

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, JUNE 19, 2012

The Council of the City of San José convened in Regular Session at 9:05 a.m. in the Council Chambers at City Hall.

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

Absent: Council Members - All Present.

STRATEGIC SUPPORT SERVICES

3.2 Accept Labor Negotiations Update.

Deputy Director of the Office of Employee Relations Gina Donnelly stated that she received a proposal from the Association of Legal Professionals (ALP) and that it was posted on the web site.

CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:06 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) Airport Parkway Two, LLC et al. v. City, et al; Names of Parties Involved: Airport Parkway Two, LLC, Airport Opportunity Fund, LLC, Casino M8Trix, Inc., Garden City, Inc., Eric Swallow, Peter Lunardi III, Jeanie Lunardi, City of San José, San José Police Department Division of Gaming Control, Richard Teng, San José Police Chief Christopher M. Moore; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV221225; Amount of Money or Other Relief Sought: Petition for writ of mandate. (B) to confer with Legal Counsel pursuant to Government Code Section 54956.9, Subsection (c) with respect to anticipated litigation in two (2) matters. (C) to confer 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 (ABMEI); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement

CLOSED SESSION (Cont'd.)

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. Web: <http://www.sanjoseca.gov/employeerelations/moa.asp>; Telephone for Employee Relations: 408-535-8150.

(D) to confer with Legal Counsel pursuant to Government Code Section 54956.9, Subsection (c) with respect to anticipated litigation in one (1) matter pertaining to the Successor Agency to the Redevelopment Agency of the City of San José.

By unanimous consent, Council recessed from the Closed Session at 10:35 a.m. and reconvened to Regular Session at 10:46 a.m. in the Council Chambers.

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

Absent: Council Members - All Present.

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. (9-0-2. Absent: Chu, Kalra.)

Mayor Reed and Vice Mayor Nguyen presented comments about the passing of Retired Police Sergeant Anthony Colón and San José Ballet Dancer Tiffany Glenn.

STRATEGIC SUPPORT SERVICES

- 3.3 (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 Balermينو 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 Balermينو 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)

Documents Filed: Memorandum from Budget Director Jennifer Maguire, dated June 13, 2012, recommending adoption of appropriation ordinance and funding sources resolution amendments and a resolution.

Mayor Reed offered introductory remarks.

3.3 (Cont'd.)

Action: Upon motion by Vice Mayor Nguyen, seconded by Council Member Herrera and carried unanimously, Ordinance No. 29101, entitled: “An Ordinance of the City of San José Amending Ordinance No. 28928 to Appropriate Monies in the General Fund, Various Special Funds and Various Capital Funds to Reflect Estimated 2011-2012 Revenue Receipts, Expenses and Encumbrances; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption”; Resolution No. 76299, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 75872 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2011-2012 To Adjust Revenues in the Various Operating Funds” and Resolution No. 76300, entitled: “A Resolution of the Council of the City of San José Approving the Loan in the Amount of \$1,828,000 From the Subdivision Park Trust Fund (Fund 375) To the Council District No. 7 Construction and Conveyance Tax Fund (Fund 385) for the Construction of the Roberto Antonio Balermino Park”, were adopted. (11-0.)

- 3.4
- (a) **Adopt the Annual Appropriation Ordinance, including transfers and loans for Fiscal Year 2012-2013 and the Manager’s Final Budget Addendum.**
 - (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”:**
 - (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.**
 - (3) **Establish the Fiscal Year 2012-2013 Appropriation Limit at \$864,314,019 in compliance with Article XIII B of the State Constitution.**

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

Documents Filed: (1) Memorandum from Council Members Constant and Liccardo, dated June 14, 2012, with additional recommendations. (2) Memorandum from Council Member Pyle, dated June 18, 2012, recommending approval of the Staff recommendations to set the City’s 2012-2013 “Gann Limit”. (3) Memorandum from Budget Director Jennifer Maguire, dated June 15, 2012, transmitting Manager’s Budget Addendum #48 and recommending adoption of the 2012-2013 Operating and Capital Budgets. (4) Memorandum from Budget Director Jennifer Maguire, dated June 7, 2012, recommending adoption of a resolution with respect to the City’s 2012-2013 “Gann Limit”. (5) Letter from Daniel Orum, San José Giants, dated June 19, 2012, thanking the Mayor and Council Members for their ongoing support.

3.4 (Cont'd.)

Motion: Council Member Liccardo moved approval of the memorandum he cosigned with Council Member Constant with a slight modification to paragraph 1: Staff directed to return to Council in August 2012 to determine whether to disburse any of the \$85,000 for improvements and other stipulations. Council Member Constant seconded the motion.

City Attorney Richard Doyle and Assistant City Manager Edward K. Shikada responded to Council questions and concerns.

Mayor Reed expressed support to the motion on the floor.

Council Members Pyle, Rocha, Kalra and Campos expressed opposition to the memorandum from Council Members Liccardo and Constant and the motion on the floor.

Substitute Motion: Vice Mayor Nguyen moved approval of the Staff recommendations 3.4(a)-(c), including appropriating and disbursing the monies in August/September 2012. Refer Part 2 of the memorandum from Council Members Liccardo and Constant, with direction to Staff to ask the San José Giants questions but not tie up the appropriations and expenditures. Council Member Campos seconded the motion.

Extensive Council discussion ensued.

Action: On a call for the question, the substitute motion carried, Ordinance No. 29102, entitled: "Annual Appropriation Ordinance of the Council of the City of San José for City's Fiscal Year Beginning July 1, 2012 and Ending June 30, 2013, Appropriating and Authorizing the Expenditure of Monies for the Operation of Each of the Offices, Departments and Agencies of the City During Said Fiscal Year and For Various Other Purposes and Objects for Said Fiscal Year; and Providing for Transfers from Various City Funds to Other City Funds As May Be Necessary During Said Fiscal Year"; Resolution No. 76302, entitled: "A Resolution of the Council of the City of San José Adopting the Estimated Sources of Funds for Fiscal Year 2012-2013" and Resolution No. 76303, entitled: "A Resolution of the Council of the City of San José Electing the Population and Inflation Adjustment Factors and Establishing the 2012-2013 Appropriations Limit of the City of San José Pursuant to California Constitution Article XIII B and Section 7900 Et Seq. of California Government Code", were adopted. Revenue to the San José Giants was confirmed to be disbursed in August/September as approved on June 12, 2012. Item (2) of the memorandum from Council Members Constant and Liccardo, dated June 14, 2012, was referred to Staff to consider and ask questions, but instructed not to tie to the appropriations or expenditures: Prior to commencing negotiations for extension of the lease with the Baseball Acquisition Company, Inc. (San José Giants), City Staff to assess: (a) The amount which each party to the 2007 Agreement has contributed to maintenance, repair, replacement and capital improvements at Municipal Stadium. (b) The respective obligations of both parties under the terms of the 2007 agreement relative to those contributions. (c) Whether revenues from naming rights and video board advertising ever materialized. (d) Whether the San José Giants should be treated as a non-profit organization with a sub-market rent (i.e. our

3.4 (Action Cont'd.)

community center leases) or as a profit-making enterprise with market rents that yield substantial returns to the City (i.e. San José Sharks or Sharks Ice). (e) The respective financial roles of the Owners, namely: (1) Whether and the extent to which the Owners receive net revenues from San José Giants operations. (2) Whether those Owners can pay market rate rents to the City of San José. (3) Whether the Owners have invested in maintenance or capital improvements during the term of the lease. (8-3. Noes: Constant, Liccardo; Reed.)

CONSENT CALENDAR

Upon motion by Council Member Pyle, seconded by Vice Mayor Nguyen and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (9-0-2. Absent: Herrera, Oliverio.)

2.1 Approval of Minutes.

Action: There were none.

2.2 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**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29096 executed on June 8, 2012, submitted by the City Clerk.

Action: Ordinance No. 29096 was adopted. (9-0-2. Absent: Herrera, Oliverio.)

- (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**

2.2 (b) (Cont'd.)

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.

Documents Filed: Proof of Publication of the Title of Ordinance No. 29097 executed on June 15, 2012, submitted by the City Clerk.

Action: Ordinance No. 29097 was adopted. (9-0-2. Absent: Herrera, Oliverio.)

- (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.

Documents Filed: Proof of Publication of the Title of Ordinance No. 29098 executed on June 15, 2012, submitted by the City Clerk.

Action: Ordinance No. 29098 was adopted. (9-0-2. Absent: Herrera, Oliverio.)

2.3 Approval of Council Committee Reports.

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

Documents Filed: The Transportation and Environment Committee Report dated June 4, 2012.

Action: The Transportation and Environment Committee Report was approved. (9-0-2. Absent: Herrera, Oliverio.)

- 2.4 (a) **Request for an excused absence for Council Member Constant from the Regular Meeting of the Rules and Open Government Committee on June 13, 2012 due to medical. (Constant)**

Documents Filed: Memorandum from Council Member Constant, dated June 8, 2012, requesting an excused absence.

Action: The absence for Council Member Constant was excused. (9-0-2. Absent: Herrera, Oliverio.)

2.5 City Council Travel Reports.

Action: There were none.

2.6 Report from the Council Liaison to the Retirement Boards.

Action: There were none.

2.7 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)

Documents Filed: Memorandum from Director of Aviation Services William F. Sherry, A.A.E., dated May 29, 2012, recommending adoption of a resolution.

Action: Resolution No. 76304, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Submit Applications to the Federal Aviation Administration and Execute Amendments to Completed Passenger Facility Charges Projects As Necessary in Order To Close Out Approved Passenger Facility Charges Applications”, was adopted. (9-0-2. Absent: Herrera, Oliverio.)

2.8 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)

Documents Filed: Memorandum from Director of Aviation William F. Sherry, A.A.E. and Acting Director of Finance Julia H. Cooper, dated May 29, 2012, recommending adoption of a resolution.

Action: Resolution No. 76305, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Execute a Second Amendment to the Citywide Agreement with First Alarm Security and Patrol, Inc., to Expand Airport Curbside Security Officer Duties”, was adopted. (9-0-2. Absent: Herrera, Oliverio.)

- 2.9 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).**

Documents Filed: Memorandum from City Attorney Richard Doyle, dated June 7, 2012, recommending adoption of a resolution.

Action: Resolution No. 76306, entitled: "A Resolution of the Council of the City of San José 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", was adopted. (9-0-2. Absent: Herrera, Oliverio.)

- 2.10 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)**

Documents Filed: Memorandum from City Attorney Richard Doyle, dated June 4, 2012, recommending approval of the settlement and authorization for the City Attorney.

Action: The settlement was approved and the City Attorney was authorized to execute a Settlement Agreement and Release with Debra Ward and Patricia 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. (9-0-2. Absent: Herrera, Oliverio.)

- 2.11 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)**

Action: Item 2.11 was dropped.

- 2.12 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.**
 - (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)

Documents Filed: Memorandum from Director of Economic Development/Chief Strategist Kim Welsh, dated May 29, 2012, recommending adoption of a resolution.

Action: Resolution No. 76307, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Certain Agreements Related to the Workforce Investment Act (WIA) Program and Projects for FY 2012-2013”, was adopted. (9-0-2. Absent: Herrera, Oliverio.)

- 2.13 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)**

Documents Filed: Memorandum from Director of Economic Development/Chief Strategist Kim Welsh, dated May 29, 2012, recommending adoption of a resolution.

2.13 (Cont'd.)

Action: Resolution No. 76308, entitled: “A Resolution of the Council of the City of San José 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, 2012 through July 1, 2012 in the Amount of \$300,000”, was adopted. (9-0-2. Absent: Herrera, Oliverio.)

- 2.14 (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.**
- (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)

Documents Filed: Memorandum from Director of Economic Development/Chief Strategist Kim Walesh, dated May 29, 2012, recommending approval of the modification agreement and adoption of a resolution.

Action: 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 was approved and Resolution No. 76309, entitled: “A Resolution of the Council of the City of San José Authorizing then City Manager or Her Designee to Execute 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 All Other Documents Needed to Conclude the Transaction”, was adopted. (9-0-2. Absent: Herrera, Oliverio.)

- 2.15 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)**

Documents Filed: Memorandum from Director of Economic Development/Chief Strategist Kim Walesh and Director of Transportation Hans Larsen, dated May 29, 2012, recommending adoption of a resolution.

2.15 (Cont'd.)

Action: Resolution No. 76310, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with the San José Downtown Association for Marketing, Promotion and Event Services In An Amount Not To Exceed \$320,000", was adopted. (9-0-2. Absent: Herrera, Oliverio.)

2.16 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)

Documents Filed: (1) Memorandum from Acting Director of Environmental Services Kerrie Romanow, dated May 29, 2012, recommending adoption of a resolution. (2) Letter from Chuck Reed, Chairperson, the Treatment Plant Advisory Committee, dated June 14, 2012, stating concurrence with the Staff recommendation.

Action: Resolution No. 76311, entitled: "A Resolution of the Council of the City of San José 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 Solids 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", was adopted. (9-0-2. Absent: Herrera, Oliverio.)

2.17 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)

Documents Filed: (1) City Council Action Request from Acting Director of Environmental Services Kerrie Romanow, dated June 1, 2012, recommending approval of the third amendment to the agreement. (2) Letter from Chuck Reed, Chairperson, the Treatment Plant Advisory Committee, dated June 14, 2012, stating concurrence with the Staff recommendation.

2.17 (Cont'd.)

Action: 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 was approved. (9-0-2. Absent: Herrera, Oliverio.)

2.18 (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)

Documents Filed: (1) City Council Action Request from Acting Director of Environmental Services Kerrie Romanow, dated June 1, 2012, recommending approval of the report on bids and award of the contract to the low bidder, with related contingency. (2) Letter from Chuck Reed, Chairperson, the Treatment Plant Advisory Committee, dated June 14, 2012, stating concurrence with the Staff recommendation.

Action: The 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, with related contingency were approved. (9-0-2. Absent: Herrera, Oliverio.)

2.19 (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)

Documents Filed: (1) City Council Action Request from Acting Director of Environmental Services Kerrie Romanow, dated June 1, 2012, recommending approval of the report on bids and award of the contract to the low bidder, with related contingency. (2) Letter from Chuck Reed, Chairperson, the Treatment Plant Advisory Committee, dated June 14, 2012, stating concurrence with the Staff recommendation.

Action: The 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, with related contingency, was approved. (9-0-2. Absent: Herrera, Oliverio.)

- 2.20 (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)

Documents Filed: (1) Memorandum from Acting Director of Environmental Services Kerrie Romanow and Director of Public Works David Sykes, dated May 29, 2012, recommending adoption of a resolution and approval of the contingency. (2) Letter from Chuck Reed, Chairperson, the Treatment Plant Advisory Committee, dated June 14, 2012, stating concurrence with the Staff recommendation.

Action: Resolution No. 76312, entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Environmental Services to Negotiate and Execute Change Order No. 21 for the Switchgears M1, M2 and M3 Replacement Design Build Project”, was adopted and 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, was approved. (9-0-2. Absent: Herrera, Oliverio.)

- 2.21 **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)

Documents Filed: Memorandum from Acting Director of Environmental Services Kerrie Romanow, dated May 29, 2012, recommending adoption of a resolution.

Action: Resolution No. 76313, entitled: “A Resolution of the Council of the City of San José 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”, was adopted. (9-0-2. Absent: Herrera, Oliverio.)

- 2.22 (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)

Documents Filed: (1) Memorandum from Acting Director of Environmental Services Kerrie Romanow and Budget Director Jennifer Maguire, dated May 29, 2012, recommending adoption of a resolution and appropriation ordinance and funding sources resolution amendments. (2) Letter from Chuck Reed, Chairperson, the Treatment Plant Advisory Committee, dated June 14, 2012, stating concurrence with the Staff recommendation.

Action: Resolution No. 76314, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute a Cost Sharing Agreement With the Santa Clara Valley Water District for the South Bay Water Recycling Program"; Ordinance No. 29103, entitled: "An Ordinance of the City of San José Amending Ordinance No. 28928 to Appropriate Monies in the San José – Santa Clara Treatment Plant Capital Fund for the South Bay Water Recycling Master Plan; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption" and Resolution No. 76315, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 75872 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2011-2012 To Adjust Revenues in the San José – Santa Clara Treatment Plant Capital Fund", were adopted. (9-0-2. Absent: Herrera, Oliverio.)

2.23 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)

2.23 (Cont'd.)

Documents Filed: Memorandum from Acting Director of Finance Julia H. Cooper, dated June 1, 2012, recommending setting a public hearing and adoption of a resolution.

Action: Resolution No. 76316, entitled: "A Resolution of the Council of the City of San José Authorizing 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 and Setting a Public Hearing on the Annual Sewer Service and Use Charge and Storm Sewer Service Charge Reports of the Director of Finance Pursuant to Sections 15.12.550 and 15.16.1410 of the San José Municipal Code", was adopted. (9-0-2. Absent: Herrera, Oliverio.)

2.24 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)

Documents Filed: (1) Memorandum from Acting Director of Finance Julia H. Cooper, dated May 29, 2012, recommending adoption of a resolution. (2) Letter from Peter Elieff, Verizon Services, dated June 19, 2012, requesting that the Council execute an agreement that is not exclusive with Sprint Solutions, Inc. (3) Letter from Juan Sebastian, AT&T Account Manager, dated June 19, 2012, requesting that the City consider pursuing an open and fair procurement that will ensure the best possible result for the City. (4) Email from Juan Sebastian, AT&T, dated June 19, 2012, expressing interest in bidding for the contract with the City.

Public Comments: Peter Elieff, Verizon Services, requested that the Council execute an agreement that is not exclusive with Sprint Solutions, Inc., and allow Verizon Wireless an opportunity to discuss business opportunities with the City and to supply unique services and products, based upon the interest from the Police Department and other City Departments.

2.24 (Cont'd.)

Action: Upon motion by Council Member Liccardo, seconded by Council Member Constant and carried unanimously, Resolution No. 76317, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with Sprint Solutions, Inc. for the Purchase of Radios, Cellular and Wireless Equipment and Services”, was adopted. (10-0-1. Absent: Oliverio.)

2.25 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)

Documents Filed: Memorandum from Acting Director of Finance Julia H. Cooper, dated May 29, 2012, recommending adoption of a resolution.

Action: Resolution No. 76318, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Execute a Seventh Amendment to the Agreement with Avaya Inc. (As Assigned from Nortel Networks) for the Converged Voice and Data Network at City Hall”, was adopted. (9-0-2. Absent: Herrera, Oliverio.)

2.26 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)

Documents Filed: City Council Action Request from Acting Director of Finance Julia H. Cooper, dated June 7, 2012, recommending adoption of a resolution.

Action: Resolution No. 76319, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Execute an Agreement with Santa Clara Valley Medical Center for Sexual Assault Response Team Exams”, was adopted. (9-0-2. Absent: Herrera, Oliverio.)

2.27 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)

Documents Filed: Memorandum from Acting Director of Finance Julia H. Cooper, dated May 29, 2012, recommending adoption of a resolution.

Action: Resolution No. 76320, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Award the Purchase of Four Tractor Drawn Aerial Ladder Trucks”, was adopted. (9-0-2. Absent: Herrera, Oliverio.)

2.28 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)

Documents Filed: Memorandum from Fire Chief William L. McDonald and Budget Director Jennifer Maguire, dated June 5, 2012, recommendation adoption of appropriation ordinance and funding sources resolution amendments.

Action: Ordinance No. 29104, entitled: “An Ordinance of the City of San José Amending Ordinance No. 28928 to Appropriate Monies in the General Fund for the 2010 Urban Areas Security Initiative; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption” and Resolution No. 76321, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 75872 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2011-2012 To Adjust Revenues in the General Fund”, were adopted. (9-0-2. Absent: Herrera, Oliverio.)

2.29 (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.**
- (b) Fire Department funding for the 2011 Metropolitan Medical Response System Grant Program in the amount of \$281,693.**

- 2.29 (a) (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 2012-2013:
- (1) Increase Earned Revenue Estimate from the Federal Government by \$281,693.
- (2) Establish a citywide appropriation to the Fire Department for the 2011 Metropolitan Medical Response System Grant Program in the amount of \$281,693.
- (Fire/Police/City Manager’s Office)**

Documents Filed: Memorandum from Fire Chief William L. McDonald, Chief of Police Christopher M. Moore and Budget Director Jennifer Maguire, dated May 29, 2012, recommending adoption of a resolution and appropriation ordinance and funding sources resolution amendments.

The City Manager’s Office Staff clarified that the recommendation should state “General Fund for 2012-2013” under Item 2.29(b).

Action: Upon motion by Council Member Pyle, seconded by Vice Mayor Nguyen and carried unanimously, Resolution No. 76322, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with the County of Santa Clara To Accept Project Funds for 2011 State Homeland Security Program Funding for Police and Fire Department Training and Exercise Events and Fire Department Funding for the 2011 Metropolitan Medical Response System Grant Program”; Ordinance No. 29105, entitled: “An Ordinance of the City of San José Amending Ordinance No. 29102 to Appropriate Monies in the General Fund for the 2011 Metropolitan Medical Response System Grant Program; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption” and Resolution No. 76323, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 76302 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2012-2013 To Adjust Revenues in the General Fund”, were adopted. (9-0-2. Absent: Herrera, Oliverio.)

2.30 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.
- (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)

2.30 (Cont'd.)

Documents Filed: (1) Memorandum from Council Members Campos and Liccardo, dated June 15, 2012, recommending approval of the Staff recommendations. (2) Memorandum from Director of Housing Leslye Corsiglia, dated May 29, 2012, recommending adoption of a resolution.

Action: Resolution No. 76324, entitled: "A Resolution of the Council of the City of San José Awarding Community Development Block Grant Funds to Three Agencies Providing School Readiness/Third Grade Literacy Services and Authorizing the City Manager to Negotiate and Execute the Grant Agreements", was adopted. (9-0-2. Absent: Herrera, Oliverio.)

2.31 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)

Documents Filed: Memorandum from Director of Housing Leslye Corsiglia, dated May 29, 2012, recommending adoption of a resolution.

Council Member Liccardo expressed his support to the Staff recommendations.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Constant and carried unanimously, Resolution No. 76325, entitled: "A Resolution of the Council of the City of San José Approving a Two Year Lease With Downtown Streets, Inc. for the Properties Located at 110 Roundtable Drive Building #22 and 127 Roundtable Drive and Authorizing the Director of Housing to Negotiate and Execute All Necessary Documents", was adopted. (10-0-1. Absent: Oliverio.)

2.32 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)

Documents Filed: Memorandum from Director of Housing Leslye Corsiglia, dated May 29, 2012, recommending adoption of a resolution.

Action: Resolution No. 76326, entitled: "A Resolution of the Council of the City of San José Approving a Funding Commitment for Predevelopment for the Japantown Seniors Apartment Project", was adopted. (9-0-2. Absent: Herrera, Oliverio.)

- 2.33 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)**

Documents Filed: Memorandum from Director of Housing Leslye Corsiglia, dated May 29, 2012, recommending adoption of a resolution.

Action: Resolution No. 76327, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Documents for a Grant to Adobe Services for Administration and Housing Costs Associated With the Tenant Based Rental Assistance Programs”, was adopted. (9-0-2. Absent: Herrera, Oliverio.)

- 2.34 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.**
 - (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)**

Documents Filed: Memorandum from Director of Housing Leslye Corsiglia, dated May 29, 2012, recommending adoption of a resolution.

Action: Resolution No. 76328, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Accept a CalHome Program Grant and To Negotiate and Execute a Grant Agreement and Any Amendments or Other Documents Necessary to Use the CalHome Grant Funds”, was adopted. (9-0-2. Absent: Herrera, Oliverio.)

- 2.35 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)**

Documents Filed: Memorandum from Deputy City Manager Alex Gurza, dated May 29, 2012, recommending an amendment to extend an agreement.

Action: 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 was approved. (9-0-2. Absent: Herrera, Oliverio.)

- 2.36 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)**

Documents Filed: Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated June 4, 2012, recommending approval of a refund of construction taxes.

Action: 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 was approved. (9-0-2. Absent: Herrera, Oliverio.)

- 2.37 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)**

Documents Filed: (1) Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated June 1, 2012, recommending adoption of a resolution. (2) Revised Proof of Publication of Notice of Public Hearing, executed on May 11, 2012, submitted by the City Clerk.

Action: Resolution No. 76329, entitled: “A Resolution of the Council of the City of San José Ordering the Reorganization of Certain Uninhabited Territory Designated as Hamilton No. 60, Subject to Liability for General Indebtedness of the City”, was adopted. (9-0-2. Absent: Herrera, Oliverio.)

- 2.38 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)**

Documents Filed: Memorandum from Chief of Police Christopher M. Moore, dated May 29, 2012, recommending adoption of a resolution.

2.38 (Cont'd.)

Action: Resolution No. 76330, entitled: “A Resolution of the Council of the City of San José Amending the Administrative Citation Schedule of Fines for Certain Violations of the San José Municipal Code in Order to Modify Certain Administrative Fines for Violations Related to Chapter 9.10 of the San José Municipal Code and Repealing Resolution No. 76232”, was adopted. (9-0-2. Absent: Herrera, Oliverio.)

- 2.39 (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.**
 - (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)

Documents Filed: Memorandum from Chief of Police Christopher M. Moore and Budget Director Jennifer Maguire, dated May 29, 2012, recommending approval of the Justice Assistance Grant, adoption of a resolution and appropriation ordinance and funding sources resolution amendments.

Action: The proposed 2012 JAG Spending Plan for the FY 2012 Edward Byrne Memorial Justice Assistance Grant was approved; Resolution No. 76331, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Accept the 2012 Edward Byrne Memorial Justice Assistance Grant In The Amount of \$238,934 and Execute Any Documents Required to Effectuate the Grant, Including the Grant Agreement and the Necessary Memorandum of Understanding with the County of Santa Clara; Ordinance No. 29106, entitled: “An Ordinance of the City of San José Amending Ordinance No. 29102 to Appropriate Monies in the Edward Byrne Memorial Justice Assistance Grant Trust Fund for the 2012 Justice Assistance Grant; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption” and Resolution No. 76332, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 76302 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2012-2013 To Adjust Revenues in the Edward Byrne Memorial Justice Assistance Grant Trust Fund”, were adopted. (9-0-2. Absent: Herrera, Oliverio.)

- 2.40 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)**

Documents Filed: Memorandum from Director of Public Works David Sykes, dated May 29, 2012, recommending approval of an agreement.

Action: 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, was approved. (9-0-2. Absent: Herrera, Oliverio.)

- 2.41 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)**

Documents Filed: Memorandum from Director of Public Works David Sykes, dated May 29, 2012, recommending approval of the fourth amendment of the master agreement.

Action: 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 was approved. (9-0-2. Absent: Herrera, Oliverio.)

- 2.42 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)**

Documents Filed: Memorandum from Director of Public Works David Sykes, dated May 29, 2012, recommending adoption of resolutions.

2.42 (Cont'd.)

Action: Resolution No. 76333, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 1 (Los Paseos) for Fiscal Year 2012-2013 and Levying Assessments”; Resolution No. 76334, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 2 (Trade Zone Boulevard – Lundy Avenue) for Fiscal Year 2012-2013 and Levying Assessments”; Resolution No. 76335, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 5 (Orchard Parkway – Plumeria Drive) for Fiscal Year 2012-2013 and Levying Assessments”; Resolution No. 76336, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 8 (Zanker - Montague) for Fiscal Year 2012-2013 and Levying Assessments”; Resolution No. 76337, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 9 (Santa Teresa – Great Oaks) for Fiscal Year 2012-2013 and Levying Assessments”; Resolution No. 76338, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 11 (Brokaw Road from Junction Avenue to Old Oakland Road) for Fiscal Year 2012-2013 and Levying Assessments”; Resolution No. 76339, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 13 (Karina – O’Nel) for Fiscal Year 2012-2013 and Levying Assessments”; Resolution No. 76340, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 15 (Silver Creek Valley) for Fiscal Year 2012-2013 and Levying Assessments”; Resolution No. 76341, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 18 (The Meadowlands) for Fiscal Year 2012-2013 and Levying Assessments”; Resolution No. 76342, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 19 (River Oaks Area Landscaping) for Fiscal Year 2012-2013 and Levying Assessments”; Resolution No. 76343, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 20 (Renaissance – North First Landscaping) for Fiscal Year 2012-2013 and Levying Assessments”; Resolution No. 76344, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 21 (Gateway Place – Airport Parkway) for Fiscal Year 2012-2013 and Levying Assessments” and Resolution No. 76345, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 22 (Hellyer Avenue – Silver Creek Valley Road) for Fiscal Year 2012-2013 and Levying Assessments”, were adopted. (9-0-2. Absent: Herrera, Oliverio.)

2.43 **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)**

2.43 (Cont'd.)

Documents Filed: Memorandum from Director of Public Works David Sykes, dated May 29, 2012, recommending report on bids and award of the contract to the low bidder.

Action: The 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, with related contingency, were approved. (9-0-2. Absent: Herrera, Oliverio.)

2.44 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)

Documents Filed: Memorandum from Director of Public Works David Sykes, dated May 29, 2012, recommending approval of a grant agreement.

Action: 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 was approved. (9-0-2. Absent: Herrera, Oliverio.)

2.45 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)

Documents Filed: Memorandum from Director of Transportation Hans Larsen, dated May 29, 2012, recommending adoption of a resolution.

Action: Resolution No. 76346, entitled: "A Resolution of the Council of the City of San José 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", was adopted. (9-0-2. Absent: Herrera, Oliverio.)

- 2.46 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)s

Documents Filed: Memorandum from Director of Transportation Hans Larsen, dated May 29, 2012, recommending adoption of a resolution.

Action: Resolution No. 76347, entitled: “A Resolution of the Council of the City of San José (1) Establishing Speed Limits With Changes on 2 Roadway Segments, (2) Reestablishing Speed Limits on 3 Roadway Segments, (3) Adopting the Speed Limit Established by the County of Santa Clara for a Portion of McKean Road, (4) Reestablishing, Without Change, Speed Limits on Other Streets Within the City of San José, (5) Making Technical Corrections and (6) Repealing Resolution No. 76152”, was adopted. (9-0-2. Absent: Herrera, Oliverio.)

- 2.47 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)**

Documents Filed: (1) Memorandum from Director of Transportation Hans Larsen, dated May 29, 2012, recommending adoption of a resolution. (2) Letter from Roland Lebrun to the Mayor and City Council, dated June 19, 2012, regarding the Diridon Underground Station.

Motion: Council Member Liccardo moved approval of the Staff recommendations with direction for Staff to submit the grant application and to return to Council for approval of the execution of the grant agreement. Council Member Herrera seconded the motion.

Public Comments: Roland Lebrun presented comments about the Diridon Underground Station.

2.47 (Cont'd.)

Action: On a call for the question, the motion carried unanimously, Resolution No. 76348, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Execute and Submit an Application to the California High Speed Rail Authority for Phase II of the Diridon Station Area Plan, To Accept the Grant if Awarded and To Execute All Related Documents”, was adopted. Staff was directed to submit the grant application and return to Council for approval of the execution of the grant agreement.

2.48 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)

Documents Filed: Memorandum from Director of Transportation Hans Larsen, dated May 29, 2012, recommending approval of a third amendment to the agreement.

Action: 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 was approved with changes as indicated in 2.48(a)-(c) as indicated above. (9-0-2. Absent: Herrera, Oliverio.)

2.49 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.**

- 2.49 (b) (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.**
- (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)

Documents Filed: Memorandum from Director of Transportation Hans Larsen, dated May 29, 2012, recommending adoption of a resolution and approval of a contingency.

Action: Resolution No. 76349, entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Public Works to Award Construction Contracts for the 2010 STP Resurfacing and Rehabilitation – Citywide Project, and the 2012 Remove and Replace Asphalt Concrete Pavement Project to the Lowest Responsive and Responsible Bidders In An Amount Not to Exceed the Funds Appropriate for the Projects”, was adopted, and a contingency equal to five percent of the base contract award amount was approved. (9-0-2. Absent: Herrera, Oliverio.)

2.50 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).**
- (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)

Documents Filed: Memorandum from City Clerk Dennis D. Hawkins, CMC, dated June 5, 2012, transmitting the recommendations of the Public Safety, Finance and Strategic Support Committee.

Action: The Evaluation Report for FY 2010-2011 San José Bringing Everyone’s Strengths Together (BEST) and the Mayor’s Gang Prevention Task Force and the Resource Allocation Plan of the San José BEST Program for FY 2012-2013, were accepted. (9-0-2. Absent: Herrera, Oliverio.)

- 2.51 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)**

Note: Item 2.51 was renumbered from Item 6.1.

Documents Filed: Memorandum from Director of Transportation Hans Larsen, dated May 29, 2012, recommending adoption of a resolution.

Action: Resolution No. 76350, entitled: “A Resolution of the Council of the City of San José 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”, was adopted. (9-0-2. Absent: Herrera, Oliverio.)

- 2.52 Approval of Council Member 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)**

Documents Filed: Memorandum from Council Member Campos, dated May 29, 2012, requesting approval of travel.

Action: The travel request for Council Member Campos was approved. (9-0-2. Absent: Herrera, Oliverio.)

- 2.53 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)]**

Documents Filed: Memorandum from City Clerk Dennis D. Hawkins, CMC, dated June 14, 2012, transmitting the recommendations of the Rules and Open Government Committee.

Action: Tania Nunez and Robert Abatecola were reappointed to the Historic Landmarks Commission for full terms expiring June 30, 2015. (9-0-2. Absent: Herrera, Oliverio.)

- 2.54 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)]

Documents Filed: Memorandum from City Clerk Dennis D. Hawkins, CMC, dated June 14, 2012, transmitting the recommendations of the Rules and Open Government Committee.

Action: Resolution No. 76351, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Initiate Negotiations with the County of Santa Clara and the State of California and Interested Driving Industry Companies to Develop a Program of City, County and State Development Incentives”, was adopted. (9-0-2. Absent: Herrera, Oliverio.)

- 2.55 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)]

Documents Filed: Memorandum from City Clerk Dennis D. Hawkins, CMC, dated June 14, 2012, transmitting the recommendations of the Rules and Open Government Committee.

Action: A support position for AB 1442 (Wickowski) Pharmaceutical Waste: Common Carriers was adopted. (9-0-2. Absent: Herrera, Oliverio.)

- 2.56 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)]

2.56 (Cont'd.)

Documents Filed: Memorandum from City Clerk Dennis D. Hawkins, CMC, dated June 14, 2012, transmitting the recommendations of the Rules and Open Government Committee.

Action: A support position for AB 549 (Carter) Recycling: Electronic Waste was adopted. (9-0-2. Absent: Herrera, Oliverio.)

**2.57 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)]**

Documents Filed: Memorandum from City Clerk Dennis D. Hawkins, CMC, dated June 14, 2012, transmitting the recommendations of the Rules and Open Government Committee.

Action: A support position for SB 843 (Wolk) Energy: Community-Based Renewable Energy Self-Generation Program was adopted. (9-0-2. Absent: Herrera, Oliverio.)

**2.58 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)]**

Documents Filed: Memorandum from City Clerk Dennis D. Hawkins, CMC, dated June 14, 2012, transmitting the recommendations of the Rules and Open Government Committee.

Action: A support position for SB 1329 (Simitian) Prescription Drugs: Collection and Distribution Program was adopted. (9-0-2. Absent: Herrera, Oliverio.)

**2.59 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)]**

Documents Filed: Memorandum from City Clerk Dennis D. Hawkins, CMC, dated June 14, 2012, transmitting the recommendations of the Rules and Open Government Committee.

Action: A support position for AB 1019 (Perez) Solid Waste: Carpet Stewardship was adopted. (9-0-2. Absent: Herrera, Oliverio.)

- 2.60 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)]**

Documents Filed: Memorandum from City Clerk Dennis D. Hawkins, CMC, dated June 14, 2012, transmitting the recommendations of the Rules and Open Government Committee.

Action: A support position for SB 1380 (Rubio) Environmental Quality: Urbanized Bicycle Plans was adopted. (9-0-2. Absent: Herrera, Oliverio.)

- 2.61 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.
(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)]

Documents Filed: Memorandum from City Clerk Dennis D. Hawkins, CMC, dated June 14, 2012, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Taste of Berryessa as a City-sponsored Special Event was approved and acceptance of donations from various individuals, businesses, or community groups to support the event was approved. (9-0-2. Absent: Herrera, Oliverio.)

- 2.62 (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) Council Member Constant, Chairperson
(2) Council Member Liccardo, Alternate Commissioner
(Mayor)
(Orders of the Day)

Documents Filed: Memorandum from Mayor Reed, dated June 14, 2012, recommending the reappointments.

Action: The 10-day noticing requirement was waived. Council Member Constant was reappointed as Chair. Council Member Liccardo was reappointed as alternate Commissioner. (9-0-2. Absent: Herrera, Oliverio.)

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

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

City Manager Debra Figone presented highlights of the accomplishments of the City of San José over the past twelve months.

3.5 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.**
- (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)

Documents Filed: Memorandum from Acting Director of Finance Julia H. Cooper and Budget Director Jennifer Maguire, dated June 1, 2012, recommending adoption of a resolution and appropriation ordinance and funding sources resolution amendments.

Motion: Council Member Constant moved approval of the Staff recommendations. Council Member Pyle seconded the motion.

City Manager Debra Figone responded to Council questions and concerns.

Action: Resolution No. 76352, entitled: “A Resolution of the Council of the City of San José Providing for the Borrowing of Funds for Fiscal Year 2012-13 and the Issuance and Sale of the City of San José 2012 Tax and Revenue Anticipation Notes (Or Portions Thereof) In An Amount Not To Exceed \$125,000,000 and Approving the Execution of a Note Purchase Agreement Relating to Such Notes and Authorizing Other Actions in Connection Therewith”; Ordinance No. 29107, entitled: “An Ordinance of the City of San José Amending Ordinance No. 29102 to Appropriate Monies in the General Fund for the Trans Debt Service; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption” and Resolution No. 76353, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 76302 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2012-2013 To Adjust Revenues in the General Fund”, were adopted. (10-0-1. Absent: Kalra.)

- 3.6 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)**

Documents Filed: Memorandum from City Manager Debra Figone, dated June 12, 2012, recommending adoption of the Statement of Policy and City Council Questions.

Action: Upon motion by Vice Mayor Nguyen, seconded by Council Member Herrera and carried unanimously, 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 was adopted. (11-0.)

NEIGHBORHOOD SERVICES

- 5.1 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);**
 - (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. (PRNS)

5.1 (Cont'd.)

Documents Filed: Memorandum from Acting Director of Parks, Recreation and Neighborhood Services Julie Edmonds-Mares, dated May 21, 2012, recommending adoption of a resolution.

Action: Upon motion by Council Member Pyle, seconded by Council Member Herrera and carried unanimously, Resolution No. 76354, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Various Agreements and to Accept Grant Funds for Parks, Recreation and Neighborhood Services Programs; and Authorizing the Director of Parks, Recreation and Neighborhood Services To Negotiate and Execute Agreements and Amendments to Agreements Related to Certain Grant Programs, All Consistent With the Amounts Budgeted for these Programs in the Adopted Budget for Fiscal Year 2012-2013", were adopted. (11-0.)

REDEVELOPMENT – SUCCESSOR AGENCY

- 9.1 **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.**

Action: Dropped.

- 9.2 (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").**

- 9.2 (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.**

Documents Filed: Memorandum from City Manager Debra Figone, dated June 16, 2012, recommending adoption of resolutions.

Action: Upon motion by Council Member Herrera, seconded by Council Member Constant and carried unanimously, Resolution No. 76355, entitled: “A Resolution of the Council of the City of San José Authorizing the Executive Director to Negotiate and Execute a Reimbursement Agreement With the Successor Agency to the Redevelopment Agency of the City of San José or 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 and San Fernando Parking Facility Project), Housing and Urban Development (HUD) 108 Loans and Education Revenue Augmentation Fund (ERAF) Payments and the Successor Agency Annual Administrative Budget and City Support Services Expenses, Subject to Approval of the Oversight Board of the Successor Agency”; Successor Agency Resolution No. 7011, entitled: “A Resolution of the Council of the City of San José Acting in Its Capacity as the Successor Agency to the Redevelopment Agency of the City of San José Authorizing the Executive Officer to Negotiate and Execute a Reimbursement Agreement with the City of San José 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 and San Fernando Parking Facility Project), Housing and Urban Development (HUD) 108 Loans and Education Revenue Augmentation Fund (ERAF) Payments and the Successor Agency Annual Administrative Budget and City Support Services Expenses, Subject to Approval of the Oversight Board of the Successor Agency” and Successor Agency Resolution No. 7014, entitled: “A Resolution of the Council of the City of San José Acting in Its Capacity as the Successor Agency to the Redevelopment Agency of the City of San José 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 2012-2013 Resulting from the Implementation of AB X1 26”, were adopted. (11-0.)

- 9.3 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.
 - (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.

Documents Filed: Memorandum from Managing Director Richard A. Keit, dated June 8, 2012, recommending adoption of a resolution.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Constant and carried unanimously, Successor Agency Resolution No. 7012, entitled: "A Resolution of the Council of the City of San José Acting in Its Capacity as the Successor Agency to the Redevelopment Agency of the City of San José (A) Authorizing the Executive Officer of Her Designee to Negotiate and Execute a Second Amendment to the Amended and Restated Disposition and Development Agreement North San Pedro Townhomes LLC and Execute Ancillary Documents Contemplated by the DDA and as Necessary to Close Escrow; (B) Authorizing the Executive Officer or Her Designee to Negotiate and Execute a Second Amendment to the Amended and Restated Disposition and Development Agreement with San Pedro Life I, and LLC and Execute Ancillary Documents Contemplated by the DDA and As Necessary to Close Escrow; (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 José Under the DDAs Described Above; and (D) Authorizing the Executive Officer, Debra Figone, or Her Designee, On Behalf of the Successor Agency, To (I) Accept and

9.3 (Action Cont'd.)

Appropriate Grant Funds Under the California Department of Housing and Community Developments 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”, was adopted. (11-0.)

9.4 **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.**
- (c) Documents necessary for the disposition of real property and non-real property Successor Agency assets.**

(Rules Committee Referral 06/13/12)

Documents Filed: Memorandum from Managing Director Richard A. Keit, dated June 13, 2012, recommending adoption of a resolution.

Action: Upon motion by Council Member Constant, seconded by Vice Mayor Nguyen and carried unanimously, Successor Agency Resolution No. 7013, entitled: “A Resolution of the Council of the City of San José Acting in Its Capacity as the Successor Agency to the Redevelopment Agency of the City of San José Authorizing the Executive Officer, 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”, was adopted. (11-0.)

RECESS/RECONVENE

The City Council recessed at 11:57 a.m. from the morning Council Session and reconvened at 1:33 p.m. in the Council Chambers, City Hall.

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

Absent: Council Members - All Present.

INVOCATION

Rabbi Dana Magat, Temple Emanu-El, presented the Invocation. (District 6)

PLEDGE OF ALLEGIANCE

Mayor Reed led the Pledge of Allegiance.

CLOSED SESSION REPORT

City Attorney Doyle disclosed the following Closed Session actions of June 19, 2012:

A. Authority to Initiate Litigation:

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

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

Noes: None.

Abstain: None.

Not Present: None.

CEREMONIAL ITEMS

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)

Mayor Reed and Council Member Constant recognized and commended the Department of California – Korean War Veterans Association for the efforts of honoring the service and sacrifices of veterans of the Korean War.

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)

Mayor Reed and Council Member Liccardo recognized June 28, 2012 through July, 1, 2012 for the 2012 US Olympic Trials - Gymnastics to be held in San José.

1.5 Presentation of a proclamation recognizing June 12, 2012 as “Philippine Independence Day” in the City of San José. (Campos)

Mayor Reed and Council Members Campos and Chu recognized June 12, 2012 as “Philippine Independence Day” in San José.

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)

Mayor Reed and Council Member Liccardo recognized and commended Chuck Hammers, CEO, Pizza My Heart, Inc., for being the top prize winner of the International Pizza Challenge.

COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 (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)**
- (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)**

- 4.1 (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)**

Documents Filed: Memoranda from Director of Economic Development/Chief Strategist Kim Walesh, all three dated May 29, 2012, recommending adoption of resolutions.

Mayor Reed opening the public hearing.

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

City Clerk Dennis D. Hawkins, CMC stated that the Office of the City Clerk did not receive any written protest letters from the property owners in the three business districts.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Herrera and carried unanimously, Resolution No. 76359, entitled: "A Resolution of the Council of the City of San José Approving the Budget Report of the Hotel Business Improvement District for Fiscal Year 2012-2013 and Levying Assessments in the Bid for Fiscal Year 2012-2013"; Resolution No. 76360, entitled: "A Resolution of the Council of the City of San José Approving the Budget Report of the Japantown Business Improvement District for Fiscal Year 2012-2013 and Levying Assessments in the Bid for Fiscal Year 2012-2013" and Resolution No. 76361, entitled: "A Resolution of the Council of the City of San José Approving the Budget Report of the Downtown Business Improvement District for Fiscal Year 2012-2013 and Levying Assessments in the Bid for Fiscal Year 2012-2013", were adopted. (10-0-1. Absent: Constant.)

NEIGHBORHOOD SERVICES

- 5.2 (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:**

- 5.2 (a) (2) (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**
- (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.**
- (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;**

- 5.2 (c) (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.
- (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.
- (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.
- (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.
- (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)

5.2 (Cont'd.)

Documents Filed: (1) Memorandum from Director of Economic Development/Chief Strategist Kim Welsh, Acting Director of Parks, Recreation and Neighborhood Services Julie Edmonds-Mares and Budget Director Jennifer Maguire, dated May 29, 2012, recommending adoption of a resolution and appropriation ordinances and funding sources resolution amendments. (2) Supplemental memorandum from Director of Economic Development/Chief Strategist Kim Welsh, Acting Director of Parks, Recreation and Neighborhood Services Julie Edmonds-Mares and Budget Director Jennifer Maguire, dated June 15, 2012, providing revised recommendations of the utilization of an interfund loan from the Parks Trust Fund Construction Tax to the Parks Citywide Conveyance Tax and Property Conveyance Tax Fund as opposed to pursuing the Commercial Paper program option in the event that HUD does not approve amendments associated with the project.

Mayor Reed presented opening comments.

Acting Director of Parks, Recreation and Neighborhood Services Julie Edmonds-Mares presented introductory remarks. Deputy Director of Economic Development Nanci Klein, Acting Director of Parks, Recreation and Neighborhood Services Julie Edmonds-Mares and Deputy Director of Parks, Recreation and Neighborhood Services Matt Cano presented the report.

Public Comments: Speaking in support to the Staff recommendations were Don Gagliardi (Soccer Silicon Valley), John Jussen (Almaden Valley Youth Soccer League), Dave Kaval (San José Earthquakes), Ted Firestone (Rose Garden PAL) and Ed Storm (Hunter Storm).

David Wall and Ross Signorino expressed concerns about financing.

Mayor Reed and Council Member Liccardo provided meeting disclosures.

Motion: Council Member Liccardo moved approval of the Staff recommendations in Items 5.2, 5.3 and 5.4. Council Member Constant seconded the motion.

Council discussion ensued.

Council Member Rocha requested to amend the motion relating to Item 5.2 to direct Staff to explore the possibility of replenishing \$100,000 to each Council District from the reserves of the Measure P Sports Complex bond funding. The amendment was accepted by Council Members Liccardo and Constant.

5.2 (Cont'd.)

Council Member Rocha requested to amend the motion for Item 5.2, to add further direction to Staff to explore conversation with the Earthquakes to include a suite. The amendment was accepted by Council Member Liccardo. Council Member Constant did not accept the amendment.

Council Member Campos provided meeting disclosures.

Council Member Liccardo requested to amend the motion for Item 5.2: to direct Staff to explore partnerships with the Mayor's Gang Prevention Task Force around use in terms of priority given to specific non-profits that engage in that task force, specifically the use of scholarships, bookings, free use and reduced fees, without changing the revenue model and to return to Council. Council Member Constant accepted the amendment.

Action: On a call for the question, the motion carried unanimously, Resolution No. 76362, entitled: "A Resolution of the Council of the City of San José Authorizing "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Amendments to the HUD Documents for the 2008F Lease Revenue Bonds and To Negotiate and Execute Amendments to the Option Agreements with Coleman Airport Partners LLC"; Resolution No. 76362, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Amendments to the HUD Documents for the 2008F Lease Revenue Bonds and To Negotiate and Execute Amendments to the Option Agreements with Coleman Airport Partners LLC"; Resolution No. 76363, entitled: "A Resolution of the Council of the City of San José Approving an Interfund Loan from the Subdivision Parks Trust Fund (Fund 375) to the Construction Tax and Property Conveyance Tax Fund: Citywide 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, Which Interfund Loan Would Only Take Effect if the City Manager Determines that Negotiations With the U.S. Department of Housing and Urban Development (HUD) Will Not Allow for the Amendments to the HUD Loan in Order to Allow for Repayment of the Series 2008F Lease Revenue Bonds"; Ordinance No. 29108, entitled: "An Ordinance of the City of San José Amending Ordinance No. 29102 to Appropriate Monies in the Parks and Recreation Bond Projects Fund for the Transfer to the Construction Tax and Property Conveyance Tax Fund: Citywide Parks Purposes; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption"; Ordinance No. 29109, entitled: "An Ordinance of the City of San José Amending Ordinance No. 29102 to Appropriate Monies in the Construction and Conveyance Tax Fund: Citywide Parks Purposes Fund for the Coleman Soccer Fields; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption"; Resolution No. 76364, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 76302 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2012-2013 To Adjust Revenues in the Construction Conveyance Tax Fund: Citywide Parks Purposes"; Ordinance No. 29110, entitled: "An Ordinance of the City of San José Amending Ordinance No. 29102 to Appropriate Monies in the Subdivision Park Trust Fund for the Transfer to the Construction Tax and

5.2 (Action Cont'd.)

Property Conveyance Tax Fund; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption”; Ordinance No. 29111, entitled: “An Ordinance of the City of San José Amending Ordinance No. 29102 to Appropriate Monies in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council Districts 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 for the Transfer to the Construction Tax and Property Conveyance Tax Fund: Citywide Parks Purposes; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption”; Ordinance No. 29112, entitled: “An Ordinance of the City of San José Amending Ordinance No. 29102 to Appropriate Monies in the Subdivision Park Trust Fund for the Transfer to the Construction Tax and Property Conveyance Tax Fund: Citywide Parks Purposes; and Providing That This Transfer Shall 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 City of San José Financing Authority Series 2008F Lease Revenue Bonds”; Ordinance No. 29113, entitled: “An Ordinance of the City of San José Amending Ordinance No. 29102 to Appropriate Monies in the Construction and Conveyance Tax Fund: Citywide Parks Purposes for the Citywide Series 2008F Lease Revenue Bonds Repayment; and Providing That This Appropriation of Funds Shall 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 City of San José Financing Authority Series 2008F Lease Revenue Bonds” and Resolution No. 76365, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 76302 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2012-2013 To Adjust Revenues in the Construction and Conveyance Tax Fund: Citywide Parks Purposes”, were adopted. (11-0.)

5.3 **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)**

Documents Filed: Memorandum from Acting Director of Parks, Recreation and Neighborhood Services Julie Edmonds-Mares, dated May 29, 2012, recommending adoption of a resolution.

5.3 (Cont'd.)

Action: Upon motion by Council Member Liccardo, seconded by Council Member Constant and carried unanimously, Resolution No. 76366, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute an Agreement with San José Earthquakes Management, LLC for Operation and Maintenance of the Coleman Avenue Soccer Field", was adopted. Staff was directed to: (1) Explore the possibility of replenishing \$100,000 to each Council District from the reserves of the Measure P Sports Complex bond funding. (2) Explore partnerships with the Mayor's Gang Prevention Task Force around use in terms of priority given to specific non-profits that engage in that task force, specifically the use of scholarships, bookings, free use and reduced fees, without changing the revenue model and to return to Council. (11-0.) Staff was further directed to explore conversation with the Earthquakes to include a suite. (10-1. Noes: Constant.)

- 5.4 (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.**
 - (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)**

Documents Filed: Memorandum from Director of Public Works David Sykes and Budget Director Jennifer Maguire, dated May 29, 2012, recommending adoption of a resolution.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Constant and carried unanimously, the 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, with related contingency, was approved, and Ordinance No. 29114, entitled: "An Ordinance of the City of San José Amending Ordinance No. 29102 to Appropriate Monies in the Parks, Recreation Bond Projects Fund for the Soccer Complex and for the Contingency Reserve; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", was adopted. (11-0.)

TRANSPORTATION & AVIATION SERVICES

- 6.1 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)**

Action: Item 6.1 renumbered to Item 2.51. See Item 2.51 for Action.

OPEN FORUM

Expressing concerns about continuing problems at the Southside Community Center were Norman Larsen, Judy Bender and Sara-Jo Larsen.

David Wall presented comments on the South Bay Water Recycling Program.

ADJOURNMENT

The Council of the City of San José adjourned the afternoon session at 4:33 p.m.

RECESS/RECONVENE

The City Council recessed at 4:33 p.m. from the afternoon Council Session and reconvened at 7:02 p.m. in the Council Chambers, City Hall.

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

Absent: Council Members - All Present.

City Clerk Dennis D. Hawkins read the requests for continuance of the applications. Upon motion by Council Member Liccardo, seconded by Council Member Herrera, and carried unanimously, the below noted continuances and actions were taken as indicated. (11-0.)

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)

Mayor Reed and Council Member Constant recognized and commended the men's and women's basketball teams of Archbishop Mitty High School for their exemplary achievements.

1.3 Presentation of a proclamation recognizing June 23rd and June 24th as "R.A.C.E.S. Field Day" in the City of San José. (Mayor)

Mayor Reed recognized June 23, 2012 and June 24, 2012 as "R.A.C.E.S. Field Day" in San José.

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 Community of San José. (Kalra)

Mayor Reed and Council Members Kalra, Chu, Pyle and Herrera recognized and commended Claude Fletcher for community service and his dedication to the students of Valley Christian Schools.

PUBLIC HEARINGS

11.2 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 CN(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, Resolution to be adopted.

PDC12-001 – District 9

(Continued from 5/15/12 – Item 11.2)

Documents Filed: (1) Memorandum from Council Member Rocha, dated June 15, 2012, recommending approval of the Staff recommendations. (2) The Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. PDC12-001, dated April 13, 2012, recommending approval of the subject rezoning. (3) Memorandum from Planning Commission Secretary Joseph Horwedel, dated April 26, 2012, transmitting the Planning Commission recommendation of approval. (4) Proof of Publication of Notice of Public Hearing, executed on April 6, 2012, submitted by the City Clerk. (5) Letter from John DiNapoli, JP DiNapoli Companies, Inc., dated June 18, 2012, speaking to the merits of the project. (6) Letter from David J. Powers and Associates, Inc., dated June 15, 2012, transmitting responses from the Public about the Curtner/Union Retail Project Initial Study.

Director of Planning, Building and Code Enforcement Joe Horwedel provided introductory comments.

Mayor Reed presented meeting disclosures.

Pete Larko, representing JP DiNapoli Companies, Inc., the Applicant, spoke to the merits of the project, creating jobs and cleaning up blight.

Mayor Reed opened the public hearings.

Public Comments: Speaking in favor to the Staff recommendations were Ken Kelly, Winchester Business Association, Donnas Rubin, Steven Rubin, Ron Badger and Angela Ott.

Royce Peterson and Chris Franceschini expressed opposition to the proposed rezoning.

Mayor Reed closed the public hearing.

Motion: Council Member Rocha moved approval of the Staff recommendations. Constant seconded the motion.

Council Members Constant, Rocha and Liccardo provided meeting disclosures.

11.2 (Cont'd.)

Action: On a call for the question, the motion carried unanimously, Ordinance No. 29115, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property Situated at the Northwest Corner of Curtner and Union Avenues, From the CP Commercial Pedestrian Zoning District to the CN(PD) Planning Development Zoning District”, was passed for publication and CEQA Resolution No. 76367, entitled: “A Resolution of the Council of the City of San José Adopting the Curtner/Union Retail Project Mitigated Negative Declaration, For Which an Initial Study Was Prepared, All in Accordance with the California Environmental Quality Act, As Amended, and Adopting a Related Mitigation Monitoring and Reporting Program”, was adopted. (11-0).

11.3 **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**

Documents Filed: (1) Memorandum from Council Member Pyle, dated June 19, 2012, recommending approval of the Staff recommendations. (2) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. PDC11-020, dated May 14, 2012, recommending approval of the subject rezoning. (3) Memorandum from Planning Commission Secretary Joseph Horwedel, dated May 30 2012, transmitting the Planning Commission recommendation of approval. (4) Proof of Publication of Notice of Public Hearing, executed on May 4, 2012, submitted by the City Clerk.

Mayor Reed presented meeting disclosures.

Mayor Reed opened the public hearing.

Public Comments: Erik Schoennauer, representing Egelston/Amen, the Applicant, presented comments. Mayor Reed closed the public hearing.

Action: Upon motion by Council Member Pyle, seconded by Council Member Oliverio and carried unanimously, Ordinance No. 29116, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property Situated on the South Side of Barnes Lane, Approximately 650 Feet West of Almaden Road (1126 Barnes Lane; APN: 583-11-126) To the R-1-2(PD) Planned Development Zoning District”, was passed for publication and Resolution No. 76368, entitled: “A Resolution of the Council of the City of San José Adopting the 1126 Barnes Lanes Mitigated Negative Declaration, For Which an Initial Study was Prepared, All in Accordance with the California Environmental Quality Act, As Amended, and Adopting a Related Mitigation Monitoring and Reporting Program”, was adopted. (11-0)

- 11.4 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**

Documents Filed: (1) Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated May 25, 2012, transmitting the Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. CP10-024, dated March 13, 2012. (2) Proof of Publication of Notice of Public Hearing, executed on June 1, 2012, submitted by the City Clerk.

Director of Planning, Building and Code Enforcement Joe Horwedel provided introductory remarks.

Action: Upon motion by Council Member Rocha, seconded by Council Member Herrera and carried unanimously, Resolution No. 76369 was adopted to uphold the Planning Commission decision to deny a Conditional Use Permit. (10-0-1. Noes: Constant.)

- 11.5 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**

Action: Continued to August 21, 2012 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>Lot/Unit</u>	<u>Type</u>	<u>Proposed Decision</u>
10108	NE corner Hillsdale/ Yucca Ave	9	Taylor Morrison	62 / 51	SFA	Approve
10035	SW Corner Willow Glen Wy/Creek Dr	6	Masoumi Brothers	5 / 5	SFDR	Approve

OPEN FORUM

Documents Filed: Letters from Jackie Padgett and Mike Ospring, both dated June 19, 2012, regarding the Anti-Graffiti Task Force.

- (1) Darryl Ospring, Coyote Creek Neighborhood Association provided anti-graffiti kits and Adopt-a-Park litter grabbers to the Mayor and Council Members.
- (2) Jackie Padgett, Coyote Creek Neighborhood Association stated that collaboration with the Anti-Graffiti Task Force has greatly benefitted her neighborhood.
- (3) Noreen Williams, Coyote Creek Neighborhood Association, submitted a letter from Mike Ospring, who thanked the City of San José, Anti-Graffiti City workers and the Anti-Graffiti contract personnel for their great work.

ADJOURNMENT

The Council of the City of San José was adjourned at 8:00 p.m. in memory of Anthony Colón, a Retired Sergeant of the San José Police Department, who passed away on May 3, 2012 and Tiffany Glenn, Ballet San José Dancer, who passed away on June 18, 2012. (Mayor/Campos/Nguyen)

Minutes Recorded, Prepared and Respectfully Submitted by,

Dennis D. Hawkins, CMC
City Clerk

/smd 06-19-12 MIN

Access the video, the agenda and related reports for this meeting by visiting the City's website at <http://www.sanjoseca.gov/city> or <http://www.sanjoseca.gov/civiccentertv>. For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266.