



## MINUTES OF THE CITY COUNCIL

**SAN JOSE, CALIFORNIA**

**TUESDAY, JANUARY 26, 2010**

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 pursuant (A) to confer with Legal Counsel pursuant to Government Code subsection (b) of Section 54956.9 with respect to anticipated litigation of significant exposure (Claim Not Filed) in one (1) matter. (B) to confer with Legal Counsel pursuant to Government Code subsection (c) of Section 54956.9 with respect to anticipated litigation in one (1) matter. (C) to confer with Legal Counsel pursuant to Government Code subsection (b) of Section 54956.9 with respect to anticipated litigation of significant exposure (Claim Filed): Claimant: In re Claim of Chea; City Department: Department of Transportation. (D) to confer with Legal Counsel pursuant to Government Code subsection (a) of Section 54956.9 with respect to existing litigation: (1) Harper v. City of San José, et al. Names of Parties Involved: Glenn E. Harper, City of San José, the San José Police Department; and Robert Davis, individually and in his official capacity as Chief of the San José Police Department; Court: United States District Court, Northern District of California; Case No: C09-05758 JW; Amount of Money or Other Relief Sought: Damages according to proof. (E) to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Manager Designee Alex Gurza; Employee Organizations: (1) 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. (2) Association of Legal Professionals of San José (ALP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; (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. (4) International Brotherhood of Electrical Workers (IBEW); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions;

## **CLOSED SESSION (Cont'd.)**

Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and IBEW; (5) Confidential Employees' Organization, AFSCME Local 101 (CEO); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CEO; (6) 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; (7) 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; (8) 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; (9) 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. (10) International Union of Operating Engineers, Local No. 3 (OE#3); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Union of Operating Engineers, Local No. 3; (11) 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. How to obtain a copy of existing contract or MOA: web: [http://www.sanjoseca.gov/employee\\_relations/moa.asp](http://www.sanjoseca.gov/employee_relations/moa.asp); Telephone for Employee Relations: 408-535-8150.

By unanimous consent, Council recessed from the Closed Session at 10:40 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**

Pastor John Shoemake, First Church of San José presented the Invocation. (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 Constant and carried unanimously, the Orders of the Day and the Amended Agenda were approved, and Items 3.3 and 6.1 were deferred to February 2, 2010 and Item 11.6 was deferred to February 9, 2010. (11-0.)

## CEREMONIAL ITEMS

### 1.3 Presentation of a proclamation declaring January 26, 2010 as “Holocaust Remembrance Day” in the City of San José. (Oliverio/Herrera)

Action: Mayor Reed and Council Members Oliverio and Herrera recognized January 26, 2010 as “Holocaust Remembrance Day” in the City of San José.

### 1.4 Presentation of a commendation to the Center for Employment Training for their economic development efforts in the City of San José. (Pyle)

Action: Mayor Reed and Council Members Pyle and Liccardo recognized and commended the Center for Employment Training for their economic development efforts in the City of San José.

## CONSENT CALENDAR

Upon motion by Council Member Pyle, seconded by Council Member Herrera 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. 28690 – Disestablish the Willow Glen Business Improvement District pursuant to Section 36550 of the California Parking and Business Improvement Area Law.**

Documents Filed: Proof of Publication of the Title of Ordinance No. 28690 executed on January 19, 2010, submitted by the City Clerk.

Action: Ordinance No. 28690 was adopted. (11-0.)

- (b) **ORD. NO. 28689 – Amending Title 5 of the San José Municipal Code to add a new Chapter 5.08 adopting a Citywide Inclusionary Housing Program.**

Documents Filed: Proof of Publication of the Title of Ordinance No. 28689 executed on January 19, 2010, submitted by the City Clerk.

Action: Ordinance No. 28689 was adopted. (11-0.) (First Reading: 8-2-0-1. Noes: Constant, Oliverio. Disqualified: Nguyen.)

- 2.4 Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with Kimley-Horn and Associates, Inc., for airfield design and consultant services for the widening and strengthening of Taxiway W from Taxiway B to Taxiway C, and for the reconstruction of Taxiway C from Taxiway V to Taxiway W, in an amount not to exceed \$400,000 for the period from February 1, 2010, through December 31, 2011. CEQA: Resolution Nos. 67380 and 71451, File No. PP 09-208. (Airport/Public Works)**

Documents Filed: Memorandum from Director of Public Works Katy Allen and Director of Aviation William Sherry, dated January 4, 2010, recommending adoption of a resolution.

Action: Resolution No. 75252, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with Kimley-Horn and Associates, Inc. for Airfield Design and Consultant Services at the Norman Y. Mineta San José International Airport in An Amount Not To Exceed \$400,000 for the Period from February 1, 2010 through December 31, 2011", was adopted. (11-0.)

- 2.5 Adopt a resolution authorizing the City Attorney to negotiate and execute a Second Continuation Agreement with Bartel Associates LLC for consultant actuarial services related to labor negotiations, to modify the scope of services and to continue the term through December 31, 2010, with no increase in total compensation. CEQA: Not a Project. (City Attorney's Office)**

Documents Filed: Memorandum from City Attorney Richard Doyle, dated January 8, 2010, recommending adoption of a resolution.

Action: Resolution No. 75253, entitled: "A Resolution of the Council of the City of San José Authorizing the City Attorney to Negotiate and Execute a Second Continuation Agreement with Bartel Associates LLC for Actuarial Services Related to Labor Negotiations", was adopted. (11-0.)

- 2.6 (a) Approve travel for City Clerk Lee Price to Montecito, California on February 2-5, 2010 to provide training services at the Master Municipal Clerks Academy. Source of Funds: Continuing Education for Public Officials.**
- (b) Approve travel for City Clerk Lee Price to Riverside, California on March 16-19, 2010 to provide training services at Technical Track for City Clerks. Source of Funds: Technical Track for City Clerks.**
- (City Clerk)**

Documents Filed: Memorandum from City Clerk Lee Price, MMC, dated January 7, 2010, requesting approval of travel for February and March 2010.

Action: The travel requests for City Clerk Lee Price, MMC, were approved. (11-0.)

**2.7 Adopt a resolution calling for a Regular Municipal Election on June 8, 2010 and a Run-Off Municipal Election on November 2, 2010, if need be, for the purpose of electing a Mayor and Council Members for Districts 1, 3, 5, 7 and 9 and requesting consolidation with the County of Santa Clara. (City Clerk)**

Documents Filed: Memorandum from City Clerk Lee Price, MMC, dated January 15, 2010, recommending adoption of a resolution.

Action: Resolution No. 75254, entitled: “A Resolution of the Council of the City of San José Calling and Giving Notice of a Regular Primary Municipal Election To Be Held in the City of San José on June 8, 2010, and if Necessary, A Regular Run-Off Municipal Election on November 2, 2010 for the Purpose of Electing One Person to the Office of Mayor, One Person Each from Council Districts One, Three, Five, Seven and Nine to the Council of the City of San José for Full Four-Year Terms; Requesting the Consolidation of the Primary Election with the Statewide Direct Primary Election To Be Held in Santa Clara County on June 8, 2010 and the Run-Off Election with the General Election To Be Held in Santa Clara on November 2, 2010; Requesting The Board of Supervisors of the County of Santa Clara To Canvass the Returns of Said Elections and To Permit the County Registrar of Voters to Render Certain Services to the City of San José Relating to the Conduct of Said Elections; and Directing that Certain Other Actions Be Taken with Regard to the Election”, was adopted. (11-0.)

**2.8 Accept report on Request for Proposal for security guard services at the Water Pollution Control Plant and adoption of a resolution authorizing the Director of Finance to:**

- (a) **Execute an agreement with First Alarm Security & Patrol, Inc. (Aptos, CA) for security guard services for an initial fourteen month term for the period February 1, 2010 to March 31, 2011, and a maximum compensation not to exceed \$225,139.**
- (b) **Execute amendments to the agreement to add and delete guard services as required subject to appropriation of funds.**
- (c) **Exercise two, one-year options to extend the agreement subject to annual appropriation of funds.**

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

Documents Filed: (1) Memorandum from Director of Finance Scott Johnson, dated January 4, 2010, recommending adoption of a resolution. (2) Letter from the Treatment Plant Advisory Committee Chair Chuck Reed, dated January 12, 2010, stating concurrence with the Staff recommendations.

Public Comments: David Wall expressed opposition to the City using security guard services at the Water Pollution Control Plant.

Action: Upon motion by Council Member Nguyen, seconded by Council Member Pyle and carried unanimously, Resolution No. 75255, entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Finance to Execute an Agreement with First Alarm Security & Patrol, Inc. for Security Guard Services at the San José/Santa Clara Water Pollution Control Plant”, was adopted. (11-0.)

- 2.9 Approve the award of open purchase orders for supplies, materials, equipment and services for FY 2009-2010 #5 and authorize the Director of Finance to execute the purchase orders. CEQA: See Administration’s memo to Council for specific CEQA clearance determinations on each recommended action. (Finance)**

Documents Filed: Memorandum from Director of Finance Scott Johnson, dated January 4, 2010, recommending approval of the award of open purchase orders and authorization for the Director of Finance to execute the purchase orders.

Action: The award of open purchase orders for supplies, materials, equipment and services for FY 2009-2010 #5 was approved and the Director of Finance was authorized to execute the purchase orders. (11-0.)

**2.10 Adopt a resolution:**

- (a) Approving an agreement between the City and Steve Nguyen, the adjoining property owner, for sale of the property identified by APN 477-03-054 and located at 9th and Keys in the amount of \$20,000.**
- (b) Authorizing the Director of General Services to execute all sales documents and the deed necessary to complete the transaction.**

**CEQA: Exempt, File No. PP06-037. (General Services)**

Documents Filed: Memorandum from Director of General Services Peter Jensen, dated January 4, 2010, recommending adoption of a resolution.

Council Member Liccardo pointed out that the public should be aware that there was not a significant amount of money to be gained by selling lots to the City of San José.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Nguyen and carried unanimously, Resolution No. 75256, entitled: “A Resolution of the Council of the City of San José Approving an Agreement to Sell Surplus Real Property Located Generally at Ninth and Keys to the Adjoining Property Owner Steven Nguyen for the Amount of \$20,000 and Authorizing the Director of General Services to Execute the Documents Necessary to Transfer the Property”, was adopted. (11-0.)

**2.11 Adopt a resolution:**

- (a) Approving an agreement between the City and John and Angela Wilcock, the adjoining property owner, for sale of the property identified by APN 274-44-002 and located at Daniel Way at Forest in the amount of \$643.23.**
- (b) Authorizing the Director of General Services to execute all sales documents and the deed necessary to complete the transaction.**

**CEQA: Exempt, File No. PP06-037. (General Services)**

Documents Filed: Memorandum from Director of General Services Peter Jensen, dated January 4, 2010, recommending adoption of a resolution.

Council Member Constant pulled Item 2.11 from the Consent Calendar for clarification. Director of General Services Peter Jensen responded to Council questions and concerns.

## 2.11 (Cont'd.)

Expressing concerns about the sale of the property were Council Members Constant, Liccardo, Herrera, Campos and Oliverio.

A brief discussion followed about the fair value of the land located at Daniel Way.

Action: Upon motion by Council Member Nguyen, seconded by Council Member Pyle and carried, Resolution No. 75257, entitled: “A Resolution of the Council of the City of San José Approving an Agreement to Sell Surplus Real Located at Daniel Way at Forest (APN No. 274-44-002) to the Adjoining Property Owners John and Angela Wilcock for the Amount of \$643.23 and Authorizing the Director of General Services to Execute the Documents Necessary to Transfer the Property”, was adopted. (6-5. Noes: Campos, Constant, Herrera, Liccardo, Oliverio.)

## 2.12 Adopt a resolution:

- (a) **Authorizing the Housing Department to accept a grant of \$471,240 from the Federal Department of Health and Human Services for the expansion of the Medical Respite Center located at EHC LifeBuilder’s Boccardo Reception Center.**
- (b) **Approving the subgranting of the Federal Department of Health and Human Services funds to EHC LifeBuilders to use for the expansion of its Medical Respite Center.**
- (c) **Authorizing the Director of Housing to negotiate and execute all necessary documents.**

**CEQA: Exempt. (Housing)**

Documents Filed: Memorandum from Director of Housing Leslye Krutko, dated January 4, 2010, recommending adoption of a resolution.

Action: Resolution No. 75258, entitled: “A Resolution of the Council of the City of San José Authorizing the Acceptance of the Federal Department of Health and Human Services Grant in the Amount of \$471,240 and Subgranting Those Funds to EHC LifeBuilders for the Expansion of Its Medical Respite Center”, was adopted. (11-0.)

## 2.13 Adopt a resolution approving a change in the series designation of the previously-authorized issuance of tax-exempt multifamily housing revenue bonds for the Belovida at Newbury Park Project to “City of San José Multifamily Housing Revenue Bonds (Belovida at Newbury Park Senior Apartments), Series 2010B”. **CEQA: Mitigated Negative Declaration, File No. PDC07-015. Council District 3. (Housing)**

Documents Filed: Memorandum from Director of Housing Leslye Krutko, dated January 4, 2010, recommending adoption of a resolution.

Public Comments: David Wall spoke in opposition to the change in bond designation.

**2.13 (Cont'd.)**

Action: Upon motion by Council Member Liccardo, seconded by Council Member Herrera and carried unanimously, Resolution No. 75259, entitled: "A Resolution of the Council of the City of San José Changing the Series Designation of Certain Multifamily Housing Revenue Bonds To Be Issued for the Financing of a Multifamily Rental Housing Project Known as Belovida at Newbury Park Senior Apartments", was adopted. (10-0-1. Absent: Constant.)

- 2.14 (a) Accept the annual status report on the Safe Neighborhood Parks and Recreation Bond Projects for FY 2008-2009.**
- (b) Accept the annual status report on the Branch Library Bond Projects for FY 2008-2009.**
- (c) Accept the annual financial report on the Public Safety Bond Program for FY 2008-2009.**

**CEQA: Not a Project. (Citizen Oversight Committee for the Library Bond Projects/Citizen Oversight Committee for the Public Safety Bond Program/Citizen Oversight Committee for the Parks and Recreation Bond Projects)**

Documents Filed: (1) Memorandum from David M. Flaughner, Chair, Parks and Recreation Commission and Citizen Oversight Committee, dated January 4, 2010, recommending acceptance of the report. (2) Memorandum from Mike Hoa Nguyen, Chair, Branch Library Bond Oversight Committee, dated January 4, 2010, recommending acceptance of the report. (3) Memorandum from Phyllis Lazzarini, Chair, Public Safety Bond Citizen Oversight Committee, dated December 9, 2009, recommending acceptance of the report.

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

- 2.15 As directed by the City Council on December 15, 2009, adopt a resolution amending the regulations and procedures for the San José Elections Commission's investigations and hearings regarding anonymous complaints, and repealing Resolution No. 75173. (City Attorney/City Clerk)  
(Rules Committee referral 1/13/10)**

Documents Filed: Memorandum from City Attorney Richard Doyle and City Clerk Lee Price, MMC, dated January 14, 2010, recommending adoption of a resolution.

Public Comments: Ross Signorino expressed support to the amendments of the regulations and procedures for the San José Elections Commission.

Action: Upon motion by Council Member Pyle, seconded by Vice Mayor Chirco and carried unanimously, Resolution No. 75260, entitled: "A Resolution of the Council of the City of San José Amending Regulations and Procedures for the San José Elections Commission Investigations and Hearings and Superseding Resolution No. 75173", was adopted. (10-0-1. Absent: Constant.)

- 2.16 As recommended by the Rules and Open Government Committee on January 13, 2010:**
- (a) Approve the District 1 Disability Awareness Day as City Sponsored Special Event.**
  - (b) Approve and accept donations of materials and services from various individuals, businesses or community groups to support the event.**
- (City Clerk)**  
**[Rules Committee referral 1/13/10 – Item H(3)]**

Documents Filed: Memorandum from City Clerk Lee Price, MMC, dated January 14, 2010, transmitting the recommendations of the Rules and Open Government Committee.

Action: The District 1 Disability Awareness Day as City Sponsored Special Event was approved and donations of materials and services from various individuals, businesses or community groups to support the event, were accepted. (11-0.)

- 2.17 As recommended by the Rules and Open Government Committee on January 20, 2010, approve the following appointments to the Neighborhoods Commission:**
- (a) James Ramsell to fill a vacancy on the Commission for Council District 9.**
  - (b) Gerard Roney to serve as First Alternate on the Commission for Council District 9.**
  - (c) Jim Cantore to serve as Second Alternate on the Commission for Council District 9.**
- (City Manager's Office)**  
**[Rules Committee referral 1/20/10 – Item G(1)]**

Documents Filed: Memorandum from City Clerk Lee Price, MMC, dated January 22, 2010, transmitting the recommendations of the Rules and Open Government Committee.

Action: The following appointments to the Neighborhoods Commission: James Ramsell to fill a vacancy on the Commission for Council District; Gerard Roney to serve as First Alternate on the Commission for Council District 9 and Jim Cantore to serve as Second Alternate on the Commission for Council District 9 were approved.

## **END OF CONSENT CALENDAR**

### **STRATEGIC SUPPORT SERVICES**

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

City Manager Debra Figone reported on the recent tragic event that involved the death of two year old Mateo Ortiz as a result of a fallen tree. She noted that an adjacent tree will be removed to prevent any similar occurrence and explained that Staff will be coordinating a public education campaign regarding the responsibilities of street tree maintenance in San José.

City Manager Debra Figone stated that that the City of San José was projecting a \$100M General Fund deficit.

**3.2 Report of the Rules and Open Government Committee – December 9, 2009**  
**Mayor Reed, Chair**  
**(Deferred from 01/12/10 – Item 3.3)**

Documents Filed: The Rules and Open Government Committee Report dated December 9, 2009.

Action: Upon motion by Council Member Constant, seconded by Vice Mayor Chirco and carried unanimously, the Report of Rules and Open Government Committee and the actions of December 9, 2009, were accepted. (11-0.)

**3.3 Report of the Rules and Open Government Committee – January 6, 2010**  
**Mayor Reed, Chair**

Action: Deferred to February 2, 2010 per Orders of the Day.

**3.5 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.**
- (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 from 1/12/10 – Item 3.7)**

Action: Deferred to February 2, 2010 per Administration.

- 3.6 (a) Approve the following revisions to the governance structure of the City's retirement plans and direct the City Attorney to draft an ordinance with the necessary revisions to the San José Municipal Code:**
- (1) For the Federated City Employees' Retirement System, replace the two City Council Board members and Civil Service Commission Board member with three public members in addition to the one existing public board member.**
  - (2) For the Police and Fire Department Retirement Board, replace the two City Council Board members, the Civil Service Commission Board member and City Administration Board member with four public board members.**
  - (3) Establish qualification criteria, term, stipend, appointment process, selection process, and removal process for the public board members for both retirement plans.**
- (b) Direct the City Administration to continue to evaluate the other retirement board governance recommendations prepared by the consultant and return to the City Council with recommendations.**

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

Action: Deferred to February 9, 2010 per Rules and Open Government Committee.

**3.7 Conduct a public hearing and adopt a resolution to vacate a public service easement within a private property at 3550 Snell Avenue. CEQA: Not a Project. Council District 7. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated January 4, 2010, recommending conducting a public hearing and adoption of a resolution.

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 Nguyen, seconded by Council Member Constant and carried unanimously, Resolution No. 75261, entitled: "A Resolution of the Council of the City of San José Vacating a Public Service Easement Within a Private Property at 3550 Snell Avenue", was adopted. (11-0.)

## **COMMUNITY & ECONOMIC DEVELOPMENT**

- 4.2 (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 entertainment establishments as a use category in the Zoning Code and setting forth the facts constituting the urgency.**
- (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 entertainment establishments as a use category 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.**

**CEQA: Not a Project.**

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

**(Deferred from 1/12/10 – Item 4.5)**

## 4.2 (Cont'd.)

Documents Filed: (1) Memorandum from City Manager Debra Figone and City Attorney Richard Doyle, dated January 14, 2010, recommending adoption of urgency ordinances, a resolution and direction to the City Manager and City Attorney. (2) Staff presentation dated January 26, 2010 summarizing the Public Entertainment Urgency Ordinances.

Motion: Council Member Liccardo moved approval of the Staff recommendations. Council Member Nguyen seconded the motion.

Deputy City Attorney Angelique Gaeta Nedrow summarized the report on the urgency ordinances pertaining to Public Entertainment.

Public Comments: David Wall spoke in opposition to the Staff recommendations.

The City Manager was requested to provide Council with an information memorandum about trends and outreach efforts with the Downtown Advisory Committee.

Action: On a call for the question, the motion carried unanimously, Ordinance No. 28693, entitled: “An Urgency Ordinance of the City of San José Repealing Section 6.02.160 of Chapter 6.02 and 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 Public Entertainment Permit Ordinance to Venues with Occupancy Greater than One Hundred, 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 Provisions to Ensure Consistency Throughout the Code; and Setting Forth the Facts Constituting the Urgency”; Ordinance No. 28694, entitled: “An Urgency Ordinance of the City of San José Amending Chapters 20.40, 20.70 and 20.200 of Title 20 of the San José Municipal Code to Eliminate the Entertainment Establishment Use Category and Setting Forth the Facts Constituting Such Urgency” and Resolution No. 75262, entitled: “A Resolution of the Council of the City of San José Initiating Proceedings on Its Own Motion Pursuant to the Provisions of Section 20.120.010 of Chapter 20.120 of Title 20 of the San José Municipal Code (The Zoning Code) to Eliminate the Entertainment Establishment Use from the Zoning Code, Setting a Public Hearing Thereon and Referring the Proposed Amendment to The Zoning Code to the Planning Commission for Its Report or Recommendation”, were adopted. The City Manager and City Attorney were directed 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. The City Manager was requested to provide Council with an information memorandum about trends and outreach efforts with the Downtown Advisory Committee. (11-0.)

- 4.3**
- (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;**
  - (c) (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; and**
    - (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 from 1/12/10 – Item 4.6)**

Documents Filed: (1) Memorandum from Council Member Liccardo, dated January 8, 2010, requesting approval for the Staff policy with an additional amendment. (2) Replacement memorandum from Chief Deputy City Manager Edward K. Shikada, dated January 6, 2010, deleting references to business destination areas, which are not consistent with the proposed policy and will be addressed in a future policy and adoption of resolutions. (3) Letter from Dennis Cunningham, Naglee Park Campus Community Association, dated January 8, 2009, expressing concern because of the lack of outreach to the neighborhoods and neighborhood associations about the new proposed policy.

Council Member Liccardo requested that Staff look at alternative approaches for banners, expand the use of banners and return through the appropriate Council Committee.

Council Member Constant requested that Staff take a look at the banner policy of the City of Cupertino.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Constant and carried unanimously, Item 4.3, wayfinding banners in the public right of way and proposed charges was dropped. Staff was requested to look at alternative approaches for banners, expand the use of banners and to bring the issue to the appropriate Council Committee before returning to Council for consideration. Staff was further requested to consider the banner policy of the City of Cupertino. (11-0.)

- 4.4 Accept the report on the objectives, current activities and impact of the Nonprofit Strategic Engagement Platform on the City of San José's partnerships with Community Based Organizations. CEQA: Not a Project. (Economic Development)**

#### 4.4 (Cont'd.)

Documents Filed: (1) Memorandum from Deputy Director Office of Economic Development Jeff Ruster, dated January 6, 2010, recommending acceptance of the report. (2) Staff presentation dated January 26, 2010 outlining the Nonprofit Strategic Engagement Platform Update.

Deputy Director Office of Economic Development Jeff Ruster presented the Nonprofit Strategic Engagement Platform Update and responded to Council questions.

Public Comments: David Wall spoke in opposition to the Staff recommendations.

Action: Upon motion by Council Member Pyle, seconded by Council Member Herrera and carried unanimously, the report on the objectives, current activities and impact of the Nonprofit Strategic Engagement Platform on the City of San José's partnerships with Community Based Organizations was accepted, and Staff was directed to return during the budget process with a discussion about how funding decisions should be made in the future. (11-0.)

#### 4.5 **Adopt a resolution authorizing the City Manager to negotiate and execute an amendment to the City's existing lease with the Earthquakes LLC for a 2.6 acre practice field on the City's Airport West Property authorizing the City to assume responsibility related to potential future hazardous materials on the 2.6 acre property. CEQA: Resolution No. 71716. (Economic Development)**

Documents Filed: Memorandum from Chief Development Officer Paul Krutko, dated January 15, 2010, recommending adoption of a resolution.

Action: Dropped per Administration.

- #### 4.6
- (a) **Support the efforts of the Administration to partner with the San José Sports Authority, HP Pavilion at San José and the San José Convention and Visitors Bureau to prepare and submit a bid to host the US Gymnastics Olympic Team Trials in San José in 2010.**
  - (b) **Direct the City Manager to identify a potential funding plan for \$300,000 by Fiscal Year 2011-2012 as City of San José contribution to support the event if the bid is awarded to San José.**
  - (c) **Adopt a resolution, to be included in the bid application to USA Gymnastics, expressing the City's support and commitment to hosting the 2012 Gymnastics Olympic Team Trials in San José.**

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

Documents Filed: Memorandum from Mayor Reed and Council Members Liccardo and Pyle, dated January 15, 2010, in support of a bid to host the 2012 U.S. Gymnastics Olympic Team Trials in San José.

#### 4.6 (Cont'd.)

Motion: Vice Mayor Chirco moved approval of the recommendations as stated in the memorandum from Mayor Reed and Council Members Liccardo and Pyle, dated January 15, 2010, in support of a bid to host the 2012 U.S. Gymnastics Olympic Team Trials in San José. Council Member Campos seconded the motion.

Mayor Reed provided meeting disclosures.

A brief discussion followed.

Action: On a call for the question, the motion carried unanimously, Resolution No. 75263, entitled: "A Resolution of the Council of the City of San José Expressing the City's Support and Commitment to Hosting the 2012 U.S. Gymnastics Olympic Team Trials", was adopted. (11-0.)

#### 4.7 Adopt a resolution:

- (a) **Amending the 2004-2005 Consolidated Plan Annual Action Plan to authorize the submission of an amended 2004-2005 annual Action Plan to the City's Community Development Block Grant Program for the change of use, pursuant to 24 CFR 570.505, for 16 acres of the 23.23 acre FMC site purchased in 2004 with funding assistance from the Department of Housing and Urban Development (HUD), and the City pledging additional security to cover the outstanding principal balance of the Section 108 loan.**
- (b) **Amending the 2005 Section 108 Loan Guarantee Agreement to the Department of Housing and Urban Development for changes in use and to substitute security for the remaining principal balance on the Section 108 loan for the purchase of the 23.23 acre Airport West (Formerly FMC Corporation) property.**
- (c) **Authorizing the City Manager, or her designee, to negotiate and execute Loan Guarantee documents required by HUD to consent to the substitute properties.**

**CEQA: EIR Resolution No. 71716. File No: PP08-093. (Economic Development/Housing)**

Documents Filed: (1) Memorandum from Assistant Director of Housing Jacky Morales-Ferrand and Chief Development Officer Paul Krutko, dated January 13, 2010, recommending adoption of a resolution. (2) Supplemental memorandum from Assistant Director of Housing Jacky Morales-Ferrand and Chief Development Officer Paul Krutko, dated January 22, 2010, reporting on comments received during the 30 day public comment period relating to amending the 2004-2005 Consolidated Plan Annual Action Plan.

Public Comments: David Wall spoke in opposition to the Staff recommendations.

Chief Development Officer Paul Krutko responded to Council questions and comments.

#### **4.7 (Cont'd.)**

Action: Upon motion by Council Member Liccardo, seconded by Council Member Pyle and carried unanimously, Resolution No. 75264, entitled: “A Resolution of the Council of the City of San José Approving Amendments to the 2004-2005 Consolidated Plan Annual Action Plan for the Change in Use of 16.1 Acres at the FMC Site”, was adopted. (11-0.)

#### **4.8 Accept the verbal status report related to Extensions of Development Permits in North San José per Council direction on December 15, 2009. (Planning, Building and Code Enforcement)**

Director of Planning, Building and Code Enforcement Joseph Horwedel provided a verbal report on the Extensions of Development Permits in North San José and responded to Council questions.

Mayor Reed and Council Member Chu provided meeting disclosures.

Public Comments: Speaking to the Staff recommendations for Permit Extensions in North San José were Will Thompson, Thompson-Dorfman, representing WII-Wyse, Applicant, and Sean Morley, Markovitz & Fox, Inc.

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

Action: Upon motion by Council Member Chu, seconded by Council Member Pyle and carried unanimously, the verbal status report related to Extensions of Development Permits in North San José per Council direction on December 15, 2009 was accepted. (11-0.)

### **TRANSPORTATION & AVIATION SERVICES**

#### **6.1 Report of the Transportation and Environment Committee – January 11, 2010 Council Member Liccardo, Chair**

Action: Deferred to February 2, 2010 per Orders of the Day.

### **ENVIRONMENTAL & UTILITY SERVICES**

#### **7.1 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 from 1/12/10 – Item 7.1)**

## 7.1 (Cont'd.)

Documents Filed: (1) Memorandum from City Clerk Lee Price, MMC, dated December 16, 2009, transmitting the recommendations of the Transportation and Environment Committee. (2) Staff presentation dated January 26, 2010 summarizing the San José/Santa Clara Water Pollution Control Plant Master Plan.

Director of Environmental Services John Stufflebean summarized the San José/Santa Clara Water Pollution Control Plant Master Plan and responded to Council questions.

Public Comments: David Wall spoke in opposition to the San José/Santa Clara Water Pollution Control Plant Master Plan.

Action: Upon motion by Council Member Constant, seconded by Council Member Herrera and carried unanimously, the Staff report highlighting activities since March 2009 on the Master Plan for the San José/Santa Clara Water Pollution Control Plant was accepted. (11-0.)

- 7.2 (a) **Conduct a public hearing inviting public testimony regarding the public benefits of the California Statewide Communities Development Authority's CaliforniaFIRST Program.**
- (b) **Adopt a resolution authorizing San José to join the CaliforniaFIRST Program, including the authorization to pay set-up fees in the amount of \$25,000 for participation in the CaliforniaFIRST Program.**

**CEQA: Exempt, File No. PP09-209. (Environmental Services)**

Documents Filed: Memorandum from Director of Environmental Services John Stufflebean, dated January 4, 2010, recommending holding a public hearing and adoption of a resolution.

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, Resolution No. 75265, entitled: "A Resolution of the Council of the City of San José To Join the CaliforniaFIRST Program; Authorizing the California Statewide Communities Development Authority to Accept Applications from Property Owners, Conduct Contractual Assessment Proceedings and Levy Contractual Assessments Within the Territory of the City; and Authorizing Related Actions", was adopted. (11-0.)

## **PUBLIC SAFETY SERVICES**

- 8.1 Accept report on bids and award the construction contract for the Fire Station No. 36 Project to the lowest responsive bidder, Applegate Johnston, Inc., to include the base bid and Add Alternate Nos. 2 and 3, in the amount of \$4,008,500, and approve a contingency in the amount of \$601,275. CEQA: Exempt, File Nos. PPO6-009 and PPO9-150. Council District 8. (Public Works/Fire/City Manager's Office)**

Documents Filed: Memorandum from Director of Public Works Katy Allen and Fire Chief Darryl Von Raesfeld, dated January 4, 2010, recommending acceptance of the report on bid and award of the contract to the low bidder.

Assistant Director of Public Works David Sykes pointed out that there were two protest letters received, however both parties decided not to pursue the matter.

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

Public Comments: Jim Struck, Applegate Johnston, Inc., noted that he was available to answer any questions.

Action: On a call for the question, the motion carried unanimously, the report on the bids was accepted and award of the construction contract for the Fire Station No. 36 Project to the lowest responsive bidder, Applegate Johnston, Inc., to include the base bid and Add Alternate Nos. 2 and 3, in the amount of \$4,008,500, with related contingency, was approved. (11-0.)

## **OPEN FORUM**

David Wall thanked the City of San José Police Department for their efforts.

## **ADJOURNMENT**

The Council of the City of San José adjourned the afternoon session at 4:04 p.m.

## RECESS/RECONVENE

The City Council recessed at 4:04 p.m. from the afternoon Council Session and reconvened at 7:01 p.m. in the Council Chambers, City Hall.

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

Absent: Council Members - None.

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

## CERMONIAL ITEMS

### **1.1 Presentation of a commendation to Girl Scouts Service Unit 621 for their enthusiastic participation in the 2009 Great America Litter Pick Up. (Campos/Chu)**

Action: Mayor Reed and Council Member Campos recognized and commended Girl Scouts Service Unit 621 for their enthusiastic participation in the 2009 Great America Litter Pick Up.

### **1.2 Presentation of a commendation to the San José State Chapter of Gamma Zeta Alpha Fraternity, Incorporated for its continued service to the community over the last 19 years. (Campos)**

Action: Mayor Reed and Council Member Campos recognized and commended the San José State Chapter of Gamma Zeta Alpha Fraternity, Incorporated for its continued service to the community over the last 19 years.

## PUBLIC HEARINGS

### **11.2 Consider an ordinance rezoning the real property located at/on the west side of North 6<sup>th</sup> Street, approximately 200 feet south of East Taylor Street (675 N 6<sup>th</sup> Street) from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 77 affordable housing units on a 0.55 acre site (First Community Housing). CEQA: Use of Japantown Corporation Yard Redevelopment EIR.**

**PDC08-010 – District 3**

Action: Continued to February 23, 2010 per Administration.

**11.3 Consider an ordinance rezoning the real property located at/on the southeast corner of Lincoln Avenue and Willow Street (1098 Lincoln Avenue) from the CP Commercial Zoning District to the CP(PD) Commercial Zoning District to allow 58,401 square feet of commercial uses (office over retail) with an attached two level parking structure on a 2.08 gross acre site (Paja Investments, Owner). CEQA: Mitigated Negative Declaration.  
PDC09-016 – District 6**

Documents Filed: (1) Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated January 7, 2010 transmitting the Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. PDC09-016, dated January 5, 2010. (2) Memorandum from Planning Commission Secretary Joseph Horwedel, dated January 15, 2010, transmitting the Planning Commission recommendation. (3) Proof of Publication of Notice of Public Hearing, executed on December 29, 2009, submitted by the City Clerk.

Director of Planning, Building and Code Enforcement Joseph Horwedel presented the Staff report.

Charles Kahn, Architect Kahn Design Associates, provided an overview of the project with improved pedestrian experience, including a mix of offices and retail that will benefit the District.

Mayor Reed opened the public hearing.

Public Comments: Speaking in support to rezoning the real property located at the southeast corner of Lincoln Avenue and Willow Street were Norma Ruiz, Richard Zappelli, Willow Glen Business Association, Todd Weber, Bob Tobiason, Michael Sloan and Jean Dresden.

Mayor Reed closed the public hearing.

Council Member Oliverio provided background on the project and noted that the addition of speed bumps on Blewett Avenue had brought down the volume of cars and the amount of speeders.

Action: Upon motion by Council Member Oliverio, seconded by Council Member Liccardo and carried unanimously, the recommendation of the Planning Commission and the Planning Director was approved, and Ordinance No. 28695, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property Situated on the Southeast Corner of Lincoln Avenue and Willow Street (1098 Lincoln Avenue) from CP Commercial Pedestrian to CP(PD) Planned Development Zoning District”, was passed for publication. (11-0.)

- 11.4 Consider an ordinance rezoning the real property located on the east side of Monterey Road, approximately 700 feet northerly of Tully Road (2112 Monterey Road) to allow for the development of a 100% affordable multi-family residential development of up to 102 attached units on a 2.8 gross acres site (Emergency Housing Consortium, Owner; Charities Housing, Applicant). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).  
PDC09-015 – District 7**

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. PDC09-015, dated December 2, 2009. (2) Memorandum from Planning Commission Secretary Joseph Horwedel, dated January 15, 2010, transmitting the Planning Commission recommendation. (3) Proof of Publication of Notice of Public Hearing, executed on November 20, 2009, submitted by the City Clerk.

Council Member Nguyen provided meeting disclosures.

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

Motion: Council Member Nguyen moved approval of the rezoning the real property located on the east side of Monterey Road, approximately 700 feet northerly of Tully Road to allow for the development of a 100% affordable multi-family residential development of up to 102 attached units on a 2.8 gross acres site. Council Member Pyle seconded the motion.

As previously noted, Council Member Oliverio reiterated that his no vote was based upon no park fees, no ongoing property tax and no building and construction taxes.

Action: On a call for the question, the motion carried, the recommendation of the Planning Commission and the Planning Director was approved, and Ordinance No. 28696, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property Situated on the East Side of Monterey Road, Approximately 700 Feet North of Tully Road (2112 Monterey Road) from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District”, was passed for publication. (9-1-1. Noes: Oliverio. Absent: Kalra. )

- 11.5 Early consideration of denial of a General Plan Amendment request to change the Land Use/Transportation Diagram designation to add Mixed Industrial Overlay to an existing Heavy Industrial land use designation on a 3.95 gross acre site, located at 2159 South 10th Street (Provident Holdings & Investments LLC, Owner). CEQA: Incomplete.  
GP09-07-02 – District 7**

Action: Continued to February 23, 2010 per Administration.

- 11.6 Consider an ordinance rezoning the real property located on the west side of Cadwallader Avenue, approximately 500 feet southerly of Prunetree Lane (4093 Cadwallader Avenue) to allow up to 38 single-family detached residential units on an 18.5 gross acre site (Larios Cheryl Trustee & Et Al, Tedro Living Trust Marion L. Tedro, Tedro Living Trust Robert S. Tedro, James E. Bertlett, Margret H. Oxsen, Michael & Laura Pianka, Vinh Tran, Owner; Asc Properties, LLC Tony Arreola, Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-2-0).**

**PDC09-010 – District 8**

Action: Deferred to February 9, 2010 per Orders of the Day.

- 11.7 Consider an ordinance rezoning the real property located on the east side of Almaden Expressway, approximately 400 feet north of Redmond Avenue (16430 Almaden Road) from the R-1-1 Residential Zoning District to the A(PD) Planned Development Zoning District to allow for 7 single-family residential units on a 0.85 gross acre site (Woodrum, Ronnie L. and Phyllis R. Trustee, Owner). CEQA: Mitigated Negative Declaration.**

**PDC08-051 – District 10**

Documents Filed: (1) Memorandum from Council Member Pyle, dated January 25, 2010, recommending approval of the Staff recommendations with an addition as described in “Action” on Page 23. (2) Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated January 6, 2010 transmitting the Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. PDC08-051, dated January 5, 2010. (3) Memorandum from Planning Commission Secretary Joseph Horwedel, dated January 14, 2010, transmitting the Planning Commission recommendation. (4) Supplemental memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated January 19, 2010, transmitting the outcome of the Planning Commission hearing: after the Commission action on the item, Staff was made aware that two members of the public arrived at the time the Planning Commission was voting on a motion; those two members of the public have submitted their comments in writing and are attached to this memorandum; in addition another comment letter (attached) was submitted after the Planning Commission hearing. (5) Proof of Publication of Notice of Public Hearing, executed on November 20, 2009, submitted by the City Clerk.

Council Member Pyle provided meeting disclosures.

Mayor Reed opened the public hearing.

Public Comments: Connie Page requested that Council defer the rezoning until the ingress/egress and flood issues are resolved. Douglas Page, Fleetwood Homeowners Group, expressed opposition to the late distribution of the memorandum from Council Member Pyle.

Mayor Reed closed the public hearing.

## 11.7 (Cont'd.)

Motion: Council Member Pyle moved approval of the Staff recommendations and her memorandum dated January 25, 2010, with an addition as noted below in “Action”. Council Member Nguyen seconded the motion.

Division Manager of Public Works Primo De Guzman and Director of Planning, Building and Code Enforcement Joseph Horwedel responded to Council questions.

Action: On a call for the question, the motion carried unanimously, the recommendation of the Planning Commission and the Planning Director was approved, and Ordinance No. 28697, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property Situated on the East Side of the Almaden Expressway, Approximately 300 Feet North of Redmond Avenue (16430 Almaden Road) from R-1-1 Single Family Residence Zoning District to A(PD) Planned Development Zoning District”, was passed for publication, as amended, Staff directed to identify Almaden Road as a cul-de-sac street that would provide access to the Jayden Lane and Santa Clara Valley Water District properties (for maintenance) to the north and the Woodrum and Hudson properties to the south. Through traffic to Mazzone Drive to the north was prohibited. (11-0.)

## ADJOURNMENT

The Council of the City of San José adjourned at 8:01 p.m. in memory of Frank Greene, a Silicon Valley business and community leader and educator. He served tirelessly as a mentor and role model to generations of aspiring youth and entrepreneurs in our valley, encouraging them to pursue their dream. (Campos)

Minutes Recorded, Prepared and Respectfully Submitted by,

Lee Price, MMC  
City Clerk

smd/01-26-10 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.