

## MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, SEPTEMBER 15, 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, Herrera, Kalra, Liccardo, Nguyen, Oliverio, Pyle; Reed.

Absent: Council Members - Constant. (Excused)

Upon motion unanimously adopted, Council recessed at 9:30 a.m. to a Closed Session in Room W133, to confer with Legal Counsel pursuant to (A) Government Code subsection (a) of Section 54956.9 with respect to existing litigation: (1) Le Blanc v. City of San José, et al.; Names of Parties Involved: Julie La Blanc, City of San José and Does 1 through 100; Court: Superior Court of California, County of Santa Clara; Case No: 1-08-CV111250; Amount of Money or Other Relief Sought: In excess of \$25,000, according to proof; (B) to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Manager Designee Alex Gurza; Employee Organizations: (1) San José Police Officers' Association; 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. (2) International Association of Firefighters, Local 230; Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Association of Firefighters. (3) 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. 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 1:30 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

San José Police Chaplain Dave Bridgen presented a remembrance to those who perished on September 11, 2001. (District 8)

## PLEDGE OF ALLEGIANCE

Mayor Reed led the Pledge of Allegiance.

## ORDERS OF THE DAY

Upon motion by Council Member Pyle, seconded by Vice Mayor Chirco and carried unanimously, the Orders of the Day and the Amended Agenda were approved, and Items 3.2 and 3.3 were deferred to September 22, 2009. (10-0-1. Absent: Constant.)

## CEREMONIAL ITEMS

### **1.2 Presentation of a commendation to Beshoff Motorcars Mercedes-Benz for their leadership in the automobile industry. (Herrera/Economic Development)**

Action: Mayor Reed, Council Member Herrera and Chief Development Officer Paul Krutko recognized and commended Beshoff Motorcars Mercedes-Benz for their leadership in the automobile industry.

### **1.3 Presentation of a commendation to Nothing But Nets for their grassroots campaign to prevent malaria worldwide. (Liccardo)**

Action: Mayor Reed and Council Member Liccardo recognized and commended Nothing But Nets for their grassroots campaign to prevent malaria worldwide.

## CONSENT CALENDAR

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

### **2.1 Approval of minutes.**

- (a) Regular Minutes of June 2, 2009**
- (b) Regular Minutes of June 9, 2009**
- (c) Special Minutes on the Budget Public Hearing of June 15, 2009**
- (d) Regular Minutes of June 16, 2009**
- (e) Regular Minutes of June 23, 2009**
- (f) Joint/San José Financing Authority Minutes of June 23, 2009**

## 2.1 (Cont'd.)

Documents Filed: (1) The Regular Minutes dated June 2, 2009, June 9, 2009, June 16, 2009 and June 23, 2009. (2) Special Minutes on the Budget Public Hearing dated June 15, 2009. (3) Joint/San José Financing Authority Minutes dated June 23, 2009.

Action: The Minutes were approved. (10-0-1. Absent: Pyle.)

## 2.2 Final adoption of ordinances.

- (a) **ORD. NO. 28640 – Amending Title 4 of the San José Municipal Code to add a new Chapter 4.86 to create a Use Tax Incentive Program.**

Documents Filed: Proof of Publication of the Title of Ordinance No. 28640 executed on September 1, 2009, submitted by the City Clerk.

Action: [Ordinance No. 28640](#) was adopted. (10-0-1. Absent: Pyle.)

- (b) **ORD. NO. 28642 – Rezoning certain real property situated on the west side of San Felipe Road, approximately 600 feet south of Delta Road from R-1-5 Single Family Residence Zoning District to A(PD) Planned Development Zoning District. PDC09-003**

Documents Filed: Proof of Publication of the Title of Ordinance No. 28642 executed on September 8, 2009, submitted by the City Clerk.

Action: [Ordinance No. 28642](#) was adopted. (10-0-1. Absent: Pyle.)

- 2.3 (a) **Request for an excused absence for Council Member Constant from the Regular Meeting of the City Council on September 1, 2009, due to illness. (Constant)**
- (b) **Request for an excused absence for Council Member Pyle from the Regular Meeting of the Rules & Open Government Committee Meeting on September 2, 2009, due to the death of a close family member. (Pyle)**  
**(Rules Committee referral 09/02/09)**

Documents Filed: (1) Memorandum from Council Member Constant, dated August 27, 2009, requesting an excused absence due to illness. (2) Memorandum from Council Member Pyle, dated August 31, 2009, requesting an excused absence due to the death of a close family member.

Action: The absences for Council Members Constant and Pyle were excused. (10-0-1. Absent: Pyle.)

## 2.4 Adopt a resolution setting population figures and calculating the Voluntary Expenditure Limits for the 2010 Municipal Election Cycle. (City Clerk)

Documents Filed: Memorandum from City Clerk Lee Price, dated August 26, 2008, recommending adoption of a resolution.

**2.4 (Cont'd.)**

Action: [Resolution No. 75163](#), entitled: "A Resolution of the Council of the City of San José Setting Population Limits for Purposes of Calculating the Voluntary Expenditure Limits for the 2010 Municipal Election Cycle", was adopted. (10-0-1. Absent: Pyle.)

- 2.5 (a) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Construction Excise Tax Fund (Fund 465):**
- (1) Increase the Beginning Fund Balance by \$65,000.**
  - (2) Increase the Public Art appropriation to the Office of Economic Development by \$65,000.**
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the San José-Santa Clara Treatment Plant Capital Fund (Fund 512):**
- (1) Increase the Beginning Fund Balance by \$507,000.**
  - (2) Increase the Public Art appropriation to the Office of Economic Development by \$507,000.**

**CEQA: Not a Project. (City Manager's Office)**

Documents Filed: Memorandum from Budget Director Jennifer Maguire, dated August 24, 2009, recommending adoption of appropriation ordinance and funding sources resolution amendments.

Public Comments: David Wall expressed objection to the Staff recommendations.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Herrera and carried unanimously, [Ordinance No. 28700](#), entitled: "An Ordinance of the City of San José Amending Ordinance No. 28593 to Appropriate Monies in the Construction Excise Tax Fund for the Public Art; and Providing that This Ordinance Shall Become Effective Immediately Upon Adoption"; [Resolution No. 75164](#), entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 74956 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2009-2010 to Adjust Revenues in the Construction Excise Tax Fund"; [Ordinance No. 28701](#), entitled: "An Ordinance of the City of San José Amending Ordinance No. 28593 to Appropriate Monies in the San José Santa Clara Treatment Plant Capital Fund for the Public Art; and Providing that This Ordinance Shall Become Effective Immediately Upon Adoption" and [Resolution No. 75165](#), entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 74956 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2009-2010 to Adjust Revenues in the San José Santa Clara Treatment Plant Capital Fund", were adopted. (10-0-1. Absent: Pyle.)

**2.6 Adopt a resolution to:**

- (a) Amend the City of San José Pay Plan effective September 15, 2009 to create the following classifications:**
- (1) Retirement Actuarial Analyst I/II (7502/7503).**
  - (2) Public Safety Radio Dispatcher Trainee (8532).**

- 2.6 (b) **Delete job classifications no longer in use:**
- (1) **Insurance Analyst (1261).**
  - (2) **Director Equality Assurance U (1426).**
  - (3) **Central Services Supervisor (1516).**
  - (4) **Senior Police Property Specialist (1523).**
  - (5) **Mechanical Parts Worker (1532).**
  - (6) **Senior Buyer (1543).**
  - (7) **Yard Master (1552).**
  - (8) **Legal Services Manager (2124).**
  - (9) **Sign Painter (3125).**
  - (10) **Equipment Maintenance Machinist (3174).**
  - (11) **Assistant Fire Master Mechanic (3332).**
  - (12) **Fire Master Mechanic (3333).**
  - (13) **Plant General Operations Supervisor (3615).**
  - (14) **Engineer, Maintenance Services, WPC (3893).**
  - (15) **Code Enforcement Administrator (3943).**
  - (16) **Sales Representative (4236).**
  - (17) **Sales Representative PT (4237).**
  - (18) **Senior Airport Noise Specialist (5244).**
  - (19) **Supervising Librarian (6241).**
  - (20) **Director Convention Arts & Entertainment U (6344).**
  - (21) **Division Manager, Public Safety (8510).**
  - (22) **Administrative Manager (1610).**

**CEQA: Not a Project. (Human Resources)**

Documents Filed: Memorandum from Director of Human Resources Mark Danaj, dated August 24, 2009, recommending adoption of a resolution.

Public Comments: Cathy Brandhorst spoke off topic.

Action: Upon motion by Vice Mayor Chirco, seconded by Council Member Pyle and carried unanimously, [Resolution No. 75166](#), entitled: "A Resolution of the Council of the City of San José Amending the City of San José Pay Plan to Create New Job Classifications and Delete Various Job Classifications", was adopted. (8-0-3. Absent: Herrera, Kalra, Liccardo.)

- 2.7 **Approve travel by Redevelopment Agency Executive Director Harry Mavrogenes to Boston, MA on October 21 through October 23, 2009, to attend the San José Silicon Valley Chamber of Commerce's City-to-City Trip. Source of Funds: Redevelopment Agency. (Redevelopment Agency)  
(Rules Committee referral 09/02/09)**

Documents Filed: Memorandum from Redevelopment Agency Executive Director Harry S. Mavrogenes, dated August 28, 2009, requesting approval of travel.

Action: The travel request for Redevelopment Agency Executive Director Harry S. Mavrogenes was approved. (10-0-1. Absent: Pyle.)

**2.8 Approve the Cooperative Agreement with Caltrans for the construction of Route 85/Cottle Road interchange improvement project at no cost to the City. CEQA: Resolution No. 72772, Hitachi Final EIR, File No. PDC04-031. Council District 2. (Transportation)**

Documents Filed: Memorandum from Director of Transportation James Helmer, dated August 24, 2009, recommending approval of the agreement.

Action: The Cooperative Agreement with Caltrans for the construction of Route 85/Cottle Road interchange improvement project at no cost to the City was approved. (10-0-1. Absent: Pyle.)

**2.9 Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for 2009-2010:**

- (a) Increase the estimate for Earned Revenue by \$325,765;
- (b) Increase the Beginning Fund Balance by \$105,463;
- (c) Increase the appropriation to the Department of Transportation for Additional Contingency Services (PSM 592) in the amount of \$30,000;
- (e) Increase the appropriation to the Department of Public Works for the Transit Mall Paving Restoration Project (PSM 550 Amendment #1) in the amount of \$295,765;
- (h) Increase the appropriation to the Office of Economic Development for the Public Art - One East Julian Housing Project in the amount of \$23,397; and
- (i) Increase the appropriation to the Office of Economic Development for the Public Art - Keystone Place Housing Project in the amount of \$82,066.

**CEQA: Additional Blight Contingency Services: Not a Project; Transit Mall Paving Restoration Project: Resolution 72767 use of Final EIR, “San José Downtown Strategy 2000,” File No. PP09-021 and addenda thereto; Public Art - One East Julian Housing Project: Resolution No. 68839, File No. PP05-032; and Public Art - Keystone Place Housing Project: Resolution No. 68839, File No. PP02-084. (Transportation/Public Works/Economic Development/City Manager’s Office)**

Documents Filed: Memorandum from Director of Public Works Katy Allen, Director of Transportation James Helmer and Budget Director Jennifer Maguire, dated August 24, 2009, recommending adoption of appropriation ordinance and funding sources resolution amendments.

Action: [Ordinance No. 28702](#), entitled: “An Ordinance of the City of San José Amending Ordinance No. 28593 to Appropriate Monies in the Redevelopment Capital Projects Fund for the Additional Contingency Services, For the Transit Mall Paving Restoration Project, For the Public Art – One East Julian Housing Project and for the Public Art – Keystone Place Housing Project; and Providing that This Ordinance Shall Become Effective Immediately Upon Adoption” and [Resolution No. 75167](#), entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 74956 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2009-2010 to Adjust Revenues in the Services for Redevelopment Capital Projects Fund”, were adopted. (10-0-1. Absent: Pyle.)

- 2.9 (d) Increase the appropriation to the Department of Public Works for the McLaughlin Neighborhood Park – Third Party Real Estate Services Project (PSM 571 Amendment #1) in the amount of \$31,905;
- (f) Establish an appropriation to the Department of Public Works for Project Facilitation Services (PSM 595) in the amount of \$100,000;
- (g) Decrease the appropriation to the Department of Public Works for Non-Project Specific DPW Services project in the amount of \$69,000;

Action: Items 2.9(d)(f) and (g) were dropped.

**2.10 As recommended by the Rules & Open Government Committee on September 2, 2009:**

- (a) Approve the District 8 Senior Fair as a City Council sponsored Special Events.
- (b) Approve the District 8 Day in the Park as a City Council sponsored Special Events.
- (c) Approve and accept donations from various individuals, businesses or community groups to support the events.

(City Clerk)

(Rules Committee referral 09/02/09)

Documents Filed: Memorandum from City Clerk Lee Price, dated September 3, 2009, transmitting the recommendations of the Rules and Open Government Committee.

Action: District 8 Senior Fair, District 8 Day in the Park and donations from various individuals, businesses or community groups to support the events were approved. (10-0-1. Absent: Pyle.)

**2.11 As recommended by the Rules & Open Government Committee on September 9, 2009, approve the Public Sector Appointments of Bill Guthrie and David Baer to the Silicon Valley Workforce Investment Network Board. (Mayor)**  
[Rules Committee referral 09/09/09 – Item G(1)]

Documents Filed: Memorandum from City Clerk Lee Price, dated September 10, 2009, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Public Sector Appointments of Bill Guthrie and David Baer to the Silicon Valley Workforce Investment Network Board were approved. (10-0-1. Absent: Pyle.)

**END OF CONSENT CALENDAR**

## STRATEGIC SUPPORT SERVICES

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

Deputy City Manager Norberto Dueñas provided an update on the Retirement Boards governance review process and recommendations outlined in the report provided by the Consultant, Cortex Applied Research. He noted that an information memorandum will be distributed later in the week.

### 3.2 Report of the Rules and Open Government Committee – August 19, 2009 Mayor Reed, Chair

Action: Deferred to September 22, 2009 per Orders of the Day.

### 3.3 Report of the Rules and Open Government Committee – August 26, 2009 Mayor Reed, Chair

Action: Deferred to September 22, 2009 per Orders of the Day.

### 3.5 As recommended by the Rules & Open Government Committee on September 2, 2009:

- (a) Approve the District 8 Senior Fair as a City Council sponsored Special Events.
- (b) Approve the District 8 Day in the Park as a City Council sponsored Special Events.
- (c) Approve and accept donations from various individuals, businesses or community groups to support the events.

(City Clerk)

(Rules Committee referral 09/02/09)

Action: Item 3.5 was renumbered to Item 2.10.

### 3.6 As recommended by the Rules and Open Government Committee on September 9, 2009, adopt positions for two (2) resolutions to be considered at the Annual League of California Cities (LOCC) Conference to be held in San José, September 16-18:

- (a) Approve the Resolution Relating to Social Host Liability.
- (b) Disapprove the Resolution Urging City Governments and Others to Divest From Banks That Fail to Cooperate With Foreclosure Prevention Efforts.

(City Manager's Office)

[Rules Committee referral 09/09/09 – Item H(1)]

Documents Filed: Memorandum from City Clerk Lee Price, dated September 10, 2009, transmitting the recommendations of the Rules and Open Government Committee.

### 3.6 (Cont'd.)

Action: Upon motion by Vice Mayor Chirco, seconded by Council Member Pyle and carried unanimously, the following positions were adopted: approve the resolution relating to social host liability and disapprove the resolution urging City Governments and others to divest from banks that fail to cooperate with foreclosure prevention efforts. (10-0-1. Absent: Kalra.)

## COMMUNITY & ECONOMIC DEVELOPMENT

### 4.1 Report of the Community & Economic Development Committee – August 24, 2009 Council Member Pyle, Chair

Documents Filed: The Community & Economic Development Committee Report dated August 24, 2009.

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 August 24 2009 were accepted. (11-0.)

### 4.3 Adopt the following amendments to the FY 2009-2010 Appropriation Ordinance in the Low- and Moderate-Income Housing Fund (Fund 443):

(a) **Increase the Second Mortgage Loan Commitment Appropriation by \$2,700,000.**

(b) **Decrease the Unrestricted Fund Balance by \$2,700,000.**

**CEQA: Not a Project. (Housing/City Manager's Office)**

Documents Filed: Memorandum from Director of Housing Leslye Krutko and Budget Director Jennifer Maguire, dated August 13, 2009, recommending adoption of appropriation ordinance and funding sources resolution amendments.

Director of Housing Leslye Krutko responded to Council questions.

Public Comments: David Wall objected to the Staff recommendations because of substandard management.

Action: Upon motion by Council Member Nguyen, seconded by Council Member Herrera and carried unanimously, [Ordinance No. 28703](#), entitled: "An Ordinance of the City of San José Amending Ordinance No. 28593 to Appropriate Monies in the Low and Moderate Income Housing Fund for the Second Mortgage Loan Commitment Appropriation; and Providing that This Ordinance Shall Become Effective Immediately Upon Adoption," was adopted. (11-0.)

- 4.4 Adopt a resolution by the Council to negotiate and execute an agreement with Community Rehabilitation Partners in an amount not to exceed \$3,800,000 to implement the federally-funded Neighborhood Stabilization Program Single-Family Acquisition/Rehabilitation/Resale Opportunity. CEQA: Exempt, File No. PP09-166. Council Districts 2, 3, 5, 7 and 8. SNI: K.O.N.A., Mayfair, Tully Senter, Gateway East, West Evergreen, Spartan Keyes, Five Wounds/Brookwood Terrace, East Valley/680 Communities, Edenvale/Great Oaks. (Housing)**

Documents Filed: Memorandum from Director of Housing Leslye Krutko, dated August 24, 2009, recommending adoption of a resolution.

Public Comments: David Wall expressed opposition to stimulus money being used for these types of housing purposes.

Action: Upon motion by Council Member Nguyen, seconded by Council Member Campos and carried unanimously, [Resolution No. 75168](#), entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Housing to Negotiate and Execute an Agreement with Community Rehabilitation Partners”, was adopted. (11-0.)

**4.5 Adopt a resolution:**

- (a) **Approving the following grants for the implementation of the City’s Homeless Prevention and Rapid Re-Housing Program from October 1, 2009 through June 30, 2012:**
- (1) **\$307,500 to the Community Technology Alliance;**
  - (2) **\$1,088,281 to Sacred Heart Community Services; and**
  - (3) **\$2,626,994 to Emergency Housing Consortium.**
- (b) **Authorizing the Director of Housing to negotiate and execute all necessary grant agreements and related documents.**

**CEQA: Not a Project. (Housing)**

Documents Filed: from Director of Housing Leslye Krutko, dated August 21, 2009, recommending adoption of a resolution.

Public Comments: David Wall expressed concern about homeless prevention, the dispersion policy and how the housing projects will be incorporated into existing neighborhoods.

Action: Upon motion by Vice Mayor Chirco, seconded by Council Member Herrera and carried unanimously, [Resolution No. 75169](#), entitled: “A Resolution of the Council of the City of San José Approving Actions Related to the Administration of the Homeless Prevention and Rapid Re-Housing Program”, was adopted. (11-0.)

**4.6 Adopt a resolution authorizing the Director of Housing to:**

- (a) Accept Building Equity and Growth in Neighborhoods (BEGIN) housing program grants from the California Department of Housing and Community Development to fund the following down payment assistance loan programs:**
  - (1) An additional \$6,000,000 grant to first-time homebuyers purchasing in the Monte Vista development for a total amount of \$8,280,000.**
  - (2) An additional \$1,550,000 grant to first-time homebuyers purchasing in the Modern Ice development for a total amount of \$2,750,000.**
  - (3) An additional \$600,000 grant to first-time homebuyers purchasing in the Tierra Encantada development for a total amount of \$960,000.**
- (b) To negotiate and execute all necessary grant agreements and any amendments or other documents necessary to implement the programs funded by the BEGIN grants.**
- (c) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Multi-Source Housing Fund (448) for 2009-2010:**
  - (1) Increase the CalHOME (BEGIN) Program appropriation in the Multi-Source Housing Fund (448) by \$8,150,000.**
  - (2) Increase the estimate for Earned Revenue in the Multi-Source Housing Fund (448) by \$8,150,000.**

**CEQA: Not a Project. Council Districts 3, 5 and 6. SNI: Burbank/Del Monte, 13<sup>th</sup> Street, Mayfair. (Housing/City Manager's Office)**

Documents Filed: Memorandum from Director of Housing Leslye Krutko and Budget Director Jennifer Maguire, dated August 24, 2009, recommending adoption of a resolution and appropriation ordinance and funding sources resolution amendments.

Director of Housing Leslye Krutko provided an update about the State reimbursements and responded to Council questions.

Public Comments: David Wall objected to the Staff recommendations. Talli Robinson, KB Home, representing the Monte Vista community, expressed support to the programs which are very important to the first time homebuyer.

Action: Upon motion by Council Member Nguyen, seconded by Council Member Herrera and carried unanimously, [Resolution No. 75170](#), entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Housing to Accept Building Equity and Growth in Neighborhoods Housing Program Grants from the California Department of Housing and Community Development"; [Ordinance No. 28704](#), entitled: "An Ordinance of the City of San José Amending Ordinance No. 28593 to Appropriate Monies in the Multi Source Housing Fund for the CalHOME (BEGIN) Program; and Providing that This Ordinance Shall Become Effective Immediately Upon Adoption" and [Resolution No. 75171](#), entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 74956 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2009-2010 to Adjust Revenues in the Multi Source Housing Fund", were adopted. (11-0.)

**4.7 Conduct a Public Hearing and approve the 2008-2009 Consolidated Annual Performance Evaluation Report. CEQA: Not a Project. (Housing)**

Documents Filed: (1) Memorandum from Director of Housing Leslye Krutko, dated August 24, 2009, recommending approval and transmitting the report. (2) Supplemental memorandum from Director of Housing Leslye Krutko, dated September 14, 2009, transmitting comments and revisions received on the 2008-2009 Consolidated Annual Performance Annual Report during the 15 day public comment period which ended September 15, 2009.

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

Motion: Council Member Pyle moved approval of the 2008-2009 Consolidated Annual Performance Annual Report. Council Member Herrera seconded the motion.

Director of Housing Leslye Krutko responded to Council questions.

Action: On a call for the question, the motion carried unanimously, and the 2008-2009 Consolidated Annual Performance Annual Report was approved. (11-0.)

**TRANSPORTATION & AVIATION SERVICES**

**6.2 Adopt a resolution authorizing the City Manager to negotiate and execute an Agreement with Chevron U.S.A. Inc. for coordinated corrective actions at the existing Norman Y. Mineta San José International Airport Jet Fuel Facility commingled plume site at a cost to the City not to exceed \$1,800,000 and authorizing the Director of Aviation to approve additional expenditures in excess of \$1,800,000, subject to appropriation of funds by Council. CEQA: Resolution Nos. 67380 and 71451, File No. PP 09-145. (Airport)**

Action: Deferred to September 22, 2009 per Administration.

**OPEN FORUM**

- (1) Gary Lopiccolo voiced frustration about the process for licensing a dog. He was referred to the Deputy City Manager.
- (2) Cathy Brandhorst shared personal observations.
- (3) Ross Signorino commented on the bond rating at the Norman Y. Mineta San José International Airport.

**ADJOURNMENT**

The Council of the City of San José adjourned the afternoon session at 4:35 p.m.

## RECESS/RECONVENE

The City Council recessed at 4:35 p.m. from the afternoon Council Session and reconvened at 7:03 p.m. in the Council Chambers, City Hall.

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

Absent: Council Members - Constant. (Excused)

City Clerk Lee Price read the requests for continuance of the applications. Upon motion by Council Member Liccardo, seconded by Council Member Nguyen, and carried unanimously, the below noted continuances and actions were taken as indicated. (10-0-1. Absent: Constant.)

## CEREMONIAL ITEM

### 1.1 **Presentation of a commendation to recipients of Council District 9 D9 Stars: Friends of the Cambrian Library, Susan Abele, President, Lou McKellar, Misti Navarro and Kerry Boomsliter. (Chirco)**

Action: Mayor Reed and Vice Mayor Chirco recognized and commended the D9 Stars, Friends of the Cambrian Library, Susan Abele, President, Lou McKellar, Misti Navarro and Kerry Boomsliter.

## PUBLIC HEARINGS ON CONSENT CALENDAR

Upon motion by Council Member Pyle, seconded by Vice Mayor Chirco, and carried unanimously, the Public Hearings on Consent Calendar were approved and the below listed actions were taken as indicated. (10-0-1. Absent: Constant.)

### 11.1 (a) **Consideration of an ordinance rezoning the real property located on the southwest side of Campbell Avenue, 340 feet northwesterly of O'Brien Court from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District (PDC06-071) to allow more than 500 square feet on the 3rd Floor of living space in previously approved 3-story residences within a 40 dwelling unit complex on a 2.67 gross acre site (Robson Homes, LLC/Mark Robson, Owner)(Santa Clara Development Company/ Preston Gaines, Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.** **PDC08-068 – District 6**

**11.1 (a) (Cont'd.)**

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. PDC08-068, dated August 24, 2009, recommending approval. (2) Proof of Publication of Notice of Public Hearing, executed on August 21, 2009, submitted by the City Clerk. (3) Email from John Urban, dated January 25, 2009, regarding 1179 Campbell Avenue.

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

Action: The recommendation of the Planning Director was approved and [Ordinance No. 28705](#), entitled: “An Ordinance of the City of San José Rezoning Certain Real Property Situated on the Southwesterly Side of Campbell, 950 Feet Northwesterly of Newhall Street to A(PD) Planned Development Zoning District”, was passed for publication. (10-0-1. Absent: Constant.)

- (b) Consideration of an ordinance rezoning the real property located at the northwest corner of N. 6<sup>th</sup> Street and Jackson Street (6.1-621 N. 6<sup>th</sup> Street and 223-231 Jackson Street) from LI Light Industrial Zoning District to CP Commercial Pedestrian Zoning District to allow commercial uses on a 0.43 gross acre site (Albert and Janice Kogura, Wright and Grace Kawakami, James and Toshiko Kogura, owners). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.  
C09-024 – District 3**

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C09-024, dated August 17, 2009, recommending approval. (2) Proof of Publication of Notice of Public Hearing, executed on August 28, 2009, submitted by the City Clerk.

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

Action: The recommendation of the Planning Director was approved and [Ordinance No. 28706](#), entitled: “An Ordinance of the City of San José Rezoning Certain Real Property Situated at the Northwest Corner of North 6<sup>th</sup> Street and Jackson Street (601-621 North 6<sup>th</sup> Street) from LI Light Industrial to CP Commercial Pedestrian Zoning District”, was passed for publication. (10-0-1. Absent: Constant.)

- 11.1 (c) **Consideration of an ordinance rezoning the real property located on the southeast corner of East Saint John Street and North Fourth Street (156 East Saint John Street) from the CG Commercial General Zoning District to the DC Downtown Primary Commercial Zoning District on a 0.43 gross acre site (Sameena Baig, Niaz Baig, Owner; Affirmed Housing Group Anna Scott, Developer). SNI: 13th Street. CEQA: Addendum to the Downtown Strategy EIR. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2). C09-009 – District 3**

Documents Filed: (1) Memorandum from Council Member Liccardo, dated September 15, 2009, recommending approval of the Staff recommendations with conditions as indicated in “Action”. (2) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C09-009, dated August 18, 2009, recommending approval. (3) Memorandum from Planning Commission Secretary Joseph Horwedel, dated August 24, 2009, transmitting the Planning Commission recommendation of approval. (4) Proof of Publication of Notice of Public Hearing, executed on July 31, 2009, submitted by the City Clerk.

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

Motion: Council Member Liccardo moved approval of his memorandum dated September 15, 2009, approving the Staff recommendations with conditions as depicted in “Action”. Council Member Herrera seconded the motion.

Action: On a call for the question, the motion carried unanimously, the recommendation of the Planning Commission and the Planning Director was approved, the memorandum from Council Member Liccardo, dated September 15, 2009, was approved with the following conditions, to which the applicant, Affirmed Housing, has already indicated its agreement: (1) Applicant shall implement, at a minimum, the “On-Site Car Sharing”, “Parking Management” and Eco Pass programs proposed and described in Pages 6-7 of the Applicant’s draft Parking Management Plan, dated July 29, 2009. (2) Developer shall lease from the City or other entity at least 20 additional parking spaces at nearby garages, for duration to be determined by City Staff as a condition for the site development permit and [Ordinance No. 28707](#), entitled: “An Ordinance of the City of San José Rezoning Certain Real Property Situated at the Southeast Corner of East Saint John Street and North Fourth Street (156 East Saint John Street) from CG Commercial General Zoning to DC Downtown Commercial Zoning District”, was passed for publication, as amended. (10-0-1. Absent: Constant.)

**END OF PUBLIC HEARINGS ON CONSENT CALENDAR**

## **PUBLIC HEARINGS**

- 11.2 Consideration of an ordinance rezoning the real property located at/on the southeast corner of East Mission Street and North 10th Street from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow up to 60 single-family attached and detached residential units on a 3.2 gross acre site (Westmount Square LLC, Owner; Arcadia Homes, Inc Brad Druga, Developer). SNI: 13th Street. CEQA: Addendum to a Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).  
PDC08-066 – District 3**

Documents Filed: (1) Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated August 25, 2009, transmitting the Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. PDC08-066, dated August 18, 2009, recommending approval. (2) Memorandum from Planning Commission Secretary Joseph Horwedel, dated September 10, 2009, transmitting the Planning Commission recommendation of approval. (3) Proof of Publication of Notice of Public Hearing, executed on August 7, 2009, submitted by the City Clerk.

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

Action: Upon motion by Council Member Liccardo, seconded by Council Member Herrera and carried unanimously, the recommendation of the Planning Commission and the Planning Director was approved, and [Ordinance No. 28708](#), entitled: “An Ordinance of the City of San José Prezoning Certain Real Property Situated at the Southeast Corner of East Mission Street and North Tenth Street from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District”, was passed for publication. (10-0-1. Absent: Constant.)

- 11.4 Consideration of an ordinance prezoning the real property located on the east side of Sunol Street, approximately 120 feet north of W. San Carlos Street from Unincorporated Santa Clara County to A(PD) Planned Development Zoning District to allow up to 117 multi-family residential studio units above a podium garage, and up to 2,000 square feet of commercial on a 1.32 gross acre site (James R Marcus Owner/Core Affordable Housing Applicant). SNI: Burbank/Del Monte. CEQA: Mitigated Negative Declaration. (The propose rezoning would not go into effect until annexation occurs of the existing unincorporated County Island (Sunol No. 82) which will be considered at a separate City Council Hearing for which a separate hearing notice will be distributed). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-1-0).  
PDC08-034 – District 6**

## 11.4 (Cont'd.)

Director of Planning, Building and Code Enforcement Joseph Horwedel provided the Staff report. He explained that per the Municipal Code, valid zoning protests were filed five days prior to the City Council's scheduled consideration of the subject Planned Development Rezoning, File No. PDC08-034.

Mayor Reed opened the Protest Hearing.

Chris Neal, Developer/Applicant requested a deferral of the project for one week to provide further improvements to the items that have been protested and to continue further discussions with the residents in order to resolve their issues.

Public Comments: Speaking in opposition to the proposed rezoning because of impacts due to inadequate parking, traffic congestion, close proximity to Foundry Community Day School, loitering, the five-story housing project is too high and dense for a small site, there is no space for a park, the project is poorly designed, there should be a strong retail development and poor access to light rail were, Dan Fortune, Dr. Mary Fortune, Sam Blackford, Norman Koepernik, Terri Balandra, Chet Lockwood, FLAG, Richard Nieset, Helen Chapman, Debra Arant, Shasta Hanchet Park Neighborhood Association, Brian Ward, Buena Vista Neighborhood Association, Kathy Stormberg and Jean Dresden.

Mayor Reed and Council Member Oliverio provided meeting disclosures.

Council Member Oliverio pointed out that this land use does not have the best long term interests for the City of San José. He noted that 95% of the adjacent property owners are opposed to this rezoning and urged his colleagues to vote against this project.

Motion: Council Member Oliverio moved to deny the project. Mayor Reed seconded the motion.

Director of Planning, Building and Code Enforcement Joseph Horwedel responded to Council questions.

Extensive discussion followed.

Vice Mayor Chirco and Council Members Liccardo, Kalra, Nguyen, Pyle and Chu provided meeting disclosures.

Substitute Motion: Vice Mayor Chirco moved to defer this item one week to allow the Developer/Applicant to continue discussions with the residents. Council Member Pyle seconded the motion.

Speaking in support to the substitute motion were Council Members Campos, Chu and Herrera.

Action: On a call for the question, the substitute motion carried, and Item 11.4 was continued to September 22, 2009. (8-2-1. Noes: Oliverio; Reed. Absent: Constant.)

- 11.3 Consideration of an ordinance rezoning the real property located between McEvoy Street and Meridian Avenue, and south of Park Avenue from unincorporated Santa Clara County to R-1-8 Single-Family Residence, R-M Multiple Residence, CP Commercial Pedestrian, CIC Combined Industrial Commercial, and Light Industrial, on an approximately 56 gross acre area (County Island) consisting of approximately 282 parcels (Multiple Owners). SNI: Burbank/Del Monte. CEQA: Resolution No. 65459. (The proposed rezoning would not go into effect until annexation occurs of the existing unincorporated County Island (Sunol No. 82) which will be considered at a separate City Council Hearing for which a separate hearing notice will be distributed). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).**

**C08-023 – District 6**

Action: Upon motion by Council Member Oliverio, seconded by Council Member Herrera and carried unanimously, Item 11.3 was continued to September 22, 2009.

- 11.5 Consideration of an ordinance rezoning the real property generally bounded by Lewis Road to the north, Monterey Road to the west, Singleton Road to the south and Sunburst Drive to the east from County of Santa Clara to R-1-8 Single-Family Residence Zoning District (approx. 27.5 acres), R-2 Two-Family Residence Zoning District (approx. 4.7 acres), R-M Multi-Family Residence Zoning District (approx. 4 acres), and CG Commercial General Zoning District (approx. 3 acres), on an approximately 39 gross acre County island consisting of approx. 103 parcels (Multiple Owners). CEQA: Resolution No. 65459. (The proposed rezoning would not go into effect until annexation of the existing unincorporated County island (Franklin No. 54) which will be considered at a separate City Council Hearing for which a separate hearing notice will be distributed). Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.**

**C09-013 – District 7**

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C09-013, dated August 24, 2009, recommending approval. (2) Proof of Publication of Notice of Public Hearing, executed on August 28, 2009, submitted by the City Clerk.

Mayor Reed opened the public hearing.

Public Comments: Isabel Nannini and Joe Serran requested another public meeting and asked Council to consider a deferral of this item to a later date.

Mayor Reed closed the public hearing.

Director of Planning, Building and Code Enforcement Joseph Horwedel responded to Council questions.

## 11.5 (Cont'd.)

Action: Upon motion by Council Member Nguyen, seconded by Council Member Herrera and carried unanimously, the recommendation of the Planning Director was approved, and [Ordinance No. 28709](#), entitled: “An Ordinance of the City of San José Rezoning Certain Real Property Situated on Both Sides of Hope Street, North of Southside Drive, from County of Santa Clara to R-1-8 Single Family Residential Zoning District”; [Ordinance No. 28710](#), entitled: “An Ordinance of the City of San José Rezoning Certain Real Property Situated on the South of Lewis Road, on Both Sides of Garden Avenue, Wall Street and Water Street North of Southside Drive and Also the Real Property Situated South of Southside Drive, on Both Sides of Garden Avenue and East of Water Street, North of a Straight Line Extending West of Jackie Drive, from County of Santa Clara to R-1-8 Single Family Residential Zoning District”; [Ordinance No. 28711](#), entitled: “An Ordinance of the City of San José Rezoning Certain Real Property Situated Between Water Street and Hope Street North of Southside Drive from County of Santa Clara to R-2 Two-Family Residence Zoning District”; [Ordinance No. 28712](#), entitled: “An Ordinance of the City of San José Rezoning Certain Real Property Situated Between Garden Avenue and Water Street, South of Southside Drive, from County of Santa Clara to R-2 Two-Family Residence Zoning District”; [Ordinance No. 28713](#), entitled: “An Ordinance of the City of San José Rezoning Certain Real Property Situated East of Monterey Road, Approximately 720 Feet South of Lewis Road, from County of Santa Clara to R-M Multi-Family Residence Zoning District” [Ordinance No. 28714](#), entitled: “An Ordinance of the City of San José Rezoning Certain Real Property Situated South of Southside Drive, West of Water Street and East of Kenbrook Circle, from County of Santa Clara to R-M Multi-Family Residence Zoning District”; [Ordinance No. 28715](#), entitled: “An Ordinance of the City of San José Rezoning Certain Real Property Situated East of Monterey Road, Approximately 930 Feet South of Lewis Road and on Both Sides of Southside Drive from County of Santa Clara to CG Commercial General Zoning District”, were passed for publication. (10-0-1. Absent: Constant.)

- 11.6 Consideration of an ordinance rezoning the real property generally located west of East Capitol Expressway, East of Monterey Road, south of Southside Drive and north of Rancho Drive from County of Santa Clara to R-1-8 Single-Family Residence Zoning District for an approximately 73 gross acre County island consisting of approx. 202 parcels (Multiple Owners). CEQA: Resolution No. 65459. (The proposed zoning would not go into effect until the annexation of the existing unincorporated County island (Franklin No. 55) which will be considered at a separate City Council hearing for which a separate hearing notice will be provided). Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.**  
**C09-014 – District 7**

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C09-014, dated August 24, 2009, recommending approval. (2) Proof of Publication of Notice of Public Hearing, executed on August 28, 2009, submitted by the City Clerk.

## 11.6 (Cont'd.)

Mayor Reed opened the public hearing.

Public Comments: Speaking in opposition to the rezoning were Cliff Sorgeson, Becky Aparicio and Sarah Velez. Cathy Brandhorst spoke off topic.

Mayor Reed closed the public hearing.

Action: Upon motion by Council Member Nguyen, seconded by Council Member Herrera and carried unanimously, the recommendation of the Planning Director was approved, [Ordinance No. 28716](#), entitled: “An Ordinance of the City of San José Rezoning Certain Real Property Situated West of East Capitol Expressway, East of Monterey Road, South of Southside Drive and North of Rancho Drive from County of Santa Clara to R-1-8 Single Family Residential Zoning District”, was passed for publication. (10-0-1. Absent: Constant.)

## 11.7 **Consideration of an ordinance rezoning real property located south of Samaritan Drive, west of Union Avenue, north of Carlton Avenue, on both sides of Dickens Avenue, Cooper Avenue, Charlotte Avenue, Clydelle Avenue, south of Carlton Avenue, and Winton Way, and south of Carlton Avenue from County of Santa Clara to R-1-8 Single-Family Residence Zoning District for an approximately 78 gross acre County island consisting of approx. 280 parcels (Multiple Owners) (Related Annexation Parker No. 27). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.**

**C09-026 – District 9**

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C09-026, dated August 24, 2009, recommending approval. (2) Proof of Publication of Notice of Public Hearing, executed on August 28, 2009, submitted by the City Clerk.

Mayor Reed opened the public hearing.

Public Comments: John Schweiminger expressed his continued opposition to the annexation of the real property from the County of Santa Clara to the City of San José. Vincent Kildoff expressed his concerns about the need to analyze the mixed use in this pocket, particularly on Union Avenue.

Mayor Reed closed the public hearing.

Director of Planning, Building and Code Enforcement Joseph Horwedel addressed the concerns of pre-existing uses.

## 11.7 (Cont'd.)

Action: Upon motion by Vice Mayor Chirco, seconded by Council Member Herrera and carried unanimously, the recommendation of the Planning Director was approved, [Ordinance No. 28717](#), entitled: "An Ordinance of the City of San José Rezoning Certain Real Property Situated South of Samaritan Drive, West of Union Avenue, North of Carlton Avenue, Both Sides of Dickens Avenue, Cooper Avenue, Charlotte Avenue and Clydelle Avenue South of Carlton Avenue and Winton Way South of Carlton Avenue from County of Santa Clara to R-1-8 Single Family Residential Zoning District", was passed for publication. (10-0-1. Absent: Constant.)

## COMMUNITY & ECONOMIC DEVELOPMENT

### 4.2 Consideration of an ordinance of the City of San José extending a temporary moratorium on the establishment of new Bail Bonds Establishments for a period of twenty-two (22) months and fifteen (15) days, pending the review and possible amendment of land use regulations applicable to such establishments, and setting forth the findings to support such extension of the temporary moratorium, and making the effectiveness and applicability of the provisions of the ordinance retroactive to October 9, 2009. CEQA: Exempt, File No. PP09-102.

#### Citywide

(Continued from 08/25/09 – Item 4.5 and 09/01/09 – Item 4.4)

Documents Filed: (1) Memorandum from Mayor Reed and Council Members Liccardo, Nguyen and Pyle, dated September 11, 2009, approving the Staff recommendations with amendments. (2) Memorandum from Planning Commission Secretary Joseph Horwedel, dated August 13, 2009, transmitting the Planning Commission recommendation. (3) Supplemental memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated August 24, 2009, addressing revisions to the proposed ordinance to extend the existing temporary moratorium on new bail bonds establishments. (4) Proof of Publication of Notice of Public Hearing, executed on July 24, 2009, submitted by the City Clerk. (5) Letter from Supervisor George Shirakawa, dated September 14, 2009, regarding the temporary moratorium on new bail bonds establishments. (6) Letter from Acting County Executive Gary Graves, dated April 30, 2009, regarding the temporary moratorium on new bail bonds establishments.

Motion: Council Member Liccardo moved approval of the memorandum that he cosigned with Mayor Reed and Council Members Nguyen and Pyle. Council Member Herrera seconded the motion.

Public Comments: Speaking in support to the moratorium on new bail bond establishments were Erik Shoennauer, Paul Higgins, San José Downtown Association, Susan Lapsys, Petra Pino, Antonina, Tina Morrill, Sarah Browillette, William Lambson and John Karris.

Michael Cole, representing Michael Cole Bail Bonds, expressed his continued opposition to the moratorium on new bail bond establishments.

## 4.2 (Cont'd.)

Director of Planning, Building and Code Enforcement Joseph Horwedel addressed the concerns of pre-existing uses.

Council Members Pyle and Campos provided meeting disclosures.

Action: On a call for the question, the motion carried unanimously, the memorandum from Mayor Reed and Council Members Liccardo, Nguyen and Pyle, dated September 11, 2009, was approved, with the following amendments: (1) Revise Section 2 of the proposed ordinance to allow an existing bail bonds business in San José, whether currently operating in an appropriately zoned parcel or not, to move to a parcel where that business may lawfully operate under the current Code. (2) Clearly articulate Council's intention that any superseding ordinance relating to the land use regulation of bail bonds businesses will not become effective prior to the expiration of this 22 month and 15 day moratorium and [Ordinance No. 28718](#), entitled: "An Ordinance of the City of San José Extending the Temporary Moratorium on the Establishment of New Bail Bonds Establishments Pending the Review and Possible Amendment of Land Use Regulations Applicable to Such Establishments, Setting Forth the Findings to Support the Extension of Such Temporary Moratorium and Making the Effectiveness and Applicability of the Provisions of this Ordinance Retroactive to October 9, 2009", was passed for publication, as amended. (10-0-1. Absent: Constant.)

## OPEN FORUM

Cathy Brandhorst shared personal observations.

## ADJOURNMENT

The Council of the City of San José was adjourned at 9:19 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

Lee Price, MMC  
City Clerk

smd/9-15-09 MIN

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## **JOINT COUNCIL/REDEVELOPMENT AGENCY BOARD ITEM**

The Joint Redevelopment Agency Board convened at 1:44 p.m. to consider Item 8.1 in a Joint Session.

### **8.1 Acceptance by the City Council and the Redevelopment Agency Board of the Economic Impact Analysis: Proposed Major League Ballpark Report. CEQA: Not a Project. [SNI]**

Documents Filed: Memorandum from Redevelopment Agency Executive Director Harry S. Mavrogenes, dated September 3, 2009, recommending acceptance and transmitting the Economic Impact Analysis: Proposed Major League Ballpark Report.

Public Comments: Speaking in support to the proposed Major League Ballpark Report were Susan Hammer, Ross Signorino and Bob Brownstein.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Pyle and carried unanimously, the Economic Impact Analysis: Proposed Major League Ballpark Report was accepted. (11-0.)

The Council of the City of San José and Redevelopment Agency Board was adjourned at 2:24 p.m.