

CITY COUNCIL AGENDA

JUNE 19, 2012

SYNOPSIS

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

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

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

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

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

Welcome to the San José City Council meeting!

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

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

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

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

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

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

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

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

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

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

- **Call to Order and Roll Call**
9:05 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: All Present.

10:46 a.m.- Regular Session resumed following the conclusion of Closed Session
Absent Council Members: All Present.

1:33 p.m. - Reconvened Regular Session, Council Chambers, City Hall
Absent Council Members: All Present.

7:02 p.m. - Public Hearings, Council Chambers, City Hall
Absent Council Members: All Present.
- **Invocation (District 6)**
Rabbi Dana Magat, Temple Emanu-El, presented the Invocation.
- **Pledge of Allegiance**
Mayor Reed led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved.

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

- **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.

1. CEREMONIAL ITEMS

- 1.1** Presentation of a commendation honoring the men’s and women’s basketball teams of Archbishop Mitty High School for their outstanding achievements this season. (Constant)
Heard in the Evening.
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.
- 1.2** 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.
- 1.3** 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)
Heard in the Evening.
Mayor Reed recognized June 23, 2012 and June 24, 2012 as “R.A.C.E.S. Field Day” in San José.

1. CEREMONIAL ITEMS

- 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.
- 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)
Heard in the Evening.
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.

2. CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
There were none.
- 2.2 **Final Adoption of Ordinances.**

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 29096 – Rezoning certain real property situated on the north side of Story Road, approximately 150 feet westerly of McCreery Avenue (1841 Story Road) from CP Commercial Pedestrian Zoning District to the CN Commercial Neighborhood Zoning District. C12-008

Ordinance No. 29096 adopted.

2. CONSENT CALENDAR

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

- (b) ORD. NO. 29097 – Amending Title 23 of the San José Municipal Code (The Sign Code) as follows: to amend Chapter 23.02 to add a new Section 23.02.053 to define assembly spaces, amend Section 23.02.905 to modify operational regulations pertaining to programmable electronic signs, amend Section 23.02.1090 to expand the ability to relocate historic signs, amend Section 23.04.020 to add regulations applicable to signage at assembly spaces, modify regulations pertaining to programmable electronic signs, add regulations pertaining to vertical projecting signs and public parking garage signs, and remove provisions related to the Julian-Stockton Redevelopment Area; to amend Chapter 23.04 to amend Section 23.04.030 to add regulations for signage at assembly spaces and programmable electronic signs, amend Section 23.04.100 to modify the definition of the “Downtown Sign Zone,” amend Sections 23.04.110 and 23.04.120 to provide for regulations applicable to signage at assembly spaces and modify regulations applicable to signs near freeways and programmable electronic signs, amend Section 23.04.156 to provide for regulations applicable to signage at assembly spaces and arcade signs, amend Section 23.04.320 to provide for skyline signs on residential parcels, amend Section 23.04.330 to provide regulations for programmable electronic signs and some additional signage on large parcels with nonresidential uses in residential zones, and to make other nonsubstantive, ministerial, technical, or typographical changes to said Chapters 23.02 and 23.04 of Title 23 of the San José Municipal Code.

Ordinance No. 29097 adopted.

- (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.

Ordinance No. 29098 adopted.

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

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

2.4 Mayor and Council Excused Absence Requests.

Recommendation:

- (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)

Excused.

2. CONSENT CALENDAR

2.5 City Council Travel Reports.

There were none.

2.6 Report from the Council Liaison to the Retirement Boards.

There were none.

2.7 Passenger Facility Charge Closeout Amendments.

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

Resolution No. 76304 adopted.

2.8 Amendment to Agreement with First Alarm Security and Patrol, Inc. to Expand Airport Curbside Security Officer Duties.

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

Resolution No. 76305 adopted.

2.9 Amendment to Orrick Herrington Legal Services Agreement.

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

Resolution No. 76306 adopted.

2.10 Settlement in Ward and Tapia v. City of San Jose.

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

Approved.

2. CONSENT CALENDAR

2.11 Repeal of Arizona Travel Prohibition.

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

Dropped.

2.12 Annual Renewal of Workforce Investment Act Programs and Projects for 2012-2013.

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

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

Resolution No. 76307 adopted.

2.13 US Olympics Gymnastics Trials Agreement.

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

Resolution No. 76308 adopted.

2. CONSENT CALENDAR

2.14 Easement Modification Agreement with Pacific Gas and Electric for 225 Baypointe Parkway.

Recommendation:

- (a) Approve the gas line easement modification agreement with Pacific Gas and Electric expanding the width of the existing permanent easement for the relocation and maintenance of a gas transmission line on the site of 225 Baypointe Parkway and including a temporary construction easement.

Approved.

- (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)

Resolution No. 76309 adopted.

2.15 Agreement with the San Jose Downtown Association.

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

Resolution No. 76310 adopted.

2.16 Bay Area Biosolids to Energy Coalition Agreement.

Recommendation: Adopt a resolution authorizing the City Manager to execute the Amended and Restated Bay Area Biosolids to Energy Coalition Joint Exercise of Powers Agreement to become a member of the Bay Area Biosolids to Energy Coalition for a contribution in the amount of \$370,588, and consideration for the City's matching contribution in the amount of \$215,000 to an Initial Feasibility Study and Potential Demonstration of a Biomass-To-Energy Technology Facility at the San José/Santa Clara Water Pollution Control Plant with the California Energy Commission and Harvest Power, Inc.; and to appoint a City representative, and alternate to the Bay Area Biosolids to Energy Coalition Steering Committee. Not a Project, File No. PP10-066(g), Memorandum of Understanding. (Environmental Services)

Resolution No. 76311 adopted.

2. CONSENT CALENDAR

2.17 Amendment to the Agreement with Westin Engineering, Inc., for Implementation of a Computerized Maintenance Management System at the San José/ Santa Clara Water Pollution Control Plant.

Recommendation: Approve the Third Amendment to the Agreement with Westin Engineering, Inc., for implementation of a Computerized Maintenance Management System at the San José/ Santa Clara Water Pollution Control Plant to increase the compensation by \$191,000 to an amount not to exceed \$1,052,000, and to extend the term through December 31, 2013, to complete a revised scope of work. CEQA: Not a Project, File No. PP10-066(a), Contract amendment for software installation and support. (Environmental Services)

Approved.

2.18 Report on Bids and Award of a Construction Contract for the 6449 - Fire Main Replacement Phase II Project at the San José/Santa Clara Water Pollution Control Plant.

Recommendation:

(a) Report on bids and award the construction contract for the 6449 - Fire Main Replacement – Phase II Project to the low bidder, D&D Pipelines, Inc., in the amount of \$989,500.

(b) Approve a 10% contingency in the amount of \$99,000.
CEQA: Exempt, File No. PP12-032. (Environmental Services)

Approved.

2.19 Report on Bids and Award of a Construction Contract for the Street Treatment Project at the San José/Santa Clara Water Pollution Control Plant.

Recommendation:

(a) Report on bids and award the construction contract for the Street Treatment Project at the San José/Santa Clara Water Pollution Control Plant to the low bidder, Wattis Construction, Inc., in the amount of \$108,100.

(b) Approve a 10% contingency in the amount of \$10,800.
CEQA: Exempt, File No. PP12-004. (Environmental Services)

Approved.

2. CONSENT CALENDAR

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

Recommendation:

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

Resolution No. 76312 adopted.

- (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)

Approved.

2.21 Application to the Proposition 84 Storm Water Grant Program for Two Stormwater Green Streets Projects.

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

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

(Environmental Services)

Resolution No. 76313 adopted.

2.22 Cost Sharing Agreement with the Santa Clara Valley Water District for the South Bay Water Recycling Program.

Recommendation:

- (a) Adopt a resolution authorizing the City Manager to execute a cost sharing agreement between the City of San José and the Santa Clara Valley Water District to share the cost of developing a strategic master plan for the South Bay Water Recycling Program, estimated to cost up to \$2,400,000 with each party to contribute up to \$1,200,000; and to share in reimbursements from the United States Department of Interior Bureau of Reclamation Grant of up to \$1,200,000 for costs associated with developing the plan.

Resolution No. 76314 adopted.

2. CONSENT CALENDAR

2.22 Cost Sharing Agreement with the Santa Clara Valley Water District for the South Bay Water Recycling Program. (Cont'd.)

- (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)

Ordinance No. 29103 adopted.

Resolution No. 76315 adopted.

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

Recommendation: Adopt a resolution:

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

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

Resolution No. 76316 adopted.

2.24 Agreement with Sprint for Cellular Services for the Purchase of Radios, Cellular and Wireless Equipment and Services.

Recommendation: Adopt a resolution authorizing the City Manager to:

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

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

Resolution No. 76317 adopted.

2. CONSENT CALENDAR

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

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

Resolution No. 76318 adopted.

2.26 Agreement with Santa Clara Valley Medical Center for Sexual Assault Response Team Exams as Mandated by SB768.

Recommendation: Adopt a resolution authorizing the City Manager to:

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

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

Resolution No. 76319 adopted.

2.27 Award of the Purchase of Tractor Drawn Aerial Ladder Trucks.

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

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

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

Resolution No. 76320 adopted.

2.28 2010 Urban Areas Security Initiative Appropriation.

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

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

(Fire/City Manager's Office)

Ordinance No. 29104 adopted.

Resolution No. 76321 adopted.

2. CONSENT CALENDAR

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

Recommendation:

- (a) Adopt a resolution authorizing the City Manager:
 - (1) To negotiate and execute an agreement with the County of Santa Clara to accept program funds from the County for 2011 State Homeland Security Program funding for:
 - (a) Police and Fire Department training and exercise events in an amount up to \$394,198; training sessions/classes are to be developed and approved, allocation of funds will be requested at some future point.
 - (b) Fire Department funding for the 2011 Metropolitan Medical Response System Grant Program in the amount of \$281,693.
 - (2) To negotiate and execute additional amendments to the agreement and all related documents without further City Council action.

Resolution No. 76322 adopted.

- (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 city-wide 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)

Ordinance No. 29105 adopted.

Resolution No. 76323 adopted.

2.30 Awards of CDBG Funds for School Readiness/Third-Grade Literacy Services.

Recommendation: Adopt a resolution:

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

Resolution No. 76324 adopted.

2. CONSENT CALENDAR

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

Recommendation: Adopt a resolution:

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

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

Resolution No. 76325 adopted.

2.32 Funding Commitment for Predevelopment for the Japantown Seniors Apartments Project.

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

Resolution No. 76326 adopted.

2.33 Grant for Administration of Tenant Based Rental Assistance Program.

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

Resolution No. 76327 adopted.

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

Recommendation: Adopt a Resolution Authorizing the City Manager to:

- (a) Accept a \$1,500,000 CalHome grant from the California Department of Housing and Community Development.
- (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)

Resolution No. 76328 adopted.

2. CONSENT CALENDAR

2.35 Approval of Contract Extension for Workers' Compensation Cost Containment Services.

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

Approved.

2.36 Refund of Construction Taxes to The Core Group for a Project Located at 2880 Junction Avenue.

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

Approved.

2.37 Reorganization of Territory Designated as Hamilton No. 60 from the County into the City of San José.

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

Resolution No. 76329 adopted.

2.38 Amendment to the Administrative Citation Schedule to Create an Administrative Citation for the Social Host Ordinance.

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

Resolution No. 76330 adopted.

2. CONSENT CALENDAR

2.39 Actions Related to the 2012 Justice Assistance Grant.

Recommendation:

- (a) Approve the proposed 2012 JAG Spending Plan for the FY 2012 Edward Byrne Memorial Justice Assistance Grant.

Approved.

- (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.

Resolution No. 76331 adopted.

- (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)

Ordinance No. 29106 adopted.

Resolution No. 76332 adopted.

2.40 Agreement with the City of Milpitas for Animal Care and Control Services.

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

Approved.

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

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

Approved.

2. CONSENT CALENDAR

2.42 Annual Budget Reports for Fiscal Year 2012-2013 for City of San José Maintenance Districts.

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

Resolution Numbers 76333, 76334, 76335, 76336, 76337, 76338, 76339, 76340, 76341, 76342, 76343, 76344 and 76345 adopted.

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

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

Approved.

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

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

Approved.

2.45 Memorandum of Understanding to Support Electrification and Improvement of the Caltrain System.

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

Resolution No. 76346 adopted.

2. CONSENT CALENDAR

2.46 Actions Related to Establishing Speed Limits.

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

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

CEQA: Exempt, File No. PP10-113. Council Districts 2, 3, 8, 9 and 10. (Transportation)
Resolution No. 76347 adopted.

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

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

Resolution No. 76348 adopted.

Staff directed to submit the grant application and return to Council for approval of the execution of the grant agreement.

2.48 Amendment to the Parking Agreement at Convention Center Garage.

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

- (a) Change the party from Walton San José Investors III, LLC to PR SJM Hotel, LLC, an affiliate of Prudential Insurance.
- (b) Increase the monthly rate from \$100 to \$120 per parking space for valet parking at the Convention Center Garage for the Marriot Hotel, retroactively effective on March 1, 2012.

(Item continued on the next page)

2. CONSENT CALENDAR

2.48 Amendment to the Parking Agreement at Convention Center Garage. (Cont'd.)

- (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)

Approved.

2.49 Actions Related to the Authorization to Award Pavement Maintenance Projects.

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

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

Resolution No. 76349 adopted.

- (b) Approve a contingency equal to five percent of the base contract award amount.

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

Approved.

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

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

- (a) Accept the Evaluation Report for FY 2010-2011 San José Bringing Everyone's Strengths Together (BEST) and the Mayor's Gang Prevention Task Force (MGPTF).
- (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)

Accepted.

2. CONSENT CALENDAR

2.51 Measure B Vehicle Registration Fees Agreement.

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

Renumbered from Item 6.1.

Resolution No. 76350 adopted.

2.52 Council Member Campos' Travel to San Diego, California.

Recommendation: 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)

Approved.

2.53 Historic Landmarks Commission Reappointments.

Recommendation: As recommended by the Rules and Open Government Committee on June 13, 2012, reappoint Tania Nunez and Robert Abatecola to the Historic Landmarks Commission for full terms expiring June 30, 2015. (Oliverio)
[Rules Committee Referral 06/13/12 – Item F(1)(a)]

Approved.

2.54 Economic Development Partnership with County and State.

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

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

(Mayor)

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

Resolution No. 76351 adopted.

2. CONSENT CALENDAR

2.55 AB 1442 (Wieckowski) Pharmaceutical Waste: Common Carriers.

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

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

Support Position Adopted.

2.56 AB 549 (Carter) Recycling: Electronic Waste.

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

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

Support Position Adopted.

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

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

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

Support Position Adopted.

2.58 SB 1329 (Simitian) Prescription Drugs: Collection and Distribution Program.

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

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

Support Position Adopted.

2.59 AB 1019 (Perez) Solid Waste: Carpet Stewardship.

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

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

Support Position Adopted.

2. CONSENT CALENDAR

2.60 SB 1380 (Rubio) Environmental Quality: Urbanized Bicycle Plans.

Recommendation: As recommended by the Rules and Open Government Committee on June 13, 2012, adopt a support position for SB 1380 (Rubio) Environmental Quality: Urbanized Bicycle Plans. (City Manager's Office)
[Rules Committee Referral 06/13/12 – Item G(9)]
Support Position Adopted.

2.61 Taste of Berryessa Event.

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

- (a) Approve the Taste of Berryessa as a City-sponsored Special Event.
- (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)]
Approved.

2.62 Santa Clara County LAFCO Reappointments.

Recommendation:

- (a) Council by motion waive the 10-day noticing requirement for the following item, approve its placement on the agenda, and consider the following recommendation.
Waived.
- (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)
Approved.

3. 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.

3.2 Labor Negotiations Update

Recommendation: Accept Labor Negotiations Update.

Heard at 9:00 a.m.

Accepted.

3.3 Approval of Various Budget Actions for Fiscal Year 2011-2012.

Recommendation:

(a) Adopt amendments to the annual appropriation ordinance and funding sources resolution for various operating and capital funds to reflect estimated 2011-2012 revenue receipts, expenses, and encumbrances.

Ordinance No. 29101 adopted.

Resolution No. 76299 adopted.

(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)

Resolution No. 76300 adopted.

3. STRATEGIC SUPPORT SERVICES

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

Recommendation:

- (a) Adopt the Annual Appropriation Ordinance, including transfers and loans for Fiscal Year 2012-2013 and the Manager's Final Budget Addendum.
Ordinance No. 29102 adopted.
Noes: Constant, Liccardo; Reed.
- (b) Adopt the Annual Funding Sources Resolution for Fiscal Year 2012-2013 and the Manager's Final Budget Addendum.
Resolution No. 76302 adopted.
Noes: Constant, Liccardo; Reed.
- (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 XIIIB of the State Constitution.
- CEQA: Not a Project, File No. PPI0-067(b), Appropriation Ordinance. (City Manager's Office)
Resolution No. 76303 adopted.
Noes: Constant, Liccardo; Reed.

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:

- (2) **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 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).**

(Action continued on the next page)

3. STRATEGIC SUPPORT SERVICES

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

(Action Cont'd.)

- (2) (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.

Noes: Constant, Liccardo; Reed.

(Item 1 of the memorandum from Council Members Constant and Liccardo was not approved.)

3.5 City of San José 2012 Tax and Revenue Anticipation Notes.

Recommendation: Adopt a resolution:

- (a) Authorizing the issuance and sale of the City of San José 2012 Tax and Revenue Anticipation Notes (“2012 Notes”) in the not to exceed aggregate principal amount of \$125,000,000 to be sold through a private placement; and
- (b) Approving, in substantially final form, the Note Purchase Agreement and authorizing the Acting Director of Finance or other authorized officers to execute the Note Purchase Agreement and other related documents, as necessary, in connection with the issuance of the 2012 Notes and authorizing other related actions in connection therewith.

Resolution No. 76352 adopted.

- (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)

Ordinance No. 29107 adopted.

Resolution No. 76353 adopted.

3. STRATEGIC SUPPORT SERVICES

3.6 Statement of Policy and Questions for the Environmental Services Director.

Recommendation: Adopt a Statement of Policy and City Council Questions related to the selection of a new Director of the Environmental Services Department as described in the staff memorandum, in compliance with City Charter Section 411.1. CEQA: Not a Project, File No. PP 10-069(b), Personnel Related Decisions. (City Manager's Office)
(Rules Committee Referral 06/13/12)

Adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

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

Recommendation:

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

The Public Hearings were held.

Resolution No. 76359 adopted.

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

Resolution No. 76360 adopted.

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

Resolution No. 76361 adopted.

5. NEIGHBORHOOD SERVICES

5.1 Parks, Recreation and Neighborhood Services 2012-2013 Agreements.

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

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

Resolution No. 76354 adopted.

5.2 Actions Related to the Option Agreements for the Airport West Property.

Recommendation:

- (a) Adopt resolutions:
 - (1) Authorizing the City Manager to negotiate and execute amendments to the HUD documents to allow for the use of proceeds from the sale of the Airport West property for the payment of the 2008F Lease Revenue Bonds.

Resolution No. 76362 adopted.

(Item continued on the next page)

5. NEIGHBORHOOD SERVICES

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

- (a) (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:
- (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.

Resolution No. 76363 adopted.

- (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.

Resolution No. 76362 adopted.

(Item continued on the next page)

5. NEIGHBORHOOD SERVICES

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

- (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.

Ordinance No. 29108 adopted.

- (c) Adopt the following 2012-2013 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: City-Wide Parks Purposes (Fund 391):

- (1) Establish a transfer from the Parks and Recreation Bond Projects Fund in the amount of \$1,339,000;
- (2) Establish transfers totaling \$900,000 or \$100,000 each from the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council Districts #1, #2, #4, #5, #6, #7, #8, #9 and #10;
- (3) Establish a transfer from the Subdivision Park Trust Fund in the amount of \$100,000; and
- (4) Establish an appropriation to the Parks, Recreation and Neighborhood Services Department for the Coleman Soccer Fields projects in the amount of \$2,339,000.

Ordinance No. 29109 adopted.

Resolution No. 76364 adopted.

- (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.

Ordinance No. 29110 adopted.

- (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.

Ordinance No. 29111 adopted.

(Item continued on the next page)

5. NEIGHBORHOOD SERVICES

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

(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.

Ordinance No. 29112 adopted.

(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)

Ordinance No. 29113 adopted.

Resolution No. 76365 adopted.

5.3 Agreement with San Jose Earthquakes Management, LLC for Operations and Maintenance of the Coleman Soccer Fields.

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

(Action continued on the next page)

5. NEIGHBORHOOD SERVICES

5.3 Agreement with San Jose Earthquakes Management, LLC for Operations and Maintenance of the Coleman Soccer Fields. (Cont'd.)

(Action Cont'd.)

Resolution No. 76366 adopted.

- (1) Staff directed to explore the possibility of replenishing \$100,000 to each Council District from the reserves of the Measure P Sports Complex bond funding.
- (2) Staff directed 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.
- (3) Staff directed to explore conversation with the Earthquakes to include a suite. (10-1. Noes: Constant.)

5.4 Report on Bids and Award of Contract for the Coleman Soccer Fields Design Build Project Rebid.

Recommendation:

- (a) Subject to approval of Items 5.2 and 5.3, report on bids and award of contract for the Coleman Soccer Fields Design Build Project Rebid to the low bidder, Interstate Grading and Paving, Inc., for the base bid and Add Alternate No. 1 in the amount of \$11,873,000, and approval of a contingency in the amount of \$1,187,300.

Approved.

- (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)

Ordinance No. 29114 adopted.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Measure B Vehicle Registration Fees Agreement.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute a funding agreement with the Santa Clara Valley Transportation Authority for the receipt of Measure B Vehicle Registration Fees approved by Santa Clara County voters on November 2, 2010 and collected by the California Department of Motor Vehicles. CEQA: Not a Project, File No. PP10-066, Agreements. (Transportation)
Item 6.1 renumbered to Item 2.51. See Item 2.51 for Action.

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

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

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

Dropped.

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.2 Reimbursement Agreement Between the City of San José and the Successor Agency to the Redevelopment Agency.

Recommendation:

- (a) Adopt resolutions authorizing the City Manager and Executive Officer of the Successor Agency to the Redevelopment Agency of the City of San José (the “Successor Agency”) to negotiate and execute a reimbursement agreement between the City of San José (the “City”) and the Successor Agency for the purpose of establishing enforceable obligations to repay the City for future expenditures made on behalf of the Successor Agency in an annual amount not to exceed the annual outstanding debt obligations for the City of San José Financing Authority Lease Revenue Bonds, Series 2001F (Convention Center Refunding), City of San José Financing Authority Revenue Bonds, Series 2001A (4th Street & San Fernando Parking Facility Project), Housing and Urban Development (HUD) 108 loans and Education Revenue Augmentation Fund (ERAF) payments (collectively the “City Supported Agency Obligations”) and the Successor Agency annual administrative budget (“Administrative Costs”) and City support service expenses (“Enforceable Obligations Implementation Costs”).

Resolution No. 76355 adopted.

Successor Agency Resolution No. 7011 adopted.

- (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.

Successor Agency Resolution No. 7014 adopted.

9.3 North San Pedro Housing Disposition and Development Agreement Amendment.

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

- (a) Authorizing the Executive Officer or her designee the authority to (i) negotiate and execute a second amendment to the Amended and Restated Disposition and Development Agreement with North San Pedro Townhomes LLC to amend the Schedule of Performance and to modify the Phases and (ii) execute ancillary documents contemplated by the DDA and as necessary to close escrow.
- (b) Authorizing the Executive Officer or her designee the authority to (i) negotiate and execute a second amendment to the Amended and Restated Disposition and Development Agreement with San Pedro Life I, LLC to amend the Schedule of Performance and to modify the Phases and (ii) execute ancillary documents contemplated by the DDA and as necessary to close escrow.

(Item continued on the next page)

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.3 North San Pedro Housing Disposition and Development Agreement Amendment. (Cont'd.)

- (c) Confirming that the Successor Agency, pursuant to the provisions of AB X1 26, has assumed all rights and obligations of the former Redevelopment Agency of the City of San Jose under the DDAs described above.
- (d) Authorizing the Executive Officer or her designee, on behalf of the Successor Agency, to (i) accept and appropriate Grant Funds under the California Department of Housing and Community Development's Infill Infrastructure Grant Program for the North San Pedro Project, and (ii) negotiate and execute any and all documents with the California Department of Housing and Community Development related to the Infill Infrastructure Grant, which was awarded to the Project.

(Rules Committee Referral 06/13/12)

Successor Agency Resolution No. 7012 adopted.

9.4 Interim Delegation of Authority.

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

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

(Rules Committee Referral 06/13/12)

Successor Agency Resolution No. 7013 adopted.

- **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.

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS

11.1 Public Hearings on Consent Calendar.

No Public Hearings on Consent Calendar at this time.

11.2 Rezoning Real Property Located on the Northwest Corner of Curtner Avenue and Union Avenue.

Recommendation: Consideration of an ordinance rezoning the real property located on the northwest corner of Curtner and Union Avenue (2073 Curtner Avenue), from CP Commercial Pedestrian Zoning District to 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)

Ordinance No. 29115 passed for publication.

CEQA Resolution No. 76367 adopted.

11.3 Rezoning Real Property Located on the South Side of Barnes Lane.

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

PDC11-020 – District 10

Ordinance No. 29116 passed for publication.

Resolution No. 76368 adopted.

11. PUBLIC HEARINGS

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

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

CP10-024 – District 9

Resolution No. 76369 adopted to uphold the Planning Commission decision to Deny a Conditional Use Permit.

Noes: Constant.

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

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

CP11-059 – District 9

Continued to 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>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
10108	Northeast corner of Hillsdale Avenue and Yucca Avenue	9	Taylor Morrison LLC	62 Lots / 51 Units	SFA	Approve
10035	Southwest corner of Willow Glen Way and Creek Drive	6	Masoumi Brothers, LLC	5 Lots/ 5 Units	SFDR	Approve

- **Open Forum**
 - (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)

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

1:58 P.M.

TUESDAY, JUNE 19, 2012

CHAMBERS

- 1. Call to Order and Roll Call**
Absent Council Members: All Present.
- 2. Actions Related to the Expansion and Renewal of a Property Based Improvement District in Downtown San José.**

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

- (a) Conduct a public hearing by the City Council for the expansion and renewal of a Property Based Improvement District (PBID) in Downtown San José and authorize the City Clerk to tabulate the ballots.

The Public Hearing was held.

- (b) Adopt a resolution by the City Council authorizing the execution of a ballot in favor of the expansion and renewal of the Downtown San José PBID as the property owner of real property parcels within the proposed PBID and the imposition of an assessment in the amount of \$396,000 with annual increases of up to five percent over the next nine years.

Resolution No. 76357 adopted.

- (c) Adopt a resolution by the Diridon Development Authority authorizing the execution of a ballot in favor of the expansion and renewal of the Downtown San José PBID as the property owners of real property parcels within the proposed PBID and the imposition of an assessment in the amount of \$4,000 with annual increases of up to five percent per year over the next nine years.

San José Diridon Development Resolution No. 109.1 adopted.

- (d) Direct the City Clerk to report the results of the tabulation of ballots.
- (e) If the PBID is approved by a majority of weighted assessments of property owners, adopt a resolution by the City Council:
 - (1) Approving the Downtown San José PBID Management Plan and Engineer's Report.
 - (2) Approving and imposing the respective assessments.

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

Resolution No. 76358 adopted.

JOINT SAN JOSE/DIRIDON DEVELOPMENT AUTHORITY

3. Interim Delegation of Authority.

Recommendation: It is recommended that the San José Diridon Authority adopt a resolution authorizing the Executive Director, or her designee, to execute, on an emergency basis during the San José Diridon Development Authority Board recesses, all contracts, contract amendments and other agreements or documents as necessary in connection with the administration of the San José Diridon Development Authority.

(Rules Committee Referral 06/13/12)

San José Diridon Development Resolution No. 110.1 adopted.

3. Open Forum

None Presented.

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

The Meeting was adjourned at 4:17 p.m.

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

10:47 A.M.

TUESDAY, JUNE 19, 2012

CHAMBERS

- 1. Call to Order and Roll Call
Absent Council Members: Pyle.**

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

Recommendation:

- (a) It is recommended that the City Council take the following actions:
 - (1) Conduct a public hearing concerning the approval of the issuance by the City of San José Financing Authority of commercial paper notes in order to finance certain public capital improvements of the City, consisting of additional projects related to the expansion and renovation of the San José McEnery Convention Center.
The Public Hearing was held.

 - (2) Adopt a resolution to approve the issuance of commercial paper notes pursuant to the previously established commercial paper program designated as “City of San José Financing Authority Lease Revenue Commercial Paper Notes” to provide financing for additional projects related to the Convention Center Expansion and Renovation Project in an amount not to exceed \$10,000,000 and to state the City Council’s determination that there will be significant public benefits accruing from such financing.
Resolution No. 76298 adopted.

- (b) It is recommended that the City of San José Financing Authority Board:
 - (1) Adopt a resolution to approve the issuance of City of San José Financing Authority Commercial Paper Notes to provide financing for the additional projects related to the Convention Center Expansion and Renovation Project in an amount not to exceed \$10,000,000.
CEQA: Resolution No. 72767, and Addenda thereto, File No. PP08-002. (Finance)
San José Financing Resolution No. 114 adopted.

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

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

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

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

(Housing)

San José Financing Resolution No. 115 adopted.

**4. Open Forum
None presented.**

**5. Adjourn the San José Financing Authority.
The Meeting was adjourned at 10:57 a.m.**