



CITY COUNCIL AGENDA

JANUARY 12, 2010

SYNOPSIS

PETE CONSTANT
ASH KALRA
SAM LICCARDO
KANSEN CHU
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON P. NGUYEN
ROSE HERRERA
JUDY CHIRCO, VICE MAYOR
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

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

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

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

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

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

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

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

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

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

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

- **Call to Order and Roll Call**
9:01 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: None.

1:32 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: None.

- **Invocation (District 1)**
Father John Asimacopoulos, Saint Nicholas Greek Orthodox Church presented the Invocation.

- **Pledge of Allegiance**
Mayor Reed led the Pledge of Allegiance.

- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with Item 4.6 deferred to 01/26/10.

- **Closed Session Report**
City Attorney Doyle disclosed the following Closed Session actions of January 12, 2010:

(Continued on the next page)

CLOSED SESSION REPORT (Cont'd.)

A. Authority to Pursue Appellate Review in a Litigation Case:

Case Name:	<u>San José Silicon Valley Chamber of Commerce Political Action Committee, et al. v. City of San José, et al.</u>
Adverse Party or Parties:	San José Silicon Valley Chamber of Commerce Political Action Committee; Compac Issues Fund, Sponsored by the San José Silicon Valley Chamber of Commerce.
Substance of Litigation:	An action for violation of civil rights and temporary, preliminary and permanent injunctive relief enjoining Defendants from enforcing San José Municipal Code 12.06.310 and challenge to decision of Elections Commission.
Council Vote: Ayes:	Campos, Chirco, Chu, Constant, Herrera, Kalra, Liccardo, Nguyen, Oliverio, Pyle; Reed.
Noes:	None.
Disqualified:	None.
Absent:	None.
Vacant:	None.

1. CEREMONIAL ITEMS

- 1.1** Presentation of commendations recognizing City Departments achieving highest levels of giving in various categories during the Combined Giving Campaign. (Environmental Services)
Mayor Reed, City Manager Debra Figone and Director of Environmental Services John Stufflebean recognized and commended the City Departments which achieved the highest levels in various categories during the Combined Giving Campaign.
- 1.2** Presentation of a proclamation declaring the month of January 2010 as “National Blood Donor Month” in the City of San José. (Mayor)
Mayor Reed recognized the month of January 2010 as “National Blood Donor Month” in the City of San José.
- 1.3** Presentation of a proclamation declaring the month of January 2010 as “Poverty Awareness Month” in the City of San José. (Pyle/Kalra/Liccardo)
(Rules in Lieu referral 12/22/09)
Mayor Reed and Council Members Pyle, Kalra and Liccardo recognized the month of January 2010 as “Poverty Awareness Month” in the City of San José.

1. CEREMONIAL ITEMS

- 1.4 Presentation of a proclamation recognizing the bicentennial of Mexican Independence.
(Mayor)
Mayor Reed recognized the bicentennial of Mexican Independence.

2. CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
There were none.

- 2.2 **Final adoption of ordinances.**

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 28686 – Amending Section 20.100.500 of Chapter 20.100 of Title 20 of the San José Municipal Code to allow for an additional extension of development permit terms or a reactivation of certain expired development permits for a temporary period of time in the North San José Development Policy Area.

Ordinance No. 28686 adopted.

- (b) ORD. NO. 28687 – Granting a Commercial Solid Waste and Recyclables Franchise to Lam Hauling.

Ordinance No. 28687 adopted.

- 2.3 **Mayor and Council Excused Absence Requests.**
There were none.

- 2.4 **City Manager’s Travel to Dallas, Texas.**

Recommendation: Approve travel for City Manager Debra Figone to Dallas, Texas on January 28-30, 2010 to attend the Large Cities Executive Forum. Source of Funds: City Manager’s Non Personal Appropriation. (City Manager’s Office)

Approved.

- 2.5 **Anti-Human Trafficking Task Force Recovery Act Grant.**

Recommendation:

- (a) Adopt a resolution authorizing the City Manager to:
- (1) Sign the application of the Cal-EMA Anti-Human Trafficking Task Force Recovery Act Grant Program.
 - (2) Accept the grant if it is awarded and authorize any future amendments and all related documents without further Council action other than appropriation of funds.
 - (3) Negotiate and execute any documents necessary to effectuate the grant, in an amount not to exceed a total of \$375,000 for the City of San José.

Resolution No. 75244 adopted.

2. CONSENT CALENDAR

2.5 Anti-Human Trafficking Task Force Recovery Act Grant (Cont'd.)

(b) Direct staff to return to Council during the Mid-year Budget process to appropriate funds for this grant in an amount not to exceed \$375,000 if it is awarded.

CEQA: Not a Project. (Police)

Approved.

2.6 Council Member Campos' Travel to Los Angeles, CA.

Recommendation: Approve travel by Council Member Campos to Los Angeles, CA on January 8-10, 2010 to attend the League of California Cities Latino Caucus Retreat.

Source of Funds: Travel Costs (lodging and incidentals) paid by Mayor/Council Travel Fund, Airfare to be paid by Non-City funds. (Campos)

(Rules in Lieu referral 12/22/09)

Approved.

2.7 Grant for Alternative and Renewable Fuel and Vehicle Technology Program.

Recommendation: Adopt a resolution authorizing the City Manager to submit a grant proposal to the California Energy Commission, Alternative and Renewable Fuel and Vehicle Technology Program, for up to \$10,000,000 for the development of a biomethane transportation fuel production facility on Water Pollution Control Plant lands, subject to the concurrence of the Treatment Plant Advisory Committee. CEQA: Not a Project. (Environmental Services)

(Rules Committee referral 1/6/10)

Resolution No. 75245 adopted.

2.8 AB 222 (Adams), Energy: Biofuels.

Recommendation: As recommended by the Rules and Open Government Committee on January 6, 2010, adopt a support position for AB 222 (Adams), Energy: Biofuels.

(Environmental Services)

[Rules Committee referral 1/6/10 – Item D(1)(a)]

Support position adopted.

Noes: Liccardo.

2.9 Appointments to Boards, Commissions and Committees.

Recommendation: As recommended by the Rules and Open Government Committee on January 6, 2010:

(a) Approve the appointment of Erin Wright, District Hiring Manager for Safeway, San José to serve as a private sector representative on the Silicon Valley Workforce Investment Network Board of Directors. (Mayor)

Approved.

2. CONSENT CALENDAR

2.9 Appointments to Boards, Commissions and Committees (Cont'd.)

- (b) Approve the appointments of Carol Garcia to the Deferred Compensation Advisory Committee as the representative nominated by the American Federation of State, County and Municipal Employees, AFSCME Local 101, the Municipal employees Federation (MEF) and the Confidential Employees Organization (CEO) and Donna Busse as the representative nominated by that group of employees designated as "Management Employees" under City Council Resolution No. 39367 Association of Engineers and Architects (AEA), Association of Maintenance Supervisory Personnel (AMSP), City Association of Management Personnel (CAMP), Association of Legal Professionals (ALP), and Executive Management, Unit 99), for four-year terms ending March 1, 2014. (Human Resources)

[Rules Committee referral 1/6/10 – Items G(1) and G(2)]

Approved.

2.10 Rules for the Conduct of Meetings.

Recommendation: As recommended by the Rules and Open Government Committee on January 6, 2010, adopt a resolution amending the Rules for the Conduct of Meetings. (City Clerk)

[Rules Committee referral 1/6/10 – Item H(1)]

Resolution No. 75246 adopted, as amended (minor, technical modifications to Rule 6.5(e), as recommended by the City Attorney).

3. STRATEGIC SUPPORT SERVICES

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

No Report.

3.2 Report of the Rules and Open Government Committee – December 2, 2009

Mayor Reed, Chair

Accepted.

3.3 Report of the Rules and Open Government Committee – December 9, 2009

Mayor Reed, Chair

Deferred to 1/26/10 per City Clerk.

3.4 Report of the Public Safety, Finance and Strategic Support Committee – December 17, 2009, Council Member Nguyen, Chair

Accepted.

3. STRATEGIC SUPPORT SERVICES

3.5 Actions Related to the San José Conservation Corps.

Recommendation:

- (a) Approve a settlement with the San José Conservation Corps and authorize the City Attorney to execute a Settlement Agreement and Mutual Release relating to the City Auditor's audit report dated May, 2009 regarding certain agreements with the San José Conservation Corps, in exchange for \$160,000 in additional services, as considered by the City Council in Closed Session on December 15, 2009.
- (b) Accept the report on the status of the City's Master Agreement with the San José Conservation Corps.

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

Approved.

3.6 Team San José Status Report.

Recommendation: Accept the verbal status report related to Team San José per Council direction on December 8, 2009. (Economic Development)

Accepted, with Staff directed to bring back a status update on the Teamsters issue on February 23, 2010, or sooner via information memorandum.

3.7 FY 2009-10 First Quarter Revenue Collection Strategic Plan Report.

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on December 17, 2009:

- (a) Accept the FY 2009-10 First Quarter Revenue Collection Strategic Plan Report; and
- (b) Adopt a resolution authorizing the Director of Finance to write off 126 uncollectible accounts in an amount totaling \$1,702,757.42.

(Finance)

[Public Safety, Finance and Strategic Support Committee referral 12/17/09 – Item D(3)]

Deferred to 1/26/10 per Administration.

3.8 Audit of Pensionable Earnings and Time Reporting.

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on December 17, 2009, accept the Audit of Pensionable Earnings and Time Reporting and the recommendations of the City Attorney's Office related to implementation of the audit recommendations. (City Auditor)

[Public Safety, Finance and Strategic Support Committee referral 12/17/09 – Item D(4)]

Accepted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 Report of the Community & Economic Development Committee – December 14, 2009
Council Member Pyle, Chair
Accepted.

4.2 Inclusionary Housing Ordinance.

Recommendation: Approve an ordinance amending Title 5 of the San José Municipal Code to add a new Chapter 5.08 adopting a Citywide Inclusionary Housing Program.

CEQA: Exempt. (Housing)

(Deferred from 11/17/09 – Item 4.2 and 12/1/09 – Item 4.2)

Ordinance No. 28689 passed for publication, as amended, to include:

- (1) Changes to the Staff recommendations read into the record by the City Attorney regarding Sections 5.08.520.B.2.a.(2) - In-Lieu Fees and 5.08.560 - HUD Restricted Units;
- (2) Modifications proposed by Council Member Pyle in her memorandum dated January 11, 2010, and by Joan Gallo in her letter dated January 6, 2010 regarding the Communications Hill Planning Area Exemption (Section 5.08.320.G).

Staff was directed to analyze other specific plans and return to Council.

Noes: Constant, Oliverio.

Disqualified: Nguyen. [*Note: Due to a potential conflict of interest, Council Member Nguyen was disqualified, and did therefore abstain from participating in the discussion of the Communications Hill Planning Area Exemption (Sections 5.08.320.F and G portion of the draft ordinance).*]

4.3 Sign Ordinance Update.

Recommendation: Accept the report and direct staff to prepare an ordinance to revise Title 23 of the San José Municipal Code (the Sign Ordinance) consistent with the proposed draft signage strategy and conduct additional related community outreach.

CEQA: Not a Project. (Planning, Building and Code Enforcement)

(Deferred from 11/17/09 – Item 4.8 and 12/1/09 – Item 4.3)

Heard last in the afternoon.

Due to time constraints, Council provided direction on 2 out of 8 policy questions, as outlined in the supplemental memorandum, as follows:

- (1) **Billboards on Private Property** – (a) Council approved Option 1: Maintain the cap (ban) on the number of billboards in the City. (b) Staff was directed to explore opportunities to “cap and trade” (move existing billboards in residential areas to commercial areas), and further, to encourage property owners to upgrade billboards.
- (2) **Freeway Signs** – (a) Council approved Option 1: Allow freeway signs for shopping centers 25+ acres in size; (b) Council approved Option 2: Allow freeway signs for smaller shopping centers (15+ acres) Noes: Chirco. (c) Staff requested to explore and report back on alternatives for allowing signs higher than 60 feet.

Continued to 02/02/10.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.4 Catalyst Program.

Recommendation: As recommended by the Community and Economic Development Committee on November 30, 2009, accept the progress report of the investment activities of the Economic Development Catalyst Fund. (Economic Development)

[Community and Economic Development Committee referral 11/30/09 – Item D(9)]
(Deferred from 12/15/09 – Item 4.6)

Accepted, as amended, the City Manager directed to, before the Mid-Year Budget discussion at the February 9, 2010 City Council meeting, provide to the Mayor and City Council in writing answers to the following questions:

- (1) **What is the contract language that allows for the City to cancel the contract with Pacific Community Management and exit the contracts with both companies?**
- (2) **How many jobs and correlating salaries have been created per un-leveraged dollar invested in each company?**
- (3) **What is the pure financial return and over what period of time generated by the Program?**
- (4) **What are the fees to date and over the life of the contract does the City pay to Pacific Community Management?**
- (5) **Provide three alternative economic development uses for these funds as permitted under Fund 439.**
- (6) **What economic tools does Economic Development have in its toolbox to offer as incentives?**

4.5 Actions Related to Public Entertainment Ordinance.

Recommendation:

- (a) Adopt an urgency ordinance amending Chapter 6.60 of Title 6 of the San José Municipal Code to amend the definition of Public Entertainment to limit the application of the ordinance to venues with occupancy greater than 100, limit the discretion of the Chief of Police in approving applications for permits and licenses, limit the discretion of the Chief of Police in setting conditions on permits and licenses, specify time lines by when an application for a permit or license must be acted upon, clarify various provisions to ensure consistency throughout the Code, and setting forth the facts constituting such urgency.
- (b) Adopt an urgency ordinance amending Chapters 20.40, 20.70 and 20.200 of Title 20 of the San José Municipal Code to eliminate the regulation of entertainment establishments in the Zoning Code and setting forth the facts constituting the urgency.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.5 Actions Related to Public Entertainment Ordinance (Cont'd.)

- (c) Adopt a resolution initiating amendments to Chapter 20.40, 20.70 and 20.200 of Title 20 of the San José Municipal Code to eliminate the regulation of entertainment establishments in the Zoning Code, referring said ordinance to the Planning Commission for its report and recommendation, and setting a public hearing on the ordinance.
- (d) Direct the City Manager and City Attorney to continue their work to seek further input of stakeholders on the structure of the entertainment permit system and other alternatives which would serve the goals of providing a safe environment for patrons and residents while promoting a vibrant nightlife environment for the City.

(City Attorney's Office/City Manager's Office)

Deferred to 1/26/10 per City Attorney's Office.

4.6 Actions Related to the Banner Policy.

Recommendation:

- (a) Adopt a resolution approving a City Council policy for wayfinding banners in the public right-of-way.
- (b) Adopt a resolution amending Resolution No. 72737 to:
 - (1) Establish a Wayfinding Banner Application charge of \$535, plus \$89 per hour after 6 hours in Economic Development/Cultural Affairs for costs associated with the application review and coordination of wayfinding banners in the public right-of-way.
 - (2) Establish a Double Banner Installation charge of \$66 in the Department of Transportation Miscellaneous Charges for costs associated with the installation of one dual set of wayfinding banners on a single street pole with existing banner hardware.
 - (3) Establish a New Double Banner Installation charge of \$86 plus cost of materials in the Department of Transportation Miscellaneous Charges for costs associated with the installation of one dual set of wayfinding banners on a single street pole without existing banner hardware.

CEQA: Exempt, File No. PP09-075. (City Manager's Office)

Deferred to 1/26/10 per Orders of the Day.

4.7 Actions Related to Disestablishing the Willow Glen BID.

Recommendation: Conduct a Public Hearing and approve an ordinance to disestablish the Willow Glen Business Improvement District pursuant to the Parking and Business Improvement Area Law and eliminate the levy of assessments. CEQA: Exempt, File No. PP08-048. Council District 6. (Economic Development).

The public hearing was held.

Ordinance No. 28690 passed for publication.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.8 Historic Landmark Nomination for the Ken Ying Low Restaurant.

Recommendation: As recommended by the Historic Landmarks Commission, conduct a public hearing and adopt a resolution designating the Ken Ying Low Restaurant (City Landmark No. HL09-180), located on a 0.09 acre site on the west side of North Sixth Street, approximately 140 feet north of Jackson Street (625 North Sixth Street), as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of an historic nature (Natalia T. Davidenko, Trustee, Owner). CEQA: Not a Project. The Historic Landmarks Commission (HLC) recommends (5-0-1; Peak absent) that the City Council adopt a resolution designating the Ken Ying Low Restaurant Site/Structure at 625 N. Sixth Street as Historic Landmark No. 180. (Planning, Building and Code Enforcement)

The public hearing was held.

Resolution No. 75247 adopted.

4.9 Actions Related to the 2009-2010 Weed Abatement Report.

Recommendation: Conduct a Public Hearing and adopt a resolution:

- (a) Overruling any and all objections to the 2009-2010 Hazardous Vegetation Commencement Report (“Report”).
- (b) Directing the Santa Clara County Department of Agriculture and Resource Management to abate the seasonal and/or recurrent public nuisances on those properties identified in the Report pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Agreement between the City of San José and the County of Santa Clara.

CEQA: Exempt, File No. PP06-196. (Planning, Building and Code Enforcement)

The public hearing was held.

Resolution No. 75248 adopted.

5. NEIGHBORHOOD SERVICES

5.1 Report of the Neighborhood Services and Education Committee – December 10, 2009 Council Member Campos, Chair

Accepted, with one minor correction.

5.2 Anti-Graffiti/Anti-Litter Campaign Updates.

Recommendation: As recommended by the Neighborhood Services and Education Committee on December 10, 2009, accept the status report of the City’s Anti-Graffiti and Litter Program. (Parks, Recreation and Neighborhood Services)

[Neighborhood Services and Education Committee referral 12/10/09 – Item D(1)]

Accepted, as amended, by the supplemental memorandum dated 01/07/10.

6. TRANSPORTATION & AVIATION SERVICES

- 6.1 Report of the Transportation and Environment Committee – December 7, 2009**
Council Member Liccardo, Chair
Accepted.

7. ENVIRONMENTAL & UTILITY SERVICES

- 7.1 Plant Master Plan Progress Report.**

Recommendation: As recommended by the Transportation and Environment Committee on December 7, 2009, accept the staff report highlighting activities since March 2009 on the Master Plan for the San José/Santa Clara Water Pollution Control Plant.

(Environmental Services)

[Transportation and Environment Committee referral 12/7/09 – Item D(2)]

Deferred to 1/26/10 per Rules Committee.

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

The Council/Redevelopment Agency portion of the meeting convened at 4:50 p.m. to Consider Item 9.1 in a joint session.

- 9.1 Deferred Payment of Parkland In-Lieu Fees for Highrise Multi-Family Residential Projects Located in the Downtown Core Area.**

Recommendation: Take the following actions related to the deferment of parkland in-lieu fees for high-rise multi-family residential projects located in the Downtown Core Area:

- (a) Adopt a resolution by City Council to amend Council Resolution No. 73587 authorizing the City Manager to negotiate and execute an amendment to agreements with developers of high-rise multi-family residential projects located in the Downtown Core Area who previously executed a deferment agreement with City pursuant to Resolution No. 74382 to provide up to an additional thirteen (13) months for payment of parkland in-lieu fees and accrued interest owed to City.

Resolution No. 75249 adopted.

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

9.1 Deferred Payment of Parkland In-Lieu Fees for Highrise Multi-Family Residential Projects Located in the Downtown Core Area (Cont'd.)

- (b) Subject to City Council approval of Recommendation (a) above, adoption of resolutions by City Council and Redevelopment Agency Board authorizing the City Manager and Executive Director the authority to negotiate and execute an amendment to the Cooperation Agreement between the City and Redevelopment Agency executed on January 27, 2009 for the City to reimburse the Agency the total amount of \$3,297,000 previously provided by the Agency to City for Watson Park.

Resolution No. 75250 adopted.

Redevelopment Agency Board Resolution No. 5941 adopted.

- (c) Adopt the following Appropriation Ordinance amendments in the Subdivision Parks Trust Fund:

- (1) Establish a Transfer to the Redevelopment Agency for Watson Park Repayment in the amount of \$2,750,000.
- (2) Decrease the Martin Park Expansion appropriation to the Parks, Recreation, and Neighborhood Services Department by \$2,750,000.

Ordinance No. 28691 adopted, as amended, with the explicit condition that the funds shifted from the planned Martin Park project will return in whole for the full build-out of that project upon their recovery from the developer or surety.

- (d) Adopt the following Appropriation Ordinance amendments in the General Fund:

- (1) Establish a Transfer to the Redevelopment Agency for Watson Park Repayment in the amount of \$547,000.
- (2) Decrease the Watson Site Clean-up and Restoration appropriation to the Public Works Department by \$547,000.

CEQA: Mitigated Negative Declaration, File No. PP07-130. Council District 3. (City Manager's Office/Redevelopment Agency)

Ordinance No. 28692 adopted.

The Joint/Redevelopment Agency Board portion of the meeting was adjourned at 4:53 p.m.

- Notice of City Engineer's Pending Decision on Final Maps
None.
- Notice of City Engineer's Award of Construction Projects
None.

- **Open Forum**
 - (1) **Shane Patrick Connolly commented on pension costs and encouraged the Council to restructure the Police and Fire Retirement Boards, allow more public scrutiny on labor negotiations and to negotiate anew and sustainable pension plan.**
 - (2) **Forrest Williams, Santa Clara Valley Science and Engineering Association, issued an invitation to the Science and Technology Fair on March 16 and 17, 2010 at the San José Convention Center.**
 - (3) **Tina Morrill, Friends of Ryland Pool, presented photos of the restoration of Ryland Pool.**
 - (4) **David Wall criticized the Mercury News' coverage of the San José Police Department and offered solutions for sustainable agriculture to help stimulate the economy.**

- **Adjournment**

The Council of the City of San José was adjourned at 6:45 p.m. in memory of Rita Megrath, who served the City for over 23 years, first supporting the Office of Mayor Tom McEnery and then directly supporting four City Managers as Executive Assistant. She was unparalleled in her work ethic and her commitment to professionalism.

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

2:11 P.M.

TUESDAY, JANUARY 12, 2010

CHAMBERS

1. Call to Order

Absent Council Members: None.

2. Actions related to the RFP for Solar Photovoltaic Power Production.

Recommendation:

(a) It is recommended that the City Council take the following action:

- (1) Accept the report on Request for Proposal for a Power Purchase and Site Lease Agreement for Solar Photovoltaic Power Production and adopt a resolution authorizing the Assistant Director of Finance to execute a Power Purchase Agreement with SunEdison Origination1 LLC to purchase solar energy at the Central Service Yard for a 20 year term subject to the consent of Wells Fargo Bank, National Association as trustee of the City of San José Financing Authority Lease Revenue Bonds, Series 2003A (Central Service Yard Refunding Project) and the City of San José Financing Authority.

Report Accepted.

Resolution No. 75251 adopted.

(b) It is recommended City of San José Financing Authority Board take the following action:

- (1) Adopt a resolution authorizing the Executive Director or the Executive Director's authorized designee to consent to the license of the Central Service Yard site and to execute a letter acknowledging the SunEdison's ownership and financing interests in the solar photovoltaic system to be installed at the Central Service Yard subject to the consent of Wells Fargo Bank, National Association as trustee for the City of San José Financing Authority Lease Revenue Bonds, Series 2003A (Central Service Yard Refunding Project) and the City.

CEQA: Mitigated Negative Declaration, File No. PP09-031. (Environmental Services, Finance, General Services)

SJFA Resolution No. 95 adopted.

3. Adjourn the San José Financing Authority.

The meeting was adjourned at 2:16 p.m.