



CITY COUNCIL AGENDA

JUNE 5, 2012

SYNOPSIS

PETE CONSTANT
ASH KALRA
SAM LICCARDO
KANSEN CHU
XAVIER E. CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON NGUYEN, VICE MAYOR
ROSE HERRERA
DONALD ROCHA
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Community & Economic Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Neighborhood Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation & Aviation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 7 p.m. as needed, unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.asp. Council Meetings are televised live and rebroadcast on Channel 26.

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

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

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

- **Call to Order and Roll Call**
9:32 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: None.
1:33 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: None.
- **Invocation (District 6)**
Dr. Reverend Bryan Franzen, Westminster Church, provided the Invocation.
- **Pledge of Allegiance**
Mayor Reed led the Pledge of Allegiance, accompanied by students from Easterbrook Discovery School, District 1; Ben Painter Elementary, District 5; and Horace Mann Elementary.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with Items 9.1 added, and Items 4.2 through 4.7 to be heard together.
- **Closed Session Report**
City Attorney Doyle disclosed the following Closed Session actions of June 5, 2012:
 - A. **Authority to Initiate Litigation:**

Authority to initiate litigation was given in one (1) matter. The name of the action and the defendants, as well as the substance of the litigation shall be disclosed to any person upon inquiry once the action is formally commenced.

CLOSED SESSION REPORT (Cont'd.)

- B. City given authority to pursue appellate review, existing litigation pursuant to Government Code Section 54956.9 subsection (a):**

Case Name: California Building Industry Association v. City, et al.

Adverse Parties: California Building Industry Association

Substance of Litigation: Challenge to City's Inclusionary Housing Ordinance.

Council Vote: Ayes: Campos, Chu, Herrera, Kalra, Liccardo, Nguyen, Pyle, Rocha; Reed.

Noes: Constant, Oliverio.
Abstain: None.
Not Present: None.

- C. City given authority to pursue appellate review, existing litigation pursuant to Government Code Section 54956.9 subsection (a):**

Case Name: Berg & Berg Enterprises, LLC v. City, et al.

Adverse Parties: Berg & Berg Enterprises, LLC.

Substance of Litigation: Breach of contract claim.

Council Vote: Ayes: Campos, Chu, Constant, Herrera, Kalra, Liccardo, Nguyen, Oliverio, Pyle; Reed.

Noes: Rocha.
Abstain: None.
Not Present: None.

- D. Existing litigation pursuant to Government Code Section 54956.9 subsection (a); Council unanimously gave the City Attorney authority to draft a letter to the California Supreme Court seeking depublication of the 6th District Court of Appeal decision.**

Case Name: McDonough, et al. v. City, et al.

Adverse Parties: Karen McDonough, Franco Vado, Robert Sapien, Clifford G. Hubbard.

Relief Sought: Petition for Writ of Mandate.

Council Vote: Ayes: Campos, Chu, Constant, Herrera, Kalra, Liccardo, Nguyen, Oliverio, Pyle, Rocha; Reed.

Noes: None.
Abstain: None.
Not Present: None.

1. CEREMONIAL ITEMS

1.1 **Presentation of a proclamation declaring the week of May 20-26, 2012 as Public Works Week. (Public Works)**

Mayor Reed proclaimed the week of May 20-26, 2012 as Public Works Week. (Public Works)

1.2 **Presentation of a commendation to the Vietnamese Voluntary Foundation (VIVO) for its 33 years of service of providing comprehensive acculturation, employment, citizenship, health and human support services to more than 100,000 Vietnamese and Southeast Asian Americans; and to Executive Director Diem Ngo, who will retire after 28 years of service. (Chu)**

Mayor Reed and Council Member Chu commended the Vietnamese Voluntary Foundation (VIVO) for its 33 years of service, and to Executive Director Diem Ngo, who will retire after 28 years of service.

1.3 **Presentation of a commendation to the winners of the 2012 Falcon Naming Contest. (Mayor)**

Mayor Reed presented commendations to the winners of the 2012 Falcon Naming Contest from Ben Painter Elementary and Horace Mann Elementary for the names selected: Hope, Horacio, Thunder and Cobalt.

1.4 **Presentation of a proclamation recognizing the Week of June 3 – 9, 2012 as “National CPR & AED Awareness Week” in the City of San José. (Kalra)**

Mayor Reed proclaimed the Week of June 3 – 9, 2012 as “National CPR & AED Awareness Week” in the City of San José. (Kalra)

1.5 **Presentation of a commendation to Robin Lasser, Adrienne Pao, Brian Taylor and Connie Hwang for their participation in the San Jose-Ekaterinburg Sister City Photography Exchange and their creation of the book “Seven Days—Sister Cities—Artist Exchange. (Pyle) (Rules Committee Referral 05/23/12)**

Mayor Reed presented a commendation to Robin Lasser, Adrienne Pao, Brian Taylor and Connie Hwang for their participation in the San Jose-Ekaterinburg Sister City Photography Exchange.

2. CONSENT CALENDAR

2.1 Approval of Minutes.

None.

2.2 Final Adoption of Ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 29088 – Amending Title 10 of the San José Municipal Code to add a new chapter relating to social host responsibility to deter the service of alcoholic beverages to and consumption of alcoholic beverages by underage persons at certain gatherings.

Ordinance No. 29088 adopted.

- (b) ORD. NO. 29089 – Amending Title 20 of the San José Municipal Code to amend Section 20.40.100 of chapter 20.40 (Commercial Zoning Districts), to amend Section 20.70.100 of Chapter 20.70 (Downtown Zoning Districts), to add a new Part 12.5 to Chapter 20.80 (Specific Use Regulations), to add a new Section 20.200.875 to Chapter 20.200 (Definitions), and rescinding the suspension of the effectiveness of Sections 20.100.1500, 20.100.1510, 20.100.1520, 20.100.1525, and 20.100.220 under Ordinance No. 28991, all in order to establish land use regulations pertaining to Payday Lending Establishments.

Ordinance No. 29089 adopted.

Noes: Constant.

- (c) ORD. NO. 29091 – Rezoning certain real property situated on the west side of Ringwood Avenue, approximately 310 feet southerly of McKay Drive, on a 0.18 gross-acre site, to the R-1-8 Single-Family Residence Zoning District. C12-007

Ordinance No. 29091 adopted.

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) Transportation and Environment Committee Report of May 7, 2012. (Liccardo)
(b) Public Safety, Finance and Strategic Support Committee Report of May 17, 2012.
(Constant)

Approved.

2.4 Mayor and Council Excused Absence Requests.

Recommendation:

- (a) Request for an excused absence for Council Member Constant from the Rules and Open Government Committee Meeting on May 23, 2012, due to a medical procedure. (Constant)
(Rules Committee Referral 05/23/12)

Excused.

2. CONSENT CALENDAR

2.2 City Council Travel Reports.

None provided.

2.3 Report from the Council Liaison to the Retirement Boards.

None provided.

2.4 Agreement with the Transportation Security Administration to Fund Eligible Costs for Deployment of Law Enforcement Officers at the Airport.

Recommendation: Adopt a resolution authorizing the City Manager to apply for federal funding, negotiate, and execute an Other Transaction Agreement with the Transportation Security Administration (TSA) to fund eligible costs for deployment of law enforcement officers (LEOs) at each airport passenger-screening location at the Norman Y. Mineta San José International Airport in excess of the City Manager's contract authority in the estimated amounts of approximately \$1,133,000 per year or approximately \$3,400,000 for the period October 1, 2012 to September 30, 2015. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical damages to the environment. (Airport)

Resolution No. 76249 adopted.

2.5 Review of Fire Department Performance Measures.

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on May 17, 2012, accept the review of Fire Department Performance Measures. (City Auditor)

[Public Safety, Finance and Strategic Support Committee referral 5/17/12 – Item D(5)]

Accepted.

2.6 Legal Services Agreement Relating to Labor Relations.

Recommendation: Adopt a resolution authorizing the City Attorney to negotiate and execute a first amendment to the agreement with Renne Sloan Holtzman & Sakai LLP for legal services in connection with labor relations, modifying the scope of services to provide additional legal services and advice, and increasing compensation by \$300,000 for a total amount not to exceed \$550,000, subject to appropriation of funds as recommended separately on the June 5, 2012 City Council Agenda. CEQA: Not a Project; File No. PP10-066(e), Services that involve no physical changes to the environment. (City Attorney's Office) (Deferred from 5/22/12 – Item 2.8)

Resolution No. 76250 adopted.

Noes: Kalra.

2. CONSENT CALENDAR

2.7 Appropriation Action Related to Legal Services for Fiscal Reform Plan.

Recommendation: Adopt the following 2011-2012 Appropriation Ordinance amendments in the General Fund:

- (a) Increase the City-Wide appropriation to the City Attorney's Office for Fiscal Reform Plan Outside Legal Counsel in the amount of \$550,000; and,
- (b) Decrease the Fiscal Reform Plan Implementation Earmarked Reserve in the amount of \$550,000.

CEQA: Not a Project; File No. PP10-067, Appropriation. (City Attorney's Office / City Manager's Office) (Deferred from 5/22/12 – Item 2.9)

Ordinance No. 29094 adopted.

Noes: Kalra.

2.8 Approval to Set Public Hearings on the Business Improvement Districts.

Recommendation:

- (a) Preliminary approval of the report as filed by the Hotel Business Improvement District Advisory Board, or as modified by Council; and adoption of a resolution of intention to levy the annual assessment for Fiscal Year 2012-2013, and set June 19, 2012 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments. CEQA: Exempt, File No. PP08-048. (Economic Development)

Resolution No. 76251 adopted.

- (b) Preliminary approval of the report as filed by the Japantown Business Improvement District Advisory Board, or as modified by Council; and adoption of a resolution of intention to levy the annual assessment for Fiscal Year 2012-2013, and set June 19, 2012 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments. CEQA: Exempt, File No. PP08-048. Council District 3. (Economic Development)

Resolution No. 76252 adopted.

- (c) Preliminary approval of the report as filed by the Downtown Business Improvement District Advisory Board, or as modified by Council; and adoption of a resolution to levy the annual assessment for Fiscal Year 2012-2013, and set June 19, 2012 at 1:30 pm as the date and time for the public hearing on the levy of the proposed assessments. CEQA: Exempt, File No. PP03-05-165. Council District 3. (Economic Development)

Resolution No. 76253 adopted.

2. CONSENT CALENDAR

2.9 Agreements with Goodwill of Silicon Valley, The Salvation Army and HOPE Services for Recycling and Reuse Services.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute agreements with Goodwill of Silicon Valley, The Salvation Army and HOPE Services for recycling and reuse services for a term from July 1, 2011, through June 30, 2012, with a total maximum annual compensation for the period through June 30, 2012, not to exceed \$249,323 for Goodwill of Silicon Valley; \$88,109 for the Salvation Army; and \$4,340 for HOPE Services. CEQA: Not a Project, File No.PP10-066(e), Services that involve no physical changes to the environment. (Environmental Services)

Resolution No. 76254 adopted.

2.10 Agreement with the Bay Area Stormwater Management Agencies Association for the Installation of a Hydrodynamic Separator Device to Treat Stormwater Drainage.

Recommendation: Approve an agreement with the Bay Area Stormwater Management Agencies Association for reimbursement to the City up to \$475,000 for design and construction costs incurred for the installation of a hydrodynamic separator device to treat stormwater in the Leo Avenue drainage area of San José for the retroactive term July 1, 2011 through December 31, 2014. CEQA: Addendum to Mitigated Negative Declaration, File No. PP11-098. Council District 7. (Environmental Services)

Approved.

2.11 Agreement for Mobile Identification Interface Services with Mobizent.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute the Fourth Amendment to the Agreement for Mobile Identification Interface Services with Mobizent LLC of in Edison, New Jersey (previously 3i Infotech Corporation) to update the Phase 4 scope of services to include additional security requirements and increase compensation by \$49,575 for a revised not-to-exceed amount of \$406,483 in order to complete Phase 4; and
- (b) Execute change orders and amendments to cover any unanticipated changes to the scope of work, not to exceed the current appropriation of \$590,152.

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

Resolution No. 76255 adopted.

2.12 Third Quarter Financial Reports for Fiscal Year 2011-2012.

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

- (a) Accept the Third Quarter Financial Reports for Fiscal Year 2011-2012;
Accepted.
- (b) Adopt a resolution authorizing the Director of Finance to write off uncollectible debts in an amount up to \$541,974.74.

CEQA: Not a Project. (Finance)

[Public Safety, Finance and Strategic Support Committee referral 5/17/12 – Item D(2)]

Resolution No. 76256 adopted, with direction to Staff to provide an analysis of changing the municipal code to ensure that staff has the tools needed to seek an injunction or otherwise close establishments that are not paying their business tax, including the possibility of exercising nuisance remedies.

2.13 Agreement with the County of Santa Clara to Accept Program Funds from the County for 2011 Emergency Management Performance Grant Funding.

Recommendation:

- (a) Adopt a resolution authorizing the City Manager to negotiate and execute:
 - (1) An agreement with the County of Santa Clara to accept program funds from the County for 2011 Emergency Management Performance Grant funding for the Fire Department in the amount of \$133,685.
 - (2) Additional amendments to the agreement and all related documents without further City Council action, other than appropriation of funds.
Resolution No. 76257 adopted.
- (b) Adopt the following appropriation ordinance and funding sources resolution amendments in the General Fund for Fiscal Year 2011-2012:
 - (1) Increase the Estimate for Earned Revenue from the Federal Government by \$117,685; and,
 - (2) Establish a city-wide appropriation to the Fire Department for the 2011 Emergency Management Performance Grant (EMPG) in the amount of \$117,685.

CEQA: Not a Project, File No. PP10-066(g), Agreement and Contracts for 2011 EMPG Grant Agreement. (Fire/City Manager's Office)

Ordinance No. 29095 adopted.

Resolution No. 76258 adopted.

2.14 Team San José Quarterly 2011-2012 Performance and Incentive Measure Report.

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on May 17, 2012, accept the Team San José Quarterly 2011-2012 Performance and Incentive Measure Report. (Team San José)

[Public Safety, Finance and Strategic Support Committee referral 5/17/12 – Item D(6)]

Accepted.

2. CONSENT CALENDAR

2.15 Amendment to the Parking Lot Lease Agreement with Boston Properties for the Almaden/Woz Parking Lot.

Recommendation: Approve the Twelfth Amendment to the Parking Lot Lease Agreement between the City of San José and Boston Properties (dba BP Almaden Associates, LLP) for the Almaden/Woz Parking Lot, to extend the term of the lease from July 1, 2012 to June 30, 2017, in the amount of \$34,000 per month for the first three years and \$35,020 per month for the remaining two years, for a maximum amount of \$2,064,480 over the five year extended term. CEQA: Statutorily exempt, File No. PP10-067(a), CEQA Guidelines Section No. 15273 – Rates, Tolls, Fares, Charges. (Transportation)

Approved.

2.16 Mayor Reed's Travel to Sacramento, CA.

Recommendation:

- (a) Approve travel by Mayor Reed to Sacramento, California on Wednesday, May 23, 2012 to attend the Silicon Valley Leadership Group's Sacramento Advocacy Trip as one of the City's designated representatives. Source of Funds: Mayor's Office.
- (b) Request for an excused absence for Mayor Reed from the May 23, 2012 Rules and Open Government Committee Meeting. Reason: Authorized City Business. (Mayor) (Rules Committee Referral 05/23/12)

Approved.

2.17 Council Member Campos' Travel to Orlando, FL.

Recommendation: Approve travel by Council Member Campos to Orlando, Florida on June 21 – June 23, 2012 to attend the National Association of Latino Elected Officials Conference. Source of Funds: District 5 Funds. (Campos)
(Rules Committee Referral 05/23/12)

Approved.

2.18 Reappointments to the Airport Commission.

Recommendation: Reappoint Keith Ian Graham and Andres Quintero to the Airport Commission. (Chu)
(Rules Committee Referral 05/30/12)

Approved.

2. CONSENT CALENDAR

2.19 Appointments and Reappointments to Boards, Commissions, and Committees.

Recommendation: As recommended by the Rules and Open Government Committee on May 30, 2012:

- (a) Reappoint Richard Holden and Jessica Zenk to the Arts Commission. (Liccardo)
- (b) Appoint Peter Allen and Tina Morrill to the Arts Commission. (Liccardo)
- (c) Reappoint Karl Vidt to the Disability Advisory Commission. (Pyle)
- (d) Appoint Emma Elijas and Earl Mizuguchi to the Disability Advisory Commission. (Pyle)
- (e) Appoint Sam Pandey to the Housing and Community Development Advisory Commission. (Nguyen)
- (f) Appoint Abraham Thompson to the Human Rights Commission. (Chu)
- (g) Reappoint Bob Levy to the Parks and Recreation Commission. (Pyle)
- (h) Appoint Rudy Flores and Brian Quint to the Parks and Recreation Commission. (Pyle)
- (i) Appoint Arash Shokouhbakhsh to the Small Business Development Commission. (Chu)
- (j) Appoint Darrold Wagner to the Traffic Appeals Commission. (Nguyen)
- (k) Reappoint Patrick Hall, Judith (Marie) Hayter, Joyce Rabourn, and Nancy Williamson to the Senior Citizens Commission. (Constant)

[Rules Committee Referral 05/30/12 – Items F(1)(a) – F(1)(k)]

Approved.

2.20 AB 1939 (Pan) – Dog Licensing: Issuance: Puppy Licensing.

Recommendation: As recommended by the Rules and Open Government Committee on May 30, 2012, adopt a support position for AB 1939 (Pan) – Dog Licensing: Issuance: Puppy Licensing. (City Manager’s Office)

[Rules Committee Referral 05/30/12 – Items G(3)]

A position of support was adopted.

3. STRATEGIC SUPPORT SERVICES

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

None provided.

3.2 Labor Negotiations Update

Recommendation: Accept Labor Negotiations Update.
Accepted.

3. STRATEGIC SUPPORT SERVICES

3.1 Compensated Time Off in City Living Wage Contracts.

Recommendation: Accept staff report and provide staff direction on next steps regarding compensated time off in City living wage contracts. CEQA: Not a Project, File No. PP10-069(a), Staff Reports/Assessments/Annual Reports/Informational Memos that involve no approvals of any city actions. (Public Works)
Deferred to 6/12/12 Per Rules and Open Government Committee.

3.4 Planning Commission Interviews.

Recommendation:

- (a) Interview applicants for appointment to the Planning Commission
 - (b) Appoint four (4) members to the Planning Commission.
 - (c) If any vacancy remains, direct the City Clerk to continue recruitment efforts and bring additional applicants forward for consideration within 90-days.
- (City Clerk)

Dori Yob and Matt Kamkar were reappointed, and Brian O’Halloran and Norman Kline were appointed to the Planning Commission for terms ending 6/30/16.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Historic Landmark Nomination and Mills Act Historical Property Contract for the “Geer House”.

Recommendation: Consider a Historic Landmark Nomination and Mills Act Historic Property Contract for the “Geer House” located on the north side of Coe Avenue, between Riverside Drive and Plaza Drive (795 Coe Avenue), on a 0.45-acre site (City Landmark No. HL11-198 and California Mills Act No. MA11-003).

- (a) Conduct a public hearing and adopt a resolution designating the “Geer House” as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of an historic nature.

Resolution No. 76259 adopted.

- (b) Conduct a public hearing on the Historical Property Contract between the City of San José and the owners of the “Geer House” (Ruthann L. and Robert E. Eaton, Owners) and adopt a resolution approving the contract.

CEQA: Exempt. (Planning, Building and Code Enforcement)

HL11-198/MA11-003 – District 6

(Continued from 5/22/12 – Item 4.4)

Resolution No. 76260 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Historic Landmark Nomination and Mills Act Historical Property Contract for the “Stiller House”.

Recommendation: Consider a Historic Landmark Nomination and Mills Act Historic Property Contract for the “Stiller House” located on the northwest corner of East Saint James Street and North Seventh Street (285 East Saint James Street) on a 0.14-acre site (City Landmark No. HL11-200 and California Mills Act No. MA11-004).

- (a) Conduct a public hearing and adopt a resolution designating the “Stiller House” as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of an historic nature.

Resolution No. 76261 adopted.

- (b) Conduct a public hearing on the Historical Property Contract between the City of San José and the owners of the “Stiller House” (Alex V. Waddington, Owner) and adopt a resolution approving the contract.

CEQA: Exempt. (Planning, Building and Code Enforcement)

HL11-200/MA11-004 – District 3

(Continued from 5/22/12 – Item 4.5)

Resolution No. 76262 adopted.

4.3 Historic Landmark Nomination and Mills Act Historical Property Contract for the “Cozzens House”.

Recommendation: Consider a Historic Landmark Nomination and Mills Act Historic Property Contract for the “Cozzens House” located on the northeast corner of Minnesota Avenue and Newport Avenue (1195 Minnesota Avenue) on a 0.28-acre site (City Landmark No. HL11-201 and California Mills Act No. MA11-005).

- (a) Conduct a public hearing and adopt a resolution designating the “Cozzens House” as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of an historic nature.

Resolution No. 76263 adopted.

- (b) Conduct a public hearing on the Historical Property Contract between the City of San José and the owners of the “Cozzens House” (Anthony J and Pauleet A. Ornellas Trustee, Owner) and adopt a resolution approving the contract.

CEQA: Exempt. (Planning, Building and Code Enforcement)

HL11-201/MA11-005 – District 6

(Continued from 5/22/12 – Item 4.6)

Resolution No. 76264 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.4 Historic Landmark Nomination and Mills Act Historical Property Contract for the “Samuel and Lila Martin House #1”.

Recommendation: Consider a Historic Landmark Nomination and Mills Act Historic Property Contract for the “Samuel and Lila Martin House #1” located on the east side of South Sixth Street, approximately 190 feet south of East Reed Street (641 South Sixth Street), on a 0.12-acre site (City Landmark No. HL11-202 and California Mills Act No. MA11-006).

- (a) Conduct a public hearing and adopt a resolution designating the “Samuel and Lila Martin House #1” as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of an historic nature.

Resolution No. 76265 adopted.

- (b) Conduct a public hearing on the Historical Property Contract between the City of San José and the owners of the “Samuel and Lila Martin House #1” (Craig Shannon, Owner) and adopt a resolution approving the contract.

CEQA: Exempt. (Planning, Building and Code Enforcement)

HL11-202/MA11-006 – District 3

(Continued from 5/22/12 – Item 4.7)

Resolution No. 76266 adopted.

4.5 Historic Landmark Nomination and Mills Act Historical Property Contract for the “Robert Hutchinson House”.

Recommendation: Consider a Historic Landmark Nomination and Mills Act Historic Property Contract for the “Robert Hutchinson House” located on the northwest corner of Reed Street and South Sixth Street (593 South Sixth Street), on a 0.23-acre site (City Landmark No. HL12-203 and California Mills Act No. MA12-001).

- (a) Conduct a public hearing and adopt a resolution designating the “Robert Hutchinson House” as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of an historic nature.

Resolution No. 76267 adopted.

- (b) Conduct a public hearing on the Historical Property Contract between the City of San José and the owners of the “Robert Hutchinson House” (Robert W. and Lois M. Stevens, Owner) and adopt a resolution approving the contract.

CEQA: Exempt. (Planning, Building and Code Enforcement)

HL12-203/MA12-001 – District 3

(Continued from 5/22/12 – Item 4.8)

Resolution No. 76268 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.6 Mills Act Historical Property Contract for the “W. Prussia Building”.

Recommendation: Conduct a public hearing on the Historical Property Contract (California Mills Act No. MA12-002) between the City of San José and the owners of the “W. Prussia Building,” located on the west side of South First Street, approximately 100 feet northerly of West San Salvador Street (371-387 South First Street), on a 0.21-acre site (City Landmark No. HL01-130) (Thang Do, Owner) and adopt a resolution approving the contract. CEQA: Exempt. (Planning, Building and Code Enforcement) MA12-002 – District 3

(Continued from 5/22/12 – Item 4.9)

Resolution No. 76269 adopted.

4.7 Mills Act Historical Property Contract for the “Rucker Mansion”.

Recommendation: Conduct a public hearing on the Historical Property Contract (California Mills Act No. MA12-003) between the City of San José and the owners of the “Rucker Mansion,” located on the east side of South Third Street, approximately 90 feet southerly of East San Salvador Street (418 South Third Street), on a 0.22-acre site (City Landmark No. HL01-133) (Vic Rodriguez Properties, LLC, Owner) and adopt a resolution approving the contract. CEQA: Exempt. (Planning, Building and Code Enforcement)

MA12-003 – District 3

(Continued from 5/22/12 – Item 4.10)

Resolution No. 76270 adopted, with staff to accelerate the monitoring of upkeep and condition of property.

4.8 Rezoning Real Property Located on the North Side of Story Road.

Recommendation: Consideration of an ordinance rezoning the real property located on the north side of Story Road, approximately 150 feet westerly of McCreery Avenue (1841 Story Road) from the CP Commercial Pedestrian Zoning District to the CN Commercial Neighborhood Zoning District to allow commercial uses and facilitate the reconstruction of a fast food restaurant and drive-through use on a 0.73 gross acre site (Richard R. Anderson, Deborah M. Anderson, and Jeffery M. Filice, trustees, owners). SNI: East Valley/680 Communities. CEQA: Re-use of Envision of San José 2040 General Plan Final EIR.

C12-008 – District 5

Ordinance No. 29096 passed for publication.

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Report on Bids and Award of Contract for the El Dorado and Gold Street Storm Sewer Improvement Project.

Recommendation: Report on bids and award of contract for the 6875-El Dorado and Gold Street Storm Sewer Improvement (Re-bid) Project to the low bidder, Mountain Cascade, Inc., in the amount of \$1,249,250, and approval of a contingency in the amount of \$125,000. CEQA: Exempt, File No. PP11-036, dated May 17, 2011. Council District 4. (Public Works)

Accepted.

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 Amendment to the Reimbursement Agreement with JP Morgan Chase Bank.

Recommendation:

(a) Council, acting as the Successor Agency to the Redevelopment Agency of the City of San José, by motion waive the 10-day noticing requirement for the following item, approve its placement on the agenda, and consider the following recommendation.

Approved.

(b) Adopt a resolution by the City Council, acting as the Successor Agency to the Redevelopment Agency of the City of San José, authorizing the Executive Officer to negotiate and execute the Fifth Amendment to the Reimbursement Agreements with JP Morgan Chase, Bank NA (“JPMorgan”) with a term for less than one year, with all other terms and conditions previously approved by on May 22, 2012 to remain unchanged.

(Order 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. 76148, Rule 3(d).

Successor Agency Resolution No. 7010 adopted.

- **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>
9987	W. Side of Baypointe Parkway, approx. 370 feet north of Tasman Drive	4	Fairfield 163 Baypointe LLC	1 Lots / 183 Units	MFA	Approve

- **Open Forum**

David Wall suggested the City enforce liens on property collected during homeless encampment clean-ups and recommended enforcing regulations curtailing vagrancy, trespassing and criminal neglect of City property.

- **Adjournment**

The Council of the City of San José adjourned at 4:45 p.m.