



CITY COUNCIL AGENDA

JUNE 19, 2012

AMENDED AGENDA

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**
- * 9:00 a.m. - Closed Session, Call to Order in Council Chambers
Open Session, Labor Negotiations Update (See Item 3.2)
Adjourn to Closed Session in Council Chambers Conference Room, W133
[See Separate Agenda](#)
- * 10:00 a.m.- Open Session to resume following the conclusion of Closed Session
Council will recess at 12:30 p.m. and reconvene at 1:30 p.m.
- 1:30 p.m. - Reconvene Regular Session, Council Chambers, City Hall
Invocation and Ceremonial Items to be heard at 1:30 p.m.
- 7:00 p.m. - Public Hearings, Council Chambers, City Hall

- **Invocation (District 6)**
Rabbi Dana Magat, Temple Emanu-El

- **Pledge of Allegiance**

- **Orders of the Day**

* Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

THE SAN JOSE FINANCING AUTHORITY, AND ITEMS 3.3 AND 3.4 TO BE HEARD FIRST, IN THAT ORDER, BEFORE OTHER ACTIONS, INCLUDING CONSENT CALENDAR

- Orders of the Day (Cont'd.)
- * **ITEM 6.1 RENUMBERED TO ITEM 2.51**
- * **ITEMS 5.2, 5.3, AND 5.4 TO BE HEARD NO EARLIER THAN 2:30 P.M.**
- * **SEE NEW ITEM 1.7, “Presentation of a commendation to Claude Fletcher...” TO BE ADDED UNDER ORDERS OF THE DAY**
- * **SEE NEW ITEM 2.62, “Santa Clara County LAFCO Reappointments...” TO BE ADDED UNDER ORDERS OF THE DAY**
- * **THE JOINT SAN JOSE DIRIDON DEVELOPMENT AUTHORITY WILL BE HEARD FIRST FOLLOWING CEREMONIAL ITEMS AT 1:30 P.M.**
- * ADJOURNMENT: This meeting will be adjourned in memory of Anthony Colón, a Retired Sgt. of the San José Police Department, who passed away on May 3, 2012. (Mayor/Campos)
- Closed Session Report

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation honoring the men’s and women’s basketball teams of Archbishop Mitty High School for their outstanding achievements this season. (Constant)
TO BE HEARD IN THE EVENING
- 1.2 Presentation of a commendation to the Department of California – Korean War Veterans Association in recognition of its efforts to honor the service and sacrifices of our local veterans of the Korean War. (Mayor/Constant)
- 1.3 Presentation of a proclamation recognizing June 23rd and June 24th as “RACES Field Day” in the City of San José. (Mayor)
TO BE HEARD IN THE EVENING
- 1.4 Presentation of a proclamation in recognition of the 2012 US Olympic Trials – Gymnastics to be held in San José between June 28 – July, 1, 2012. (Mayor)
- 1.5 Presentation of a proclamation recognizing June 12, 2012 as “Philippine Independence Day” in the City of San José. (Campos)
(Rules Committee Referral 06/06/12)
- 1.6 Presentation of a commendation to Chuck Hammers, CEO of Pizza My Heart, Inc., for being the top prize winner of the International Pizza Challenge award. (Liccardo)
* (Rules Committee Referral 06/13/12)

1. CEREMONIAL ITEMS

- 1.7 Presentation of a commendation to Claude Fletcher in recognition of his dedication to enriching the lives of the students of the Valley Christian Schools, and his years of service to the City of San José. (Kalra)

* (Orders of the Day)

TO BE HEARD IN THE EVENING

2. CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

2.1 Approval of Minutes.

2.2 Final Adoption of Ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 29096 – Rezoning certain real property situated on the north side of Story Road, approximately 150 feet westerly of McCreery Avenue (1841 Story Road) from CP Commercial Pedestrian Zoning District to the CN Commercial Neighborhood Zoning District. C12-008
- * (b) ORD. NO. 29097 – Amending Title 23 of the San José Municipal Code (The Sign Code) as follows: to amend Chapter 23.02 to add a new Section 23.02.053 to define assembly spaces, amend Section 23.02.905 to modify operational regulations pertaining to programmable electronic signs, amend Section 23.02.1090 to expand the ability to relocate historic signs, amend Section 23.04.020 to add regulations applicable to signage at assembly spaces, modify regulations pertaining to programmable electronic signs, add regulations pertaining to vertical projecting signs and public parking garage signs, and remove provisions related to the Julian-Stockton Redevelopment Area; to amend Chapter 23.04 to amend Section 23.04.030 to add regulations for signage at assembly spaces and programmable electronic signs, amend Section 23.04.100 to modify the definition of the “Downtown Sign Zone,” amend Sections 23.04.110 and 23.04.120 to provide for regulations applicable to signage at assembly spaces and modify regulations applicable to signs near freeways and programmable electronic signs, amend Section 23.04.156 to provide for regulations applicable to signage at assembly spaces and arcade signs, amend Section 23.04.320 to provide for skyline signs on residential parcels, amend Section 23.04.330 to provide regulations for programmable electronic signs and some additional signage on large parcels with nonresidential uses in residential zones, and to make other nonsubstantive, ministerial, technical, or typographical changes to said Chapters 23.02 and 23.04 of Title 23 of the San José Municipal Code.

2. CONSENT CALENDAR

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

Recommendation: Final adoption of ordinances.

- * (c) [ORD. NO. 29098](#) – Amending Part 4 of Chapter 13.48 of Title 13 of the San José Municipal Code related to historical property contracts to provide for additional inspections of the historic landmark property and to make other changes to align the provisions of said Part 4 with the provisions of California State Assembly Bill 654 (Hueso) related to historical property contracts.

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- * (a) [Transportation and Environment Committee Report of June 4, 2012.](#) (Liccardo)

2.4 Mayor and Council Excused Absence Requests.

Recommendation:

- (a) [Request for an excused absence for Councilmember Constant from the Regular Meeting of the Rules and Open Government Committee on June 13, 2012 due to medical.](#) (Constant)
- * (Rules Committee Referral 06/13/12)

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 [Passenger Facility Charge Closeout Amendments.](#)

Recommendation: Adopt a [resolution](#) authorizing the City Manager to submit applications to the Federal Aviation Administration and execute amendments to various completed Passenger Facility Charges (PFC) projects as necessary in order to close out approved PFC applications. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Airport)

2.8 [Amendment to Agreement with First Alarm Security and Patrol, Inc. to Expand Airport Curbside Security Officer Duties.](#)

- * **Recommendation:** Adopt a resolution authorizing the City Manager to execute the second amendment to the [City-Wide agreement](#) with First Alarm Security and Patrol, Inc. to expand Airport curbside Security Officer duties from one shift to three shifts, add parking citation issuance to their responsibilities, and to increase the amount of maximum compensation by \$626,240 subject to the appropriation of funds. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Airport/Finance)

2. CONSENT CALENDAR

2.9 [Amendment to Orrick Herrington Legal Services Agreement.](#)

Recommendation: Adopt a resolution authorizing the City Attorney to negotiate and execute a Seventeenth Amendment to the agreement with Orrick Herrington & Sutcliffe LLP for legal services related to the City's outstanding Airport revenue debt to extend the term through June 30, 2013 and to increase the compensation by \$50,000 for a total amount not to exceed \$660,000. CEQA: Not a Project, File No. PP10-066(e), services that involve no physical changes to the environment. (City Attorney's Office).

2.10 [Settlement in Ward and Tapia v. City of San Jose.](#)

Recommendation: Approve settlement and authorize the City Attorney to execute a [Settlement Agreement](#) and Release with Debra Ward ("Ward") and Patricia Tapia ("Tapia"), providing for payment by City to Ward, Tapia and their attorneys in the amount of \$395,000, as considered by the City Council during Closed Session held on May 15, 2012. CEQA: Not a Project; File No. PP10-066(h), Settlement Agreements. (City Attorney's Office)

2.11 **Repeal of Arizona Travel Prohibition.**

Recommendation: Adopt a resolution repealing City Council Resolution No. 75401 to permit the expenditure of City funds for travel to Arizona. CEQA: Not a Project, File No. PP10-069. (City Manager's Office)

* **DROP**

2.12 [Annual Renewal of Workforce Investment Act Programs and Projects for 2012-2013.](#)

Recommendation: Adopt the annual renewal resolution authorizing the City Manager to:

(a) Negotiate and execute all contracts, amendments, agreements, leases, subleases and memorandums of understanding with contractors, vendors and partners providing services to the Workforce Investment Act Program (WIA), including, but not limited to, novations or assignments, vendor training contracts, case management contracts, consultant contracts, memorandums of understanding required with Mandatory Partners for the use of One-Stop facilities, and cities and the unincorporated area of Santa Clara County whose residents receive service under the WIA program for the period from July 1, 2012 to June 30, 2013 in accordance with procurement procedures and requirements mandated by the State and Federal governments for Workforce Investment Act grant recipients and with established City procurement procedures and requirements that have been reviewed and approved by the Silicon Valley Workforce Investment Network (work2future) Executive Committee and/or the Board. The City Manager or designee is also authorized to negotiate and execute Council-approved agreements that have been reviewed and approved by the work2future Executive Committee and/or the work2future Board so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.

(Item continued on the next page)

2. CONSENT CALENDAR

2.12 Annual Renewal of Workforce Investment Act Programs and Projects for 2012-2013. (Cont'd.)

Recommendation:

- (b) Negotiate and execute all grants and sub-grant agreements for discretionary funding applied for and approved by the work2future Board for the period from July 1, 2012 to June 30, 2013.

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

2.13 [US Olympics Gymnastics Trials Agreement.](#)

- * **Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute a Contribution Agreement with San José Arena Management, LLC for financial support of the winning bid for the US Gymnastic Olympic Trials taking place at the HP Pavilion June 28 – July 1 in an amount of \$300,000. CEQA: Not a Project, File No. PP10-066(e), Agreements/Contracts. (Economic Development)

2.14 [Easement Modification Agreement with Pacific Gas and Electric for 225 Baypointe Parkway.](#)

Recommendation:

- (a) Approve the gas line easement [modification agreement](#) with Pacific Gas and Electric expanding the width of the existing permanent easement for the relocation and maintenance of a gas transmission line on the site of 225 Baypointe Parkway and including a temporary construction easement, and
- (b) Adopt a resolution to authorize the City Manager or her designee to execute the gas line easement modification agreement and all other documents needed to conclude the transaction.

CEQA: Not a Project, File No. PP09-212. (Economic Development)

2.15 [Agreement with the San Jose Downtown Association.](#)

- * **Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute a Services Agreement for services including marketing the City's Downtown Parking Program, Downtown Place Promotion, business retention and expansion and Downtown events for the period of July 1, 2012 through June 30, 2013, for an amount not to exceed \$320,000. CEQA: Not a Project, File No. PP10-066(e), Agreements/Contracts. (Economic Development)

2. CONSENT CALENDAR

- 2.16 [Bay Area Biosolids to Energy Coalition Agreement.](#)
[Letter from the Treatment Plant Advisory Committee](#)
Recommendation: Adopt a resolution authorizing the City Manager to execute the Amended and Restated Bay Area Biosolids to Energy Coalition Joint Exercise of Powers [Agreement](#) to become a member of the Bay Area Biosolids to Energy Coalition for a contribution in the amount of \$370,588, and consideration for the City's matching contribution in the amount of \$215,000 to an Initial Feasibility Study and Potential Demonstration of a Biomass-To-Energy Technology Facility at the San José/Santa Clara Water Pollution Control Plant with the California Energy Commission and Harvest Power, Inc.; and to appoint a City representative, and alternate to the Bay Area Biosolids to Energy Coalition Steering Committee. Not a Project, File No.PP10-066(g), Memorandum of Understanding. (Environmental Services)
- 2.17 [Amendment to the Agreement with Westin Engineering, Inc., for Implementation of a Computerized Maintenance Management System at the San José/ Santa Clara Water Pollution Control Plant.](#)
[Letter from the Treatment Plant Advisory Committee](#)
Recommendation: Approve the Third Amendment to the [Agreement](#) with Westin Engineering, Inc., for implementation of a Computerized Maintenance Management System at the San José/ Santa Clara Water Pollution Control Plant to increase the compensation by \$191,000 to an amount not to exceed \$1,052,000, and to extend the term through December 31, 2013, to complete a revised scope of work. CEQA: Not a Project, File No. PP10-066(a), Contract amendment for software installation and support. (Environmental Services)
- 2.18 [Report on Bids and Award of a Construction Contract for the 6449 - Fire Main Replacement Phase II Project at the San José/Santa Clara Water Pollution Control Plant.](#)
[Letter from the Treatment Plant Advisory Committee](#)
Recommendation:
(a) Report on bids and award the construction contract for the 6449 - Fire Main Replacement – Phase II Project to the low bidder, D&D Pipelines, Inc., in the amount of \$989,500.
(b) Approve a 10% contingency in the amount of \$99,000.
CEQA: Exempt, File No. PP12-032. (Environmental Services)
- 2.19 [Report on Bids and Award of a Construction Contract for the Street Treatment Project at the San José/Santa Clara Water Pollution Control Plant.](#)
[Letter from the Treatment Plant Advisory Committee](#)
Recommendation:
(a) Report on bids and award the construction contract for the Street Treatment Project at the San José/Santa Clara Water Pollution Control Plant to the low bidder, Wattis Construction, Inc., in the amount of \$108,100.
(b) Approve a 10% contingency in the amount of \$10,800.
CEQA: Exempt, File No. PP12-004. (Environmental Services)

2. CONSENT CALENDAR

2.20 [Contract Change Order for the Switchgears M1, M2 and M3 Replacement Design-Build Project at the San José/Santa Clara Water Pollution Control Plant.](#)

[Letter from the Treatment Plant Advisory Committee](#)

Recommendation:

- (a) Adopt a resolution authorizing the Director of Environmental Services to negotiate and execute Contract Change Order (CCO) No. 21 for the Switchgears M1, M2, & M3 Replacement Design-Build Project in the maximum amount of \$195,000 with Rosendin Electric for a total contract amount not to exceed \$9,685,025.
- (b) Approve a \$40,000 increase to the construction contingency amount of \$1,258,047 for a revised contingency amount of \$1,298,047 and a total contract amount not to exceed \$9,685,025.

CEQA: Exempt, File No. PP04-03-079. (Environmental Services)

2.21 [Application to the Proposition 84 Storm Water Grant Program for Two Stormwater Green Streets Projects.](#)

Recommendation: Adopt a [resolution](#) authorizing the City Manager, or designee, to submit two grant applications to the California State Water Resources Control Board for the Proposition 84 Storm Water Grant Program for the following projects to retrofit City streets to integrate stormwater treatment:

- (a) Park Avenue Green Avenue Pilot Project for a grant amount of \$859,100 with a local match of up to \$428,800; and
- (b) Martha Gardens Green Alleys Pilot Project for a grant amount of \$945,180 with a local match of up to \$473,400.

(Environmental Services)

2.22 [Cost Sharing Agreement with the Santa Clara Valley Water District for the South Bay Water Recycling Program.](#)

[Letter from the Treatment Plant Advisory Committee](#)

Recommendation:

- (a) Adopt a resolution authorizing the City Manager to execute a [cost sharing agreement between](#) the City of San José and the Santa Clara Valley Water District to share the cost of developing a strategic master plan for the South Bay Water Recycling Program, estimated to cost up to \$2,400,000 with each party to contribute up to \$1,200,000; and to share in reimbursements from the United States Department of Interior Bureau of Reclamation Grant of up to \$1,200,000 for costs associated with developing the plan.
- (b) Adopt the following 2011-2012 Appropriation Ordinance and Funding Source Resolution amendments in the San José/Santa Clara Treatment Plant Capital Fund:
 - (1) Increase the Estimate for Earned Revenue by \$1.2 million;
 - (2) Increase the SBWR Master Plan appropriation by \$132,000; and
 - (3) Increase the Ending Fund Balance by \$1,068,000.

CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (Environmental Services/City Manager's Office)

2. CONSENT CALENDAR

2.23 [Setting a Public Hearing on Sewer Service and Use Charges and Storm Sewer Service Charges to be Placed on the Fiscal Year 2012-2013 County Assessment Roll.](#)

Recommendation: Adopt a [resolution](#):

- (a) Setting a Public Hearing on Tuesday, August 7, 2012, at 1:30 p.m. for 2012-2013 Sewer Service and Use Charges and Storm Sewer Service Charges based on annual reports of the Director of Finance and direct the City Clerk to publish notice of the time and place of the hearing.
- (b) Allowing the Director of Finance to file, with the City Clerk, the 2012-2013 Sewer Service and Use Charges and Storm Sewer Service Charges on or before July 15, 2012.

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

2.24 [Agreement with Sprint for Cellular Services for the Purchase of Radios, Cellular and Wireless Equipment and Services.](#)

* **Recommendation:** Adopt a [resolution](#) authorizing the City Manager to:

- (a) Negotiate and execute an [agreement](#) with Sprint Solutions, Inc. (San Ramon, California) for the purchase of radios, cellular and wireless equipment and services to transition to the cooperative purchase agreement between Sprint and Western States Contracting Alliance (WSCA) under the State of California Participating Addendum for the term June 12, 2012 through October 31, 2016, for a not-to-exceed amount of \$550,000 per year;
- (b) Add or delete services or equipment as required due to fluctuations in the number of users and usage, subject to the appropriation of funds; and
- (c) Execute any necessary documentation to make purchases under the pricing, terms and conditions obtained under the WSCA cooperative agreements between the State of California and AT&T, Verizon and T-Mobile for the same period mentioned above, in the event that Sprint as the primary provider is unable to meet the requirements of the City.

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

2.25 [Amendment to the Agreement with Avaya, Inc., for Operations and Maintenance Services for the Converged Voice and Data Network at City Hall.](#)

Recommendation: Adopt a resolution authorizing the City Manager to execute the Seventh Amendment to the [Agreement for Operations and Maintenance](#) (O&M) Services for the converged voice and data network at City Hall with Avaya Inc. (as assigned from Nortel Networks) to add an additional option period to extend the agreement one additional year with a reduced scope of services and total compensation not to exceed \$303,222. CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Finance)

2. CONSENT CALENDAR

2.26 [Agreement with Santa Clara Valley Medical Center for Sexual Assault Response Team Exams as Mandated by SB768.](#)

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute an [agreement](#) with Santa Clara Valley Medical Center for Sexual Assault Response Team exams for adults and children as mandated by SB768 and as required by the San José Police Department, for a not-to-exceed amount of \$150,000 for the period July 1, 2012 through June 30, 2013; and
- (b) Exercise annual extensions to the agreement and execute any required documentation for ongoing services as required under the terms and conditions of the agreement, subject to the appropriation of funds.

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

2.27 [Award of the Purchase of Tractor Drawn Aerial Ladder Trucks.](#)

Recommendation: Adopt a [resolution](#) authorizing the City Manager to determine the lowest responsive and responsible bidder and award the purchase of four Tractor Drawn Aerial Ladder Trucks subject to the following conditions:

- (a) All necessary funds are appropriated and available to be encumbered.
- (b) All protests (if any) are final and no bidders have filed an appeal to Council within the required time period.

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

2.28 [2010 Urban Areas Security Initiative Appropriation.](#)

Recommendation: Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund for 2011-2012:

- (1) Increase the 2010 Urban Areas Security Initiative (UASI) appropriation 3918 in City-wide Public Safety by \$49,290; and
- (2) Increase the earned revenue estimate from the Federal Government by \$49,290. (Fire/City Manager's Office)

2.29 [Agreement with the County of Santa Clara to Accept Program Funds from the County for the 2011 Metropolitan Medical Response System Grant Program.](#)

Recommendation:

- (a) Adopt a resolution authorizing the City Manager:
 - (1) To negotiate and execute an agreement with the County of Santa Clara to accept program funds from the County for 2011 State Homeland Security Program funding for:
 - (a) Police and Fire Department training and exercise events in an amount up to \$394,198; training sessions/classes are to be developed and approved, allocation of funds will be requested at some future point;

(Item continued on the next page)

2. CONSENT CALENDAR

2.29 Agreement with the County of Santa Clara to Accept Program Funds from the County for the 2011 Metropolitan Medical Response System Grant Program. (Cont'd.)

Recommendation:

- (a) (1) (b) Fire Department funding for the 2011 Metropolitan Medical Response System Grant Program in the amount of \$281,693.
- (2) To negotiate and execute additional amendments to the agreement and all related documents without further City Council action.
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund for 2011-2012:
 - (1) Establish a city-wide appropriation to the Fire Department for the 2011 Metropolitan Medical Response System Grant Program in the amount of \$281,693;
 - (2) Increase Earned Revenue Estimate from the Federal Government by \$281,693.

(Fire/Police/City Manager's Office)

2.30 [Awards of CDBG Funds for School Readiness/Third-Grade Literacy Services. Memo from Councilmembers Campos and Liccardo](#)

Recommendation: Adopt a [resolution](#):

- (a) Awarding Community Development Block Grant (CDBG) funds in the amount of \$100,000 each to the San José State University Research Foundation, Catholic Charities of Santa Clara County, and Somos-Mayfair, Inc., to provide School Readiness/Third-Grade Literacy services in the Five Wounds/Brookwood Terrace, Mayfair and Santee neighborhoods, respectively, in Fiscal Year 2012-2013; and
- (b) Authorizing the Director of Housing to negotiate and execute these grant agreements.

CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. Council Districts 3, 5 and 7. (Housing)

2.31 [Approval of a Two-Year Lease with the Downtown Streets, Inc. for Two Properties Located at 110 Roundtable Drive Building #22 and 127 Roundtable Drive.](#)

* **Recommendation:** Adopt a [resolution](#):

- (a) Approving a [lease](#) between the City of San José and Downtown Streets, Inc., for the two properties located at 110 Roundtable Drive building #22 and 127 Roundtable Drive for a period of two years, commencing on July 1, 2012 and terminating on June 30, 2014, for an annual rent of \$1.00.
- (b) Authorizing the Director of Housing, or her designee, to negotiate and execute all necessary documents.

CEQA: Exempt, PP10-066(f). (Housing)

2. CONSENT CALENDAR

2.32 [Funding Commitment for Predevelopment for the Japantown Seniors Apartments Project.](#)

Recommendation: Adopt a [resolution](#) approving a funding commitment of up to \$500,000 of funding from the federal HOME Investments Partnership Program to First Community Housing for a predevelopment loan for the planned 75 unit Japantown Seniors Apartments, an affordable rental development to be located on the former City Corporation Yard Parking Lot site located at 675 N. Sixth Street. CEQA: Resolution No. 74384, GP07-03-04, PDC08-010. Council District 3. (Housing)

2.33 [Grant for Administration of Tenant Based Rental Assistance Program.](#)

- * **Recommendation:** Adopt a resolution authorizing the Director of Housing to negotiate and execute documents for a grant of up to \$1,470,000 to Abode Services for administration and housing costs associated with the City's Tenant Based Rental Assistance programs for homeless households for a period of two years. CEQA: Not a Project, File No. PP10-066, Agreements/Contracts. (Housing)

2.34 [Acceptance of a CalHome Program Grant from the California Department of Housing and Community Development for the Housing Rehabilitation and Welcome Home Homebuyer Programs.](#)

Recommendation: Adopt a [Resolution](#) Authorizing the City Manager to:

- (a) Accept a \$1,500,000 CalHome grant from the California Department of Housing and Community Development; and
- (b) Negotiate and execute the grant agreement and any amendments or other documents necessary to implement the programs funded by the grant.

CEQA: Statutorily Exempt, CEQA Guidelines Section 15267, Financial Assistance to Low- or Moderate- Income Housing. (Housing)

2.35 [Approval of Contract Extension for Workers' Compensation Cost Containment Services.](#)

Recommendation: Approve an amendment to extend an [agreement](#) with Mitchell Corporation to provide workers' compensation cost containment services at a cost not to exceed \$650,000 during the period July 1, 2012 to December 31, 2012, subject to annual appropriation of funds by the City Council. CEQA: Not of Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Human Resources)

2. CONSENT CALENDAR

2.36 [Refund of Construction Taxes to The Core Group for a Project Located at 2880 Junction Avenue.](#)

Recommendation: Approve a refund of construction taxes in the amount of \$57,285.73 paid under the incorrect tax rate and valuation by The Core Group/Fusion-IO, for a project located at 2880 Junction Avenue, and direction to the Director of Finance to make payment in accordance with the instructions in the refund claim. CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities. Council District 4. (Planning, Building and Code Enforcement)

2.37 [Reorganization of Territory Designated as Hamilton No. 60 from the County into the City of San José.](#)

Recommendation: Adopt a [resolution](#) ordering the reorganization of territory designated as Hamilton No. 60, which involves the annexation to the City of San José of approximately 0.44 gross acres of land generally located at the southwest corner of Bascom Avenue and Maywood Avenue, and the detachment of the same from the appropriate special districts including Central Fire Protection, West Valley Sanitation, County Lighting and Area No. 01 (Library Services) County Service. CEQA: EIR Resolution No. 76041. Council District 6. (Planning, Building and Code Enforcement)

2.38 [Amendment to the Administrative Citation Schedule to Create an Administrative Citation for the Social Host Ordinance.](#)

Recommendation: Adopt a [resolution](#) amending the Administrative Citation Schedule of Fines to create an administrative citation fine of \$350.00 for violations of San José Municipal Code Section 10.30.200, which prohibits underage gatherings, and repeal Resolution No. 76232. (Police)

2.39 [Actions Related to the 2012 Justice Assistance Grant.](#)

Recommendation:

- (a) Approve the proposed 2012 JAG Spending Plan for the FY 2012 Edward Byrne Memorial Justice Assistance Grant.
- (b) Adopt a [resolution](#) accepting the 2012 Justice Assistance Grant in the amount of \$283,934 and authorize the City Manager to execute any documents required to effectuate the grant, including the Grant Agreement and the necessary Memorandum of Understanding with the County of Santa Clara.
- (c) Adopt the following 2012-2013 Appropriation Ordinance and Funding Sources Resolution Amendments in the Edward Byrne Memorial Justice Assistance Grant Trust Fund:
 - (1) Increase the estimate for Earned Revenue in the amount of \$210,497; and
 - (2) Establish an appropriation to the Police Department for the 2012 Justice Assistance Grant in the amount of \$210,497.

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

2. CONSENT CALENDAR

2.40 [Agreement with the City of Milpitas for Animal Care and Control Services.](#)

Recommendation: Approval of an [agreement](#) between the City of Milpitas and the City of San José for animal care and control services by the City of San José's Animal Care and Services Division of the Department of Public Works for a term beginning July 1, 2012 through June 30, 2015, for a total compensation of \$1,045,314. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Public Works)

2.41 [Amendment to the Master Agreement with Group 4 Architecture Research + Planning, Inc., for Consultant Services for the San José Environmental Innovation Center Phase II Project.](#)

Recommendation: Approval of the fourth amendment to the [Master Agreement](#) for consultant services with Group 4 Architecture Research + Planning, Inc., for the San José Environmental Innovation Center Phase II Project, increasing compensation by \$95,000 for a total agreement amount not to exceed \$3,075,000, expanding the scope of services, and extending the term of the agreement from December 31, 2012 to June 30, 2013. CEQA: A CEQA Negative Declaration for the renovation for the EIC was adopted on December 1, 2009 (PP09-138). Council District 3. (Public Works)

2.42 [Annual Budget Reports for Fiscal Year 2012-2013 for City of San José Maintenance Districts.](#)

Recommendation: Adopt resolutions approving and confirming the Annual Budget Reports for Fiscal Year 2012-2013 for City of San José Maintenance Districts [1](#), [2](#), [5](#), [8](#), [9](#), [11](#), [13](#), [15](#), [18](#), [19](#), [20](#), [21](#) and [22](#) and levying the assessments therein. CEQA: Not a Project, File No. PP10-069(a), Annual Reports. Council Districts 2, 3, 4 and 8. (Public Works)

2.43 [Report on Bids and Award of Contract for the 1750 - Monterey-Riverside Sanitary Sewer Rehabilitation Phase V Project.](#)

Recommendation: Report on bids and award of contract for the 1750 - Monterey-Riverside Sanitary Sewer Rehabilitation Phase V Project to the low bidder, SAK Construction of CA, LP, in the amount of \$2,455,670 and approval of a contingency in the amount of \$246,000. CEQA: Exempt, File No. PP12-045, dated April 5, 2012. Council District 2. (Public Works)

2. CONSENT CALENDAR

2.44 [Grant Agreement with the Duffield Family Foundation dba Maddie's Fund to Accept a Lifesaving Award for the Care, Treatment and Adoption of Animals.](#)

- * **Recommendation:** Approve a [grant agreement](#) with the Duffield Family Foundation dba Maddie's Fund to accept their lifesaving award in the amount of \$370,000 for the care, treatment and adoption of animals in the care of the City Animal Care Center. CEQA: Not a Project, File No. PP10-066(g), Agreements and Contracts for 2012 Maddie's Fund Lifesaving Award. (Public Works)

2.45 [Memorandum of Understanding to Support Electrification and Improvement of the Caltrain System.](#)

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute a Memorandum of Understanding with the California High Speed Rail Authority and other Bay Area transportation agencies to support electrification and improvement of the Caltrain system between San Francisco and San José as an early investment of the High Speed Train project. CEQA: Not a Project, PP10-066(g), Memorandum of Understanding. (Transportation)

2.46 [Actions Related to Establishing Speed Limits.](#)

Recommendation: Adopt a [resolution](#) to repeal Resolution No. 76152 and set forth the speed limits in the City of San José in compliance with State law and provide the opportunity for radar speed enforcement by:

- (a) Establishing speed limits on two roadways; including portions of Camden Avenue and Ruby Avenue.
- (b) Re-establishing speed limits with changes to three roadways; including portions of Coleman Avenue, McKean Road, and San Ignacio Avenue.
- (c) Adopting the speed limit established by the County of Santa Clara for McKean Road between Calero Creek and Harry Road for the segment within the jurisdiction of San José.
- (d) Making administrative corrections to the speed limit resolution as described in this memorandum.

CEQA: Exempt, File No. PP10-113. Council Districts 2, 3, 8, 9 and 10.
(Transportation)

2.47 [Grant Agreement with the California High Speed Rail Authority for Development of Phase II Planning Study for the Diridon Station Area.](#)

Recommendation: Adopt a [resolution](#) authorizing the City Manager to submit a grant application and negotiate and execute a grant agreement with the California High Speed Rail Authority for development of Phase II Planning Study for the Diridon Station Area in the amount of \$900,000. CEQA: Not a Project, File No. PP10-066, Agreements. Council Districts 3 and 6. (Transportation)

2. CONSENT CALENDAR

2.48 [Amendment to the Parking Agreement at Convention Center Garage.](#)

Recommendation: Approve a [Third Amendment](#) to the Parking Premises Agreement between the City of San José and PR SJM Hotel, LLC (Prudential Insurance), as successor in interest to Walton San José Investors III, LLC, that includes the following changes:

- (a) Change the party from Walton San José Investors III, LLC to PR SJM Hotel, LLC, an affiliate of Prudential Insurance;
- (b) Increase the monthly rate from \$100 to \$120 per parking space for valet parking at the Convention Center Garage for the Marriot Hotel, retroactively effective on March 1, 2012.
- (c) Authorize the City Manager to amend the agreement without City Council approval to:
 - (1) Revise the leased premises area between 196 and 208 parking spaces.
 - (2) Revise the monthly space rental fee every 5 years based on the Consumer Price Index.
 - (3) Revise the leased premises area if the parking spaces are unavailable if damaged or otherwise unusable.

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

2.49 [Actions Related to the Authorization to Award Pavement Maintenance Projects.](#)

Recommendation: Approve the following actions to resurface and repair 51 miles of streets at various locations having an approximate cost of \$12,700,000:

- (a) Adopt a [resolution](#) that:
 - (1) Authorizes the Director of Public Works to determine the lowest responsive and responsible bidder, and to award the construction contract for the 2010 STP Resurfacing and Rehabilitation – Citywide Project in an amount not to exceed the funds appropriated for the project, and/or to reject all bids and re-bid the project;
 - (2) Authorizes the Director of Public Works to determine the lowest responsive and responsible bidder, and to award the construction contract for the 2012 Remove and Replace Asphalt Concrete Pavement Project in an amount not to exceed the funds appropriated for the project, and/or to reject all bids and re-bid the project; and
 - (3) Authorizes the Director of Public Works to decide any timely bid protests, including issues of bidder responsiveness or responsibility.
- (b) Approve a contingency equal to five percent of the base contract award amount.

CEQA: Exempt, File No. PP11-035. (Transportation)

2. CONSENT CALENDAR

2.50 [Report on the San José Bringing Everyone's Strengths Together and Mayor's Gang Prevention Task Force Programs.](#)

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on May 17, 2012:

- (a) Accept the Evaluation Report for FY 2010-2011 San José Bringing Everyone's Strengths Together (BEST) and the Mayor's Gang Prevention Task Force (MGPTF); and
- (b) Approve the Resource Allocation Plan of the San José BEST Program for FY 2012-2013.

CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Parks, Recreation and Neighborhood Services)
[Public Safety, Finance and Strategic Support Committee referral 5/17/12 – Item D(3)]

2.51 [Measure B Vehicle Registration Fees Agreement.](#)

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute a funding agreement with the Santa Clara Valley Transportation Authority for the receipt of Measure B Vehicle Registration Fees approved by Santa Clara County voters on November 2, 2010 and collected by the California Department of Motor Vehicles.

CEQA: Not a Project, File No. PP10-066, Agreements. (Transportation)

* **RENUMBERED FROM ITEM 6.1**

2.52 [Councilmember Campos' Travel to San Diego, California.](#)

Recommendation: Approval of Councilmember Campos' travel to San Diego, California on September 5 - 7, 2012 to attend the League of California Cities (LOCC) Annual Conference. Source of Funds: Council Travel Fund. (Campos)

* (Rules Committee Referral 06/13/12)

2.53 [Historic Landmarks Commission Reappointments.](#)

Recommendation: As recommended by the Rules and Open Government Committee on June 13, 2012, reappoint Tania Nunez and Robert Abatecola to the Historic Landmarks Commission for full terms expiring June 30, 2015. (Oliverio)

* [Rules Committee Referral 06/13/12 – Item F(1)(a)]

2. CONSENT CALENDAR

2.54 [Economic Development Partnership with County and State.](#)

Recommendation: As recommended by the Rules and Open Government Committee on June 13, 2012, adopt a [resolution](#) authorizing the City Manager to:

- (a) Initiate negotiations with the County of Santa Clara (County), the State of California (State), and interested driving-industry companies to develop a program of certain City, County, and State development incentives, including, but not limited to, the State's Capital Investment Incentive Program (CIIP) for driving-industry companies that commit to invest in R&D headquarters and manufacturing facilities in San José;
- (b) Execute Letters of Intent with those companies reflecting this resolution;
- (c) Return to the City Council with recommendations for modifications to policies or ordinances that may be necessary to implement program changes.

(Mayor)

* [Rules Committee Referral 06/13/12 – Item G(2)]

2.55 [AB 1442 \(Wieckowski\) Pharmaceutical Waste: Common Carriers.](#)

Recommendation: As recommended by the Rules and Open Government Committee on June 13, 2012, adopt a support position for AB 1442 (Wickowski) Pharmaceutical Waste: Common Carriers. (City Manager's Office)

* [Rules Committee Referral 06/13/12 – Item G(4)]

2.56 [AB 549 \(Carter\) Recycling: Electronic Waste.](#)

Recommendation: As recommended by the Rules and Open Government Committee on June 13, 2012, adopt a support position for AB 549 (Carter) Recycling: Electronic Waste. (City Manager's Office)

* [Rules Committee Referral 06/13/12 – Item G(5)]

2.57 [SB 843 \(Wolk\) Energy: Community-Based Renewable Energy Self-Generation Program.](#)

Recommendation: As recommended by the Rules and Open Government Committee on June 13, 2012, adopt a support position for SB 843 (Wolk) Energy: Community-Based Renewable Energy Self-Generation Program. (City Manager's Office)

* [Rules Committee Referral 06/13/12 – Item G(6)]

2.58 [SB 1329 \(Simitian\) Prescription Drugs: Collection and Distribution Program.](#)

Recommendation: As recommended by the Rules and Open Government Committee on June 13, 2012, adopt a support position for SB 1329 (Simitian) Prescription Drugs: Collection and Distribution Program. (City Manager's Office)

* [Rules Committee Referral 06/13/12 – Item G(7)]

2. CONSENT CALENDAR

2.59 [AB 1019 \(Perez\) Solid Waste: Carpet Stewardship.](#)

Recommendation: As recommended by the Rules and Open Government Committee on June 13, 2012, adopt a support position for AB 1019 (Perez) Solid Waste: Carpet Stewardship. (City Manager's Office)

* [Rules Committee Referral 06/13/12 – Item G(8)]

2.60 [SB 1380 \(Rubio\) Environmental Quality: Urbanized Bicycle Plans.](#)

Recommendation: As recommended by the Rules and Open Government Committee on June 13, 2012, adopt a support position for SB 1380 (Rubio) Environmental Quality: Urbanized Bicycle Plans. (City Manager's Office)

* [Rules Committee Referral 06/13/12 – Item G(9)]

2.61 [Taste of Berryessa Event.](#)

Recommendation: As recommended by the Rules and Open Government Committee on June 13, 2012:

- (a) Approve the Taste of Berryessa 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)

* [Rules Committee Referral 06/13/12 – Item G(10)]

2.62 [Santa Clara County LAFCO Reappointments.](#)

Recommendation:

- (a) Council by motion waive the 10-day noticing requirement for the following item, approve its placement on the agenda, and consider the following recommendation.
- (b) Reappoint as City of San José representatives of Santa Clara County LAFCO for new four-year terms:

- (1) Councilmember Constant, Chairperson
- (2) Councilmember Liccardo, Alternate Commissioner

(Mayor)

* (Orders of the Day)

** **REQUIRES A DETERMINATION BY A TWO-THIRDS (2/3) VOTE OF THE MEMBERS OF THE COUNCIL PRESENT AT THE MEETING, OR, IF LESS THAN TWO-THIRDS (2/3) OF THE MEMBERS OF THE COUNCIL ARE PRESENT AT THE MEETING, A UNANIMOUS VOTE OF THOSE MEMBERS PRESENT THAT THERE IS A NEED TO TAKE IMMEDIATE ACTION. Council's Rules of Conduct, Resolution No. 76184, Rule 3(d).**

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Debra Figone (Verbal Report)

3.2 Labor Negotiations Update

Recommendation: Accept Labor Negotiations Update.

* **TO BE HEARD AT 9:00 A.M.**

SAN JOSE FINANCING AUTHORITY, AND ITEMS 3.3 AND 3.4 TO BE HEARD FIRST, IN THAT ORDER, BEFORE OTHER ACTIONS, INCLUDING CONSENT CALENDAR

3.3 [Approval of Various Budget Actions for Fiscal Year 2011-2012.](#)

* **Recommendation:**

- (a) Adopt amendments to the annual appropriation ordinance and funding sources resolution for various operating and capital funds to reflect estimated 2011-2012 revenue receipts, expenses, and encumbrances.
- (b) Adopt a [resolution](#) approving the loan in the amount of \$1,828,000 from the Subdivision Park Trust Fund (Fund 375) to the Council District 7 Construction and Conveyance Tax Fund (Fund 385) for the construction of the Roberto Antonio Balermino Park with the following terms:
 - (1) The Council District 7 Construction and Conveyance Tax Fund (Fund 385) shall pay interest at a rate equal to the investment earnings of the Subdivision Park Trust Fund (Fund 375).
 - (2) The loan shall be fully due and payable on June 30, 2019.
 - (3) The loan shall be repaid with grant reimbursements from the Statewide Park Development and Community Revitalization Program (Proposition 84 Phase 2).
 - (4) All grant reimbursements received by the City from the Statewide Park Development and Community Revitalization Program (Proposition 84 Phase 2) for the construction of the Roberto Antonio Balermino Park shall be allocated to the repayment of the loan until it is fully repaid.
 - (5) In the event that a shortfall arises in the Council District 7 Construction and Conveyance Tax Fund (Fund 385), another eligible source of revenues shall fully repay the loan.
 - (6) A final balloon payment shall be required if the loan has not been fully repaid from the grant reimbursements by June 30, 2019.

CEQA: Not a Project, File No. PPI0-067(b), Appropriation Ordinance. (City Manager's Office)

3.4 [Adoption of the Annual Appropriation Ordinance and Annual Funding Sources Resolution for the Fiscal Year 2012-2013 Budget, and Resolution Establishing the Fiscal Year 2012-2013 Appropriation Limit.](#)

[Memo from Councilmembers Constant and Liccardo](#)

Recommendation:

- (a) Adopt the Annual Appropriation Ordinance, including transfers and loans for Fiscal Year 2012-2013 and the Manager's Final Budget Addendum.

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.4 Adoption of the Annual Appropriation Ordinance and Annual Funding Sources Resolution for the Fiscal Year 2012-2013 Budget, and Resolution Establishing the Fiscal Year 2012-2013 Appropriation Limit. (Cont'd.)

Recommendation:

- (b) Adopt the Annual Funding Sources Resolution for Fiscal Year 2012-2013 and the Manager's Final Budget Addendum.
- (c) [Adopt a resolution taking the following actions with respect to the City's 2012-2013 "Gann Limit"](#):
[Memo from Councilmember Pyle](#) [resolution](#)
 - (1) Elect the per capita income index as the inflation factor for 2012-2013 on a provisional basis, with the option to adjust the Limit, if necessary, once the non-residential assessment data is available from the County Assessor;
 - (2) Elect the City population growth index as the population factor for 2012-2013; and
 - (3) Establish the Fiscal Year 2012-2013 Appropriation Limit at \$864,314,019 in compliance with Article XIIIB of the State Constitution.

CEQA: Not a Project, File No. PP10-067(b), Appropriation Ordinance. (City Manager's Office)

3.5 [City of San José 2012 Tax and Revenue Anticipation Notes.](#)

Recommendation: Adopt a [resolution](#):

- (a) Authorizing the issuance and sale of the City of San José 2012 Tax and Revenue Anticipation Notes ("2012 Notes") in the not to exceed aggregate principal amount of \$125,000,000 to be sold through a private placement; and
- (b) Approving, in substantially final form, the [Note Purchase Agreement](#) and authorizing the Acting Director of Finance or other authorized officers to execute the Note Purchase Agreement and other related documents, as necessary, in connection with the issuance of the 2012 Notes and authorizing other related actions in connection therewith.
- (c) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund for 2012-2013:
 - (1) Increase the estimate for Other Revenue in the amount of \$125,000,000;
 - (2) Increase the City-wide appropriation to the Finance Department for TRANs Debt Service by the amount of \$125,000,000.

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

3.6 [Statement of Policy and Questions for the Environmental Services Director.](#)

Recommendation: Adopt a Statement of Policy and City Council Questions related to the selection of a new Director of the Environmental Services Department as described in the staff memorandum, in compliance with City Charter Section 411.1. CEQA: Not a Project, File No. PP 10-069(b), Personnel Related Decisions. (City Manager's Office)

*

(Rules Committee Referral 06/13/12)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Public Hearings on Business Improvement District Reports for FY 2012-2013.

Recommendation:

- (a) [Conduct public hearing and adopt a resolution approving the Hotel Business Improvement District budget report for Fiscal Year 2012-13, as filed or as modified by the Council, and to levy the Hotel BID assessments for 2012-2013. CEQA: Exempt, File No. PP08-048. Council District 3. \(Economic Development\)](#)
[Resolution](#)
- (b) [Conduct public hearing and adopt a resolution approving the Japantown Business Improvement District budget report for Fiscal Year 2012-13, as filed or as modified by the Council, and to levy the Japantown BID assessments for 2012-2013. CEQA: Exempt, File No. PP08-048. Council District 3. \(Economic Development\)](#)
[Resolution](#)
- (c) [Conduct public hearing and adopt a resolution approving the Downtown Business Improvement District budget report for Fiscal Year 2012-13, as filed or as modified by the Council, and to levy the Downtown BID increased assessments for 2012-2013. CEQA: Exempt, File No. PP08-048. Council District 3. \(Economic Development\)](#)
[Resolution](#)

TO BE HEARD NO EARLIER THAN 1:30 P.M.

5. NEIGHBORHOOD SERVICES

5.1 [Parks, Recreation and Neighborhood Services 2012-2013 Agreements.](#)

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

- (a) Authorize the City Manager to negotiate and execute all agreements, amendments and extensions for the Department of Parks, Recreation and Neighborhood Services (PRNS) identified in the “Compensation Paid by the City of San José” on Attachment A of the staff memorandum consistent with the 2012-2013 Proposed Budget;
- (b) Authorize the City Manager to negotiate and execute agreements and amendments to accept grant funds identified in the “Compensation Paid to the City of San José” on Attachment B of the staff memorandum;
- (c) Authorize the Director of Parks, Recreation and Neighborhood Services to negotiate and execute a grant agreement with the Santa Clara Family Health Plan for the Children’s Health Initiative as well as apply for, negotiate and execute 2012-2013 contracts and amendments as identified in “Delegation on Contract Authority to PRNS Director” on Attachment C of the staff memorandum consistent with Adopted Budget amounts for the following City programs:
 - (1) Bringing Everyone’s Strengths Together (B.E.S.T.);
 - (2) Safe Summer Initiative Grant (S.S.I.G.);
 - (3) Mayor’s Gang Prevention Task Force Memorandums of Understanding (MGPTF MOU);
 - (4) Community Center Reuse (Reuse);

(Item continued on the next page)

5. NEIGHBORHOOD SERVICES

5.1 Parks, Recreation and Neighborhood Services 2012-2013 Agreements. (Cont'd.)

Recommendation:

- (c) (5) Mayor's Gang Prevention Task Force (MGPTF) Grant Revenue;
- (6) The Santa Clara Valley Family Health Plan;
- (7) Senior Wellness Grants; and
- (8) Evaluation Consultant Agreement(s) to assess PRNS programs/services.

CEQA: As referenced in the staff memorandum. (Parks, Recreation and Neighborhood Services)

* **ITEMS 5.2, 5.3, AND 5.4 TO BE HEARD NO EARLIER THAN 2:30 P.M.**

5.2 [Actions Related to the Option Agreements for the Airport West Property, Supplemental Memo from the Office of Economic Development, PRNS and the Manager's Budget Office](#)

* **Recommendation:**

(a) Adopt resolutions:

- (1) Authorizing the City Manager to negotiate and execute amendments to the HUD documents to allow for the use of proceeds from the sale of the Airport West property for the payment of the 2008F Lease Revenue Bonds.
- (2) Approving an inter-fund loan from the Subdivision Parks Trust Fund (Fund 375) to the Construction Tax and Property Conveyance Tax Fund: City-Wide Parks Purposes (Fund 391) of up to \$8,000,000 to fund the shortfall in the amount required for the defeasance of the 2008F Lease Revenue Bonds. The inter-fund loan would only take effect if the City Manager determines that negotiations with HUD will not allow for the amendments to the HUD loan in order to allow for repayment of the Series 2008F Lease Revenue Bonds and shall be subject to the following terms:

[Resolution](#)

- (a) The Parks Citywide Construction and Conveyance Tax Fund (Fund 391) would pay an interest rate on the loan equal to the investment earnings of the Subdivision Park Trust Fund (Fund 375);
- (b) The loan shall be fully due and payable on July 1, 2028 (within 16 years);
- (c) The loan shall be repaid with revenues from the community soccer facility or an alternative eligible source;
- (d) A minimum of \$500,000 of the loan shall be repaid each year and all net revenue generated from the Community Soccer Facility shall be utilized to repay the loan until the loan is fully repaid;
- (e) In the event that a shortfall arises in the revenue from the Community Soccer Facility, another eligible source of revenue shall fully repay the loan;
- (f) The full amount of the loan would need to be immediately due and payable if needed by the Park Trust Fund at any time in the future to fund an eligible project; and

(Item continued on the next page)

5. NEIGHBORHOOD SERVICES

5.2 Actions Related to the Option Agreements for the Airport West Property. (Cont'd.)

Recommendation:

- (a) (2) (g) A final balloon payment shall be required if the loan has not been fully repaid from the Community Soccer Fields by July 1, 2028.
- (3) Authorizing the City Manager to negotiate and execute amendments to Option Agreements with Coleman Airport Partners LLC to:
 - (a) Reduce the purchase price of the property at 1125 Coleman Avenue (Airport West) to be sold to Coleman Airport Partners LLC under the Development Site Option Agreement by \$11.928 million in order for the City to retain approximately 7.529 acres for the construction of a four-field, artificial turf bond-funded, community soccer facility;
 - (b) Increase the purchase price of the property located at 1125 Coleman Avenue to be sold to Coleman Airport Partners LLC under the HUD Commercial Site Option Agreement by \$1.846 million as a result of the increase in the acreage to be sold from 8.956 acres to 10.799 acres.
- (b) Adopt the following 2012-2013 Appropriation Ordinance amendments in the Parks and Recreation Bond Projects Fund (Fund 471) in order to reallocate Construction and Property Conveyance Tax funds previously spent on Happy Hollow Park and Zoo:
 - (1) Decrease the Contingency reserve by \$1,339,000; and
 - (2) Establish a transfer to the Construction Tax and Property Conveyance Tax Fund: City-Wide Parks Purposes in the amount of \$1,339,000
- (c) Adopt the following 2012-2013 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: City-Wide Parks Purposes (Fund 391):
 - (1) Establish a transfer from the Parks and Recreation Bond Projects Fund in the amount of \$1,339,000;
 - (2) Establish transfers totaling \$900,000 or \$100,000 each from the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council Districts #1, #2, #4, #5, #6, #7, #8, #9 and #10;
 - (3) Establish a transfer from the Subdivision Park Trust Fund in the amount of \$100,000; and
 - (4) Establish an appropriation to the Parks, Recreation and Neighborhood Services Department for the Coleman Soccer Fields projects in the amount of \$2,339,000.
- (d) Adopt the following 2012-2013 Appropriation Ordinance amendments in the Subdivision Park Trust Fund (Fund 375):
 - (1) Decrease the Reserve: Ryland Pool by \$100,000; and
 - (2) Establish a transfer to the Construction Tax and Property Conveyance Tax Fund: Citywide Parks Purposes in the amount of \$100,000.

(Item continued on the next page)

5. NEIGHBORHOOD SERVICES

5.2 Actions Related to the Option Agreements for the Airport West Property. (Cont'd.)

Recommendation:

- (e) Adopt the following 2012-2013 Appropriation Ordinance amendments in each of the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council Districts #1, #2, #4, #5, #6, #7, #8, #9 and #10:
 - (1) Decrease the Ending Fund Balance by \$100,000 in each fund, for a total of \$900,000; and
 - (2) Establish a transfer to the Construction Tax and Property Conveyance Tax Fund: City-Wide Parks Purposes in the amount of \$100,000 in each fund, for a total of \$900,000.
- (f) Adopt the following 2012-2013 Appropriation Ordinance amendment in the Subdivision Parks Trust Fund (Fund 375) to become effective upon the City Manager's written notification to the City Council that the loan of funds from the Subdivision Trust Fund (Fund 375) is required for repayment of the Series 2008F Lease Revenue Bonds:
 - (1) Decrease the Reserve: Future PDO/PIO Projects by \$8,000,000; and
 - (2) Establish a transfer to the Construction Tax and Property Conveyance Tax Fund: City-Wide Parks Purposes in the amount of \$8,000,000.
- (g) Adopt the following 2012-2013 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: City-Wide Parks Purposes (Fund 391) to become effective upon the City Manager's written notification to the City Council that the loan of funds from the Subdivision Trust Fund is required for repayment of the Series 2008F Lease Revenue Bonds:
 - (1) Establish a transfer from the Subdivision Park Trust Fund in the amount of \$8,000,000; and
 - (2) Establish an appropriation to the Parks, Recreation and Neighborhood Services Department for the City-Wide FMC Property Loan Repayment project in the amount of \$8,000,000.

CEQA: EIR Resolution No. 71716. Council District 3. (Economic Development/Parks, Recreation and Neighborhood Services/City Manager's Office)

* ***TO BE HEARD NO EARLIER THAN 2:30 P.M.***

5. NEIGHBORHOOD SERVICES

5.3 [Agreement with San Jose Earthquakes Management, LLC for Operations and Maintenance of the Coleman Soccer Fields.](#)

Recommendation: Adopt a resolution authorizing the City Manager to execute an [Operations and Maintenance Agreement](#) (“Agreement”) between the City of San José and San Jose Earthquakes Management, LLC (“Contractor”) commencing on completion of construction of the Coleman Avenue Soccer Fields for a term of five years, and including an option for the City to extend the term for up to two five year term extensions. The Contractor will receive an annual fixed fee of \$332,803 and potential revenue performance based fees not to exceed \$332,803 annually for a maximum total of \$665,606 annually, adjustable by the Consumer Price Index. CEQA: Mitigated Negative Declaration, Resolution No. 75798. Council District 3. (Parks, Recreation and Neighborhood Services)

* *TO BE HEARD NO EARLIER THAN 2:30 P.M.*

5.4 [Report on Bids and Award of Contract for the Coleman Soccer Fields Design Build Project Rebid.](#)

Recommendation:

- (a) Subject to approval of Items 5.2 and 5.3, report on bids and award of contract for the Coleman Soccer Fields Design Build Project Rebid to the low bidder, Interstate Grading and Paving, Inc., for the base bid and Add Alternate No. 1 in the amount of \$11,873,000, and approval of a contingency in the amount of \$1,187,300.
- (b) Adopt the following Appropriation Ordinance amendments in the Parks and Recreation Bond Projects Fund (Fund 471) in 2012-2013;
 - (1) Increase the Soccer Complex appropriation in the Parks, Recreation and Neighborhood Services Department in the amount of \$14,270,310;
 - (2) Increase the Contingency Reserve: Parks and Recreation Bond Projects in the amount of \$212,690; and
 - (3) Decrease the Reserve: Soccer Complex appropriation by \$14,483,000.

CEQA: Mitigated Negative Declaration, Resolution No. 75798. Council District 3. (Public Works/City Manager’s Office)

* *TO BE HEARD NO EARLIER THAN 2:30 P.M.*

6. TRANSPORTATION & AVIATION SERVICES

6.1 [Measure B Vehicle Registration Fees Agreement.](#)

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute a funding agreement with the Santa Clara Valley Transportation Authority for the receipt of Measure B Vehicle Registration Fees approved by Santa Clara County voters on November 2, 2010 and collected by the California Department of Motor Vehicles. CEQA: Not a Project, File No. PP10-066, Agreements. (Transportation)

* **RENUMBERED TO ITEM 2.51**

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 Second Amendment to Settlement Agreement Amending the Payment Schedule and Extending the Date Tenant is Required to Vacate the Premises.

Recommendation: It is recommended that the City Council, acting in its capacity as the Successor Agency Board, adopt a resolution approving the second amendment to the Settlement Agreement and General Release with Kenneth F. Solis and Bonnie C. Torrez dba Patty's Inn ("Tenant") to, among other things, amend the payment schedule to reduce the quarterly payment from \$25,000 to \$7000 and extend the date Tenant is required to vacate the premises from June 30, 2012 to December 31, 2014.

* **DROP**

9.2 [Reimbursement Agreement Between the City of San José and the Successor Agency to the Redevelopment Agency.](#)

Recommendation:

- (a) Adopt resolutions authorizing the City Manager and Executive Officer of the Successor Agency to the Redevelopment Agency of the City of San José (the "Successor Agency") to negotiate and execute a reimbursement agreement between the City of San José (the "City") and the Successor Agency for the purpose of establishing enforceable obligations to repay the City for future expenditures made on behalf of the Successor Agency in an annual amount not to exceed the annual outstanding debt obligations for the City of San José Financing Authority Lease Revenue Bonds, Series 2001F (Convention Center Refunding), City of San José Financing Authority Revenue Bonds, Series 2001A (4th Street & San Fernando Parking Facility Project), Housing and Urban Development (HUD) 108 loans and Education Revenue Augmentation Fund (ERAF) payments (collectively the "City Supported Agency Obligations") and the Successor Agency annual administrative budget ("Administrative Costs") and City support service expenses ("Enforceable Obligations Implementation Costs").
- (b) Adopt a resolution by the City Council acting in its capacity as the Successor Agency Board, authorizing the Executive Officer to negotiate and execute a temporary loan from the County of Santa Clara pursuant to the resolution of the Board of Supervisors adopted on May 22, 2012, for the purposes of managing cash flow shortages in FY 2012-13 resulting from the implementation of ABX1 26.

* (Rules Committee Referral 06/13/12)

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.3 North San Pedro Housing Disposition and Development Agreement Amendment.

Recommendation: It is recommended that the City Council, acting as Successor Agency to the Redevelopment Agency of the City of San José, adopt a [resolution](#):

- (a) Authorizing the Executive Officer or her designee the authority to (i) negotiate and execute a second amendment to the Amended and Restated Disposition and Development Agreement with North San Pedro Townhomes LLC to amend the Schedule of Performance and to modify the Phases and (ii) execute ancillary documents contemplated by the DDA and as necessary to close escrow;
- (b) Authorizing the Executive Officer or her designee the authority to (i) negotiate and execute a second amendment to the Amended and Restated Disposition and Development Agreement with San Pedro Life I, LLC to amend the Schedule of Performance and to modify the Phases and (ii) execute ancillary documents contemplated by the DDA and as necessary to close escrow; and
- (c) Confirming that the Successor Agency, pursuant to the provisions of AB X1 26, has assumed all rights and obligations of the former Redevelopment Agency of the City of San Jose under the DDAs described above;
- (d) Authorizing the Executive Officer or her designee, on behalf of the Successor Agency, to (i) accept and appropriate Grant Funds under the California Department of Housing and Community Development’s Infill Infrastructure Grant Program for the North San Pedro Project, and (ii) negotiate and execute any and all documents with the California Department of Housing and Community Development related to the Infill Infrastructure Grant, which was awarded to the Project.

* (Rules Committee Referral 06/13/12)

9.4 Interim Delegation of Authority.

Recommendation: It is recommended that the City Council acting as the Successor Agency Board adopt a [resolution](#) authorizing the Executive Officer, or designee, subject to any and all limitations imposed on the Successor Agency pursuant to the provisions of AB X1 26, to execute, on an emergency basis during Successor Agency Board recesses, all:

- (a) Contracts, contract amendments, change orders and purchase orders which exceed \$250,000;
- (b) Contracts, contract amendments and other agreements or documents as necessary in connection with the administration and winding down of the Successor Agency; and
- (c) Documents necessary for the disposition of real property and non-real property Successor Agency assets.

* (Rules Committee Referral 06/13/12)

- **Open Forum**

Members of the Public are invited to speak on any item that does not appear on today’s Agenda and that is within the subject matter jurisdiction of the City Council.

- **Council will recess until 7:00 p.m.**

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS

(To be heard by the City Council at 7:00 p.m.)

Notice to the public: There will be no separate discussion of Public Hearings Consent Calendar (Item 11.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Public Hearings Consent Calendar (Item 11.1) and considered separately.

11.1 Public Hearings on Consent Calendar.

No Public Hearings on Consent Calendar at this time.

11.2 [Rezoning Real Property Located on the Northwest Corner of Curtner Avenue and Union Avenue.](#)

[Memo from Councilmember Rocha](#)

[Memo from Councilmember Rocha](#)

Recommendation: Consideration of an [ordinance](#) rezoning the real property located on the northwest corner of Curtner and Union Avenue (2073 Curtner Avenue), from CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District to allow for commercial uses including a restaurant with a drive-through on the 1.34 gross acres site (Lamb Desert Rose LLC, Owner). [CEQA](#): Mitigated Negative Declaration.

[PDC12-001](#) – District 9

TO BE HEARD FIRST IN THE EVENING

(Continued from 5/15/12 – Item 11.2)

11.3 [Rezoning Real Property Located on the South Side of Barnes Lane.](#)

[Memo from Councilmember Pyle](#)

Recommendation: Consideration of an [ordinance](#) rezoning the real property located on the south side of Barnes Lane, approximately 650 feet west of Almaden Road (1126 Barnes Lane), from the R-1-2 Single-Family Residence Zoning District to the R-1-2(PD) Planned Development Zoning District to allow development of up to 4 single-family detached dwelling units on a 1.035 gross acre site (Lenheim Steven E, Owner; Fred Egelston, Developer). [CEQA](#): Mitigated Negative Declaration.

[PDC11-020](#) – District 10

11. PUBLIC HEARINGS

11.4 ADMINISTRATIVE HEARING and Consideration of an APPEAL of the Planning Commission’s Decision to Deny a Conditional Use Permit to Allow the Off-Sale of Alcohol (Beer and Wine Only).

Recommendation: Conduct an ADMINISTRATIVE HEARING and consider an APPEAL of the Planning Commission’s decision to deny a Conditional Use Permit to allow the off-sale of alcohol (beer and wine only) in an existing approximately 14,052-square-foot tenant space in a shopping center in the CP Commercial Pedestrian Zoning District on an approximately 14.0 gross-acre site on the south side of Kooser Road, approximately 800 feet westerly of Blossom Hill Road (1376 Kooser Road) (Pan Cal Princeton Plaza, LLC, Owner/ Walgreen’s, Developer). CEQA: Exempt.
CP10-024 – District 9

11.5 ADMINISTRATIVE HEARING and Consideration of an APPEAL of the Planning Commission’s Decision to Deny a Conditional Use Permit to Allow the Off-Sale of Alcohol and 24-Hour Use for an Existing Gas Station.

Recommendation: Conduct an ADMINISTRATIVE HEARING and consider an APPEAL of the Planning Commission’s decision to deny a Conditional Use Permit to allow the off-sale of alcohol and 24-hour use for an existing gas station and approve the conversion of 938 square feet of vending use to a retail mini-market on a .39-gross-acre site, in the CP Commercial Pedestrian Zoning District. Located at the southwest corner of Woodard Road and Union Avenue (3707 Union Avenue) (BMZ Investment, Owner). CEQA: Exempt.
CP11-059 – District 9

CONTINUED TO 8/21/12 PER RULES AND OPEN GOVERNMENT COMMITTEE

- **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> |
|--------------|---|-------------------------|-----------------------|--------------------|-------------|--------------------------|
| 10108 | Northeast corner of Hillsdale Avenue and Yucca Avenue | 9 | Taylor Morrison LLC | 62 Lots / 51 Units | SFA | Approve |
| 10035 | Southwest corner of Willow Glen Way and Creek Drive | 6 | Masoumi Brothers, LLC | 5 Lots/ 5 Units | SFDR | Approve |

- **Open Forum**

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.

- **Adjournment**

* This meeting will be adjourned in memory of Anthony Colón, a Retired Sgt. of the San José Police Department, who passed away on May 3, 2012. (Mayor/Campos)

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

1:30 P.M.

TUESDAY, JUNE 19, 2012

CHAMBERS

1. **Call to Order and Roll Call**
2. **[Actions Related to the Expansion and Renewal of a Property Based Improvement District in Downtown San José.](#)**

Recommendation: It is recommended that the San José City Council and the San José Diridon Development Authority Board take the following actions:

- (a) Conduct a public hearing by the City Council for the expansion and renewal of a Property Based Improvement District (PBID) in Downtown San José and authorize the City Clerk to tabulate the ballots.
- (b) Adopt a [resolution](#) by the City Council authorizing the execution of a ballot in favor of the expansion and renewal of the Downtown San José PBID as the property owner of real property parcels within the proposed PBID and the imposition of an assessment in the amount of \$396,000 with annual increases of up to five percent over the next nine years.
- (c) Adopt a [resolution](#) by the Diridon Development Authority authorizing the execution of a ballot in favor of the expansion and renewal of the Downtown San José PBID as the property owners of real property parcels within the proposed PBID and the imposition of an assessment in the amount of \$4,000 with annual increases of up to five percent per year over the next nine years.
- (d) Direct the City Clerk to report the results of the tabulation of ballots.
- (e) If the PBID is approved by a majority of weighted assessments of property owners, adopt a [resolution](#) by the City Council:
 - (1) Approving the Downtown San José PBID Management Plan and Engineer's Report; and
 - (2) Approving and imposing the respective assessments.

CEQA: Exempt, File No. PP12-053. Council District 3. (Transportation/Public Works)

* **TO BE HEARD FIRST AFTER CEREMONIAL ITEMS AT 1:30 P.M.**

JOINT SAN JOSE/DIRIDON DEVELOPMENT AUTHORITY

3. Interim Delegation of Authority.

Recommendation: It is recommended that the San José Diridon Authority adopt a [resolution](#) authorizing the Executive Director, or designee, to execute, on an emergency basis during the Diridon Authority Board recesses, all:

- (a) Contracts, contract amendments, change orders and purchase orders which exceed \$250,000; and
- (b) Contracts, contract amendments and other agreements or documents as necessary in connection with the administration of the Diridon Authority.

* (Rules Committee Referral 06/13/12)

3. Open Forum

4. Adjourn the Joint City Council/San José Diridon Development Authority.

**JOINT CITY OF SAN JOSÉ CITY COUNCIL/
FINANCING AUTHORITY AGENDA**

9:30 A.M.

TUESDAY, JUNE 19, 2012

CHAMBERS

***THE SAN JOSE FINANCING AUTHORITY, AND ITEMS 3.3 AND 3.4 TO BE HEARD
FIRST, IN THAT ORDER, BEFORE OTHER ACTIONS, INCLUDING CONSENT
CALENDAR***

1. Call to Order and Roll Call

**2. [Actions Related to the Issuance of City of San José Financing Authority
Commercial Paper Notes to Provide Financing for the Convention Center
Expansion and Renovation Project.](#)**

[Supplemental Memo from the Office of the City Manager](#)

Recommendation:

- (a) It is recommended that the City Council take the following actions:
- (1) Conduct a public hearing concerning the approval of the issuance by the City of San José Financing Authority of commercial paper notes in order to finance certain public capital improvements of the City, consisting of additional projects related to the expansion and renovation of the San José McEnery Convention Center.
 - (2) Adopt a [resolution](#) to approve the issuance of commercial paper notes pursuant to the previously established commercial paper program designated as “City of San José Financing Authority Lease Revenue Commercial Paper Notes” to provide financing for additional projects related to the Convention Center Expansion and Renovation Project in an amount not to exceed \$10,000,000 and to state the City Council’s determination that there will be significant public benefits accruing from such financing.
- (b) It is recommended that the City of San José Financing Authority Board:
- (1) Adopt a [resolution](#) to approve the issuance of City of San José Financing Authority Commercial Paper Notes to provide financing for the additional projects related to the Convention Center Expansion and Renovation Project in an amount not to exceed \$10,000,000.

CEQA: Resolution No. 72767, and Addenda thereto, File No. PP08-002. (Finance)

**JOINT CITY OF SAN JOSÉ CITY COUNCIL/
FINANCING AUTHORITY AGENDA (CONT'D.)**

9:30 A.M.

TUESDAY, JUNE 19, 2012

CHAMBERS

3. [Consent of the San José Financing Authority to the Recording of a Subordinate Leasehold Deed of Trust Against the Ground Lease for The Brookwood Terrace Family Apartments.](#)

Recommendation: It is recommended that the San José Financing Authority Board adopt a resolution authorizing:

- (a) Approval of the recording of a subordinate [leasehold deed of trust](#) in the amount of \$415,000 against the City's ground lease with The Brookwood Terrace Family Apartments, L.P. ("Ground Lessee") for The Brookwood Terrace Family Apartments.
- (b) The Executive Director of the City of San José Financing Authority to execute all documents pertaining to this approval.
(Housing)

4. Open Forum

5. Adjourn the San José Financing Authority.

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.