Council District 10. (Economic Development)

Resolution No. 76200 adopted.

2. CONSENT CALENDAR

2.9 Sale of City-Owned Property at Story Road.

Recommendation: Adopt a resolution:

- (a) Declaring the .958 acre of City-owned property near Story Road and Roberts Avenue surplus to the needs of the City;
- (b) Approving an agreement between the City and Loanie Lam and Lisa Lam, owners of the adjoining property, for the sale of the property in the amount of \$42,000;
- (c) Approving the Grant of Easements to City for the maintenance and operation of monitoring wells and associated ingress and egress to the sale property; and
- (d) Authorizing the City Manager to execute the sale agreement, and the deed, Grant of Easements, and all other documents necessary to complete the transaction.

CEQA: Exempt File No. PP10-009. Council District 7. (Economic Development)

Deferred to May 08, 2012 per Administration.

2.10 Amendment to the Master Agreement with RMC Water and Environment for Engineering Consultant Services.

Recommendation: Approval of the first amendment to the master agreement with RMC Water and Environment extending the duration from June 30, 2012 to June 30, 2015 for a continuation of ongoing engineering consultant services supporting various City projects, at no additional cost to the City. CEQA: Exempt, File No. PP06-0195. (Public Works)

Approved.

2.11 Summary Easement Vacations for the Southeast Corner of North First and Rosemary Streets.

Recommendation: Adopt a resolution summarily vacating a portion of a Public Service Easement, an Anchor Easement, a portion of a Wire Clearance Easement, and a portion of a Building Set Back Line Easement, within properties located at the southeast corner of North First and Rosemary Streets. CEQA: Resolution No. 72768 and addendum thereto, File No. PDC07-101. Council District 3. (Public Works)

Resolution No. 76201 adopted.

2.12 Appropriation and Funding Source Actions Related to Various Airport Funds.

Recommendation: Adopt 2011-2012 Appropriation Ordinance and Funding Sources Resolution amendments in the funds as detailed in Attachment A of the staff memorandum to reflect the issuance of City of San José Airport Revenue Bonds Series 2011A and 2011B and the change in customer facility charge from \$10.00 per contract to \$6.00 per day. CEQA: Not a Project, PP10-067(b), Appropriation Ordinance. (Airport/City Manager's Office)

Renumbered from Item 6.1.

Ordinance No. 29058, 29058.1, 29058.2, 29058.3, 29058.4 adopted.

Resolution No. 76202, 76202.1, 76202.2 adopted.

2. CONSENT CALENDAR

2.13 Environmentally Preferable Procurement Policy Report for Fiscal Year 2010-2011.

Recommendation: As recommended by the Transportation and Environment Committee on April 2, 2012:

- (a) Accept the Environmentally Preferable Procurement Policy Report for 2010-2011.
- (b) Adopt a resolution approving modifications to Council Policy 4-6, “Environmentally Preferable Procurement Policy” to prohibit the purchase of food service ware made from expanded polystyrene in City facilities, programs, or at events at City venues.

CEQA: Exempt, File No. PP12-019. (City Manager’s Office/Environmental Services)
[Transportation and Environment Committee referral 4/2/12 – Item D(1)]

Renumbered from Item 7.3.

Resolution No. 76203 adopted.

2.14 Actions Related to Mayor Reed’s Travel to Washington, D.C.

Recommendation:

- (a) Authorize Mayor Reed’s travel to the Silicon Valley Leadership Group’s annual Washington, DC Advocacy Trip as one of the City’s designated representatives.
Source of Funds: Mayor & Council Travel Fund.
- (b) Authorize excused absences for the regular City Council meeting of Tuesday, April 17, 2012, and the regular meeting of the Rules and Open Government Committee on Wednesday, April 18, 2012, due to official City Business. (Mayor)

(Rules Committee referral 4/18/12)

Approved.

2.15 Actions Related to Council Member Constant’s Travel to Boston, MA.

Recommendation:

- (a) Authorize Council Member Constant’s travel to Boston, MA on November 27 – December 1, 2012 to attend, and preside as Vice Chair of, the Nation League of Cities’ Public Safety and Crime Prevention Committee at the 2012 National League of Cities and Exposition. Source of Funds: Mayor & Council Travel Fund.
- (b) Authorize excused absences for the regular City Council meeting of Tuesday, November 27, 2012, and the regular meeting of the Rules and Open Government Committee on Wednesday, November 28, 2012, due to official City Business.

(Constant)

(Rules Committee referral 4/18/12)

Approved.

2. CONSENT CALENDAR

2.16 District 5 Community Summit.

Recommendation:

- (a) Approve the District 5 Community Summit as a City-sponsored Special Event; and
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project. (City Clerk)

Approved.

2.17 ACA 23 (Perea) Local Government Transportation Projects Special Taxes: Voter Approval.

Recommendation: As recommended by the Rules and Open Government Committee on April 18, 2012, approve a support position for ACA 23 (Perea) Local Government Transportation Projects Special Taxes: Voter Approval. (City Manager's Office)

Support Position Approved.

Noes: Constant.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Debra Figone (Verbal Report) City Manager Debra Figone reported on the achievements of the Water Pollution Control Plant employees and their efforts to protect the safety of the community and City employees.

City Manager Figone informed the Council of a forthcoming information memorandum regarding the Library Funding Initiative Petition, which is currently circulating in the community. City Manager Debra Figone also noted that the Proposed Budget will be released on May 1, 2012.

3.2 Labor Negotiations Update

Recommendation: Accept Labor Negotiations Update.

Heard at 9:30 a.m.

No Report.

3. STRATEGIC SUPPORT SERVICES

3.3 Continued Suspension of Supplemental Retiree Benefit Reserve Payments.

Recommendation:

- (a) Approve an ordinance amending Section 3.36.580 of Part 4 of Chapter 3.36 of Title 3 of the San José Municipal Code to continue to suspend the supplemental retiree benefit reserve distribution from the Police and Fire Department Retirement Plan for fiscal year 2011-2012, and provide that there shall be no supplemental retiree benefit reserve distribution from the Police and Fire Department Retirement Plan during Fiscal Year 2012-2013, upon a finding that is needed to adopt the ordinance within a time period which does not allow for a sixty day review period by the Board of Administration of the Police and Fire Department Retirement Plan under San José Municipal Code Section 3.36.485.A.; and refer the ordinance to the Board for study and consideration pursuant to San José Municipal Code Section 3.36.485.B.

Ordinance No. 29059 passed for publication.

Noes: Campos, Chu, Kalra.

- (b) Direct staff to forward for review by the Board of Administration of the Federated City Employees Retirement Plan a draft resolution amending and restating Resolution No. 75635 to continue to suspend the supplemental retiree benefit reserve distribution from the Federated City Employees' Retirement Plan for Fiscal Year 2011-2012 and provide that there shall be no supplemental retiree benefit reserve distribution from the Federated City Employees' Retirement Plan during fiscal year 2012-2013.

CEQA: Not a Project, File No. PP10-068(b), Municipal Code or Policy, new or revised.
(City Manager's Office)

Resolution No. 76204 adopted.

Noes: Campos, Chu, Kalra.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Modifications to the Homebuyer Loan Investment Program to Allow Short-Sales of Properties in Cases of Financial Hardship.

Recommendation: Adopt a resolution modifying the City's Homebuyer Loan Investment Program to authorize the Director of Housing to:

- (a) Accept reduced repayment amounts as full payment of homebuyer loans funded by Low- and Moderate Income (20% Funds) Housing Funds in short sale situations consistent with Department guidelines as a means of preventing foreclosure, and rescind affordability restrictions recorded as a condition of the loans.

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Modifications to the Homebuyer Loan Investment Program to Allow Short-Sales of Properties in Cases of Financial Hardship. (Cont'd.)

- (b) Accept reduced repayment amounts as full payment of developer discount notes or homebuyer loans funded through the City's Inclusionary Housing Program in short sale situations consistent with Department guidelines as a means of preventing foreclosure, and rescind recorded affordability restrictions associated with the notes.

CEQA: Not a Project, File No. PP10-068(b), Municipal Code or Policy. (Housing)

Resolution No. 76205 adopted.

Noes: Constant.

4.2 Annual Status Reports on the Citywide Capital Improvement Program, Safe Neighborhood Parks and Recreation Bond Projects, Branch Library Bond Projects for FY 2010-2011 and Public Safety Bond Program for FY 2010-2011.

Recommendation:

- (a) Accept the Annual Status Report on the Citywide Capital Improvement Program.
- (b) Accept the Annual Status Report on the Safe Neighborhood Parks and Recreation Bond Projects for FY 2010-2011.
- (c) Accept the Annual Status Report on the Branch Library Bond Projects for FY 2010-2011.
- (d) Accept the Annual Status Report on the Public Safety Bond Program for FY 2010-2011.

CEQA: Not a Project, File No. PP10-069(a), Annual Reports. (Public Works)

Accepted, with Staff directed to present a status update on the sports field issue to the Neighborhood Services and Education Committee.

4.3 Status Report on Deferred Maintenance and Infrastructure Backlog.

Recommendation: As recommended by the Transportation and Environment Committee on April 2, 2012, accept the status report on the City's Deferred Maintenance and Infrastructure Backlog. CEQA: Not a Project. (Public Works)

[Transportation and Environment Committee referral 4/2/12 – Item D(4)]

Accepted.

4.4 Report on Bids and Award of Contract for the Lower Guadalupe River Trail - Reaches A-E.

Recommendation: Report on bids and award of contract for the Lower Guadalupe River Trail (Reaches A-E) to the low bidder, Wattis Construction Co., Inc., in the amount of \$3,223,032, and approval of a contingency in the amount of \$322,303. CEQA: Mitigated Negative Declaration, File No. PP04-323. Council Districts 3 and 4. (Public Works)

Approved.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.5 Rezoning Real Property Located on the West Side of Meridian Avenue.

Recommendation: Consideration of an ordinance rezoning the real property located on the west side of Meridian Avenue, approximately 200 feet northerly of W. San Carlos Street (265 Meridian Avenue), from CO Commercial Office and R-2 Residential Zoning District to CP Commercial Pedestrian Zoning District on a 0.66 gross acres site (Hooman Sotoodeh, Owner). SNI: Burbank/Del Monte. CEQA: Envision San José 2040 EIR, Resolution No. 76041, File No. PP09-011.

C12-004 – District 6

Ordinance No. 29060 passed for publication.

4.6 Rezoning Real Property Located on the East Side of Meridian Avenue.

Recommendation: Consideration of an ordinance rezoning the real property located on the east side of Meridian Avenue, approximately 170 feet southerly of Minnesota Avenue (1414 Meridian Avenue), from R-1-8 Residential Zoning District to CP Commercial Pedestrian Zoning District on a 0.17 gross acres site (Todd and Jennifer Harman, Owner). CEQA: Envision San José 2040 EIR, Resolution No. 76041, File No. PP09-011.

C12-005 – District 6

Ordinance No. 29061 passed for publication.

4.7 Rezoning Real Property Located at/on the Northeast Corner of South Bascom Avenue and Fruitdale Avenue.

Recommendation: Consideration of an ordinance rezoning the real property located at/on the northeast corner of South Bascom Avenue and Fruitdale Avenue (898 South Bascom Avenue) from the CP Commercial Pedestrian Zoning District to the CN Commercial Neighborhood Zoning District (Jones Tonnie J Et Al, Owner). Council District 6. SNI: Burbank/Del Monte. CEQA: Envision San José 2040 EIR, Resolution No. 76041, File No. PP09-011.

C12-002 – District 6

Ordinance No. 29062 passed for publication.

Noes: Liccardo.

4.8 Economic Strategy Workplan Top Five Priorities.

Recommendation: As recommended by the Community and Economic Development Committee on March 26, 2012, accept the staff report on the progress implementing the Top 5 highest workplan priorities for the Economic Strategy. CEQA: Not a Project, File No. PP10-066(a), Staff Reports. (City Manager's Office)

[Community and Economic Development Committee referral 3/26/12 – Item D(2)]

Heard following Item 3.1 per Orders of the Day.

(Action continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.8 Economic Strategy Workplan Top Five Priorities. (Action Cont'd.)

The memorandum from Mayor Reed, Vice Mayor Nguyen and Council Members Herrera and Liccardo, dated April 20, 2012, was approved:

- (1) The Staff report on the progress implementing the Top Five highest work plan priorities for the Economic Strategy was accepted, with Staff directed to:
- (2) Keep a strong focus on implementing the same Top Five highest work plan priorities in FY 2012-13.
- (3) Update the Community and Economic Development Committee (CED) with bi-annual progress reports of accomplishments associated with implementing the Top Five work plan priorities.
- (4) Update the CED Committee in May 2012 on the status of recruiting additional Development Services staff positions that were approved by Council in January 2012 to address our ability to work at the speed of business.
- (5) Implement the recommendations outlined in the memorandum co-authored by Council Members Constant, Herrera and Liccardo, dated March 23, 2012, or return to CED Committee in June 2012 with a meaningful alternative proposal to achieve continuous improvements in Development Services, including ways to expeditiously facilitate our small business permitting process.

4.9 Outdoor Special Events Update.

Recommendation: As recommended by the Community and Economic Development Committee on March 26, 2012:

- (a) Accept staff's progress report on the implementation of Council direction to control City cost escalation for outdoor special events and support event revenue generation; transition of Christmas in the Park to a community-based model; and Council prioritized changes to the City's special events ordinances;
- (b) Direct staff to extend the suspension of the collection of gate fees for ticketed events effective July 1, 2012 through Fiscal Year 2013-2014.

(City Manager's Office)

[Community and Economic Development Committee referral 3/26/12 – Item D(3)]

The memorandum from Council Member Liccardo, dated April 23, 2012, approving the Staff recommendations with the following additions, which largely reiterate the same recommendations made unanimously by the Community and Economic Development Committee in its March 26, 2012 meeting:

- (1) Assess the feasibility of eliminating the private property permit fee for commercially zoned parking facilities in the downtown and return to Council with a recommendation during our annual consideration of Fees and Charges.
- (2) Continue efforts to make San Pedro Square and SoFA District cost effective, "turn-key" downtown event "venues".

(Action continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.9 Outdoor Special Events Update. (Action Cont'd.)

- (3) Identify any potential event locations in the downtown core where street closures can safely be implemented by an event producer with the use of traffic equipment rather than Parking Traffic and Control Officers (PTCO) or secondary employment Police Officers.
- (4) Report back to Community and Economic Development Committee within six months with a recommended policy and any fees changes.

5. NEIGHBORHOOD SERVICES

5.1 Anti-Graffiti Program – Contracted Services Cost Report.

Recommendation: Accept this report regarding the on-going administration of graffiti eradication activities. CEQA: Not a Project, File No. PP10-069, Staff Report. (Parks, Recreation and Neighborhood Services)

Deferred to May 01, 2012 per Administration.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Appropriation and Funding Source Actions Related to Various Airport Funds.

Recommendation: Adopt 2011-2012 Appropriation Ordinance and Funding Sources Resolution amendments in the funds as detailed in Attachment A of the staff memorandum to reflect the issuance of City of San José Airport Revenue Bonds Series 2011A and 2011B and the change in customer facility charge from \$10.00 per contract to \$6.00 per day. CEQA: Not a Project, PP10-067(b), Appropriation Ordinance. (Airport/City Manager's Office)

Renumbered to Item 2.12. See Item 2.12 for Action.

6.2 Actions Related to the Taxiway W Extension G-J Project at the Norman Y. Mineta San José International Airport Project.

Recommendation: Adopt a resolution

- (a) Authorizing the Director of Public Works to determine the lowest responsive and responsible bidder for the Taxiway W Extension G-J Project at the Norman Y. Mineta San José International Airport and to either: (i) award the contract to the lowest responsive and responsible bidder in an amount not to exceed \$13,070,000, contingent upon award and execution of an Airport Improvement Program Grant from the Federal Aviation Administration; or (ii) reject all bids and re-bid the Project.
- (b) Approving a contingency equal to fifteen percent of the award amount.
CEQA: Resolution Nos. 67380 and 71451, PP 12-025. (Public Works/Airport)
Resolution No. 76206 adopted.

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Status Report Cooperative Efforts between City of San José and Santa Clara Valley Water District.

Recommendation: Accept the Annual Status Report on cooperative efforts in 2011 between the City of San José and the Santa Clara Valley Water District relating to flood protection, water supply, watershed protection, and policy priorities. CEQA: Not a Project, File No. PP10-067 (a), Increase or Adjustment to Fees, Rates & Fares. (Environmental Services/City Manager's Office)

Accepted.

7.2 Commercial Solid Waste Fees and Maximum Customer Rates.

Recommendation:

- (a) Approve an ordinance to amend Chapter 9.10 of Title 9 of the San José Municipal Code to amend Section 9.10.1435 to require the exclusive solid waste franchisee to pay a Source Reduction and Recycling Fee (AB939 Fee).
- (b) Adopt a resolution to amend the Schedule of Fees and Charges (Resolution No. 72737 as amended) to revise the Source Reduction and Recycling Fee (AB939 Fee) for commercial solid waste collected city-wide for two exclusive franchise districts at \$4,200,000 per fiscal year to be paid by the exclusive franchisee.
- (c) Adopt a resolution fixing and determining Maximum Commercial Solid Waste Services Rates in the City of San José pursuant to the Commercial Solid Waste and Recyclable Materials Collection Franchise Agreements between the City of San José and Allied Waste Services of North America, LLC dba Allied Waste Services of Santa Clara County, including the total processing costs for organic processing services.

CEQA: Not a Project, File No. PP10-067 (a), Increase or Adjustment to Fees, Rates & Fares. (Environmental Services/City Manager's Office)

Deferred to May 15, 2012 per Orders of the Day.

7.3 Environmentally Preferable Procurement Policy Report for Fiscal Year 2010-2011.

Recommendation: As recommended by the Transportation and Environment Committee on April 2, 2012:

- (a) Accept the Environmentally Preferable Procurement Policy Report for 2010-2011.
- (b) Adopt a resolution approving modifications to Council Policy 4-6, "Environmentally Preferable Procurement Policy" to prohibit the purchase of food service ware made from expanded polystyrene in City facilities, programs, or at events at City venues.

CEQA: Exempt, File No. PP12-019. (City Manager's Office/Environmental Services) [Transportation and Environment Committee referral 4/2/12 – Item D(1)]

Renumbered to Item 2.13. See Item 2.13 for Action.

8. PUBLIC SAFETY SERVICES

8.1 2011 Independent Police Auditor Year End Report.

Recommendation: Accept the 2011 Independent Police Auditor Year End Report.
(Independent Police Auditor)

Heard concurrently with Item 1.5.

Accepted.

8.2 San José Police Department's Internal Affairs Unit Report on Department Initiated Investigations.

Recommendation: Accept the San José Police Department's Internal Affairs Unit report on Department Initiated Investigations for CY 2011. CEQA: Not a Project, File No. PP10-069(a), Annual Reports. (Police)

Accepted.

9. REDEVELOPMENT – SUCCESSOR AGENCY

- **Open Forum**

- (1) **David Wall expressed concerns about the failure of the Water Pollution Control Plant.**
- (2) **Mike Glazzy, representing Department of California, Korean War Veterans Association, expressed his desire for the City of San José to commemorate the sacrifices displayed by the Korean War veterans. Mayor Reed referred Mr. Glazzy to the Offices of the Mayor and Council Member Constant.**
- (3) **Mr. Carpentier reported a concern related to opening a business in San José. Mayor Reed referred Mr. Carpentier to Assistant City Manager Edward K. Shikada.**

- **Adjournment**

The Council of the City of San José was adjourned at 6:00 p.m. in memory of Mary Mendez, who managed the St. Joseph Day Worker Center and helped day workers find jobs for more than 18 years. (Mayor)