



MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, MARCH 9, 2010

The Council of the City of San José convened in regular session at 9:00 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 9:01 a.m. to a Closed Session in Room W133, to confer with Legal Counsel pursuant to (A) Public Employment/Public Employee Appointment pursuant to Government Code Section 54957: Department or Agency: Independent Police Auditor; Title: Independent Police Auditor; (B) to confer with Legal Counsel pursuant to Government Code subsection (b) of Section 54956.9 with respect to anticipated litigation (Claim Not Filed) 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 (Claim Filed): (1) In re: Claim of Ghenis; City Department: PRNS; (D) to confer with Legal Counsel – existing Litigation Pursuant to Government Code Section 54956.9 subsection (a): (1) Williams, et al. v. City of San José, et al.; Names of Parties Involved: Thomas Williams and Nancy Williams, individually and as joint personal representatives of the Estate of Ty Williams; Todd Williams, Trina Wiliams; and Keith Lusk, City of San José; Cristiano Bindi, individually and in his capacity as a police officer for the City of San José; Gregory Salas, individually and in his capacity as a police officer for the City of San José; and Does 1-10; Court: Superior Court of California, County of Santa Clara; Case No: 1-07-CV-100074; Amount of Money or Other Relief Sought: Damages according to proof; (2) Sanchez/Powell/Henderson/Burton v. City, et al. Names of Parties Involved: Christina Sanchez, Barbara Powell, Sheretta Henderson, Natasha Burton, City of San José; Court: United States District Court, Northern District of California; Case No.: C06-06331, C08-01213, C08-01214, C08-01215 (consolidated); Amount of Money or Other Relief Sought: Damages according to proof; (E) to confer with Real Property Designated Representatives Pursuant to Government Code Section 54956.8: (1) Property Street Address, Parcel Number, or Other Unique Reference of Property: Portions of Grant

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CLOSED SESSION (Cont'd.)

Avenue, McClellan Avenue and Edwards Avenue identified as portions of APNs 264-35-000 and 264-40-000; Negotiating Parties: Matt Morley for the City of San José and Katherine Oven for Santa Clara Valley Water District; Under Negotiation: The direction will concern price and terms of payment; Likely Range of Value of Property: Negotiated price based on appraisal and comparable property values; (F) 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, etc; 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; Telephone for Employee Relations: 408-535-8150.

By unanimous consent, Council recessed from the Closed Session at 11:01 a.m. and reconvened to Regular Session at 1:32 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

Monsignor Pat Brown of St. Joseph's Cathedral offered the Invocation. (District 3)

PLEDGE OF ALLEGIANCE

Mayor Reed, accompanied by third-grade students from Payne Elementary, led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Council Member Pyle, seconded by Council Member Herrera and carried unanimously, the Orders of the Day and the Amended Agenda were approved, with Item 2.3(b) deferred to March 16, 2010. (11-0.)

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.)

- 2.1 (a) **Regular Minutes of January 12, 2010.**
(b) **Joint City Council/Financing Authority Minutes of January 12, 2010.**
(c) **Regular Minutes of January 26, 2010.**

Documents Filed: The Regular Minutes dated January 12, 2010 and January 26, 2010 and Joint City Council/Financing Authority Minutes dated January 12, 2010.

Action: The Minutes were approved. (11-0.)

- 2.2 (a) **ORD. NO. 28724 – Rezoning certain real property situated at the west side of North Sixth Street, approximately 800 feet southerly of East Taylor Street, from LI-Light Industrial to A(PD) Planned Development Zoning District. PDC08-010**

Documents Filed: Proof of Publication of the Title of Ordinance No. 28724 executed on March 2, 2010, submitted by the City Clerk.

Action: [Ordinance No. 28724](#) was adopted. (11-0.)

- 2.3**
- (a) Rules and Open Government Committee Report of February 17, 2010. (Mayor)**
 - (b) Community and Economic Development Committee Report of February 22, 2010. (Pyle)**
 - (c) Neighborhood Services and Education Committee Report of February 11, 2010. (Campos)**

Documents Filed: (1) The Rules and Open Government Committee Report of February 17, 2010. (2) The Neighborhood Services and Education Committee Report of February 11, 2010.

Action: The Report of the Rules and Open Government Committee and the actions of February 17, 2010 and the report of Neighborhood Services and Education Committee and actions of February 11, 2010 were accepted. (11-0.)

Action: Item 2.3(b) was deferred to March 16, 2010 per Orders of the Day (11-0.)

- 2.4**
- (a) Request for excused absences for Councilmember Pyle from the Regular Meeting of the Rules and Open Government Committee on March 3, 2010 due to illness. (Pyle)
(Rules Committee referral 3/3/10)**

Documents Filed: Memorandum from Council Member Pyle, dated March 3, 2010, requesting an excused absence due to illness.

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

- 2.5 Mayor Reed provided a verbal report of his Legislative Advocacy trips to Washington D.C. and Los Angeles March 3-5, 2010.**

Action: The report was received.

- 2.6**
- (a) Approving a grant of up to \$100,000 to EHC Lifebuilders for staffing, client assistance, and other administrative and overhead costs at the One-Stop Homeless Prevention and Service Center located at the Boccardo Reception Center, 2011 Little Orchard Street, San José.**
 - (b) Approving a grant of up to \$191,000 to InnVision the Way Home for staffing and operating costs at the One-Stop Homeless Prevention and Service Center located at the Georgia Travis Center, 297 Commercial Street, San José.**
 - (c) Authorizing the Director of Housing to negotiate and execute all necessary documents.**

CEQA: Not a Project. (Housing)

2.6 (Cont'd.)

Documents Filed: Memorandum from Director of Housing Leslye Krutko dated February 16, 2010, recommending adoption of a resolution.

Action: [Resolution No. 75298](#), entitled: "A Resolution of the Council of the City of San José Approving Grants to EHC Lifebuilders And InnVision the Way Home for the Continued Operation of One-Stop Homeless Prevention and Service Centers" was adopted. (11-0.)

- 2.7 (a) **Supporting a partnership with the Rotary Club of San José to develop a children's garden in Guadalupe River Park & Gardens; and**
(b) **Authorizing the Director of Parks, Recreation and Neighborhood Services to negotiate an agreement with the Rotary Club of San José for review and approval by Council outlining the roles and responsibilities of the parties for the development of the children's garden.**

CEQA: Statutorily Exempt, CEQA Guidelines Section 15262. (Parks, Recreation and Neighborhood Services)

Documents Filed: (1) Memorandum from Council Member Liccardo, dated March 8, 2010, recommending approval of the Staff's recommendation. (2) Memorandum from Director of Parks, Recreation and Neighborhood Services Albert Balagso, dated February 16, 2010, recommending adoption of a resolution.

Mayor Reed and Council Members Constant, Chu and Kalra disclosed that they are members of the Rotary Club.

Council Member Liccardo expressed gratitude to the Rotary Club for their outstanding community service.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Herrera and carried unanimously, [Resolution No. 75299](#), entitled: "A Resolution of the Council of the City of San José Supporting a Partnership with the Rotary Club of San José to Develop a Children's Garden Playground in Guadalupe River Park and Gardens, and Authorizing the Director of Parks, Recreation and Neighborhood Services to Negotiate an Agreement with the Rotary Club of San José Outlining the Roles and Responsibilities of the Parties for the Development of the Children's Garden Playground, for Further Review and Approval by the City Council", was adopted. (11-0.)

- 2.8 **Approve the Second Amendment to the Park Maintenance Agreement between the City and Hitachi Global Storage Technologies, Inc. to extend the term of the maintenance agreement from March 31, 2010 to June 30, 2011 for the RAMAC, Raleigh Linear Green, and Charlotte Commons parks. CEQA: EIR Resolution No. 72772. Council District 2. (Parks, Recreation and Neighborhood Services)**

Action: Deferred to March 23, 2010 per Administration.

2.9 Adopt a resolution to amend the Joint Powers Agreement for the Administration of the Santa Clara County Congestion Management Program changing the governance structure related to small city groupings, with no impact to the City. CEQA: Not a Project. (Transportation)

Documents Filed: Memorandum from Acting Deputy Director of Transportation Hans Larsen, dated February 16, 2010, recommending adoption of a resolution.

Action: [Resolution No. 75300](#), entitled: “A Resolution of the Council of the City of San José Approving an Amendment to the Joint Powers Agreement for Administration of Santa Clara County Congestion Management Program”, was adopted. (11-0.)

2.10 Adopt resolutions authorizing the Administration of American Recovery and Reinvestment Act funds from the California Energy Commission’s State Energy Program as follows:

(a) **State Energy Program Area 1 Property Assessed Clean Energy Financing: Authorize Sacramento County to accept a grant award on the City’s behalf from the California Energy Commission’s State Energy Program for the implementation of the California Statewide Communities Development Authority CaliforniaFIRST program and to enter into all necessary contracts and agreements, and amendments thereto, on its behalf to implement and carry out the CaliforniaFIRST program.**

(b) **State Energy Program Area 2 Residential Energy Efficiency Retrofits: Authorize the Association of Bay Area Governments to accept a grant award on behalf of the City related to the Retrofit Bay Area Program, a comprehensive residential energy efficiency outreach, retrofit, and job creation program and to recognize the County of Santa Clara as the lead local implementer for Santa Clara County local governments as the recipient of funds to implement and carry out the Retrofit Bay Area Program in Santa Clara County.**

CEQA: SEP Area 1: Exempt per County of Sacramento Control Number 2009-PWE-70128; and SEP Area 2: Exempt, File No. PP10-038. (Environmental Services)

Documents Filed: Memorandum from Director of Environmental Services John Stufflebean, dated February 16, 2010, recommending adoption of a resolution.

Action: [Resolution No. 75301](#), entitled: “A Resolution of the Council of the City of San José Authorizing Sacramento County to Accept a Grant Award on the City’s Behalf Related to the Implementation of the California Statewide Communities Development Authority CaliforniaFIRST Program and to Enter into all Necessary Contracts and Agreements, and Amendments Thereto, on its Behalf to Implement and Carry Out the CaliforniaFIRST Program”; and [Resolution No. 75302](#), entitled: “A Resolution of the Council of the City of San José to Authorize the Association of Bay Area Governments to Accept a Grant Award on Behalf of the City Related to the Retrofit Bay Area Program, A Comprehensive Residential Energy Efficiency Outreach, Retrofit, and Job Creation Program and Recognizing the County of Santa Clara as the Lead Local Implementer for Santa Clara County Local Governments”, were adopted. (11-0.)

STRATEGIC SUPPORT SERVICES

3.2 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, et al., and 2/23/10 – Item 3.2)

Documents Filed: (1) Memorandum from City Clerk Lee Price, MMC, dated January 6, 2010, transmitting the recommendations of the Rules and Open Government Committee. (2) Supplemental memorandum from Director of Finance Scott P. Johnson, dated March 5, 2010, providing clarification on the “bad debt write-off listing”. (3) Memorandum from Director of Finance Scott P. Johnson, dated March 8, 2010, regarding revenue collection activities.

Director of Finance Scott P. Johnson offered a brief presentation on the Revenue Strategic Plan. Council discussion followed.

Action: Upon motion by Council Member Herrera, seconded by Council Member Liccardo and carried unanimously, the FY 2009-10 First Quarter Revenue Collection Strategic Plan Report was accepted, and [Resolution No. 75303](#), entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Finance to Write Off Uncollectible Accounts”, was adopted. (10-0-1. Absent: Oliverio)

3.3 Adopt a Resolution calling and giving notice of, on its own motion, a Special Municipal Election to be held on June 8, 2010, to submit to the electors of the City of San José a proposed ballot measure to revise various sections of the City's Charter as follows: (1) amending Section 403 to change when the Redistricting Advisory Commission submits its report; (2) amending Section 600 to permit members of the City Council to abstain from voting if there is an appearance of a conflict; (3) adding a new section to Article VIII to grant the City Clerk the power of appointment; (4) adding a new section to Article IX to permit a Council Appointee to be placed on administrative leave; and (5) amending Section 1600 to permit appointment to Council when only one candidate is nominated to office. CEQA: Not a Project. (City Attorney/City Clerk)

Action: Dropped per City Clerk.

3.4 (a) Council discussion and consideration of the proposed alternatives for a cardroom ballot measure.

Documents Filed: (1) Memorandum from City Attorney Richard Doyle, dated March 5, 2010, recommending adoption of a resolution. (2) Memorandum from Deputy City Manager Deanna J. Santana, dated March 5, 2010, recommending approval of proposed regulatory requirements as outlined by Staff.

City Manager Debra Figone introduced the cardroom ballot measure proposal. Deputy City Manager Deanna J. Santana provided an overview of the Staff recommendations, alternatives and regulatory oversight concerns.

Mayor Reed and Council Member Constant provided meeting disclosures.

Public Comments: (1) Michele Lew (Asian Americans for Community Involvement) provided information on community services offered for problem gambling and explained that she had signed contracts with both cardrooms to provide these services. (2) Ross Signorino questioned costs to the City for oversight. (3) George Beattie (SJPOA) indicated that although the Police Officer's Association has no formal position on the ballot measure, there is concern that expanding the number of tables may potentially increase crime at a time when the City is looking at budget cuts. He said the San José Police Department's first priority is public safety.

City Attorney Richard Doyle provided clarification regarding amendments to Title 16 of the Municipal Code.

Motion: Council Member Pyle moved approval of Alternative #1 of the Staff's recommendations. Council Member Herrera seconded the motion. Extensive Council discussion followed.

Substitute Motion: Council Member Chu moved approval of Alternative #3. Council Member Liccardo seconded the motion. Following debate, the motion failed. (2-9. Noes: Campos, Chirco, Constant, Herrera, Kalra, Nguyen, Oliverio, Pyle; Reed.)

Motion to Amend Original Motion: Council Member Constant requested that Section E.6 of the proposed ordinance be stricken in its entirety: "~~The players of the proposed Permissible Game or under the rule modification is available to all Cardroom Permittees~~". Council Member Pyle accepted the amendment.

Action: On a call for the question, the motion carried, Council approved Alternative #1 as outlined in the March 5, 2010 Council Memorandum, as amended. (6-5. Noes: Campos, Chu, Kalra, Liccardo, Nguyen.)

3.4 (Cont'd.)

- (b) **If the City Council approves a cardroom ballot measure, adopt a resolution calling and giving notice of, on its own motion, a Special Municipal Election to be held on June 8, 2010, to submit to the electors of the City of San José a proposed ballot measure to increase the Cardroom Tax, to expand the number of cardroom tables and to make other modifications to the City's Municipal Code regarding permissible card games and betting limits.**

Motion: Council Member Oliverio moved approval of adoption of the Resolution with direction to allow rebuttal arguments. Council Member Constant seconded the motion.

City Clerk Lee Price responded to questions from Council regarding the fiscal impact of allowing rebuttal arguments and printing the full text of the ordinance in the voters' sample ballot.

Motion to Amend: Council Member Oliverio moved to amend his motion by deleting direction to allow rebuttal arguments, directing that the full text of the ordinance not be printed in the sample ballot, and urged Staff to be consistent with what is printed for future ballot measures. Council Member Constant accepted the amendment.

Action: [Resolution No. 75304](#), entitled: "A Resolution of the Council of the City of San José Calling and Giving Notice of, on its Own Motion, the Submission to the Electors of the City of San José at the Special Municipal Election to be Held on June 8, 2010, a Ballot Measure Proposal Related to Cardrooms", was adopted, as amended (to save tax dollars, rebuttal arguments shall not be allowed, and the full text of the draft ordinance will not be printed in the Voters' Sample Ballot). (7-4. Noes: Campos, Chirco, Kalra, Nguyen.)

Motion to Reconsider: Council Member Liccardo explained his confusion on the issue and moved to reconsider Item 3.4(b). The motion was seconded by Council Member Chu. The motion to reconsider Item 3.4(b) was approved. (10-1. Noes: Pyle.)

Motion to Commit: [Resolution No. 75304](#) was adopted as amended (rebuttal arguments shall not be allowed, and full text of the draft ordinance will not be printed in the Voters' Sample Ballots). (6-5. Noes: Campos, Chirco, Kalra, Liccardo, Nguyen.)

- 3.4 (c) **If the City Council approves a cardroom ballot measure, staff recommends approval of the proposed regulatory requirements as discussed in the staff report and incorporated in the draft resolutions.**

CEQA: Resolution No. 65459. (City Manager/City Attorney)

Action: See (a) for Action.

- 3.5 **Accept staff's presentation to the City Council on ethical issues related to a recent California Supreme Court decision on Government Code Section 1090. (City Attorney's Office)**

Documents Filed: Memorandum from City Attorney Richard Doyle, dated February 19, 2010, recommending acceptance of Staff's presentation on ethical issues.

City Attorney Richard Doyle provided an introduction to the ethics update, and Senior Deputy City Attorney Lisa Herrick provided a presentation on Government Code Section 1090.

Action: The presentation was accepted.

COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 **As recommended by the Community and Economic Development Committee on February 22, 2010, consider the following:**

- (a) **Direct the City Attorney to draft an ordinance amending the Park Impact Ordinance (SJMC 14.25) and Park Dedication Ordinance (19.38) to eliminate the exemption for low-income units; and**
- (b) **Direct staff to come back to Council to amend the Schedule of Parkland Fees to establish parkland fees for low-income units at 50% of the applicable fees for each residential unit type. (Housing/Parks, Recreation and Neighborhood Svcs.)**

[Community and Economic Development Committee referral 2/22/10 – Item D(3)]

Documents Filed: Memorandum from City Clerk Lee Price, MMC, dated February 24, 2010, transmitting the recommendations of the Community and Economic Development Committee.

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

Director of Housing Leslye Krutko provided an overview of the affordable housing draft ordinance.

4.1 (Cont'd.)

Public Comments: Expressing support of the Staff's recommendation were: Kerri Hamilton, Citizens for Environmental and Economic Justice (CEEJ); Richard Zapelli (Willow Glen Neighborhood Association); Bob Sippel (Rose Garden Neighborhood Preservation Association (RGNPA)); Dixie Baus, and David Neale (The Core Companies); Terri Balandra, Bonnie Mace (Housing Commission), and David Dearborn. Kelly Snider and Kathrin Mathewson spoke in favor of a 100% parkland fee. Aurelia Sanchez spoke in favor of taxing affordable housing and doing away with the Redevelopment Agency.

Council Member Oliverio voiced opposition to the recommendation citing a disparity of treatment between affordable housing developers and market rate developers.

Parks, Recreation and Neighborhood Services Division Manager Matt Cano responded to questions from Council.

Council Member Herrera requested to amend the motion to allow clarification in the ordinance of "pipeline projects". Council Member Liccardo accepted the amendment.

Action: On a call for the question, the motion carried, with the City Attorney directed to draft an ordinance amending the Park Impact Ordinance (SJMC 14.25) and Park Dedication Ordinance (19.38) to eliminate the exemption for low-income units; and directing Staff to come back to Council to amend the Schedule of Parkland Fees to establish parkland fees for low-income units at 50% of the applicable fees for each residential unit type, with Staff further directed to define and address in the ordinance "pipeline" projects. (9-1-1. Noes: Oliverio. Absent: Campos).

4.2 **As recommended by the Community and Economic Development Committee on February 22, 2010, accept the status report and staff recommendations regarding the removal of fish from the covered species list, pursuit of alternatives to the Zone D Fee, preference for a Joint Powers Authority as the implementation governing body, and other elements of the Draft Santa Clara Valley Habitat Plan. (Planning, Building and Code Enforcement)**

[Community and Economic Development Committee referral 2/22/10 – Item D(6)]

Documents Filed: (1) Memorandum from City Clerk Lee Price, dated February 24, 2010, transmitting the recommendations of the Community and Economic Development Committee. (2) Email from Myron Crawford, Berg & Berg Developers, Inc., received February 27, 2010, objecting to imposition of a habitat conservation plan and fees.

Director, Planning, Building and Code Enforcement Joseph Horwedel presented an overview of the Santa Clara Valley Habitat Plan and responded to questions from Council.

4.2 (Cont'd.)

Action: Upon motion by Council Member Kalra, seconded by Council Member Chu and carried unanimously, the status report of the Community and Economic Development Committee and staff recommendations regarding the removal of fish from the covered species list, pursuit of alternatives to the Zone D Fee, preference for a Joint Powers Authority as the implementation governing body, and other elements of the Draft Santa Clara Valley Habitat Plan were accepted. (7-0-4. Absent: Campos, Constant, Oliverio, Pyle).

ENVIRONMENTAL & UTILITY SERVICES

- 7.1 As recommended by the Rules and Open Government Committee on February 17, 2010, approve the 2010-2011 Clean Tech Legislative Agenda. (Mayor)
[Rules Committee referral 2/17/10 – Item A(2)(a)]
(Deferred from 3/2/10 – Item 2.7)**

Documents Filed: Memorandum from Mayor Reed, dated February 26, 2010 recommending approval of the 2010-2011 Clean Tech Legislative Agenda.

Action: Upon motion by Council Member Kalra, seconded by Council Member Chu and carried unanimously, the 2010-2011 Clean Tech Legislative Agenda as recommended by the Rules and Open Government Committee, was approved. (8-0-3. Absent: Campos, Constant, Pyle.)

- 7.2 Accept the 2009 Green Vision Annual Report and approve the proposed 2010 Work Plan. CEQA: Not a Project. (City Manager's Office)
(Deferred from 3/2/10 – Item 7.1)**

Documents Filed: (1) Memorandum from City Manager Debra Figone, dated February 24, 2010, recommending acceptance of the 2009 Green Vision Annual Report and approval of the proposed 2010 Work Plan. (2) City of San José Green Vision 2009 Annual Report. (3) Email from Myron Crawford, Berg & Berg Developers, Inc., received February 27, 2010, regarding "Objection to the imposition of municipal mandatory green building standards in excess of the California Green Building Standard Code".

Chief Deputy City Manager Ed Shikada presented the 2009 Green Vision Annual Report and the proposed 2010 Work Plan.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Herrera and carried unanimously, the 2009 Green Vision Annual Report and the proposed 2010 Work Plan were accepted. (8-0-3. Absent: Campos, Constant, Pyle.)

JOINT COUNCIL/REDEVELOPMENT AGENCY

- 9.1**
- (a) Accept the staff report regarding Business Attraction/Retention and Development Initiatives.**
 - (b) Discussion and direction to the City Manager regarding the suspension of business taxes for certain small businesses.**
 - (c) Discussion and direction to the City Manager regarding staff recommendation for a Downtown parking incentive to allow free or discounted parking; and**
 - (d) Direct the City Manager to include a discussion of an appropriate City investment strategy in development incentives in the context of the overall City budget, including alternative amounts to be invested, potential return on investment and priority areas for investment, in the Community and Economic Development City Service Area presentation during the City Budget Study Sessions in May.**

**CEQA: Not a Project. (Economic Development)
(Deferred from 2/23/10 – Item 9.3)**

Action: Deferred to March 16, 2010 per Administration

- 9.2 As recommended by the Community and Economic Development Committee on February 22, 2010:**

- (a) Adopt a City Council resolution approving a Council Policy to establish criteria and guidelines for the consideration and installation of monuments on City property. The policy will give guidance for installation of monuments on parks, plazas and certain other types of City property.**
- (b) Adopt a Redevelopment Agency Board resolution requiring the Agency to conform to the City's Monument Policy, as adopted and modified from time to time.**

(City Manager's Office/Redevelopment Agency)

[Community and Economic Development Committee referral 2/22/10 – Item D(5)]

Action: Deferred to March 23, 2010 per Administration

OPEN FORUM

- (1) The following individuals expressed strong opposition to PG&E's plan to remove 140 trees from the TJ Martin and Fontana Parks in South San José: Pier Maggiani, Vince Pazelli, Russ Petruzzelli, Keyvan Eliasieh, Rosemary Bowring, Bob Heldt and Theresa Wellman. Mayor Reed requested that Staff follow-up on the permissibility of PG&E's actions.
- (2) Andrew Abraham Diaz voiced objections to being disqualified as a candidate for District 7 because he failed to get the requested number of signatures on his nomination petition.
- (3) Xochitl Pasaye extended an invitation to "Inauguración de Recaudación de Fondos Cena Baile de Gala" presented by the Climate Project, to be held March 19, 2010.
- (4) Geoffrey Mangers requested that the City of San José join him as a plaintiff in litigation he is pursuing against the County of Santa Clara.

ADJOURNMENT

The Council of the City of San José was adjourned at 6:00 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

Lee Price, MMC
City Clerk

rmk/3-9-10.MIN

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