



MINUTES OF THE CITY COUNCIL

SAN JOSÉ, CALIFORNIA

TUESDAY, JANUARY 13, 2009

The Council of the City of San José convened in regular session at 9:30 a.m. in the Council Chambers at City Hall.

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

Absent: Council Members - None.

Upon motion unanimously adopted, Council recessed at 9:30 a.m. to a Closed Session in Room W133, to confer with Legal Counsel with respect to (A) to confer with Legal Counsel with respect to existing litigation pursuant to Government Code subsection (a) of Section 54956.9; (1) Rahama v. City, et al; Names of Parties Involved: Amir Rahama, Officer Archer, Badge No. 3096, City of San José and DOES; Court: United States District Court, Northern District of California; Case No: C06-05405 JW; Amount of Money or Other Relief Sought: Damages according to proof; (2) Vietnamese-American Community of Northern California v. City of San José, et al; Names of Parties Involved: Vietnamese-American Community of Northern California, City of San José, City Council of San José; Court: Superior Court of California, County of Santa Clara; Case No: 1-08-CV-107082; Amount of Money or Other Relief Sought: For declaratory and injunctive relief according to proof; (3) Paul Cicala, et al. v. City of San José et al; Names of Parties Involved: Paul Cicala, Enrico Sagullo, Erick Sanchez, City of San José, Rober Davis, Officers Ordaz, Higgins, Marfia, Kyono, Siegel and DOES; Court: Superior Court of California, County of Santa Clara; Case No: C08-04032 PVT; Amount of Money or Other Relief Sought: Damages according to proof; (4) Desynot v. City; Names of Parties Involved: Matthew Desynot, City of San José, Southwest Airlines, AMR Corporation dba American Airlines and DOES; Court: Superior Court of California, County of Santa Clara; Case No: 1-07-CV-087566; Amount of Money or Other Relief Sought: Damages according to proof; (5) Sutter's Place, Inc. v. City of San José, et al. and Consolidated Actions; Names of Parties Involved: Sutter's Place, Inc. dba Bay 101, Frederick S. Wyle as Trustee for Garden City, Inc., City of San José; Court: Superior Court of California, County of Santa Clara; Case No: CV1-02-810068 (Consolidated with 1-02-CV810548, 1-02-CV795974 and 1-02-CV812404; Amount of Money or Other Relief Sought: Plaintiffs

CLOSED SESSION (Cont'd.)

seeks declaratory relief that the provisions of Title 16 eliminating backline betting, prohibiting gaming between 2:00 a.m. and 6:00 a.m. and requiring payment of hearing fees are unconstitutional. Plaintiffs further seek writs of Administrative Mandamus challenging the denial of hardship extensions under San José Municipal Code Section 16.20.010, et seq; (6) Sutter's Place, Inc. v. City of San José, et al. and Consolidated Actions; Names of Parties Involved: Sutter's Place, Inc. dba Bay 101, Garden City, Inc., City of San José; Court: Superior Court of California, County of Santa Clara; Case No: 1-06-CV-065644 (Consolidated with Case No. 1-06-CV-068034; Amount of Money or Other Relief Sought: Plaintiffs seek declaratory relief regarding table fees. (B) 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 between City of San José and ABMEI; (2) International Brotherhood of Electrical Workers (IBEW); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and IBEW; (3) 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; (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) 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; (6) 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; (7) 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. (8) 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 (SJPOA); How to obtain a copy of existing contract or MOA: web: <http://www.sanjoseca.gov/employeerelations/moa.asp>; Telephone for Employee Relations: 408-535-8150.

By unanimous consent, Council recessed from the Closed Session at 11:05 a.m. and reconvened to Regular Session at 1:34 p.m. in the Council Chambers.

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

Absent: Council Members - None.

INVOCATION

Father John Asimacopoulos from St. Nicholas Greek Orthodox Church presented a prayer. (District 1)

PLEDGE OF ALLEGIANCE

Mayor Reed led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Council Member Pyle, seconded by Council Member Chirco and carried unanimously, the Orders of the Day and the Amended Agenda were approved, and Items 1.1, 3.2, and 5.1 were deferred to January 27, 2009. (11-0.)

CLOSED SESSION REPORT

City Attorney Doyle disclosed the following Closed Session actions of January 13, 2009:

A. Authority to Initiate Litigation:

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

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

Noes: None.
Disqualified: None.
Absent: None.
Vacant: None.

CEREMONIAL ITEMS

1.1 Presentation of a commendation to Renaissance Academy for being selected as a 2008 Golden Bell Award recipient. (Campos)

Action: Deferred to January 27, 2009 per Orders of the Day.

**1.3 Oaths of Office for newly elected Council Members. (City Clerk)
(Orders of the Day)**

Action: City Clerk Lee Price administered Oaths of Office to the re-elected Council Members Pyle, Oliverio and Chu and the newly elected Council Members Kalra and Herrera.

**1.2 Presentation of a proclamation declaring the week of January 19th through January 25th as “American Association of University Women’s Week” in the City of San José honoring their 100th Anniversary. (Mayor)
(Rules Committee referral 01/07/09)**

Action: Mayor Reed recognized the week of January 19 through January 25, 2009 as “American Association of University Women’s Week” in the City of San José.

CONSENT CALENDAR

Upon motion by Council Member Pyle, seconded by Council Member Chirco and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0.)

2.2 Final adoption of ordinances.

- (a) **ORD. NO. 28472 – Amending Sections 13.28.010, 13.28.240, 13.28.250 and 13.28.260 of Chapter 13.28 of Title 13 of the San José Municipal Code and adding a new Section 13.28.245 to enable the City to invoice a property owner for emergency tree services performed on behalf of the adjacent property owner.**

Documents Filed: Proof of Publication of the title of Ordinance No. 28472 executed on December 23, 2008, submitted by the City Clerk.

Action: Ordinance No. 28472 was adopted. (11-0.)

- (b) **ORD. NO. 28473 – Amending Title 14 of the San José Municipal Code to add a new Chapter 14.32 in order to adopt a Traffic Impact Fee on new office, commercial, and residential development within the Evergreen-East Hills Development Policy Area.**

Documents Filed: Proof of Publication of the title of Ordinance No. 28473 executed on December 23, 2008, submitted by the City Clerk.

Action: Ordinance No. 28473 was adopted. (11-0.)

- 2.2 (c) **ORD. NO. 28475 – Rezoning certain real property situated on the northeast corner of North 1st Street and East Hedding Street (900 N. 1st Street) to A(PD) Planned Development Zoning District. PDC08-040**

Documents Filed: Proof of Publication of the title of Ordinance No. 28475 executed on December 23, 2008, submitted by the City Clerk.

Action: Ordinance No. 28475 was adopted. (11-0.)

- (d) **ORD. NO. 28476 – Rezoning certain real property situated at the south side of East San Antonio Street, approximately 950 feet east of South 24th Street (1338 East San Antonio Street) to A(PD) Planned Development Zoning District. PDC08-038**

Documents Filed: Proof of Publication of the title of Ordinance No. 28476 executed on December 23, 2008, submitted by the City Clerk.

Action: Ordinance No. 28476 was adopted. (11-0.) (First Reading: 9-1-1. Noes: Oliverio. Absent: Cortese.)

- 2.3 **Adopt a resolution authorizing the City Attorney to execute the Settlement Agreement and Release that provides for payment to East Side Union High School District of \$251,333.45 for gas and electric utilities for Educational Park Branch Library located on Independence High premises on Educational Park Drive, considered by the City Council during the Closed Session held on December 9, 2008. CEQA: Not a Project. (City Attorney's Office)**

Documents Filed: Memorandum from City Attorney Richard Doyle, dated December 15, 2008, recommending adoption of a resolution.

Action: Resolution No. 74748, entitled: "A Resolution of the Council of the City of San José Authorizing the City Attorney to Execute a Settlement Agreement and Release with East Side Union High School District", was adopted. (11-0.)

- 2.4 **Accept the finding reports from Kafoury, Armstrong & Company, LLP relating to the Bay 101 Conditional Approval of Stock Transfer, quarter ending September 30, 2008. (City Auditor)**

Documents Filed: Memorandum from City Auditor Sharon Erickson, dated December 15, 2008, recommending acceptance of the reports.

Action: The finding reports were accepted. (11-0.)

- 2.5 (a) **Adopt a resolution authorizing the City Attorney to negotiate and execute two Settlement Agreements with Bay Area Air Quality Management District (BAAQMD) that provide for the payment to BAAQMD of an amount not to exceed \$7,000 per Agreement for settlement of air quality violations at the Trimble and Nortech Municipal Water System pump stations.**
- (b) **Adopt the following Appropriation Ordinance amendments in the Water Utility Capital Fund 500:**
- (1) **Establish an Appropriation: Nortech & Trimble Pump Station Retrofit Project, in the amount of \$275,000.**
- (2) **Decrease the Reserve for System Rehabilitation/Replacement by \$275,000.**
- (c) **Adopt the following Appropriation Ordinance amendments in the Major Facilities Fund 502:**
- (1) **Establish an Appropriation: Nortech & Trimble Pump Station Retrofit Project, in the amount of \$275,000.**
- (2) **Decrease the Ending Fund Balance by \$275,000.**

CEQA: Exempt, File PP08-276 and PP08-277. Council District 4. (Environmental Services/City Manager's Office)

Documents Filed: (1) Memorandum from Director of Environmental Services John Stufflebean and Budget Director Jennifer Maguire, dated December 15, 2008, recommending adoption of a resolution and appropriation ordinance amendments. (2) Supplemental memorandum from Budget Director Jennifer Maguire, dated January 5, 2009, providing corrected information listed under additional funding recommended, which states that \$275,000 is the appropriation, not \$282,000.

Action: Resolution No. 74749, entitled: "A Resolution of the Council of the City of San José Authorizing the City Attorney to Negotiate and Execute Two Settlement Agreements with Bay Area Air Quality Management District for Air Quality Violations at the Trimble and Nortech Municipal Water System Pump Stations", Ordinance No. 28477, entitled: "An Ordinance of the City of San José Amending Ordinance No. 28349 to Appropriate Monies in the Water Utility Capital Fund for the Nortech & Trimble Pump Station Retrofit; and Providing that This Ordinance Shall Become Effective Immediately Upon Adoption" and Ordinance No. 28478, entitled: "An Ordinance of the City of San José Amending Ordinance No. 28349 to Appropriate Monies in the Major Facilities Fund for the Nortech & Trimble Pump Station Retrofit; and Providing that This Ordinance Shall Become Effective Immediately Upon Adoption", were adopted. (11-0.)

- 2.6 **Adopt a resolution setting a public hearing for February 10, 2009 at 1:30 p.m. for the approval of the report of the Director of Finance on the cost of sidewalk repairs. CEQA: Not a Project. (Finance)**

Documents Filed: Memorandum from Director of Finance Scott Johnson, dated December 8, 2008, recommending adoption of a resolution.

Council Member Liccardo pulled Item 2.6 from the Consent Calendar and City Attorney Richard Doyle responded to his concerns about hardship cases.

2.6 (Cont'd.)

Action: Upon motion by Council Member Liccardo, seconded by Council Member Nguyen and carried unanimously, Resolution No. 74750, entitled: "A Resolution of the Council of the City of San José Setting a Public Hearing for the Approval of a Report of the Director of Finance on the Cost of Unpaid Sidewalk Repairs for February 10, 2009", was adopted. Staff was directed to return in 60 days with a proposed ordinance providing the Finance Director with the flexibility to handle hardship cases and negotiate repayment plans. (11-0.)

2.7 Adopt a resolution authorizing the City Manager to negotiate and execute a Total Health and Disease Management service agreement with MedExpert International for the period of February 1, 2009 through June 30, 2010, for a total amount not to exceed \$378,245, with two one-year extensions subject to the appropriation of funds, and in an amount not to exceed \$272,195 per year. CEQA: Not a Project. (Human Resources)

Action: Item 2.7 was dropped per Administration.

2.8 (a) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:

- (1) Increase the estimate for Revenue from the Federal Government by \$150,000.**
- (2) Increase the Weed and Seed – East San José appropriation to the Police Department in City-Wide Public Safety in the amount of \$75,674.**
- (3) Increase the Weed and Seed – East San José appropriation to the City Manager’s Office in City-Wide Neighborhood Services in the amount of \$74,326.**

(b) Adopt a resolution authorizing the City Manager to: apply to the United States Department of Justice for fifth year Weed and Seed Program funding for the East San José neighborhood in an amount not to exceed \$200,000 for the period of January 1, 2010 through December 31, 2010, to accept the grant awarded, and to execute all related documents.

CEQA: Not a Project. Council Districts 5 and 8. SNI: Valley/680 Communities and K.O.N.A. (Police/City Manager’s Office)

Documents Filed: Memorandum from Deputy City Manager Norberto Duenas, Police Chief Robert Davis and Budget Director Jennifer Maguire, dated December 8, 2008, recommending adoption of appropriation ordinance and funding sources resolution amendments and a resolution.

Council Member Campos pulled Item 2.8 from the Consent Calendar for clarification and requested that the City Manager and Executive Director provide status report updates about community outreach for Districts 5 and 8.

2.8 (Cont'd.)

Action: Upon motion by Council Member Campos, seconded by Council Member Chirco and carried unanimously, Ordinance No. 28479, entitled: "An Ordinance of the City of San José Amending Ordinance No. 28349 to Appropriate Monies in the General Fund for the Weed and Seed – East San José Project; and Providing that This Ordinance Shall Become Effective Immediately Upon Adoption", Resolution No. 74751, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 74461 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2008-2009 to Adjust Revenues in the General Fund" and Resolution No. 74752, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Apply to the United States Department of Justice for Fifth Year Weed and Seed Program Funding for the Charles 3 Police Beat (East San José Neighborhood) in a Amount Not To Exceed \$200,000, To Accept the Grant if Awarded and to Execute All Related Documents", were adopted. The City Manager and Executive Director were directed to provide status reports to Council about community outreach efforts in Districts 5 and 8. (11-0.)

- 2.9 (a) **Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for 2008-2009:**
- (1) **Increase the estimate for Earned Revenue by \$69,170.**
 - (2) **Increase the appropriation to the Department of Planning, Building and Code Enforcement for the California Environmental Quality Act (CEQA) Clearance (PSM 365 Amendment #4) in the amount of \$5,000.**
 - (3) **Establish an appropriation to the Department of Public Works for the South Hall Parking Lot Improvements Project (PSM 554) in the amount of \$14,000.**
 - (4) **Establish an appropriation to the Department of Transportation for the Japantown Streetscape Improvements Project (PSM 556) in the amount of \$15,170.**
 - (5) **Establish an appropriation to the Department of Public Works for the 4th Street Trees Installation Project (PSM 557) in the amount of \$35,000.**
- (b) **Adopt resolutions making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with:**
- (1) **The South Hall Parking Lot Improvements Project as more specifically described in the memorandum from the Redevelopment Agency, dated October 2, 2008, attached hereto, and**
 - (2) **The 4th Street Trees Installation Project as more specifically described in the memorandum from the Redevelopment Agency, dated October 23, 2008, attached hereto.**

CEQA: South Hall Parking Lot Improvements Project: Exempt, File No. PP08-167; Japantown Streetscape Improvements: Exempt, File No. PP07-236 and PP07-171; and 4th Street Trees installation Project: Exempt, File No. PP06-105. (Public Works/Transportation/Planning, Building and Code Enforcement/City Manager's Office)

2.9 (Cont'd.)

Documents Filed: Memorandum from Director of Public Works Katy Allen, Director of Transportation James Helmer, Director of Planning, Building and Code Enforcement Joseph Horwedel and Budget Director Jennifer Maguire, dated December 8, 2008, recommending adoption of appropriation ordinance and funding sources resolution amendments and resolutions.

Action: Ordinance No. 28480, entitled: "An Ordinance of the City of San José Amending Ordinance No. 28349 to Appropriate Monies in the Services for Redevelopment Capital Projects Fund for the California Environmental Quality Act of 1970 (CEQA) Clearance Project for the South Hall Parking Lot Improvements Project, for the Japantown Streetscape Improvements Project and for the 4th Street Trees Installation Project; and Providing that This Ordinance Shall Become Effective Immediately Upon Adoption", Resolution No. 74753, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 74461 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2008-2009 to Adjust Revenues in the Services for Redevelopment Capital Projects Fund", Resolution No. 74754, entitled: "A Resolution of the Council of the City of San José Making Certain Determinations Regarding the Expenditure of Redevelopment Agency Funds for Certain Public Improvements in the Guadalupe Auzeais and Monterey Corridor Redevelopment Project Areas" and Resolution No. 74755, entitled: "A Resolution of the Council of the City of San José Making Certain Determinations Regarding the Expenditure of Redevelopment Agency Funds for Certain Public Improvements in the Civic Center Redevelopment Project Areas", were adopted. (11-0.)

2.10 **Request for an excused absence for Council Member Campos from the Regular Meeting of the Community and Economic Development Committee on December 22, 2008 due to an unanticipated scheduling conflict. (Campos)** **(Rules in-Lieu referral 12/17/08)**

Documents Filed: Memorandum from Council Member Campos, dated December 9, 2008, requesting an excused absence due to an unanticipated scheduling conflict.

Action: The absence for Council Member Campos was excused. (11-0.)

2.11 **Approve the City's Manager's travel to Phoenix, Arizona on January 22 and 23, 2009 for the 2009 Large Cities Executive Forum. Source of Funds: CMO Budget. (City Manager's Office)** **(Rules Committee referral 01/07/09)**

Documents Filed: Memorandum from City Manager Debra Figone, dated December 18, 2008, requesting approval of travel.

Action: The travel request for City Manager Debra Figone was approved. (11-0.)

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

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

City Manager Debra Figone reported on potential problems with Anderson Dam, announced the first meeting of the Public Intoxication Task Force is January 15, 2009 and provided an update on the American Musical Theatre.

3.2 Report of the Rules and Open Government Committee – December 10, 2008 Mayor Reed, Chair

Action: Deferred to January 27, 2009 per Orders of the Day.

3.3 Report of the Public Safety, Finance and Strategic Support Committee December 18, 2008 Council Member Nguyen, Chair

Documents Filed: The Public Safety, Finance and Strategic Support Committee Report dated December 18, 2008.

Action: Upon motion by Council Member Nguyen, seconded by Council Member Pyle and carried unanimously, the Report of the Public Safety, Finance and Strategic Support Committee and the actions of December 18, 2008 were accepted. (10-0-1. Absent: Constant.)

3.5 Accept staff report on Annual Summary of Upcoming Labor Negotiations. CEQA: Not a Project. (Employee Relations)

Documents Filed: (1) Memorandum from City Manager Debra Figone, dated December 18, 2008, recommending acceptance of the report. (2) Letter from Randy Sekany, President, San José Fire Fighters Local 230, dated December 23, 2008, regarding the annual summary of upcoming labor relations.

City Manager Debra Figone outlined the annual summary of upcoming labor negotiations. Director of Employee Relations Alex Gurza summarized applicable policies and regulations.

Action: Upon motion by Council Member Pyle, seconded by Council Member Nguyen and carried unanimously, the Annual Summary of Upcoming Labor Negotiations was accepted. (11-0.)

- 3.7 (a) **Accept the Finance Department's first quarter report of Fiscal Year 2008-2009 Revenue Collection efforts.**
- (b) **Adopt a resolution authorizing the Director of Finance to write off uncollectible accounts in an amount totaling \$1,848,382.09.**

(Finance)

[Public Safety, Finance and Strategic Support Committee referral 12/18/08 – Item 3.3(g)]

Documents Filed: Memorandum from Memorandum from Agenda Services Manager Nadine Nader, dated January 9, 2009, transmitting the recommendations of the Public Safety, Finance and Strategic Support Committee.

Action: Upon motion by Council Member Nguyen, seconded by Council Member Pyle and carried unanimously, the Finance Department's first quarter report of Fiscal Year 2008-2009 Revenue Collection efforts was accepted and Resolution No. 74756, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Finance to Write Off Uncollectible Accounts", was adopted. (11-0.)

ENVIRONMENTAL & UTILITY SERVICES

- 7.1 (a) **Adopt the following 2008-2009 Appropriation Ordinance amendments in the San José-Santa Clara Treatment Plant Capital Fund (512):**
- (1) **Increase the appropriation for Transfer to the Clean Water Financing Authority for Series 2005A/B Bond by \$3,700,000;**
 - (2) **Establish an appropriation for 2005A Bonds Reserve Fund in the amount of \$5,402,000;**
 - (3) **Establish an appropriation for 2009A Bonds Reserve Fund in the amount of \$1,700,000; and**
 - (4) **Decrease the Ending Fund Balance by \$10,802,000.**
- (b) **Adopt a resolution to:**
- (1) **Authorize the Governing Board of the San José-Santa Clara Clean Water Financing Authority ("Authority") to issue its Sewer Revenue Refunding Bonds, Series 2009A ("2009A Bonds") in an aggregate principal amount not to exceed \$35,000,000, in connection with the refinancing of certain public capital improvements to the San José-Santa Clara Water Pollution Control Plant, to be sold through negotiated sale, and authorizing the execution of certain financing documents and other actions as necessary in connection with the issuance of the 2009A Bonds; and**
 - (2) **Authorize the City Manager to negotiate and execute amendments to the Master Agreements with Treatment Plant tributary agencies for the payment of their respective debt service obligations related to the Treatment Plant.**

CEQA: Not a Project. (Finance/Environmental Services/City Manager's Office)

7.1 (Cont'd.)

Documents Filed: (1) Memorandum from Director of Finance Scott Johnson, Director of Environmental Services John Stufflebean and Budget Director Jennifer Maguire, dated December 8, 2008, recommending adoption of appropriation ordinance amendments and a resolution. (2) Supplemental memorandum from Director of Finance Scott Johnson and Director of Environmental Services John Stufflebean, dated January 5, 2009, transmitting the draft Preliminary Official Statement and Appendix A. (3) Supplemental memorandum from Director of Finance Scott Johnson, Director of Environmental Services John Stufflebean and Budget Director Jennifer Maguire, dated January 7, 2009, providing revised recommendations and additional information related to the third amendment to the improvement agreement. (4) Letter from the Treatment Plant Advisory Committee, dated January 8, 2009, stating concurrence with the Staff recommendations.

Action: Upon motion by Council Member Pyle, seconded by Council Member Nguyen and carried unanimously, Ordinance No. 28481, entitled: "An Ordinance of the City of San José Amending Ordinance No. 28349 to Appropriate Monies in the San José-Santa Clara Treatment Plant Capital Fund for the Clean Water Financing Authority for Series 2005A/B Bond and for the 2005A Bonds Reserve Fund; and Providing that This Ordinance Shall Become Effective Immediately Upon Adoption" and Resolution No. 74757, entitled: "A Resolution of the Council of the City of San José Authorizing the Governing Board of the San José Santa Clara Clean Water Financing Authority to Issue Sewer Revenue Refunding Bonds, Series 2009A, in the Not To Exceed Principal Amount of \$35,000,000 and Authorizing the Execution and Delivery of a Third Amendment to Improvement Agreement Providing for the Repayment Thereof and Approving a Preliminary Official Statement and an Official Statement, Authorizing the Execution and Delivery of a Continuing Disclosure Certificate and Other Documents and Actions Related Thereto and Authorizing the City Manager to Negotiate and Execute Amendments to the Master Agreements with the Treatment Plant Tributary Agencies for the Payment of Their Respective Debt Service Obligations Related to the Treatment Plant", were adopted. (11-0.)

COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Community & Economic Development Committee – December 22, 2008 Council Member Pyle, Chair

Documents Filed: The Community & Economic Development Committee Report dated December 22, 2008.

Action: Upon motion by Council Member Pyle, seconded by Council Member Nguyen and carried unanimously, the Report of the Community & Economic Development Committee and the actions of December 22, 2008 were accepted. (11-0.)

- 4.3 (a) **Accept status report on a plan of finance and cost benefit analysis for the Proposed Convention Center Expansion.**
- (b) **Direct staff to revise the proposed Convention Center Financing District accordingly.**
- (c) **Adopt a resolution taking certain actions with regard to the Convention Center Facilities District No. 2008-1, including, repealing prior resolutions 74604, 74605 and 74669, canceling the Public Hearing, and approving the existing boundary map and ratifying its recordation.**

(Continued from 11/18/08 – Item 3.7)

CEQA: Not a Project. (Economic Development)

Documents Filed: (1) Memorandum from Chief Development Officer Paul Krutko, dated December 18, 2008, recommending acceptance of the report and adoption of a resolution. (2) Supplemental memorandum from Chief Development Officer Paul Krutko, dated January 7, 2009, transmitting the Cost Benefit Analysis report on the Convention Center Expansion conducted by Keyser Marston Associates, Inc.

City Manager Debra Figone presented opening comments. Chief Development Officer Paul Krutko summarized the Staff Report.

Motion: Council Member Constant moved approval of the Staff recommendations with the Transient Occupancy Tax (TOT) funding to be referred to the 2009/2010 budget cycle. Council Member Nguyen seconded the motion.

City Attorney Richard Doyle and Chief Development Officer Paul Krutko responded to Council questions.

Public Comments: Speaking in support to the proposed Convention Center expansion were Dan Fenton, Andrew Bales (Team San José), Erik Larsen (AFSCME), Michael Fox Jr., Cathy Kimball, Michael Mulcahy (SDS NexGen) and Ross Signorino. David Wall expressed concern about the calculations of the cost benefit analysis conducted by Keyser Marston Associates, Inc.

Budget Director Jennifer Maguire responded to Council questions about the Transient Occupancy Tax funding.

Action: On a call for the question, the motion carried unanimously, the status report on the Proposed Convention Center Expansion was accepted and Resolution No. 74758, entitled: “A Resolution of the Council of the City of San José Repealing Resolutions 74604, 74605 and 74699, Canceling Public Hearing, Approving Boundary Map for Convention Center Facilities District No. 2008-1 and Ratifying Its Recordation”, was adopted, as amended, with the Transient Occupancy Tax (TOT) funding referred to the 2009/2010 Budget Cycle. (11-0.)

NEIGHBORHOOD SERVICES

5.1 Report of the Neighborhood Services and Education Committee – December 11, 2008 Council Member Chirco, Chair

Deferred to January 27, 2009 per Orders of the Day.

5.2 Report on bids and award of contract for the Kirk Senior and Community Center Expansion and Renovation Project to the low bidder, CRW Industries, Inc., to include the base bid and Add Alternate Nos. 1 and 2, in the amount of \$1,341,429, and approval of a contingency in the amount of \$202,000. CEQA: Exempt, PP08-125. Council District 9. (Public Works/Parks, Recreation and Neighborhood Services)

Documents Filed: Memorandum from Director of Public Works Katy Allen and Director of Parks, Recreation and Neighborhood Services Albert Balagso, dated December 8, 2008, recommending the award of the contract to the low bidder.

Action: Upon motion by Council Member Chirco, seconded by Council Member Pyle and carried unanimously, the award of contract for the Kirk Senior and Community Center Expansion and Renovation Project to the low bidder, CRW Industries, Inc., to include the base bid and Add Alternate Nos. 1 and 2, in the amount of \$1,341,429, with related contingency, was approved. (11-0.)

PUBLIC SAFETY SERVICES

- 8.1 (a) Report on bids and award of contract for the Fire Station No. 2 Rebuild Project to the low bidder, Santa Clara Valley Corporation dba Swenson Development and Construction, to include the base bid, the revocable item and Add Alternates No. 1 and No. 3, in the amount of \$5,193,253, and approval of a contingency in the amount of \$625,000.
- (b) Approve the schedule reset to extend the projected Beneficial Use Date of Fire Station No. 2 to September 1, 2010 from November 2009.
- (c) Adopt the following 2008-2009 Appropriation Ordinance amendments in the Neighborhood Security Bond Fund (Fund 475):
- (1) Increase the Contingency Reserve by \$590,000;
 - (2) Decrease the Fire Station No. 2 – Rebuild appropriation by \$590,000.
- (d) Adopt the following 2008-2009 Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax: Fire Protection Services Fund (Fund 392):
- (1) Increase the Ending Fund Balance by \$124,000;
 - (2) Decrease the Fire Station No. 2 - Rebuild appropriation by \$124,000.
- CEQA: Exempt, PP05-220. (Public Works/Fire/City Manager's Office)

Documents Filed: (1) Memorandum from Council Member Campos, dated January 9, 2009, recommending that Staff take additional budget actions. (2) Memorandum from Director of Public Works Katy Allen, Fire Chief Darryl Von Raesfeld and Budget Director Jennifer Maguire, dated December 8, 2008, recommending as described above.

8.1 (Cont'd.)

Motion: Council Member Campos moved approval of her memorandum dated January 9, 2009. Council Member Constant seconded the motion.

Council discussion followed.

Council Member Campos amended her motion to add that Fire Station 16 funding be referred to the Mayor's Office as part of the 2009-2010 budget process. Council Member Constant accepted the amendment.

City Manager Debra Figone, Budget Director Jennifer Maguire and Deputy City Manager Ed Shikada responded to Council questions. Discussion followed.

Action: On a call for the question, the motion carried unanimously, the award of contract for the Fire Station No. 2 Rebuild Project to the low bidder, Santa Clara Valley Corporation dba Swenson Development and Construction, with related contingency, was approved; Ordinance No. 28482, entitled: "An Ordinance of the City of San José Amending Ordinance No. 28349 to Appropriate Monies in the Neighborhood Security Bond Fund for the Fire Station No. 2 – Rebuild Project; and Providing that This Ordinance Shall Become Effective Immediately Upon Adoption" and Ordinance No. 28483, entitled: "An Ordinance of the City of San José Amending Ordinance No. 28349 to Appropriate Monies in the Construction Tax and Property Conveyance Tax Fund: Fire Protection Purposes for the Fire Station No. 2 – Rebuild Project; and Providing that This Ordinance Shall Become Effective Immediately Upon Adoption", were adopted; the direction as outlined in memorandum from Council Member Campos, dated January 9, 2009, was approved, as amended: (1) Fire Station 16 funding referred to the Mayor's Office as part of the 2009-2010 budget process. (2) Create a reserve of \$590,000 to be added to the Neighborhood Security Bond Fund (Fund 475) for the East San Jose Community Policing Center, pending the presentation of the results of the Community Policing Center Utilization Analysis conducted by the City Manager to the full City Council. (11-0.)

COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Adopt a resolution to certify:

- (a) **The City Council has read and considered the Final EIR;**
- (b) **The Final EIR has been completed in compliance with the California Environmental Quality Act (CEQA).**
- (c) **The Final EIR reflects the independent judgment and analysis of the City of San José.**
- (d) **The Director of Planning, Building and Code Enforcement shall transmit copies of the Final EIR to the Applicant and to any other decision-making body of the City of San José for the project.**

CEQA: Council District 3. SNI: 13th Street NAC. (Planning, Building and Code Enforcement)

(Deferred from 12/9/09 – Item 4.5)

4.2 (Cont'd.)

Documents Filed: (1) Memorandum from Mayor Reed and Council Member Liccardo, dated January 9, 2009, recommending approval of the staff recommendations, with one condition. (2) Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated November 17, 2008, recommending adoption of a resolution. (3) Proof of Publication of Notice of Public Hearing, executed on November 25, 2008, submitted by the City Clerk. (4) Letter from Pat Dando, San José Silicon Valley Chamber of Commerce, dated January 9, 2009, regarding the appeal of the San José Medical Center FEIR certification. (5) Letter from Matteoni O'Laughlin & Hechtman Lawyers, dated December 18, 2008, regarding the appeal of the San José Medical Center FEIR certification. (6) Letter from Coalition for a Downtown Hospital, dated January 13, 2009, regarding the appeal of the San José Medical Center FEIR certification.

Principal Planner Akoni Danielsen provided the staff report.

Mayor Reed opened the public hearing.

Public Comment: Speaking in support to the memorandum cosigned by Mayor Reed and Council Member Liccardo and the certification of the Final Environmental Impact Report (FEIR) for the demolition of San José Medical Center were Gloria Smith and Malinda Machowky (Appellant).

Also expressing support to the FEIR were Ross Signorino, Marc Boyd, Carel Boekema, Rosylin Dean (Coalition Downtown Hospital), Pat Dando and Jody Hansen (San José Silicon Valley Chamber of Commerce) and Joe Pambianco (Julian St. James Neighborhood Association).

Mayor Reed closed the public hearing.

Council Member Kalra left the Council Meeting at 5:10 p.m.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Nguyen and carried unanimously, Resolution No. 74759, entitled: "A Resolution of the Council of the City of San José Finding that a Final Environmental Impact Report Prepared for a Project Described in Application File No. PD07-008 Has Been Completed in Compliance with California Environmental Quality Act of 1970", was adopted, as amended, with the following conditions: (1) That prior to the time of the issuance of the demolition permit, the City Manager, through the Director of Planning, will submit an application to the relevant State of California regulatory agencies to determine the appropriateness of state oversight of additional soil or groundwater testing. (2) Change the word "application" to "applications". (10-0-1. Absent: Kalra.)

STRATEGIC SUPPORT SERVICES

- 3.4 Accept report on staff's response to questions raised by the Rules and Open Government Committee on December 10, 2008 related to the financial status of the retirement plans. CEQA: Not a Project. (Retirement Services)
[Rules Committee referral 12/10/08 – Item G(5)]**

Documents Filed: Memorandum from Director of Retirement Services Russell U. Crosby, dated December 18, 2008, recommending acceptance of the report.

City Manager Debra Figone presented opening comments and responded to Council questions. A short discussion followed.

Public Comments: Ross Signorino spoke in support to the Staff recommendations.

Action: Upon motion by Council Member Constant, seconded by Council Member Chirco and carried unanimously, the report on staff's response to questions raised by the Rules and Open Government Committee on December 10, 2008 related to the financial status of the retirement plans was accepted. (10-0-1. Absent: Kalra.)

JOINT COUNCIL/REDEVELOPMENT AGENCY

- 9.1 Accept staff's proposal to implement Budget Principle #8 pertaining to Capital Improvement Projects with annual operating and maintenance costs affecting the General Fund. CEQA: Not a Project. (City Manager's Office)
(Deferred from 12/16/08 – Item 9.1)**

Documents Filed: Memorandum from City Manager Debra Figone and Redevelopment Agency Executive Director Harry S. Mavrogenes, dated December 17, 2008, recommending acceptance of the proposal.

Deputy City Manager Ed Shikada presented the Staff report.

Action: Upon motion by Council Member Pyle, seconded by Council Member Constant and carried unanimously, the Staff's proposal to implement Budget Principle #8 pertaining to Capital Improvement Projects with annual operating and maintenance costs affecting the General Fund was accepted. (10-0-1. Absent: Kalra.)

STRATEGIC SUPPORT SERVICES

- 3.6 (a) Accept staff's draft Analytical Framework for Service Reductions and Eliminations.
(b) Accept staff's presentation on the City's Outsourcing Policies.
CEQA: Not a Project. (City Manager's Office)**

3.6 (Cont'd.)

City Manager Debra Figone provided opening comments. Director of Library Department Jane Light presented highlights of the analytical framework for the service reductions and eliminations.

Deputy Director of Finance Walter Rossman summarized contracting for services, managed competition and service delivery models. Director of Employee Relations Alex Gurza presented employee and labor relations. Deputy Director of Transportation Jim Ortbal outlined "Busting Bureaucracy".

Motion: Council Member Campos moved approval of the memorandum she cosigned with Council Members Pyle, Herrera and Kalra, dated January 9, 2009: (1) Accept the Staff report and to direct Staff to return to Council in 30 days with recommendations for adding the below proposals to the existing Competition Policy: (a) Contractor Section: Third-Tier Review should be expanded to include information regarding any prior examples of breach of contract whether or not the breach produced litigation. A history of failing to comply with labor or environment law, a history of breaches of contract, or a history of unethical business practices shall be grounds for rejecting a proposal. Submitting false information under third-tier review shall also be grounds for rejecting a proposal. (b) Contractor Performance: Request for Proposal (RFP) shall include a detailed statement of the performance standard under which the contract will be evaluated and the specific performance level required of the contractor. (c) Contractor Employee Standards: RFP will require the length of continuous employment of current employees and rate of turnover by job classification, the minimum requirements for employees, the training to be provided by employees and the screening process to assure employees have appropriate skills and personal backgrounds. (d) Small Business Assistance: The City will establish a payment performance bond program for small business contractors which would allow them to pay a competitive premium to the City and be insured under the City's self assurance pool. (e) Pay-to-Play Regulations: No contractor responding to an RFP shall make a contribution to the campaigns of City of San José candidates or elected official who will approve the contract for the period in which the RFP is issued until 6 months after a contract has been awarded. (f) Cost Comparisons: The cost methodology shall specifically include: transition costs, monitoring and enforcement costs, effects on overhead costs, costs of training and equipment, projections of future costs and costs associated with risk. (g) Maintenance of Minimum In-House Capacity: The City shall maintain a core capacity to enable the City to complete for service in case of contractor default in all cases in which the service relates to public health and safety, in which the service is essential to the maintenance of infrastructure or other City assets, or in which the absence of the service would expose the City or residents to risk of harm to persons or property. (h) Minimum Number of Bidders: No contract will be issued unless the RFP produces a minimum of three full-responsive bids. (i) Protection of Emergency Services: Primary public safety services, including police, fire, disaster response, shall not be subject to the competition policy. In all applications of the competition policy, the City shall ensure that there will be no decrease in the quality and responsiveness of services that protect public health and safety. (j) Sunshine Requirements/Public Disclosure: Public access is to be granted to any record produced or collected under a contract entered into

3.6 (Cont'd.)

by the City to the same extent as if the record were maintained by the City and subject to the California Public Records Act and San José Sunshine policies. (k) Whistleblower Protection: No person shall discriminate or retaliate against an employee of a private contractor because that employee in good faith: engaged in disclosure of information relating to services provided by the contractor pursuant to a privatization contract; advocated on behalf of service recipients with respect to services provided by the contractor; initiated, cooperated or otherwise participated in an investigation or proceedings of any governmental entity relating to the services provided pursuant to a privatization contract. (l) Monitoring on Contracts: Not less than annually, the private contractor shall submit a report for City and public review detailing the extent to which the contractor has achieved the specific quantity and standards of quality of the subject services under the contract including the extent to which the contractor has achieved its commitments regarding screening, qualifications and training of employees. Submission of false information will constitute grounds for contract termination. Not less than annually, contractor will submit to City copies of annual financial audits. Contract language will provide the City with reasonable access through representatives of the contractor to facilities, records and employees to determine compliance with these monitoring provisions as well as all terms of the contract. (m) Community Responsiveness Hearings: On a semi-annual basis, the Public Safety, Finance and Strategic Support Committee shall hold a public hearing at which San José community members will have the opportunity to provide input regarding the performance of service contractors. As a result of this testimony, the Committee may direct Staff to evaluate specific issues and report back at regularly scheduled meetings of the Committee. (2) Ask the City Attorney to return to Council in 30 days with the following: (a) An analysis indicating any situations (either in current policy or in proposed policies in the Structural Deficit Reduction Plan) in which work can be transitioned from City employees to external vendors without requiring the application of the competition policy. (b) Recommendations on language that would assure the competition policy is universally applied to *all* such transitions. Council Member Pyle seconded the motion.

Public Comments: Bob Brownstein stated that this policy discourages collaboration with other entities. Dennis King (Hispanic Chamber of Commerce Silicon Valley) expressed support for utilizing appropriate tools. Bob Kieve and Pat Dando (San José Silicon Valley Chamber of Commerce) urged Council not to inhibit business or competition. Mary Creasman (South Bay Labor Council) expressed her disappointment that the agenda was not adhered to. Sheillena Brunston (Valley Transportation Agency) urged Council to be deliberate and cautious. Janet Darron spoke in favor of the enhancements of the policy. Pat Sausedo (NAIOP) noted that the business community expects full accountability and urged Council to appoint a task force to look at unintended consequences.

Expressing support to the joint memorandum from Council Members Campos, Pyle, Herrera and Kalra were, Reverend Reginald Swilley, Yolanda Cruz (AFSCME/MEF), Lisa Jensen, Brian O'Neill (President, SEIU 521) and Ross Signorino. Clark Williams expressed support to the memorandum but added that more outreach is needed.

3.6 (Cont'd.)

Action: Upon motion by Council Member Constant, seconded by Council Member Pyle and carried, Item 3.6 was continued to January 27, 2009 for Council discussion and final action. (7-3-1. Noes: Campos, Chu, Nguyen. Absent: Kalra.)

OPEN FORUM

Documents Filed: Letter from Pamela E. Smith, Attorney at Law, dated January 13, 2009, regarding taxi drivers losing their jobs.

- (1) David Wall congratulated the incoming Council Members.
- (2) Pamela E. Smith, Attorney at Law and Hailu Tedla, urged Council to stay the implementation of the requirement for computer dispatching of taxi service to the airport until the economy improves.

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 receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
10024	S/S of Montecito Vista Dr. between Goble and Montecito Vista Ways	7	ROEM-Development Corporation	2 Lots / 242 Units	MFA

NOTICE OF CITY ENGINEER’S AWARD OF CONSTRUCTION PROJECTS

In accordance with Council Resolution No. 73532, the construction Contract Process Streamlining Policy approved on December 5, 2006, the following is a list of projects that were awarded or rejected by the Director of Public Works in November and December 2008:

AWARD:

<u>Project Name</u>	<u>Council District</u>	<u>Contractor</u>	<u>Contract Award Amount</u>	<u>Award Date</u>
SNI BRBK07b: Traffic Signal Installation at Kingman & Leigh Avenues	6	Pacific Electric Company	\$193,018	10/2/08
Traffic Signal Modification at Leigh Ave & Stokes St	6	Tennyson Electric, Inc.	\$394,962.50	10/2/08
San José Parking Guidance System	3	Tennyson Electric, Inc.	\$237,650	10/2/08

NOTICE OF CITY ENGINEER'S AWARD OF CONSTRUCTION PROJECTS (Cont'd.)

Norman Y. Mineta San José International Airport General Engineering Contract 08-09 BRAVO	Citywide	O'Grady Paving, Inc.	\$450,000	10/15/08
Third Street Garage Staircase Replacement	3	Elan Construction	\$338,800	10/28/08
Tadco Supply Sewer Realignment	3	Stoloski & Gonzalez, Inc.	\$109,533	11/3/08
Traffic Light Synchronization Program: Communication Hubs	Citywide	Vellutini Corporation dba Royal Electric Company	\$224,775	11/3/08
Sanitary Structures C & D Access Hatch Cover Plate	4	Anderson Pacific Engineering Const, Inc.	\$316,042	11/14/08
Emergency Communications Dispatch Center Control Rm & Service Center Upgrade	Citywide	Kent Construction	\$386,415	11/24/08
Calabazas Community Garden Reconstruction	1	Joseph J Albanese, Inc.	\$151,700	12/2/08

ADJOURNMENT

The Council of the City of San José adjourned at 5:53 p.m. in memory of Gene Simpson and Gordon Silva, two San José police officers killed in the line of duty 20 years ago just outside the new City Hall location. (Constant)

Minutes Recorded, Prepared and Respectfully Submitted by,

Lee Price, MMC
City Clerk

smd/1-13-09 MIN

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

JOINT REDEVELOPMENT AGENCY ITEM

The Joint Redevelopment Agency Board convened at 1:51 p.m. to consider Item 8.1 in a Joint Session.

8.1 Adoption of resolutions by the Redevelopment Agency Board and City Council setting a public hearing on March 24, 2009, at 1:30 p.m. to consider proposed Plan Amendments to:

- (a) **Increase the limit on the total amount of tax increment the Agency may receive over the term of the Merged Project Area's Redevelopment Plans from \$7.6 billion to \$15.0 billion.**
- (b) **Consolidate and set one limit on the amount of bonded indebtedness that may be outstanding at one time.**
- (c) **Modify the list of eligible public improvements in each Redevelopment Plan to have consistent language related to public improvements, and public health and safety facilities in all of the Redevelopment Plans that comprise the Merged Project Area.**
- (d) **Remove Naglee Park from the SNI Project Area.**

CEQA: Not a Project. [MERGED]

Documents Filed: (1) Memorandum from Council Member Liccardo, dated January 12, 2008, recommending approval of the removal of Naglee Park from the SNI project area. (2) Memorandum from Redevelopment Agency Executive Director Harry S. Mavrogenes, dated December 19, 2008, recommending adoption of resolutions.

Action: Upon motion by Council Member Chirco, seconded by Council Member Pyle and carried unanimously, Resolution No. 74760, entitled: "A Resolution of the Council of the City of San José Setting a Public Hearing on March 24, 2009, at 1:30 p.m. to Consider a Proposed Redevelopment Plan Amendment To: (A) Increase the Limit on the Total Amount of Tax Increment the Agency May Receive Over the Term of the Merged Project Area's Redevelopment Plans from \$7.6 Billion to \$15 Billion; (B) Consolidate and Set One Limit on the Amount of Bonded Indebtedness that May Be Outstanding at One Time; (C) Provide Consistent Language Relating to Public Improvements and Public Health and Safety Facilities in All of the Redevelopment Plans that Comprise the Merged Project Area and (D) Remove Naglee Park from the SNI Project Area" and Redevelopment Agency Resolution No. 5883 were adopted. (11-0.)

The Council of the City of San José and Redevelopment Agency Board was adjourned at 1:54 p.m.