



MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, MARCH 13, 2012

The Council of the City of San José convened in regular session at 9:31 a.m. in the Council Chambers at City Hall.

Present: Council Members - Campos, Chu, Constant, Herrera, Kalra, Liccardo, Oliverio, Pyle, Rocha; Reed.

Absent: Council Members - Nguyen. (Excused)

STRATEGIC SUPPORT SERVICES

3.2 Accept Labor Negotiations Update.

None provided.

CLOSED SESSION

Present: Council Members - Campos, Chu, Constant, Herrera, Kalra, Liccardo, Oliverio, Pyle, Rocha; Reed.

Absent: Council Members - Nguyen. (Excused)

Upon motion unanimously adopted, Council recessed at 9:35 a.m. to a Closed Session in Room W133 (A) to confer with Legal Counsel pursuant to Government Code Section 54956.9 subsection (a) with respect to existing litigation: (1) Lewis v. City of San José, et al; Names of Parties Involved: David Anthony Lewis, City of San José; San José Police Department, Officer Theodore Lane Davis, and Does 1-10, inclusive; Court: Superior Court of California, County of Santa Clara; Case No.: 111CV191975; Amount of Money or Other Relief Sought: Damages according to proof; (2) Contreras v. City, et al.; Names of Parties Involved: Emily Contreras and Jose Lua, Sr., individually and as Administrators of the Estate of Richard A. Lua, City of San José.; Chief Robert Davis; Officer Eric Bachmann; Officer Patrick Lynch, Genevieve Black, and Does 1 to 10; Court: United States District Court, Northern District of California; Case No.: 1-10-00953-RMW; Amount of Money or Other Relief Sought: Damages according to proof;

CLOSED SESSION (Cont'd.)

(3) San José Police Officer's Association v. City of San José; Names of Parties Involved: San José Police Officers' Association; City of San José; Court: Superior Court of California, County of Santa Clara; Case No.: 112CV220146: Amount of Money or Other Relief Sought: Motion to compel arbitration; (4) Sipple, et al. v. City of Alameda, et al.; Names of Parties Involved: Donald Sipple, John Simon, Karl Simonsen, Christopher Jacobs, Settlement Class Representatives, New Cingular Wireless PCS LLC, City of Alameda, County of Alameda, City of Albany, City of Alhambra, City of Arcadia, City of Baldwin Park, City of Beaumont, City of Bell, City of Bellflower, City of Benecia, City of Berkeley, City of Burbank, City of Calabasas, City of Cathedral, City of Ceres, City of Chico, City of Chula Vista, City of Citrus Heights, City of Claremont, City of Colton, City of Compton, City of Covina, City of Cudahy; City of Culver City, City of Cupertino, City of Daly City, City of Desert Hot Springs, City of Dinuba, City of Downey, City of East Palo Alto, City of El Cerrito, City of El Monte, City of El Segundo, City of Emeryville, City of Eureka, city of Exeter, City of Fairfax, City of Fairfield, City of Gardena, City of Gilroy, City of Glendale, City of Gonzales, City of Greenfield, City of Grover Beach, City of Guadalupe, City of Gustine, City of Hawthorne, City of Hayward, City of Hercules, City of Hermosa Beach, City of Holtville, City of Huntington Beach, City of Huron, City of Indio, City of Inglewood, City of Irwindale, City of La Habra, City of Lakewood, City of La Palma, City of La Verne, City of Lawndale, City of Lindsey, City of Long Beach, City of Los Alamitos, City of Los Altos, City of Los Angeles, Los Angeles County, City of Lynwood, City of Malibu, City of Mammoth Lakes, City of Maywood, City of Menlo Park, City of Modesto, City of Montclair, City of Monterey, City of Monterey Park, City of Moreno Valley, City of Mountain View, City of Norwalk, City of Oakland, City of Orange Cove, City of Oroville, City of Pacific Grove, City of Palm Springs, City of Palo Alto, City of Paramount, City of Pasadena, City of Pico Rivera, City of Piedmont, City of Pinole, City of Placentia, City of Pleasant Hill, City of Pomona, City of Port Hueneme, city of Porterville, City of Rancho Palos Verde, City of Redondo Beach, City of Redwood City, City of Rialto, City of Richmond, City of Riverside, City of Sacramento, City of Salinas, City of San Bernardino, City of Buena Ventura (Ventura), City of San Francisco, City of San Gabriel, City of San José, City of San Leandro, City of San Luis Obispo, City of San Marino, City of San Pablo, City of Sanger, City of Santa Ana, City of Santa Barbara, City of Santa Cruz, City of Santa Monica, City of Seal Beach, City of Seaside, City of Sierra Madre, City of Soledad, City of South Pasadena, City of Stanton, City of Stockton, City of Sunnyvale, City of Torrance, City of Tulare, City of Waterford, City of Watsonville, City of Westminster, City of Whittier, City of Winters, City of Woodlake, Does 1-50; Court: Superior Court of California, County of Los Angeles; Case No.: BC462270: Amount of Money or Other Relief Sought: Damages according to proof; (B) to confer with Legal Counsel pursuant to Government Code subsection (c) of Section 54956.9 with respect to anticipated litigation in one (1) matter. (C) to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Manager Designee Alex Gurza; Employee Organizations: (1) Association of Building, Mechanical and Electrical Inspectors

CLOSED SESSION (Cont'd.)

(ABMEI); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and ABMEI; (2) Association of Engineers & Architects (AEA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AEA; (3) Association of Maintenance Supervisory Personnel (AMSP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AMSP; (4) City Association of Management Personnel Agreement (CAMP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CAMP; (5) Confidential Employees' Organization, AFSCME Local 101 (CEO); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CEO; (6) International Association of Firefighters, Local 230 (IAFF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Association of Firefighters; (7) International Brotherhood of Electrical Workers (IBEW); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and IBEW; (8) Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and MEF; (9) International Union of Operating Engineers, Local No. 3 (OE#3); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Union of Operating Engineers, Local No. 3; (10) San José Police Officers' Association (SJPOA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and San José Police Officers' Association; (11) Association of Legal Professionals of San José (ALP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; How to obtain a copy of existing contract or MOA: web: http://www.sanjoseca.gov/employee_relations/moa.asp; Telephone for Employee Relations: 408-535-8150.

By unanimous consent, Council recessed from the Closed Session at 11:48 a.m. and reconvened to Regular Session at 1:32 p.m. in the Council Chambers.

Present: Council Members - Campos, Chu, Constant, Herrera, Kalra, Liccardo, Oliverio, Pyle, Rocha; Reed.

Absent: Council Members - Nguyen. (Excused)

INVOCATION

Eddie Gale, San José's Ambassador of Jazz, provided words of inspiration and a jazz piece for the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Reed led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Council Member Pyle, seconded by Council Member Herrera and carried unanimously, the Orders of the Day and the Amended Agenda were approved, with Item 4.1 continued to March 20, 2012. (10-0-1. Absent: Nguyen.)

CEREMONIAL ITEMS

1.1 Presentation of a proclamation recognizing the week of March 11-17, 2012 as “National Groundwater Awareness Week” in the City of San José. (Chu)

Action: Deferred to March 20, 2012 per District 4.

1.2 Presentation of a proclamation declaring Tuesday, March 13th as Show Us Your Hope Day. (Pyle)

Mayor Reed and Council Member Pyle recognized Tuesday, March 13th as Show Us Your Hope Day.

1.3 Presentation of a proclamation declaring March 19, 2012 as “Iranian New Year” in the City of San José. (Pyle)

Mayor Reed and Council Members Kalra and Pyle recognized March 19, 2012 as “Iranian New Year” in the City of San José.

1.4 Presentation of a commendation to Mathew Dutra, who woke up two residents sleeping above Tee Nee Thai Restaurant when the building caught on fire. (Oliverio)

Mayor Reed and Council Member Oliverio commended Mathew Dutra for his heroic efforts.

CONSENT CALENDAR

Upon motion by Council Member Pyle, seconded by Council Member Herrera and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (10-0-1. Absent: Nguyen.)

2.1 Approval of Minutes

Action: There were none.

2.2 Final adoption of ordinances.

- (a) **ORD. NO. 29040 – Rezoning certain real property situated on the east side of Morse Street, approximately 320 feet north of McKendrie Street (980 Morse Street), from R-1-8 Single-Family Residence District to R-1-8(PD) Planned Development Zoning District. PDC11-010**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29040 executed on March 6, 2012, submitted by the City Clerk.

Action: Ordinance No. 29040 was adopted. (10-0-1. Absent: Nguyen.)

- (b) **ORD. NO. 29041 – Rezoning certain real property situated on the north side of Tully Road on a 3.45 gross-acre site, approximately 1,200 feet easterly of Senter Road (705 Tully Road), to the LI Light Industrial Zoning District. C11-013**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29041 executed on March 6, 2012, submitted by the City Clerk.

Action: Ordinance No. 29041 was adopted. (10-0-1. Absent: Nguyen.)

- (c) **ORD. NO. 29042 - Amending Section 20.40.100 of Chapter 20.40 (Commercial Zoning Districts) and Section 20.50.100 of Chapter 20.50 (Industrial Zoning Districts), all of Title 20 of the San José Municipal Code (the Zoning Code), to delete outdated references and to allow more flexibility for the development of specific commercial and industrial uses in certain industrial districts, including: deletion of medical clinic/out-patient facility as an enumerated use and deletion of an outdated reference to Part 13.6 of Chapter 20.80 related to leasing of passenger vehicles, and addition of public and private elementary and secondary schools as a conditional use in certain districts, addition of drinking establishments in conjunction with a winery or brewery as a conditional use in certain districts, the enumeration of wineries**

2.2 (c) Final adoption of ordinances (Cont'd.)

and breweries as a permitted use in certain districts, the addition of hospitals/in-patient facilities as a conditional use in certain districts, the addition of vehicle sales as a conditional use in certain districts, the addition of sale of vehicle parts conforming to specifically identified criteria as a permitted or special use in certain districts, and the addition of miniwarehouse/ ministorage as a permitted use in certain districts.

Documents Filed: Proof of Publication of the Title of Ordinance No. 29042 executed on March 6, 2012, submitted by the City Clerk.

Action: Ordinance No. 29042 was adopted. (10-0-1. Absent: Nguyen.)

2.3 Approval of Council Committee Reports.

Action: There were none.

2.4 Mayor and Council Excused Absence Requests.

Action: There were none.

2.5 City Council Travel Reports.

Action: There were none.

2.6 Report from the Council Liaison to the Retirement Boards.

Mayor Reed outlined Rules and Open Government Committee direction to Staff to provide Retirement Board minutes and relevant links to Council to supplement the Council Liaison's verbal report. Council Member Constant reported out on the March 7, 2012 meeting of the Police and Fire Department Retirement Board.

- 2.7 (a) **Execute the Sixth Amendment to the Environmental Enforcement Data Management System Agreement with enfoTech & Consulting, Inc. to extend the term of the agreement by twelve months from January 31, 2012 to January 31, 2013, and increase the maximum compensation by \$45,025 for a revised not-to-exceed amount of \$1,426,623 in order to complete the upgrade of the existing Environmental Enforcement Data Management System to a web-based system and to add additional features and functionality.**
- (b) **Add \$6,754 to the previous contingency amount of \$72,750 for a total contingency amount not to exceed \$79,504 to cover any unanticipated changes to the system upgrade, report development, system maintenance and support.**

2.7 (Cont'd.)

- (c) Execute amendments to extend the term of the agreement beyond January 31, 2013 as required in the event that additional time is needed to complete the project. CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Finance) (Deferred from 2/14/12 – Item 2.8)**

Documents Filed: (1) Replacement memorandum from Acting Director of Finance Julia H. Cooper, dated February 28, 2012, recommending adoption of a resolution and updating the designated compensation for services. (2) Letter from Chairperson Chuck Reed, the Treatment Plant Advisory Committee, dated March 8, 2012, stating concurrence with the Staff recommendation.

Action: Resolution No. 76161, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Execute a Sixth Amendment to the Agreement with Enfotech & Consulting, Inc., for Environmental Enforcement Data Management System”, was adopted. (10-0-1. Absent: Nguyen.)

- 2.8 Accept the Calendar Year 2011 Annual Progress Report on the Implementation of the San José 2007-14 Housing Element Update. CEQA: Not a Project, File No. PP10-069 (a), Annual Report. (Planning, Building and Code Enforcement/Housing)**

Documents Filed: Joint memorandum from Director, Planning, Building and Code Enforcement Joseph Horwedel and Director of Housing Leslye Corsiglia, dated February 24, 2012, recommending acceptance of the progress report.

Council Member Liccardo pulled Item 2.8 to question staff on aspects of the report.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Herrera and carried unanimously, the Calendar Year 2011 Annual Progress Report on the Implementation of the San José 2007-14 Housing Element Update was accepted. (10-0-1. Absent: Nguyen.)

- 2.9 (a) Approve the 5th Annual Westfield Oakridge Winter Walk and Resource Fair for seniors as a City Council Sponsored Special Event; and
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event. CEQA: Not a Project. (City Clerk)**

Documents Filed: Memorandum from City Clerk Dennis Hawkins, dated March 8, 2012, transmitting the recommendations of the Rules and Open Government Committee.

2.9 (Cont'd.)

Action: The 5th Annual Westfield Oakridge Winter Walk and Resource Fair for seniors as a City Council Sponsored Special Event was approved and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (10-0-1. Absent: Nguyen.)

- 2.10 (a) **Approve the District 4 First Aid and CPR Training 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)

Documents Filed: Memorandum from City Clerk Dennis Hawkins, dated March 8, 2012, transmitting the recommendations of the Rules and Open Government Committee.

Action: The District 4 First Aid and CPR Training as a City Council Sponsored Special Event was approved and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (10-0-1. Absent: Nguyen.)

- 2.11 (a) **Approve the 2nd Annual District 4 Family Day 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)

Documents Filed: Memorandum from City Clerk Dennis Hawkins, dated March 8, 2012, transmitting the recommendations of the Rules and Open Government Committee.

Action: The 2nd Annual District 4 Family Day as a City Council Sponsored Special Event was approved and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (10-0-1. Absent: Nguyen.)

STRATEGIC SUPPORT SERVICES

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

City Manager Debra Figone reported on approval of the full funding grant agreement of BART and thanked Staff for their commitment to this project.

3.3 Review and discuss the FY 2012-2013 Mayor’s March Budget Message. (Mayor)

Documents Filed: Memorandum from Mayor Reed, dated March 9, 2012, recommending acceptance of the March Budget Message for Fiscal Year 2012-2013.

Mayor Reed provided opening comments.

Public Comments: Former Council Member Judy Chirco, Barbara Hansen and Susan Price (PACT), Kathleen King (Santa Clara Family Health Foundation), Susanna Vasquez, Margarita Uribe, Ernesto Villalobos and Anna Schlotz (Working Partnerships) thanked the Council for their support of the Childrens’ Health Initiative. Greg Guth advocated longer hours for the Camden Community Center gym; Ana Guardado (ACCE) and Dee Urista (Gardner Community) asked that community center, police and fire and library hours be restored. Emilie Gatfield expressed disappointment with the budget memo and complained that new facilities are being opened while existing facility hours are being cut.

Extensive discussion followed. Director of Transportation Hans Larsen, Budget Director Jennifer Maguire and Parks, Recreation and Neighborhood Services Acting Assistant Director Angel Rios responded to questions from Council.

Council Member Campos recommended that with the dissolution of the Redevelopment Agency, assistance should be provided to small business districts.

Mayor Reed thanked the budget staff for their commitment and hard work, and added that budget discussion/action will start one week from today.

Action: No action required.

3.4 Adopt a resolution authorizing the City Manager execute a Convention and Visitors Bureau Services Agreement with Team San José for the period of January 1, 2012 through June 30, 2014, with two additional three-year options. CEQA: Not a Project, File No.PP10-066 (e), Agreements/Contracts. Council District 3. (Economic Development)

Documents Filed: Memorandum from Director of Economic Development/Chief Strategist Kim Welsh, dated February 21, 2012, recommending adoption of a resolution.

Downtown Manager Lee Wilcox responded to questions from Council.

Action: Upon motion by Council Member Constant, seconded by Council Member Herrera and carried unanimously, Resolution No. 76162, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Execute a Convention and Visitors Bureau (CVB) Services Agreement with Team San José”, was adopted. (10-0-1. Absent: Nguyen.)

COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 Consideration of an ordinance amending Section 20.70.100 of Chapter 20.70 (Downtown Zoning Districts) of Title 20 of the San José Municipal Code (the Zoning Code) to streamline the permit process for the operation of office and financial services uses within the DG Overlay Area (Downtown Ground-Floor Space) of the DC (Downtown Core) and DC-NT1 (Downtown Code – Neighborhood Transition 1) Zoning Districts. The proposed amendments affect the Downtown Area of the City. CEQA: Envision San José 2040 General Plan Environmental Impact Report, Resolution No. 70601. The Planning Commission voted 6-0-1 (Commissioner Kamkar absent) to recommend to the City Council the approval of the proposed ordinance change to amend Title 20 of the San José Municipal Code to provide greater flexibility and a streamlined permit process for specific uses within ground floor building locations within the DG Overlay area of the Downtown Area with direction to staff to evaluate the outcome of this change and report the findings from this analysis to the City Council in two years. (Planning, Building and Code Enforcement)**

Documents Filed: Memorandum from Council Member Liccardo, dated March 9, 2012, recommending continuing this item to the March 20, 2012 Council Agenda.

Action: Deferred to March 20, 2012 per Orders of the Day.

- 4.2 Consideration of an ordinance amending Chapter 6.84 of Title 6 of the San José Municipal Code to add a new Section 6.84.015 and to amend Section 6.84.030 and amendments to Chapters 20.80 and 20.100 of Title 20 of the San José Municipal Code to amend Sections 20.80.900 and 20.100.220, all to modify the general process for making a City-wide determination of public convenience and necessity and to modify the conditional use permit process in connection with the off-sale of alcoholic beverages. The proposed amendments have Citywide implications in all City Council Districts and in all Strong Neighborhoods Initiative areas. CEQA: Exempt, File No. PP12-016. The Planning Commission voted 6-0-1 (Commissioner Kamkar absent) to recommend the City Council approve the ordinance to amend Title 6 and Title 20 of the San José Municipal Code to streamline the City permit process for off-sale of alcoholic beverages. (Planning, Building and Code Enforcement)**

Documents Filed: (1) Memorandum from Planning Commission Secretary Joseph Horwedel, dated February 6, 2012, providing a transmittal of the Staff's report. (2) Memorandum from Planning Commission Secretary Joseph Horwedel, dated February 21, 2012, transmitting the Planning Commission recommendation. (3) Proof of Publication of Notice of Public Hearing, executed on February 10, 2012, submitted by the City Clerk.

Public Comment: Mayor Reed opened the public hearing. There was no testimony from the floor. Mayor Reed closed the public hearing.

4.2 Action: Upon motion by Council Member Constant seconded by Council Member Kalra and carried unanimously, the recommendation of the Planning Commission and the Planning Director was approved, and Ordinance No. 29046, entitled: “An Ordinance of the City of San José Adding Section 6.84.015 and Amending Section 6.84.030 of Chapter 6.84 of Title 6 and Amending Section 20.80.900 of Chapter 20.80 and Section 20.100.220 of Chapter 20.100 of Title 20, All of the San José Municipal Code, to Modify the General Process for Making a Determination of Public Convenience and Necessity and for Processing a Conditional Use Permit for the Off-Premises Sale of Alcoholic Beverages”, was passed for publication. (10-0-1. Absent: Nguyen.)

4.3 **Conduct a public hearing and adopt a resolution designating "Former Fire Station No. 1", located on northwest corner of North Market and West St. James Streets (201 N. Market Street), as a landmark of special historic, architectural, cultural, or engineering interest, or value of a historic nature (City of San José as Successor Agency to Redevelopment Agency, Owner). CEQA: Exempt. The Historic Landmarks Commission recommends that the City Council approve the proposed Landmark Designation for Former Fire Station No. 1(6-0-1). (Planning, Building and Code Enforcement)**
HL08-169 – District 3

Action: Continued to March 20, 2012 per Administration.

TRANSPORTATION & AVIATION SERVICES

- 6.1**
- (a) Adopt a resolution establishing Minimum Standards for general aviation facilities on the west side of the Norman Y. Mineta San José International Airport;**
 - (b) Accept the key terms and conditions to be used in the Request For Proposals process for a new fixed base operator leasehold to be developed on the west side of the Airport.**
 - (c) Adopt a RFP-first approach for West Side general aviation that would have a second, new full-service FBO operational in late 2014 (estimated).**
- CEQA: Resolution Nos. 67380 and 71451, File No. PP12-001. (Airport)**

Action: Deferred to March 20, 2012 per Administration.

ENVIRONMENTAL & UTILITY SERVICES

7.1 Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute a Master Service Agreement with BLP Engineers, Inc. for technical lead and quality assurance/control support for the Digester Rehabilitation Program at the San José/Santa Clara Water Pollution Control Plant for an amount not to exceed \$2,200,000 for an initial term commencing upon approval of the agreement and continuing through June 30, 2014;
- (b) Execute up to three additional one-year options and to increase the compensation in an amount not to exceed \$1,100,000 for each additional one-year term, subject to the annual appropriation of funds by Council.

CEQA: Statutorily Exempt, File No. PP10-066 (d), CEQA Guidelines Section 15262, Feasibility and Planning Studies. (Environmental Services)

Documents Filed: (1) Memorandum from Acting Director of Environmental Services Department Kerrie Romanow, dated February 21, 2012, recommending adoption of a resolution. (2) Letter from Chairperson Chuck Reed, the Treatment Plant Advisory Committee, dated March 8, 2012, stating concurrence with the Staff recommendation.

Action: Upon motion by Council Member Chu, seconded by Council Member Liccardo and carried unanimously, Resolution No. 76163, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Master Agreement with BLP Engineers, Inc. For Technical Lead and Quality Assurance/Control Support for the Digester Rehabilitation Program at the San José/Santa Clara Water Pollution Control Plant, In an Amount Not to Exceed \$2,200,000 for the Initial Term", was adopted. (10-0-1. Absent: Nguyen.)

- ### 7.2
- (a) Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with the Bay Area Clean Water Agencies to accept grant funding under State Proposition 84 Bay Area Integrated Regional Water Management Program in an amount up to \$2,485,000, for South Bay Water Recycling facility improvements, including a Bay Area recycled water outreach program component.
 - (b) Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with the Santa Clara Valley Water District for the District to conduct the regional outreach program covered by the Proposition 84 grant at cost to the District of up to \$300,000, with a potential for reimbursement to the District of 45.2% of eligible project costs, up to a maximum amount of \$136,000 from the Proposition 84 grant funds District; and for the District to contribute funding up to \$400,000 for the South Bay Water Recycling Master Planning effort, with a reimbursement from the City of San José of up to \$200,000.
 - (c) Adopt a resolution authorizing the City Manager to negotiate and execute the Ninth Amendment to the San José/Santa Clara Construction Services Agreement to revise the approved project list specified in the agreement, and extend the term of agreement by twenty-four months to December 31, 2014.

- 7.2 (d) **Adopt a resolution approving the Mitigated Negative Declaration and adopting the mitigation monitoring and reporting program prepared for the South Bay Water Recycling Northern Regional Connector Pipeline Project (File No. PP12-015) as having been completed in compliance with the California Environmental Quality Act and reflecting the City's independent judgment and analysis.**

CEQA: Relevant environmental clearance completed by City of San José: Resolution No. 64667, Environmental Impact Report for the San José Nonpotable Reclamation Project, now known as the South Bay Water Recycling Program dated June 15, 1993; Resolution No. 67380 Reuse of the Airport Master Plan EIR/SEIR, PP08-071 dated June 17, 2008; Mitigated Negative Declaration for Potable Backup Supply, PP11-054; Mitigated Negative Declaration (pending) for Northern Regional Connector, PP12-015; and Relevant environmental clearance completed by City of Santa Clara: Santa Clara Industrial 3B: CEQ2010-01113. (Environmental Services)

Action: Deferred to April 17, 2012 per Administration.

OPEN FORUM

Larry Arzie expressed concern for small businesses in San José if conditional use permits as outlined in the proposed ordinance updating Title 20 of the Municipal Code is approved.

ADJOURNMENT

The Council of the City of San José adjourned at 3:33 p.m. in memory of Raymond William McWard, Father of Jennifer Maguire, Budget Director. (City Manager's Office)

Minutes Recorded, Prepared and Respectfully Submitted by,

Dennis Hawkins, CMC
City Clerk

rmk/3-13-12MIN